DINAH CHRISTINA A. AMANE, COMPLAINANT, VS. ATTY. SUSAN MENDOZA-ARCE, RESPONDENT.

A.M. No. P-94-1080. November 19, 1999

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PER CURIAM:

To strive to create a perfect government office where every public servant conducts himself with utmost integrity, honesty and diligence, and devotes himself wholly to public service is indeed worthy of commendation. But the attainment of this ideal, be it well-meant, should be tempered with basic courtesy and respect for colleagues including those occupying the lowliest position, with a deep compassion for, understanding and consideration of, the complexities of human behavior, human frailties being a natural part of every individual. The notion should be sought not alone for its sake but, more importantly, as a way of correcting askewed work ethics and values of the less service-oriented public servant. Certainly, in the prevention and correction of a perceived wrong oppression, much less falsehood, should not be countenanced nor justified. This is simply illustrative of the expression, however trite it may seem, that "the end does not, justify the means."

In these three (3) consolidated administrative cases our attention is drawn to the lamentable state of affairs at the Regional Trial Court of Roxas City where even the most persistent efforts at mediation by the RTC judges concerned could not stop the charges and countercharges from reaching this Court.

On 14 September 1994, Executive Judge Sergio L. Pestaño of the Regional Trial, Court of Roxas City and Presiding Judge of Branch 19 received a Report from Atty. Susan Mendoza-Arce, Clerk of Court, informing him of the misdeeds of some of the employees of his Branch. Specifically, Atty. Arce alleged that Stenographers Anna B. Duran and Johnel C. Arches falsely stated in their Daily Time Records (DTRs) for June, July and August 1994 that their "time of departure" was 5 o'clock in the afternoon when, in truth and in fact, they left the office ahead of the prescribed office hours to attend their 4:30 p.m. classs at the nearby Colegio de, la Purisima Conception, and that his Branch Clerk of Court, Atty. Esperanza Isabel E. Poco-Deslate, immediate superior of Duran and Arches, tolerated the practice.

The following day, Judge Pestaño received a Petition from twenty-four (24) employees of the RTC of Roxas City dated 12 September 1994[1] praying for the immediate investigation and preventive suspension of Atty. Susan Mendoza-Arce for alleged acts of oppression and conduct prejudicial to the best interest of the service aggravated by habituality and taking advantage of official position. They pointed out that Atty. Arce lacked emotional stability because instead of fostering closeness among members of the workforce she would alienate herself from them and would waste precious time looking for any imaginable minutest error an employee may commit; that Atty. Arce was always happy to cause unhappiness among the employees whenever she barked at them; that she exercised powers which were not hers but of the judges, e.g., reviewing DTRs already pased upon by the branch clerks of court; that Atty. Arce was an exponent of red tape when most of the requirements could be dispensed with thus causing anxiety among lawyers and litigants; that Atty. Arce conducted her own personal investigation on the attendance of employees and would even go out of the office to make inquiries from other offices outside the Hall of Justice; that Atty. Arce would insult staff employees of the judges, and threaten them with

administrative sanctions thus usurping the authority of the Presiding Judges; that Atty. Arce would "run berserk" and was probably the only clerk of Court who acted the way she did; and, because of Atty. Arce's attitude and behavior a general atmosphere of uneasiness has pervaded the Hall of Justice resulting in the low morale of the employees which was not conducive to individual efficiency and collective harmony.[2]

After all the parties submitted their comments which were required of them, Executive Judge Pestaño, perceiving that the employees' differences "stemmed merely from their conduct in office and differences in opinion as to how public service may be rendered more efficiently and promptly," immediately called a mediation conference on 21 September 1994 attended by the other five (5) judges of the RTC-Roxas City[3]in a sincere attempt to resolve the controversy at the RTC level. The attempt however proved futile. After a month of talking with the parties to no avail, Judge Pestaño in an Indorsement dated 21 October 1994 forwarded the Report dated 14 September 1994 of Atty. Arce and the Petition dated 12 September 1994 of the RTC employees with regrets that "the parties' sentiments against each other are so deep that they have not reached a rapportment" despite strong and persistent efforts at mediation.[4]

On 16 September 1994 even before the aforementioned mediation proceedings were started. Dinah Christina A. Amane, Clerk III, RTC-Br. 19, Roxas City, filed directly with this Court through the Office of the Court Administrator a formal complaint against Atty. Susan Mendoza-Arce for "conduct prejudicial to the best interest of the service, disgraceful conduct and oppression," docketed as Adm. Matter No. P-94-1080, enumerating among others the alleged disgraceful and oppressive acts of respondent:

> - Atty. Arce issued a memorandum compelling all court personnel to wear uniforms with specifications without conferring wig the Executive and other Judges of the Court.
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> - Atty. Arce demanded the review of the Daily Time Records (DTRs) of all court personnel without conferring with the said judges and, after receiving the same, questioned and returned to the Branch 19 Clerk of Court the complainant's DTR for July 1994.
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> - Atty. Arce at one time laid a trap for complainant so that she could catch her red-handed as not reporting for work utilizing a subordinate employee; and,
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> - In June 1994, Atty. Arce summoned the complainant to her office and after, demanding why the latter did not file a one-day leave of absence in May 1994, went into, "hysterics," shouted at "and insulted complainant in coarse language."[5]

On 12 October 1994, Atty. Esperanza Poco-Deslate, Branch Clerk of Court, RTC-Br. 19, Roxas City, filed a formal countercharge against Atty. Susan Mendoza-Arce, docketed as Adm. Matter No. P-95-1144, accusing respondent of "grave misconduct, conduct prejudicial to the best interest of the service, intentionally making false statements, and oppression." Specifically, complainant alleged that respondent maliciously accused court personnel through illegal means, caused serious disturbance, and usurped functions belonging to other authorities in the course of her investigations; that respondent's accusation of falsification of DTR's by Duran and Arches is devoid of factual basis since her only evidence thereof, were certificates of enrollment issued by the school registrar which, however, were only evidence of the fact of enrollment but not actual attendance in class; that falsification of DTRs by Duran and Arches not having been proven, complainant could not be accused of alleged connivance thereto even assuming that there was in fact such a crime; that respondent, in the course of her investigation of said falsifications, demanded from the school authorities certifications of facts contrary to the latter's knowledge and threatened them with court cases if they did not do what was required of them; that respondent's actuations caused serious anxieties which affected the efficiency of the other court employees; that respondent even aired the matter of her investigations over the radio; that in taking direct action against the court stenographers, respondent boldly usurped the authority not only of the complainant as Branch Clerk of Court but

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also of the Presiding Judge; and, that, contrary to her duty as Clerk of Court, Atty. Arce did not merely recommend actions against erring employees to the Presiding Judge but instead took direct action against them contrary to Sec. 5, Chapter VII, of the Manual for Clerks of Court which provides that the Clerk of Court only initiates investigations of erring personnel and recommends appropriate action to the Executive Judge.[6]

On 17 November 1994, the Office of the Court Administrator received a Letter dated 7 November 1994 from the twenty-four (24) employs of the RTC-Roxas City who filed the Petition dated 12 September 1994[7] enclosing therewith individual and joint affidavits in support of their Petition.[8]

Finally, on 2 December 1994 Atty. Arce filed her formal complaints dated 22 November 1994 against Anita Duran, Johnel Arches and Atty. Esperanza E. Poco-Deslate, docketed as Adm. Matter No. P-95-1128 formalizing her complaints of falsification of DTRs against Duran and Arches and of connivance in said falsification against Atty. Deslate.

By Resolution dated 21 June 1995 we consolidated Adm. Matter No. P-95-1144 (Atty. Deslate v. Atty. Arce) with Adm. Matter No. P-95-1128 (Atty. Arce v. Duran, et al), and on 16 October 1995, Adm. Matter No. P-94-1080 (Amane v. Atty. Arce) with Adm. Matter Nos. P-95-1128 and P-95-1144.

Although the cases were initially referred to Executive Judge Sergio L. Pestaño[9] for investigation, report and recommendation, we granted the latter's inhibition for the reasons stated in his motion[10] and referred the cases to Executive Judge Julius L. Abela of the RTC-Mambusao, Capiz, instead.[11]

After conducting extensive hearings, Investigating Judge Abela submitted his Confidential Investigation Report dated 13 May 1997 with the following recommendations:

In Adm. Matter No. P-94-1080, dismissal of the charges leveled by Dinah Christina Amane against Atty. Susan Mendoza-Arce for failure to prove by substantial evidence the specific acts of oppression allegedly committed by respondent. On the contrary, Judge Abela found that there was mutual animosity between Atty. Arce and Ms. Amane which developed into enmity because while the former was bossy and overly strict, Ms. Amane, on the other hand, being the daughter of a Presiding Judge of the Court (Br. 17), was unrestrained in her habitual tardiness and absenteeism which was largely tolerated and unreported.

On the matter of the alleged falsification by Amane of her DTRs for March, April, May, June, July, and August 1994 alleged by Atty. Arce in her comment to Amane's complaint and itself formalized into a complaint dated 21 February 1995,[12] the Investigating Judge recommended that Amane be dismissed for falsification and notorious absenteeism finding the same to have been duly established by the following combined circumstances, to wit:

> a) The fact that MS. AMANE never categorically denied the unequivocal allegations of the respondent that she (AMANE) was absent from office on 3,4,7, 14 and 18 March 1994; on 7,11,13,14,18 and 19 April 1994; on 3 and 13 May 1994; on 10,14,17,23, and 27 June 1994; on 1,25, and 26 July 1994; and on 3,4, and 30 August 1994. In her defense, MS. AMANE merely pleaded that full faith and credit be given her questioned DTRs on the ground that "(t)here can be no evidence of a writing the contents of which is the subject of inquiry other than the original writing itself xxx
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> b) The failure of MS. AMANE to affix her initials, as required by established office procedures, to at least twenty-four (24) certifications issued by the Court relating to civil cases in her charge during the period March to August 1994 thus indicating that she was absent from her workplace on the dates shown on the said certifications;
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> c) The explanation of ATTY. POCO-DESLATE that MS. AMANE did not initial the certifications adverted to because MS. AMANE was either in the comfort room, or was taking a break, or was typing/finishing her work, or was on the telephone, or was in conference with the Presiding Judge, or was on alleged "official business"

> for the Presiding judge is neither worthy of credence nor persuasive for being self-serving obviously intended merely to cover up for her friend MS. AMANE and for her own laxness and neglect in supervising/disciplining her subordinates;
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> d) Positive testimony of MS. AMANE and her own witness, (BARBARA R. DELFIN), to the effect that on several occasions MS. AMANE was elsewhere but at the Roxas City Hall of Justice during office hours, doing allegedly "official business" which were alien to her official duties;
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> e) Unrebutted positive testimony of ATTY. MENDOZA-ARCE to the effect that because she closely monitored MS. AMANE's office attendance, she personally knew that MS. AMANE was, actually absent on certain dates that her DTRs showed she was present; and that the Executive Judge (SERGIO PESTAÑO) who was also MS. AMANE's Presiding Judge at Branch 19, had confided to her (ATTY. MENDOZA-ARCE) that he cannot tolerate the absences and tardiness of MS. AMANE, that he was "already fed up with her", and that he was grateful to ATTY. MENDOZA-ARCE for having talked to MS. AMANE about the problems.
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> f) MS. AMANE's submission that her DTRs "were never falsified, the same being the exact entries in the logbook" without, however, making any attempt to introduce or produce the said logbook in evidence implying thereby that the said logbook if produced would be adverse to the defense of MS. AMANE;
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> g) The stark contrast between the entries in the DTRs of MS. AMANE for the period March to August 1994 which were personally made by MS. AMANE herself, and the bundy clock entries in her DTRs for the eleven month period of February to December 1995. The contrast is so sharp as to indubitably show that MS. AMANE indeed falsified her DTRs. Even a cursory examination of these DTRs show that whereas in 1994 MS. AMANE was never tardy, never took the afternoon off, and was not on sick or vacation leave every day, half an hour to over an hour, did not return to work in the afternoon on several occasions, and was absent from work every month for usually nine (9) to ten (10) workdays.[13]

For her tolerance, of Amane's absences, the Investigating Judge recommended Atty. Deslate's six-month suspension for simple neglect of duty as Branch Clerk of Court Branch 19 and Amane's immediate superior.

In Adm. Matter No. P-95-1128 Judge Abela recommended that the charges of falsification of DTRs filed by Atty. Arce against Anita Duran and Johnel Arches and of connivance therewith by Atty. Deslate be dismissed after finding them to be without factual basis. Aside from Atty. Arce's failure to present evidence to conclusively substantiate her claim that Duran and Arches attended their classes at the Colegio de la Purisima Concepcion during office hours, the following factors were likewise duly taken and given weighty consideration, to wit: (a) Certification by Mr. Elczar Adame, Duran and Arches' professor in Philosophy 101, that said respondents were always late or else absent for their 4:30 to 6:00 p. m. classes every Tuesday and Thursday for which reason he strongly advised them to transfer to the 6:00 to 7:30 p.m. schedule;[14] (b) Certification by Ms. Myrna Abareles, Duran's professor in Math 104, that Duran was officially dropped from the subject because she never attended her 7:30 to 9:00 a.m. classes every Tuesday and Thursday;[15] (c) Certification by Ms. Evelyn B. Cercado, Duran's professor in English 115, that Duran was a notorious absentee in her 4:30-5:30 p. m. classes every Monday, Wednesday, and Friday or else was always late;[16] (d) Affirmation by both Mr. Adame and Ms. Abareles that .Atty. Arce frequently visited them at school demanding certifications on matters contrary to their knowledge and threatening them with court cases;[17] and, (e) Affirmation by Judge Pestaño himself, Executive Judge of the RTC-Roxas City and Presiding Judge of Br. 19 thereof, that he never noticed Duran and Arches leave the office before the close of office hours at 5 o'clock in the afternoon.[18]

In Adm. Matter No. P-95-1144 Judge Abela recommended that Atty. Susan Mendoza-Arce be dismissed from the service for grave misconduct, conduct prejudicial to the best interest of the service and oppression concluding that the "demoralization and unhealthy working atmosphere of constant tension in the Roxas City Hall of Justice was largely attributable not only to her enmity with Dinah Amane but also due to the fact that far too many of the

Court's employees feel terrorized by Atty. Arce whose personality-manners, attitude and conduct-is described by most of the people who deal with her as petty, inflexible, intimidating and overbearing.[19] In addition, Judge Abela found the following acts to have been either admitted or else not credibly denied or rebutted by respondent:

> (1) When ATTY. POCO-DESLATE first reported for duty on 16 May 1994, ATTY. MENDOZA-ARCE "arrogantly" asked her to explain why she presented her certificate of attendance only that afternoon and told her to henceforth report to her every morning before she POCO-DESLATE) proceeds to her own office as Branch 19 Clerk of Court;
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> (2) Since the first day of duty of ATTY. POCO-DESLATE xxx ATTY. MENDOZA-ARCE "has been consistently oppressing" her and finding fault with her;
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> (3) In September 1994, ATTY. MENDOZA-ARCE told ATTY. POCO-DESLATE "to disobey Judge Pestaño" and to inform him that his act of encouraging court personnel to complete their college education as working students was "wrong and against the Civil Service Law;"
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> (4) In August 1994 ATTY. MENDOZA-ARCE told the personnel of Branch 19 that it is beater for them to disobey their presiding judge than to disobey her because she will file administrative charges against them;
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> (5) Twenty-three (23) employees of the Court, including three (3) of its six (6) Branch Clerks of Court, signed under oath a petition to the Court Administrator dated 12 September 1994 "begging" that ATTY. MENDOZA-ARCE be formally investigated and placed under preventive suspension "for Oppression and Conduct Prejudicial to the Best Interest of the Service." The petition alleged, inter alia, that ATTY. MENDOZA-ARCE "lack the emotional stability of the office, because, instead of fostering closeness among members of the work force, she alienates herself from them and wastes precious time just to look (sic) for any imaginable minute error an employee may commit," that "she is running berserk," and that "with her attitude and action, there is pervading unease in the Hall of Justice, with the employees, suffering from low morale;"
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> (6) ATTY. MENDOZA-ARCE threatened to file administrative charges against all court employees who signed the petition against her; she acted and has been acting and behaving as if the Office of the RTC Clerk of Court is an extension of her household where she treats the employees like houseboys and housemaids whom she could bully and shout at to her heart's desire;" she goes into "tantrums;" she "virtually stalks each and every employee of the Court" and "violates everybody's sense of decency and personal privacy;"
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> (7) The Executive Judge, in an attempt to stem the deepening animosity between Clerk of Court MENDOZA-ARCE and the rest of the Court's personnel, issued Office Order No. 4 dated 16 September 1994 reiterating the dues, functions, and scope of authority of the Clerk of Court as described in CSC Form No. 1 (Position Description Form) for the Judiciary. The Office Order also informed that the Presiding Judge have (sic) the discretion whether or not their Branch Clerk of Court shall mail the DTRs of the branch employees directly to the Supreme Court or send the said DTRs through the RTC Clerk of Court;
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> (8) On 14 October 1994, in disregard of the Executive Judge's Office Order No. 4, ATTY. MENDOZA-ARCE wrote directly to the Court Administrator inquiring as to: a) the "Duties and Responsibilities of the Clerk of Court VI, Regional Trial Court, Roxas City;" b) "who is the administrative officer of all the Branches of the Regional Trial Court;" c) "who exercises general supervision over all court personnel," including personnel of all branches of the Court; and d) whether she as Clerk of Court VI, is "authorized or empowered to perform duties, authorities and responsibilities" contained in the Manual for Clerks of Court dated 22 February 1991;
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> (9) Not, a few of the court employees feel insecure about their jobs because of ATTY. MENDOZA-ARCE's fault-finding and perceived vindictiveness. Several have suffered "mental tortures and nightmares" allegedly to the delight of ATTY. MENDOZA-ARCE who "brags about her power over `her employees'," as she calls subordinate court personnel;
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> (10) In March 1994 ATTY. MENDOZA-ARCE "without any reason whatsoever," verbally assaulted with

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"indescribable and hurting "words" and gestures SALVACION A. PESTAÑO," Court Interpreter of Branch 18, in front of other people;

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(12) On 11 March 1994 ATTY. MENDOZA-ARCE loudly and furiously berated SALVACION A. PESTAÑO in front of her visitor and another court employee, merely because MS. PESTAÑO expressed some views about an existing vacancy in Branch 16. She shouted at MS. PESTAÑO thus: "You belong to the lower ranks of employees yet you have the nerve to recommend somebody" and threatened to file an administrative case against her. She also rudely asked who MS. PESTAÑO's visitor was and rudely declared that "she has no business staying in this room." At the time, MS. PESTAÑO's visitor was in the room making her application for the vacant position in Branch 16;

(13) DINAH CHRISTINA A. AMANE fears to go to the office of ATTY. MENDOZA-ARCE because "when she is mad, she bangs the door of her office, throws forcefully her things on the table and looks at the person sharply as if that person has committed a very serious crime against her"; ATTY. MENDOZA-ARCE threatens persons she is angry at with administrative disciplinary action, "nags without any apparent reason," and gossips about ATTY. POCO-DESLATE and others;

(14) ATTY. MENDOZA-ARCE always threatens any subordinate employee she is mad at. When she got angry at MS. DURAN she threatened to file an administrative case against her; telling her thus: "I will really go after you. If I can have EDDIE CANAS dismissed, I can easily do the same to you. I will really stab you in the back" (translated from the vernacular);

(15) ATTY. MENDOZA-ARCE oftentimes nags and shouts "without any apparent reason." In the many instances that she got mad at an employee at Branch 19, all the other employees of the Court became tense "because she would start looking for faults to be used against us;"

(16) Branch 18 court personnel describe ATTY. MENOOZA ARCE as "very strict," "always going around for tsismis," and "hysterical;"

(17) In September 1994, ATTY. MENDOZA-ARCE repeatedly called up and visited "BOMBORADYO" station in Roxas City until its anchorman and anchorwoman agreed to air her three-page unsigned "comment/answer" to the 12 September 1994 petition of the court of employees against her; All, 17 items of the said "comment/answer," some of which were broadcast and some were not, were allegedly derogatory and defamatory of certain unnamed court employees;

(18) ATTY. MENDOZA-ARCE "disgraced and destroyed our reputation over broadcast media;"

(19) in as much as the Colegio de la Purisima Conception (CPC), authorities ignored her written requests for certifications, ATTY. MENDOZA-ARCE repeatedly visited the college dean and professors of MS. DURAN and MS. ARCHES at CPC, threatened them with court action, and generally created a disturbance and scandal at CPC;

(20) The Capiz Chapter of the Integrated Bar, upon the initiative of the counsels of ATTY. POCO-DESLATE, passed Resolution No. 95-1 dated 10 May 1995 calling the attention of the Court Administrator and the Justices of the Supreme Court to "the feasance of ATTY. SUSAN MENDOZA-ARCE which denigrates the dignity of the court and dilutes the confidence of the public in the judicial system." The "feasance" referred to concerned "complaints and grievances of several lawyers, litigants, clients and court personnel on the oppressive acts and misconduct of ATTY. SUSAN, MENDOZA-ARCE as she obstructs and warps the smooth administration of justice by imposing red tapes on some simple ministerial maters which requires swift action such as:

a. Delay in the release of detained prisoners with approved bail bonds;

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b. Imposition of irrelevant requirements on renewal of notarial commissions;

c. Application of unorthodox procedures on several foreclosure sales; and

d. Exasperating delay in causing the execution of judgments.

(21) In December 1994 ATTY. MENDOZA-ARCE induced JORGE A. AGULTO, Court Interpreter at Branch 19, with a promise to favorably consider him for the position of Deputy Sheriff in her office vice EDUARDO CANAS if he will only execute an affidavit in her favor and against MS. DURAN and MS. ARCHES;

(22) In February 1995 a bundy clock was installed inside the office of the Clerk of Court. To personally monitor office attendance of the Court's personnel, ATTY. MENDOZA-ARCE would stand by the bundy clock and watch the employees punch their DTRs in and out of the bundy clock morning, noon, and afternoon."

(23) At 5:25 p.m. on 27 March 1996, ATTY. MENDOZA-ARCE personally caused to be entered in the blotter of the Roxas City Police Station the allegation that when PATRICIA ABALDONADO, DINA ARCE, Branch 15 Court Interpreter and Stenographer, respectively, punched their timecards out at 5:05 that afternoon they commented that "this bundy clock really ought to break down" (translated from the vernacular). The police blotter also showed that on 21 February 1995 and on 29 January 1996, ATTY. MENDOZA-ARCE personally caused to be entered therein other allegations of similar nature. Learning of this from the local radio stations broadcasts, MS. ABALDONADO and MS. ARCE, at 11:40 a.m. on 29 March 1996, also caused to be entered in the same police blotter their allegation that all the blotter entries caused to be made by ATTY. MENDOZA-ARCE "were untrue, unfounded, purely inventions of her mind, just to malign and harass the reportees." [Certifications dated 29 March 1996 and 1 April 1996 issued by SPO1 EDWIN DARIA BASAS, Police Blotter PNCO];

(24) ATTY. MENDOZA-ARCE is now using the Roxas City Police blotter record lies and "concocted misdemeanors" she imputes falsely to subordinate court personnel. These blotter entries are invariably aired over the local radio station [Letter of DINA ARCE and PATRICIA ABALDONADO to this investigator dated 19 April 1986].

After a careful review of subject Investigation Report, the Court finds no basis for overturning the factual findings arrived at and sanctions recommended, except that in Adm. Matter No. P-94-1080 we reduce the penalty of Atty. Esperanza E. Poco-Deslante from six (6) months suspension to one (1) month and ten (10) days suspension without pay.

In the Case of Clerk Dinah Christina Amane, the Court sustains the findings of the Investigating Judge in Adm. Matter No. P-94-1080 being in accord with the evidence on record. The Annexes[20] to the comment-countercharge of Atty. Arce exposed overwhelming evidence that Amane habitually absented herself from her work to the great prejudice of public service There is also ample showing that Ms. Amane deliberately made false entries in her DTRs. As the pertinent records disclose, Ms. Amane made it appear that she was punctual in her attendance when she was usually late. She misrepresented that she was present in the office on certain dates when, in truth, she was absent. Her DTRs for the months of March, April, May, June, and August 1994 indicate that she was present on specific dates but Certifications issued by the RTC-Roxas City on those dates which were supposed to be initialed by Ms. Amane as part of her duty as Clerk III in-charge of civil cases were not so initialed thus indicating that she was in fact absent as alleged and contrary to the entries in her DTRs. Clearly, there was falsification on the part of Ms. Amane. Rule XVII, Sec. 4, of the Civil Service Law and Rules provides:

Sec. 4. Falsification or irregularities in the keeping of time records will render the guilty officer or employee administratively liable without prejudice to criminal prosecution as the circumstances warrant.

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For this, and her frequent unauthorized absences and tardiness, Ms. Armane should be made to account. Under Sec. 23, par. (f), Rule XIV, of the Omnibus Civil Service Rules and Regulations, falsification of official documents is punishable with dismissal from the service even for the first offense.

Atty. Esperanza Poco-Deslate, Branch Clerk of Court of Branch 19 and immediate superior of Ms. Amane, should in a way be answerable for her role in tolerating Amane's absences. As the immediate supervisor of Ms. Armane, Atty. Poco-Deslate should have disciplined her and made sure that her subordinates regularly and promptly performed their duties. Consequently, Atty. Poco-Deslate is liable for neglect of duty. Although not so formally charged, the Investigation Report dated 13 May 1997 of Judge Julius L. Abela finding her guilty of simple neglect of duty should be considered as the formal complaint against this respondent.

Considering, however, that the said respondent, was appointed as Third Assistant Provincial Prosecutor of Capiz on June 15, 1999 and has assumed office, as such, on July 16, 1999, her suspension from office, recommended by the Investigating Judge, has been become inappropriate. In lieu thereof, a fine of P10,000.00 should suffice.

As to Adm. Matter No. P-95-1128 where the respondents Anita Duran and Johnel Arches were charged with falsification, the Court finds the evidence on record insufficient to hold them liable, hence, adopts the Investigating Judge's recommendation that the charges against them be dismissed. The only pieces of evidence adduced by Atty. Arce were, aside from the Grading Sheets of respondents, the certificates[21] issued by the Office of the Registrar of Colegio dela Purisima Concepcion[22] showing that Anita Duran was enrolled in, (a) English 115 scheduled every Monday, Wednesday and Friday at 4:30 to 5:30 p.m.; (b) Philosophy 101, every Tuesday and Thursday at 4:30 to 6:00 p.m.; and, (c) Math 104 every Tuesday and Thursday at 7:30 to 9:00 a.m., while Johnel Arches was-enrolled in: (a) Philosophy 101 scheduled every Tuesday and Thursday at 4:30 to 6:00 p.m.; and, (b) Psychology 101 every Monday, Wednesday, and Friday at 4:30 to 5:30 p.m.

As respondents correctly contend, the certificates issued by the Registrar of the Colegio de la Purisima Concepcion (Exhs. "E" and "F") are proof, only of the fact of their enrollment but not their actual attendance in class. On the other hand, the Grading Sheets[23] themselves partially belie complainant's assertion that Duran and Arches attended their classes in Philosophy 101 and Psychology 101 during office hours because the Grading Sheets (Exhs. "AA" and "BB") show that the "Time" for the "Philosophy 101" class attended by them was 6:00 - 7:30 p. m. while the "Time" for the "Psychology 101 " class attended by Arches was "5:30 - 6:30 p.m." clearly beyond office hours. Aside from the foregoing, respondents' professors as well as the Dean of the school, who have no interest in the case and are therefore expected to be impartial in their certifications and testimonies, attested that subject students attended their classes after office hours in accordance with an internal arrangement with them. Besides, respondents' co-employees, not to mention their Presiding Judge, Executive Judge Pestaño himself, confirmed that Duran and Arches were always in court performing their functions and were not known to leave the office before 5 o'clock in the afternoon.[24] Hence, since the alleged falsification by Duran and Arches was not competently proved, the charge of connivance in the falsification against Atty. Poco-Deslate should necessarily be dismissed.

Finally, in Adm. Matter No. P-95-1144, we agree with the Investigating Judge's recommendation that Atty. Susan Mendoza-Arce should be made to account for her grave misconduct, conduct prejudicial to the best interest of the service, and oppression for reprehensible acts done in connection with these administrative cases.

For one thing, we cannot condone respondent's acts of harassment and intimidation of professors of the Colegio de la Purisima Concepcion in her single-minded determination to secure evidence against court employees suspected of having falsified their DTRs. Even assuming her purpose to be laudable, the means chosen by Atty. Mendoza-Arce leaves much to be desired being not only abusive of other people's rights and persons but, worse,

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grossly unworthy of her position as Clerk of Court of RTC-Roxas City. As succinctly held in Macalua vs. Tiu, Jr.,[25] an employee of the judiciary is expected to accord respect for the person and rights of others at all times, and his every act and word characterized by prudence, restraint, courtesy and dignity. Government service is people-oriented where high-strung and belligerent behavior is not allowed. No matter how commendable respondent's motives may be, as a public officer, courtesy should be his policy always. This applies with more force in the case of Atty. Mendoza-Arce because as Clerk of Court of RTC-Roxas City she is supposed to be the model of all court employees not only with respect to the performance of their assigned tasks[26]but also in the manner of conducting themselves with propriety and decorum ever mindful that their conduct, official or otherwise, necessarily reflects on the court of which they are a part. What makes the act doubly reprehensible in the case of Atty. Mendoza-Arce was that it was perpetrated by flashing one's "badge" and with threats that as a Clerk of Court she could easily slap the officials of the school with a court case if the latter refused to cooperate with her. Such is not zeal in one's duties, but rather, an ugly display of an oppressive character amounting to grave misconduct.

As it is, Atty. Mendoza-Arce's act of trying to intimidate CPC professors into certifying something "contrary to their knowledge" completely destroyed the avowed legitimacy of her purpose of merely trying to ascertain whether Duran and Arches really falsified their DTRs. After all, there are other ways to prove such fact. Atty. Mendaza-Arce's resort to such reprehensible means clearly reveals her mind-set to impute something criminal on the part of the employees of the court to the extent of even daring to suborn perjury just to substantiate her imputations.[27] As a lawyer, more so as an officer of the court, respondent ought to know, that she is mandated to "obey the laws of the land and promote respect for the law and legal processes."[28]

In addition, we take exception to Atty. Arce's decision to air her answer to the Petition dated 12 September 1994 of the court employees over the local radio station "Bombo Radyo" or DYOW. Even assuming that he was not the one who started the news, about the petition aired all over the local radio stations and that she was merely forced to defend herself from the news, still, her action of going on the air to throw her counter-accusations, i.e., one of the signatories to the Petition "plays mahjong during office hours," another "accepts typing jobs and types them using office supplies," while still another "does sideline jobs during office hours by selling insurance,[29] is not justified and should not be countenanced. As noted by the Investigating Judge, Atty. Arce's recourse to the local "Bombo Radyo" radio and to the Roxas City Police Blotter to broadcast her petty and ridiculous accusations against particular court employees unduly exposed the court and its personnel to public ridicule and derision[30]contrary to our emphasized admonition that all those involved in the administration of justice are required all the times to conduct themselves with the highest degree of propriety and decorum and to take great care in avoiding incidents that tend, to degrade the judiciary and diminish the respect and regard for the courts.[31] As enshrined in our Code of Conduct and Ethical Standards for Public Officials and Employees, public interest must be upheld over personal ones.[32]

Likewise not to be ignored is Atty Mendoza-Arce's apparent disregard, even disrespect, of the authority of her superior, Executive Judge Sergio Pestaño, who was likewise the Presiding Judge of Br. 19 of the RTC-Roxas City. As correctly contended by complainant Atty. Poco-Deslate, the Manual for Clerks of Court limits the general supervisory power of the Clerk of Court over all court personnel initiating such investigations and recommending appropriate action to the Executive Judge.[33] This underscores the primacy of the supervisory powers of the Executive Judge whose designation, after all, is but a recognition of his leadership qualities.[34]

In the instant case Atty. Mendoza-Arce chose to proceed administratively against Anita Duran, and Johnel Arches despite lack of evidence, persistent efforts at mediation by all the Judges of the RTC-Roxas City led by the Executive Judge himself, and notwithstanding Judge Pestaño's assurances during the mediation conference on 21

September 1994 that the enrollment of subject stenographers was is response to his encouragement to his staff to pursue and complete their college education for their own professional growth. While the Court does not approve of the action of the Executive Judge in allowing Anita Duran and Johnel Arches to undertime their DTRs pending adjustment of the schedule and special arrangements with their professors, the Court however is not quick to condemn such action of the Judge as so grave an error. The Court recognizes the initiative of the Honorable Judge, in encouraging the professional growth of his staff. In his letter to this Court, coursed through the Court Administrator, he informed that:

> Because of the tight schedule of classes, they said they were forced to enroll in a subject scheduled at 4:30 p.m. When I learned of this, I told the two stenographers in no uncertain terms that they could not leave the office before 5 p.m. and that they should seek adjustment in their class schedule. I also told them that they should reach an understanding with their instructors that they be allowed to arrive late in class. They told me that their instructors gave them a little consideration because they are working students and allowed them to arrive late in their class. In fact, Mrs. Duran never attended and then dropped her subject in the morning. Miss Arches has also changed her schedule. This is borne by the certifications, machine copies of which are attached, issued by their college instructors.[35]

That Atty. Susan Mendoza-Arce was not dissuaded from her course of action by the explanation of Judge Pestaño and, worse, even saying that the latter's decision to encourage court employees to continue with their college education was wrong and against Civil Service Rules,[36] strongly indicates her lack of respect for her immediate superior in utter disregard of our repeated admonition that a Clerk of Court, being an essential officer of the court, is especially imbued with the mandate of earning and preserving respect and maintaining loyalty not only to the court but also the judge as superior officer.[37] A judge presiding over a branch' of a court is, in legal contemplation, the head thereof having effective control and authority to discipline all employees within the branch He is not a mere figurehead and to claim that "it is better to disobey the presiding judge rather than the clerk of court,"[38] in effect asserting that a Clerk of Court is head of the office, is too clearly untenable to merit any serious consideration.[39] Unless the judges are themselves under investigation or unjustifiably refuse to exercise their supervisory powers, they should not be deprived of the power and discretion to discipline employees under them. Thus Atty. Mendoza-Arce should have been satisfied with what Judge Pestaño explained if she herself was not ready to impute a wrongdoing to him for his solution to the predicament of the stenographers.

Finally, not to be ignored is Atty. Mendoza-Arce's widely complained disposition as Clerk of Court of the RTC-Roxas City. As already professed, it is indeed commendable to strive for an ideal government office where every public servant devotes himself wholly to public service with the utmost integrity, honesty and diligence in work However, we must repeat:

> To be a good manager, one must be a good leader. One cannot be a good leader unless, among other things, he knows himself and his objectives, ever cognizant of the fact that he is dealing with beings endowed by God with human dignity and self-respect, each of whom is different from the other, is able to earn the trust and confidence of his subordinates and motivate them toward creativity, achievement, and success, and is able to marshal their potentials and the resources of his office for the effective performance of its functions and duties. His conduct and example must create an atmosphere of cordiality conducive to industry, dedication, and commitment to excellence.[40]

WHEREFORE, after due deliberation, we hold thus:

1. In Adm. Matter No. P-94-1080 (Dinah Christina A. Amane v. Atty. Susan Mendoza-Arce) the complaint filed by Dinah Christina A. Amane against Atty. Susan Mendoza-Arce is dismissed for insufficiency of evidence. Based on the evidence on record, Dinah Christina A. Amane, on the other hand, is found GUILTY of notorious

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absenteeism and falsification of her Daily Time Records (DTRs) and consequently ordered DISMISSED from the service with forfeiture of all benefits and privileges, with prejudice to reemployment in the government including government owned and controlled corporations.

Atty. Esperanza E. Poco-Deslate is adjudged GUILTY of simple neglect of duty for tolerating Dinah Christina A. Amane's aforesaid notorious absenteeism and falsification of Daily Time Records (DTRs) being the latter's immediate superior, and is hereby ordered to pay a fine of P10,000.00.

2. In Adm. Matter No. P-95-1128 (Atty. Susan Mendoza-Arce vs. Anita B. Duran, Johnel C. Arches and Atty. Esperanza E. Poco-Deslate), the charges of falsification of DTRs filed against Anita Duran and Johnel Arches are DISMISSED for lack of merit. Hence, the charge of connivance to said falsification against Atty. Esperanza E. Poco-Deslate is necessarily dismissed;

3. In Adm. Matter No. P-95-1144 (Atty. Esperanza Isabel E. Poco-Deslate vs. Atty. Susan Mendoza-Arce), Atty. Susan Mendoza-Arce is found GUILTY of grave misconduct, oppression and conduct prejudicial to the best interest of the service and is accordingly DISMISSED from the service with forfeiture of all benefits and privileges, with prejudice to reemployment in the government including government owned and controlled corporations.

SO ORDERED.

Davide, Jr., (Chairman), Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Pardo, Buena, Gonzaga-Reyes, Ynares-Santiago, and De Leon, Jr., JJ., concur.
Bellosillo, J., no part, related to parties.

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[1] Atty. Victor Ma. D. Almeda, Atty. Esperanza E. Poco-Deslate, Charles D. Aguiling, Nanette F. Chuachingco, Cecilia D. Ignacio, Rosa A. Dapat, Eden C. Forel, Patricia A. Abaldonado, Dina L. Arce, Simplicio A. Contillo, Atty. Rafael P. Orala, Jr., Dinah Christina A. Amane, Salvacion A. Pestano, Consuelo A. Bisnar, Susan B. Ferrer, Nelia A. Andrada, Anita B. Duran, Elena B. Contillo, Johnel C. Arches, Jocylinda M. Duran, Lilibeth Villalobos, Aniceto Abaygar, Erlinda V. Antique, and Romeo A. Alvidera

[2] Rollo, A.M. No. P-94-1080, pp. 15-17; Rollo, A.M. No. P-95-1128, pp. 46-48.

[3] Judges Roger B. Patricio, Jose O. Alovera, Salvador S. Gubaton, Ramon B. Berjamin and Delano F. Villaruz.

[4] Rollo, A.M. No. P-95-1128, pp. 34-36.

[5] Rollo, A.M. No. P-94-1080, pp. 3-8.

[6] Rollo, A.M. No. P-95-1144, pp. 2-11.

[7] See Note 2.

[8] Rollo, A.M. No. P-95-1128, pp. 153-172.

[9] Resolution dated 29 May 1995; id., p. 201.

[10] On grounds of delicadeza and to avoid suspicion of partiality since most of the respondents are members of his staff in Br. 19 of the RTC-Roxas City; Rollo, A.M. No. P-95-1128, pp. 235-236.

[11] Resolution dated 17 July 1995; id., p. 238.

[12] Rollo, A.M. No. P-94-1080, pp. 210-219.

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[13] Investigation Report dated 13 May 1997, pp. 15-17.

[14] Certification dated 16 September 1994; Rollo, A.M. No. P-95-1128, p. 5.

[15] Certification dated 16 September 1994, id., p. 6.

[16] Id., p. 7.

[17] See Notes 14 and 15

[18] Confidential Investigation Report, pp. 18-19.

[19] Id., p. 24.

[20] Rollo, A. M. No. P-94-1080, pp. 60-166.

[21] See Certificate re Anita Duran marked Exh. "E" and Certificate re johnel Arches marked Exh "F"

[22] Rollo of A.M. No. P-95-1124, pp. 45 and 45-A.

[23] See Grading Sheet of Anita Duran and Johnel Arches in Philosophy 101 marked Exh. "AA" and Grading Sheet of Johnel Arches in Psychology 101 marked Exh. "BB."

[24] Rollo, Adm. Matter No. P-95-1128, pp. 36 and 218.

[25] A.M. No. P-97-1236, 11 July 1997, 275 SCRA 320, 326-327

[26] Sec. 3, Chapter I, Manual for Clerks of Court, p. 3.

[27] Confidential Investigation Report, p. 25.

[28] Canon I, Code of Professional Responsibility.

[29] TSN, 13 October 1995, p. 5.

[30] Investigation Report dated 13 May 1997, p. 26.

[31] Security Division, Supreme Court of the Philippines vs. Umpa, A.M. No. P-95-1138, 15 May 1996, 256 SCRA 685, 688.

[32] Sec. 2, R.A. No. 6713.

[33] Chapter VII, Sec. 5. Initiates Investigations. The Clerk of Court initiates investigation of erring personnel and recommend the appropriate action to the executive Judge.

[34] Re: Report on the judicial Audit, RTC Brs. 4 and 23, Manila, A.m. No. 97-3-85-RTC, 18 June 1998, 291 SCRA 10, 29.

[35] Rollo, A.M. No. P-95-1128, p. 36.

[36] Investigation Report, p. 19.

[37] Marasigan vs. Buena, A.M. No. 95-1-01-MTCC, 5 January 1998, 284 SCRA 1, 9; RTC Makati Movement Against Graft and corruption vs. Dumlao, A.M. No. P-93-800, 9 August 1995, 247 SCRA 108, 118.

[38] See Note 37.

[39] Garcia vs. Teehankee, No. L-28747, 28 April 1969, 27 SCRA 1142, 1145.

[40] Estoya vs. Abraham-Singson, A.M. No. RTJ-91-758, 26 September 1994, 237 SCRA 1, 23-24.

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