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immediate action. Such a special circumstance is here present considering that respondent cannot resort to the remedy of a motion to quash, the case no longer being with petitioner judge, and neither could he ask for a reinvestigation because the preliminary investigation for purposes of filing the information has already been taken over by the Provincial Prosecutor. The latter, upon the other hand, does not have the authority to lift the warrant of arrest issued by the disqualified judge. Meantime, respondent is being held and detained under an illegal order and warrant of arrest which has no legal standing.

WHEREFORE, the motion for reconsideration is *DENIED*. This denial is final.

SO ORDERED.

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

EN BANC

[A.M. No. OCA-00-03. October 4, 2000]
(Formerly OCA IPI No. 99-04-OCA)

LIWAYWAY G. BANIQUED, OIC, Statistical Reports Division, *complainant, vs.* **EXEQUIEL C. ROJAS, Statistician III,** *respondent.*

SYNOPSIS

For having been berated and humiliated in the office during office hours, Liwayway G. Baniqued, OIC of the Statistical Reports Division of the Office of the Court Administrator, filed this administrative case against Exequiel C. Rojas, Statistician III of the same office. Baniqued charged Rojas with Grave

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Misconduct and Slander. After an evaluation, the Court Administrator recommended that respondent be fined.

The report of the Court Administrator was well taken. The conduct of everyone connected with the dispensation of justice must at all times be characterized by propriety and decorum.

SYLLABUS

ADMINISTRATIVE LAW; COURT EMPLOYEES; A COURT EMPLOYEE'S CONDUCT MUST, AT ALL TIMES, BE CHARACTERIZED BY PROPRIETY AND DECORUM AND MOST IMPORTANT, BE ABOVE SUSPICION. — The report of the Court Administrator is well taken and accords with what is on record. To repeat what was said in *Sy vs. Academia:* "This Court condemns and would never countenance any conduct, act or omission on the part of all those involved in the administration of justice which would violate the norm of public accountability and would diminish or even just tend to diminish the faith of the people in the Judiciary. x x x We laid down the rule that the conduct and behavior of every one connected with an office charged with the dispensation of justice, like the court below, from the presiding judge to the lowliest clerk, should be circumscribed with the heavy burden of responsibility. His conduct, at all times, must not only be characterized by propriety and decorum but above all else must be above suspicion."

D E C I S I O N

PURISIMA, *J.*:

In a sworn-letter complaint dated November 8, 1999, complainant Liwayway G. Baniqued, Statistician IV and Officer-in-Charge, Statistical Reports Division, OCA, charged respondent Exequiel C. Rojas with Grave Misconduct and Slander.

According to the complainant, on November 4, 1999, at around 11:00 o'clock in the morning, the respondent arrived in the office drunk. Passing by her table, the latter, without addressing anyone, announced in a loud voice as if he was the boss "*Magbabago na tayo ng seating arrangement dito.*" Then, he placed his

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bag on his chair, sat beside another employee, German C. Averia, Statistician III, and repeated his previous "order."

As Mr. German C. Averia did not take him seriously, respondent stood up, paced back and forth, and said, still in a very loud voice *"O, yung mga nagkukunwari diyang nagtatrabaho, ha. Huh! Mahuli ko lang diyan ang nagkukunwaring nagtatrabaho, lagot sa 'kin. Ang mahuli ko lang nagkukunwaring nagtatrabahong nag-aadjust."*

Suddenly, respondent sat on the chair in front of complainant, faced the latter and uttered, *"Liway, itigil mo na 'yang pag-aadjust mo. . . itigil mo na yan! Kaya na yang gawin sa computer. . . . Mag- resign ka na! Ang laki-laki ng suweldo mo, 'yan lang gagawin mo! Anong klase kang hepe, walang alam. Magkano 'ng sweldo mo . . . ₱20,000 wala kang ginagawa!"*

Complainant explained the need to update the summaries for the previous years but respondent repeated what he previously said, and added that she (complainant) is a disgrace to the division for she submitted a different set of data to the Senate and changes the same, every now and then.

When nothing seemed to be resolved by the exchange of words between respondent and complainant, another employee requested the respondent to stop his tirade. Respondent, however, continued and berated Eric S. Fortaleza, a Computer Operator 1 of the same division, saying *"Huwag kang maupo diyan, ayaw kitang katabi! Di ba ang gusto mong trabaho mag-receive ng Docket Inventory? Gusto mo pala Receiving Clerk, doon ka sa harap maupo!"*

What respondent did next was to accuse her (complainant) of being biased because she allowed one subordinate to go on leave while she disallowed another to do the same; after which, he shouted, *"Ang kapal ng mukha mo, Liway! Nipis-nipisan mo naman!"* When she pointed out that unlike the other employee, the employee he was referring to did not ask her permission but only called to say she was sick, he replied, *"Nagkasakit ha! Huh! Ang galing ninyong magdahilan. Liway, 'pag lang*

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nalaman kong umattend lang 'yan ng seminar. . . Huh! Nagkasakit ha!"

Then, complainant's daughter, Maida, who works in the Cash Division, came and defended her. Respondent got so mad and shouted, *"Huwag kang makialam dito. Nakikibahay ka lang dito."* After some exchange of words, respondent shouted as loud as ever (with fingers pointing) *"Ikaw na babae ka, ha!"*

Complainant further averred that the first time respondent humiliated her in the office during office hours and in front of so many people was in 1996; at which time respondent insulted her by calling her a *"hepeng walang alam."* In the second incident, he ordered her to resign.

In his Comment, respondent explained that on November 4, 1999 he was suffering from a terrible headache but because he had to pick up a check from the Supreme Court Savings and Loan Association, he went to the office just the same. Unfortunately, the sight of a few officemates using outdated methods again hounded him.

He admitted having uttered some words which should not have been said but which were not directed to anyone in particular. Complainant thought he was drunk when in fact he was not, and she felt what he said was an affront to her position as Acting Chief of the Statistics Division. Having apologized to the complainant, respondent vows that the same incident will never happen again.

On June 20, 2000, the Court resolved to refer the matter to the Office of the Court Administrator for evaluation, report and recommendation .

The Report dated July 27, 2000 of the Court Administrator recommends that respondent be fined Five Thousand (₱5,000.00) Pesos. Pertinent portions of the said report read:

"We find for the complainant. Respondent's high-strung and belligerent behavior cannot be countenanced. Fighting with a co-employee during office hours is a disgraceful behavior reflecting adversely on the good image of the judiciary. Shouting in the

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workplace and during office hours is arrant discourtesy and disrespect not only towards co-workers but to the Court as well. It displays a cavalier attitude towards the seriousness and dignity with which court business should be treated.

Such deportment, especially during office hours, was totally unbecoming for an employee who forms part of the judicial service and this definitely cannot be allowed. Respondent's conduct exhibits failure on his part to discharge his duties with the required degree of professionalism, to respect at all times the rights of others and refrain from acts contrary to good morals and good customs as demanded by Republic Act No. 6713 which, *inter alia,* enunciates the State policy of promoting a high standard of ethics and utmost responsibility in the public service (*Apaga vs. Ponce,* A.M. No. P-95-1119, June 21, 1995).

Anent the charge that respondent was under the influence of liquor when he committed the acts subject of this complaint, there is no evidence adduced by the complainant to support her claim.

IN VIEW OF THE FOREGOING, the undersigned respectfully recommend that a FINE in the amount of FIVE THOUSAND PESOS (P5,000.00) be imposed against respondent Exequiel C. Rojas with a STERN WARNING that a repetition of the same or similar acts in the future will be dealt with more severely."

The report of the Court Administrator is well taken and accords with what is on record. To repeat what was said in *Sy vs. Academia*:[1]

"This Court condemns and would never countenance any conduct, act or omission on the part of all those involved in the administration of justice which would violate the norm of public accountability and would diminish or even just tend to diminish the faith of the people in the Judiciary. x x x We laid down the rule that the conduct and behavior of every one connected with an office charged with the dispensation of justice, like the court below, from the presiding judge to the lowliest clerk, should be circumscribed with the heavy burden of responsibility. His conduct, at all times, must not only be characterized by propriety and decorum but above all else must be above suspicion."[2]

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[1] 198 SCRA 705.

[2] *Ibid.*, pp. 717-718.

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WHEREFORE, respondent Exequiel C. Rojas is hereby FINED FIVE THOUSAND (₱5,000.00) PESOS and warned that a repetition of the same act or omission will be dealt with more severely.

SO ORDERED.

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

FIRST DIVISION

[A.M. No. P-99-1285. October 4, 2000]

ATTY. TERESITA REYES-DOMINGO, Senior State Prosecutor, Department of Justice, *complainant, vs.* **BRANCH CLERK OF COURT, MIGUEL MORALES, METROPOLITAN TRIAL COURT, BRANCH 17, MANILA,** *respondent.*

SYNOPSIS

Complainant Atty. Domingo filed a complaint against respondent branch clerk of court charging the latter with dishonesty and grave misconduct. Complainant alleged that respondent, instead of being at his office, was elsewhere on May 10 and May 13, 1996 but respondent did not indicate his absences in his daily time record. Respondent filed a countercomplaint for disbarment against the complainant allegedly for misusing the Katarungan Village's Trust Fund. Pending investigation, respondent filed a manifestation averring that the case be deferred to give them reasonable time to amicably settle their differences.