

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
FLORENCIO M. REYES, OFFICER-IN-CHARGE, AND RENE DE
GUZMAN, CLERK, REGIONAL TRIAL COURT, BRANCH 31, GUIMBA,
NUEVA ECIJA, RESPON...**

A.M. No. P-08-2535 (Formerly A.M. OCA IPI No. 04-2022-P and A.M. No. 04-434-RTC). June 23, 2010

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PER CURIAM:

This complaint for gross misconduct against Rene de Guzman (De Guzman), Clerk, Regional Trial Court (RTC) of Guimba, Nueva Ecija, Branch 31, is an offshoot of the complaint filed by Atty. Hugo B. Sansano, Jr. (Atty. Sansano) relative to the alleged incompetence/inefficiency of the RTC of Guimba, Nueva Ecija, Branch 31, in the transmittal of the records of Criminal Case No. 1144-G[2] to the Court of Appeals.

In our Resolution dated September 17, 2007, we adopted the findings and recommendation of the Office of the Court Administrator (OCA) declaring as closed and terminated the administrative matter relative to the delay in the transmittal of the records of Criminal Case No. 1144-G, and exonerating De Guzman and Florencio M. Reyes (Reyes), the Officer-in-Charge of the RTC of Guimba, Nueva Ecija, Branch 31.

However, in the same Resolution, we also required De Guzman to comment on the allegation that he is using illegal drugs and had been manifesting irrational and queer behavior while at work. According to Reyes, De Guzman's manifestations of absurd behavior prompted Judge Napoleon R. Sta. Romana (Judge Sta. Romana) to request the Philippine National Police Crime Laboratory to perform a drug test on De Guzman. As alleged by Reyes:

x x x Mr. Rene de Guzman, the Docket Clerk, was [in] charge of the preparation and transmission of the records on appeal x x x. Nonetheless, x x x Judge Sta. Romana would x x x often x x x [remind him] about the transmittal of records of the appealed cases [for more than] a dozen times, even personally confronting Mr. Rene de Guzman about the matter, x x x though unsuccessfully x x x. Mr. De Guzman would just x x x dismiss the subject in ridicule and with the empty assurance that the task is as good as finished and what x x x need[s] to be done [is] simply retyping of the corrected indices or the like and that he would submit the same in [no] time at all. This was after a number of weeks from March 26, 2003 after Mr. De Guzman made the undersigned sign the transmittal of PP v. Manangan which he allegedly did not transmit before owing to some minor corrections in the indexing. All too often, (it seems to have been customary on his part, for this he would do to other pressing assignment) he would come to the office the next day, jubilant that the problem has been solved at last! But to no avail. This attitude seemingly bordering on the irrational if not to say that a sense of responsibility is utterly lacking may have given cue for Judge Sta. Romana to have Mr. De Guzman undergo a drug test x x x.[3]

That Mr. De Guzman could brush aside even the personal importuning by the judge is a fete no other of our co-employees dare emulate. On the contrary, everybody is apprehensive for his well being and in his behalf. x x x

On May 24, 2004, Judge Sta. Romana requested the Nueva Ecija Provincial Crime Laboratory Office to conduct a

drug test on De Guzman. On May 26, 2004, De Guzman underwent a qualitative examination the results of which yielded positive for Tetrahydrocannabinol metabolites (marijuana) and Methamphetamine (shabu), both dangerous drugs.

In our Resolution of September 17, 2007, we required De Guzman to submit his comment on the charge of misconduct relative to the alleged use of prohibited drugs within 10 days from notice. Notwithstanding the Court's directive, De Guzman failed to file his Comment. Thus, on January 23, 2008, we directed De Guzman to show cause why he should not be held in contempt for failure to comply with the September 17, 2007 Resolution. At the same time, we resolved to require him to submit his comment within 10 days from notice.

De Guzman complied with our directive only on March 12, 2008. In his letter, De Guzman claimed that he failed to comply with the Court's directive because he lost his copy of the September 17, 2007 Resolution.

Treating De Guzman's letter as his Comment, we referred the same to the OCA for evaluation, report and recommendation. The OCA submitted its Report and Recommendation on July 23, 2008 which reads in part:

X X X X

Noticeably, respondent de Guzman did not challenge the authenticity and validity of the chemistry report of the Nueva Ecija Provincial Crime Laboratory Office which found him positive for "marijuana" and "shabu". He did not also promptly submit another test report or other document to controvert the drug test report. His plain refutation of the charge and his willingness to submit himself now to a drug test are token attempts at candor and assertion of innocence. These perfunctory attempts cannot prevail over the solitary yet compelling evidence of misconduct for use of prohibited drugs.

Relative to respondent's delay in filing his comment to the charge of misconduct, his claim that he "lost and misplaced (his) copy of said resolution, and for that (he) almost forgot about it" is neither a valid reason nor an excuse for the delay in complying with the order of the Court. His flippant attitude towards the repeated orders of the Court to explain his conduct does not merit consideration and justification for delay.

It is settled that respondent's "indifference to [the resolutions] requiring him to comment on the accusation(s) in the complaint thoroughly and substantially is gross misconduct, and may even be considered as outright disrespect to the Court." After all, a resolution of the Supreme Court is not a mere request and should be complied with promptly and completely. Such failure to comply accordingly betrays not only a recalcitrant streak in character, but has likewise been considered as an utter lack of interest to remain with, if not contempt of the judicial system.

It should be mentioned that this is not the first instance that respondent is ordered to account for his failure to comply with a court order. Earlier, he was required to explain to the Court his failure to promptly submit a copy of the affidavit of retired court stenographer Jorge Caoile and to show cause why he should not be administratively dealt with for his failure to comply with a show cause order.

For failure to overcome the charge of use of prohibited drugs and to satisfactorily explain his failure to submit promptly his compliance to the Court's show cause order, respondent may be held guilty of two counts of gross misconduct.

The OCA thus submitted the following recommendations for consideration of the Court viz:

- The instant matter be RE-DOCKETED as a regular administrative case; and
- Respondent Rene de Guzman be found guilty of gross misconduct and accordingly be DISMISSED from the service effective immediately with forfeiture of all benefits except accrued leave credits, with prejudice to his re-employment in any branch or instrumentality of the government, including government-owned or controlled agencies, corporations and financial institutions.[4]

On August 27, 2008, we required De Guzman to manifest within 10 days from receipt whether he is willing to submit the case for resolution on the basis of the pleadings/records already filed and submitted. As before, De Guzman simply ignored our directive. Consequently, on September 28, 2009, we deemed waived the filing of De Guzman's manifestation.

Our Ruling

We adopt the findings and recommendation of the OCA.

We note that De Guzman is adept at ignoring the Court's directives. In his letter-explanation in the administrative matter relative to the delay in the transmittal of the records of Criminal Case No. 1144-G, he requested for a period of 10 days or until November 15, 2004 within which to submit the Affidavit of George Caoile (Caoile), the retired Stenographer, as part of his comment. However, despite the lapse of five months, De Guzman still failed to submit Caoile's affidavit. Subsequently, we furnished him with a copy of the April 18, 2005 Resolution wherein we mentioned that we are awaiting his submission of the affidavit of Caoile which shall be considered as part of his (De Guzman's) comment.

Nine months from the time he undertook to submit the affidavit of Caoile, De Guzman has yet to comply with his undertaking. Thus, on August 10, 2005, we required De Guzman to show cause why he should not be disciplinarily dealt with or held in contempt for such failure.

Unfortunately, De Guzman merely ignored our show cause order. Consequently, on November 20, 2006, we imposed upon him a fine of P1,000.00. Finally, on January 24, 2007, or after the lapse of one year and two months, De Guzman submitted the affidavit of Caoile.

Similarly, we also required De Guzman to file his comment within 10 days from notice as regards the allegation that he was using prohibited drugs. However, he again ignored our directive as contained in the Resolution of September 17, 2007. Thus, on January 23, 2008, we required him to show cause why he should not be held in contempt for such failure. By way of explanation, De Guzman submitted a letter dated March 12, 2008 wherein he claimed that he failed to file his comment on the charge of misconduct because he allegedly lost his copy of the said September 17, 2007 Resolution.

Finally, on August 27, 2008, we required De Guzman to manifest whether he is willing to submit the case for resolution based on the pleadings submitted. As before, he failed to comply with the same.

As correctly observed by the OCA, De Guzman has shown his propensity to defy the directives of this Court.[5] However, at this juncture, we are no longer wont to countenance such disrespectful behavior. As we have categorically declared in *Office of the Court Administrator v. Clerk of Court Fe P. Ganzan, MCTC, Jasaan, Claveria, Misamis Oriental*:[6]

x x x A resolution of the Supreme Court should not be construed as a mere request, and should be complied with promptly and completely. Such failure to comply betrays, not only a recalcitrant streak in character, but also disrespect for the lawful order and directive of the Court. Furthermore, this contumacious conduct of refusing to abide by the lawful directives issued by the Court has likewise been considered as an utter lack of interest to remain with, if not contempt of, the system. Ganzan's transgression is highlighted even more by the fact that she is an employee of the Judiciary, who, more than an ordinary citizen, should be aware of her duty to obey the orders and processes of the Supreme Court without delay. x x x

Anent the use of illegal drugs, we have upheld in *Social Justice Society (SJS) v. Dangerous Drugs Board*[7] the validity and constitutionality of the mandatory but random drug testing of officers and employees of both public and private offices. As regards public officers and employees, we specifically held that:

Like their counterparts in the private sector, government officials and employees also labor under reasonable supervision and restrictions imposed by the Civil Service law and other laws on public officers, all enacted to promote a high standard of ethics in the public service. And if RA 9165 passes the norm of reasonableness for private employees, the more reason that it should pass the test for civil servants, who, by constitutional demand, are required to be accountable at all times to the people and to serve them with utmost responsibility and efficiency.[8]

Parenthetically, in A.M. No. 06-1-01-SC[9] dated January 17, 2006, the Court has adopted guidelines for a program to deter the use of dangerous drugs and institute preventive measures against drug abuse for the purpose of eliminating the hazards of drug abuse in the Judiciary, particularly in the first and second level courts. The objectives of the said program are as follows:

- To detect the use of dangerous drugs among lower court employees, impose disciplinary sanctions, and provide administrative remedies in cases where an employee is found positive for dangerous drug use.
- To discourage the use and abuse of dangerous drugs among first and second level court employees and enhance awareness of their adverse effects by information dissemination and periodic random drug testing.
- To institute other measures that address the menace of drug abuse within the personnel of the Judiciary.

In the instant administrative matter, De Guzman never challenged the authenticity of the Chemistry Report of the Nueva Ecija Provincial Crime Laboratory Office. Likewise, the finding that De Guzman was found positive for use of marijuana and shabu remains un rebutted. De Guzman's general denial that he is not a drug user cannot prevail over this compelling evidence.

The foregoing constitutes more than substantial evidence that De Guzman was indeed found positive for use of dangerous drugs. In *Dadulo v. Court of Appeals*,[10] we held that "(a)ministrative proceedings are governed by the 'substantial evidence rule.' Otherwise stated, a finding of guilt in an administrative case would have to be sustained for as long as it is supported by substantial evidence that the respondent has committed acts stated in the complaint. Substantial evidence is more than a mere scintilla of evidence. It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion, even if other minds equally reasonable might conceivably opine otherwise." [11]

This Court is a temple of justice. Its basic duty and responsibility is the dispensation of justice. As dispensers of justice, all members and employees of the Judiciary are expected to adhere strictly to the laws of the land, one of which is Republic Act No. 9165[12] which prohibits the use of dangerous drugs.[13]

The Court has adhered to the policy of safeguarding the welfare, efficiency, and well-being not only of all the court personnel, but also that of the general public whom it serves. The Court will not allow its front-line representatives, like De Guzman, to put at risk the integrity of the whole judiciary. As we held in *Baron v. Anacan*,[14] "(t)he image of a court of justice is mirrored in the conduct, official and otherwise, of the personnel who work thereat. Thus, the conduct of a person serving the judiciary must, at all times, be characterized by propriety and decorum and above all else, be above suspicion so as to earn and keep the respect of the public for the judiciary. The Court would never countenance any conduct, act or omission on the part of all those in the administration of justice, which will violate the norm of public accountability and diminish or even just tend to diminish the faith of the people in the judiciary."

Article XI of the Constitution mandates that:

SECTION 1. Public office is a public trust. Public officers and employees must at all times be accountable to the people and serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and

justice, and lead modest lives.

De Guzman's use of prohibited drugs has greatly affected his efficiency in the performance of his functions. De Guzman did not refute the observation of his superior, Judge Sta. Romana, that as a criminal docket court clerk, he (De Guzman) was totally inept and incompetent. Hence, to get across his displeasure and dissatisfaction with his job performance, Judge Sta. Romana gave De Guzman an unsatisfactory rating.

Moreover, De Guzman's efficiency as a custodian of court records is also totally wanting. As early as May 12, 2004, Judge Sta. Romana issued a Memorandum addressed to De Guzman relative to the "sleeping cases" inside the latter's drawer. It would appear that several cases have not been proceeded upon because De Guzman hid the records of the same inside his drawer. The text of the said Memorandum reads:

An examination of the records found in your drawer reveal that the following cases have not moved because you have not brought the same to the attention of the Presiding Judge, to wit:

- Crim. Case No. 1849-C, PP v. Ruben Villanueva - Order of transmittal to the Office of the Provincial Prosecutor of Nueva Ecija dated August 6, 2003 to resolve the Motion for Reconsideration.

Resolution of the Provincial Prosecutor dated September 23, 2003 denying the Motion for Reconsideration and transmitting the records to the RTC, Br. 31, Guimba, Nueva Ecija received by this court on September 24, 2003;

- Crim. Case No. 1993-G, PP vs. JOJO SUPNET - Information dated October 14, 2002 received by this Court on November 18, 2002;

- Crim. Case No. 2013-G, PP vs. Brgy. Capt. BAYANI CAMIS - Information dated September 23, 2002 received by this court on January 24, 2003;

- Crim. Case No. 2007-G, PP vs. Armando Marcos - Information dated June 23, 2002; Records received on January 2, 2003.

The Presiding Judge caused the issuance of finding of probable causes and the corresponding Warrants of Arrest. You are hereby ordered to assist the OIC/Clerk of Court in sending forthwith the Warrants of Arrest to the proper agencies for implementation.

In the same vein, Reyes also put forth the absurd behavioral manifestations of De Guzman. According to Reyes, Judge Sta. Romana would always remind De Guzman to prepare and transmit the complete records of the appealed cases. However, De Guzman would only make empty assurances to perform his task. Notwithstanding the reminders of his superiors, De Guzman would still fail to transmit the records. Instead, he would report the next day and jubilantly declare that the problem has been solved at last.

In fine, we agree with the OCA that by his repeated and contumacious conduct of disrespecting the Court's directives, De Guzman is guilty of gross misconduct and has already forfeited his privilege of being an employee of the Court. Likewise, we can no longer countenance his manifestations of queer behavior, bordering on absurd, irrational and irresponsible, because it has greatly affected his job performance and efficiency. By using prohibited drugs, and being a front-line representative of the Judiciary, De Guzman has exposed to risk the very institution which he serves. It is only by weeding out the likes of De Guzman from the ranks that we would be able to preserve the integrity of this institution.

Two justices disagree with the majority opinion. They opine that the Court's action in this case contravenes an express public policy, i.e., "imprisonment for drug dealers and pushers, rehabilitation for their victims." They also posit that De Guzman's failure to properly perform his duties and promptly respond to Court orders precisely

springs from his drug addiction that requires rehabilitation. Finally, they state that the Court's real strength is not in its righteousness but in its willingness to understand that men are not perfect and that there is a time to punish and a time to give a chance for contrition and change.

However, the legislative policy as embodied in Republic Act No. 9165 in deterring dangerous drug use by resort to sustainable programs of rehabilitation and treatment must be considered in light of this Court's constitutional power of administrative supervision over courts and court personnel. The legislative power imposing policies through laws is not unlimited and is subject to the substantive and constitutional limitations that set parameters both in the exercise of the power itself and the allowable subjects of legislation.[15] As such, it cannot limit the Court's power to impose disciplinary actions against erring justices, judges and court personnel. Neither should such policy be used to restrict the Court's power to preserve and maintain the Judiciary's honor, dignity and integrity and public confidence that can only be achieved by imposing strict and rigid standards of decency and propriety governing the conduct of justices, judges and court employees.

Likewise, we cannot subscribe to the idea that De Guzman's irrational behavior stems solely from his being a drug user. Such queer behavior can be attributed to several factors. However, it cannot by any measure be categorically stated at this point that it can be attributed solely to his being a drug user.

Finally, it must be emphasized at this juncture that De Guzman's dismissal is not grounded only on his being a drug user. His outright dismissal from the service is likewise anchored on his contumacious and repeated acts of not heeding the directives of this Court. As we have already stated, such attitude betrays not only a recalcitrant streak of character, but also disrespect for the lawful orders and directives of the Court.

ACCORDINGLY, Rene de Guzman, Clerk, Regional Trial Court of Guimba, Nueva Ecija, Branch 31, is hereby DISMISSED from the service with forfeiture of all retirement benefits, except accrued leave credits, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations.

SO ORDERED.

Corona, C.J., Carpio, Carpio Morales, Velasco, Jr., Nachura, Leonardo-De Castro, Brion, Peralta, Bersamin, Del Castillo, Abad, Villarama, Jr., and Perez, JJ., concur.

Mendoza, J., on leave.

[1] Although included in the case title as one of the respondents, it should be emphasized the Florencio M. Reyes had already been exonerated relative to the administrative charge of inefficiency in the transmittal of the records of Criminal Case No. 1144-G. Hence, the present administrative case pertains only to respondent Rene de Guzman.

[*] Two Justices dissented while two other Justices took no part pursuant to the Rules on Inhibition. One Justice concurred with his own separate view.

[2] *People v. Romeo Manangan*.

[3] Undated letter of Florencio M. Reyes, p. 2.

[4] Report and Recommendation dated July 23, 2008, p. 3.

[5] *Id.* at 2-3.

[6] A.M. No. P-05-2046, September 17, 2009.

[7] G.R. Nos. 157870, 158633, and 161658, November 3, 2008, 570 SCRA 410, 430.

[8] Id. at 435. Emphasis supplied.

[9] Re: Draft Administrative Circular on the Guidelines for the Implementation of the Drug Prevention Program for the First and Second Level Courts.

[10] G.R. No. 175451, April 13, 2007, 521 SCRA 357.

[11] Id. at 362.

[12] The Comprehensive Dangerous Drugs Act of 2002.

[13] Section 15 of Republic Act No. 9165 provides:

SEC. 15. Use of Dangerous Drugs. - A person apprehended or arrested, who is found to be positive for use of any dangerous drug, after a confirmatory test, shall be imposed a penalty of a minimum of six (6) months rehabilitation in a government center for the first offense, subject to the provisions of Article VIII of this Act. If apprehended using any dangerous drug for the second time, he/she shall suffer the penalty of imprisonment ranging from six (6) years and one (1) day to twelve (12) years and a fine ranging from Fifty thousand pesos (P50,000.00) to Two hundred thousand pesos (P200,000.00): Provided, That this Section shall not be applicable where a person tested is also found to have in his/her possession such quantity of any dangerous drug provided for under Section 11 of this Act, in which case, the provisions stated therein shall apply.

[14] A.M. No. P-04-1816, June 20, 2006, 491 SCRA 313, 315.

[15] Social Justice Society v. Dangerous Drugs Board, *supra* note 7 at 423.

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