

GLORIA R. CABANO, COMPLAINANT, VS. EVELYN T. MONREAL, RESPONDENT.

Adm. Matter No. P-92-675. February 09, 1993

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PER CURIAM:

Complainant, in her capacity as Clerk of Court II of the 6th Municipal Circuit Trial Court, Bayawan-Basay, Bayawan, Negros Oriental, filed the present verified administrative complaint on February 4, 1992 against herein respondent, a utility worker of the same court, for non-performance of duty, grave misconduct, discourtesy, insubordination, laziness and other acts prejudicial to the interest of the public service, the particulars whereof are detailed therein and in the annexes thereto.

In a resolution of June 17, 1992, this Court required respondent to comment thereon within ten (10) days from notice. In a one-page handwritten letter in the vernacular, dated August 9, 1992, respondent acknowledged receipt of a copy of said complaint and resolution, informed the Court that she has not received her monthly salary, allowances and bonuses since October, 1991 and that she had gone on absence without leave (AWOL) since March, 1992 and, in effect, submitted the matter to the Court for disposition.

Her aforesaid response was noted by the Court in its resolution dated September 9, 1992 and the matter was referred to the Office of the Court Administrator for evaluation, report and recommendation.

On October 13, 1992, said office submitted its memorandum report as follows:

"This is a complaint for insubordination and acts prejudicial to the best interest of the service filed by Gloria R. Cabano against Evelyn T. Monreal the circumstances of which are described and enumerated in complainant's verified complaint. The acts refer to respondent's convictions for indirect contempt and slight physical injuries, and her refusal to perform her duties in spite of several Memoranda to that effect.

"In her comment, respondent explained that since October 1991 up to the present she had not received her salary, allowances and bonuses; from March 1992, she has been absent without official leave; and she now awaits whatever disciplinary action that may be imposed upon her.

"The facts constituting the charges were sufficiently established by the annexes of complainant's verified complaint. Said documentary proofs, which remain un rebutted, coupled with respondent's admission that from March 1992 she has been absent without official leave, reveal that indeed respondent misbehaved.

"Further, her convictions (for) indirect contempt and slight physical injuries render her administratively liable, although there is no showing that the incident occurred while she was performing her official duties.

"This is the second complaint filed by complainant against respondent for similar acts. The first was decided on July 11, 1990 by this Court in Administrative Matter No. P-89-362 (Gloria R. Cabano vs. Evelyn T. Monreal), wherein respondent Evelyn T. Monreal was found guilty of insubordination and other acts prejudicial to the best interest of the service and was suspended for two (2) weeks without pay with a stern warning that a repetition of the same or similar acts as those charged will be dealt with more severely by this Court."

It was then pointed out that pursuant to Section 23, Rule IV of the Omnibus Rules Implementing Book V of Executive Order No. 292 and other Pertinent Civil Service Laws, conduct grossly prejudicial to the best interest of the service is classified as a grave offense and the penalty for a second offense is dismissal. On the other hand, insubordination is classified as a less grave offense but the penalty for a second offense is likewise dismissal.

Since respondent is guilty for the second time of both offenses of insubordination and acts prejudicial to the best interest of the service, the Office of the Court Administrator recommends her dismissal from the service.

We approve the findings and recommendation. Verily, respondent has not taken seriously the penalty imposed on her and the stern warning in our decision in Administrative Matter No. 89-362 against a repetition of the very acts which she has now again committed. Thus, in Criminal Case No. 5524 of the court below, she was found guilty of indirect contempt for failure to appear before the office of the barangay captain and was ordered detained for five (5) minutes in the office of the station commander on December 11, 1989.

Again, in Criminal Case No. 5525 of the same court she was convicted on November 5, 1990, on a plea of guilty, of slight physical injuries committed against her co-employee, Catalina A. Mendoza, under Article 266(2) of the Revised Penal Code and sentenced to twenty (20) days of arresto menor and to pay a fine of P50.00. Although the trial court granted her ten (10) days to file her probation documents pursuant to Presidential Decree No. 968, she failed to do so and the court was constrained to order execution of judgment. Said order was subsequently reconsidered and the probation office was required to conduct a serious study and submit her case to the appropriate mental health authorities.

All these are aside from the repeated acts of insubordination, disobedience, violence and antagonism to her co-employees which are narrated in the verified complaint and found by the Office of the Court Administrator as duly substantiated by the evidence. In fact, as earlier noted, respondent has not even attempted to refute any of the charges against her.

ACCORDINGLY, respondent Evelyn T. Monreal is hereby ordered DISMISSED from the service with prejudice to reemployment in any branch or agency of the national or local governments, including government-owned or controlled corporations.

SO ORDERED.

Narvasa, C.J., Cruz, Feliciano, Padilla, Bidin, Griño-Aquino, Regalado, Davide, Jr., Romero, Nocon, Bellosillo, Melo, and Campos, Jr., JJ., concur.

Gutierrez, Jr., J., on leave.

Quiason, J., no part.

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