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[A.M. No. 00-1395. October 12, 2000]
(Formerly A.M. OCA IPI No. 97-282-P)

FRANCIA MERILO-BEDURAL, *complainant, vs.* **OSCAR EDROSO,**[1] *respondent.*

SYNOPSIS

Complainant Atty. Francia Merilo-Bedural, Branch Clerk of Court of RTC, Naga City, Branch 20, charged respondent Edroso, a Utility Worker in the same office, for misconduct, moral turpitude and conduct unbecoming of a court employee for dragging her to the judge's chamber's comfort room and managing to kiss her several times in the mouth without her consent. The RTC Investigating Judge, to whom the case was referred, found Edroso guilty of simple misconduct and recommended his suspension for two months without salary. The Court Administrator, however, did not agree that what was committed was simple misconduct and recommended Edroso's dismissal from the service with forfeiture of all retirement benefits and with prejudice to re-employment.

The Supreme Court agreed with the Court Administrator that the proper penalty is dismissal with forfeiture of all benefits and with prejudice to re-employment. Finding no cogent reason to disturb the finding of guilt, the Supreme Court held that the conduct and behavior of every one connected with an office charged with the dispensation of justice must at all times be characterized by propriety and decorum so as to earn and keep the public's respect and confidence in the judicial service. Edroso's act of molesting the complainant undeniably constitutes misconduct and immorality prejudicial to the best interests of the service.

SYLLABUS

1. ADMINISTRATIVE LAW; COURT PERSONNEL; CONDUCT OF EVERY ONE CONNECTED WITH AN OFFICE CHARGED

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[1] In the complaint, the name of respondent is written as "Oscar Edrosa" but in his Answer and other pleadings, he signed as "Oscar Edroso."

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WITH THE DISPENSATION OF JUSTICE SHOULD BE CIRCUMSCRIBED WITH INTEGRITY AND UPRIGHTNESS. — The Court has emphasized, time and again, that the conduct and behavior of every one connected with an office charged with the dispensation of justice, from the presiding judge to the sheriff and to the lowliest clerk should be circumscribed with the heavy burden of responsibility. For every employee of the judiciary should be an example of integrity, uprightness and honesty. Even a court janitor is as much duty-bound to serve with the highest degree of responsibility as all other public officers.

2. ID.; ID.; MISCONDUCT; MOLESTING COMPLAINANT IS A MISCONDUCT PREJUDICIAL TO THE BEST INTEREST OF THE SERVICE; CASE AT BAR. — Respondent's act [of molesting the complainant] undeniably constitutes a misconduct prejudicial to the best interest of the service. The court is looked up to by people with high respect and is regarded a sacred place where litigants are heard, rights and conflicts settled and justice solemnly dispensed. Misbehavior within and around the vicinity diminishes its sanctity and dignity. Their conduct must at all times be characterized by, among other things, propriety and decorum so as to earn and keep the public's respect and confidence in the judicial service. The Court has likewise firmly laid down exacting standards of morality and decency expected of those in the service of the judiciary. Respondent Edroso failed to measure up to these standards having behaved in a manner unbecoming of a court personnel.

DECISION

PER CURIAM:

Complainant Atty. Francia A. Merilo-Bedural is the Branch Clerk of Court of the Regional Trial Court of Naga City, Branch 20 while respondent Oscar Edroso is a Utility Worker at the Office of the Clerk of Court, RTC-Naga City.

In her sworn letter-complaint[2] addressed to the Court Administrator Alfredo L. Benipayo, complainant Merilo-Bedural,

[2] pp. 1-8, *Rollo*.

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who is married, charges respondent Edroso, who is likewise married, with misconduct, moral turpitude and conduct unbecoming of an employee of a court of justice for the incident that happened on March 15, 1997, a Saturday, at around 8:45 in the morning. She alleges that her former presiding judge retired on February 1, 1996. After the construction of the new Hall of Justice, she made preparations for the transfer of the properties and records of the office to the new building. She wanted to transfer the built-in screen closet/cabinet, where they store the disposed case records, to the new building and requested Deputy Sheriff Anastacio Bongon to look for a carpenter who can dismantle the cabinet. Bongon allegedly forgot about it as he was so busy. By February, complainant chanced upon respondent and requested him to look for a carpenter but respondent allegedly told her that he can do the carpentry job himself. Complainant told respondent to work on it on a Friday afternoon since there are no more court sessions but he refused as his superior might need him. They agreed to work on a Saturday instead. Originally scheduled on March 1, 1997, complainant moved the schedule to March 8, 1997 because she had a headache but this date, being her mother's birthday, was again reset to March 15, 1997.

On March 15, 1997 at around 8:45 a.m., complainant entered the Hall of Justice. Respondent, who was at the office of Assistant Clerk of Court, Atty. Rose Lalwani, followed her to the office. While inside the office, respondent borrowed from complainant the metal tape measure to measure the big bookshelf inside the judge's chamber. Respondent allegedly told her that he wanted to measure the screen cabinet so he could approximate the size of the screen cabinet he would re-install in the new building. Since all important papers and records of cases were in the chamber of the judge, complainant followed respondent as she does not usually permit people, other than the regular personnel, to go to the judge's chamber. Respondent allegedly told her to hold the far end of the tape measure starting at the end of the bookshelf. As she was about to go to the door of the judge's chamber to go out of the office, she passed the respondent who suddenly "half-carried half-dragged me to the

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chamber's comfort room." Respondent allegedly "pushed me against the wall, pinned me with his body and as I struggled to get free he managed to kiss me several times in the mouth."[3] Complainant later realized that all the fighting, screaming, crying and pleading she was doing were not effective so she decided to use a "psychological approach." She talked to him and respondent asked her for one kiss which she agreed but told respondent to be careful not to break her new dentures. Respondent asked her for a "date" and complainant agreed. The conversation went on until complainant continued talking about what to do with the screen cabinet. She pointed to the top of the cabinet indicating the work to be done and upon seeing an opportunity to escape, complainant grabbed her things on the table and ran through the corridors of the Hall of Justice and outside the street. She saw the wagon of the Naga City Jail and run towards it to seek assistance. She narrated the incident to jail officer Glenn Reonal who offered to bring her to the nearest PNP sub-station. Thereafter, complainant was accompanied to the office of the National Bureau of Investigation. An Information for Attempted Rape, which was amended to Acts of Lasciviousness, was filed with the Municipal Trial Court of Naga City and was docketed as Criminal Case No. 77993.

In the said criminal case, herein respondent filed a motion praying for a reinvestigation or re-evaluation which was granted by the trial court.[4] The City Prosecutor conducted a reinvestigation and on June 1, 1998 a Resolution was issued affirming the earlier finding of a *prima facie* case. against respondent. Respondent appealed to the Regional State Prosecutor who issued a resolution dated December 9, 1998 directing the City Prosecutor "to cause the withdrawal of the information filed."[5] A motion for reconsideration thereto was filed by herein complainant but the same was denied in the Resolution dated

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[3] pars. 19-21, p.4 of the Complaint, p. 4, *Rollo*.

[4] Annex "G", p. 196, *Rollo*.

[5] Annex "B", pp. 212-213, *Rollo*.

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March 5, 1999.[6] Consequently, the trial court where the said criminal case was pending issued an Order dated May 18, 1999 considering the case "withdrawn."[7] This order has not been amended, modified or superseded per Certificate of Finality dated June 21, 1999.[8]

Respondent filed his Answer denying the allegations in the letter-complaint. He alleges that he has been a utility aide in the office of the clerk of court for almost seven (7) years already and in all of those years, he has never been. remiss in his duties and has maintained a reputation and credibility worthy of an employee of the court. He attached an affidavit[9] of Judge Rosario B. Torrecampo of the RTC-Pili, Camarines Sur, Branch 33 and a letter[10] from Judge Rosita L. Lalwani of the MTC-Minalabac, Camarines Sur, who were his past superiors, attesting to his good behavior as a court personnel. Respondent's co-employees Aida Paradela-Latumbo and Gimena Tipones-Martinez likewise executed a joint-affidavit[11] stating that it was complainant Bedural who frequented their office looking for respondent Edroso and that they were shocked to know about the complaint for rape against respondent Edroso whom they knew as God-fearing and a law-abiding citizen.

Respondent further alleges that complainant's allegations are full of inconsistencies. He points out that nowhere in complainant's narration of facts did she show that respondent had a weapon that would effectively subject her to unimaginable fear for her life and safety when she was allegedly half-dragged, half-carried to the comfort room of the judge's chambers. Respondent avers that it was complainant who approached him to do carpentry work contrary to her allegation that she "happened to meet" him at the corridor of the Hall of Justice. Moreover,

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[6] Annex "C", p. 214, *Rollo*.

[7] Annex "D", p. 216, *Rollo*.

[8] Annex "E", p. 217, *Rollo*.

[9] Annex "B" of his Answer, p. 44, *Rollo*

[10] Annex "C" of his Answer, p. 45, *Rollo*.

[11] Annex "D" of his Answer, pp. 46-47, *Rollo*.

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complainant did not exhibit any resistance and even allowed respondent to kiss her and had the presence of mind to tell respondent to be careful not to break her new dentures. Complainant even entertained the idea of dating with her supposed attacker. Respondent likewise attached a letter-complaint dated July 10, 1977 signed by complainant's staff allegedly for acts lacking in decorum of a branch clerk of court and their request that she be subjected to psychiatric examination. Respondent prays for the dismissal of the instant case.

In the Resolution dated March 17, 1999, this case was referred to Executive Judge Jose T. Atienza of the Regional Trial Court of Naga City for investigation, report and recommendation. A preliminary conference was conducted by the Investigating Judge and the parties agreed to submit their respective Position Papers or Affidavits of the parties and their witnesses. The Investigating Judge submitted his Report and Recommendation dated October 11, 1999. The Investigating Judge found respondent Edroso guilty of simple misconduct and recommended the imposition of the penalty of two (2) months' suspension without salary or other benefits due him.

In the Resolution dated November 24, 1999, the case was referred to the Court Administrator for evaluation, report and recommendation.

On March 17, 2000, the Court Administrator submitted his Memorandum recommending the dismissal of respondent Edroso from service with forfeiture of all retirement benefits and with prejudice to re-employment in any branch of the government, including government-owned or controlled corporation. The Court Administrator did not agree with the conclusion of the Investigating Judge that what was committed by respondent Edroso was simple misconduct. He posits the view that a two month suspension is too light a penalty in view of the ruling in *Talens-Dabon vs. Arceo*[12] where a judge was dismissed for his lewd and lustful acts committed against a court employee.

We agree with the Court Administrator.

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[12] A.M. No. RTJ-96-1336, July 25, 1996, 259 SCRA 354.

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We have reviewed the records of the case and are satisfied with the factual findings of the Investigating Judge and of the Court Administrator. There is no cogent reason to disturb the finding of guilt. As stated by the Investigating Judge:

"We cannot overlook the fact that the complainant herein is a lawyer and Clerk of Court of Branch 20 of this court, while the respondent is a Utility Worker of the Office of the Clerk of Court and both are married. Taking into consideration the exalted position of the complainant compared with the lowly employment status of the respondent, the complainant has all to lose, and never to gain anything by exposing her alleged harrowing experience in the hands of the respondent. She may just keep silent and kept her experience as a lesson for being too confident, which could pass and be forgotten. We cannot, however, discount the fact, the complainant approached several persons contrive her story of being molested. (sic) She confided how the respondent assaulted her to a jailguard, to the police, to Atty. Cortes, the NBI, to the City Fiscal's Office, even subjected herself to a medical examination by a doctor of the Naga City Hospital. Evidence show that the complainant did not have a second thought about the filing of a case against the respondent, exposing herself to public humiliation, ridicule and contempt especially among her peers and to all the employees of the 10 salas of this court.

The defense of the respondent (is) mere denial supported by affidavits and testimonies of his superiors, that the former is a kind and efficient government worker. Nothing was shown that the complainant entertains any evil motive to concoct or falsely fabricate a story against the respondent. Accordingly, the complainant was moved solely by a desire to seek justice and to have the respondent punished."

The Court has emphasized, time and again, that the conduct and behavior of every one connected with an office charged with the dispensation of justice, from the presiding judge to the sheriff and to the lowliest clerk should be circumscribed with the heavy burden of responsibility. For every employee of the judiciary should be an example of integrity, uprightness and honesty.[13] Even a court janitor is as much duty-bound to serve

[13] *Ferrer vs. Gapasin, Jr.*, 227 SCRA 264.

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with highest degree of responsibility as all other public officers.[14] Respondent's act undeniably constitutes a misconduct prejudicial to the best interest of the service.

The court is looked up to by people with high respect and is regarded a sacred place where litigants are heard, rights and conflicts settled and justice solemnly dispensed. Misbehavior within and around the vicinity diminishes its sanctity and dignity. Their conduct must at all times be characterized by, among other things, propriety and decorum so as to earn and keep the public's respect and confidence in the judicial service.[15]

The Court has likewise firmly laid down exacting standards of morality and decency expected of those in the service of the judiciary. Respondent Edroso failed to measure up to these standards having behaved in a manner unbecoming of a court personnel.

WHEREFORE, as recommended by the Court Administrator, respondent Oscar Edroso is hereby *DISMISSED* from the service for gross misconduct and immorality prejudicial to the best interests of the service, with forfeiture of all retirement benefits and with prejudice to reemployment in any branch of the government, including government-owned and controlled corporation.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Pardo, Buena, Gonzaga-Reyes, Ynares-Santiago, and *De Leon, Jr., JJ.*, concurs.

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[14] *Sangco vs. Palileo*, 91 SCRA 29.

[15] *Policarpio vs. Fortus*, 248 SCRA 272.