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repetition of the same or similar conduct in the future will be dealt with most severely.

SO ORDERED.

Melo (Chairman), Panganiban, Purisima, and *Gonzaga-Reyes, JJ.*, concur.

THIRD DIVISION

[A.M. No. P-99-1330. August 12, 1999]

CLARITA I. DIONISIO, Legal Researcher and Acting Clerk of Court, Regional Trial Court of Pinamalayan, Oriental Mindoro (Branch 42), *complainant, vs.* **PACIFICO S. GILERA, MYRNA O. SOLAS, SANTIAGO C. MARCIANO, JR., FLORENCIA G. MARCIANO, BENEDICTO J. MANAHAN AND ALFREDO M. MENORCA, Regional Trial Court of Pinamalayan, Oriental Mindoro (Branch 42),** *respondents.*

SYNOPSIS

In a complaint dated July 21, 1995, employees of the Regional Trial Court of Pinamalayan, Oriental Mindoro (Branch 42) questioned the designation of Clarita I. Dionisio as acting branch clerk of court. Dionisio denied the charges against her and filed her own complaint against two of the original complainants. The second complaint led to the filing of other charges by the protagonists against each other. In a letter dated January 29, 1999, Pacifico Gilera, interpreter of the said branch, prayed for the dismissal of the case on the ground that the contending parties had already decided to withdraw their respective complaints. Nevertheless, the OCA recommended that the other concerned employees be reprimanded.

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The Court agreed with the Office of the Court Administrator that administrative sanctions should be imposed on the 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 the complaints. The issue in 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, the Court has the duty to root out misconduct among its employees, regardless of the parties' desistance.

SYLLABUS

1. **CONSTITUTIONAL LAW; SUPREME COURT; ADMINISTRATIVE SUPERVISION OVER COURT PERSONNEL; WITHDRAWAL OF ADMINISTRATIVE COMPLAINT; DOES NOT NECESSARILY WARRANT DISMISSAL OF ADMINISTRATIVE COMPLAINT; REASON.**— We agree with the OCA that administrative sanctions should be imposed on the 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 the Complaints. Indeed, these proceedings do not depend on the whim and caprice of the concerned employees, for the aggrieved party is the court system. The issue in 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.

2. **POLITICAL LAW; PUBLIC OFFICE; JUDICIARY; EMPLOYEES MUST BE CHARACTERIZED BY PROPRIETY AND DECORUM.**— Men and women who work in the judiciary "must be characterized by propriety and decorum and must be above suspicion." Their actuations should at all times embody prudence, restraint, courtesy and dignity. The

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Court reminds them once again that they must conduct themselves in a manner worthy of the public's respect for the judiciary.

3. **CONSTITUTIONAL LAW; SUPREME COURT; ADMINISTRATIVE SUPERVISION OVER COURT PERSONNEL; INTERPRETER; SLAPPING AND THREATENING A CO-EMPLOYEE AND LEAVING COURTROOM WHILE A TRIAL IS IN SESSION CONSTITUTES MISCONDUCT.**— In this case, it was established that Gilera had slapped and threatened Dionisio. Worse, Gilera perpetrated the attack on a woman during office hours and inside the courtroom. Regardless of the desistance of Dionisio, the Court cannot close its eyes to Gilera's ungentlemanly conduct, which was clearly unbecoming a court employee. Gilera's misdemeanor was aggravated by his leaving the courtroom while a trial was in progress, in violation of his duties as court interpreter. Specifically, his mandate includes the following: to act as translator of the court, attend all court hearings, administer oaths to witnesses, mark all exhibits introduced in evidence, and prepare and sign all the minutes of the session. Furthermore, the above conduct was inimical to the dispensation of justice, for it disrupted and delayed the court proceedings. WHEREFORE, Pacifico S. Gilera is *SUSPENDED* for two months without pay for simple misconduct and *WARNED* that a repetition of said or similar actions would be dealt with more severely.

4. **ID.; ID.; ID.; COURT AIDE/UTILITY WORKER; REPRIMANDED FOR LEAVING OFFICE WITHOUT OFFICIAL PERMISSION AND WITHOUT LEAVING KEY TO LOCKED OFFICE ROOM.**— On the other hand, Marciano Jr. should be reprimanded for leaving the office on February 7, 1996, without official permission and without leaving the door key to another responsible employee. As a result of his unexpected departure and absence, the office remained closed in the afternoon — no court employee was able to work, and no official transaction was conducted. Though he was "merely" a court aide or utility worker, his conduct and his duties in court were likewise circumscribed with a heavy burden of responsibility. WHEREFORE, Santiago C. Marciano, Jr. is *REPRIMANDED* and *WARNED* that a repetition of said or similar actions would be dealt with more severely.

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DECISION

PANGANIBAN, *J.*:

The image of the courts depends to a large extent on the personal and official conduct of its employees. Hence, from the judge to the lowest clerk, judicial personnel have the solemn and sacred duty to maintain the good name of the judiciary.[1]

The Facts

The present controversy began when employees of the Regional Trial Court of Pinamalayan, Oriental Mindoro (Branch 42) — Pacifico S. Gilera, Myrna O. Solas, Santiago C. Marciano, Jr., Florencia G. Marciano, Benedicto J. Manahan and Alfredo M. Menorca — filed a Complaint dated July 21, 1995, which questioned the designation of Clarita I. Dionisio as acting branch clerk of court. In her Comment, Dionisio denied the charges against her and filed a Complaint of her own against two of the original complainants. The second Complaint led to the filing of other charges by the protagonists against each other.

The factual antecedents of the present consolidated case were summarized by the Office of the Court Administrator (OCA) in this wise:

"This case is a consolidation of the complaint of Pacifico S. Gilera, Court Interpreter, and five (5) of his co-employees at RTC, Branch 42, Pinamalayan, Oriental Mindoro against Clarita I. Dionisio, [l]egal [r]esearcher and then [a]cting [b]ranch [c]lerk of [c]ourt of the same court, and the charges of Clarita I. Dionisio against Pacifico S. Gilera and other court employees.

"In a Complaint dated 21 July 1995, Gilera together with Myrna O. Solas, Santiago C. Marciano, Jr., Florencia G. Marciano, Benedicto J. Manahan and Alfredo M. Menorca questioned the designation of Dionisio as [a]cting [b]ranch [c]lerk of [c]ourt. They claimed that Dionisio was not eligible for the position as she is not a member of the bar. Maintaining that the [a]cting [b]ranch [c]lerk of [c]ourt is incompetent, they cited the fact that she has even scheduled cases for pre-trial and trial without proper notice to the parties. At one

[1] *Lledo v. Lledo,* AM No. P-95-1167, December 21, 1998.

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time, she set a case for trial on a Sunday. Complainants added that Dionisio often seeks the assistance of the court stenographers in the preparation of official communications as she cannot perform the task by herself. They also complained that Dionisio is abusive and overbearing.

"Commenting on these imputations, Dionisio vehemently denied the same, alleging that Judge Manuel A. Roman strongly recommended her to the position because of her familiarity with the functions of [c]lerk of [c]ourt. She claimed that she has been performing these functions since 1988; and when she began receiving her RATA in 1992 for this added function, her co-employees became envious.

"Dionisio rejected the claim that she is incompetent in scheduling cases since these are scheduled by agreement of the parties as approved by the judge. With regards to Criminal Case No. P-5140 (*People vs. Abestado*), she disclosed that it was the presiding judge who set the date for hearing, unaware that the scheduled date was a Sunday.

"Reversing the charge, Dionisio countered that it is Gilera who is not qualified for the position of interpreter because his interpretations are grammatically wrong and convey meaning far from what the witnesses intend. Oftentimes, the public prosecutor or the defense counsel acts as interpreter because Gilera is not around to perform his duties, as what happened on 31 July 1991 when Judge Roman issued a memorandum requiring the interpreter to explain within seventy-two (72) hours his absence from the session held that day. Dionisio also complained that Gilera usually does not report for work in the afternoon and that he goes home to Mabini, Batangas every Thursday and returns to work only on Tuesdays without filing any leave of absence. Gilera, she stressed, is a habitual absentee.

"With regard to the other complainants, Dionisio maintained that they began harboring ill-feelings against her when she issued a memorandum requiring them to strictly observe office hours. This was resented by the court personnel especially when she complained about the illegal activities of some staff members amounting to corruption.

"Attached to Dionisio's Comment was her Complaint against Florencia G. Marciano and Myrna O. Solas, both Stenographers of the trial court, for Corruption and Illegal Transactions. According to Dionisio, these two (2) stenographers, with the connivance of Santiago C. Marciano, Jr., [u]tility [w]orker, actively solicit clients who need assistance in the preparation of legal documents such as

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Affidavits and Deeds of Sale. They prepare these for a fee, using office hours and office supplies.

"In retaliation Gilera filed on 20 September 1995 a complaint against Dionisio for harassment. He averred that Dionisio refused to sign his Daily Time Record (DTR) because he initiated her recall and had filed administrative charges against her. In her Comment, Dionisio countered that her refusal to sign the DTR was because it did not reflect the true and actual time-in, time-out and absences of Gilera.

"On 22 September 1995 Dionisio filed another complaint against Gilera for grave misconduct and insubordination. She claimed that at about 3:40 PM of 1 September 1995, Gilera attacked her with a bladed weapon inside the court and then slapped and threatened her. As a result thereof, she suffered physical injuries. Dionisio likewise filed criminal charges for attempted homicide and attempted murder against Gilera. The [i]nvestigating [p]rosecutor however found only a *prima facie* case for less serious physical injuries and grave threats for the injuries sustained by Dionisio. Gilera filed a petition for review of these findings which resulted in the dismissal of the charges as recommended by the [i]nvestigating [p]rosecutor. Gilera then filed with this Office a motion to dismiss the administrative complaint claiming that since the charges were dismissed by the Prosecutor's Office, the dismissal of the administrative complaint should follow.

"To get back at Dionisio, Gilera filed charges for perjury in that the former executed false sworn statements to support the criminal cases she filed against him. These charges were also dismissed by the Prosecutor's Office for lack of legal and factual basis. Gilera filed a petition for review of this dismissal. This Office has not yet been informed of the outcome of this petition.

"On 26 February 1996, Dionisio filed an administrative complaint against Santiago C. Marciano, Jr., [u]tility [w]orker, for gross neglect of duty which was detrimental to public service. Dionisio maintained that on 7 February 1996, Marciano, Jr. who is the custodian of keys to the courthouse was nowhere to be found. Since her room was locked, she was forced to hold office at the Fiscal's Office and consequently could not retrieve the records of a case when a litigant asked about the status thereof. No Comment thereto was filed by Marciano, Jr."[2]

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[2] OCA's Memorandum, pp. 1-3.

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In a Resolution dated June 17, 1998, the Court appointed Executive Judge Normelito J. Ballocanag of the Regional Trial Court of Pinamalayan, Oriental Mindoro, to investigate the case.

On February 16, 1999, the Office of the Court Administrator received Gilera's January 29, 1999 letter praying for the dismissal of the case, on the ground that the contending parties had already decided to withdraw their respective Complaints.

Report of the Investigating Judge

In his Report dated October 15, 1998, the investigating judge recommended the dismissal of the administrative cases because of the desistance of all the concerned court employees.

"In view of the foregoing considerations, the undersigned most respectfully recommends x x x that the administrative charge and countercharges between the parties be dismissed with the stern warning that any future similar infractions would be dealt with more severely in accordance with law."

Report and Recommendation of the Court Administrator

Notwithstanding the conclusion of the investigating judge, the OCA recommended that Pacifico S. Gilera be suspended without pay for a period of fifteen (15) days and that he and his co-employees — Clarita I. Dionisio, Myrna O. Solas, Santiago C. Marciano Jr., Florencia G. Marciano, Benedicto J. Manahan and Alfredo M. Menorca — be reprimanded with a stern warning that a repetition of similar acts in the future would be dealt with severely.[3] It explained:

"x x x The withdrawal of a complaint or the desistance by a complainant does not necessarily warrant the dismissal of an administrative complaint. In *Vasquez vs. Malvar, 85 SCRA 10,* the Court categorically expressed that 'to condition administrative actions upon the will of every complainant who may, for one reason or another condone a detestable act, is to strip this Court of its supervisory power to discipline erring members of the Judiciary.'

"In the case at bar, the desistance of the court employees [from

[3] OCA's Memorandum, p. 6.

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filing] their charges and counter-charges against each other does not justify the dismissal of this administrative case especially if the records provide sufficient basis for the determination of their liabilities.

"The complaint initiated by Gilera for the recall of Dionisio as [a]cting [c]lerk of [c]ourt for incompetence and ineligibility has become moot and academic because of the appointment of Atty. Mart Noel M. Rillorta as [c]lerk of [c]ourt of RTC, Branch 42, Pinamalayan, Oriental Mindoro. Dionisio reassumed her former position as court legal researcher.

"The other charges imputed to Dionisio are not substantiated and must therefore be dismissed.

"On the other hand, Dionisio's claim that Gilera usually disappears from the court during office hours is supported among others by a Memorandum issued by Judge Manuel A. Roman requiring Gilera to explain why during the hearing of Criminal Case No. P-3567 on 31 July 1991 he left the courtroom without permission and did not return until the court adjourned. It was the Deputy Sheriff who instead acted as interpreter during the session.

"Gilera's lack of dedication to his work was best reflected in his explanation to Judge Roman's Memorandum where he described his action as a 'simple yet pardonable neglect or omission.' He explained that he left the courtroom only when the defense lawyer finished his 'lengthy direct examination [of] the accused-witness and the Fiscal propounded his long and tedious examination.' He maintained that when the defense lawyer rested his case, his presence was no longer necessary and so he left not expecting that the prosecution would present a rebuttal witness. Objecting to Judge Roman's claim that he unceremoniously and without permission left the courtroom, Gilera insisted that he left a message with one of his co-employees which, to his mind, was tantamount to asking permission from the court. He then justified his act by stating that 'Anyway, trial continued with Mr. Bague as Acting Interpreter. There was no harm done. Administration of justice was not delayed and that only a few questions were asked to the witness, according to information.'

"If there is anything that is highlighted by Gilera's explanation, it is the arrogance and the insolence displayed by him towards the court and his judge, and the lackadaisical performance of his functions as court employee. Undeniably, Gilera's frequent disappearances from the office during office hours hamper his efficiency as a court interpreter.

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"Clarita Dionisio's allegation that she sustained injuries inflicted by Gilera after she refused to sign his DTR is supported by a medical certificate issued by Dr. Guillermo G. Umbao, Municipal Health Officer, Socorro, Oriental Mindoro. Although the criminal complaints for less serious physical injuries and grave threats against Gilera were dismissed by the [i]nvestigating [p]rosecutor, Gilera cannot escape administrative sanction. Such deportment, especially if committed during office hours and within court premises, is unbecoming x x x a court employee as it constitutes disgraceful behavior. It adversely affects the good image of the judiciary. In this respect, Gilera's reprehensible conduct should not go unheeded for his actuations are clearly inimical to the service and prejudicial to the interest of litigants and the general public. He deserves to be sanctioned.

"Pursuant to Civil Service Law and Rules, Book V, of Executive Order 292 and Omnibus Rules, 'An officer or employee in the civil service shall be considered habitually absent if he incurs unauthorized absences exceeding the allowable 2.5 days monthly leave credit under the Leave Law for at least three (3) months in a semester or at least three (3) consecutive months during the year.'

"Although Gilera cannot be classified as a habitual absentee under the above-quoted provision of the law, records from the Leave Division of this Court reveal that out of the forty-five (45) absences he incurred from January 1992 to December 1995, thirteen (13) of these were made without applications for leave of absence. His frequent absences without authorization have prejudiced public service.

"The alleged illegal transactions of Marciano and Solas, were not sufficiently proved. Dionisio failed to produce copies of the documents which the two allegedly anomalously prepared. No affidavits of persons with whom the two had transacted were shown.

"We do not find Marciano, Jr. liable for gross neglect of duty for the single infraction reported by Dionisio. But at the very least, he should be held liable for simple misconduct in absenting himself on 7 February 1996 without leaving the keys with the [a]cting [c]lerk of [c]ourt."[4]

This Court's Ruling

We agree with the OCA that administrative sanctions should be imposed on the erring court employees. Despite their

[4] OCA's Memorandum, pp. 3-5.

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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 the Complaints.[5] Indeed, these proceedings do not depend on the whim and caprice of the concerned employees, for the aggrieved party is the court system. The issue in 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.

In this case, it was established that Gilera had slapped and threatened Dionisio. Worse, Gilera perpetrated the attack on a woman during office hours and inside the courtroom. Regardless of the desistance of Dionisio, the Court cannot close its eyes to Gilera's ungentlemanly conduct, which was clearly unbecoming a court employee.

Men and women who work in the judiciary "must be characterized by propriety and decorum and must be above suspicion."[6] Their actuations should at all times embody prudence, restraint, courtesy and dignity. The Court reminds them once again that they must conduct themselves in a manner worthy of the public's respect for the judiciary.[7]

"The image of a court of justice is necessarily mirrored in the conduct, official or otherwise, of the men and women who work thereat, from the judge to the least and the lowest of its personnel, hence, it becomes the imperative sacred duty of each and everyone in the court to maintain its good name and standing as a true temple of justice."[8]

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[5] *Estreller v. Manatad Jr.*, 268 SCRA 608, February 21, 1997; *Lledo v. Lledo*, AM No. P-95-1157, December 21, 1998.

[6] *Quiroz v. Orfila,* 272 SCRA 324, 330, May 7, 1997, per Panganiban, *J.*

[7] *Macalua v. Tiu Jr.*, 275 SCRA 320, July 11, 1997; *Alawi v. Alauya*, 268 SCRA 628, February 24, 1997.

[8] *Recto v. Racelis,* 70 SCRA 438, per Muñoz-Palma, *J.* See also *Galon v. Rail,* 265 SCRA 770, December 23, 1996.

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Gilera's misdemeanor was aggravated by his leaving the courtroom while a trial was in progress, in violation of his duties as court interpreter. Specifically, his mandate includes the following: to act as translator of the court, attend all court hearings, administer oaths to witnesses, mark all exhibits introduced in evidence, and prepare and sign all the minutes of the session.[9]

Furthermore, the above conduct was inimical to the dispensation of justice, for it disrupted and delayed the court proceedings. Judge Manuel Roman, who was hearing a case at the time, pointed out in his office memorandum to Gilera:

"After the defense rested its case, the prosecution manifested that it will present a rebuttal witness. You being not present, the Court suspended the session. The Court went out of its way, and sent Court personnel to look for you, with the government prosecutor and his rebuttal witness, and Atty. Ferancullo as well as other court personnel in the sala, waiting, but you were not found. And after fifteen (15) minutes, the session resumed. Deputy Sheriff Gregorio Bague was designated Acting Interpreter, and prosecution presented its rebuttal witness."[10]

On the other hand, Marciano, Jr. should be reprimanded for leaving the office on February 7, 1996, without official permission and without leaving the door key to another responsible employee. As a result of his unexpected departure and absence, the office remained closed in the afternoon — no court employee was able to work, and no official transaction was conducted. Though he was "merely" a court aide or utility worker, his conduct and his duties in court were likewise circumscribed with a heavy burden of responsibility.[11]

As a final note, all the personnel of the aforementioned court are admonished to maintain in their workplace a professional and mature working atmosphere, for the competent and

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[9] Manual for Clerks of Court, par. 3, p. 32.

[10] Office Memorandum, July 31, 1991; *rollo,* p. 13.

[11] *Reyes v. Anosa,* 267 SCRA 523, February 6, 1997.

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expeditious dispensation of justice can be best attained when the judge and all court employees work together harmoniously.

WHEREFORE, Pacifico S. Gilera is *SUSPENDED* for two months without pay for simple misconduct,[12] and Santiago C. Marciano, Jr. is *REPRIMANDED*. Both are *WARNED* that a repetition of said or similar actions would be dealt with more severely.

SO ORDERED.

Melo (Chairman), Vitug, Purisima, and *Gonzaga-Reyes. JJ.*, concur.

THIRD DIVISION

[G.R. Nos. 115981-82. August 12, 1999]

RUBEN LAGROSA, *petitioner, vs.* **COURT OF APPEALS, SPOUSES ROMULO & EVELYN A. BANUA, and CESAR OROLFO,** *respondents.*

SYNOPSIS

Two petitions for review of two conflicting decisions rendered by two different branches of the Regional Trial Court of Manila in ejectment suits involving the same parties and property were consolidated before the Court of Appeals upon the motion of one of the respondents, Cesar Orolfo. Orolfo is the caretaker of the subject property represented Evelyn Arizapa Banua, owner of the subject property, in one of the civil cases. In sum, in one civil case, the trial court upheld the rightful possession of Evelyn over the subject lot and ordered the immediate execution of its judgment against Ruben Lagrosa. On the other hand, in another civil case, the trial court opined that a preponderance of evidence

[12] Under the Revised Schedule of Penalties for Administrative Offenses Committed by Government Employees, the first offense of simple misconduct is punishable with suspension of one month and one day to six months.