

DENIA C. BUTA, PETITIONER, VS. MANUEL M. RELAMPAGOS, OFFICE OF THE OMBUDSMAN FOR MINDANAO; REGIONAL DIRECTOR, DEPARTMENT OF EDUCATION, CULTURE AND SPORTS, REGION X (CAGAYAN DE O...

G.R. No. 116798. September 16, 1997

Ponente: BELLOSILLO, J.

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BELLOSILLO, J.:

A forgiving heart, a modicum of charity and forbearance, a little restraint and less recriminations from each party could have averted this case from reaching this Court.

Petitioner Denia C. Buta, a public school teacher of Caloc-an Elementary School, Magallanes, Agusan del Norte, was charged with oppression before the Office of the Ombudsman under Sec. 36, par (b), subpar. (2), PD No. 807, otherwise known as the Civil Service Decree of the Philippines, [1] docketed as Case No. OMB-MIN-ADM-92-133.

According to complainant Manuel M. Relampagos, private respondent herein, petitioner refused to admit for enrollment one Walbit Sampayan in her Grade VI class at Caloc-an Elementary School because his mother, Loida I. Sampayan, was a witness in the electioneering case filed by complainant against petitioner. As a consequence, Ms. Sampayan was forced to enroll her son at Buhang Elementary School in a nearby barangay.

Petitioner asserted in denying the charge that she did not enroll Walbit immediately but required him to come to school first as classes were already into the second week and that a visitor from the Division Office, Department of Education, Culture and Sports (DECS), Division of Agusan del Norte, was making a headcount of all enrolled pupils. To support her claim, she presented an affidavit dated 12 November 1992 [2] executed by ten (10) pupils, namely, Dennis Perang, Sherwin Reas, Mary Grace Caro, Ricky Sol, Novie Christian Castrodes, Suzette Penaso, Jeson Jan Dumdum, Malou Castrodes, Jocelyn Castrodes and Sundy Amolo, who confirmed that they were pupils of petitioner Denia C. Buta; that they enrolled in her class prior to the start of classes on 15 June 1992; that a week later, or on 22 June 1992, at about 7:45 a.m. while their teacher was calling the roll, Ms. Loida Sampayan arrived and said, "Good morning, ma'am," and Ms. Buta answered, "Good morning, lingkod, unsa may ato" (Good morning, sit down, what can I do?); that Ms. Sampayan said, "Magpaenroll unta ko kang Walbit" (I wish to enroll Walbit); [3] that Ms. Buta asked, "Asa man ang bata?" (Where is the child?); that Ms. Sampayan answered, "Tua pa sa balay" (Still in the house); that Ms. Buta then said, "Unya na lang Loids akong e-enroll ang bata kong ni-a na kay stricto ang among bisita" (I'll enroll him later when he is already here because our visitor is strict); that Ms. Sampayan retorted, "Na-a ra na sa imo mam basta dinhi ko ipaenroll ang akong mga anak" (It's up to you ma'am but I'll enroll my children here); and, that Ms. Sampayan then left murmuring.[4]

On 18 May 1994 the Office of the Ombudsman for Mindanao through Graft Investigation Officer II Marie Dinah S. Tolentino, and approved by Deputy Ombudsman for Mindanao Cesar E. Nitorreda, found petitioner Denia C. Buta guilty of the offense charged and imposed upon her a penalty of suspension for eight (8) months and one (1)

day, [5] ruling that her refusal to admit Walbit Sampayan for enrollment unless he was physically present, thus forcing him to attend school at another barangay, was oppressive in the absence of any proof of "no enrollment unless physically present" policy of the school. The joint affidavit of the ten (10) pupils presented by petitioner was rejected by the Office of the Deputy Ombudsman on the ground that it was not a competent proof of the existence of the policy. Hence, this petition.

On 14 September 1994 we issued a temporary restraining order enjoining the execution of the questioned resolution of the Office of the Deputy Ombudsman for Mindanao. [6]

Petitioner contends that the Office of the Deputy Ombudsman committed grave abuse of discretion in holding her liable for oppression. She insists that she did not refuse to enroll Walbit Sampayan but merely required him to come to school first for the reason that a visitor from the Division Office was at the time making a headcount of enrolled pupils as it was already the second week of classes and Ms. Sampayan said that Walbit was going to school shortly anyway. But even assuming that it was wrong for her to delay the enrollment, the penalty of suspension for eight (8) months and one (1) day was too harsh.

We grant the petition. Under DECS Memorandum No. 101, series of 1992, [7] all teachers and pupils are enjoined to be in their assigned classrooms on the first day of school, [8] and late enrollment is specifically not allowed. [9]

In the instant case, it is not disputed that Walbit Sampayan was a late enrollee. Classes had been going on for two (2) weeks when his mother requested his enrollment on 22 June 1992. In fact, a visitor from the Division Office was already conducting a headcount of all enrolled pupils, for which reason, petitioner as teacher in Grade VI inquired where Walbit was and advised his mother that he should come to school first to be enrolled. Actually, under DECS Memorandum No. 101, pupils in Grades II to VI were considered tentatively enrolled at the end of the school year and the list of pupils so enrolled and their class assignments were posted on the bulletin boards. [10]

Petitioner had every reason to require the personal presence of Walbit which, in effect, was a mere validation of his automatic enrollment, as there appeared to be no valid reason whatsoever for his continued absence from school. His mother did not also offer any explanation for the boy's continued absence.

To be considered oppressive, an act should amount to cruelty, severity, unlawful exaction, domination or excessive use of authority, [11] for oppression is the misdemeanor committed by a public officer who, under color of his office, wrongfully inflicts upon any person any bodily harm, imprisonment or any other injury, or an act of subjecting another to cruel and unjust hardship. [12] Since the act of petitioner in requiring Walbit Sampayan to come to school first before he could be enrolled or his enrollment validated was not without a valid reason, it could not be considered cruel, severe or as inflicting injury or hardship upon Ms. Loida Sampayan and her son. On the contrary, it would have been simpler and less burdensome had Ms. Sampayan brought Walbit to school. This case could have ended then and there and so with the animosities that affected the parties. As we view it, Ms. Sampayan was neither forced nor compelled to enroll Walbit at a school in another barangay. All that petitioner required her to do was to bring Walbit along with her to school. If she enrolled her son in another barangay on a preconceived notion, albeit erroneously, that petitioner would maltreat Walbit [13] because she served as witness in the electioneering case filed against petitioner, [14] that was of her own making. Under these facts, the Court cannot help concluding that the charge of oppression is baseless or essentially superficial as to justify a finding of guilt.

It is quite unfortunate that, obviously, the parties have allowed themselves to be too involved in "politicking" that petty quarrels like the present have resulted. Such quarrels only serve to impede, rather than promote, the performance of teachers in their primary duty of educating the young.

WHEREFORE, premises considered, the questioned Resolution dated 18 May 1994 of the Office of the Ombudsman for Mindanao holding petitioner DENIA C. BUTA liable for oppression and imposing a penalty therefor is REVERSED and SET ASIDE, and the complaint against her is dismissed. The temporary restraining order we issued on 14 September 1994 is made permanent.

SO ORDERED.

Davide, Jr., (Chairman), Vitug, Kapunan and Hermosisima, Jr., JJ., concur.

[1] Sec. 36. Discipline: General Provisions. - (a) No officer or employee in the Civil Service shall be suspended or dismissed except for cause as provided by law and after due process. (b) The following shall be grounds for disciplinary action: (1) Dishonesty; (2) Oppression x x x x

[2] Original Records, pp. 65-66.

[3] See par. 3, Joint Affidavit, Annex "A," Petition, p. 12.

[4] See par. 4, id.

[5] Resolution dated 18 May 1994 penned by Graft Investigation Officer II Marie Dinah S. Tolentino; Rollo, pp. 18-20.

[6] Rollo, pp. 32-35.

[7] Guidelines for Enrollment, Organization, and Opening of Classes in Public Elementary and Secondary Schools for School Year 1992-1993 issued on 7 May 1992 by then DECS Secretary Isidro D. Cariño.

[8] Id., No. 2.

[9] Id., No. 4, par. (c).

[10] Under DECS Memorandum No. 101, series of 1992, it is understood that pupils in Grades II to VI were tentatively enrolled at the end of School Year 1991-1992, and the lists of pupils so enrolled and their class assignments were posted on the bulletin boards.

[11] Ochate v. Deling, 105 Phil. 384, 390 (1959), citing United States v. Deaver, 14 Fed. 595.

[12] Dunfee v. Baskin-Robbins, Inc., 221 Mont. 447, 720 P. 2d 1148, 1155, cited in Black's Law Dictionary, 6th Ed., p. 1093.

[13] Rollo, p. 30.

[14] Dismissed by Resolution dated 13 September 1992 of the Provincial Prosecution Office, Agusan del Norte; Original Records, pp. 28-33.

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