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SO ORDERED.

Narvasa C.J., Regalado, Davide Jr., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Martinez, Quisumbing, and *Purisima, JJ.*, concur.

EN BANC

[A.M. No. P-94-1072. August 5, 1998]

MARITES R. MORENO, *complainant, vs.* **VILMA A. BRAGAT, Clerk II, 2nd MCTC, Daanbantayan-Medellin, Cebu,** *respondent.*

SYNOPSIS

This is an administrative case filed by Marites Moreno against Vilma S. Bragat, Clerk II, 2nd MCTC, Daanbantayan, Medellin, Cebu, for grave misconduct, slander by deed, oral defamation and falsification of public document. Complainant alleged that on January 6, 1993, while she was working in the appliance store, herein respondent suddenly approached and slapped her hard on the right cheek, kicked her twice hitting her right leg, and maligned in the presence of her co-employees. Because of this incident, criminal complaints had been filed by complainant against respondent. After due trial, the MCTC Court found respondent guilty as charged, but on appeal, respondent was acquitted on reasonable doubt. This case was assigned to Executive Judge Priscila S. Agana for investigation, report and recommendation. After investigation, Judge Agana finds the respondent guilty of simple misconduct and for violation of Sec. 12, rule XVIII of the Civil Service Rules and SC Administrative Circular No 5 and recommended the penalty of suspension for 15 days without pay.

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The Supreme Court finds respondent administratively liable. In view of respondent's admission that she was in another place in the afternoon of January 6, 1993, it is clear that respondent falsified the entry in her DTR. The Court likewise finds herein respondent guilty of violation of SC Administrative Circular No. 5 for engaging as a part-time sales agent of the Singer/ World appliance Center, which was expressly prohibited under said circular. Moreover, the falsification and violation were exacerbated by respondent's infliction of physical injuries on complainant in a public place under scandalous circumstances. In view thereof, herein respondent is ordered dismissed immediately from the service with forfeiture of all retirement benefits and with prejudice to reemployment in any branch or instrumentality of the government, including any government-owned or control corporation.

SYLLABUS

1. **LEGAL AND JUDICIAL ETHICS; CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES; SUPREME COURT ADMINISTRATIVE CIRCULAR NO. 5; ALL OFFICIALS AND EMPLOYEES OF THE JUDICIARY ARE ENJOINED FROM BEING COMMISSIONED AS INSURANCE AGENT OR FROM ENGAGING IN ANY SUCH RELATED ACTIVITIES; CASE AT BAR.** — The Court finds respondent guilty of violation of Supreme Court Administrative Circular No. 5, dated 4 October 1988, which provides: x x x considering the nature of their work which requires them to serve with the highest degree of efficiency and responsibility, in order to maintain public confidence in the Judiciary x x x the entire time of judiciary officials and employees must be devoted to government service to ensure efficient and speedy administration of justice. Accordingly, all officials and employees of the Judiciary are hereby enjoined from being commissioned as insurance agent or from engaging in any such related activities, and, to immediately desist therefrom if presently engaged thereat. Respondent admits in her counter-affidavit of 5 March 1993 that she is a parttime sales agent of the Singer/World Appliance Center. She falls squarely within the prohibition.

2. **ID.; ID.; ID.; FALSIFICATION OF PUBLIC DOCUMENT AND VIOLATION OF SUPREME COURT ADMINISTRATIVE**

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CIRCULAR NO. 5 WARRANTS THE DISMISSAL OF A COURT EMPLOYEE FROM SERVICE; CASE AT BAR. — The court holds respondent liable for falsification of public document (DTR) and violation of Supreme Court Administrative Circular No. 5. She has amply demonstrated that she lacks the requisite moral qualifications to remain as an employee in the judiciary. Moreover, while the acts of slapping and kicking may not properly amount to official misconduct, not being work-related, yet such scandalous behavior, totally unbecoming of an employee of the judiciary, cannot be countenanced, much less condoned and simply brushed aside, particularly so when respondent claims it occurred while she was on official trip for the court. Her conduct has tended to degrade the image and dignity of the judiciary. x x x Wherefore, for falsification of public document and for violation of Supreme Court Administrative Circular No. 5 dated 4 October 1988, exacerbated by respondent's infliction of physical injuries on complainant in a public place under scandalous circumstances, respondent Vilma A. Bragat, Clerk II of the Municipal Circuit Trial Court, Daanbatayan-Medellin, Cebu, is ordered *DISMISSED* immediately from the service with forfeiture of all retirement benefits and with prejudice to reemployment in any branch or instrumentality of the government, including any government-owned or controlled corporation.

3. **ID.; ID.; COURT PERSONNEL MUST AT ALL TIMES ACT WITH STRICT PROPRIETY AND DECORUM.** — It is well to remind our court personnel that they must at all times act with strict propriety and decorum as to earn and keep the public's respect and confidence in the judicial service. More often than not, it is in their personal and private dealings that they tend to deviate from the strict norms of conduct demanded by RA No. 6713 which, among others, enunciates the State policy of promoting a high standard of ethics and utmost responsibility in the public service.

APPEARANCES OF COUNSEL

Atty.Escolastico A Daitol for complainant.

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DECISION

PER CURIAM:

This administrative matter pertains to the sworn complaint filed by Marites R. Moreno against Vilma A. Bragat, Clerk II, 2nd MCTC, Daanbantayan, Medellin, Cebu, for grave misconduct, slander by deed, oral defamation and falsification of public document.

Marites R. Moreno, a sales agent of the Singer/World Appliance Center in Bogo, Cebu, complains that on 6 January 1993, at about three o'clock in the afternoon, while she was in the appliance store where she worked, respondent Vilma A. Bragat, a barriomate, arrived and called for her. When she approached respondent, the latter suddenly slapped her hard on the right cheek, then kicked her twice hitting her right leg, and maligned her in the presence of her co-employees and the customers, yelling at her saying: "*Isumbong tikaw kang Demit (referring to my mother-in-law, Mrs. Demetria Moreno) nga ang imong pagpangahente para lang pagpangayat,' which in English means: "I will report you to Demit x x x that you work as an agent only for the purpose of sexual intercourse."*[1]

As a result of the assault, complainant suffered contusions in her right cheek and ear which required medical attention from six (6) to nine (9) days.[2] Accordingly, she filed criminal complaints against respondent with the Municipal Circuit Trial Court of Bogo-San Remigio for slander by deed[3] and for grave oral defamation.[4]

The MCTC of Bogo-San Remegio through Acting Judge Perla C. Vilo found respondent guilty as charged and sentenced her "to a fine of ₱200 in Criminal Case No. 4967, and a fine of

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[1] Affidavit, Exh. "A"; *Rollo*, p. 3.

[2] Medical Certificate, Exh. "B"; *id.*, p. 5.

[3] Complaint in Crim. Case No. 4966, Exh. "D"; *id.*, pp. 7-8.

[4] Complaint in Crim. Case No. 4967, Exh. "E"; *id.*, pp. 9-10.

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₱500 in Criminal Case No. 4966, to pay the costs of litigation, and by way of civil indemnity to pay complainant the total amount of ₱5,000.00."[5] On appeal however to the Regional Trial Court, Br. 58, Cebu City, Judge Jose Soberano Jr. acquitted respondent on reasonable doubt.[6]

In her Comment,[7] respondent avers that on 6 January 1993 she was instructed by her clerk of court to travel on official time to Bogo, Cebu, to verify a court matter at the Public Attorney's Office (PAO). At three-thirty in the afternoon she left her office together with co-employee Janet P. Yap who was going home to Bogo. Thereafter, respondent went to the Singer/World Appliance Center where she settled an account and talked with complainant. From there she proceeded to the PAO which was about five (5) minutes' drive from the appliance store.

Replying to respondent's Comment,[8] complainant avers that respondent was not on official business when she went to Bogo. In fact the official nature of her trip was not disclosed in the certification (undated) issued by Clerk of Court II Jose T. Singzon and which was not even attached to her counter-affidavit submitted before the MCTC.[9] In any case, the clerk of court could not have assigned to respondent the task of making inquiries at the PAO in Bogo considering that Janet Yap, her co-employee mentioned in her Comment, could have easily done it herself as she was residing in Bogo. Besides, the only matter to be looked into was simply the replacement of PAO lawyer Federico V. Pansoy who was transferred to a new assignment.[10] The

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[5] Decision, Exhs. "J" and "J-1"; Records.

[6] Decision, Annex "A" to Manifestation of respondent dated 13 December 1995; *id.*

[7] Exh. "2"; *Rollo*, p. 17.

[8] Exh. "H"; *id.*, pp. 19-23.

[9] Exh. "3"; *id.*, p 18.

[10] See Certification of Clerk of Court II Jose T. Singzon (undated); Note 9.

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trip of respondent could not have been official since it was not even reflected in her daily time record (DTR).

Complainant also manifests that in addition to the criminal complaints she filed before the MCTC she also charged respondent with violation of the Anti-Graft and Corrupt Parctices Act before the Office of the Ombudsman.

The mauling incident happened during business hours on a working day so that respondent obviously falsified the entry in her DTR for 6 January 1993, a Wednesday, by making it appear that she was present and working in her office at the MCTC the entire day.[11]

Respondent counters in her Rejoinder[12] that she was not aware of the action filed against her in the Office of the Ombudsman; however, if it be true, complainant was forum-shopping. Her assignment to Bogo was at the discretion of the clerk of court and the exercise of such discretion should be presumed regular.

In the resolution of the First Division dated 28 September 1997 the Court referred the instant matter to Executive Judge Priscila S. Agana for investigation, report and recommendation.[13]

During the hearing before Judge Agana complainant testified in her behalf. Her allegations were corroborated by Antonio de la Cerna, driver of the Singer/World Appliance Center, who stated that respondent was at the appliance store at three o'clock in the afternoon of 6 January 1993 and slapped and kicked complainant Marites Moreno.[14] This was confirmed by the findings of Dr. Jose L. Saniel that complainant sustained contusions in her right cheek and the anterior aspect of her right ear.[15]

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[11] Exh. "F"; *Rollo*, p. 11.

[12] Exh. "4"; *id.*, pp. 39-45.

[13] *Rollo*, p. 55.

[14] Exh. "I"; Records; TSN, 5 January 1995, pp. 12-14.

[15] TSN, 21 February 1995, pp. 9-10.

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On the slapping incident, respondent explained that she instinctively happened to swipe complainant's face with her left hand without any intention to harm her because she was infuriated at complainant's arrogance at the time. She later manifested that the Regional Trial Court, on appeal, set aside and reversed her conviction for slander by deed and grave oral defamation. She also submitted copy of the resolution of the Office of the Ombudsman dated 29 December 1994 dismissing the charge of falsification of public document against her for lack of probable cause.[16]

Still, we find respondent administratively liable. In view of her admission that she was at the Singer/World Appliance Center in Bogo, Cebu in the afternoon of 6 January 1993 it is clear that respondent falsified the entry in her DTR for 6 January 1993 to indicate that she was at the MCTC the whole day.

Respondent's claim that she was authorized by her clerk of court to go on official time to Bogo, Cebu, is hardly credible. While the undated certification of the clerk of court might have authorized respondent to proceed to Bogo, Cebu, on official time in the afternoon of 6 January 1993 purportedly to personally verify with the PAO whether a new layer had already been designated, certainly such authority did not include a sidetrip, at government time, to the Singer/World Appliance Center to settle some accounts there. Her work at the appliance store as part-time sales agent had absolutely nothing to do with her official functions as a court employee. Interestingly, her alleged settlement of accounts conviniently coincided with her supposed official trip to the PAO which, in the first place, she did not have to undertake herself since a co-employee who was residing in Bogo could have easily made the proper verification. Indeed, it is highly probable that the visit to the PAO was merely a subterfuge used by respondent to mask her real intention, which was to settle a score, not accounts, with complainant at the Singer/World Appliance Center. Respondent's explanation that she swiped complainant's face with her left hand without any

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[16] Exh. "5"; Records.

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intention to harm her, appears incongruent with her admission that she was at that time *infuriated* at complainant's arrogance.

We find respondent likewise guilty of violation of Supreme Court Administrative Circular No. 5, dated 4 October 1988, which provides —

> x x x considering the nature of their work which requires them to serve with the highest degree of efficiency and responsibility, in order to maintain public confidence in the Judiciary x x x the entire time of Judiciary officials and employees must be devoted to government service to ensure efficient and speedy administration of justice.
>
> Accordingly, all officials and employees of the Judiciary are hereby enjoined from being commissioned as insurance agents or from engaging in any such related activities, and, to immediately desist therefrom if presently engaged thereat.

Respondent admits in her counter-affidavit of 5 March 1993 that she is a parttime sales agent of the Singer/World Appliance Center. She falls squarely within the prohibition.

With respect to the dismissal of the criminal charges against respondent by the RTC to which she appealed her conviction by the MCTC, suffice it to state that considering the quantum of evidence required in criminal cases, especially in this case where the acquittal was based on reasonable doubt, the dismissal of the criminal cases of slander by deed, grave oral defamation and falsification of public document cannot bind this Court in the disposition of the instant administrative case.

Thus, we hold respondent liable for falsification of public document (DTR) and violation of Supreme Court Administrative Circular No. 5. She has amply demonstrated that she lacks the requisite moral qualifications to remain as an employee in the judiciary. Moreover, while the acts of slapping and kicking may not properly amount to official misconduct, not being work-related, yet such scandalous behavior, totally unbecoming of an employee of the judiciary, cannot be countenanced, much less condoned and simply brushed aside, particulary so when respondent claims it occurred while she was on official trip for

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the court. Her conduct has tended to degrade the image and dignity of the judiciary.[17]

In this regard, it is well to remind our court personnel that they must at all times act with strict propriety and decorum as to earn and keep the public's respect and confidence in the judicial service.[18] More often than not, it is in their personal and private dealings that they tend to deviate from the strict norms of conduct demanded by R.A. No. 6713 which, among others, enunciates the State policy of promoting a high standard of ethics and utmost responsibility in the public service.[19]

Finding respondent guilty of simple misconduct and for violation of Sec. 12, Rule XVIII, of the Civil Service Rules and Supreme Court Administrative Circular No. 5, Executive Judge Priscila S. Agana recommneds suspension without pay for fifteen (15) days with stern warning that a repetition of the same infractions would be dealt with more severely.[20]

We consider the recommenced penalty too light and not commensurate with the acts of malfeasance for which respondent must be held accountable.

WHEREFORE, for falsification of public document and for violation of Supreme Court Administrative Circular No. 5 dated 4 October 1988, exacerbated by respondent's infliction of physical injuries on complainant in a public place under scandalous circumstances, respondent Vilma A. Bragat, Clerk II of the Municipal Circuit Trial Court, Daanbatayan-Medellin, Cebu, is ordered *DISMISSED* immediately from the

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[17] *Gratela v. Yonzon, Jr.*, A.M. Nos. P-91-590 & P-93-818, 29 April 1996, 256 SCRA 587, 591.

[18] *Orfila v. Quiroz*, A.M. No. P-97-1234, 18 August 1997. See also *Tablate v. Tanjutco-Seechung*, A.M. No. 92-10-425-OMB, 15 July 1994, 234 SCRA 161.

[19] *Apaga v. Ponce*, A.M. No. P-95-1119, 21 June 1995, 245 SCRA 233, 240.

[20] Report and Recommendation of Judge Priscila S. Agana, p. 4, Records.

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service with forfeiture of all retirement benefits and with prejudice to reemployment in any branch or instrumentality of the government, including any government-owned or controlled corporation.

SO ORDERED.

Narvasa, C.J., Regalado, Davide, Jr., Romero, Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Martinez, Quisumbing, and *Purisima, JJ.,* concur.

EN BANC

[A.M. No. RTJ-96-1337. August 5, 1998]

OFFICE OF THE COURT ADMINISTRATOR, *complainant, vs.* **JUDGE WALERICO B. BUTALID, Regional Trial Court, Branch 9, Tacloban City,** *respondent.*

[A.M. No. 97-8-242-RTC. August 5, 1998]

Re: Request for the Expeditious Resolution of Civil Case No. 92-07-117 Pending at RTC-Branch 9, Tacloban City.

SYNOPSIS

Two administrative cases have been filed against respondent judge for serious misconduct, negligence, and inefficiency for failure to decide 96 cases within the 90-day reglementary period, and for falsification of public documents for falsely stating in the certificates of service submitted by him that he had decided within the prescribed period all cases submitted to him for resolution in order to be able to draw his salary.