

ROSALIND M. APAGA, COMPLAINANT, VS. PHOEBE P. PONCE, RESPONDENT.

A.M. No. P-95-1119. June 21, 1995

Ponente: REGALADO, J.

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REGALADO, J.:

This administrative matter arose from a verified complaint,[1] dated August 11, 1994, filed by complainant Rosalind Apaga, Clerk of Court II of the Municipal Trial Court of Abulug, Cagayan, against respondent Phoebe P. Ponce, Court Interpreter I of the same court, charging the latter with a melange of alleged misdeeds in office, viz.: dishonesty, gross neglect of duty, inefficiency, incompetence, physical unfitness, loafing around the compound during office hours, acts unbecoming a public servant, and lobbying for personal interest.

The Office of the Court Administrator, in its First Indorsement dated August 25, 1994, referred the matter to Executive Judge Adrian N. Pagalilauan of the Regional Trial Court, Branch 12, Sanchez Mira, Cagayan, for investigation, report and recommendation.[2]

After an extensive hearing conducted by Judge Pagalilauan, he submitted the corresponding Report and Recommendation on December 13, 1994 to this effect:

"Considering the fact that Rosalind Apaga adduced evidence to satisfactorily prove her charges against Phoebe Ponce for dishonesty in public office, loafing around the compound during office hours and acts unbecoming of a public servant, it is hereby respectfully recommended that the respondent, Phoebe Ponce, be given the penalty of one month suspension from office without pay."[3]

Respondent Ponce, a court interpreter, had been designated as officer-in-charge (OIC) of the Office of the Clerk of Court of the aforesaid court before complainant Apaga was appointed to her present position, thus displacing respondent. That appointment of Apaga probably prompted Ponce to file A.M. No. P-94-1009 against the former for alleged dishonesty and acts unbecoming a public servant, but which complaint was dismissed by the Third Division of this Court in its resolution of March 2, 1994.[4] There are other allegations about a series of confrontational encounters between the parties, obviously to supply motivational factors for these charges, but which we need not discuss except to note that the same resulted in straining the working relations in the lower court.

A summary of the testimonies and evidence presented by complainant and six other witnesses during the investigation he conducted was incorporated in the report of the investigating judge, which is hereunder quoted:

"The first witness presented was Jerry Pacis, Court Process Server and a second degree cousin of Mrs. Ponce. Jerry emphatically stated that there existed no misunderstanding between him and Mrs. Ponce but he came to testify for public interest.

"He testified that Mrs. Ponce has committed acts unbecoming of a public servant because inside the office, Acting Presiding Judge Eugenio Tangonan, Jr. while conducting a preliminary investigation, Mrs. Ponce kept pointing and touching the head of Mrs. Salvacion 'Sally' Carpio in the presence of visitors, such that Judge

Tangonan, Ex-Barangay Captain Adelino Rubio and Clemente Ramos had to pacify her.

"Mrs. Salvacion Carpio, the second witness presented, testified that Mrs. Phoebe Ponce is dishonest because when she reports in the office (for duty) she does not work but instead she sleeps on one of the benches of the courtroom; that when she wakes up she goes down and stays at the Telecom Office and when she sees her co-employees at 5:00 o'clock P.M. leaving, she also goes home. That Mrs. Ponce has committed acts unbecoming of a public servant because aside from sleeping on the benches during office hours she also quarrels with her co-employees and the worst thing was on July 22, 1994 during a preliminary investigation wherein the witness was taking the dictations of Judge Tangonan, when she interrupted the proceedings screaming and pointing at the head of the witness, so that witness came to utter the words 'educated but not learned'; that Adelino Rubio tried to pacify her but she kept niggling (sic) her fingers on the head of the witness and also unmessed (sic) it so that witness stood up and went beside Judge Tangonan; that because Mrs. Ponce could not be pacified, Mrs. Carpio asked permission and left the room and Mrs. Ponce wanted to grab her hair but Adelino Rubio pushed her and Judge Tangonan followed her and locked the door leaving Mrs. Ponce inside who was heard screaming the following words; 'You all conform to falsifications, you are protecting your cousin, you traitor'.

"The next witness presented was Rosalind Apaga, the Clerk of Court of MTC, Abulug, and the complainant. She testified among others that Mrs. Ponce is dishonest because she slept on post and utilized the time of the government for her own personal interest; that the dates she could remember when Mrs. Ponce slept on post are February 16, 1994, March 10 and March 11, 1994 and July 1, 1994 as appearing from the monthly report for employees' absences, tardiness and undertimes, the original duplicate copy is marked as Exhibit C and C-1; that Mrs. Ponce committed Acts Unbecoming of a public servant; that whenever she enters the office she gives unpleasant comments and lo(s)es her emotion, gets into violent arguments with her officemates, always on negative reactions and also discourteous (always shouting and provoking) with words as x x x meaning - craver or grabber, x x x meaning - you already won over me twice, you still dare to mind my D.T.R.; that Mrs. Ponce's violent argument was 'you by-passed me;' that since Mrs. Ponce was not qualified for the position of Clerk of Court, Mrs. Apaga would apply for the position; that Mrs. Ponce resented this by saying, 'Why are you inquiring about the position that early when Mr. Montenegro has not yet retired?' and further said, 'I would oppose your promotion since I am more senior than you being the court interpreter since 1979'; that her negative reaction is her affronting remarks 'position-hungry and grabber'; that Mrs. Ponce is discourteous because on July 4, 1994, she came to office in the morning but only stayed in the courtroom; that Mrs. Apaga told Mrs. Ponce to come inside and enter her attendance but she did not mind it, instead she asked Utility Aide Antonio de los Santos to bring out the logbook for which Mrs. Apaga called Mr. de los Santos and told him that Mrs. Ponce should come in and enter her attendance; that when for a moment Mrs. Apaga, Mrs. Carpio and Mrs. Fuentes went downstairs and upon their return Mrs. Ponce had already reflected her attendance. That in December, 1993, Mrs. Ponce and her husband went to the house of the Clerk of Court Mr. Montenegro and told him, x x x meaning - Manong please suspend/delay your retirement until such time that I would be able to pass the Civil Service Examination; That Mrs. Ponce, sometime in April 1994, when the court employees were on their way home from their office said, x x x meaning - I have secured a loan again so that I have something to spend to sue her (in) court and said, 'I am very sure this time, it will prosper because the provincial fiscal is my Lolo, Provincial Fiscal Pulido is my Lolo.' That sometime when Judge Tangonan was conducting a preliminary investigation and Mrs. Carpio was taking dictatio(n), one Atoy Bassig told the witness, 'What are you doing, somebody is pointing at the head of your companion? That witness stood up and went to the place where they were and saw the Judge and Mr. Rubio pacifying them and heard Mrs. Ponce saying x x x meaning - you are a chick, I can eat you, you people of Bagu, falsifiers.

"Another witness that was presented was Phoebe Fuentes, a court stenographer. She also testified that Mrs. Ponce had her Unbecoming Acts as a Public Servant for the reason that she is always provoking them saying x x x - meaning, you acceded to testifying falsehood; that after uttering such, she would go to the courtroom and stay there for two hours resting her left cheek on her clasped hands; then she goes downstairs and stays in the

Telecom and when the court employees go home, she goes home also. That Mrs. Ponce is also inefficient and incompetent because even if she is present in their office, she cannot do her work when there is (a) trial; that she does not interpret even when the judge tells her to do so; that the Clerk of Court will have to perform the task.

"Antonio de los Santos, Court Aide of MTC, Abulug testified among others that on July 1, 1994, he saw Mrs. Ponce in the afternoon sleeping on a bench in the court sala starting at 2:00 o'clock PM while he was wiping the tables, chairs and jalousy glass; that Mrs. Ponce slept for two hours; that when she woke up she went downstairs to the Telecom and again on February 16, 1994, he saw Mrs. Ponce sleeping on her table and also on March 10 and 11, 1994.

"The sixth witness presented was Edward Montenegro, a COMELEC Clerk. He declared that he knows the court employees because they all stay in the municipal building. Witness testified that on July 1, 1994, when he went out of his office at 1:40 P.M. as he had seen in the time piece downstairs, he saw Mrs. Ponce still lying there. That he knows that Mrs. Apaga and Mrs. Ponce were applicants to the position as Clerk of Court; that sometime in December 1993 witness remembers that Mr. and Mrs. Ponce came to their house (Montenegro's house) and requested the father of the witness (Francisco) to delay his retirement saying 'If possible Manong please delay your retirement, hoping that I will be able to pass my Civil Service Examination'.[5]

Respondent, on the other hand, testified that she never detached the page of the logbook which contained the record of attendance of complainant allegedly because she was interested in that page; that she merely had the logbook machine-copied; that she did not seek permission from the other court employees since she was the OIC Clerk of Court at that time who had custody of the logbook; that all her absences were due to her lingering ailment which facts were all supported by medical certifications to that effect; and that all her absences were duly applied for and approved.[6]

She likewise denied the accusation that she engaged in a fight with a co-employee, Mrs. Salvacion Carpio, during a preliminary investigation which was then being conducted by their judge. She claimed that it was Carpio who provoked her, resulting in the altercation, and that she only cried later and then lost consciousness after the incident.[7] Respondent presented her daughter, Jinky, who merely confirmed her story.[8]

The Office of the Court Administrator agreed with the findings of Judge Pagalilauan that all the charges of gross neglect of duty, inefficiency and incompetence, being physically unfit, and lobbying for personal interest which were imputed to respondent were not duly substantiated and must, therefore, be dismissed. Also, respondent was able to establish that the absences she incurred were supported by approved leaves of absence.[9]

We have conducted an exhaustive review of respondent's testimony and she was indeed able to explain away some of the administrative offenses attributed to her. In her testimony on November 9, 1994, for instance, respondent presented her duly approved applications for leaves of absence, together with the medical certificates, to support her defenses based thereon.

We are, however, in accord with the findings and recommendation of Deputy Court Administrator Juanito A. Bernad, in his memorandum of March 6, 1995, that the findings on respondent's guilt for dishonesty, loafing around the compound during office hours, and acts unbecoming a public servant were duly proven and consequently call for the imposition on her of the corresponding administrative sanctions therefor.

Respondent did not deny that she had the logbook photocopied for her personal purposes. Her justification that there was no need for her to obtain permission from the office since she was then the keeper of the logbook is completely untenable. In fact, this is a dangerous theory that she espouses which should forthwith be struck down for being fraught with undesirable implications and even bordering on criminal responsibility.

Thus, in *Fabiculana, Sr. vs. Atty. Manuel B. Gadon*,^[10] we stressed the rule that "court employees are, in the first place, not allowed to take any court records, papers or documents outside the court premises." The respondent should have first secured permission from proper authorities before an official record can be brought out from the office for private purposes.

As to the reported fight between respondent and her co-employee, Mrs. Carpio, on July 22, 1994 while their judge was conducting a preliminary investigation, which was fully established, this Court can not tolerate this reprehensible conduct on the part of court employees. This is disgraceful behavior reflecting adversely on the good image of the judiciary and betrays a cavalier attitude on the part of respondent regarding the seriousness and dignity with which court proceedings should be treated.

Such deportment, especially during office hours, was totally unbecoming for employees who form part of the judicial service and this definitely cannot be countenanced. It should not be necessary to stress once again, as we now do, that the conduct and behavior of every official and employee of an agency involved in the administration of justice, from the presiding judge to the most junior clerk, should be circumscribed with the heavy burden of responsibility. Their conduct must at all times be characterized by, among others, strict propriety and decorum so as to earn and keep the respect of the public for the judiciary.^[11]

Moreover, we have recently held that for employees to be shouting at each other in their workplace and during office hours is arrant discourtesy and disrespect not only towards their co-workers but to the court itself. Such conduct also exhibits failure on the part of the parties to discharge their duties with the required degree of professionalism, to respect at all times the rights of others and refrain from acts contrary to good morals and good customs as demanded by Republic Act No. 6713^[12] which, inter alia, enunciates the State policy of promoting a high standard of ethics and utmost responsibility in the public service.

We echo once more the pronouncement of this Court on the values expected from court employees in the performance of their duties, emphasizing that "the administration of justice is a sacred task. By the very nature of their duties, all those involved in it must faithfully adhere to hold inviolate and invigorate the principle solemnly enshrined in the 1987 Constitution that a public office is a public trust, and at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency."^[13]

In this administrative matter, complainant and her witnesses were uniformly consistent and categorical in their narration as to who provoked the incident of July 22, 1994, while respondent merely denied having done so. We are, therefore, left with no other option but to find respondent guilty on this count since her only defense was a superficial denial which is glaringly weak and unavailing.^[14]

The Court notes with displeasure the pervasive atmosphere of animosity between herein complainant and respondent, which necessarily affects the morale of their co-workers and undermines their efficiency. This case would not have wasted the valuable time of this Court, and that of the investigating judge, had complainant and respondent endeavored to honestly settle their differences in a cordial and candid manner as should be expected especially of court employees. In the present case, it appears that unreasoning envy, unprofessional jealousy and inordinate aspirations constituted the collective root cause of this administrative matter.

Additionally, the conduct of the contending parties impresses us as that of co-workers wasting official time by preoccupying themselves in mutually monitoring and spying on each other's actuations to unearth bases for future denunciations. In fact, their detailed recounting of the incidents, with specificity as to the time and dates of the occurrence thereof, reveal that they were excessively devoting their attention thereto instead of their assigned tasks. These observations will be decisively taken into account should other administrative matters originating from the same court below and its employees be hereafter elevated to this Court, and fair warning thereof is

hereby given to all concerned.

ACCORDINGLY, the Court finds respondent Phoebe P. Ponce GUILTY of discourtesy and conduct prejudicial to the best interest of the service. She is hereby SUSPENDED without pay for a period of thirty (30) days effective upon her receipt hereof, with a STERN WARNING that any repetition by her of the same or similar acts in the future will definitely be punished with more severity.

SO ORDERED.

Narvasa, C.J., (Chairman), Puno, and Mendoza, JJ., concur.

[1] Rollo, 2-6.

[2] Ibid., 1.

[3] Ibid., 1-A, 9.

[4] Ibid., 7.

[5] Ibid., 1-A, 1-4.

[6] Ibid., 196-212.

[7] Ibid., 311-315.

[8] Ibid., 161-164.

[9] Ibid., 524.

[10] A.M. No. P-94-1101, December 29, 1994.

[11] See Callejo, Jr. vs. Garcia, etc., A.M. No. P-88-198, February 25, 1992, 206 SCRA 491; Angeles vs. Bantug, et al., A.M. No. P-89-295, May 28, 1992, 209 SCRA 413; Icasiano, Jr. vs. Sandiganbayan, et al., G.R. No. 95642, May 28, 1992, 209 SCRA 377; Medilo, et al. vs. Asodisen, etc., A.M. No. P-93-930, June 13, 1994, 233 SCRA 68.

[12] Re: Ombudsman Case No. OMB-ADM-5-92-0100 (Tablate vs. Tanjutco-Seechung) and Ombudsman Case No. OMB-ADM-5-92--0179 (Seechung vs. Tablate, et al.), A.M. No. 92-10-425-OMB, July 15, 1994, 234 SCRA 161.

[13] Mirano vs. Saavedra, A.M. No. P-89-383, August 4, 1993, 225 SCRA 77.

[14] Court Administrator vs. Villanueva, etc., et al., A.M. No. MTJ-90-460, June 3, 1993, 223 SCRA 41.

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