TANCHING L. WEE, SHERIFF IV, REGIONAL TRIAL COURT, BRANCH 32, CABARROGUIS, QUIRINO, AND NELITA G. WEE, COMPLAINANTS, VS. VIRGILIO T. BUNAO, JR., COURT INTERPRETER III, REGIONAL ...

A.M. No. P-08-2487. September 29, 2010

Ponente: CARPIO, J.

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CARPIO, J.:

Before the Court are two administrative complaints: A.M. No. P-08-2487 charging Virgilio T. Bunao, Jr. (Bunao), Court Interpreter III of the Regional Trial Court (RTC), Branch 31, Cabarroguis, Quirino, with misconduct, conduct unbecoming an employee, and unethical conduct; and A.M. No. P-08-2493 charging Tanching L. Wee (Wee), Sheriff IV of RTC, Branch 32, Cabarroguis, Quirino, for violation of civil service law, special laws and administrative circulars of the Supreme Court. The Office of the Court Administator (OCA) recommended that both Bunao and Wee be held liable for simple misconduct and penalized accordingly.

The Facts

The memorandum from the OCA narrated the facts as follows:

> In the Joint Affidavit-Complaint dated August 31, 2007, Spouses Tanching L. Wee, Sheriff IV, Regional Trial Court, Branch 32, Cabarroguis, Quirino, and Nelita G. Wee, charged Virgilio T. Bunao, Jr., Interpreter III, Regional Trial Court, Branch 31, same place, with Misconduct and/or Conduct Unbecoming a Court Employee and/or Violation of RA 6713 relative to the incident which transpired inside the courtroom of RTC, Branch 31 on August 7, 2007.
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> Sheriff Wee was the private complainant in Criminal Case No. 1395 filed before the RTC, Branch 31, Cabarroguis, Quirino. In a hearing in the criminal case on July 3, 2007, Mrs. Wee testified as a witness in favor of her husband. On August 7, 2007, Mrs. Wee was scheduled to be placed on the witness stand for cross-examination but before the start of the court session, the spouses conferred with Assistant Prosecutor Alfredo A. Balajo, Jr. for rectification of an error in the Transcript of Stenographic Notes (TSN) taken during her direct testimony. Allegedly, Mrs. Wee's answer No. 7 in page 3 of the transcript should be "No" instead of "Yes."
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> Interpreter Bunao, Jr., who was then listening to the conversation, intervened and insisted that the answer is, "Yes." Mrs. Wee claimed that it was herself who gave the testimony and she did not answer that way. Interpreter Bunao, Jr. however retorted, "HUSTO DAYTA, ISU TI NANGGEG KO (THAT IS CORRECT, THAT IS WHAT I HEARD)." At this point, Sheriff Wee quipped, "APAY PAKIALAM MO TOY KASOK, INTERPRETER KA LANG (WHY MEDDLE IN MY CASE, YOU'RE JUST AN INTERPRETER)." Interpreter Bunao, Jr. insisted that he is the interpreter and he knows all. Sheriff Wee replied, "INTERPRETER KA LANG GAGO (YOU'RE JUST AN INTERPRETER, STUPID)!," to which the other replied, "BOBO KA MET INTERPRETERAK DITOY NGA KORTE (YOU'RE DAMN [sic], I AM THE INTERPRETER IN THIS COURT)!"
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> In his Comment dated November 19, 2007, Interpreter Bunao, Jr. denied the accusations of Spouses Wee. He

> alleged that at about 8:30 in the morning of August 7, 2007, Mrs. Wee came to their office and asked Court Stenographer Luhlu Bugawan to change the former's answer from "YES" to "NO." After checking her stenographic notes and consulting with Stenographer Lilia Casuple, Stenographer Bugawan informed Mrs. Wee that the latter's answer was indeed "YES." Interpreter Bunao, Jr. likewise claimed that what he heard was "YES" which irked Mrs. Wee.
>
> At around 9 o'clock of the same morning, while Interpreter Bunao, Jr. was waiting for the court session to begin and having a conversation with Assistant Prosecutor Balajo, Jr., Sheriff Wee interrupted them. The sheriff told Assistant [Prosecutor] Balajo, Jr. of the alleged error in the TSN. When Interpreter Bunao, Jr. informed the sheriff of what he heard during the hearing, the the latter went berserk and said, "OKINNAM, INTERPRETER KA LANG, ANIA COMA TI PAKIALAM MO DITOY A KASOK (CUNT OF YOUR MOTHER, YOU ARE JUST AN INTERPRETER, YOU HAVE NOTHING TO DO WITH MY CASE)." Sheriff Wee tried to attack Interpreter Bunao, Jr. but the former was restrained by his wife.
>
> In the Administrative Complaint dated August 13, 2007 filed by Interpreter Bunao, Jr. against Sheriff Wee and the latter's Comment dated September 17, 2007, the parties basically stated similar allegations and denials.[1]

Bunao filed a Complaint[2] dated 13 August 2007 before the the OCA. Then Court Administrator Christopher Lock (CA Lock) directed Wee to file his comment within ten days from receipt of the indorsement from the OCA. The OCA did not receive any comment from Wee, so the OCA sent a first tracer to Wee dated 8 November 2007 and again asked him to file his comment. Wee responded[3] to the first tracer and stated that he mailed his comment to the OCA on 18 September 2007. Wee sent two more copies of his comment to the OCA.

For his part, Wee sent a sworn complaint[4] to the OCA on 13 August 2007. In a letter[5] dated 10 October 2007, CA Lock returned Wee's complaint for failure to attach the affidavits of persons who have personal knowledge of the facts alleged in the complaint or the documents which substantiate the allegations in the complaint, as required by the Uniform Rules on Administrative Cases in the Civil Service. CA Lock directed Wee to comply with the rule within ten days from receipt of the letter to warrant appropriate action. Wee, along with his wife Nelita, sent a Joint Affidavit-Complaint[6] to the OCA on 7 September 2007. The OCA required Bunao to file his Comment.[7]

The OCA's Ruling

On Bunao's Complaint (A.M. No. P-08-2493)

On 11 July 2008, the OCA issued its Evaluation and Recommendation on Bunao's complaint. The pertinent portions read as follows:

> EVALUATION:
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> The Court has long drawn out the standard of the conduct for Court personnel or employees in Judicial Service. It is well-established that since the administration of justice is a sacred task, the persons involved in it ought to live up to the strictest standard of honesty, integrity and uprightness [Bernadez vs. Montejar, 378 SCRA 540 (2002)]. The Court has stressed that high strung and belligerent behavior has no place in government service where the personnel are enjoined to act with self-restraint and civility at all times even when confronted with rudeness and insolence. Such conduct is exacted from them so that they earn and keep the public respect or confidence in the judicial service. This standard is applied with respect to Court employees' dealings not only with the public but also with his co-workers in the service. Conduct violative of this standard quickly and surely corrodes respect for the Court.
>
> In the instant case, the pleadings submitted by both parties are not enough to resolve the factual issues attendant to the present case. Hence, a formal investigation is necessary to reconcile the conflicting versions presented by the parties.

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> RECOMMENDATION: Respectfully submitted for the consideration of this Honorable Court are recommendations that the instant case be RE-DOCKETED as a regular administrative matter and the same be REFERRED to the Executive Judge of Regional Trial Court, Cabarroguis, Quirino for investigation, report, and recommendation within sixty (60) days upon receipt of the records.[8]

On Wee's Complaint (A.M. No. P-08-2487)

On 24 April 2008, the OCA issued its Evaluation and Recommendation on Wee's complaint. The pertinent portions read as follows:

> EVALUATION:
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> Records reveal that both the complainants and respondent accuse each other of throwing unsavory remarks against each other, thus undermining the integrity of the judiciary. However, aside from their bare accusations and few photocopied supporting documents, there is nothing more for this Office to consider in order to make an intelligent evaluation. Considering that the allegations brought up by the complainants and the defenses raised up by respondent present factual issues that cannot be categorically resolved based on the records at hand, there is a necessity for the issues to be ventilated in a formal investigation where the complainants and respondent will be given the chance to adduce their respective evidence. Furthermore, considering that there is another administrative complaint (docketed as OCA I.P.I. No. 07-2622-P) filed by respondent court interpreter against complainant Sheriff IV Tanching L. Wee involving similar factual issues, and in order to expedite the resolution of the instant matter, this complaint against Court Interpreter Virgilio T. Bunao, Jr. should be consolidated with OCA I.P.I. No. 07-2622-P and be the subject of a joint investigation.
>
> RECOMMENDATION: Respectfully submitted for the consideration of the Honorable Court is the recommendation that the instant administrative complaint against respondent Court Interpreter III Virgilio T. Bunao, Jr. be CONSOLIDATED with OCA I.P.I. No. 07-2622-P (Virgilio T. Bunao, Jr. vs. Tan Ching Wee, Sheriff IV), and be RE-DOCKETED as a regular administrative matter, and that the consolidated cases be REFERRED to the Executive Judge of the Regional Trial Court, Cabarroguis, Quirino for investigation, report, and recommendation within sixty (60) days from receipt of the records.[9]

This Court, in a resolution[10] dated 30 June 2008, consolidated A.M. Nos. P-08-2487 and P-07-2622 and re-docketed the consolidated cases as regular administrative matters. This Court also referred the administrative matters to the Executive Judge of the RTC, Cabarroguis, Quirino for investigation, report and recommendation within 60 days from receipt of the records.

However, in a letter[11] dated 11 September 2008, Executive Judge Moises Pardo (Judge Pardo) asked to be inhibited from investigating the administrative matters because he has immediate supervision over both Bunao and Wee. Judge Pardo is the Presiding Judge of Branch 31, where Bunao is the interpreter, and is concurrently the Acting Presiding Judge of Branch 32, where Wee is the sheriff. The OCA recommended that the Executive Judge of the RTC, Santiago City, Isabela, Judge Efren M. Cacatian (Judge Cacatian), be designated as the Investigating Judge in Judge Pardo's stead.[12]

The Executive Judge's Ruling

On 28 May 2009, Judge Cacatian submitted his report and recommendation on the consolidated cases before this Court.

> Analyzing the incident in question, the undersigned believes that, really, there was nothing unusual: nothing more happened except the shouting against each other, which is just the normal behavior of a normal person who gets irritated or irked. It was due to lack of due intercession of their superiors that pushed them to bring out their grievances unnecessarily to the Office of the Honorable Court Administrator. If only their executive judge would have exercised his fatherly influence and compassion to them, the parties would not have come

> out divisively.
>
> Based on these findings and conclusions, the undersigned is convinced that the parties have not committed any grave misconduct unbecoming of them, considering that it was an isolated case, unnoticed and un-offensive. It is, therefore, recommended that the subject cases be dismissed and declared closed and terminated, in the interest of the service.
>
> SO RECOMMENDED.[13]

The OCA's Recommendation

On 8 September 2009, the OCA submitted its report and recommendation before this Court.

> Notwithstanding his finding that the Sheriff and the Interpreter engaged in a verbal tussle, the Investigating Judge recommended that the administrative cases be dismissed. He concluded that "the parties have not committed any grave misconduct unbecoming of them, considering that it was an isolated case, unnoticed and unoffensive."
>
> Contrary to the conclusion of the investigating judge, we are of the opinion that the conduct of both Sheriff Wee and Interpreter Bunao, Jr. fell short of the high standard of judicial service. The act of engaging in a shouting match, one even cursing the other, within the court premises, is censurable, to say the least. Court employees are supposed to be well-mannered, civil and considerate in their actuations, both in their relations with co-workers and the transacting public. Boorishness, foul language and any misbehavior in court premises diminishes its sanctity and dignity. It must be noted that the incident transpired in the session hall of RTC, Branch 31, Cabarroguis, Quirino in the presence of Judge Mendrado Corpuz and Assistant Prosecutor Balajo, Jr.
>
> It has been held that 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 during office hours is arrant discourtesy and disrespect not only towards co-workers, but to the court as well. The behavior of the parties was totally unbecoming members of the judicial service. Such conduct cannot be countenanced.
>
> Based on the findings in these administrative cases, both Sheriff Wee and Interpreter Bunao, Jr. should be held guilty for simple misconduct. Misconduct is a transgression of some established or definite rule of action; more particularly, it is an unlawful behavior by the public officer. In previous cases involving court personnel fighting with their co-employees within the court premises, the Court imposed a fine of P1,000.00 with reprimand against the erring personnel. The same penalty should be imposed upon the contending parties herein.
>
> In view of the foregoing, it is respectfully submitted for the consideration of the Honorable Court the recommendations that both Tanching L. Wee, Sheriff IV, RTC, Branch 32, Cabarroguis, Quirino, and Virgilio T. Bunao, Jr., Court Interpreter III, RTC, Branch 31, Cabarroguis, Quirino, be held liable for simple misconduct and be FINED in the amount of P1,000.00 each, with REPRIMAND, and with STERN WARNING that repetition of the same or similar offense in the future shall be dealt with more severely.[14]

The Court's Ruling

We adopt the recommendation of the OCA.

This Court cannot tolerate such misconduct on the part of its employees. The reported exchanges between Bunao and Wee in the court premises, and in the presence of Judge Mendrado V. Corpuz and Assistant Prosecutor Alfredo A. Balajo, Jr., is disgraceful behavior. Shouting at each other within the court premises exhibits discourtesy and disrespect not only towards co-workers but to the court as well.[15] The conduct and behavior of

every official and employee of an agency involved in the administration of justice, from the presiding judge to the most junior clerk, should be circumscribed with the heavy burden of responsibility. Their conduct must at all times be characterized by strict propriety and decorum so as to earn and keep the public's respect for the judiciary.[16] Any fighting or misunderstanding among court employees becomes a disgraceful sight reflecting adversely on the good image of the judiciary. Professionalism, respect for the rights of others, good manners, and right conduct are expected of all judicial officers and employees.[17] This standard is applied with respect to a court employee's dealings not only with the public but also with his or her co-workers in the service. Conduct violative of this standard quickly and surely corrodes respect for the courts.[18]

Simple misconduct is a less grave offense which carries the penalty of Suspension for one month and one day to six months for the first offense and the penalty of Dismissal for the second offense.[19] Executive Judge Cacatian's report did not find any offensive conduct, and consequently did not prescribe any penalty. The OCA report, however, found both Wee and Bunao liable for simple misconduct and recommended a penalty in the greater interest of preserving the good image of the judiciary. The recommendation of the OCA is well-taken.

WHEREFORE, Tanching L. Wee, Sheriff IV, RTC, Branch 32, Cabarroguis, Quirino, and Virgilio T. Bunao, Jr., Court Interpreter III, RTC, Branch 31, Cabarroguis, Quirino, are FINED P1,000 each for simple misconduct. Wee and Bunao, Jr. are also REPRIMANDED, and are STERNLY WARNED, that a repetition of the same or similar offense in the future shall be dealt with more severely.

SO ORDERED.

Nachura, Peralta, Abad, and Mendoza, JJ., concur.

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[1] Rollo (A.M. No. P-08-2487), pp. 213-214.

[2] Rollo (A.M. No. P-08-2493), pp. 1-4.

[3] Id. at 22.

[4] Rollo (A.M. No. P-08-2487), pp. 3-4.

[5] Id. at 5.

[6] Id. at 9-11.

[7] Id. at 15.

[8] Rollo (A.M. No. P-08-2493), p. 50.

[9] Rollo (A.M. No. P-08-2487), pp. 63-64.

[10] Rollo (A.M. No. P-08-2493), p. 51.

[11] Rollo (A.M. No. P-08-2487), p. 66.

[12] Id. at 70.

[13] Id. at 88.

[14] Id. at 214-215.

[15] Quiroz v. Orfila, 338 Phil. 828 (1997).

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[16] Apaga v. Ponce, 315 Phil. 226 (1995).

[17] Casanova, Jr. v. Cajayon, 448 Phil. 573 (2003).

[18] Aquino v. Israel, A.M. No. P-04-1800, 25 March 2004, 426 SCRA 266.

[19] Section 23(b), Omnibus Rules Implementing Book V of Executive Order No. 292 and Other Pertinent Civil Service Laws.

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