Supreme Court E-Library

EN BANC

[A.M. No. 440-CFI. July 30, 1979]

ELISEO D. VERZOSA, SOCORRO M. GAVARAN, MARGARITA E. SIAN, CRISTE C. SIAN, CELSA C. GONZAGA, FRANCISCO ENCARNACION III, SIEGFREDO ENCARNACION, ALBERTO TIA and ARTURO A. ABLE, *complainants, vs.* **MA. NENA MAGDALUYO,** *respondent.*

SYLLABUS

ADMINISTRATIVE LAW; COURT PERSONNEL; THE CONDUCT OF PUBLIC OFFICERS AND EMPLOYEES IN THEIR DEALINGS WITH EACH OTHER AND WITH THE PUBLIC SHOULD BE MARKED WITH RESPECT AND CONSIDERATION OF THE FEELINGS OF OTHERS.— The conduct of public officers and employees in their dealings with each other and with the public should be marked by respect for and consideration of the feelings of others. Indeed, courtesy and tactfulness are the most eloquent manifestations of a decent social behaviour.

RESOLUTION

ANTONIO, *J.*:

On June 6, 1977, Eliseo D. Verzosa, Socorro M. Gavaran, Margarita E. Sian, Criste C. Sian, Celsa C. Gonzaga, Francisco Encarnacion III, Siegfredo Encarnacion, Alberto Tia and Arturo A. Able, all employees of the Court of First Instance of Negros Occidental, Branch VI, requested an investigation of the respondent, Ma. Nena Magdaluyo, also an employee thereat, charging the latter for: (1) being highly inefficient; (2) habitual tardiness; and (3) making entries in the logbook that she was present, when in fact she was absent. This case was subsequently referred to the Honorable Ernesto S. Tengco, the Executive Judge of the Court of First Instance of Negros Occidental for

Supreme Court E-Library

investigation, report and recommendation. As a consequence of the transfer of Judge Tengco to Manila, the investigation was taken over by the Honorable Ramon B. Britanico, in his capacity as Vice-Executive Judge and Acting Executive Judge.

In his report, the Investigator found the evidence insufficient to support the charges, thus:

"After a careful review of the record of this case, the undersigned investigator is of the opinion that there is not enough evidence to justify complainants' charges against respondent. That the respondent is 'highly inefficient' is belied by the fact that she was given other assignments in the office even after an administrative charge for inefficiency was filed against her on 6 June 1977 (pp. 24-25, t.s.n., February 13, 1978). In fact, it was complainant Verzosa himself who gave respondent these assignments. His gripe, however, is that 'respondent * * *asks so many questions even in simple matters' (p. 3, *ibid.*). This, to the mind of the investigator, is not reason enough to hold that respondent is inefficient. It must be noted that respondent has been assigned to a variety of tasks in the office. She was responsible for preparing the court calendar (p. 2, *ibid.*), releasing orders and subpoenas in criminal cases (p. 3, *ibid.*), making a list of pending criminal cases at the end of the month (p. 4, *ibid.*), and receiving mail matter for the office (p. 5, *ibid.*). She was later on designated clerk in charge of criminal cases in July 1977 (p. 24, *ibid.*). With all these changes and/or additional assignments, it is only natural to expect that respondent has not developed mastery over all of the details of her task, in the span of time that she had been working in the office. It is not, therefore, any indication of inefficiency if she asks questions relative to any particular matter or job she is engaged in at the moment.

"Neither is there convincing evidence regarding the charge of habitual tardiness.' The daily time record submitted by respondent and certified to as correct by the Branch Clerk of Court is enough to negate complainants' claim that respondent reported to the office habitually late. Besides, it strikes the investigator as rather strange that respondent was singled out and charged with habitual tardiness when the office's logbook shows that there were also other employees who made entries of their arrival after her. If she was undertimed, surely these others must likewise be undertimed. The records, however, does not disclose that those others were so marked. There is more

Supreme Court E-Library

than meets the eye in this situation. It is not far fetched for one to conclude that there have been some personal misunderstandings among the employees in that court, so that their grievances came to a head with the filing of these charges. It may also not be amiss to point out that because of the strained relationship among the personnel of the Court, their efficiency may have been affected, with the consequent detriment to the judicial service.

"Regarding the charge that respondent had made entries in the logbook that she was present when in fact she was absent, especially during the period of 16-20 May 1977, this is belied by the fact that Exh '6', which is the Monthly Report of Employees' Tardiness, Absences and Undertimes for May, 1977, signed by the Clerk of Court of that branch himself, reflects no absence whatsoever made by respondent during the period in question. Besides, it seems incredible 'that if respondent was really absent, she was able to make daily entries in the logbook corresponding to the dates of her alleged absences (Exhs. 'O' to 'S-2', inclusive), with these entries being followed by the entries of other employee, like stenographer Criste Sian, also a complainant herein. For all the dates in question, respondent's entries were always followed by other entries of her co-employees. Respondent was said to have done all the entries in only one day while the entries after hers were allegedly done at the end of the month of May. This practice would be explained, unsatisfactorily, in the opinion of this investigator, by complainant Gavaran that it was the presiding judge who authorized the same for stenographers only as the latter were transcribing their notes at their homes owing to space limitations at the office (p. 14, t.s.n., February 28, 1978).

"From all the foregoing, this investigator is of the opinion that the respondent may not be guilty of the charges, but it is evident that she cannot get along well with her co-employees. She has made enemies of almost all if not all of the other members of the staff of Branch VI."

We find the findings of the Investigator to be supported by the evidence on record.

It is, however, important to note that the afore-mentioned charges arose from the failure of respondent to act with civility in her relationship with her co-employees and to cooperate with them in the performance of their public duties. The conduct of

Supreme Court E-Library

public officers and employees in their dealings with each other and with the public should be marked by respect for and consideration of the feelings of others. Indeed, courtesy and tactfulness are the most eloquent manifestations of a decent social behaviour.

WHEREFORE, in view of the foregoing, the Court hereby resolved to DISMISS the charges against respondent. She is, however, admonished to improve her relationship with her co-employees, to act with civility, tact and courtesy in her dealings with them and with the public.

Fernando, C.J., Teehankee, Barredo, Makasiar, Concepcion Jr. Fernandez, Guerrero, De Castro, and *Melencio-Herrera, JJ.*, concur.

Aquino, J., concurs. It may be advisable to transfer the respondent to another branch of the Occidental Negros CFI.

Santos and *Abad Santos. JJ.*, are on official leave.

SECOND DIVISION

[A.C. No. 532-MJ. July 30, 1979]

PAULA S. QUIZON, TERESITA G. HIPOLITO, VICTORIA D. SAMIA, BENJAMIN S. VERGARA, ROMULO DE JESUS, BENIGNO RAMOS, and HONORATO LAYUG, *complainants, vs.* **JUDGE JOSE G. BALTAZAR, JR., of the Municipal Court of Mabalacat, Pampanga,** *respondent.*

SYLLABUS

LEGAL AND JUDICIAL ETHICS; JUDGES; ENJOINED TO BE MORE SEDULOUS IN THE DISCHARGE OF THEIR JUDICIAL DUTIES; CASE AT BAR.— The respondent judge is enjoined to be more sedulous in the discharge of his judicial duties. The commission of a similar offense will be dealt with more severely.