

**JUDGE ELEANOR TEODORA MARBAS-VIZCARRA, COMPLAINANT,  
VS. PRINCESITO SORIANO, PROCESS SERVER, MTC, MUÑOZ, NUEVA  
ECIJA, RESPONDENT.**

*A.M. No. P-01-1491. March 28, 2003*

Ponente: YNARES-SANTIAGO, J.

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**YNARES-SANTIAGO, J.:**

In a Letter-Complaint dated June 27, 1997 filed with the Office of the Chief Justice,[1] Judge Eleonor Teodora Marbas-Vizcarra of the Municipal Trial Court (MTC), Muñoz, Nueva Ecija, charged Princesito Soriano, Process Server of the same court with gross discourtesy in the course of official duties, insubordination, grave misconduct and conduct prejudicial to the best interest of the service.

Complainant Judge Vizcarra alleged that when she arrived for work on November 28, 2000, she saw an owner type jeep parked in the space reserved for MTC judge in front of the municipal hall. Upon entering her office, she called her Clerk of Court, Irene Fueconcillo, and asked her who owned the jeep. It turned out that the jeep belonged to respondent Soriano. Respondent, who was seated in the same office, instructed the driver of complainant judge to just find another parking space. Complainant judge asked respondent why he was telling her driver what to do. Hence, respondent went out of the room and drove his jeep so fast that it even hit a post of the municipal building. Respondent returned to the office afterwards.

Judge Vizcarra also averred that Soriano uttered, “PASASABUGIN KO YANG KOTSENG YAN!” before he moved his jeep. While inside her chamber, she heard Soriano nearly shouting. When she asked Soriano what was wrong, he shouted at her, “PUTANG INA! NAGING HUWES KA LANG DITO AKALA MO IKAW NA ANG MAY-ARI NG MUNISIPYO!” She told Soriano not to hurl invectives, but Soriano shouted “PUTANG INA, MINUMURA KO BA KAYO?”

Judge Vizcarra alleged that respondent had other pending complaints against him, to wit:

(a) Complaint of Clerk of Court, Irene Fueconcillo, who claimed that on May 11, 2000, at about 11:00 o’clock in the morning, Soriano shouted at her “PUTANG INA, HINDI KO TRABAHO YAN,” when she asked him to serve a court process. Soriano again shouted, “PUNYETA KA. PUTANG INA MO,” when she reminded him not to utter bad words. Fueconcillo executed a sworn statement[2] and caused the recording of the incident in the police blotter.[3]

(b) Complaint filed by Mr. Romeo Diaz, an official of the Muñoz Post Office, who narrated that in the morning of January 30, 2001, Soriano came to their office and followed up a certain registry return card of the MTC. Although he already told Soriano that it had been delivered, respondent insisted otherwise. He also verified the matter in their files to avoid further argument, nonetheless, Soriano shouted, “GAGO KA! ANO CASUAL KA BA O PERMANENT? GUSTO MO I-CONTEMPT KITA.” He just kept quiet until Soriano left.

In the afternoon of the same day, Diaz and James Pascua went to Soriano’s office and brought a photocopy of the post office record book showing that indeed the return card had been delivered. Soriano still did not believe

them, instead, he grumbled, “NEGLIGENCE YANG GINAGAWA NINYO.” They remained humble. He even commented, “SI KUYA NAMAN MASYADO KANG MAINIT.”[4] Instead of being appeased, Soriano replied “GUSTO MO UPAKAN PA KITA DYAN!”[5]

(c) Complaint filed by Julius Sakay, who recounted that on February 24, 2001, at about 8:00 o’clock in the evening at Bantug, Nueva Ecija, while he was driving his tricycle on his way home, he happened to stop behind the jeep of Soriano. Soriano, who was drunk, alighted from his jeep, confronted him and hurled invectives. He cursed Soriano. Soriano put his arms around his neck, pulled him away from his tricycle and forcibly brought him to his jeep. Soriano introduced himself as a policeman of PNP, Talavera, Nueva Ecija and pointed a gun at him. He was able to free himself from Soriano’s clutches when the loud honking of another vehicle’s horn diverted Soriano’s attention. He ran towards the house of Mrs. Adora Castro, his mother’s friend who lived nearby.[6]

Mrs. Castro went out of the house to inform Sakay’s parents about the incident but she was accosted by Soriano. Soriano asked her, “MAY PROBLEMA KA?” Not wanting to antagonize him, she replied, “WALA.” Soriano, however insisted, “MERON.” Mrs. Castro went back home because she was scared. Sakay was trembling with fear, so Mrs. Castro told him to go inside her son’s bedroom. He hid himself under the bed. Mrs. Castro called for the police as Soriano was waiting outside.[7] Soriano left before the police arrived.

Meanwhile, Sakay’s parents, thinking that their tricycle was carnapped, caused the recording of the same in the police blotter. It was only later that his parents learned that the barangay officials held the tricycle for safekeeping.

Sakay filed Criminal Case No. 8649[8] for grave threats against Soriano. His mother reported the incident to the Chief Justice and executed a sworn statement relative thereto.[9]

(d) Administrative complaint filed before this Court by Mr. Baldomero de Vera Soliman, Jr.[10] regarding Soriano’s rude behavior while serving summons.[11]

(e) Complaint for Insubordination for violation of this Court’s circular prohibiting smoking within the court premises.

(f) Administrative Case No. 1-SD [95] entitled, “Efren Alvarez and Dennis Sayco v. Princesito Soriano,” for acting arrogantly and displaying behavior unbecoming a public servant.[12]

Judge Vizcarra also mentioned in her complaint that Soriano and Rodolfo Luciano, then postmaster had a fistfight during office hours inside the post office in 1990, due to the latter’s arrogant behavior.

On August 6, 2001, the instant complaint was docketed as a regular administrative proceeding before this Court and the same was referred to Executive Judge Cholita Santos, Regional Trial Court of Domingo, Nueva Ecija, Branch 88 for investigation, report and recommendation.[13] Respondent was suspended pending the outcome of this case.[14]

In his Comment, respondent Soriano denied and refuted the charges.

As regards the parking space dispute on November 28, 2000, Soriano had a different story to tell. He claimed that he and Judge Vizcarra had a previous agreement which allowed him to park his owner type jeep in the space reserved for the MTC judge from 8:00 a.m. until the judge arrived.

When Judge Vizcarra arrived at 11:30 a.m., Soriano claimed that he heard her say in a loud voice, “IRENE, KANINO YONG NAKAPARADANG JEEP DOON SA LABAS?” Irene Fueconillo answered “KAY EFREN PO MAM.” He was embarrassed and he felt humiliated when in front of a number of people Judge Vizcarra said, “MAG JUDGE KA MUNA BAGO KA PUMARADA SA HARAP.”

Thereafter, he returned to the office and went to Judge Vizcarra's chambers. Judge Vizcarra let him enter the room and called Irene Fueconcillo. He asked Judge Vizcarra, "MAM BAKIT NAMAN PO NINYO GINAWA SA AKIN YON, BAKIT NINYO KO HINIYA SA HARAPAN NG MARAMING TAO?" Judge Vizcarra replied, "PARADAHAN KO YON EH." He, however, explained "OO NGA PARADAHAN NYO EH PWEDE NAMAN PONG ALISIN KATULAD NG DATI NATING GINAGAWA." Judge Vizcarra told Irene Fueconcillo, "SIGE LUMABAS KA NA MUNA." She then apologized and told him, "PASENSYA KA NA EFREN AT MAINIT LANG ANG ULO KO." He responded, "OK LANG PO MAM, NASAKTAN LANG KASI AKO AT KUNG ANO RIN PO ANG NAGAWA KO AY INIHINGI KO RIN NG PAUMANHIN." Judge Vizcarra offered her hand, which he acknowledged.

Soriano also stated that after the dispute, Judge Vizcarra rode in his owner type jeep when she attended the Christmas Party in the MTC. She also sent him on errands like buying her sanitary napkins.

With respect to Fueconcillo's complaint, he maintained that Fueconcillo gave commands like, "GIVE ME THE STAPLER, GIVE ME THE PUNCHER, GIVE ME FASTENERS" that day. Since he was also busy, he told her, "ABA HINDI KO NA TRABAHO YAN." He went out of the office but he accidentally tripped over a chair. He was surprised when he learned that Fueconcillo caused the recording of the incident in the police blotter on the basis of his alleged rude behavior when asked to serve a court process.

With regard to the complaint of the postal officials, he alleged that he went to the post office upon the instruction of Fueconcillo. When he asked Romeo Diaz about the subject registry return card, he answered, "SIGE TINGNAN MO DYAN SA BOX O TANUNGIN MO SI JAMES DAHIL SAKOP NYA YAN." James Pascua, however told him that they did not have the return card. He returned to their office afterwards.

In the afternoon of the same day, Romeo Diaz and James Pascua arrived in their office and showed him a photocopy of the post office record that the return card had been delivered. He asked them to give it to Fueconcillo and he commented, "KUNG GANYAN BA ANG GINAGAWA NATIN, EH DI MAGANDA, DAHIL TAYO AY EMPLEYADO NG GOBYERNO." Diaz insisted that he should receive the photocopy but he refused and told Diaz to ask Fueconcillo to receive it. Thereupon, Diaz challenged him to a fistfight and told him, "ANO BANG GUSTO MO? KASI KANINA PA KITA GUSTO." James Pascual and a certain Mrs. Florida intervened.

Anent the complaint of Julius Sakay, he stressed that there was no mention of his name in the police blotter. He further argued that the administrative cases against him filed before this Court pertain to matters which are sub-judice in nature. As for insubordination in smoking inside the court's premises, he declared that the same was blatantly false.

Soriano also asseverated that Mayor Efren L. Alvarez politically harassed him when he discovered that he was supporting his opponent. In this relation, Judge Vizcarra became subservient to the Mayor because a municipal employee was detailed as her personal driver. To bolster his assertions, Soriano relied on the certification issued by the barangay captain that he showed exemplary character in dealing with his neighbors, friends and relatives.<sup>[15]</sup> Besides, the barangay clearance showed that he is a citizen of good moral character, with no past and pending criminal case filed against him.<sup>[16]</sup>

After the investigation, Executive Judge Cholita Santos found respondent Princesito Soriano guilty of grave misconduct, insubordination in dealing with his superior, gross discourtesy in the course of the official business and recommended that he be suspended for one year with a stern warning that a repetition of the same or similar acts will be dealt with more severely.

The recommendation is well taken.

In a number of cases,[17] it was held that the conduct and behavior of every person connected with an office charged with the dispensation of justice, from the presiding judge to the lowest clerk, is circumscribed with a heavy burden of responsibility. 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.[18]

Furthermore, the conduct of court employees must always be characterized by, among others, strict propriety and decorum. To be sure, there is no room for gross discourtesy in the ranks of court employees.[19] Improper behavior, particularly during office hours, exhibits not only a paucity of professionalism at the workplace but also a great disrespect to the court itself. Such a demeanor is a failure of circumspection demanded of every public official and employee.[20]

In *Baniqued v. Rojas*,[21] it was held that shouting in the workplace and during office hours is discourtesy and disrespect not only towards co-workers but to the court as well. In the instant case, evidence is overwhelming that respondent is guilty of gross discourtesy in the conduct of his duties. Rule XIV, Section 23 of the Omnibus Rules on Civil Service states that the penalty for gross discourtesy is suspension of one (1) month and one (1) day to six (6) months. We deem it proper to suspend the respondent for six (6) months without pay considering the attendant circumstances and the gravity of the offense committed.

WHEREFORE, in view of the foregoing, respondent Princesito Soriano, Process Server, Municipal Trial Court, Muñoz, Nueva Ecija is hereby found GUILTY of GROSS DISCOURTESY and is SUSPENDED for Six (6) Months without pay. He is further ADMONISHED to be more circumspect in the performance of his judicial functions. Respondent is likewise STERNLY WARNED that the commission of similar acts in the future shall be dealt with more severely by this Court. The suspension shall be immediately executory upon service of a copy of this Resolution on respondent.

**SO ORDERED.**

Davide, Jr., C.J. (Chairman), Vitug, Carpio and Azcuna, JJ., concur.

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[1] Rollo, pp. 1-2.

[2] Exhs. "D-6 and D-6-A," Rollo, pp. 84-85.

[3] Exh. "B-2," Rollo, p. 12.

[4] Exhs. "B-3 and B-3-A," Rollo, pp. 13-14.

[5] Exhs. "D-8 and D-8-A," Rollo, p. 94.

[6] Exhs. "B-5 and B-5-A," Rollo, pp. 16-17.

[7] Exhs. "D-10 and D-10-A," Rollo, p. 96.

[8] Exh. "B-6," Rollo, p. 18.

[9] Exhs. "D-9 and D-9-A," Rollo, p. 95.

[10] Rollo, pp. 87-89.

[11] See also Rollo, pp. 90-93.

[12] Exh. "D-11," Rollo, p. 97.

[13] Rollo, p. 43.

[14] Rollo, p. 42.

[15] Exh. "4-A," Rollo, p. 152.

[16] Exh. "5-A," Rollo, p. 154.

[17] Bernadez v. Montejar, A.M. P-00-1420, 7 March 2002; Santos v. Hernandez, A.M. P-02-1556, 22 February 2002; Firmalo v. Gutierrez, A.M. P-00-1401, 29 January 2002; Cabanatan v. Molina, A.M. P-01-1520, 21 November 2001; NBI v. Villanueva, A.M. P-01-1480, 21 November 2001.

[18] Caguioa v. Flora, A.M. No. P-01-1480, 28 June 2001, citing Alawi v. Alauya, A.M. SDC-97-2-P, 24 February 1997, 268 SCRA 628.

[19] Balisi-Umali v. Peñalosa, A.M. P-99-1326, 18 November 1999, 318 SCRA 406.

[20] Gratela v. Yanson, 326 Phil. 595 (1996).

[21] OCA-00-03, 4 October 2000, 342 SCRA 1, see also Apaga v. Ponce, 315 Phil. 226 (1995).

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