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FIRST DIVISION

[A.M. No. P-03-1672. June 8, 2007]

PETER A. DE VERA, JR., *complainant, vs.* **ALEXANDER C. RIMANDO, Clerk of Court IV, Municipal Trial Court in Cities, Olongapo City,** *respondent.*

SYLLABUS

1. POLITICAL LAW; ADMINISTRATIVE LAW; COURT EMPLOYEES; PROPER DECORUM, ACCENTUATED.— Time and again, this Court has stressed that the conduct and behavior of employees in the judiciary, particularly those in first and second level courts, is circumscribed by the rules on proper and ethical standards. The higher the rank of the employee is, the higher is his responsibility and accountability. Complainant and respondent, it bears to note, are both members of the bar. They occupy two of the highest positions in the OCC of the first level court of Olongapo City. They ought to be aware that the nature and responsibilities of men and women in the judiciary, as defined in different canons of conduct, are neither mere jargons nor idealistic sentiments, but working standards and attainable goals that should be matched with actual deeds. No less than self-restraint and civility are at all times expected from them. Their conduct, particularly when they are within court premises, must always be characterized by propriety and decorum. Stated a bit differently, they should avoid any act or behavior that would diminish public trust and confidence in the courts.

2. ID.; ID.; ID.; ID.; ENGAGING IN SHOUTING MATCH IN COURT PREMISES IS CENSURABLE.— Both complainant and respondent doubtless failed to live up to the exacting ethical norms expected of their respective positions in the judiciary. The act of engaging in a shouting match, one even cursing the other, within the court premises, is censurable, to say the least. Court employees are supposed to be well-mannered, civil and considerate in their actuations, both in their relations with co-workers and the transacting public. Boorishness, foul language and any misbehavior in court premises diminishes its sanctity

Supreme Court E-Library

and dignity. As we said in *Quiroz v. Orfila*: Fighting between court employees during office hours is disgraceful behavior reflecting adversely on the good image of the judiciary. It displays a cavalier attitude towards the seriousness and dignity with which court business should be treated. Shouting at one another in the workplace and during office hours is arrant discourtesy and disrespect not only towards co-workers, but to the court as well. The behavior of the parties was totally unbecoming members of the judicial service. Such conduct cannot be countenanced.

3. **ID.; ID.; ID.; ID.; CONDUCT PREJUDICIAL TO THE BEST INTEREST OF SERVICE; PRESENT WHEN RESPONDENT REFUSED TO GIVE COMPLAINANT-SUBORDINATE WORK ASSIGNMENT, THUS RECEIVING SALARY DOING PRACTICALLY NOTHING.** — The Court notes that respondent Rimando admittedly refused, at a time, to give complainant De Vera work assignment. In net effect, respondent created a situation where his subordinate, through no fault of the latter, had received his salary for doing practically nothing. This to us constitutes, on the part of the respondent, conduct prejudicial to the best interest of the service. It is really of no moment that no grievance or complaint was ever filed by any litigant protesting delays in court transactions. At the end of the day, what is deplorable is that respondent Rimando deported himself in a manner contrary to the precept that a public office is a public trust.

4. **ID.; ID.; ID.; SIMPLE MISCONDUCT; PROPER PENALTY.** — Upon the facts obtaining in the case, both complainant De Vera and respondent Rimando are hereby adjudged guilty of simple misconduct. In *Aquino v. Israel, et al.*, *Baloloy v. Flores*, and *Quiros v. Orfila,* involving court personnel fighting with their co-employees in the court premises, the Court only imposed a fine of ₱1,000.00 with reprimand. The lesser penalty of reprimand may, however, be eliminated, both complainant and respondent having in their respective favor length of service.

Supreme Court E-Library

DECISION

GARCIA, *J.*:

Under consideration are (1) the sworn letter-complaint[1] filed with the Office of the Court Administrator (OCA) by herein complainant Peter A. de Vera, Jr. (De Vera), Clerk of Court III of the Municipal Trial Court in Cities (MTCC), Office of the Clerk of Court (OCC), Olongapo City, charging his co-employee, herein respondent Alexander C. Rimando (Rimando), Clerk of Court IV, with ***grave misconduct and conduct prejudicial to the best interest of the service***; and (2) respondent's amended-answer with amended counter-complaint[2] charging complainant De Vera with ***insubordination, discourteousness and gross misconduct.***

The factual antecedents are as follows:

Complainant De Vera joined the government service on November 18, 1992, starting as legal researcher at the Regional Trial Court (RTC), Branch 73, Olongapo City. On May 31, 1999, he was promoted to the position of Clerk of Court III or Assistant Clerk of Court of the MTCC, OCC, Olongapo City, making respondent Rimando, Olongapo City's MTCC Clerk of Court IV, his immediate supervisor.

Sometime in January 1996, at which time De Vera was still with the RTC, one Mila Martinez lodged before the OCA an administrative complaint for ***grave misconduct*** against Rimando and Sheriff Abraham Almazan. That case, docketed as Adm. Matter No. P-96-1204A, ended up with the Court finding both Rimando and Almazan guilty of gross inefficiency and incompetence and meting upon each of them the penalty of suspension for six (6) months and a fine.

Owing to the above development, then MTCC Executive Judge Reynaldo Laigo of Olongapo City designated, on April

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[1] *Rollo*, pp. 1-5.

[2] *Id.* at 99-104.

Supreme Court E-Library

26, 2000, De Vera as the Acting Clerk of Court of the MTCC, Olongapo City, the designation to last for the entire duration of Rimando's suspension.

After the issuance of the Decision in Adm. Matter No. P-96-1204A, Rimando, according to De Vera, started to exhibit a belligerent attitude towards him. Rimando, it would seem, suspected De Vera of having a hand in his eventual suspension from office.

De Vera would further allege in his complaint that Rimando's arrogance became more pronounced upon his return for work following his suspension. And in what De Vera described as a display of vindictiveness, Rimando declined to give him (De Vera) work assignment, thereby effectively stripping him of official duty. In fact, De Vera adds, Rimando, even if absent, would authorize other subordinate personnel, instead of him (De Vera), to act for Rimando's behalf, in disregard of the hierarchy of functions set forth in the Manual for Clerks of Court.

Sometime in 2002, De Vera was detailed to another branch of the RTC as legal researcher. He claims that upon his return to his mother unit, Rimando subjected him to all kinds of harassment. In this regard, De Vera mentioned a June 10, 2002 incident where a court employee, Marites Morales, was seen entering De Vera's office. Thereafter, Rimando allegedly asked Ms. Morales to step into his room and, at the top of his voice, then uttered the following: "*Ano na naman ang ginagawa nyo doon? Putang ina yan*" (referring to complainant). When confronted about his cutting remarks, Rimando allegedly merely gave De Vera the usual menacing looks and ended their encounter with the same "*Putang ina mo*" *line.*

What, according to De Vera, finally prompted him to address his letter-complaint to the OCA was when his plea for the intercession of the MTCC Executive Judge went for naught.

On July 9, 2002, Rimando, by way of compliance with a directive from Acting Court Administrator Zenaida N. Elepaño, submitted, before the office of the Olongapo City MTCC Executive

Supreme Court E-Library

Judge an answer to the complaint with counter-complaint. Over a month later, an amended answer with counter-complaint followed.

In his amended answer,[3] Rimando denied having blamed De Vera for his suspension or as having issued any memorandum stripping the latter of his duties as assistant clerk of court. As if to prove his point, Rimando drew attention to the "*highly satisfactory performance*" rating he gave De Vera for the period from July 1999 to December 2001.[4]

Rimando also averred in his answer that it was De Vera who started the "*p . . . g-ina mo*" incident which triggered the shouting match between them. And *vis-à-vis* allegations depicting him as threatening to inflict bodily harm on De Vera, Rimando countered that he cannot possibly harm someone who, like De Vera, is physically superiorly-built. He also denied having been involved in any physical altercation since his appointment as clerk of court in 1987, adding that it was De Vera who had the tendency towards notoriety.[5]

Acting on the recommendation of the OCA, the Court, in a resolution dated January 13, 2002, directed then Executive Judge Eliodoro G. Ubias, RTC, Olongapo City, to conduct an investigation on the case and thereafter to submit a report and recommendation thereon.

In compliance with the Court's directive, Executive Judge Avelino A. Lazo, who took over from Judge Ubias in the conduct

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[3] *Id.* at 99 et seq.

[4] *Id.* at 107-109.

[5] Respondent attached the following annexes to his original answer:

(1) Certification issued by the Office of the City Prosecutor regarding the filing of a complaint for qualified trespass to dwelling against complainant De Vera, which was however dismissed; *id.* at 54.

(2) Various affidavits of different persons alleging, among others, the ill-treatment inflicted upon them by the complainant; *id.* at 56-76.

(3) Affidavit of some court personnel showing that complainant usually ignored respondent's invitations to staff meeting without any justifiable reason; *id.* at 78.

Supreme Court E-Library

of the required investigation, submitted a Report dated August 9, 2006, thereunder finding the charges against respondent Rimando to be without basis. Accordingly, Judge Lazo recommended the dismissal of De Vera's complaint on the following rationalization:

> The undersigned noted that no substantial evidence was adduced to prove that respondent is guilty of grave misconduct and conduct prejudicial to the best interest of the service. Nor what was alleged to have been uttered by respondent on several occasions means so much in this investigation. The phrases "*Putang ina yan*" or "*Putang ina mo*," assuming that respondent uttered such remarks viewed from its context, is not of such serious and grave character. It is a common expression in the dialect which is uttered everyday. Not to slander the one it is directed but a kind of reprimand or at times to express some anger or displeasure.
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> Insofar as the imputation that respondent threatened to assault complainant, it is unbelievable considering that the former is aware of his physical built compared to him. It is unthinkable that sane and educated person like respondent will enter into a situation where he will just endanger himself to serious physical injuries.
>
> The allegation that respondent's actuations are prejudicial to the best interest of the service when the latter intentionally did not delegate his duties to the complainant as Assistant Clerk of Court is baseless and uncorroborated. There is no record of any grievance by civilians/litigants that their transaction with the MTCC, OCC was ever delayed or slow-moving.

Judge Lazo, however, urged that respondent Rimando be advised to control his temper and watch his language to avoid being misunderstood by his subordinates and the public.

Asked for its own evaluation and recommendation on the Lazo Report aforementioned, the OCA submitted a memorandum-report dated January 11, 2007. In it, the OCA, citing *Quiroz v. Orfila*,[6] recommended that both complainant De Vera and respondent Rimando be adjudged guilty of simple misconduct for shouting at each other within court premises and each fined

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[6] 338 Phil. 828 (1997).

Supreme Court E-Library

in the amount of ₱1,000.00. The OCA further recommended that an additional fine of ₱1,000.00 be imposed against Rimando for conduct prejudicial to the best interest of the service. Partly wrote the OCA:

> After careful evaluation of the record of the case, the undersigned mainly agrees with the report and recommendation of the investigating judge. However, the undersigned believe that the fighting of court employees inside the court room or even a shouting match inside the court room should not be condoned. Complainant and respondent, both being court employees should be reminded that courts are looked upon by the people with high respect and are regarded as sacred places, where litigants are heard, rights and conflicts settled and justice solemnly dispensed. Misbehavior within and around their vicinities diminishes their sanctity and dignity (*Bedural vs. Edroso*, A.M. No. 00-1395, 12 October 2000). By having a shouting match inside the Office of the Clerk of Court, the parties have failed, not only to observe the proper decorum expected of members of the judiciary, they have failed to promote public confidence in the integrity and impartiality of the judiciary.

The recommendation of the OCA and the premises holding it together are well-taken.

Time and again, this Court has stressed that the conduct and behavior of employees in the judiciary, particularly those in first and second level courts, is circumscribed by the rules on proper and ethical standards. The higher the rank of the employee is, the higher is his responsibility and accountability. Complainant and respondent, it bears to note, are both members of the bar. They occupy two of the highest positions in the OCC of the first level court of Olongapo City. They ought to be aware that the nature and responsibilities of men and women in the judiciary, as defined in different canons of conduct, are neither mere jargons nor idealistic sentiments, but working standards and attainable goals that should be matched with actual deeds.[7] No less than self-restraint and civility are at all times expected from them. Their conduct, particularly when they are within court premises, must always be characterized by propriety and decorum.

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[7] *Sy v. Norberto*, 391 Phil. 657 (2000).

Supreme Court E-Library

Stated a bit differently, they should avoid any act or behavior that would diminish public trust and confidence in the courts.

Both complainant and respondent doubtless failed to live up to the exacting ethical norms expected of their respective positions in the judiciary. The act of engaging in a shouting match, one even cursing the other, within the court premises, is censurable, to say the least. Court employees are supposed to be well-mannered, civil and considerate in their actuations, both in their relations with co-workers and the transacting public. Boorishness, foul language and any misbehavior in court premises diminishes its sanctity and dignity.[8] As we said in *Quiroz v. Orfila*:[9]

> Fighting between court employees during office hours is disgraceful behavior reflecting adversely on the good image of the judiciary. It displays a cavalier attitude towards the seriousness and dignity with which court business should be treated. Shouting at one another in the workplace and during office hours is arrant discourtesy and disrespect not only towards co-workers, but to the court as well. The behavior of the parties was totally unbecoming members of the judicial service. Such conduct cannot be countenanced.

The Court also notes that respondent Rimando admittedly refused, at a time, to give complainant De Vera work assignment. In net effect, respondent created a situation where his subordinate, through no fault of the latter, had received his salary for doing practically nothing. This to us constitutes, on the part of the respondent, conduct prejudicial to the best interest of the service. It is really of no moment that no grievance or complaint was ever filed by any litigant protesting delays in court transactions. At the end of the day, what is deplorable is that respondent Rimando deported himself in a manner contrary to the precept that a public office is a public trust.

Upon the facts obtaining in the case, both complainant De Vera and respondent Rimando are hereby adjudged guilty of

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[8] *Alumbres v. Caoibes*, A.M. No. RTJ-99-1431, January 23, 2002, 374 SCRA 255.

[9] *Supra*.

Supreme Court E-Library

simple misconduct. In *Aquino v. Israel, et al.*,[10] *Baloloy v. Flores*,[11] and *Quiroz v. Orfila*,[12] involving court personnel fighting with their co-employees in the court premises, the Court only imposed a fine of ₱1,000.00 with reprimand. The lesser penalty of reprimand may, however, be eliminated, both complainant and respondent having in their respective favor length of service.

WHEREFORE, complainant Peter A. De Vera, Jr. and respondent Alexander C. Rimando are hereby found guilty of *simple misconduct* and are each *FINED* in the amount of One Thousand Pesos (₱1,000.00). Respondent Alexander C. Rimando is further *FINED* in the amount of One Thousand Pesos (₱1,000.00) for conduct prejudicial to the best interest of the service.

Both are *WARNED* that a repetition of said actions shall be dealt with more severely.

SO ORDERED.

Sandoval-Gutierrez (Acting Chairperson), Corona, and *Azcuna, JJ.,* concur.

Puno, C.J. (Chairperson), on official leave.

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[10] A.M. No. P-04-1800, March 25, 2004, 426 SCRA 266.

[11] 416 Phil. 703 (2001).

[12] *Supra.*