

EVELYN J. DAYMIEL, COMPLAINANT, VS. EFREN ARGUELLES, RESPONDENT.

A.C. No. 1635. October 30, 1978

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

Complainant Evelyn J. Daymiel, employee of the Supreme Court, charges respondent Efren Arguelles, Supreme Court security guard, with arrogance, grave misconduct and discourtesy.

Atty. Victor Sevilla, Supreme Court Legal Officer-Investigator, submitted the following report:

"Complainant stated that at about 1:45 in the afternoon of May 19, 1977, her two children, aged 13 and 15 respectively, came to the Supreme Court for dental check-up, but were intercepted by respondent, and prevented from going to the third floor where she holds office in the following manner:

'Huag kayong basta-basta't pumasok dito, para kayong kung sino, Supreme Court ito, hindi kami basta nagpapapasok ng kung sino ditto! Walang empleyadang Evelyn Daymiel na nagtatrabaho sa itaas.'

"The two girls telephoned their mother in the 3rd floor and reported the incident and their mother (complainant) hurriedly came down to fetch them. She met respondent at the information desk on the ground floor and confronted him with his refusal to allow her children to see her. Respondent reportedly flared up, raised his voice and made gestures in the air with the paper he was holding, and said to her: 'So you immediately believed your children!' To the question why he had misled the children by denying her presence in the office, respondent allegedly said:

'It is your duty to submit to me your name so that I will know who you are and where you are working. It is not our duty to know who you are because we have no time for that considering that you are not the only employee here. Our main duty is to watch the employees and the justices when they come in and they go out.'

"Respondent allegedly raised his voice and challenged complainant to report him to the court, in this like: 'Sige,

magreport ka, magreport ka ngayon din!"

"Complainant took the challenge and on May 24, 1977, filed this administrative complaint.

"On June 15, 1977, respondent replied to the charges stating that the complainant misunderstood him, distorted facts, and blew up the whole incident. Firstly, he said that he was not the one who intercepted complainant's children, but Mr. Mante. Secondly, since Mr. Mante had gone out, he was the one confronted by complainant. And thirdly, that he was merely implementing orders of the court, but complainant shouted at him, 'Guardia lang kayo rito akala mo kung sino na kayo.' Respondent observed that complainant was not wearing her official I.D.

"xxx xxx xxx.

"In the instant case, the statement of the respondent 'huag kayong basta-bastang pumasok dito, para kayong kung sino, Supreme Court ito, hindi kami basta nagpapapasok ng kung sino dito', thus humiliating complainant's 2 young daughters; and his answer 'walang empleyadang Evelyn Daymiel na nagtatrabaho dito,' when in fact, the children's mother works here, denying complainant's presence in the premises confused the children. His reply to complainant that 'it is your duty to submit to me your name so that I will know who you are and where you are working' is uncalled for, as otherwise, every court employee would be under compulsion to report to all the guards and identify themselves, which is unwise, unbearable and unnecessary burden to all concerned. Respondent's act in pounding his desk and making violent gestures in the air with his hand while talking likewise shows arrogance.

"The implementation of memorandum circulars of the Supreme Court, more particularly Memoranda dated September 1, 1972, October 16, 1972, December 27, 1974, and April 25, 1977, can be properly carried out without humiliating anyone. Employees in the government service are bound by rules of proper conduct and decorum. As Atty. Roberto Makalintal observed in his report to this court on May 9, 1978, 'high strung and belligerent behavior has no place in the government service, where the personnel and employees are enjoined to act with self-restraint and civility at all times even when confronted with rudeness and insolence.' Indeed, impatience, belligerent attitude and behavior, likewise have no place in the highest magistracy of the land, the bulwark of democracy, the final arbiter of human controversies and guardian of human rights. The unsavory remarks, the unnecessary loss of temper, violent, unpleasant gestures and crude and uncouth mannerisms against his co-court employee, a member of the opposite sex, and her two innocent young (female) daughters, all bespeak of grave misconduct and misbehavior which deserve disciplinary action. It is hereby recommended that respondent be suspended for a period of one month without pay with a stern admonition and warning that a repetition of the same or similar offense will be dealt with severely."

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Complainant Cesar Punzalan is a jeepney driver by profession, residing at 2244 Alejo Aquino Street, Singalong, Manila. He charges respondent Efren Arguelles with grave misconduct in the performance of his duties.

Atty. Victor Sevilla, a Legal Officer-Investigator, submitted the following report:

"On February 19, 1977, while complainant was plying this Padre Faura-San Andres route, passing through Padre Faura St., he was stopped, accosted and without provocation boxed by respondent, meanwhile uttering insulting words, such as

'Tarantado ka ano, hindi mo ba alam na bawal ang huminto dito.'

"When complainant tried to explain that it was not prohibited to stop there (because he did not stop in the corner), and besides it was beyond office hours, respondent allegedly shouted at him:

'Putang ina mo, sasagot-sagot ka pa, sino bang pinagmamalaki mo?'

and continued to box him in the chest. Complainant observed that respondent smelled of liquor, so he kept his cool and remained quiet. He went home confused, deep in the thought that should he pursue his plan to report the incident to the office he might not be able to pass Padre Faura St. again. He does not know any kind of work except to drive a jeepney. It was only the constant prodding of his relatives that gave him the courage to report the incident and file his complaint against respondent.

"The written complaint of complainant in the vernacular is corroborated by Wilfredo Villalon, a passenger in the San Andres-P. Faura St. route, and a witness to the incident. Villalon said: '... nang ito'y (jeepney) tumabi sa tapat ng gate ng Supreme Court ay bigla na lang pinagmumura ang driver at pinagbuhatan ng kamay ang driver at sinabi ng lalake na bawal pumarada dito. He said that he was testifying in this case because he pitied the driver as he was blameless.

"Atty. Reinato G. Quilala of the Office of Administrative Supervision of Courts conducted a fact-finding investigation of the case and interviewed Elpidio Rieta, Officer-in-Charge of the Supreme Court Security Unit, Messrs. Mamerto Badato, Pablo Cangco and Aniceto Briones, all security guards. All disclaimed knowledge of the incident. On March 28, 1977, Actg. Judicial Consultant Ricardo C. Puno referred this case to the Chief of Office Administrative Services with instructions to have respondent reply to the charges.

"On June 26, 1978, respondent filed his comment, citing the report of Atty. Reinato Quilala dated March 25, 1977, that no incident involving him occurred in the night of February 19, 1977. He branded the Punzalan complaint as a 'complete falsehood', saying that he 'does not know whether such incident really happened or not.' And that 'if such a thing really happened, it was impossible for me to do such a thing as he arrived at the Supreme Court at 9:52 p.m., simultaneous with Punzalan's asking Guard Badato where Mr. Villar was.'

"Explaining his side in reply to a memorandum dated May 31, 1978, respondent disclaimed also any knowledge of any 'untoward incident of any kind that happened during the whole night of my tour of duty on that date, either outside or near the Supreme Court area', stating that 'all statements made by Cesar Punzalan in his letter-complaint were not true and a big falsehood.' In his testimony before the undersigned at the hearing of 9 August 1978, he said that if the incident really occurred, Punzalan should have reported the incident to the police station, or should have had a medical check-up at the PGH or reported the matter to his relative, Mr. L. Gochangco, or Mr. Villar, his friend in the Supreme Court.

"The only issue to be resolved in this administrative case is whether respondent is guilty of misconduct in the performance of official duty in the evening of February 19, 1977, between the hours of 9:00 p.m. and 10:00 p.m., in stopping the passenger jeepney of complainant Punzalan in front of the Supreme Court side gate on Padre Faura St. and in boxing said Punzalan in the chest, while uttering unprintable denunciations in crude and vulgar words, in a possible state of drunkenness.

"Respondent met the issue with a complete denial of the incident, disclaiming any knowledge thereof, and branding the accusations as a 'big falsehood'. In support of this denial he cited the findings of Atty. Reinato Quilala dated March 25, 1977, that Elpidio Rieta, Officer-in-Charge of the Security Unit, Mamerto Badato, Pablo Cangco and Aniceto Briones, security guards then on duty when interrogated, said they 'know nothing of the reported incident'. Rieta said that respondent's tour of duty was from 10:00 p.m. to 6:00 a.m. of the following day, but hastened to add that 'respondent must have been within the premises of the Court on or before 10 o'clock that evening of February 19, 1977'. Badato remembers 'having been approached by a man, between 9:30-10:00 p.m., who merely asked for Mr. Villar, and nothing more.

"In his fact-finding investigation of the incident, Atty. Quilala reported that there was 'no denying that Mr. Efren Arguelles was within the premises of the court between 9:00 and 10:00 p.m. of February 19, 1977.

"Atty. Quilala's findings shows the weakness of respondent's alibi, which perforce must be discarded. The fact that his tour of duty was from 10:00 p.m. to 6:00 a.m. of the next day does not preclude his arrival before that time. Precisely, it is expected that he arrive before his scheduled tour of duty to give him sufficient time to prepare for his post. His defense therefore, that he was absent from the site of the incident on February 19, 1977, necessarily falls.

"The next query is respondent's involvement in the reported incident. The complainant positively identified him as the person who stopped his jeepney and boxed him. Jeepney passenger Wilfredo Villalon, who has nothing to gain, but everything to lose in point of time and effort and in the process earn the ire and anger of respondent, positively identified him. His innocent participation is evident in his remarks: 'Kaya po ako tumistigo ay naawa ako sa driver na wala namang kasalanan.'

"Having established beyond doubt respondent's presence at the scene of the incident on February 19, 1977, and having been positively identified as the court's security guard who had hurled crude and dirty invectives, e.g.

tarantado ka, etc., followed by fist blows on complainant's chest, which incapacitated him for work for two weeks, and caused him untold suffering, fear, misapprehension, and mental anxiety, this investigator finds respondent guilty of grave misconduct and recommends his suspension for a period of two months and transfer to another line of work which does not involve contact with the public upon his return."

The evidence sustains the foregoing reports and recommendations in both administrative cases.

WHEREFORE, RESPONDENT EFREN ARGUELLES IS HEREBY FOUND GUILTY IN BOTH ADMINISTRATIVE CASES AND IS HEREBY SUSPENDED FOR A PERIOD OF THREE (3) MONTHS WITHOUT PAY, WITH THE WARNING THAT A REPETITION OF THE SAME OR SIMILAR ACT WILL BE DEALT WITH MORE SEVERELY.

SO ORDERED.

Teehankee, (Chairman), Santos,[*] Fernandez, and Guerrero, JJ., concur.

[*] Associate Justice Guillermo S. Santos was designated to sit in the First Division vice Associate Justice Cecilia Muñoz Palma who took no part.

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