

AUREA G. PENALOSA, COMPLAINANT, VS. LIGAYA P. SALAYON, RESPONDENT.

A.M. No. P-105. July 22, 1975

Ponente: MARTIN, J.

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MARTIN, J.:

Respondent Ligaya P. Salayon, stenographer in the Court of First Instance, Labo, Camarines Norte seeks to reconsider the decision of the Department of Justice acquitting complainant Aurea G. Penalosa against whom she had also filed an administrative charge finding her guilty of misconduct in office but imposing upon her a fine of one month's pay with reprimand and warning.

Aurea G. Penalosa, Deputy Clerk of Court of the Court of First Instance of Camarines Norte charged Ligaya P. Salayon, a stenographer in the same court, that:

"At or about 3:00 o'clock p.m. on January 22, 1971 in Daet, Camarines Norte, Philippines, Mrs. Ligaya P. Salayon did, then and there, willfully, unlawfully and feloniously without any legal excuse or justification [cause] attack the undersigned, Deputy Clerk of Court of First Instance and her immediate superior in office, while she was in her office by throwing things at her and using abusive language of a serious and insulting nature such as: "Putang ina mong demonyo ka, wawasaking ko ang bunganga mong hayop ka", and the like, thus casting shame and dishonor on the person of the undersigned, aside from bodily injuries." [1]

On the other hand, Ligaya P. Salayon filed a complaint against Aurea G. Penalosa for grave misconduct and conduct prejudicial to the best interest of the service, allegedly committed as follows:

"1. That in the afternoon of January 22, 1971, when the undersigned complainant came to her office, she found out that the chair which she had been using in her table was missing and she looked for it. She found it placed near the table of the respondent opposite her (respondent's) seat. The undersigned religious to her duties, wanted to continue her daily routine in the office but she had no chair to sit on so she took her chair which she saw was placed near the table of the respondent and brought it to the stenographer's office.

2. That said respondent, Atty. Aurea G. Penalosa, resented this action of the undersigned complainant and manifested her resentment through various acts, unbecoming of a public servant, by slamming the door of the office of Judge Isidoro A. Vera, and as a result of which, the glass panel of the door was broken which created a scandal among the employees of the different offices nearby.

3. That said Aurea G. Penalosa, a lawyer by profession, taking advantage of her official position as Deputy Clerk of Court, in order to show her resentment to the undersigned, did then and there, willfully, feloniously and publicly in the presence of the other people and employees of the Court, without any legal ground or justifiable cause, used abusive language of a serious, defamatory and insulting nature, by calling the undersigned: "IKAW AY MAGNANAKAW" (You are a thief) and, hurled the undersigned with a stone, hitting the undersigned on the forehead a little above the eyeglasses which the undersigned complainant was then wearing.

4. That the undersigned complainant suffered: bodily injuries consisting of a "contusion with hematoma,

frontal, left; embarrassment, humiliation and shame aside from the great damage dishonor and disrepute which the respondent have caused unto the undersigned by calling her a thief, to the great prejudice of herein complainant, and to the prejudice of the best interest of the service."[2]

On June 22, 1971, both Penalosa and Salayon filed a joint motion to withdraw the above-entitled administrative case on the ground that they were no longer interested in the prosecution of the above administrative cases; that they have both agreed to withdraw their respective complaints as they have come to terms and settled their disputes amicably; and that the incident between them arose out of a slight misunderstanding which they have both decided to forget.[3]

The joint motion to withdraw was forwarded to the Department of Justice by the Investigating Judge, the Honorable Isidoro A. Vera of the Court of First Instance of Camarines Norte, Branch II on June 22, 1971. However, the then Undersecretary of Justice, Efren L. Plana, now Associate Justice of the Court of Appeals, instructed Judge Vera to continue with the investigation notwithstanding the decision of both parties to desist from going on with the case.

Accordingly, on March 5, 1973, Judge Vera investigated the matter and submitted his report on March 6, 1973 with his recommendation that both Penalosa and Salayon be reprimanded and warned that a repetition of the offense will be dealt with more severely in the future.

However, on March 29, 1973, the Secretary of Justice after brushing aside the findings and recommendation of the Investigating Judge decided to exonerate Penalosa and fined Salayon one (1) month's pay with reprimand and warning that a repetition of a similar offense will be dealt with more severely.

In recommending that both Penalosa and Salayon be reprimanded and warned that a repetition of the offense will be dealt with more severely in the future, the Investigating Judge took into consideration the fact that the parties have long forgotten whatever differences they had; that they have come to be good friends again as shown by the fact that both of them decided to desist from proceeding with the case; that their case was no more than a mere trivial misunderstanding. The Investigating Judge also took into consideration the fact that both parties have rendered efficient service to the government.

After going over the evidence, We are all agreed that the protagonists in the fight about a chair have allowed themselves to be carried by their own emotions and thus lost their sense of propriety and decorum. Fighting inside the office during office hours and thus causing disturbance in the official business in the court does not speak well of the parties. It has set a bad example and created a poor image of government service. In his decision, the Secretary of Justice acquitted Penalosa and fined Salayon with one month's salary. Considering that Penalosa herself behaved in a rude manner as did Salayon and put her share to the flaring up of the affray, We find no plausible reason why Salayon alone should receive the brunt of the punishment and let Penalosa remain unpunished. The fact that both complained against each other only to withdraw later each other's charges, clearly shows that both of them have shared in putting up the fight.

Sight should not be lost of the fact that Penalosa here is a lawyer and a Deputy Clerk of Court while Salayon is a stenographer in the same court. Granting for the sake of argument that Salayon provoked the incident, as Deputy Clerk of Court, Penalosa is all "the more bound by such rule of proper and decorous behavior in the office premises, even on the face of complainant's provocation, for she is called upon to set the example for the emulation of her co-employees."

IN VIEW OF THE FOREGOING, the decision of the Secretary of Justice sought to be reconsidered is hereby modified by administering upon both Penalosa and Salayon, the penalty of reprimand for their indecorous and censurable behavior with warning against repetition of the same or similar offense.

IT IS SO ORDERED.

Castro, (Chairman), Makasiar, Esguerra, and Munoz Palma, JJ., concur.

[1] Adm. Case No. 16.

[2] Adm. Case No. 17.

[3] Rec. 140.

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