

ZELINDA G. NICOPIOR, COMPLAINANT, VS. JOSE RENE C. VASQUEZ, RESPONDENT.

A.M. NO. P-07-2313. April 27, 2007

Ponente: NACHURA, J.

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NACHURA, J.

In a letter dated June 21, 2004[1] and complaint-affidavit[2] dated June 22, 2004, Zelinda G. Nicopior charged Jose Rene C. Vasquez, Interpreter III, RTC Branch 42, Bacolod City for Conduct Unbecoming of a Government Employee. It was docketed as OCA-I.P.I. No. 04-1967-P.

As alleged in the complaint, on May 12, 2004, while the complainant was standing near the stairs at the ground floor of the Hall of Justice Building, the respondent suddenly came and intentionally bumped complainant, hitting her left breast. She grappled with him to prevent him from further hitting her. However, the respondent boxed her, hitting again her left breast. The complainant further claimed that the respondent was heavily drunk at that time.

The respondent denied the charge. He admitted that he bumped the complainant but claimed that it was unintentional. He explained that when he accidentally bumped her, the complainant punched and scratched him, so he extended his right foot to prevent her from hitting him. He denied boxing or kicking her. He also denied being under the influence of liquor at that time.

Per Resolution dated January 24, 2005, this Court referred the complaint to the Executive Judge of the Regional Trial Court of Bacolod City for investigation, report and recommendation.[3]

After hearings were conducted, the investigating Judge rendered his Report and Recommendation[4] on April 7, 2006, recommending that respondent be reprimanded with warning.

On September 6, 2006, the investigating Judge's Report and Recommendation was referred to the Office of the Court Administrator for evaluation, report, and recommendation.

On December 6, 2006, the Court Administrator issued a Memorandum sustaining the recommendation of the investigating Judge, thus:

The investigating Judge's recommendation is well founded. Based on the investigation, it was respondent who was the aggressor in the subject incident. He purposely bumped the complainant, and when the latter "fiercely fought back", he kicked her. Although complainant is a big and well-built woman, respondent, as a gentleman, that every man should be, should have accorded her respect. But as it is, respondent's action was wanting in the most basic civility.

Employees of the judiciary should be living examples of uprightness, not only in the performance of their official duties, but also in their personal and private dealings with other people, so as to preserve all times the good name and standing of courts in the community. Any scandalous behavior or any act that may erode the people's high esteem to the judiciary unbecomes an employee.

WHEREFORE, premises considered, it is most respectfully submitted that the recommendation of the Investigating Judge be SUSTAINED and that respondent be REPRIMANDED with STERN WARNING that a repetition of similar acts shall be dealt with more severely.

We agree with the findings of the Court Administrator, but we find the recommended penalty too light, grossly disproportionate to Vasquez's unruly behavior. This Court has often emphasized that the conduct and behavior of every person connected with the dispensation of justice, from the highest official to the lowliest employee, should be circumscribed with the heavy burden of responsibility. This is so because the image of a court of justice is necessarily mirrored in the conduct, official or otherwise, of the men and women who work thereat. Thus, court employees have been enjoined to adhere to the exacting standards of morality and decency in order to preserve the judiciary's good name and standing as a true temple of justice.[5] Respondent indeed fell short of this exacting standard. He had shown lack of decorum, propriety, and respect in his dealings with other people. His actions also debased the public's regard for the very institution for which he works, warranting administrative sanction. Any conduct that would be a bane to the public trust and confidence reposed in the Judiciary cannot be countenanced.[6]

WHEREFORE, this Court finds respondent Jose Rene C. Vasquez guilty of Conduct Unbecoming of a Government Employee. He is hereby SUSPENDED without pay for a period of two (2) months, with a stern warning that a repetition of the same or similar acts in the future shall be dealt with more severely.

SO ORDERED

Ynares-Santiago, (Chairperson), Austria-Martinez, Callejo, Sr., Chico-Nazario, JJ., concur.

[1] Rollo, p. 1.

[2] Id, p. 2.

[3] Id., p. 29.

[4] Report and Recommendation dated April 7, 2006 of Judge Roberto S. Chiongson, id., pp. 59-60.

[5] Reyes v. Vidor, A.M. No. P-02-1552, December 3, 2002, 393 SCRA 257,260.

[6] In Re: Complaint for Failure to Pay Just Debts against Esther T. Andres, A.M. 2004-40-SC, March 1, 2005, 452 SCRA 654, 664.

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