

**SECURITY DIVISION, SUPREME COURT OF THE PHILIPPINES,
PETITIONER, VS. GAMAL L. UMPA, CLERK OF COURT, SHARI'A
CIRCUIT COURT, TUBOD, LANA DEL NORTE, RESPONDENT.***A.M. No. P-95-1138. May 15, 1996*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/9006475c8213/>**PER CURIAM:**

On 07 March 1995, while Judge Samsoden A. Mustapha (Presiding Judge of the Shari'a Circuit Court at Tubod, Lanao del Norte) was at the Office of the Court Administrator ("OCA") to follow-up the status of certain pending administrative cases and to request for a Certificate of Appearance relative to a conference held the day before, Gamal L. Umpa, Judge Mustapha's Clerk of Court, suddenly entered the room, hit the Judge on the face and then kicked him several times. The incident transpired in the presence of Atty. Ma. Carina M. Cunanan and Atty. Thelma Bahia who were both assigned to the OCA. A security personnel was called in to prevent Umpa, who persisted in hurling invectives at the Judge, from inflicting further harm. Judge Mustapha was brought to the Supreme Court clinic for treatment while Umpa was taken to the Security Outpost. Later, at the Philippine National Police-Western Police District Command, Station V, an appropriate complaint was made.

It would appear that on 06 March 1995, Deputy Court Administrator Reynaldo L. Suarez invited Judge Mustapha for a conference concerning his problems with Umpa. Apparently, Umpa had not been reporting for work since 1994 but he still insisted that his daily time records be countersigned by Judge Mustapha. Judge Mustapha refused to sign not only the daily time records but also Umpa's application for leave of absence because of the latter's continued insubordination and disrespect.

In its resolution, dated 24 May 1995, the Court, through its Third Division, resolved to treat the report on the incident so made by the Security Division as an administrative complaint against Gamal L. Umpa. It, accordingly, required respondent Umpa to submit his answer within fifteen (15) days from notice. In the meanwhile, Umpa was ordered suspended from the service effective upon his receipt of the Court's resolution. Copies of the resolution repeatedly sent to him, however, were returned to the Court "unclaimed."

On 24 August 1995, Judge Mustapha reiterated his recommendation that respondent be dismissed from the service since the latter's absence for more than a year had seriously hampered the administrative function of his court.

In a manifestation, dated 28 August 1995 and received by the OCA on 06 September 1995, respondent Umpa averred that on 24 August 1995, his mother, Rangalongan Umpa, went to the post office of Tubod, Lanao del Norte, and it was only then that he learned, through her, of a letter, with Registry Receipt No. 12514, addressed to him. He authorized his mother to get the letter which turned out, he said, to be the Court's 24 May 1995 resolution. Respondent asseverated that he could no longer perform his duties as Clerk of Court starting as of October 1994 because of threats against his life following his revelation of alleged illegal activities within the Shari'a Court. He claimed that he could not answer the administrative charge against him since he was not furnished with a copy of the complaint. He requested that he be sent a copy thereof and that his suspension from the service be meanwhile held in abeyance.

In its memorandum, dated 06 November 1995, addressed to Chief Justice Andres R. Narvasa, the Office of the Court Administrator, through Deputy Court Administrator Reynaldo L. Suarez, recommended:

"Wherefore, premises considered, the undersigned respectfully recommends that respondent GAMAL L. UMPA be dismissed from the service with forfeiture of all benefits and disqualification from reinstatement or appointment to any public office including government-owned or controlled corporation for his unexplained long and continuous absence from his office, his propensity to lie and twist facts calculated to besmirch the reputation and character of his Judge and for conduct utterly unbecoming of a government employee."

The OCA noted that while respondent evidently had received a copy of the Court's 24 May 1995 resolution, he, however, still denied having received a copy of the complaint which was attached to the resolution.

We adopt the findings of the Office of the Court Administrator.

We need not stress too much that it behooves all those who are involved in the administration of justice to at all times conduct themselves with the highest degree of propriety and decorum and take great care in avoiding incidents that tend to degrade the judiciary and diminish the respect and regard for the courts. The assault by respondent Umpa on Judge Mustapha inside the office of the Deputy Court Administrator within the premises of this Tribunal is inexcusable; it is an affront not only on the person and dignity of the Judge but also on the Court as well.

But that is not all. The records of respondent with the Leave Division disclose that he has been absent without official leave ("AWOL") since 01 June 1994, and he has failed to respond to communications sent to him by the division regarding the matter. We have also taken note of the letter sent to Judge Mustapha by Deputy Director Hermoso Lazaro of the Administrative Services of the National Bureau of Investigation showing that respondent has the following record in the Name Order Files of the bureau, viz:

"UMPA, Gamal'L. - Qualified Theft CC# 2912, RTC Iligan City, 4-17-90.

"UMPA, Gamal L. - 1110 A. Vergara St., Quiapo, Manila - Attempted Homicide CC# 7809-V-86, RTC Valenzuela, Metro Manila, 10-13-86.

"UMPA, Gamal L. - Qualified Theft IS# 92-305 Office of the City Prosecutor, Iligan City, Lanao del Norte, 6-22-92.

"UMPA, Gamal @ Greg Umpa - Rm. 205 Kris Theater Bldg., Tubod Iligan City - Grave Oral Defamation with Light Threats IS# 87-272 City Fiscal, Iligan City dismissed 4-8-87.

"UMPA, Gamal y Latas - Clerk of Crt. II First Shari'a Circuit Court Tubod, Lanao del Norte - Complainant against Samanodin Ampaso, et al. in Adm. Matter No. MTJ-910547. However Subject was also respondents in Adm. Matter Nos. P-92-696, P-92-702 and P-92-715. Said case were all filed with the Supreme Crt., Manila. Likewise the report of this Bureau on the investigation conducted on the instant case was forwarded to the Clerk of Crt., Supreme Crt., Manila for her info and dispo. Subject was also accused in CC# 2-2912 for Qualified Theft which was filed with the RTC, Br. 2, Iligan City."[1]

All considered, the Court finds respondent incapable of continued membership in the public service.

WHEREFORE, respondent Gamal L. Umpa is DISMISSED from the service, with forfeiture of all benefits, including leave credits and retirement benefits, and with prejudice to re-employment in any branch or service of the government, including any government- owned and controlled corporation.

SO ORDERED.

Narvasa, C.J., Padilla, Regalado, Davide, Jr., Romero, Bellosillo, Puno, Vitug, Mendoza, Hermosisima, Jr., Panganiban, and Torres, Jr., JJ., concur.

Melo, Kapunan, and Francisco, JJ., are on leave.

[1] Rollo, pp. 4-5

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