Supreme Court E-Library

"The order of the district judge dismissing the case is considered as his recommendation to the court which takes final action on cases of this nature.

"WHEREFORE, this case is dismissed with an admonition to both parties not to waste the time of the courts in petty quarrels between them and to realize that their official positions demand more dignity and ethical decorum in their relationship with each other so as to set a good example for their co-workers to emulate."

IN VIEW OF THE FOREGOING, this case is dismissed with the same admonition given by this Court in Administrative Matter No. P-227.

Teehankee, Makasiar, Esguerra, and *Muñoz Palma, JJ.*, concur.

Castro, J., did not take part.

FIRST DIVISION

[Adm. Mat. No. P-216. October 31, 1974]

ILUMINADA P. ATIENZA, *complainant, vs.* **ANGELITA L. PEREZ,** *respondent.*

SYLLABUS

ADMINISTRATIVE LAW; PUBLIC OFFICERS AND EMPLOYEES; COURT PERSONNEL; BOUND BY SUCH RULES OF PROPER AND DECOROUS BEHAVIOR IN OFFICE PREMISES AND SHE IS CALLED UPON TO SET EXAMPLE FOR EMULATION OF HER CO-EMPLOYEES.— While the investigating judge found that it was conclusively shown that complainant herself provoked the incident, it is also readily seen from Cabrera's testimony and respondent's answer that the two protagonists acted during the incident in a highly indecorous and censurable

Supreme Court E-Library

manner, converting respondent's office premises into an arena and making a public spectacle of themselves. Such high-strung and belligerent behavior has no place in the government service, where the personnel and employees are enjoined to act with self-restraint and civility at all times even when confronted with rudeness and insolence. As personnel officer, respondent is all the more bound by such rules of proper and decorous behavior in the office premises, even in the face of complainant's provocation, for she is called upon to set the example for the emulation of her co-employees.

DECISION

TEEHANKEE, *J.:*

Respondent personnel officer is administered a reprimand for having lost her head and having participated in a public altercation with complainant which turned her office premises into an arena and made a public spectacle of themselves in violation of the rules of proper decorum and behavior. Since the altercation was provoked by complainant herself, however, complainant is required to show cause why no disciplinary action should be also taken against her for her part in the same deplorable incident.

Of seven counts in the verified complaint dated December 10, 1973 filed by complainant Mrs. Iluminada P. Atienza, cash clerk in the city court of Manila against respondent Mrs. Angelita L. Perez, personnel officer of the same court, the Court as per its resolution of July 9, 1974 found respondent's explanation satisfactory as to six counts and ordered the dismissal thereof.[1] The Court, however, in the same resolution ordered that the charge for grave misconduct and discourtesy in the course of

[1] Charges filed with the Judge Advocate General's office of the AFP by the same complainant against the same respondent for alleged violations of R.A. 3019, General Order No. 12 in relation to PD No. 6 and the Civil Service Law were ordered dismissed by the JAGO for insufficiency of evidence after summary investigation. (JAGO letter dated March 4, 1974, p. 1, record).

Supreme Court E-Library

official duty be referred to the city court's executive judge for investigation, report and recommendation.

The investigation was conducted by city court Judge Alejandro Galang, Jr. in August, 1974 (in lieu of Executive Judge Antonio M. Consing who inhibited himself upon complainant's petition) and the parties and their witnesses were heard with the assistance of counsel.

From the investigating judge's Report dated September 2, 1974, it is shown that the altercation of October 12, 1973 between the protagonists started from an anonymous letter sent to respondent which the latter reportedly suspected of having been written by complainant's sister. According to complainant, she thought of confronting respondent at the latter's office on that morning to "disabuse" respondent's mind. Each sought to point to the other as having started the altercation, and as noted by the investigating judge the witnesses presented by complainant other than Mr. Flor Cabrera, special deputy clerk of the city court, could not shed light on what actually transpired during the incident.

The investigating judge considered Cabrera as the witness who calmly and dispassionately testified and "gave (him) an unbiased version of the incident . . . to the extent of being branded a hostile witness by the (complainant) who called him to the stand." Cabrera testified that it was complainant who approached respondent at her (respondent's) desk, and after an exchange of words, he heard respondent drop a folder on the desk; that complainant grabbed the folder and threw it at respondent and when they tried to reach each other, he pulled away the complainant; and that respondent threw some liquid (coke or coffee) at complainant, part of which was also splattered on the witness.

The record further shows that respondent gave the following account in her answer:

"x x x She further demonstrated her barbarous manners by grabbing the folders from my hands which folders I had put down strongly but my hands were still on them, hurled them at me and were all

Supreme Court E-Library

scattered on the floor. She crumpled and scattered almost all papers on top of my table which were official documents.

"Mr. Florencio Cabrera, another Court employee, hurriedly tried to stop her by pulling her away from my table but she was persistently getting loose, trying to reach back at my table, at the same time furiously shouting words of ill import at me. When she was already about a meter and a half away from my table and held by Mr. Cabrera, I attempted to pick the scattered official documents on the floor and while in stooped position, her high-heeled heavy shoe was thrown at me. She didn't hit me. I picked her shoe and threw it outside of the room so that ultimately she might leave the room and she really did though held by Mr. Cabrera." (Page 13, Record)

While the investigating judge found that it was conclusively shown that complainant herself provoked the incident, it is also readily seen from Cabrera's testimony and respondent's answer that the two protagonists acted during the incident in a highly indecorous and censurable manner, converting respondent's office premises into an arena and making a public spectacle of themselves. Such high-strung and belligerent behavior has no place in the government service, where the personnel and employees are enjoined to act with self-restraint and civility at all times even when confronted with rudeness and insolence. As personnel officer, respondent is all the more bound by such rules of proper and decorous behavior in the office premises, even in the face of complainant's provocation, for she is called upon to set the example for the emulation of her co-employees.

ACCORDINGLY, the Court administers the penalty of reprimand on respondent for her indecorous and censurable behavior, with warning against repetition of the same or similar offense. Let a copy of this decision be entered in respondent's personal record. The complainant is also required to show cause within ten (10) days from receipt of a copy of this decision why no disciplinary action should be taken against her for her participation in the same deplorable incident subject of the present complaint.

Castro (Chairman), Makasiar, Esguerra, and *Muñoz Palma, JJ.,* concur.