MARIA RAQUEL R. BAJAR, RECORDS OFFICER III, ARCHIVES SECTION, OFFICE OF THE CLERK OF COURT, REGIONAL TRIAL COURT, MANILA, COMPLAINANT, VS. VICTORIANO P. BATERISNA, RECORDS OFFIC...

A.M. NO. P-06-2151. August 26, 2006

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PANGANIBAN, CJ:

Judicial employees must always abide by the Code of Conduct and Ethical Standards for Public Officers and Employees. They are expected to be living examples of uprightness and decorum, not only in the performance of their duties, but also in their dealings with other people.

The Case and the Facts

This case finds it origin from a Complaint-Affidavit[1] filed by Maria Raquel R. Bajar, Records Officer III, against Victoriano P. Baterisna, Records Officer II, both of the Office of the Clerk of Court of the Regional Trial Court of Manila. Complainant charged respondent with insubordination, disrespect and conduct unbecoming an officer.[2]

The Office of the Court Administrator (OCA) summarized the facts of the case in its February 13, 2006 Report,[3] as follows:

> "x x x [O]n 30 June 2003 at around 1:30 in the afternoon, complainant Maria Raquel R. Bajar, Records Officer III, Archives Section, RTC-OCC, Manila and Mr. Joel Loja went to the Bodega room of the Archives and Notarial Section of RTC-Manila to verify Mr. Loja's complaint that said room/office was locked from the inside. After knocking repeatedly, the door was opened and they saw respondent Victoriano P. Baterisna in the company of other RTC employees.
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> "As a result of the incident, complainant issued a memorandum to respondent reminding the latter that the Bodega is for official use and should be open during office hours. Respondent refused to receive the said memorandum. Later, that same afternoon, respondent went to complainant's office and berated the latter in the presence of her staff with the following:
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> "Wala kang karapatang mag-issue ng memo! Ikaw nga nagpaparlor ka during office hours, gagawa[-]gawa ka ng memo, mali-mali naman ang English mo, bakit ikaw di mo madisiplina ang iba diyan! May inggit ka kasi sa akin, hindi ka bagay maging boss!"
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> "[O]n the morning of 1 July 2003, complainant and the respondent were summoned to the Office of the Clerk of Court. In the presence of Atty. Buendia, respondent badmouthed the complainant with the following utterances:
>
> "Wala kang karapatang mag-issue ng memorandum! Kailan ka ba naging Chief? Di mo ba alam na ang Chief lang dito sa office ay si Atty. Buendia? Wala ka kasing pinag-aralan kay[a] mali-mali ang ginagawa mo! Ano? Gusto mo personalan tayo ha? Gusto mo? Alam mo ba ma'am (referring to Atty. Buendia) ipinagsasabi niya na bulok ang jeep [ninyo] sa probinsiya at nanghihiram ka ng alahas at hindi agad ibinabalik! Naku, ma'am wag

kayo magtiwala diyan, traydor ang babaeng iyan! Kaya si Ann sa akin nagtitiwala, sa akin nagcoconfide dahil traydor yang kaibigan! Hindi mo ba alam na lahat ng kaopisina natin sa labas ay galit sa iyo? Napakahayop mo talaga! Hayop ka talaga!"

"Respondent also warned that he would take the necessary action against complainant if the latter will not withdraw the memorandum from the former's 201 file. Respondent then sent a letter to complainant denying using the room for other purposes and in the same letter, accused complainant of utilizing the same room for her "physical fitness and beauty".

"Complainant filed a criminal complaint against the respondent but she later on desisted which led to the dismissal of the case. She, however, pursued the instant administrative case before the Office of the Court Administrator.

"Rico Marabut, Process Server of the OCC-RTC, Manila, testified that he served complainant's memorandum to the respondent. The respondent refused to receive the memorandum and said "Sobra naman siya, akala mo kung sino siya, bababa [na lang] ako sa kanya".

"Mr. Marabut was instructed by complainant to have the memorandum received at their Receiving Section and to furnish their Clerk of Court of a copy thereof and another copy in respondent's 201 file. When he returned to their office, he found respondent waiting for the complainant. When complainant arrived, respondent confronted her on the memorandum and uttered in a loud voice, "hindi ka bagay maging boss".

"Jerlyn Balbas of the Archives Section declared that on the afternoon of 30 June 2003, respondent came to their office looking for the complainant. When complainant arrived, respondent confronted her, saying among others, "hindi ka bagay maging boss" in a loud and high-pitched voice. Thereafter, respondent left the room.

"Respondent Victoriano Baterisna, on the other hand, explained that on 30 June 2003, he attended the raffle of cases which terminated at around 12:30 p.m. While having a late lunch, he did not notice that complainant checked their door which was closed at that time. Instead of personally calling his attention on the matter, complainant served him with a memorandum.

"On 1 July 2003, respondent sought an audience with the complainant before the Clerk of Court to settle the matter. Atty. Buendia prodded them to settle their differences but they had an exchange of words instead. Respondent requested the complainant to withdraw her memorandum, but complainant refused.

"Respondent claimed that he was not angry and was not speaking at the top of his voice when he confronted the complainant. He said that complainant perceived respondent's utterances differently due to personal bias. Respondent reiterated that this administrative case is a mere duplication of the charges filed against him by the complainant before the Office of the City Prosecutor of Manila which was dismissed on 10 December 2003.

"Respondent admitted writing letters on several occasions admitting the utterances he made. He likewise admitted authorship of the letter addressed to the Clerk of Court and the letter addressed to the complainant wherein he berated the latter. Respondent nevertheless maintained that the misunderstanding between him and the complainant is personal and not related to their respective duties."[4]

Findings and Recommendation of the OCA

The OCA opined that respondent had not successfully disputed the charge against him. It found that by uttering unsavory remarks against complainant in front of other employees, and later in the presence of the clerk of court, respondent was not only discourteous but also disrespectful.[5] His act displayed conduct unbecoming a court employee.

Further, the OCA found that the rude and hostile behavior exhibited by respondent affected public service. Such "improper behavior displayed by respondent during office hours exhibit[ed] not only a paucity of professionalism

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at the workplace, but also great disrespect for the court itself."[6]

Thus, the OCA recommended that 1) the present case be re-docketed as a regular administrative matter; 2) respondent be suspended for one month and one day for gross discourtesy in the course of official duty; and 3) he be warned that a repetition of the same or similar acts in the future would be dealt with more severely.[7]

The Court's Ruling

We agree with the findings and recommendations of the OCA.

Respondent's Administrative Liability

The OCA was correct in observing that respondent had not successfully disputed the charge against him. His explanation contained mere denials and a countercharge against complainant. More important, respondent admitted his brash behavior in dealing with her.

In his letter dated November 4, 2003,[8] respondent apologized to complainant, categorically admitting that he "was not able to control [his] temper during that time when [they] were summoned by their Chief, Atty. Jennifer H. dela Cruz-Buendia."[9] In that same letter, he also acknowledged having uttered the words complained of.[10] He later rationalized those utterances by claiming that they were due to his sudden outburst during that time.

The discourteous and disrespectful behavior was likewise admitted in respondent's written apologies to Clerk of Court Jennifer H. dela Cruz-Buenda[11] and again to complainant on November 10, 2003.[12] The clerk of court later admitted being "aghast" at the way the parties had revealed their hidden personalities.[13]

Having admitted to his rude behavior, respondent cannot now be heard denying any of the allegations hurled against him by complainant. Declarations of parties as to a relevant fact may be given in evidence against them.[14] Moreover, both the investigating judge[15] and the OCA found that respondent had indeed exhibited the acts complained of.

Often have we stressed that the conduct and behavior of everyone connected with an office charged with the dispensation of justice are circumscribed with a heavy burden of responsibility.[16] The actions of employees must at all times be characterized by propriety and decorum. The Constitution mandates that all public officers and employees should serve with responsibility, integrity, loyalty and efficiency.[17] Indeed, a public office is a public trust.[18] The people -- not just the judiciary --expect the best from all judicial employees, who must be paradigms in the administration of justice.[19]

Fighting between court employees during office hours is a disgraceful behavior reflecting adversely on the good image of the judiciary. It displays a cavalier attitude towards the seriousness and dignity with which court business should be treated. Shouting at one another in the workplace and during office hours is arrant discourtesy and disrespect not only towards co-workers, but to the court as well.[20]

High-strung and belligerent behavior has no place in government service, in which the personnel are enjoined to act with self-restraint and civility at all times, even when confronted with rudeness and insolence.[21] Such conduct is exacted from them, so that they will earn and keep the public's respect for and confidence in the judicial service. This standard is applied with respect to court employees' dealings not only with the public, but also with their co-workers in the service.[22] Conduct violative of this standard quickly and surely corrodes respect for the courts.

All judicial employees must refrain from the use of abusive, offensive, scandalous, menacing or otherwise improper language.[23] They are expected to accord due respect, not only to their superiors, but also to all others.[24] Their every act and word should be characterized by prudence, restraint, courtesy and dignity.[25]

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Respondent's behavior was totally unbecoming a member of the judicial service and cannot be countenanced. The Code of Conduct and Ethical Standards for Public Officers and Employees requires public employees to respect at all times the rights of others and to refrain from acts contrary to good morals and good customs.[26] Indeed, it is the policy of the State to promote a high standard of ethics in the public service.[27]

What is even more displeasing to the Court is the continued aggressive attitude of respondent even before his superior, the clerk of court. The very reason for the audience with her was to settle amicably any differences between complainant and respondent. Yet, as aptly put by the clerk of court, she was aghast at how the meeting turned out.[28] Thus, she expressed her utter disappointment in his actuations. Based on the events that happened in this case and the spiteful words uttered, we share in the disappointment of the clerk of court.

Respondent then argues that, had complainant been true to her intentions in her Affidavit of Desistance[29] in the criminal Complaint for Libel and Grave Slander, then even this administrative Complaint should have been dismissed and terminated.[30] In effect, he faults her for desisting in the criminal case, while continuing with this administrative case.

We will not even begin to speculate on her motives in continuing with this administrative charge. Simply, before this Court is a charge of gross discourtesy. Even if complainant desisted from continuing with this administrative case, this Court can still continue taking cognizance of the administrative charge. The withdrawal or desistance of a complainant from pursuing an administrative complaint does not divest the Court of its disciplinary authority over court personnel.[31]

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 at all times the good name and standing of courts in the community.[32] Any scandalous behavior or act that may erode the people's high esteem for the judiciary unbecomes an employee.[33]

Under the Civil Service Rules, gross discourtesy in the performance of official duties is a less grave offense punishable with suspension from one month and one day to six months.[34] Thus, OCA's recommended penalty falls within the range allowed by the Rules.

WHEREFORE, Respondent Victoriano P. Baterisna, Records Officer II of the Office of the Clerk of Court of the Regional Trial Court of Manila, is hereby SUSPENDED for one month and one day for gross discourtesy in the conduct of official duties, with a stern warning that the commission of the same or similar acts in the future will be dealt with more severely.

SO ORDERED.

Ynares-Santiago, Austria-Martinez, Callejo, Sr. and Chico-Nazario, JJ., concur.

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[1] Rollo, pp. 1-2.

[2] Complaint-Affidavit dated July 23, 2003, p. 2; rollo, p. 2

[3] Rollo, unnumbered. Signed by Court Administrator Presbitero J. Velasco, Jr. (now an associate justice of this Court).

[4] OCA Report dated February 13, 2006, pp. 1-3; rollo, unnumbered.

[5] Id. at 4; id., unnumbered.

[6] Id.

[7] Id. at 4-5; id., unnumbered.

[8] Rollo, p. 129.

[9] Id.

[10] Id.

[11] Id. at 128.

[12] Id. at 130.

[13] Memorandum dated July 15, 2003, p. 1; rollo, p. 124.

[14] Rules of Court, Rule 130, Sec. 26.

[15] Report and Recommendation of Executive Judge Antonio M. Eugenio, Jr. dated September 27, 2005; rollo, unnumbered.

[16] Cervantes v. Cardeño, 462 SCRA 324, June 30, 2005; Soliman, Jr. v. Soriano, 410 SCRA 225, September 2, 2003.

[17] Constitution, Art. XI, Sec. 1

[18] Id.

[19] Ibay v. Lim, 340 SCRA 107, September 11, 2000.

[20] Cervantes v. Cardeño, supra; Aquino v. Israel, 426 SCRA 266, March 25, 2004; Quiroz v. Orfila, 272 SCRA 324, May 7, 1997.

[21] Cervantes v. Cardeño, supra; Aquino v. Israel, supra; Paiste v. Mamenta, Jr., 412 SCRA 403, October 1, 2003.

[22] Cervantes v. Cardeño, supra; Aquino v. Israel, supra; Quiroz v. Orfila, supra.

[23] Cabanatan v. Molina, 370 SCRA 16, November 21, 2001; Caguioa v. Flora, 360 SCRA 12, June 28, 2001.

[24] Id.

[25] Id.

[26] Republic Act No. 6713 (1989), Sec. 4(c).

[27] Republic Act No. 6713 (1989), Sec. 2.

[28] Supra note 13.

[29] Rollo, p. 131.

[30] Id. at 155.

[31] Tan v. Dela Cruz, Jr., 439 SCRA 555, September 30, 2004; Aquino v. Israel, supra; Casanova, Jr. v. Cajayon, 400 SCRA 472, April 3, 2003.

[32] Santelices v. Samar, 373 SCRA 78, January 15, 2002.

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[33] Pablejan v. Calleja, AM No P-06-2102, January 24, 2006.

[34] Uniform Rules on Administrative Cases in the Civil Service, Rule IV, Sec. 52 (B)(3).

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