ATTY. JESUSA MANINGAS AND ATTY. JENNIFER C. BUENDIA, COMPLAINANTS, VS. CARLITO C. BARCENAS, RESPONDENT.

A.M. No. P-99-1315 (Formerly OCA IPI No. 99-600-P). November 03, 1999

Read online (full-text search, related cases, audio case brief): https://batas.org/library/460fa7ffb649/

PER CURIAM:

In their Joint Affidavit-Complaint dated 8 June 1998 and filed with the Office of the Court Administrator (OCA), complainants Clerk of Court Jesusa P. Maningas and Assistant Clerk of Court Jennifer C. Buendia, Office of the Clerk of Court, Regional Trial Court (RTC) of Manila, charged respondent Carlito C. Barcenas, Court Stenographer III of Branch 26 of said court, with grave misconduct, insubordination, and conduct unbecoming of a government employee.

Complainants alleged that on 8 June 1998 at about 12:50 p.m., while they were having lunch together with Mrs. Racquel Bajar inside the office of complainant Maningas, they heard heavy knockings at, and banging and kicking on, the door of the office. Complainant Buendia stood up to ascertain the identity of the person doing so; and she found out that it was respondent Carlito Barcenas, who was then detailed in the office of Atty. Maningas. When Atty. Maningas learned who the culprit was, she told Atty. Buendia not to open the door, as Barcenas appeared to be drunk. She then instructed Atty. Buendia and Mrs. Bajar to move to the other side of the room where Atty. Buendia was holding office, as the office janitor might be able to help them just in case anything would happen.

Suddenly, respondent rushed into the room of Atty. Maningas and shouted at the complainants: "Bakit ayaw mong pirmahan ang time card ko? Sabihin mo kung bakit!" Atty. Buendia answered: "Bakit wala ba kaming karapatan na I-hold ang pagpirma ng card mo? We have orders from Judge Loja to verify carefully your time record before we sign it." But respondent, shouting again, answered back: "Anong order? Nasaan ang order? Ipakita mo sa akin ang order. Pag hindi n'yo pinirmahan iyan, ipapatay ko kayo, madali lang magpapatay."

Atty. Maningas told respondent not to shout and advised him to discuss the issue with her when he was no longer drunk; but respondent continued with his threatening remarks. When told that if he persisted in his actuation he might be charged with insubordination, respondent shouted back at Atty. Maningas: "Putang ina mo, huwag mong pirmahan `yan at tingnan natin, ipapatay ko kayong lahat." Atty. Maningas then instructed a certain Mr. Lacaba to call for some sheriffs in the other room to prevent respondent from inflicting harm upon her and Atty. Buendia. Meantime, Mr. Greg Faraon, the Administrative Officer, succeeded in pacifying respondent and led the latter out of Atty. Maningas' room. Atty. Maningas instructed Sheriff Reyala to take respondent to the office of the Executive Judge. Upon hearing the instruction, respondent uttered to her the following words: "Sige, sige at nang ipayari kita, babawi ako, madali kitang ipayari."

The OCA docketed the complaint as OCA IPI No. 99-600-P and indorsed it to Executive Judge Maximo A. Savellano, Jr., of the RTC of Manila for investigation and report. The latter had the case docketed as Adm. Case No. 98-001.

In his Report and Recommendation dated 27 February 1999, Executive Judge Savellano found as follows:

Respondent's conduct was repulsive from the very beginning.

...

Respondent, a subordinate who [was] merely on detail in the Office of the Clerk of Court, Atty. Maningas, whom he slandered and threatened, evidently committed grave misconduct if not insubordination and serious disrespect against his superiors.

In his testimony, as well as in his Memorandum, dated September 14, 1998, respondent Carlito Barcenas admits the incident on June 8, 1998. It is significant to point out that in his Memorandum, Barcenas admits having knocked several times on the door of Atty. Maningas' room and when no one responded he knocked harder; that he saw the complainants transfer to the other room of Atty. Buendia, the door of which was open; that the respondent admits that he asked Atty. Buendia inside her room "Bakit ayaw mong pirmahan and time card ko?" and that Atty. Buendia answered him "Wala kang magagawa kung gusto namin I-hold and pagfirma ng time card mo dahil may karapatan kaming I-hold and kard mo. We have orders from Judge Loja to verify your time record before we sign it." Indeed, it was truly Atty. Buendia's obligation to take some time in examining the entries in the time records of respondent Barcenas in the light of the facts and circumstances mentioned in the aforequoted Exhibits H, G, I, A and B which she was aware of, as the Office of the Clerk of Court was furnished with copies thereof, and for which Barcenas was, in fact, temporarily detailed thereat for the reasons mentioned in said exhibits. Respondent Barcenas also admits that he "did not use respectful language at the time he saw Atty. Buendia," and the reason why he "failed to use courteous language at that time was the fact that respondent had already submitted the same (DTR) to Atty. Buendia since June 2, 1998." His defense is that Atty. Buendia had not released his daily time records for the month of May, 1998, which he submitted on June 2, 1998. Be that as I may, it was respondent's obligation to approach his superiors, Attys. Maningas and Buendia, with utmost respect and courtesy but, on the contrary, respondent behaved in a repulsive and abnormal manner. Before approaching them, he first got drunk, and then, with belligerence, he repeatedly knocked and kicked loudly and with increasing intensity the door of Atty. Maningas' room, clearly betraying his impatience and anger, so that, apparently, he was not in a sound condition for a peaceful and dispassionate confrontation with Attys. Maningas and Buendia. His conduct or behavior revealed that of a bully trying to intimidate and threaten his two (2) lady superiors into complying immediately with what he wanted.

Respondent was drunk at the time of the incident.

The evidence is overwhelming that respondent was drunk at the time he tried to break into the office of Atty. Maningas and threatened Atty. Buendia, saying: "Putang ina mo pag hindi finirmahan yan kaya ko kayong ipapatay." (Testimony of Greg Faraon, Hearing of Aug. 10, 1998). Gregorio Faraon who tried to hold back the respondent and was almost in body contact with him, saw that the respondent was red in the face and smelled of liquor. Atty. Buendia to whom Barcenas pointed his finger at a distance of about two (2) to three (3) inches as he threw invectives and threatened to have her killed if she did not sign her DTR, also testified that Barcenas was drunk and smelled of liquor (Hearing of August 6, 1998). Respondent Barcenas also appear[ed] to be in the habit of drinking liquor even during office hours and has been repeatedly warned not to repeat the same, but, he... ignored the warnings. (See Exh. G).

Respondent violated the Rule of Law.

It need not be stressed that we live under a rule of law. If the respondent believed that his rights were violated by Attys. Maningas and Buendia, he should have gone directly to the Office of Honorable Court Administrator to air his grievances, file his complaint thereat or ask for help or assistance form the Court Administrator. Instead, he took the law into his hands, resulting in the adverse consequences which he now faces.

A government employee is expected to give due courtesy and respect to his superiors, maintain good conduct and behaviour at all times, follow the rule of law and not law of the jungle, otherwise, he forfeits his revered

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

> place or position in the government service. Respondent Barcenas clearly violated those rules of conduct. (See Section 23, Rule XIV, Omnibus Rules Implementing Book V of Executive Order No. 297).

It further appears from the Report and Recommendation of Judge Savellano that prior to the incident subject of the complaint in this case, respondent had been repeatedly warned against his absenteeism, tardiness, habitual drunkeness during office hours, loafing, and deliberate disobedience to orders of the court below to transcribe the stenographic notes on various cases already submitted for decision. Then on 26 January 1998, Executive Judge Savellano detailed respondent in the Office of the Clerk of Court to enable him to transcribe and submit the pending stenographic notes.

Judge Savellano then recommended that respondent be dismissed from the service.

In its Memorandum of 20 April 1999, the OCA concurs with the findings and recommendation of Executive Judge Savellano. It stresses that a government employee is expected to give due courtesy and respect to his superiors, maintain good conduct and behavior at all times, and follow the rule of the law and not the law of the jungle; otherwise, he forfeits his revered place or position in the government service. It then recommends that the case be re-docketed as an administrative matter and respondent Carlito C. Barcenas be dismissed from the service with forfeiture of all benefits and with prejudice to his reemployment in any branch of the government, including government-owned or -controlled corporations.

We then directed that the case be docketed as a regular administrative matter, as now indicated in the caption of this case.

We agree with the investigating judge and the OCA that respondent should be dismissed from the service. We see in his acts not just failure to give due courtesy and respect to his superiors or to maintain good conduct and behavior, but defiance of the basic norms or virtues which a government employee must at all times uphold. Undoubtedly, respondent was drunk at the time the incident in question occurred; he has not refuted the report of his drunkenness in the past. He was wanting in dedication and devotion to duty and in fidelity in the observance of the elementary rules on absenteeism. He remained unreconstructed despite the warnings given by his superiors. As a matter of fact, the incident in question exposed respondent's open defiance to attempts to lead him to the path of duty and righteousness. He had shown a habit, an attitude and a frame of mind which render him unfit to remain in the service. The acts proven constituted beyond reasonable doubt grave misconduct and conduct grossly prejudicial to the best interest of the service.

We repeat what we said in Sy vs. Academia (198 SCRA 705 [1991]) that we condemn and would never countenance any conduct, act, or omission on the part of all those involved in the administration of justice which would violate the norm of public accountability and diminish or even just tend to diminish the faith of the people in the Judiciary. Every one connected in the task of delivery of justice, from the lowliest employee to the highest official, must at all times be fully aware of the sacramental nature of their function.

WHEREFORE, for drunkenness, insubordination, grave misconduct, and conduct grossly prejudicial to the best interest of the service, respondent CARLITO C. BARCENAS is hereby DISMISSED from the service with forfeiture of all benefits and privileges and with prejudice to reemployment in any branch or agency of the government, including government-owned or -controlled corporations.

This Resolution shall take effect upon service thereof on respondent, and the Clerk of Court shall cause such service immediately upon the promulgation of this Resolution.

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Vitug, Kapunan, Mendoza, Panganiban, Purisima, Pardo, Buena, Gonzaga-Reyes, and De Leon, Jr., JJ., concur.
Puno, Quisumbing, and Santiago JJ., on official leave.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.