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submitted an affidavit of desistance, stating that he has settled his differences with the respondent, and asked for the dismissal of this administrative case. Although the desistance of complainant or the withdrawal of the charges will not necessarily curtail the authority of this Court to proceed further on the matter, such circumstance will undoubtedly render the investigation of the case difficult. In the case at bar, not only is the respondent entitled to the presumption that as an officer of the Court, he has performed his duty in accordance with his oath,[2] but also no evidence has been submitted to substantiate the charges. It appears also that the deed of sale, which complainant claims to have been altered, appears on its face to be regular and bears no traces of any alteration whatsoever:

WHEREFORE, in view of the foregoing, the Court, finding the recommendation of the Solicitor General to be meritorious, hereby DISMISSES the administrative charges against respondent.

Fernando (Chairman), Barredo, Aquino, Concepcion Jr., and *Santos, JJ.*, concur.

FIRST DIVISION

[A.M. No. P-1430. December 29, 1978]

CIRENIA JARAMILLO, *complainant, vs.* **FILOMENA MAGO VISTRO,** *respondent.*

SYLLABUS

ADMINISTRATIVE LAW; ADMINISTRATIVE CHARGES; BASELESS CHARGES SHOULD BE DISMISSED AND

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[2] *Re Reily*, 79 ALR 89 cited in *In re Tionko*, 43 Phil. 191.

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COMPLAINANT REPRIMANDED. — Where the complaint against a court employee is baseless and unsubstantiated and the complainant is shown to have the reprehensible propensity to exaggerate and proffer unfounded charges, the complaint shall be dismissed and the complainant reprimanded and admonished to refrain from filing baseless charges.

RESOLUTION

FERNANDEZ, *J.*:

In a sworn complaint, Cirenia R. Jaramillo, City Librarian of the City of Baguio, charged Filomena Mago Vistro, Deputy Clerk of Court, Branch IV, City Court of Baguio with discourtesy in the course of official duties and misconduct.

The complaint states that on September 20, 1976 at 9:30 A.M., the complainant was in the office of the respondent in connection with her case of unjust vexation; that after she had filed her cash bail bond, the respondent treated the complainant arrogantly, sarcastically and indignantly by uttering the following words: "When is your arraignment?"; that complainant asked for ample time to confer and consult with her lawyer so that she manifested her desire that it be set on October 4 or 5, 1976; that respondent stated in a more arrogant manner the following: "That is too long. You are given only one week to set your arraignment because that is the ruling of this court."; that the respondent thereupon set the date of arraignment on September 27, 1976; and that complainant allegedly was informed that respondent has been going out of her way to help the complaining witness in the unjust vexation case, Mrs. Rosalinda Bautista, in gathering evidence against the said complainant.[1]

Upon being required to comment, the respondent submitted a second indorsement dated November 8, 1976 to this Court.

In her comment, the respondent denied the charges imputed to her and alleged that on September 20, 1976 complainant

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[1] *Rollo*, pp. 2-11.

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was brought to her office by Pat. Limmayog who had arrested her; and that respondent attended to, and accommodated, the complainant with courtesy and respect. Attached to the respondent's comment are affidavits of persons who were present during the alleged incident denying the charges in the complaint and copies of record of criminal cases filed against the complainant.[2]

The complainant submitted a lengthy reply to the comment of the respondent.[3]

This Court then issued a Resolution on April 3, 1978 referring the case to Hon. Salvador Valdez, Executive Judge of the Court of First Instance of Baguio City for investigation, report and recommendation.[4] Judge Valdez conducted formal hearings on May 22 and 23, 1978.[5] Thereafter, he submitted his Report and Recommendation on August 4, 1978.[6]

In his "Report and Recommendation" the investigating Judge recommends the dismissal of the complaint and the exoneration of the respondent on the ground that the charges have not been substantiated.

We concur in the findings and conclusion of Judge Valdez that the charges have not been substantiated. Co-employees of the respondent and Patrolman Limmayog, who were present during the alleged incident, executed sworn statements to belie the charges. They also testified during the formal investigation.

A perusal of the records reveals that the complainant has a penchant for filing unfounded charges against her co-employees in the City Library.

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[2] *Ibid.*, pp. 27-42.

[3] *Ibid.*, pp. 86-149.

[4] *Ibid.*, p. 150.

[5] *Ibid.*, pp. 243-290.

[6] *Ibid.*, pp. 388-392.

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Quoted in the report and recommendation is a portion of the letter of Conrado D. David, Processing Committee, Librarian Examination, to the complainant which reads:

"It is of record that almost all your official letters addressed to past and present colleagues in our Office are replete with innuendos and insinuations designed to cast aspersions on your co- workers. Our records also show that even in simple letters of transmittal, you have the propensity to inject long derogatory remarks against your co-employees in the profession.

It is also supported by records, that in one time or another you have filed formal and informal complaints against your colleagues in the Baguio City Library, namely, Mr. Enrique Cariño, Mr. Evaristo Ibalio, Mr. Pedro Imingan, Mr. Sergio P. Perez, Mrs. Fermina A. Rivera, and Mrs. Anita Dacumos, to mention but a few. Sometimes we are constrained to conclude that something is basically wrong with you. You have not learned to get along with your co-workers in spite of your length of service in the profession. Your baseless and unfounded gossips do not have a place in this New Society to which we, as a people, are committed to forge.

If I were you I will desist, from now on writing lengthy, baseless and unsavory letters because this Office will be forced to take the necessary actions against you pursuant to existing laws and of Presidential Decree No. 6." (Exhibits "1-A" and "1-B")[7]

The foregoing shows the reprehensible propensity of the complainant to exaggerate and proffer unfounded charges for which she should be reprimanded.

WHEREFORE, the present complaint is hereby DISMISSED and the respondent exonerated of the charges therein and the complainant is reprimanded and admonished to refrain from filing baseless charges.

SO ORDERED.

Teehankee (Chairman), Makasiar, Santos, and *Guerrero JJ.,* concur.

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[7] *Rollo,* pp. 390-391.