

**CIPRIANO ABENOJAR, COMPLAINANT, VS. DOMINGO LOPEZ, RESPONDENT.***A.M. No. P-2221. November 02, 1982*

Ponente: DE CASTRO, J.

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In a sworn letter-complaint[1] dated June 29, 1979, Atty. Cipriano Abenojar charges Domingo Lopez, a clerk handling the file of land registration cases in the office of the Clerk of Court, Court of First Instance of Pangasinan, Branch IX, of arrogance and disrespectful conduct unbecoming an employee of the court, incompetency and abuse of authority.

Complainant alleged that when he approached respondent on June 28, 1979 to inquire where the petition of "Rodrigo Sapigao", petitioner in Land Case No. 29, G.L.R.O. Rec. No. 9961 will be heard, whether in Branch IX or Branch V, respondent after verifying his record said, "the file is not here, may be in the other branch"; that when complainant replied, "Are you very sure of that?", respondent looking madly at him and in a higher tone stated, "I said it is not here ---- Period"; that when complainant again said that he is only inquiring in what sala it was assigned so he may know where to go, respondent replied "May be in the other sala, it is not here ---- Period. What more do you want?"; that because of the arrogance and disrespectful conduct of respondent, complainant asked for his name from Deputy Sheriff Homobono Queyquep; that upon knowing that complainant asked for his name, respondent in a loud and challenging voice and in the presence of other employee said "Meet me anywhere. I am not afraid"; that complainant called the attention of Atty. Enriqueta Bueno, Clerk of Court of the Court of First Instance of Pangasinan of the aggressive and discourteous attitude of respondent; that as complainant was going out of the Clerk of Court room towards the court's sala, respondent, still in the presence of people, said angrily, "You an old, Ponietta ka, Taswen Kan topay" (meaning I might strike you); that when complainant was then sitting inside the courtroom, he saw respondent standing in front of the Clerk of Court's door just adjacent to the Court's sala, staring sharply at him as if he was going to attack him, but he remained calm to avoid disruption of the court proceedings; that respondent's misbehaviour shows that he is incompetent to discharge his official duties and that he had exceeded his authority; and besides being impolite, discourteous and ill-mannered, he had shown lack of cooperation, especially to an old lawyer who is also an officer of the court.

Respondent in his comment-explanation[2] dated July 7, 1980 admitted that he had answered back complainant when the latter followed up a petition in their court. Realizing that everything was his fault considering that complainant is an old man and professional, he decided to ask for forgiveness from complainant one month after the reported incident and complainant pardoned him.

In a letter dated July 3 1980[3] herein complainant requests that his complaint against respondent be with-drawn or considered closed or terminated as the latter had called at his office, and in an atmosphere of courtesy and friendliness, they were able to thresh out their differences in a brotherly way.

Deputy Court Administrators Romeo D. Mendoza and Arturo B. Buena, in a Memorandum[4] submitted to this

Court, however, recommended that respondent Domingo Lopez be admonished and warned to be always courteous in dealing with the public in the performance of official duties, and that a repetition of the same or similar acts will be dealt with more severely.

Respondent has admitted that he answered back complainant, a manifestation of discourtesy in the performance of his official duty. Discourtesy in the course of official duties is one of the grounds for disciplinary action under the applicable civil service law.[5] As a public officer and a trustee for the public, it is the ever existing responsibility of respondent to demonstrate courtesy and civility in his official actuations with the public. Under the Constitution, a public office is a public trust and that all public officers and employees shall serve with the highest degree of responsibility, integrity, loyalty and efficiency.[6]

Complainant's desistance and loss of interest in prosecuting his case does not bar the taking of the disciplinary action against herein respondent.[7] Neither does it warrant the dismissal of the administrative case especially if respondent's own admission clearly established his guilt.[8] Nor does it dissuade the court from imposing the appropriate disciplinary sanction against respondent. If administrative actions are made to depend upon the will of every complainant who may, for one reason or another, condone a destable act, this Court would be stripped of its supervisory power to discipline erring personnel and members of the judiciary.[9]

WHEREFORE, respondent Domingo Lopez is admonished and warned to be always courteous in dealing with the public in the performance of official duties, and that a repetition of the same or similar acts will be dealt with more severely.

### **SO ORDERED.**

Makasiar, (Chairman), Aquino, Concepcion, Jr., Guerrero, Abad Santos, and Escolin, JJ., concur.

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[1] pp. 1-3, Rollo.

[2] p. 9, Rollo.

[3] p. 10, Rollo.

[4] pp. 13-14, Rollo.

[5] Section 36, par. (b) (7), P.D. 807.

[6] Section 1, Article XIII, 1973 Constitution.

[7] Antonio vs. Diaz, 94 SCRA 890; Espayos vs. Lee, 89 SCRA 478.

[8] Advincula vs. Malicudio, 100 SCRA 39; Espayos vs. Lee, 89 SCRA 478; De la Cruz vs. Mudlong, 84 SCRA 281.

[9] Vasquez vs. Malvar, 85 SCRA 10.

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