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THIRD DIVISION

[A.M. P-01-1480. June 28, 2001]

JUDGE AMADO S. CAGUIOA, *complainant, vs.* **CRISANTO FLORA, Deputy Sheriff, Regional Trial Court, OCC, Baguio City,** *respondent.*

SYNOPSIS

Respondent deputy sheriff was charged by the Executive Judge of RTC Baguio City, herein complainant, for grave misconduct. Evidence disclosed that while nearby courts were holding trial, respondent, then intoxicated, shouted the word "*KALBO*" at complainant who was at the lobby of the Baguio City Hall of Justice. Respondent denied the charge declaring that he was drunk, but apologized and pleaded for mercy. The charge was corroborated by Judge Abraham Borreta who was with complainant at the time of the incident, Eufemio Gula, an employee of Branch 3, RTC and Sheriffs Balagtey and Rimando who even admitted that they were drunk with respondent that afternoon.

The conduct or behavior of all officials and employees of an agency involved in the administration of justice should be circumscribed with the heavy burden of responsibility. Part of this stringent requirement is that they should refrain from the use of abusive, offensive, scandalous or otherwise improper language. Making derogatory remarks and getting drunk within court premises, especially while trial is ongoing, constitute gross discourtesy.

Judges are the visible representations of justice at the first instance. They may not be aesthetically pleasing or may even be physically out of shape, but they and their courts deserve respect from other judicial employees.

SYLLABUS

1. **LEGAL AND JUDICIAL ETHICS; COURT PERSONNEL; CONDUCT OF ALL OFFICIALS AND EMPLOYEES INVOLVED IN ADMINISTRATION OF JUSTICE, SHOULD BE CIRCUMSCRIBED WITH HEAVY BURDEN OF RESPONSIBILITY.**— Time and time again, this Court has

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emphasized that the conduct or behavior of all officials and employees of an agency involved in the administration of justice, from the presiding judge to the most junior clerk, should be circumscribed with the heavy burden of responsibility. Their conduct must at all times be characterized by, among others, strict propriety and decorum in order to earn and maintain the respect of the public for the judiciary.

2. **ID.; ID.; SHOULD REFRAIN FROM USE OF ABUSIVE, OFFENSIVE, SCANDALOUS OR OTHERWISE IMPROPER LANGUAGE.**— Part of this stringent requirement is that agents of the law should refrain from the use of language that is abusive, offensive, scandalous, menacing or otherwise improper. Judicial employees are expected to accord every due respect, not only to their superiors, but also to others and their rights at all times. Their every act and word should be characterized by prudence, restraint, courtesy and dignity.

3. **ID.; ID.; MAKING DEROGATORY REMARKS AND GETTING DRUNK WITHIN COURT PREMISES, CONSTITUTES GROSS DISCOURTESY.**— Making derogatory remarks and getting drunk within court premises, especially while a trial is ongoing, fall short of this rule of conduct. These are forms of gross discourtesy, more so when the transgressor is a sheriff, who plays an important part in the administration of justice. Sheriffs are frontline officials of the court, being primarily charged with the execution of its decisions. At the grassroots of our judicial machinery, sheriffs and deputy sheriffs are in close contact with the litigants; hence, their conduct should maintain the prestige and the integrity of the court. Adding insult to injury in the present case is the fact that the object of uncalled for remarks was no other than a judge, known to the transgressor as a court official. Judges are the visible representations of justice at the first instance. They may not be aesthetically pleasing or may even be physically out of shape, but they and their courts deserve respect from other judicial employees. Judge Caguioa is not just an MTCC judge; he is the executive judge of the same judicial district to which respondent belongs.

4. **ID.; ID.; ID.; SANCTION.**— Respondent's acts clearly constitute unacceptable conduct for a judicial employee. They cannot be countenanced. The image of a court of justice is necessarily mirrored in the demeanor, official or otherwise, of the men and women who work there. Thus, the unbecoming behavior of

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respondent placed not only the complainant in a bad light, but likewise the court which both represent. Wherefore, Respondent Crisanto Flora is hereby found guilty of *GROSS DISCOURTESY* and is meted the penalty of one (1) year *SUSPENSION* from office, with the stern warning that a repetition of the same or a similar act shall be dealt with more severely.

D E C I S I O N

PANGANIBAN, *J.*:

Making derogatory remarks against a judge constitutes gross discourtesy and results in a heavy administrative liability.

The Case

Before us is a Letter-Complaint[1] for grave misconduct filed April 17, 1998, by Executive Judge Amado S. Caguioa of the Municipal Trial Court in Cities, Baguio City, against Deputy Sheriff Crisanto T. Flora.

The Facts

The factual circumstances leading to the administrative complaint are as follows:[2]

"Complainant states that on April 16, 1998 at about 2:30 p.m. while he and Executive Judge Abraham Borreta, RTC, Baguio City were standing at the lobby of the Baguio City Hall of Justice, respondent, who was allegedly drunk at that time, repeatedly shouted the word '*KALBO*' while looking toward the direction of complainant. He felt humiliated as the incident occurred while the nearby courts were holding trial and there were many people in the vicinity. He then confronted respondent who insisted that the utterances were directed not at complainant but at respondent's companion, Al, who was then seated beside him (respondent). Complainant claims that it was the second time that respondent called him '*KALBO.*' Complainant opines that respondent's previous suspension by the Court apparently did not do him any good.

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[1] *Rollo*, pp. 2-3.

[2] December 21, 2000, Memorandum of then Court Administrator Alfredo L. Benipayo; *rollo*, pp. 137-140.

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So, in order that he [would] not be embolden[ed] in the future 'to shout derisive epithets such as '*bartek,*' '*babaero*' and the like, complainant decided to file this instant [C]omplaint.

"In his [c]omment, respondent apologizes for what he did but claims that he was only misconstrued. While he admits uttering the word '*KALBO,*' he denies that the same was done in a shouting manner. He avers that the same was made emphatically in reference to the person (Al) seated beside him. He asserts though that his actuation was not meant to ridicule persons having 'the same physical feature x x x.' He likewise denies he was drunk at that time.

"Complainant asserted in his Reply that Respondent Flora was indeed intoxicated[,] as one RTC employee admitted x x x having purchased the bottle of Fundador which was consumed by x x x respondent and his group that afternoon.

"Complainant further avers that he was amazed that respondent had the gall to state in his Comment that Executive Judge Borreta knew what really happened, saying that the latter's presence did not even deter respondent from shouting the word '*KALBO.*' At any rate another judge, Judge Villanueva, RTC, Branch 7[,] was willing to testify regarding another incident wherein respondent shouted the same word against herein complainant. Another witness was willing to testify that respondent called another judge '*bartek*' (drunkard) in the presence of other people.

"Complainant corrected himself saying respondent in another administrative case was not suspended by the High Court but was fined ₱5,000.00 with a warning. He also informs that respondent has a string of criminal cases pending before a court in Dagupan and at the Baguio City Fiscal's Office.

"Respondent filed his Comment on the Reply of complainant denying once again that he was intoxicated at the time of the incident. He argues also that the criminal cases involving him 'should not be situated in juxta-position with the instant administrative case.' He claims that there were some circumstances [during which] he shared absurd observations and idiosyncrasies with complainant like [when] the latter would:

1) approach one employee and say, '*Gusto mo bugbugan tayo*'
2) display in public his firearm (9 millimeter and .38 Caliber pistol)
3) display his photograph showing his bald head blackened by an ink and make some humorous remark.

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"Respondent reiterated his plea for forgiveness saying he really had no intention to malign or ridicule complainant.

"The Third Division of the Supreme Court, acting on the recommendation of this Office, referred the instant case to Executive Judge Antonio C. Reyes, Regional Trial Court, Baguio City for his investigation, report and recommendation.

"Briefly stated, the following transpired in the course of [the] investigation of Executive Judge Reyes.

"Complainant Judge Caguioa reaffirmed the charges he had made in his letter of April 17, 1998.

"Sheriffs Balagtey and Rimando executed their respective affidavits that indeed they heard the shouts '*KALBO*' and that Judge Caguioa approached respondent Flora to confront the latter why he (Flora) was ridiculing him (judge) for his lack of hair or for being bald. Both witnesses admitted having consumed liquor that afternoon along with respondent, and the three of them were drunk at the time of the incident.

"Witness Eufemio Gula, a detailed employee at Branch 3 of the RTC, Baguio City also confirmed and corroborated the testimony of Balagtey and Rimando relative to the shouting incident. This was further reinforced by the testimony of Judge Abraham Borreta who in open court, affirmed and confirmed the affidavit of Mr. Gula. Another witness for Judge Caguioa testified that the kind of behavior of x x x respondent at the Hall of Justice was not an isolated incident and he (Tano) was, at one time, also ridiculed and berated by x x x respondent when the latter was drunk.

"Respondent Flora on his part never presented any evidence on the dates reserved for him, having earlier manifested before the scheduled hearing that he [would] rely on what [was] contained in the records for his defense.

"In finding the guilt of x x x respondent, the investigating judge declares:

> 'Therefore, the above statement of respondent Flora is an admission, as conclusive as can be, of his wrongdoing because of his reliance upon Judge Borreta as an eyewitness and the testimony of Judge Borreta was in no uncertain terms that respondent Flora indeed insulted and ridiculed Judge Amado S. Caguioa with reckless abandon and belligerence and in complete disregard of the honorable position that the judge holds.

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'Additionally, respondent sheriff stated *under oath* that x x x neither [was he] drunk nor had [he] imbibed any alcoholic drinks at that time. Yet, the testimonial [affidavit] of his own colleague, [S]heriff Balagtey, and that of Eufemio Gula reveal that they (Flora, Rimando and Balagtey) had consumed one bottle of *Fundador*, a popular Spanish brandy and thereafter returned to their place of work. By this alone, respondent Flora x x x perjured himself and he did not even have the honesty and humility to admit that he was drunk when he was required to tell the truth. Eufemio Gula likewise mentioned that respondent Flora '*smelled [of] x x x liquor.*'

Judge Antonio Reyes also posits that:

'It appears that x x x respondent, in the presence of several of his co-employees, then Regional Trial Court Executive Judge Abraham Borreta and several practicing lawyers, began shouting at Judge Amado Caguioa as '*Kalbo*' and this grave misconduct conveys no other meaning than to put the poor judge, because of a physical trait, in public contempt and ridicule by those who witnessed it.

'As a court employee, the respondent is subject to a standard of conduct more stringent than [that] for most other government workers. It is expected that he [accord] every respect that is due x x x a superior and every act and word should be characterized not only with restraint but with utmost courtesy, dignity and deference.'

"In its dispositive portion, the investigating judge declares and recommends the following:

'WHEREFORE, respondent Crisanto Flora is adjudged guilty of GROSS MISCONDUCT and DISCOURTESY by having put Judge Amado S. Caguioa in public contempt and public ridicule in the very Hall of Justice of Baguio City and unprecedented as it is, it is most respectfully recommended that the respondent be meted the penalty of dismissal from the service, effective immediately, with forfeiture of all retirement benefits and accrued leave credits with prejudice to reemployment in any branch or instrumentality of the government, including government-owned and controlled corporations.'"

The Court, in a Resolution dated October 25, 2000, referred the matter to the court administrator for evaluation, report and recommendation.

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Recommendation of the Court Administrator

In compliance with the Resolution, the court administrator submitted his Memorandum,[3] concurring with the investigating judge's finding that respondent was guilty as charged, but recommending that the latter be meted the penalty of one (1) year suspension from office, with a warning that any repetition of the same or similar acts shall be dealt with more severely. He explains his recommendation to reduce the penalty, as follows:

"x x x [T]his Office finds the recommended penalty of dismissal from the service with forfeiture of all credits and retirement benefits and with prejudice to reemployment in any branch of the government including government owned and controlled corporations to be too severe.

"Respondent herein ha[s] expressed his apologies for his conduct and pleaded for mercy and kind consideration. While he had already been a subject of a previous disciplinary action in A.M. No. P-94-1008 entitled '*Ivera vs. Flora*' for his failure to exercise reasonable diligence in the performance of his duty as sheriff for which he was meted x x x a fine of ₱5,000.00, said case is different from the instant case. In effect, the instant charge is his first offense of this nature. And considering his length of service, respondent deserves consideration.

"Respondent Crisanto Flora joined the judiciary on February 24, 1973 and shall be deemed compulsorily retired on June 16, 2014 having been born on June 16, 1949.

"Moreover, while the report of investigati[ng] judge pictures respondent as someone who for seven (7) years had been reporting for work drunk, yet his periodic performance evaluation [ratings] from January 1998 to June 1999 were consistently x x x 'VERY SATISFACTORY' x x x. It is also quite surprising that no action was ever taken by his superiors regarding his misdemeanors in the past. If his actions were corrected sooner, he [w]ould not have gone too far [i]n reporting for work drunk and insulting his fellow employees whenever he [was] under the influence of liquor.

"Thus, instead of imposing [on] him the penalty of dismissal from service, we should rather give him the chance to reform himself. The

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[3] *Rollo*, pp. 137-140. The Memorandum was signed by Wilhelmina D. Geronga, OIC-Legal Office, OCA; and then Court Administrator Alfredo L. Benipayo.

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moderation of the penalty against respondent is so far the best way to correct a troubled colleague in the judiciary."[4]

This Court's Ruling

We find wisdom in the recommendation of the court administrator. Time and time again, this Court has emphasized that the conduct or behavior of all officials and employees of an agency involved in the administration of justice, from the presiding judge to the most junior clerk, should be circumscribed with the heavy burden of responsibility.[5] Their conduct must at all times be characterized by, among others, strict propriety and decorum in order to earn and maintain the respect of the public for the judiciary.[6]

Part of this stringent requirement is that agents of the law should refrain from the use of language that is abusive, offensive, scandalous, menacing or otherwise improper. Judicial employees are expected to accord every due respect, not only to their superiors, but also to others and their rights at all times. Their every act and word should be characterized by prudence, restraint, courtesy and dignity.[7]

Making derogatory remarks and getting drunk within court premises, especially while a trial is ongoing, fall short of this rule of conduct. These are forms of gross discourtesy, more so when the transgressor is a sheriff, who plays an important part in the administration of justice. Sheriffs are frontline officials of the court, being primarily charged with the execution of its decisions.[8] At the grassroots of our judicial machinery, sheriffs and deputy

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[4] *Ibid.*

[5] *Biag v. Gubatanga*, 318 SCRA 753, 759, November 22, 1999; *Gacho v. Fuentes*, 291 SCRA 474, 480, June 29, 1998; *Office of the Court Administrator v. Alvarez*, 287 SCRA 325, 330, March 11, 1998.

[6] *Alawi v. Alauya*, 268 SCRA 628, 637, February 24, 1997; *Quiroz v. Orfila*, 272 SCRA 324, 329-330, May 7, 1997.

[7] *Alawi v. Alauya, ibid.*, p. 638.

[8] *Dilan v. Dulfo*, 304 SCRA 460, 471, March 11, 1999.

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sheriffs are in close contact with the litigants; hence, their conduct should maintain the prestige and the integrity of the court.[9]

Adding insult to injury in the present case is the fact that the object of uncalled for remarks was no other than a judge, known to the transgressor as a court official. Judges are the visible representations of justice at the first instance.[10] They may not be aesthetically pleasing or may even be physically out of shape, but they and their courts deserve respect from other judicial employees. Judge Caguioa is not just an MTCC judge; he is the executive judge of the same judicial district to which respondent belongs.

Respondent's acts clearly constitute unacceptable conduct for a judicial employee. They cannot be countenanced. The image of a court of justice is necessarily mirrored in the demeanor, official or otherwise, of the men and women who work there. Thus, the unbecoming behavior of respondent placed not only the complainant in a bad light, but likewise the court which both represent.

In meting the appropriate penalty, the court takes into consideration respondent's high performance rating and long years of service. We will suspend respondent in the hope that he will clean up his act at the soonest time possible. During this time, it is best for respondent to reflect and rethink his role in the administration of justice.

WHEREFORE, Respondent Crisanto Flora is hereby found guilty of ***GROSS DISCOURTESY*** and is meted the penalty of one (1) year ***SUSPENSION*** from office, with the stern warning that a repetition of the same or a similar act shall be dealt with more severely.

SO ORDERED.

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

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[9] *Canlas v. Sheriff Balasbas,* AM No. P-99-1317, August 1, 2000, p. 9; *Gacho v. Fuentes, supra*, p. 483-484.

[10] *Lao v. Abelita III,* 295 SCRA 267, 292, September 10, 1998.