

ATTY. THELMA GARCIA, PETITIONER, VS. ROMEO EULLARAN, RESPONDENT.

A.M. No. P-89-327. April 19, 1991

Ponente: MEDIALDEA, J.

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MEDIALDEA, J.:

In a sworn letter-complaint dated April 7, 1989 Atty. Thelma Garcia, Clerk of Court, Regional Trial Court, Dumaguete City, charged Mr. Romeo Eullaran, Staff Assistant II of the same court with alleged violation of Rule 9, Section 36, subsections 3, 4, 8, 15, 17, 25 and 27 of P.D. 807, Civil Service Decree of the Philippines.

Complainant alleged that respondent committed the alleged violations in the following manner:

"1.

That respondent does not perform his regular functions and refuses to perform those assigned to him, in violation of Subsec. (3), Neglect of Duty;

2.

That on March 31, 1989, at about 2:30 P.M., respondent entered the Office of the Clerk of Court drunk, fought with Gilbert Solis, causing disruption in the normal functions, a violation of Subsec. (4), Misconduct;

3.

Respondent's non-performance of his function and non-observance of office hours violates Sub-sec. (8), inefficiency and incompetence in the performance of official duties;

4.

Respondent has more unauthorized absences than days present, violation of Subsec. (13), Frequent unauthorized absences;

5.

Respondent is always late when reporting for duty, a violation of Subsec. (14), Tardiness in reporting for duty, loafing or frequent unauthorized absences from duty during regular office hours;

6.

Respondent appeared many times during office hours in the office under the influence of liquor and sometimes drunk, a violation of Subsec. 15, Habitual drunkenness;

7.

Respondent refused to perform official duty as Clerk, a violation of Subsec. 17, Refusal to perform official duty;

8.

Respondent wilfully disobeys instructions from his superior, such as filing of daily time record and leave of absences, a violation of Subsec. (25), Insubordination;

9.

Respondent's refusal to perform his duties, habitual absenteeism and tardiness, misbehavior, disrupting operation of the office and disobedience in filing daily time records and leave of absences are violations of Subsec. (27), Conduct prejudicial to the best interest of the service;

x x x."

In substantiating her complaint, complainant submitted a letter dated April 3, 1989 addressed to the Executive Judge, RTC, Dumaguete City which states a narration of incidents which led to an accusation for alleged misconduct and on the alleged habitual absentism, tardiness and inefficiency (Annex "A") and in addition thereto, affidavits of four other court employees namely: Gilbert Solis, Fidel Factoran, Rodolfo Forniza and Rogelio Baylon, marked as Annexes "B," "C," "D," "E," all in corroboration of the activities complained of.

The Executive Judge of the Regional Trial Court of Dumaguete City, pursuant to this Court's Administrative Order No. 6 dated June 30, 1975 issued an order dated April 8, 1989 ordering respondent Romeo Eullaran to submit within seventy-two (72) hours after receipt, his answer to the complaint and to indicate therein whether or not a formal investigation is preferred.

Respondent failed to file his answer without any reason given for such failure despite the extension of time given him to answer. Meanwhile, his request for temporary assignment at RTC Branch 36 was granted per Order dated April 18, 1989.

In a Report and Recommendation dated May 4, 1989, submitted pursuant to Section 40, P.D. 807, the Executive Judge took notice of the failure of the respondent to file his answer and "interpreted the same as an admission of guilt on his part" and opined that the instant case appeared "proper for summary proceedings under Section 40, P.D. 807" in view of the following circumstances present: a) the charge is serious and evidence is strong; b) respondent is notoriously undesirable. The sworn statements and documents submitted were considered direct evidence for the complainant and recommended that proper penalty be imposed upon the respondent.

By way of a 7th indorsement dated August 13, 1990 of Deputy Court Administrator Juanito Bernard, respondent Romeo Eullaran was given the chance of being heard and to refute the allegations against him.

Respondent submitted his comment dated September 14, 1990 and stated therein that "he has not intentionally,

knowingly, and maliciously committed the charges lodged against him x x x. He admits having committed unintentional omission or mistake." (Rollo, p. 45)

Anent the charge of misconduct and habitual drunkenness, respondent claimed that the incident on March 31, 1989 complained of, was indeed regrettable. While he also admits that after lunch, on said date, he took a bottle or two of beer, he claimed that he is not a habitual drinker, as alleged by the complainant. He also claimed that whenever he drinks, he drinks outside office hours. Moreover, he claimed that the quarrel between him and Gilbert G. Solis, was caused by personal misunderstanding, which was immediately patched up.

Regarding the charge of unauthorized absences and tardiness in reporting for duty, respondent contended that the records would show that he has filed the corresponding vacation or sick leave applications. The alleged unauthorized absences were due to health reasons and hence, notice thereof and the filing of the required application for sick leave could not be filed within the prescribed period. He too admits that sometimes he is tardy in reporting for duty, especially on Mondays following weekends, whenever he goes to his hometown some kilometers away from Dumaguete City. But again, this is few and far between. Respondent denied that he has been loafing during office hours. In his defense, he claimed that he takes a few minutes rest after doing his work or during coffee breaks at a place near the court buildings.

Respondent finally claimed that he honestly believed that he conducted himself in the performance of his duties at his best and if he conducted himself to the prejudice of the service such behavior was not intended and without malice.

We find the explanation of the respondent unsatisfactory. He was not able to refute the accusations made against him. As can be noted in his comment, the reasons given by the respondent are on the contrary, demonstrative of whimsical and abusive acts of a government employee which are prejudicial to the best interest of the service.

The conduct and behavior of everyone connected with an office charged with the dispensation of justice, like the courts below, from the presiding judge to the lowest clerk, should be circumscribed with the heavy burden of responsibility (*Montemayor v. Collado*, 107 SCRA 258). A public office is a public trust and all public officers and employees must at all times be accountable to the people. This Court cannot countenance any act or omission which diminish or tend to diminish the faith of the people in the Judiciary.

Premises considered, the Court Resolved to hold respondent liable as charged.

ACCORDINGLY, a FINE of Four Thousand Pesos (P4,000.00) is imposed on respondent Romeo Eullaran, payable to this Court within ten (10) days from notice with STERN WARNING that a repetition of the same or similar acts will be dealt with more severely. Let a copy of this resolution be attached to respondent's personal records.

SO ORDERED.

Narvasa, (Chairman), Cruz, Gancayco, and Griño-Aquino, JJ., concur.

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