

BENJAMIN N. MUNASQUE, COMPLAINANT, VS. ROSALINA P. CAPE, RESPONDENT.

A.M. No. P-227. September 30, 1974

Ponente: ESGUERRA, J.

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ESGUERRA, J.:

In a letter complaint dated February 2, 1972, Benjamin N. Munasque, the Clerk of Court, Court of First Instance of Cotabato, Cotabato City, charged Miss Rosalina Cape, stenographer of the same court, with insubordination and conduct prejudicial to the best interest of the service.

The complaint reads as follows:

"That on February 1, 1972, at around 11:30 o'clock in the morning, said Miss Cape barged into the office of the undersigned and in an angry mood demanded why the undersigned did not sign her daily time record for the month of January, 1972;

"That the undersigned answered that he did not know of her leave as appearing in said daily time record so that he is not in a position to attest to said daily time record; besides it is the judge who signs the stenographer's daily time record if he is around;

"That upon hearing this remark, stenographer Cape shouted in a slanderous and threatening attitude, 'I know why you do not sign my daily time record, you are mad at me because I know your private life;

"That in order to avoid trouble, the undersigned ordered her to get out of his office but stenographer Cape did not move and in complete defiance shouted, 'I can kill you, I know you will die ahead of me', and many more words of like import;

"That knowing the seriousness of her challenge and the futility to silence stenographer Cape without using force the undersigned went out of his office in order to avoid further scandal, leaving Miss Cape inside the office still shouting;

"That the attitude of stenographer Cape towards the undersigned is unbecoming of a subordinate and unworthy of an employee of the Court of justice and it is but proper to hold Miss Cape to have committed acts of insubordination and conduct prejudicial to the best interest of the service."

Thereafter, the respondent submitted her comment dated June 13, 1972.

Her explanations are as follows:

"1. Clerk of Court Atty. Benjamin N. Munasque, in writing his sworn complaint to the Honorable, the Secretary of Justice, must have been motivated by an uncontrollable anger and hatred against the undersigned, a poor girl who, with others lodged and boarded in his house for four years and respected him like a father. It is unconceivable that the undersigned, a humble, frail subordinate to have a temerity to barge to the office of his boss, Clerk of Court Atty. Benjamin N. Munasque and angrily demand the signing of her Daily Time Record, especially knowing that Clerk, of Court Atty. Benjamin N. Munasque is a violent man even when he is not

drunk. The undersigned hereby denies the accusations of Clerk Atty. Benjamin N. Munasque for being untrue.

"2. The undersigned denies having at all shouted or even spoken loudly to Clerk of Court Atty. Benjamin N. Munasque on the occasion mentioned on his complaint. All that the undersigned did was to attempt and to plead to Clerk of Court Atty. Benjamin N. Munasque to clarify matters regarding his refusal to sign the undersigned's Daily Time Record wherein said Clerk of Court Atty. Benjamin N. Munasque began bawling at the undersigned, but rather than give the undersigned a chance to do so, he threatened the undersigned with bodily harm if she would not leave the room. Clerk of Court Atty. Benjamin N. Munasque must not be in his proper senses at that precise time mentioned in his complaint for he left the undersigned in Office in a tipsy manner with a red face and bulging eyes.

"And as a defense, and for the Honorable Secretary of Justice and Honorable Felix V. Barbers to consider, the undersigned hereby states that since the wife of Clerk of Court Atty. Benjamin N. Munasque took up a course in stenography, and got employed in the Second Sala of the Court of First Instance of Cotabato, Clerk of Court Benjamin N. Munasque already wanted the undersigned out of the Court of First Instance, Branch I, to give way on Mrs. Munasque in said court as court stenographer.

"It is not (an) amiss to state in this connection that no other than Honorable Undersecretary of Justice, now Solicitor General Estelito P. Mendoza, in the presence of Chief State Prosecutor Emilio A. Gancayco, in the Office of the Provincial Fiscal, and in the presence of several other responsible people, in the month of February, 1972, that Clerk of Court Atty. Benjamin N. Munasque was admonished to be reasonable with all subordinates in the Office after said subordinates lodged a complaint against him for his highhanded and unreasonable ways of dealing with said subordinates."

District Judge Glicerio V. Carriaga, Jr., of the Court of First Instance of Cotabato, Cotabato City Branch, to whom the case was assigned for investigation, report and recommendation, in an order issued on December 13, 1973, ordered the dismissal of this complaint "in view of the fact that the parties have already come to an amicable settlement of this case."

The order reads:

"When this case was called for hearing this afternoon, the respondent presented through counsel two affidavits now on file with the records of the case and the two affidavits are hereto reproduced:

'I, ROSALINA P. CAPE, of legal age, single, Court stenographer and residing at Cotabato City, Philippines, after having been duly sworn to in accordance with law, do hereby declare and manifest:

'That I am the complainant in a letter-complaint filed with the Department of Justice, Manila, against Atty. Benjamin Munasque, Clerk of Court, Branch I of the Court of First Instance of Cotabato for delay in the disposition of Administrative Case No. 75, Abuse of Authority and Misconduct in office and habitual drunkenness;

'That I am no longer interested in the further prosecution of the case for the following reasons:

'1. That I am a poor girl and cannot afford to pursue the case any longer;

'2. I have no more witnesses because I lost contact of them in spite of efforts exerted to look for them;

'3. I consider him like an elder brother because I have stayed in their house for quite a time, and the letter-complaint was filed by me at the time I was informed that the renewal of my appointment as Court Stenographer and my eventual transfer to the other Sala of this Court cannot be effected because of the pending charge against me and the letter-complaint was the product of intrigues and the result only of some minor misunderstanding.

"That for the reasons stated above, I am requesting the Department of Justice and/or the office of the Judicial

Consultant, Supreme Court of the Philippines to consider the matter as closed as I am withdrawing my complaint against Atty. Benjamin Munasque;

"That this affidavit is made and executed to show that I am no longer interested in the continuance of the case.

"IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of December, 1973, at Cotabato City, Philippines."

I, ROSALINA P. CAPE, of legal age, single, Court Stenographer and residing at Cotabato City, Philippines, after having been duly sworn to in accordance with law, do hereby despose and say:

"That I am the respondent in Administrative Case No. 75 for Insubordination and conduct prejudicial to the best interest of the service, filed by Atty. Benjamin Munasque, Clerk of Court; Branch I of the Court of First Instance of Cotabato;

"That if ever I have committed any act which was resented to by Atty. Benjamin Munasque, I ask for his forgiveness, he being my superior.

"IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of December, 1973 at Cotabato City, Philippines."

"Thereafter, the complainant, Atty. Benjamin N. Munasque, made the following comments to said affidavits:

"Your Honor, please, when this case was supposed to be called for hearing last Nov. 29, there were interested parties who worked for the amicable settlement of this case, so that this representation did not object to the postponement of this case to December 7 and 10. When this case was called on December 10, it was further postponed for today because the supposed amicable settlement has not been finalized. Taking into consideration that the respondent herein has signed affidavits and manifested that she wants this case to be settled amicably because it will be very hard for her to be going to Cotabato and knowing her predicament with the understanding that she realized the hardship of having a case, I respectfully withdraw the charges I have previously filed against her."

"WHEREFORE, in view of the fact that the parties have already come to an amicable settlement of this case, the same is hereby ordered dismissed. Let a copy of order, as well as the copies of the two affidavits of the respondent, be forwarded to the Department of Justice and to the office of the Personnel Division of the Supreme Court of the Philippines."

Apparently, these charge and countercharges emanated from a misunderstanding, personal in nature to both parties, and do not in any way affect their fitness for the positions they are holding nor the performance of their duties; that for lack of interest and spontaneous desistance of both parties the charges and countercharges which merely resulted from a quarrel can no longer be proven; and that to order the termination of this case will in no way prejudice public service.

The order of the district judge dismissing the case is considered as his recommendation to the Court which takes final action on cases of this nature.

WHEREFORE, this case is dismissed with an admonition to both parties not to waste the time of the courts in petty quarrels between them and to realize that their official positions demand more dignity and ethical decorum in their relationship with each other so as to set a good example for their co-workers to emulate.

Makalintal, C.J., Castro, Teehankee, and Munoz Palma, JJ., concur.

Makasiar, J., is on leave.

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