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REPORT OF CASES

DETERMINED IN THE

SUPREME COURT OF THE PHILIPPINES

FIRST DIVISION

[A.M. No. P-03-1679. June 16, 2003]

OFFICE OF THE COURT ADMINISTRATOR, *complainant, vs.* **BEL EDUARDO F. NITAFAN, PROCESS SERVER; and RICARDO L. SIMEON, SHERIFF IV,** *respondents.*

SYNOPSIS

Respondents Process Server Nitafan and Sheriff Simeon had an altercation within the office premises of Branch 19 of the Regional Trial Court of Manila. The altercation ultimately resulted in an accidental firing of a 9-mm. firearm belonging to Simeon. Judge Zenaida R. Daguna, Presiding Judge of Branch 19 of the Regional Trial Court, Manila, informed the Office of the Court Administrator (OCA) through a letter that both Nitafan and Simeon were sternly admonished. Nitafan for initiating the brawl and Simeon for provoking the other. After taking into account the length of service of the two respondents, their outstanding performance, and the fact that the subject incident had been their first and only misdemeanor, Judge Daguna recommended that the two erring employees be given a chance to make amends and to continue their faithful service to the judiciary. The OCA, on the other hand, recommended to the Court that Nitafan and Simeon be held administratively liable for misconduct and be ordered to pay a fine of ₱2,000.00 and ₱5,000.00 respectively with a warning that a repetition of the same or similar act would be dealt with severely.

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The Supreme Court upheld the recommendation of the Office of the Court Administrator. According to the Court, the conduct exhibited by respondents at the workplace and during office hours was indicative of an utter lack of concern not only for each other but for the court as well. The Court found it highly reprehensible for any court personnel to engage in personal confrontation, particularly during office hours, within the court premises where professionalism, as well as order and discipline among the ranks, must be of utmost concern. The Court further stated that it will not tolerate or condone misconduct on the part of any judicial officer or personnel that degrade the dignity of their office.

SYLLABUS

POLITICAL LAW; ADMINISTRATIVE LAW; PUBLIC OFFICERS; COURT PERSONNEL; MISCONDUCT; IT IS HIGHLY REPREHENSIBLE FOR ANY COURT PERSONNEL TO ENGAGE IN PERSONAL CONFRONTATION, PARTICULARLY DURING OFFICE HOURS, WITHIN THE COURT PREMISES WHERE PROFESSIONALISM, AS WELL AS ORDER AND DISCIPLINE AMONG THE RANKS, MUST BE OF UTMOST CONCERN; CASE AT BAR.— Misconduct is an unacceptable behavior that transgresses the established rules of conduct for public officers. The due observance of the prescribed norms of behavior are demanded no less from court personnel; indeed, they must be role models for all those in the public service. Respondents have fallen below this expectation. The conduct they have exhibited at the workplace and during working hours is indicative of an utter lack of concern not only for each other but also for the court as well. It is highly reprehensible for any court personnel to engage in a personal confrontation, particularly during office hours, within the court premises where professionalism, as well as order and discipline among the ranks, must be of utmost concern. The Court will not tolerate or condone misconduct on the part of any judicial officer or personnel that degrade the dignity of their office.

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DECISION

VITUG, *J.*:

The instant administrative matter arose from a report, dated 09 October 2002, submitted by Clerk of Court Jesusa P. Maningas of the Regional Trial Court of Manila pursuant to the memorandum, dated 24 September 2002, of Executive Judge Enrico A. Lanzanas of the Manila Regional Trial Court.

It would appear that at about noon on 24 September 2002, within the office premises of Branch 19 of the Regional Trial Court of Manila, an altercation between herein respondents, Process Server Bel Eduardo F. Nitafan and Sheriff Ricardo L. Simeon, ultimately resulted in an accidental firing of a 9-mm. firearm belonging to Ricardo L. Simeon. The incident started when Nitafan approached Simeon to ask for the exact location of Cabangis Street in Tondo and the latter curtly answered, "*ewan*," in a loud voice. Irked by the reply, Nitafan remarked, "*Anong gusto mo*," to which Simeon retorted, "*Ano bang problema mo*?" After Nitafan saw Simeon touch his polo shirt covering a gun tucked by the waist and worried that Simeon might use it, he embraced Simeon from behind and held his arms. Simeon explained that he only wanted to keep the gun away from Nitafan fearing that the latter might try to take hold of it. While they were grappling for its possession, the gun accidentally fired and hit the cement floor. Subsequently, Nitafan and Simeon themselves settled their misunderstanding. Nitafan and Simeon would seem to have been good friends but Nitafan, the "quiet type," gets insecure every time Simeon would talk to one Ms. Janet Marcelo, a co-employee, which Nitafan apparently resented. The 9-mm. handgun is duly licensed in the name of Simeon, who likewise possesses a permit to carry it, issued by the PC Firearms and Explosives Unit, Camp Crame, Quezon City.

In a memorandum, dated 08 October 2002, Judge Daguna directed Simeon and Nitafan to each give his side of the incident.

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Simeon, in his compliance of 11 October 2002, stated that when he was approached by Nitafan and asked, "*Ano ba talaga ang gusto mo*," and he answered, "*Anong problema mo Jing*," Nitafan kept coming towards him. At that point, he thought that Nitafan would grab the gun tucked in his waistline, prompting him (Simeon) to pull and keep it away from his reach. Nitafan hugged and wrestled with him. As soon as he felt that he could not stop Nitafan, Simeon let go of one shot to bring Nitafan to his senses and then immediately emptied his gun to avoid any injury. Finally, the two settled their differences. Simeon apologized for the incident.

Nitafan, in his compliance, dated 11 October 2002, explained that the "bossy" attitude of Simeon had irritated him. His annoyance got out of hand when Simeon gave him a curt reply on the day the incident happened. When he confronted Simeon, and the latter replied, "*Ano bang problema mo*," he realized that Simeon had a gun. Afraid that Simeon might use the gun against him, Nitafan embraced Simeon but the gun went off, and the two protagonists wrestled. Later, they talked things over and agreed to "bury the hatchet." Nitafan likewise apologized for the incident.

Judge Zenaida R. Daguna, Presiding Judge, of Branch 19 of the Regional Trial Court, Manila, in her undated letter to the Court Administrator said that both Nitafan and Simeon were sternly admonished, Nitafan for initiating the brawl and Simeon for provoking the other. After taking into account the length of service of the two respondents (more than 20 years of service in the case of Simeon and about 15 years of service in the case of Nitafan), their outstanding performance, and the fact that the subject incident had been their first and only misdemeanor, Judge Daguna recommended that the two erring employees be given a chance to make amends and to continue their faithful service to the Judiciary.

On 06 November 2002, Executive Judge Enrico A. Lanzanas, indorsed the matter to the Office of the Court Administrator.

In their joint letter, of 11 November 2002, addressed to Deputy Court Administrator Christopher O. Lock, respondents

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manifested that they were adopting the statements made in their respective compliances, both dated 11 October 2002, which they had submitted to Judge Daguna, together with the latter's recommendation, in response to the directive, dated 23 October 2002, of the OCA asking them to explain in writing why no administrative sanction should be imposed upon them in connection with the incident in question. Respondents begged for compassion and mercy and asked that they be given a chance to rectify their "unprofessional" behavior.

The Office of the Court Administrator (OCA) submitted its report, dated 29 November 2002, to the Court, pertinent portions of which read:

"The act of Mr. Nitafan and Mr. Simeon in engaging in a fight especially during office hours and within the court premises runs counter to the norms of conduct set forth in Sec. 4(c) of RA No. 6713. The same is unbecoming for court employees whose conduct and behavior must at all times be characterized by propriety and decorum.

"The court will not tolerate misconduct committed by court personnel, particularly during office hours and within court premises. Such misconduct shows a total lack of respect for the court, and erodes the good image of the judiciary in the eyes of the public.

"Both Mr. Nitafan and Mr. Simeon have fallen short of the standard of conduct required of court employees. They should be administratively held liable for fighting with each other as said act showed disrespect not only of their co-workers but also of the Court.

"Moreover, notwithstanding the fact that the 9-mm. firearm of Mr. Simeon is duly licensed and that he was issued the corresponding permit to carry the same outside his residence, he should not have brought the same within the court's premises as the bringing and displaying of firearm in the court premises constitute misconduct. The question here is not the legality of Mr. Simeon's carrying of his firearm but the propriety of his doing so while working in the Court, when his duties as sheriff do not require that he should have his gun with him. There is no claim, much less showing that he needs the gun for self protection. Moreover, the accidental firing of Mr. Simeon's gun had placed in danger the lives of others who were present at the scene of the incident."

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The OCA, nevertheless, after considering the long years of service of respondents, their outstanding performance in the judiciary, and the fact that the incident was their first and only infraction, recommended that Nitafan and Simeon be held administratively liable for misconduct and be ordered to pay a fine of ₱2,000.00 and ₱5,000.00, respectively, with a WARNING that a repetition of the same act would be dealt with severely.

The Court accepts the recommendation.

Misconduct is an unacceptable behavior that transgresses the established rules of conduct for public officers.[1] The due observance of the prescribed norms of behavior are demanded no less from court personnel; indeed, they must be role models for all those in the public service. Respondents have fallen below this expectation. The conduct they have exhibited at the workplace and during working hours is indicative of an utter lack of concern not only for each other but also for the court as well.[2] It is highly reprehensible for any court personnel to engage in a personal confrontation, particularly during office hours, within the court premises where professionalism, as well as order and discipline among the ranks, must be of utmost concern. The Court will not tolerate or condone misconduct on the part of any judicial officer or personnel that degrade the dignity of their office.

WHEREFORE, respondents Nitafan and Simeon are both held liable for simple misconduct, and each is hereby ordered to pay a fine of, respectively, Two Thousand Pesos (₱2,000.00) and Five Thousand Pesos (₱5,000.00), with a WARNING that a repetition of any similar conduct in the future will be dealt with most severely.

SO ORDERED.

Davide, Jr., C.J. (Chairman), Ynares-Santiago, Carpio, and *Azcuna, JJ.*, concur.

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[1] *Amosco vs. Magro*, 73 SCRA 107, 1976.

[2] *Balisi-Umali vs. Peñalosa*, 318 SCRA 406.