

**LYN A. MALAYO AND ROWENA P. RIPDOS, COMPLAINANTS, VS.
ATTY. LEILA I. CRUZAT, BRANCH CLERK OF COURT, REGIONAL
TRIAL COURT, BRANCH 146, MAKATI CITY, RESPONDENT.**

A.M. No. P-02-1639. September 18, 2002

Ponente: CORONA, J.

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CORONA, J.:

In a sworn letter-complaint dated March 6, 2001, Lyn A. Malayo and Rowena P. Ripdos, employees of the local government of Makati City, detailed to Regional Trial Court (RTC), Branch 146, Makati City, charged Atty. Leila I. Cruzat, Branch Clerk of Court, with conduct unbecoming of a public officer and a member of the judiciary, and with falsification of a public document. A similar letter-complaint, undated and unsworn, was filed with the Office of the Chief Justice.

Complainants alleged that:

(1) respondent abused her authority, often broke into tantrums and gave them mouthfuls of insults and curses every time respondent's assigned parking space was occupied by another vehicle; in one instance on January 29, 2001, respondent arrived at their office at past 10:00 o'clock in the morning, fuming over the fact that her parking space was occupied by another vehicle; respondent burst into anger and verbally abused them; as a result, they filed a complaint against respondent in the Office of the Executive Judge, RTC, Branch 139, Makati City for threats, conduct unbecoming of a public official and violation of the anti-graft law;

(2) falsification of her Certification of Services Rendered for the month of June 2000; respondent certified that she rendered full time service from June 1 to June 30, 2000, except June 29, when, in truth and in fact, she left the country at 2:50 p.m. on June 9, 2000 on a Philippine Air Lines flight (PR 306) to Hongkong, as reported by the Bureau of Immigration on February 8, 2001; respondent failed to secure any clearance or authority to travel;

(3) during her roughly two years' stay in the judiciary, respondent was able to acquire two expensive cars (a Mitsubishi Lancer and a Nissan Frontier), as well as an expensive house and lot located in Balatbat, Lobo, Batangas; complainants also reported the close relationship of respondent and Atty. Marilyn Guzman who at that time was a Vice-President of United Coconut Planters Bank representing the said bank in its civil cases pending before the Makati City RTC, Branch 146, where respondent was the Clerk of Court.

In her Comment, respondent vehemently denied the accusations against her and alleged the following:

(1) the instant complaint was a retaliation against her because she requested the government to recall the complainants as city employees detailed to the RTC, Branch 146, Makati City.

(2) she had worked with the complainants since 1995; if she were really abusive, complainant Ripdos would not have chosen her as godmother of the latter's child; there were also instances when complainants would borrow money from her for very urgent financial needs which she never declined;

(3) she never assigned the complainants to watch over her parking space on a regular basis; the requests she

made to the complainants were simple pakisuyo or pakiusap inasmuch as she had become familiar with them as a result of their almost six years of working together in the same office;

(4) on January 29, 2001, she was supposed to discuss an important issue with the Presiding Judge in a case set for hearing that morning; at around 8:15 that morning, she called up the office and requested complainant Malayo to watch over her parking slot as she would be arriving shortly; she further requested complainant Malayo to pass on the request to complainant Ripdos in case she had other things to do; however, when respondent arrived, her parking slot was taken and neither Ripdos nor Malayo was there, thus, she had to make several turns and spend several minutes looking for a parking space; after she finally parked her car, she immediately went to the office and asked complainants, but not in an angry manner: "Anong nangyari, bakit wala kayo doon?" Complainant Malayo replied in a loud voice, "Bakit kasalanan ko ba kung pagdating mo may naka-park na ron?" Complainant Ripdos joined Malayo and angrily said: Bakit, trabaho ba namin ang magbantay ng parking space?" She was naturally infuriated by these disrespectful remarks made in the presence of the other staff members, so she replied in an angry manner and an exchange of words ensued;

(5) she did not deny owning a Mitsubishi Lancer that she purchased in 1997 with her hard-earned savings since 1992 when she started working at the National Labor Relations Commission; the price of a Mitsubishi Lancer was not grossly disproportionate to the income of a single person who had no family to support;

(6) the Nissan Frontier was not owned by her but by her close and long-time friend, Atty. Marilyn Guzman, as evidenced by the Certificate of Registration and Official Receipt thereof; her close friendship with Atty. Marilyn Guzman never compromised her position as Clerk of Court of RTC, Branch 146;[1]

(7) the house in Lobo, Batangas was not owned by respondent but by her parents; it was their family residence; it sat on a land co-owned by respondent's father and his co-heirs, as proven by the tax declaration issued in favor of respondent's parents;

(8) it is true that she left the country on June 9, 2000. She reported for work early in the morning and asked permission from the Presiding Judge to leave before the end of office hours; the permission sought was granted;

(9) on the charge that she left the country without securing any clearance or authority from the court, she begged the indulgence of the Court for her ignorance; she honestly believed that being away on a Saturday, Sunday and legal holiday did not require any prior clearance or authority.

On March 27, 2001, the Office of the Court Administrator (OCA) received a letter from Judge Salvador S. Tensuan, RTC, Branch 146, Makati City, corroborating the allegations of respondent in her Comment.

In their Reply, complainants failed to allege any new matter for consideration.

The Office of the Court Administrator, in its memorandum dated June 1, 2001, gave its own assessment of the case and made the following recommendations:

(1) the charges of conduct unbecoming of a public officer and member of the judiciary, and of violation of RA 3019 (Anti-Graft and Corrupt Practices Act) against respondent Atty. Leila I. Cruzat, Branch Clerk of Court, RTC, Branch 146, Makati City should be dismissed for lack of merit;

(2) Atty. Cruzat should be SEVERELY REPRIMANDED for falsifying her Certification of Services rendered for the month of June 2000 by making it appear that she rendered services the whole day of June 9, 2000 when she was in fact absent in the afternoon of that day; and

(3) Atty. Cruzat should be suspended for a period of one month and one day without pay for leaving the country and traveling abroad from June 9-12, 2000 without securing from the Supreme Court the requisite authority therefor.

In her Rejoinder dated June 18, 2001, respondent alleged that, although she left the office early on June 9, 2000, she reported for work before the start of the usual office hours and that, after she was through with her work, she was permitted by her judge to leave the office in order to catch her flight for Hongkong at 2:50 p.m. Respondent contended that she was not being untruthful when she stated in her Certification that she rendered the service required of her by law. According to her, she had even rendered more hours than what was required by law and the government even owed her (for uncharged overtime pay). Thus the government was not prejudiced by the Certification.

Moreover, respondent claimed to have acted completely in good faith. She asked permission from her judge and the latter allowed her, leading her to believe everything was in order.

With regard to her failure to secure clearance or authority to travel, respondent repeatedly claimed good faith. She was not aware of such a requirement and sought the understanding of the Court Administrator. The claim of good faith was bolstered by the fact that she was away only on Saturday, Sunday and Monday all of which were no-work days, that particular Monday having been a legal holiday.

In order to thresh out respondent's defenses in her Rejoinder, another evaluation was undertaken by the OCA which submitted the following recommendations in its memorandum dated October 24, 2001 to the Chief Justice:

- (1) the SEVERE REPRIMAND of respondent Atty. Leila B. Cruzat for conduct unbecoming of a public officer and member of the judiciary, and
- (2) the SUSPENSION for a period of one (1) month and (1) day without pay of Atty. Leila Cruzat for falsifying her Certificate of Service for the month of June 2000 by making it appear that she rendered services the whole day of June 9, 2000 when she was in fact absent in the afternoon of that day; and her further SUSPENSION for one (1) month also without pay for leaving the country and traveling abroad from June 9-12, 2000 without securing from the Supreme Court the requisite authority therefor.

We find the charge of violation of the Anti-Graft and Corrupt Practices Act to be baseless. Respondent was able to disprove the allegations in connection therewith. The Mitsubishi Lancer was the fruit of her work from the time she started working in 1992 with no family to support. The Nissan Frontier was owned by a close friend as evidenced by the Certificate of Registration and Official Receipt. The house and lot located in Lobo, Batangas was owned by respondent's parents as indicated in the tax declaration presented to the OCA.

We find, however, that the altercation between respondent and complainants tended to degrade the dignity and good image of the judiciary. RA 6713, otherwise known as "Code of Conduct and Ethical Standards for Public Officials and Employees," states that:

It is the policy of the State to promote a high standard of ethics in public service. Public officials and employees shall at all times be accountable to the people and shall discharge their duties with utmost responsibility, integrity, competence, loyalty, act with patriotism and justice, lead modest lives, and uphold public interest over personal interest.

Furthermore, respondent had no right to delegate to her subordinates tasks which were not work-related, their familiarity with each other notwithstanding. Complainants' official functions were disrupted by her order for them to watch over her parking space and, for that matter, it was irrelevant how many times respondent ordered them to do so. As admitted by respondent, she confronted complainants about the incident that took place on January 29, 2001, resulting in a heated exchange of words in front of her staff. Respondent should have had the civility and the sense to confront them in private and not within the hearing distance of the staff. The position of Branch Clerk of Court is one of responsibility and its holder must be a model of proper behavior to those who work under her. High-strung and belligerent behavior has no place in public service where personnel are enjoined

to act with self-restraint and proper decorum at all times even when confronted with rudeness and insolence.[2] In the case of *Apaga v. Ponce*,[3] we ruled that shouting at each other in the workplace during office hours is discourtesy and disrespect not only to one's co-workers but also to the court itself. Such conduct also exhibits failure on the part of both parties to discharge their duties with the required degree of professionalism, to respect the rights of others and to refrain from acts contrary to good morals and good customs as demanded by RA 6713.

Respondent claimed that she was present the whole day of June 9, 2000, as indicated in the Certificate of Service submitted to the Leave Division of the Office of the Court Administrator, when, as admitted by her, her flight left for Hongkong at 2:50 p.m. that same day. This must have meant that she left for the airport at noon or shortly thereafter. Respondent contends though that the government was not prejudiced by her leaving early that day as she oftentimes rendered overtime work without the corresponding overtime pay. On this point, however, while it is true that the Presiding Judge gave her permission to leave the office early, it was no blanket authority for her to falsify her Certificate of Service by indicating that she rendered eight hours of work on that particular date. At any rate, respondent failed to candidly reflect the fact of her early departure, in violation of Sec. 4 of Rule XVII of the Civil Service Law and Rules which provides:

Falsification or irregularities in the keeping of time records will render the guilty officer or employee administratively liable without prejudice to criminal prosecution as the circumstances warrant.

To compound her problems, respondent left the country without first securing permission or authority to travel from the Court, in violation of its en banc resolution in A.M. No. 99-12-08-SC. No evidence of such travel authority was ever presented by respondent.

As Branch Clerk of Court, respondent must be reminded of the constitutional provision that "a public office is a public trust and all public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency."[4] Every government employee, specially of the judiciary, should be an example of integrity and proper behavior.

The Court has also admonished court personnel that their conduct "should be geared towards maintaining the prestige and integrity of the court, for the image of the court of justice is necessarily mirrored in the conduct, official or otherwise, of the men and women who work thereat, from the judge to the least and lowest of its personnel; hence, it becomes the imperative and sacred duty of each and everyone in the court to maintain its good name and standing as a temple of justice."[5]

Although the Court agrees with the recommendation of the OCA that respondent should be punished for her malfeasance as above discussed, we also cannot turn a blind eye to the unwarranted viciousness and hostility displayed by the complainants against the respondent. We take note of the disrespectful and insolent manner with which they addressed the respondent, as well as the pettiness with which they accused her of unfounded corruption when they themselves admitted having borrowed money from her.[6] No doubt the complainants' behavior was just as reprehensible.

WHEREFORE, as recommended by the OCA, Atty. Leila I. Cruzat, Branch Clerk of Court of RTC, Branch 146, Makati City is hereby **ABSOLVED** of the charge of violation of the Anti-Graft and Corrupt Practices Act. However, she is **SEVERELY REPRIMANDED** for conduct unbecoming of a public officer and member of the judiciary. She is likewise **SUSPENDED** for a period of one (1) month and one (1) day without pay for making an untruthful statement in her Certificate of Service Rendered for June, 2000 and **SUSPENDED** for another period of one (1) month without pay for leaving the country and traveling abroad without first securing from the Supreme Court the required authority therefor.

This decision shall take effect immediately upon receipt by respondent of a copy hereof.

SO ORDERED.

Puno, (Chairman), Panganiban, Sandoval- Gutierrez, and Morales, JJ., concur

[1] In fact in Civil Case No. 96-359 (Ruben Basco v. UCPB), which was raffled off to Branch 146, UCBP lost. The two other cases in which UCPB was a party were never tried on the merits. In Civil Case No. 1559 (UCPB vs. Clariza Mercado), the parties agreed on a compromise and filed a Joint Motion to Dismiss. Civil Case No. 00-398 is due to be archived for failure to prosecute.

[2] Policarpio v. Fortus, 248 SCRA 272, 275 [1995] .

[3] 245 SCRA 233, 240 [1995] .

[4] Section 1, Article XI, 1987 Constitution.

[5] Lledo v. Lledo, 300 SCRA 310, 317 [1998] .

[6] Complainants' Reply, p. 8.

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