

**RE: OMBUDSMAN CASE NO. OMB-ADM--5-92-0100 (GEMMA LETICIA F. TABLATE V. CAROLINA P. TANJUTCO-SEECHUNG); AND
OMBUDSMAN CASE NO. OMB-ADM--5-92-0179 (CAROLINA T. SEECHUNG V. GEMMA ...**

A.M. No. 92-10-425-OMB. July 15, 1994

Ponente: FELICIANO, J.

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FELICIANO, J.:

Two (2) separate First Indorsements dated 4 March 1992 and 27 April 1992 were sent to this Court by the Office of the Ombudsman referring to us for appropriate action OMB--ADM-5-92-0100 entitled "Gemma Leticia F. Tablate vs. Carolina P. Tanjutco-Seechung" and OMB-ADM-5-92-0179 entitled "Carolina T. Seechung vs. Gemma Leticia F. Tablate, et al." respectively. In respect of the latter case, the relevant First Indorsement refers only to the named parties, since the Ombudsman had dismissed the charges against the co-respondents.

Atty. Gemma Leticia Tablate and Atty. Carolina Tanjutco--Seechung are co-workers at the Reporter's Division of the Court of Appeals where the former is the Chief of the division and the latter holds the position of Court Attorney IV.

In OMB-ADM-5-92-0179, complainant Seechung filed the following administrative charges against respondent Tablate: (1) grave misconduct and libel; (2) violation of the Anti-Graft Law; (3) malversation of public funds and property; (4) violation of P.D. 1982 on eleven counts; (5) falsification of daily time records; (6) falsification of evidence; (7) malevolent suppression of evidence, intimidation and harassment; (8) grave abuse of power and authority, arbitrariness and oppression; (9) violation of section 7(d) of R.A. 6713; (10) gross incompetence and willful neglect of duties; and (11) civil service disqualification.

In her amended complaint Seechung avers that Tablate caused the publication of an article in the Manila Standard on 30 June 1989, entitled "Square pegs in round holes" about alleged misfits in the Court of Appeals occupying positions they did not deserve, after she (Tablate) had been by-passed for a promotion. Such publication allegedly had the effect of lessening the public's confidence in the Court of Appeals. Regarding the other charges, Seechung claims that Tablate ordered the recording of a sale in her favor of ten (10) volumes of the Court of Appeals Reports valued at one thousand five hundred ninety-seven pesos and forty centavos (P1,597.40) and the issuance of a corresponding purchase order, even if no payment had been made thereon. Thereafter, Tablate allegedly availed of the free mailing service of the Court of Appeals for her personal use, to send the books to a certain Atty. Gerardo Tamaca in Leyte. Lastly, Seechung relates that when she was taking pictures of their office to be used as evidence to support the instant complaint, Tablate shouted at her and drove her out of the office. On the next day, Seechung was ordered by Tablate to remove all her things from the office but before she could comply, Tablate screamed at her again.[1]

For her part, Tablate in her comment denies all the allegations made by Seechung against her and maintains that the same has no basis in fact and in law.[2]

In OMB-ADM-5-92-0100, complainant Tablate brought the following counter-charges against respondent Seechung: (1) gross neglect of duty; (2) inefficiency and non-performance of official duties and responsibilities; (3) habitual tardiness; (4) loafing and engaging in private business activities during office hours; (5) gross insubordination and discourtesy; (6) violation of the dress code; (7) tampering with office logbooks and unlawful taking of office records; (8) harassment and oppression of personnel in the Reporter's Division; (9) conduct grossly prejudicial to the best interest of the service; and (10) falsification of public document.

Tablate contends that Seechung failed to submit work assignments and decisions or resolutions for verification from September to November 1991 because the latter was preoccupied with her personal cases. Moreover, the daily time records allegedly show that Seechung had always been tardy for work during the same months. Still further, Seechung would also spend most of her time on the telephone in pursuit of her personal and business ventures, i.e. export business and speaking engagements in seminars for private corporations. Lastly, Tablate claims that when she (Tablate) called her (Seechung) attention to her frequent tardiness and non-performance of duties, Seechung shouted at her.[3]

Seechung avers in her comment that these counter--charges were designed to discredit and harass her because she had exposed Tablate's misdeeds. She also affirmed her devotion to her work.[4]

Upon receipt of the records, the Court, issued a Resolution dated 10 November 1992 consolidating the two (2) above-mentioned cases and referring the same to Associate Justice Angelina S. Gutierrez of the Court of Appeals for investigation, report and recommendation.

Mme. Justice Gutierrez, after conducting an investigation, submitted to this Court her Report where she made the following findings:

"There is substantial evidence to prove that when confronted about her tardiness, Atty. Seechung shouted at Atty. Tablate, her superior; and that when Atty. Seechung filed the instant charges and tried to get her things from the office, Atty. Tablate also shouted at her and forced her to leave the place.

x x x x x x x x

With respect to the charges of Atty. Seechung against Atty. Tablate, there is substantial evidence showing that she caused the publication of the article heretofore reproduced. Manifest from the article is her disappointment over the appointment by the Court of Appeals of another employee to the position of clerk of court. The article criticized the Court of Appeals for having committed injustice [against] Atty. Tablate.

x x x x x x x x

The other charges against Atty. Tablate are not supported by substantial evidence.

Relative to the charges of Atty. Tablate against Atty. Seechung, the undersigned finds that there is substantial evidence that she committed habitual tardiness and engaging in business without permission from this Court.

Records show that Atty. Seechung reported to the office late almost everyday during the months of October, November and December 1991. x x x

That Atty. Seechung is involved in [an] export business and in holding seminars for private corporations without permission from this Court, contrary to the provisions of the Administrative Code of 1987, are shown by the records. x x x

The other charges against Atty. Seechung should be dismissed, not having been substantiated."[5]

Based on such findings, Justice Gutierrez made the subsequent recommendation:

"WHEREFORE, it is respectfully recommended that Atty. Gemma Leticia Tablate be found guilty of discourtesy and conduct prejudicial to the best interest of the service and be FINED in the sum equivalent to her one month salary; and that Atty. Carolina T. Seechung be likewise found guilty of discourtesy, habitual tardiness and engaging in the private pursuit of business or profession without the permission required by the Civil Service rules and regulations and be FINED in an amount equivalent to her one month salary. Both parties should also be WARNED that repetition of similar acts shall be dealt with more severely."[6]

After examination of the pertinent pleadings and the Report filed, the Court accepts the conclusions reached by Justice Gutierrez.

R.A. 6713 states that:

"It is the policy of the State to promote a high standard of ethics in public service. Public officials and employees shall at all times be accountable to the people and shall discharge their duties with utmost responsibility, integrity, competence and loyalty, act with patriotism and justice, lead modest lives, and uphold public interest over personal interest."[7]

The record shows that the conduct of Atty. Seechung and Atty. Tablate fell far short of the decorum and professionalism expected of employees of the Court of Appeals.

This dispute between two co-employees would never have reached this Court had the parties exercised the self-restraint, honor and decency demanded of them as public servants and more importantly, as lawyers. Shouting at each other at their workplace and during working hours shows discourtesy and disrespect not only towards one's co-workers but to the Court of Appeals. Such conduct also exhibits failure on the part of both parties to discharge their duties with the required degree of professionalism, to respect at all times the rights of others and to refrain from acts contrary to good morals and good customs as demanded by R.A. 6713.[8]

We agree with the Investigating Justice that Atty. Tablate should have acted with reserve and civility even when confronted with rudeness. The position of Chief of the Reporter's Division imposes upon the holder thereof the duty to provide a model of exemplary behavior to those who work under her.

Atty. Tablate has not denied the fact that she had prompted the publication of the article "Square pegs in round holes" which protested the Court of Appeals' decision, which was upheld by this Court, to appoint another person to the position of Division Clerk of Court. In this article, Atty. Tablate was quoted as saying, "I was well-qualified for the job but they gave it to a protege"[9] thereby insinuating that said appointment was unjust and that both courts erred in making the same. However, Atty. Tablate was unable to offer any substantiation other than her own self-serving statement that she was well-qualified for the job. As an employee of the Court of Appeals, Atty. Tablate should be careful not to do anything that would tend to degrade that Court, or any other court for that matter and arbitrarily to diminish the confidence reposed by the public in the judiciary.

As for Atty. Seechung, her frequent tardiness and engaging in private business without the permission required by the Civil Service rules and regulations warrant disciplinary action.[10]

It should not be necessary to stress again that the conduct and behavior of every official and employee of an agency involved in the administration of justice, like the Court of Appeals, from the Presiding Justice to the most junior clerk, should be circumscribed with the heavy burden of responsibility. Their conduct must at all times be characterized by, among other things, propriety and decorum[11] so as to earn and keep the public's respect for and confidence in the judicial service. The behavior of the parties here was totally unbecoming those who form part of the judicial service and the bar and cannot be countenanced.

The other charges brought against Atty. Tablate and Atty. Seechung have not been established by adequate proof

and are hereby dismissed.

ACCORDINGLY, in view of the foregoing, the Court finds Atty. Gemma Leticia Tablate GUILTY of discourtesy and conduct prejudicial to the best interests of the service and Atty. Carolina Tanjutco-Seechung GUILTY of discourtesy, conduct prejudicial to the best interests of the service and unauthorized engaging in business and Resolved to IMPOSE upon each of them a FINE of FIVE THOUSAND PESOS (P5,000.00) with a WARNING that repetition of the same or similar acts will be dealt with more severely.

Bidin, Romero, Melo, and Vitug, JJ., concur.

[1] Amended Complaint of Carolina Seechung, Court of Appeals Records Folder, 3 March 1992, pp. 2-29; Rollo, pp. 176-203.

[2] Comment of Gemma Tablate, 11 December 1991, Court of Appeals Records, pp. 5-13, Rollo pp. 55-63.

[3] Complaint of Gemma Tablate, 24 February 1992, pp. 2-8; Rollo pp. 11-17.

[4] Comment of Carolina Seechung, Court of Appeals Records, 14 April 1992, p. 2, Rollo, p. 329.

[5] Report and Recommendation of Justice Angelina S. Gutierrez, pp. 9-11.

[6] *ibid.* pp. 12-13.

[7] Section 2 of R.A. 6713.

[8] Section 4 (c), R.A. 6713.

[9] Annex "A" Court of Appeals Records, Rollo p. 206.

[10] R.A. 6713; Section 46, Chapter 6, Book VII of the Administrative Code or E.O. 292.

[11] *Re: Josefina Palon*, 213 SCRA 219 [1992]; *Angeles vs. Bantug*, 209 SCRA 413 [1992]; *Callejo, Jr. vs. Garcia*, 206 SCRA 491 [1992].

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