

JUDGE CRISPIN B. BRAVO, COMPLAINANT, VS. ATTY. MIGUEL C. MORALES, BRANCH CLERK OF COURT, METROPOLITAN TRIAL COURT, BRANCH 17 (NOW DETAILED WITH OCC), MANILA, RESPONDENT.

A.M. NO. P-05-1950 (FORMERLY OCA I.P.I. NO. 04-1898-P). August 30, 2006

Ponente: GARCIA, J.

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GARCIA, J.:

These consolidated administrative cases which are in the nature of a charge and countercharge sprang from the same incident. In A.M. No. P-05-1950, Judge Crispin B. Bravo, Presiding Judge, Metropolitan Trial Court (MeTC) of Manila, Branch 16, charges his former branch clerk of court, Atty. Miguel C. Morales, now detailed with the Office of the Clerk of Court, MeTC, Manila, with grave misconduct and conduct unbecoming a public officer. In A.M. No. MTJ-1612, on the other hand, Atty. Morales charges Judge Bravo with grave abuse of authority, slander, harassment, grave ignorance of the law, inefficiency and grave/serious misconduct.

In his complaint in A.M. No. P-05-1950, Judge Bravo alleged, in gist, the following:

- That while serving as the Acting Presiding Judge of MeTC, Manila, Branch 17, he requested the detail of his branch clerk of court, Atty. Morales, to the OCC, MeTC, Manila. Later, he recommended to the Office of the Court Administrator (OCA) the immediate dismissal of Atty. Morales from the service for corrupt practices;
- That since he made the recommendation, he observed Atty. Morales to have acted discourteously and disrespectful toward him. He relates that whenever he greets court employees with a "good morning ladies and gentlemen" after every flag raising ceremony, as was his usual practice, he noticed Atty. Morales mimicking him in a squeaky comical voice, obviously to make fun of him;
- That in the morning of March 22, 2004, before the start of the flag raising rite at the old MWSS Building in Arroceros, Manila he caught Atty. Morales about to do his mocking imitating act, prompting him to tell the latter "tumigil ka"; that he then ordered one of the security guards to arrest Atty. Morales preparatory to charging him with unjust vexation;
- That so as not to exacerbate an embarrassing situation, he waited for the flag raising ceremony to end before apologizing to the crowd for the incident, only to witness Atty. Morales responding with a shout: "sa akin hindi ka mag-aapology"(sic)[1]
- That he ignored Atty. Morales' outburst and instead instructed the Officer-in-Charge of the security guards to call the Manila City Hall Police Detachment, which immediately dispatched PO3 Pacifico Wong and PO2 Jose Rancho; that he briefed both police officers regarding the flag-raising ceremony incident and about the preceding exchange of charges and counter-charges filed with the OCA
- That no arrest was effected on that day owing to the intervention of MeTC Executive Judge Myra G. Fernandez

and 2nd Vice Executive Judge Tingaraan Guiling who instructed the police officers to maintain the status quo; and

- That Atty. Morales' sympathizers circulated a manifesto[2] on that same day denouncing his act as a judge and soliciting support for Atty. Morales from the Union of the Clerks of Court of the MeTC, Manila; that of the twenty-nine union members, only three supported Atty. Morales, one of the three, Atty. Eusebio Yarra, even pointing to the provocative act of Atty. Morales as the root cause of the incident adverted to.

At his end, Atty. Morales avers in his counter-complaint that Judge Bravo failed to behave with due restraint when the judge ordered his arrest. As Atty. Morales argued, unjust vexation is covered by the Rules on Summary Procedure, adding that unjust vexation is not a continuing offense and, ergo, a warrantless arrest could not be effected therefor, let alone by the responding police officers who have no personal knowledge, as it were, of the alleged crime.

Upon the Office of the Court Administrator's (OCA's) recommendation, both cases were re-docketed as a regular administrative matter.

Pursuant to a Resolution of the Court dated December 6, 2004, both parties submitted separate manifestations in which they indicated their willingness to submit their respective charges for resolution on the basis of the pleadings thus filed. Pursuant too to another Resolution of September 28, 2005, the Court, upon due motion, ordered the consolidation of A.M. No. MTJ-1612 with A.M. No. P-05-1950.

In its report, the OCA recommended that Judge Bravo be reprimanded for abuse of authority and Atty. Morales be fined in the amount of P2,000.00 for conduct unbecoming a government officer.

We find the recommendations of the OCA and the premises holding them together to be well-taken.

At bottom is the sad spectacle of two officials of the judiciary wasting the precious hours of the Court, including theirs, that could have otherwise been devoted to a more salutary productive judicial pursuit rather than on petty wrangling that has no place in the judicial system. They ought to be reminded that the nature and responsibilities of the men and women in the judiciary, as defined in different canons of conduct, are neither mere rhetorical words nor idealistic sentiments but working standards and attainable goals to be matched with actual deeds.[3] The Court has repeatedly stressed that court employees, from the presiding judge to the lowliest clerk, being public servants charged with dispensing justice, should always act with a high degree of professionalism and responsibility, if not maturity. Their conduct must not only be characterized by propriety and decorum, but must also be in accordance with law and court regulations. They should avoid any act or conduct that would or tend to diminish public trust and confidence in the courts. Indeed, those connected with the dispensation of justice bear a heavy burden of responsibility. [4]

An examination of the records of these consolidated cases reveals an undeniable pervasive atmosphere of animosity between Judge Bravo and Atty. Morales as evidenced by a number of administrative cases filed by one against the other. In fact, there are six additional administrative cases filed by Atty. Morales against Judge Bravo,[5] while there are three more administrative cases filed by the latter against the former.[6] With the strained relations between the two, it was not inconceivable for Atty. Morales to make fun of Judge Bravo in front of court employees by mimicking the latter, making the greeting in a squeaky comical voice, and for Judge Bravo to retaliate instantaneously by ordering the arrest of his erring subordinate even before a criminal suit is instituted.

On the charge that Judge Bravo abused his authority, the Court agrees with the inculpatory findings of the OCA. Judge Bravo indeed overstepped the bounds of his authority when he ordered the arrest of Atty. Morales on the basis of a mere intent to sue the latter later for unjust vexation. Being a dispenser of justice, it behooves Judge

Bravo to observe the same rules of due process in dealing with his subordinates. He should have confined himself to filing an administrative complaint or a criminal one and let the wheels of justice run its course. To be sure, Judge Bravo's actuation was unbecoming a judge who, needless to stress, is expected to exercise proper restraint and civility in dealing even with insolent subordinates.

We feel, however, that Judge Bravo's actuation in the premises does not amount to grave abuse of authority, as urged by Atty. Morales. Provoked as the judge was by Atty. Morales' insulting conduct, the judge, like any other normal person, must have been carried away by his emotion. Even then, his conduct as a judge is not totally excusable. To paraphrase what we said earlier, a judge, even in the face of boorish behavior from those he deals with, ought to conduct himself in a manner befitting a gentleman and a high officer of the court.

The Court, to be sure, has taken stock of the fact that all but three members of the MeTC Clerk of Court circle refused to rally behind Atty. Morales in his tiff with Judge Bravo, indicating doubtless that the cumulative effect of his provocative remarks and actions against the judge were what triggered the unfortunate March 22, 2004 incident.

The foregoing notwithstanding, some form of sanction should still be imposed on Judge Bravo, reacting as he did in a manner disproportionate to what Atty. Morales had done, however wrong they might have been. There being no showing, however, that Judge Bravo had been previously charged with and found guilty of the same or similar administrative offense, a reprimand with a warning appears proper.

We likewise agree with the OCA's finding on Atty. Morales' guilt for conduct unbecoming a government employee. His insulting act of mimicking the judge, in the presence of other court employees, a gesture calculated to ridicule, is a behavior unexpected of one in the judicial service. The ideal is for a court employee to be well-mannered, civil, and considerate in his actuations, more particularly with respect to his relation to the presiding judge he is assigned under. Here, Atty. Morales' acts went against the principles of public service and such unpleasant kind of behavior must not be tolerated if we are to demand the highest degree of excellence and professionalism among public employees and to preserve the integrity and dignity of our courts of justice. He failed to live up to the norms of conduct demanded of his position.

We take this opportunity to remind both Judge Bravo and Atty. Morales that government service is people-oriented. Patience is an essential part of dispensing justice; civility is never a sign of weakness and courtesy is a mark of culture and good breeding. Impatience and rudeness have no place in the government service in which personnel are enjoined to act with self-restraint and civility at all times.[7]

WHEREFORE, in view of all the foregoing, the Court resolves to:

- (a) REPRIMAND Judge Crispin B. Bravo, Presiding Judge of the Metropolitan Trial Court, Branch 16, Manila, for abuse of authority;
- (b) Impose a FINE on Atty. Miguel C. Morales of the Office of the Clerk of Court, Metropolitan Trial Court, Manila, in the amount of Two Thousand Pesos (P2,000.00) for conduct unbecoming a public officer.

Both are hereby STERNLY WARNED that a repetition of the same or similar acts will be dealt with more severely.

SO ORDERED.

Puno, (Chairperson), Sandoval-Gutierrez and Azcuna, JJ., concur. Corona, J., on leave.

[1] Rollo of A.M. No. P-05-1950, p. 2.

[2] Id. at 4-5.

[3] Sy v. Norberte, 391 Phil. 657, 664(2000), citing Marasigan v. Buena, 348 Phil. 1, 10 (1998).

[4] A.M. No. 03-3-179-RTC, January 26, 2005, 449 SCRA 278, 283, withholding of the Salary and Benefits of Michael A. Latiza, Court Aide, RTC-Br. 14, Cebu City.

[5] 1) OCA IPI No. 02-1335-MTJ for grave coercion, grave threat, allowing court employee to make decision, falsification of DTR, grave misconduct, inefficiency.

2) OCA IPI No. 03-1373-MTJ for libel, grave misconduct.

3) OCA IPI No. 03-1374-MTJ for falsifying minutes of the proceedings.

4) OCA IPI No. 03-1384-MTJ for neglect to act of official request.

5) OCA IPI No. 03-1385-MTJ for falsification of DTR.

6) OCA IPI No. 04-1525-MTJ for malversation, infidelity in the custody of court records, dereliction of duties, grave misconduct.

[6] 1) OCA IPI No. 03-1561-P.

2) OCA IPI No. 04-1848-P.

3) OCA IPI No. 04-1875-P.

[7] Jacinto v. Vallarta, A.M. No. MTJ-04-1541, March 10, 2005, 453 SCRA 83, 94.

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