JUDGE ALDEN V. CERVANTES, COMPLAINANT, VS. EDWIN D. CARDEÑO, UTILITY WORKER I, MUNICIPAL TRIAL COURT, CABUYAO, LAGUNA, RESPONDENT.

A.M. No. P-05-2021 (Formerly OCA I.P.I No. 05-2103-P). June 30, 2005

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

The instant administrative case arose from a Letter-Report dated 25 November 2004 of Judge Alden V. Cervantes of the Municipal Trial Court (MTC) of Cabuyao, Laguna, to the Court Administrator, charging Edwin D. Cardeño, Utility Worker I of the same court, with Conduct Unbecoming of a Court Employee, Gross Discourtesy, Insubordination and Grave Misconduct for Interfering in the Performance of Duty of the Acting Clerk of Court.

In the Letter-Report,[1] Judge Alden V. Cervantes alleged that at around 10:55 A.M. of 24 November 2004, while he was at his chambers, he was disturbed by a commotion in the adjacent room. To satisfy his curiosity, he stepped out of the room and saw respondent Edwin Cardeño (Cardeño) and Sherwin Hermano (Hermano) engaging in a fistfight, while the Acting Clerk of Court, Arlyn Alcantara (Alcantara), was trying to pacify them.

Also present during the incident were Court Stenographer Eva Canog, Process Server Generencio O. Dapitan, Gary Delantar, and Manolo Dedicatoria, an outsider.

In the investigation later conducted by Judge Cervantes, Hermano, a municipal government employee, testified that he was in the MTC office to accompany a friend who was then applying for a clerical position. After he handed his friend's application to the Acting Clerk of Court, Cardeño snatched the same and handed it back to the applicant telling the latter not to apply as the judge had already recommended someone for the position. At this juncture, Alcantara admonished and advised Cardeño not to interfere with the official acts of the Clerk of Court. In response, respondent uttered the words "Ang yabang mo, sinong pinagmamalaki mo, yong boyfriend mong may tai sa ulo" and then picked up the tape dispenser and hit Hermano. The latter fought back and punched Cardeño in the mouth.

The statement of Hermano was corroborated by Alcantara and Eva Canog.

On his part, Mr. Manolo Dedicatoria, an outsider, likewise affirmed the statements of Alcantara and Eva Canog and stated that upon entering the MTC office, he saw Cardeño hit Hermano with a tape dispenser who in turn fought back and punched Cardeño in the mouth.

On the other hand, respondent Cardeño stated that Hermano punched him twice in the mouth.

After investigation, Judge Cervantes recommended[2] the dismissal of respondent, on the justification that:

> . . . [T]he statements of Arlyn Alcantara, Eva Canog and Sherwin Hermano [are] believable wherein Edwin Cardeño uttered insulting words to Arlyn Alcantara and to Sherwin Hermano. Said parties spoke in clear, straightforward manner.

> The statement of Manolo Dedicatoria and Generencio Lapitan are credible.
>
> The statement of Edwin Cardeño is true he was hit in his mouth two (2) times.
>
> The facts show that Edwin Cardeño (Utility Worker) interfered in the performance of acting Clerk of Court Arlyn Alcantara of her functions as Clerk of Court; that the acts and utterances of Edwin Cardeño are equivalent to gross discourtesy, insubordination, disrespect towards his superior, gross imprudence and arrogance towards his co-employee and superior in the Court; That Edwin Cardeño uttered insulting and sarcastic words against the guest Sherwin Hermano.
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> It should be mentioned that in many, many instances Edwin Cardeño as Utility Worker in the MTC, Cabuyao, Laguna is not present in the office and when is needed, he cannot be found. He hardly performs his duties as Utility Worker of the Court. He does not even dispose the garbage for the Court of offices.
>
> Edwin Cardeño is an undesirable employee of the Court.
>
> Considering all foresaid happenings and circumstances, the judge finds that it is not anymore advisable that Edwin Cardeño should continue working as Utility Worker in the Municipal Trial Court of Cabuyao, Laguna. It is submitted that the dismissal of Edwin Cardeño from the service is warranted.

On 27 January 2005, the Office of the Court Administrator (OCA) required[3] respondent to file his comment.

In his Sinumpaang Salaysay,[4] respondent admitted that a fistfight between him and Hermano ensued but alleged that the root cause of the incident arose from the alleged jealousy of Hermano against him. He claimed that he and Alcantara had a relationship. The incident was not witnessed by anyone except himself, Hermano and Alcantara. He likewise claimed that Judge Cervantes did not actually witness the incident because the latter was inside his chambers. He also claimed that Judge Cervantes resented him because the latter knew he secured a copy of the payroll from the Treasurer's Office of Cabuyao, Laguna, which he will use in lodging a complaint against him. The payroll will show that Judge Cervantes was continuously receiving/getting the salary of the driver even if the driver was no longer working for him. Judge Cervantes even threatened to file a complaint against him if he will not disclose who advised him to get a copy of the said payroll.

After evaluating the circumstances of the case, the OCA submitted its report with the following recommendations:

> - That the instant matter be re-docketted as a regular administrative case; and
>
> - Respondent Edwin D. Cardeño, Utility Worker, MTC, Cabuyao, Laguna be FINED in the amount of ONE THOUSAND PESOS (P1,000.00) AND STERNLY WARNED that a repetition of the same or similar act(s) in the future shall be dealt with more severely.

This Court fully agrees in the recommendation of OCA and finds the conduct of respondent Cardeño short of the high standards of the judicial service.

It is significant to note that respondent Cardeño never denied the occurrence of a fistfight between him and Hermano; that he hit the latter with a tape dispenser and snatched the application for appointment of Hermano's friend in the hands of Alcantara, the Acting Clerk of Court. In his desperate attempt to exonerate himself, he imputes malicious motive to Judge Cervantes for having an axe to grind against him. Unfortunately for Cardeño, his explanations do not excuse his actions.

The incident happened inside the office of the MTC when respondent snatched the application paper of an applicant who was accompanied by Sherwin. This elicited a normal reaction from the Acting Clerk of Court who said "Huwag kang makialam sa trabaho ng Clerk of Court" as it was actually an unwarranted interference in the performance of her duty. Hearing the statement of the Acting Clerk of Court, respondent became belligerent and

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uttered the words "Ang yabang mo. Sinong pinagmamalaki mo? Yong boyfriend mong may tai sa ulo." Thereafter, respondent got hold of the tape dispenser and hit Hermano in the right forearm.

Without an iota of doubt, the acts of respondent in uttering those words with the Acting Clerk of Court and hitting Hermano with a tape dispenser within the court premises, and during working hours at that, exhibit discourtesy and disrespect not only towards co-workers but to the court as well. It is also clear that it was respondent who provoked the fracas that ensued between him and Hermano. Such behavior is contrary to the ethical conduct demanded by A.M. No. 03-06-13-SC, otherwise known as "Code of Conduct for Court Personnel."

Time and again, we have stressed that the conduct and behavior of everyone connected with an office charged with the dispensation of justice are circumscribed with a heavy burden of responsibility.[5] The employees' action at all times must be characterized by propriety and decorum and must be above suspicion.[6]

The records reveal that the conduct of respondent Cardeño fell short of this standard. Respondent's act constitutes misconduct. Misconduct is a transgression of some established or definite rule of action; more particularly, it is an unlawful behavior by the public officer.[7] 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.[8] Such conduct is exacted from them so that they will earn and keep the public's respect for and confidence in the judicial service.[9] This standard is applied with respect to a 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 erodes respect for the courts.[10]

Courts are looked upon by the people with high respect and are regarded sacred places, where litigants are heard, rights and conflicts settled and justice solemnly dispensed. Misbehavior within and around their vicinity diminishes their sanctity and dignity.[11] By fighting within court premises, the parties have failed, not only to observe the proper decorum expected of members of the judiciary, they have failed to promote public confidence in the integrity and impartiality of the judiciary. In Quiroz v. Orfila,[12] reiterated in the case of Alumbres v. Caoibes, Jr.,[13] we declared:

> Fighting between court employees during office hours is disgraceful behavior reflecting adversely on the good image of the judiciary. It displays a cavalier attitude towards the seriousness and dignity with which court business should be treated. Shouting at one another in the workplace and during office hours is arrant discourtesy and disrespect not only towards co-workers, but to the court as well. The behavior of the parties was totally unbecoming members of the judicial service. Such conduct cannot be countenanced.

Judge Cervantes found that the misdeeds of respondent warranted the penalty of dismissal. However, the OCA recommended a light penalty of a fine of One Thousand Pesos (P1,000.00), to which we agree. In the cases of Judge Aquino v. Israel, et al.,[14] Baloloy v. Flores,[15] and Quiroz v. Orfila,[16] respondents thereat, who fought with co-employees in the court premises, were fined P1,000.00 and reprimanded. Considering that respondent had served the trial court for nine (9) years and that this is his first offense, it is deemed too harsh to sanction him with a stiffer penalty. Thus, a fine of One Thousand Pesos is justified.

We take this opportunity to remind, not only the respondent, but all court personnel as well, that the image of the judiciary is mirrored in the kind of conduct, official or otherwise, which the personnel within its employ display, from the judge to the lowest clerk. Any fighting or misunderstanding becomes a disgraceful sight reflecting adversely on the good image of the judiciary. Professionalism, respect for the rights of others, good manners and right conduct are expected of all judicial officers and employees. Thus, all employees are required to preserve the judiciary's good name and standing as a true temple of justice.[17]

WHEREFORE, respondent Edwin D. Cardeño is FINED One Thousand Pesos (P1,000.00) with a stern warning

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that a repetition of the same or similar act(s) in the future will be dealt with more severely.

SO ORDERED.

Puno (Chairman), Austria-Martinez, Callejo, Sr., and Tinga, JJ., concur.

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[1] Rollo, pp. 2-6.

[2] Rollo, pp. 16-17.

[3] Rollo, p. 8.

[4] Rollo, pp. 9-12.

[5] Re: Ms. Teresita S. Sabido, A.M. No. 94-3-20 MCTC, 17 March 1995, 242 SCRA 432.

[6] Office of the Court Administrator v. Yambao, A.M. No. P-91-593, 07 April 1993, 221 SCRA 77; Del Rosario v. Bascar, Jr., A.M. No. P-88-255, 03 March 1992, 206 SCRA 678; and Callejo, Jr. v. Garcia, A.M. No. P-88-198, 25 February 1992, 206 SCRA 491.

[7] Office of the Court Administrator v. Bucoy, A.M. No. P-93-953, 25 August 1994, 235 SCRA 588; and Amosco v. Margo, A.M. No. 439-MJ, 30 September 1976, 73 SCRA 107.

[8] Policarpio v. Fortus, A.M. No. P-95-1114, 18 September 1995, 248 SCRA 272; and Flores v. Ganadar, A.M. No. P-152, 29 November 1974, 61 SCRA 430.

[9] Tablate v. Seechung, A.M. No. 92-10-425-OMB, 15 July 1994, 234 SCRA 161.

[10] Office of the Court Administrator v. Bucoy, supra.

[11] Bedural v. Edroso, A.M. No. 00-1395, 12 October 2000, 342 SCRA 593.

[12] A.M. No. P-96-1210, 07 May 1997, 272 SCRA 324.

[13] A.M. No. RTJ-99-1431, 23 January 2002, 374 SCRA 255.

[14] A.M. No. P-04-1800, 25 March 2004, 426 SCRA 266.

[15] A.M. No. P-99-1357, 04 September 2001, 364 SCRA 317.

[16] A.M. No. P-96-1210, 07 May 1997, 272 SCRA 324.

[17] Bedural v. Edroso, A.M. No. 00-1395, 12 October 2000, 342 SCRA 593.

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