

**SHIRLEY C. DIOMAMPO, RECORDS OFFICER II, SANDIGANBAYAN,
COMPLAINANT, VS. FELIPE C. LARIBO, JR., PROMULGATED:
SHUTTLE BUS DRIVER, SANDIGANBAYAN, RESPONDENT.**

A.M. No. SB-12-18-P. June 13, 2012

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

A.M. No. SB-12-18-P originates from Sandiganbayan Records Officer II Shirley C. Diomampo's (Diomampo) Complaint-Affidavit[1] for dishonesty, unethical behavior and misconduct against Sandiganbayan Shuttle Bus Driver Felipe C. Laribo, Jr. (Laribo, Jr.). Sandiganbayan Associate Justice Maria Cristina J. Cornejo (Justice Cornejo) investigated the complaint and recommended to the Office of the Court Administrator (OCA) that Laribo, Jr. be penalized with a reprimand with a stern warning that a repetition of the same misconduct will be dealt with severely. The OCA, however, recommended that the complaint be redocketed as a regular administrative matter, and that Laribo, Jr. be suspended for three months without pay for disgraceful and immoral conduct, with a stern warning that a commission of the same or similar act shall be dealt with severely.

The Facts

Acting Sandiganbayan Presiding Justice Edilberto G. Sandoval designated Justice Cornejo to investigate Diomampo's complaint. Justice Cornejo gave notice to Diomampo and Laribo, Jr. on the conduct of an investigation on 31 May 2010 and advised them to appear before her Office and to bring their witnesses and documents to support their claims.

The OCA summarized the facts as follows:

In a Complaint-Affidavit, sworn on 10 March 2010, complainant Diomampo accused respondent Laribo [Jr.] of spreading malicious and degrading words against her, in violation of the norms of ethics and conduct expected of public officials and employees. The uttered words were:

“Kabayan, wala ng kasarap sarap si Shirley. Napag iiyot ko na yan. Wala na pagmamalaki sakin yan.”

Complainant Diomampo disclosed that the uncalled for utterance came to her knowledge thru Sandiganbayan Security Guard Rosita P. Domingo, which information was relayed to the latter by co-security guard Herminigildo Andal. Both executed their respective affidavits which now form part of the records of the case. Complainant Diomampo further averred that she never had an affair with respondent Laribo [Jr.] nor had any sexual contact with him.

Respondent Laribo [Jr.] admitted his guilt, saying the remarks were uttered in jest and in good faith that will be treated as a chat between two mature and responsible male adults. He affirms the statement of complainant Diomampo that they never had an affair or any sexual contact. He begged complainant Diomampo to find a space

in her heart for forgiveness and promised that the same will not be repeated. Respondent Laribo [Jr.] also asserted that this is his first infraction and requested that his admission of guilt be considered to mitigate the penalty and/or the dismissal of the charge.

In her 9 July 2010 Reply-Affidavit, complainant Diomampo also alleged receiving a text message, which respondent Laribo [Jr.] claims to have been sent by his eleven (11) year old child, using his cellphone with the following words:

“yak nakakadiri ka! Tglan mo na pmilya namin. Ang lkas ng loob mo magalit sa papa ko eh isa ka lng namang kabet!”[2]

The Investigating Justice’s Recommendation

In her report dated 15 July 2010, Justice Cornejo found merit in Diomampo’s complaint and sanctioned Laribo, Jr.’s conduct. Justice Cornejo’s Resolution on the complaint reads as follows:

The Respondent’s admission of having made the subject questioned utterances made the case for the complainant as it constituted sufficient basis for a finding of an administrative liability for unethical conduct and disrespect for the rights of others, contrary to the standards of personal conduct not only expected but more importantly, demanded of every public official and employee in their relations with their co-employees and the public in general.

Be it noted that this is a proceeding administrative in nature, the quantum of proof being merely substantial evidence.

Whether or not respondent made the subject utterances or had the malicious intent to malign or destroy the reputation of the complainant is immaterial as this is not, nor is it in the nature of a criminal case. The words uttered are essentially malicious, and the utterance was uncalled for. Respondent simply volunteered an information to a co-employee which, whether true or not, could not but have cast doubt on the moral character and personality of the complainant.

It is difficult to believe that the words were spoken in jest or as a joke and in good faith, as respondent now claims. For one, he (respondent) did not explain the circumstances that led to or could have impelled him to utter those words. For another, Diomampo was not present when the words were uttered. The question arises: How could an utterance which is undeniably prejudicial, if not destructive, of a person’s, more so, a woman’s reputation, and made in the absence of the subject thereof (the person concerned) be believed to have been in jest and in good faith?

Respondent’s defense may assume significance had the words been uttered in the presence of Diomampo, who could have reacted differently, and in the course of their small talk in light moments.

All told, respondent’s conduct is unjustifiable, as it is unreasonable. It is offensive to the norms of ethics and conduct expected of public officials and employees. He, therefore, needs to be sanctioned.

It appearing, however, that this is respondent’s first infraction on record, it is respectfully recommended that respondent be meted the penalty of Reprimand with stern warning that a repetition of the same misconduct will be dealt with severely.[3]

The OCA received Justice Cornejo’s Report on 6 August 2010.

The OCA’s Recommendation

In OCA IPI No. 10-22-SB-P, the OCA made the following evaluation and recommendation:

EVALUATION: We find the findings of fact of Justice Cornejo to be in order. However, we are not in accord with the recommended penalty of mere reprimand.

The utterance of foul words that degrade morality should not be countenanced. It amounts to disgraceful and immoral conduct defined by the Civil Service Commission as “an act which violates the basic norm of decency, morality and decorum abhorred and condemned by the society. It refers to conduct which is willful, flagrant or shameless, and which shows a moral indifference to the opinions of the good and respectable members of the community.” In *Court Employees of the MCTC, Ramon Magsaysay, Zamboanga del Sur v. Sy*, the Court stated that “immorality is not based alone on illicit sexual intercourse. It is not confined to sexual matters, but includes conduct inconsistent with rectitude, or indicative of corruption, indecency, depravity and dissoluteness; or is willful, flagrant or shameless conduct showing moral indifference to opinions of respectable members of the community, and as an inconsiderate attitude toward good order and public welfare.”

Although every office in the government service is a public trust, no position exacts a greater demand for moral righteousness and uprightness from an individual than in the judiciary. That is why this Court has firmly laid down exacting standards of morality and decency expected of those in the service of the judiciary.

The Court has consistently been reminding officials and employees of the Judiciary that their conduct or behavior is circumscribed with a heavy burden of responsibility which, at all times, should be characterized by, among other things, strict propriety and decorum. “Part of this stringent requirement is that agents of the law should refrain from the use of language that is abusive, offensive, scandalous, menacing or otherwise improper. Judicial employees are expected to accord every due respect, not only to their superiors, but also to others and their rights at all times. Their every act and word should be characterized by prudence, restraint, courtesy and dignity.”

Moreover, respondent Laribo, Jr., being a casual employee whose performance is subject to the usual monitoring every six (6) months, should have been at his best behavior. It is necessary that court employees observe decorum within or out of the workplace, for it is in their conduct that the image of the Judiciary is reflected as an institution that gives justice to the aggrieved.

Disgraceful and immoral conduct is classified as a grave offense punishable by Suspension of 6 months and 1 day to 1 year for the first offense and Dismissal from the service for the second offense. Considering that this is respondent Laribo, Jr.’s first infraction, and his actuation was not accompanied by physical display of affection or harassment, we deemed it necessary to recommend a lesser penalty of three (3) months suspension.

RECOMMENDATION: It is respectfully recommended for the consideration of the Honorable Court that:

- 1) the instant complaint be RE-DOCKETED as a regular administrative matter; and
- 2) respondent Felipe C. Laribo, Jr., Shuttle Bus Driver of the Sandiganbayan, be SUSPENDED for three (3) months without pay for Disgraceful and Immoral Conduct, with a STERN WARNING that a commission of the same or similar act shall be dealt with severely.[4] (Emphasis in the original)

The Court’s Ruling

We approve the OCA’s findings and modify its recommendations.

Laribo, Jr. admits that he indeed uttered the words attributed to him. However, he denies that there was a malicious intent to malign Diomampo’s honor and reputation. Laribo, Jr. characterized the conversation between Herminigildo Andal (Andal) and himself as “a mere jest of a joke in the nature of a chat between two (2) responsible and mature male adults.”[5] Andal opposed Laribo, Jr.’s characterization. In his supplemental affidavit, Andal stated that Laribo, Jr. “was very serious and with all zealousness when he blurted those words that indeed malign the reputation and dignity of the complainant [Diomampo] not only as a person but being a married woman and a mother at that,” and “those words referring to complainant [Diomampo] x x x [were] not in jest nor in a joking manner but rather with all candor and seriousness like that of a man scorn[ed] by a

woman.”[6]

Laribo, Jr.’s utterances, and not his intent, are at issue in the present case. By themselves, the utterances are malicious and cast aspersion upon Diomampo’s character. We cannot countenance such behavior. Thus, we sanction Laribo, Jr. for his disgraceful and immoral conduct.[7] Since such conduct is classified as a grave offense, the penalty for the first offense is suspension from 6 months and 1 day to 1 year.[8] We temper the OCA’s recommended penalty and take into account that this is Laribo, Jr.’s first infraction. We impose on Laribo, Jr. a penalty of one month suspension.

The image of a court of justice is mirrored in the conduct, official or otherwise, of the women and men who work in the judiciary, from the judge to the lowest of its personnel.[9] Like the rest of the personnel of the Court, the shuttle bus drivers are expected to observe the norms and ethics of conduct of public officials and employees.[10] Judiciary employees should be circumspect in how they conduct themselves inside and outside the office.[11] Any scandalous behavior or any act that may erode the people’s esteem for the judiciary is unbecoming of an employee.[12] Court employees are supposed to be well-mannered, civil and considerate in their actuations.[13]

We also remind Laribo, Jr. of his status as a casual employee. Paragraph 11 of Memorandum Circular No. 07-2003 (Prescribing the Guidelines and Rules of Conduct to be Observed by the Shuttle Bus Drivers) provides:

11. As casual employees of the Court, the shuttle bus drivers do not enjoy security of tenure. Their continuity in the service depends upon their conduct and performance in office. Hence, they shall strive to attain [a] high degree of excellence in their personal conduct and in the discharge and execution of their official duties.

A casual employment status under the Revised Omnibus Rules on Appointments and Other Personnel Actions is defined as an employment “issued only for essential and necessary services where there are not enough regular staff to meet the demands of the service.”[14] Laribo, Jr. cannot be dismissed except for cause enumerated in Section 22, Rule XIV of the Omnibus Civil Service Rules and Regulations and other pertinent laws. However, in the event that Laribo, Jr.’s term as a casual employee expires while he is serving his suspension, there is the possibility that Laribo, Jr.’s services may no longer be engaged thereafter.

WHEREFORE, we find respondent Felipe C. Laribo, Jr., Shuttle Bus Driver, Sandiganbayan, GUILTY of disgraceful and immoral conduct and SUSPEND him for one month with a warning that a repetition of the same or similar act shall be dealt with more severely.

SO ORDERED.

Brion, Perez, Sereno, and Reyes, JJ., concur.

[1] Rollo, pp. 6-7.

[2] Id. at 46-47.

[3] Id. at 16-17.

[4] Id. at 47-49.

[5] Id. at 31.

[6] Id. at 41.

[7] Section 1 of Civil Service Commission Memorandum Circular No. 15, series of 2010, Amending Certain Provisions on the Administrative Offense of Disgraceful and Immoral Conduct reads:

Disgraceful and Immoral Conduct refers to an act which violates the basic norms of decency, morality and decorum abhorred and condemned by the society. It refers to conduct which is willful, flagrant or shameless, and which shows a moral indifference to the opinions of the good and respectable members of the community.

[8] Paragraph 15, Section 52, Rule IV, Civil Service Commission Memorandum Circular No. 19, series of 1999, Revised Uniform Rules on Administrative Cases in the Civil Service.

[9] *Acebedo v. Halasan*, A.M. No. P-10-2803, 30 March 2011, 646 SCRA 593.

[10] Memorandum Circular No. 07-2003, Prescribing the Guidelines and Rules of Conduct to be Observed by the Shuttle Bus Drivers, Paragraph 10.

[11] *Lorenzo v. Lopez*, A.M. No. 2006-02-SC, 15 October 2007, 536 SCRA 11.

[12] *Pablejan v. Calleja*, A.M. No. P-06-2102, 24 January 2006, 479 SCRA 562.

[13] *De Vera, Jr. v. Rimando*, A.M. No. P-03-1672, 8 June 2007, 524 SCRA 25, 32.

[14] Memorandum Circular No. 40, series of 1998, Revised Omnibus Rules on Appointments and Other Personnel Actions, Rule III, Section 2(f).

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