

MRS. BRENDA B. NARVASA-KAMPANA, COMPLAINANT, VS. MS. NORMA C. JOSUE, BUYER IV, PROPERTY DIVISION, RESPONDENT.

A.M. No. 2004-09-SC. June 30, 2004

Ponente: TINGA, J.

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TINGA, J.:

This administrative case arose from a letter-complaint^[1] dated March 11, 2004 filed by Brenda B. Narvasa-Kampana against Norma C. Josue, Buyer IV, Property Division of this Court for Discourtesy and Conduct Unbecoming a Court Employee.

The antecedents as gathered from the parties' submissions are as follows: ^[2]

The complainant came to the court at around 3:00 o'clock in the afternoon on March 11, 2004. She inquired from the guard stationed at the entrance of the Centennial Building where she could get a certification for the accreditation of a bonding company. The guard directed the complainant to go to the Property Division and look for a certain "Norma."

Upon entering the Property Division, the complainant approached a table of a male staff and inquired from him as to where she could get a certification for the accreditation of a bonding company. The man told her the same thing, to go to "Norma" while pointing to the direction where to find her. The complainant proceeded. According to her she greeted the respondent "Good Afternoon" as soon as she approached her, to which the respondent replied "Ano yon?" Then, she inquired "Dito ba kinukuha ang certification ng accreditation ng isang insurance or bonding company?"

The respondent seemed not to understand what (sic) have been said by the complainant, and so the respondent asked "Kaso ba yan?" The complainant responded "Yes, Probate ng last will." However, the statement appeared to have made the respondent even more confused. The complainant felt hesitant to continue. She claimed that aside from the respondent appearing so confused, she stated that the respondent, too, was sarcastic all along in the course of their conversation.

The above notwithstanding, the complainant tried to explain why she would need a certification from the Court. She claimed that, "they", referring to her siblings who were parties to the probate case, "were able to buy a surety bond from an insurance company, however, it so happened that such insurance company was not accredited by the Court which accreditation was required by the lower court where their case was pending." However, even before she could finish explaining, the respondent in a sarcastic manner and with such facial expression asked "Di ba alam mo Property ito? Alam mo ba ang ibig sabihin ng property?"

The complainant replied "Oo, alam ko pero dito ako itinuro kaya nga narito ako sa iyo." The respondent answered "Kasi kung dito yan di sana kanina pa tayo nagkakaintindihan, kaso nga hindi dito."

The complainant felt so insulted and got very angry particularly when she was sarcastically asked by the respondent what was meant by "Property." She expressed dismay on the discourteous act of Ms. Josue considering the fact that she is an employee of the Court, prompting her to utter "Bastos ka, bastos ka, hindi ka pala magandang makipagusap, bastos ka talaga!"

On the same day, right after the incident, the complainant filed her handwritten sworn letter-complaint in which she indicated that when she was writing the same, she was still “trembling in anger”.

In a letter dated March 15, 2004, this Office directed the respondent to submit her comment to the letter-complaint, which she complied with in a letter dated March 16, 2004 filed with this Office on March 17, 2004.

In her comment, the respondent denied the allegation of the complainant that she was discourteous. However, she admitted to the allegation that she could not comprehend then what the complainant’s request was all about. Furthermore, she stated “x x x. With all honesty and respect, at that time I tried my best to answer her courteously and there never was a word of insult I uttered against her.” In fact according to her, it was the respondent who first shouted at her “Bastos ka, bastos ka talaga. Hindi ko gusto tabas ng dila mo ikaw ang tinuro tapos sasabihin mo, hindi mo ko naiintindihan. Bastos kang kausap!”

In addition, she stated that the incident was witnessed by some of her officemates who could testify on what really happened and also to the fact that the respondent was not discourteous.

On April 13, 2004, in compliance with this Office’s directive, the complainant filed her Reply to the respondent’s comment wherein the former affirmed all her allegations in her letter-complaint. She claimed that the facts were distorted by the respondent in order to hide the truth. She indicated therein her willingness to submit herself for a formal investigation.

Also forming part of the record of the case is a letter signed by several officemates of the respondent who have expressed their support to Ms. Norma Josue. They expressed their belief that the respondent did not commit the act being charged against her. They also vouched for the good conduct of the respondent who they claimed was never discourteous with her co-employees and to the public.

The investigation commenced. During her testimony, the respondent maintained all her allegations in her comment. She vehemently denied having committed the acts being complained of and avowed not to give room for settling the matter amicably if she were to acknowledge that she was the one at fault. She even added that she did not even raise her voice to justify the complainant’s shouting at her.

When it was the complainant’s turn to testify, she said that the reason for her filing of the complaint was to make sure that the Court take the proper disciplinary action against erring employees like the respondent. At the outset, she said she mainly intended to bring the matter to the attention of the Chief of the Property Division as much as possible. However, she testified that no head or chief of office came forward then and no one would tell her who the chief of office was. Furthermore, she said she would not have filed the complaint, which she knew would entail her time and effort, had the respondent dealt with her properly.

Also summoned to appear for investigation were two (2) of the employees of the Property Division. The two (2) occupy the most proximate desks to that of the respondent’s, and were present during that afternoon. However, this Office was only able to establish the following from their testimonies: That the two (2) of them only came to know the presence of the complainant when she shouted loudly. That they did not know what transpired before that, neither did they hear the conversation of the two (2) prior to the shouting because they themselves were busy with their respective works during that afternoon. In short, they only testified that it was the complainant who shouted first and her shouting caught their attention.[3]

After a careful evaluation of the foregoing facts, the Office of Administrative Services (OAS) found the respondent discourteous in the way she conversed and dealt with the complainant. Accordingly, the OAS recommended that the respondent be reprimanded.

We wholly agree with the findings and recommendation of the OAS.

Since the witnesses presented testified that they did not actually hear what transpired before the complainant

shouted at the respondent,[4] the decision in this case actually hinges on the credibility of the parties. Better still, the decisive issue is who between the parties is credible.

The respondent did not deny the complainant's allegation that when the latter greeted her, "Good Afternoon," she replied, "Ano yon?" Neither did she squarely deny[5] that in response to the complainant's inquiry as to where the latter can secure the accreditation of a bonding company, she asked, "Di ba alam mo Property ito? Alam mo ba ang ibig sabihin ng property?" and added, "Ang layo layo ng property sa surety bond na hinahanap mo."

These remarks, uttered with thinly-veiled sarcasm, are clearly discourteous. If, as she claimed, she did not comprehend what the complainant was inquiring about, she should have graciously ended their discussion and thereby prevented the unfortunate incident from happening.

In the face of the complainant's positive account of her conversation with the respondent prepared soon after the incident occurred and which the latter did not meet head on, we find that there is substantial evidence to warrant a finding of guilt on the part of the respondent.

However, the respondent's conduct on the whole may only be characterized as plain and simple discourtesy. After all, apart from the sarcastic words she uttered, she did not raise her voice at the complainant.[6]

The Court has constantly stressed the need for promptness, courtesy and diligence in public service. We shall do so again.

Public officials and employees are under obligation to perform the duties of their offices honestly, faithfully, and to the best of their ability. They, as recipients of the public trust, should demonstrate courtesy, civility, and self-restraint in their official actuations to the public at all times even when confronted with rudeness and insulting behavior.[7] In particular, the conduct of court employees must always be characterized by strict propriety and decorum in dealing with other people. There is no room for discourtesy of any kind in the ranks of court employees.[8]

In view of the foregoing, we find the respondent guilty of simple discourtesy and conduct unbecoming a court employee. This being her first offense, the respondent should be reprimanded in accordance with the Omnibus Civil Service Rules and Regulations.[9]

WHEREFORE, respondent Norma C. Josue, Buyer IV, Property Division of this Court, is hereby REPRIMANDED for discourtesy in the performance of official duty and conduct unbecoming a court employee with a WARNING that any similar act of discourtesy in the future will be dealt with more severely. Let this decision be noted in the personal record of herein respondent.

SO ORDERED.

Davide Jr., C.J., Puno, Panganiban, Quisumbing, Sandoval-Gutierrez, Carpio, Corona, Carpio-Morales, Callejo, Sr., and Azcuna, JJ., concur.

Vitug, Ynares-Santiago, and Austria-Martinez, JJ., on leave.

[1] Rollo, pp. 40-43.

[2] Id. at 2-7, Memorandum for the Chief Justice dated June 9, 2004 from Atty. Eden T. Candelaria, Deputy Clerk of Court and Chief Administrative Officer, Office of Administrative Services.

[3] Id. at 2-4.

[4] Id. at 22-32, Sworn Statements of Shirley Mary A. Santos and Lovely E. Balmaceda.

[5] Par. 2 of the respondent's letter-comment dated March 16, 2004 states:

"2. I immediately reminded her that our office is the Property Division and she might be in the wrong office because I was only handling papers relative to bidding and not cases. She answered back angrily and in a loud voice remarked, "Alam ko Property ito dahil dito nga ako tinuro ng security at ikaw ang tinuro sa dulo, tapos sasabihin mo na hindi mo ako maintindihan. Iniinsulto mo ba ako?" I told her again "Ma'am, hindi nga po tayo magkaintindihan kasi hindi ko po trabaho yang sinasabi ninyo, saglit lang po..."

[6] Supra, note 1 at 5.

[7] Paras v. Lofranco, A.M. No. P-01-1469, March 26, 2001, 355 SCRA 49, citing Policarpio v. Fortus, 248 SCRA 272 (1995).

[8] Balisi-Umali v. Peñalosa, A.M. No. P-99-1326, November 18, 1999, 318 SCRA 406.

[9] "Sec. 23. . . .

The following are light offenses with their corresponding penalties:

(a) Discourtesy in the Course of Official Duties

1[st] Offense - Reprimand

2[nd] Offense – Suspension for one (1) to thirty (30) days.

3[rd] Offense – Dismissal" Rule XIV, Omnibus Civil Service Rules and Regulations.

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