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GITANJALI M. BONDOC, COMPLAINANT, VS. LUCIANO T. BULOSAN, LEGAL RESEARCHER, REGIONAL TRIAL COURT, BRANCH 12, MANILA, RESPONDENT.

A.M. No. P-05-2058 (Formerly OCA IPI NO. 05-2113-P). June 25, 2007

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.

Before us is a complaint-affidavit[1] dated January 21, 2005 of Gitanjali M. Bondoc (complainant), Clerk of Court V, Regional Trial Court, Branch 12, Manila, charging Luciano Bulosan (respondent), Legal Researcher of the same court, with Conduct Unbecoming a Court Employee.

Complainant alleges: On January 18, 2005, on or about 9:00 a.m., respondent had an argument with her inside their office concerning the former's Daily Time Record (DTR). Respondent who was seated at the other end of the room became very angry. He stood up with clenched fists, charged towards her, and threatened her with the following words "Anong gusto mong mangyari?" Complainant trembled in fear because she was threatened before by respondent. Ma. Teresa Mckay (Mckay), a court interpreter, rushed to bodily protect complainant. Mckay shouted at respondent to stop, to which the latter retorted "isa ka pa" and aimed at the former his clenched fist but did not hit her. Complainant asked Mckay to summon the security guards because this was the second time that respondent threatened her. Respondent challenged her to report to authorities saying "Magkita-kita tayo sa impyerno." She proceeded to the barangay and had the incident blottered while respondent went to Judge Arranz.

In his Comment[2] dated March 16, 2005, respondent contends: On January 18, 2005, he politely asked complainant why she was looking for him as relayed by Rhea Inopiquez (Inopiquez). Complainant told him that somebody called up looking for him. He replied, "Ganon po ba, akala ko problema." He was surprised when complainant, with a swelling voice, asked him, "Mukhang galit ka yata, Lon," to which he answered, "Bakit po naman ako magagalit, masama po ba magtanong kong [sic] bakit ka hinahanap ng Boss mo?" He left complainant at her table and went to the staff room. Complainant probably got irked so she went to the staff room where she confronted Inopiquez, after which, she faced respondent uttering, "Lon, huwag kang mayabang, marami ka namang anomalya, katulad nang time card mo, hindi naman ikaw ang nagpa-punch." Because of such malicious and unfounded imputations uttered in the presence of their officemates, he lost his equanimity and pointed his finger at complainant who was then standing a meter away from the staff room's entrance/exit, and asked her if she can prove her accusations. The security guard of the building can testify that respondent was not the one punching his time card. It was that scene which probably gave Mckay the impression that he was going to harm complainant that Mckay suddenly hugged complainant and exclaimed: "Sige ako ang tirahin mo, kong kaya mo." And because of the unwarranted statement, respondent uttered "Isa ka pa!" Mckay immediately went out and called the attention of the guards. He requested the guard's supervisor to present to him the security guard being referred to by complainant for confrontation; however, the guard's supervisor admitted that there was no such thing. And to this, complainant admitted that it was only her suspicion that respondent was not the one punching

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his time card. After such admission, he reminded complainant to bring the matter to the authorities if she has evidence of her imputations and not just publicly accuse him. To this, complainant retorted: "I am your boss, and I have the right to say anything against you." Mckay is performing her duties at Branch 12, although her official station is Branch 173. Hon. Luis J. Arranz, Branch 12's pairing judge, investigated the incident. Mckay admitted that respondent's voice was "malumanay," contrary to the allegations in her affidavit. Complainant did not present the security guard and the two employees of Branch 36, Emmanuel Pena and Allen Alfonso, who executed a joint affidavit as regards the incident. After the investigation, the parties agreed to settle their misunderstanding amicably in the presence of Judge Arranz. He thought that the case was already settled until he received the 1[st] Indorsement letter. At the same time, complainant handed to him her affidavit of desistance. The previous threat referred to by complainant arose from a report against the latter purportedly brought to the attention of Judge Arranz. Complainant was so angry that she pointed her finger at him and said: "Lon, huwag kang masyadong sipsip sa Huwes natin, kung anu-ano ang pinagsusumbong mo kontra sa akin. Huwag mong ilulubog kasamahan mo, para lang bumango ang pangalan mo, pasalamat kayo maluwag ako sa inyo." Complainant called her subordinates for an emergency meeting. He asked complainant to call Connie Corrales (Connie) who initiated the report to Judge Arranz but she ignored the request. Due to the continuous provocative statements of complainant, he got fed up, stood, and said: "Umamin na si Connie na siya ang nagsumbong kay Judge, bakit ako ang dinidiin mo? Ano ba ang gusto mo?" After said meeting, complainant and Mckay asked for his forgiveness which he readily accepted.

On February 2, 2005, complainant withdrew her complaint[3] against respondent stating that they had settled their differences, as it would be best to get on with their duties and functions as officers of the court.

In the Agenda Report of July 11, 2005, the Office of the Court Administrator (OCA) submitted its evaluation and recommendation, to wit:

> EVALUATION: The Court has long drawn out the standard of the conduct for Court personnel or employees in Judicial Service. It is well-established that since the administration of justice is a sacred task, the persons involved in it ought to live up to the strictest standard of honesty, integrity and uprightness [Bernadez vs. Montejar, 378 SCRA 540 (2002)]. The Court has stressed that high-strung and belligerent behavior has no place in government service where the personnel are enjoined to act with self-restraint and civility at all times even when confronted with rudeness and insolence. Such conduct is exacted from them so that they earn and keep the public respect or confidence in the judicial service. This standard is applied with respect to Court employee's dealings not only with the public but also with his or her co-workers in the service. Conduct violative of this standard quickly and surely corrodes respect for the Court. Fighting between Court employees during office hours is a disgraceful behavior reflecting adversely on the good image of the judiciary (Quiroz vs. Orfila, A.M. No. P-96-1210, 7 May 1997).
>
> Judging from the evidence presented, there appears to be a growing animosity between complainant and respondent. The instant complaint is the second of its kind to be filed involving the same parties and arising from the same incident. The allegations of both parties notwithstanding, established is the fact that there was indeed a verbal tussle between the two during office hours in the presence of their colleagues and within the court premises. The question is whether Mr. Bulosan may be made liable for his misconduct in office.
>
> The answer is in the affirmative. Mr. Bulosan may be administratively dealt with as supported by the facts obtaining in the present case.
>
> As defined, Misconduct is a transgression of some established and or definite rule of action. It connotes deviation from the prescribed norms of behavior demanded from court personnel. Respondent's errant behavior cannot be countenanced. Although he may feel justified in behaving as such and reacting the way he did to what we believe is Atty. Bondoc's equally reprehensible conduct, he, as court employee, is expected to control

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> his temper and maintain equanimity. However viewed, his answering back and making threats against Atty. Bondoc with clenched fist bespeak of bad manners which the Court does not tolerate. Likewise, his use of intemperate language shows rudeness and discourtesy. He may have felt slighted by Atty. Bondoc's acts, however, it bears stressing that the interest of the Court to maintain peace within its premises is a consideration greater than puerile personal feelings. Thus, for failing to act accordingly, he is deemed to have breached the standard norm expected of a court personnel.
>
> Apropos the act of Atty. Bondoc withdrawing her complaint against Mr. Bulosan, the Court has on many occasions explained that
> "Administrative sanctions should be imposed on erring court employees. Despite their desistance and subsequent reconciliation, they should nonetheless be disciplined. The overriding need to maintain the faith and confidence of the people in the judiciary demands that erring personnel be sanctioned, notwithstanding the withdrawal of Complaints. Indeed, these proceedings do not depend on the whim and caprice of the concerned employees, for the aggrieved is the Court system. The issue in the Administrative cases is not whether the Complainant has a cause of action against the respondent, but whether the employees have breached the norms and standards of the Judiciary. Clearly, this Court has the duty to root out misconduct among its employees, regardless of the parties' desistance" [Alivia vs. Manarang, A.M. No. P. 00-1414, 13 July 2000; Lledo vs. Lledo, A.M. No. P-95-1157, 21 December 1998; Estrella vs. Manatad, Jr., 268 SCRA 608, (1997)].

RECOMMENDATION: Respectfully submitted for the consideration of this Honorable Court are our recommendations that the instant complaint against Legal Researcher Luciano T. Bulosan be re-docketed as a regular administrative matter and that he be ADMONISHED for his misconduct.

On August 15, 2005, the Court required the parties to manifest if they were willing to submit the matter for resolution based on the pleadings filed.

On September 23, 2005, respondent moved that he be allowed to file a substantive answer in amplification of his comment to the complaint. Likewise, in her undated manifestation, complainant prayed that she be furnished with a copy of respondent's comment on the complaint before filing her manifestation. On November 9, 2005, the Court granted the requests of the parties. However, both parties failed to comply with the Resolution of August 15, 2005.

The record shows that complainant received a copy of respondent's comment on March 1, 2007.[4] However, after the lapse of time within which to comply, complainant failed to submit her manifestation and likewise failed to refute the contentions of respondent. Thus, on March 21, 2007, the Court dispensed with the filing of respondent's substantive answer.

Settled is the rule that the withdrawal of an administrative complaint or subsequent desistance by the complainant does not free the respondent from liability, as the purpose of an administrative proceeding is to protect the public service, based on the time-honored principle that a public office is a public trust.[5] While the desistance of witnesses themselves does not divest the Court of its authority to investigate a matter involving its personnel, it is equally true that the reliance on mere allegations, conjectures and suppositions will leave an administrative complaint with no leg to stand on.[6] Thus, complainant's withdrawal of the complaint on February 2, 2005 will not divest the Court of its jurisdiction to proceed.

In administrative proceedings, the quantum of proof necessary for a finding of guilt is substantial evidence or such evidence as a reasonable mind may accept as adequate to support a conclusion.[7] Complainant has the burden of proving by substantial evidence the allegations in her complaint.

Complainant's failure to refute the contentions of respondent give the impression that she admits what was stated in respondent's comment. And the affidavits submitted by complainant are insufficient to prove her allegations.

Government service is people-oriented.[8] Patience is an essential part of dispensing justice and courtesy is a mark of culture and good breeding.[9] Belligerent behavior has no place in government service, where personnel are enjoined to act with self-restraint and civility at all times even when confronted with rudeness and insolence.[10]

Rude and hostile behavior often translates a personal conflict into a potent pollutant of an otherwise peaceful work environment; ultimately, it affects the quality of service that the office renders to the public.[11] In discharging its constitutional duty of supervising lower courts and their personnel, this Court cannot ignore the fact that the judiciary is composed essentially of human beings who have differing personalities, outlooks and attitudes; and who are naturally vulnerable to human weaknesses.[12] Letting personal hatred affect public performance is a violation of the principle enshrined in the Code of Conduct and Ethical Standards for Public Officials and Employees, a principle that demands that public interest be upheld over personal ones.[13]

It appears that in the latter part of 2003,[14] complainant lost her temper when Judge Arranz called her attention as regards the report that reached the latter, which led to the first confrontation between complainant and respondent,[15] prompting complainant to call a meeting. Maybe realizing that complainant was berating the wrong person, she asked for respondent's forgiveness after their meeting was adjourned. The second confrontation on January 18, 2005 became the subject of the present complaint. However, verification from the OCA Documentation Division shows that this is the only complaint filed against respondent, contrary to the findings of the OCA that this is the second complaint filed involving the same parties and the same incident.

In Domingo v. Morales,[16] the Court held that a clerk of court is an essential and a ranking officer of our judicial system who performs delicate administrative functions vital to the prompt and proper administration of justice. The office of the clerk of court is the nucleus of activities both adjudicative and administrative.[17]

Complainant as the clerk of court should have exercised utmost patience in dealing with her subordinates, bearing in mind that a public office is a public trust. Such malicious and unfounded accusation should not be hastily hurled by complainant against respondent without substantial evidence to support such imputation. For this reason, complainant is deemed to have failed to live up to the exacting standard required of court personnel, thus warranting administrative sanction from the Court.

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.[18] Indeed, the Court looks with great disfavor upon any display of animosity by any court employee[19] and exhorts every court personnel to act with strict propriety and proper decorum to earn public trust for the judiciary. Colleagues in the judiciary, including those occupying the lowliest positions, are entitled to basic courtesy and respect.[20]

Nevertheless, the Code of Judicial Ethics mandates that court personnel must not only be, but also be perceived to be, free from any impropriety 7ndash; with respect not only to their duties in the judicial branch, but also to their behavior anywhere else.[21]

Anent respondent's contention that Mckay is performing her duties at Branch 12 without official order of detail or reassignment, we find the same meritorious.

Verification from the OCA OAS RTC Personnel Division reveals that Mckay's official work station is at Branch 173, Manila. However, in Mckay's affidavit, she stated under oath that she is holding the position of court interpreter at RTC, Branch 12, Manila.[22] Further verification reveals that there was no request for detail or reassignment submitted to the OCA OAS warranting Mckay's performance of her official function as court

interpreter at Branch 12, in violation of Circular No. 18-97 dated April 8, 1997,[23] which states that a detail of reassignment shall be allowed only for meritorious reason or when the exigencies and the interest of the services require the same. Thus, Mckay should be required to show cause why she should not be disciplinarily dealt with for executing an affidavit containing a false statement of fact.

On a final note, this Court will not shirk from its responsibility of imposing discipline upon employees of the judiciary, but neither will it hesitate to shield them from unfounded suits that only serve to disrupt rather than promote the orderly administration of justice.[24]

WHEREFORE, the complaint filed against Luciano T. Bulosan, Legal Researcher, RTC, Branch 12, Manila, is DISMISSED for lack of merit.

However, Gitanjali M. Bondoc, Clerk of Court of the same court, is ADMONISHED to be more circumspect in dealing with her subordinates, with a WARNING that a repetition of the same or similar acts in the future shall be dealt with more severely.

Moreover, Ma. Teresa Mckay, Court Interpreter, RTC, Branch 173 is DIRECTED to show cause within ten (10) days from receipt of herein Resolution why she should not be disciplinarily dealt with or held in contempt for executing an untruthful affidavit.

SO ORDERED.

Ynares-Santiago, (Chairperson), Chico-Nazario, and Nachura, JJ., concur.

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[1] Rollo, pp. 1-2.

[2] Id. at 13-24.

[3] Id. at 9.

[4] Rollo, p. 39.

[5] Carman v. Zerrudo, A.M. No. MTJ-98-1146, February 5, 2004, 422 SCRA 1, 9.

[6] Sierra v. Tiamson, A.M. No. RTJ-04-1847, July 21, 2004, 434 SCRA 560, 564.

[7] Ebero v. Camposano, A.M. No. P-04-1792, March 12, 2004, 425 SCRA 420, 425.

[8] Misajon v. Feranil, A.M. No. P-02-1565, October 18, 2004, 440 SCRA 315, 324..

[9] Id. at 324.

[10] Misajon v. Feranil, supra note 8, at 324-325.

[11] Court Personnel of the Office of the Clerk of Court of the Regional Trial Court-San Carlos City v. Llamas, A.M. No. P-04-1925, December 16, 2004, 447 SCRA 60, 69-70.

[12] Re: Initial Reports on the Grenade Incidents that Occurred at about 6:40 A.M. on December 6, 1999, 419 Phil. 267, 282-283 (2001).

[13] Republic Act No. 6713, Sec. 2.

[14] Joint Affidavit, rollo, p. 30.

[15] Id. at 30-32.

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[16] 396 Phil. 150 (2000).

[17] Domingo v. Morales, id. at 161.

[18] Villanueva v. Larcena, 457 Phil. 620, 624 (2003); Gratela v. Yonzon, Jr., 326 Phil. 595, 600 (1996).

[19] Zipagan v. Tattao, 418 Phil. 82, 87 (2001).

[20] Amane v. Mendoza-Arce, 376 Phil. 575, 581 (1999).

[21] Id. at 598.

[22] Rollo, p. 3.

[23] Guidelines on the Detail and Reassignment of Personnel of the Lower Courts.

[24] Sarmiento v. Salamat, 416 Phil. 684, 694-695 (2001).

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