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Pesos (₱10,000.00) with a stern warning that a repetition of the same or similar act would be dealt with more severely.

SO ORDERED.

Vitug, Panganiban, Sandoval-Gutierrez, and *Carpio, JJ.,* concur.

THIRD DIVISION

[A.M. No. 00-1394. January 15, 2002]

RE: ADMINISTRATIVE MATTERS OCA IPI NO. 97-228-P (JUDGE RAFAEL P. SANTELICES *vs.* LOIDA B. SAMAR, UTILITY AIDE, REGIONAL TRIAL COURT-LIBRARY, LEGAZPI CITY); and OCA IPI NO. 97-383-P (JUDGE RAFAEL P. SANTELICES *vs.* LOIDA B. SAMAR, OF THE SAME STATION)

SYNOPSIS

Judge Rafael P. Santelices of the Regional Trial Court, Branch 2 of Legazpi City, filed several administrative complaints against Loida B. Samar, Utility Aide of the Regional Trial Court, Library Unit, Legazpi City. Judge Santelices claimed that respondent refused to sign the logbook pursuant to their office policy; that she was often seen loitering at downtown Legazpi City during office hours with a lady companion with whom she was allegedly living under scandalous and immoral circumstances. She also did not report for work from 24 March to 01 April 1999, but her bundy card showed that she reported for work. When she finally reported for work on 02 April 1999, she erased the entries in her bundy card and filed a leave application. Judge Santelices also received information that respondent slept for two nights in the court library with her lady companion. On 18 November 1997, she slapped and dragged her mother Aurelia B. Samar

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toward the door on the east side of their building. And she attached to the letter she sent to her mother an affidavit that was allegedly executed by process server Geminiano Aringo, Jr., which was denied by the latter. In her answer, respondent denied all the charges against her. When the Court referred the aforesaid complaints to Executive Judge Vladimir B. Brusola for investigation, report and recommendation, the latter found the charges against respondent to be founded. The Office of the Court Administrator (OCA), found that sufficient evidence exists to show that respondent had sometimes been loitering and loafing during officer hours. The OCA then recommended that respondent be suspended for six months without pay.

The Court agreed with the evaluation made by the OCA. Indeed, the conduct exhibited by respondent would show that she has fallen short of the degree of professionalism expected of a public official. The Code of Conduct and Ethical Standards for Public Officials requires it. Employees of the judiciary particularly should be living examples of uprightness not only in the performance of official duties but also in their personal and private dealings with other people so as to preserve at all times the good name and standing of the courts in the community.

The Court believed, however, that the recommended penalty of a six-month suspension, without pay, would appear to be a bit harsh. A three-month suspension, likewise without pay, would be more reasonable given the circumstances.

SYLLABUS

1. **POLITICAL LAW; ADMINISTRATIVE LAW; COURT PERSONNEL; LIVING EXAMPLE OF UPRIGHTNESS NOT ONLY IN THE PERFORMANCE OF OFFICIAL DUTIES BUT ALSO IN THEIR PERSONAL AND PRIVATE DEALINGS WITH OTHER PEOPLE.** — [T]he conduct exhibited by respondent would show that she has fallen short of the degree of professionalism expected of a public official. The Code of Conduct and Ethical standards for public officials requires it. Employees of the judiciary particularly should be living examples of uprightness not only in the performance of official duties but also in their personal and private dealings with other people so as to preserve at all times the good name and standing of the courts in the community. The image of a court, as being a

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true temple of justice, is aptly mirrored in the conduct, official or otherwise, of the men and women who work thereat, from the judge to the least and lowest of its personnel.

2. ID.; ID.; ID.; ID.; PENALTY FOR VIOLATION THEREOF. — The Court believes, however, that the recommended penalty of a six-month suspension, without pay, would appear to be a bit harsh. A three-month suspension, likewise without pay, would be more reasonable given the circumstances.

APPEARANCES OF COUNSEL

Public Attorney's Office for respondent.

DECISION

VITUG, *J.*:

The administrative case before the Court relates to various complaints filed by Judge Rafael P. Santelices of the Regional Trial Court ("RTC"), Branch 2, of Legazpi City, against Loida B. Samar, a Utility Aide at the RTC Library Unit.

In the complaint, docketed OCA I.P.I. No. 97-228-P, Judge Santelices charged that respondent Loida Samar was detailed in his office pending the arrival of books and library materials from the Supreme Court. Pursuant to office policy, the personnel in his *sala* were required to sign a logbook, aside from the use of the bundy clock, which policy respondent refused to abide by. Judge Santelices claimed that respondent was, in fact, often seen loitering at downtown Legazpi City during office hours with a lady companion, with whom she was allegedly living under scandalous and immoral circumstances. In a supplemental complaint, Judge Santelices alleged that respondent, without filing an application for leave, did not report for work from 24 March to 01 April 1999. It was later discovered, however, that the bundy card of respondent showed her as having reported for work during the period. When respondent finally reported for work on 02 April 1997, she filed a leave application and erased in her bundy card the "time in and out" entries on the

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dates that she was absent and, instead, indicated therein that she was on leave. Judge Santelices additionally averred that he had received information that respondent slept for two nights in the court library with her lady companion.

The complaint, docketed OCA IPI No. 97-383-P, concerned an incident on 18 November 1997, between 1:30 p.m. to 2:00 p.m., when Mrs. Aurelia B. Samar, the mother of respondent, was on her way to the chambers of Judge Santelices. Respondent was seen to have slapped and dragged her mother towards the door on the east side of the building. The commotion was witnessed by two court personnel, Germelina Jadie and Rey Fernandez, who tried to pacify respondent. Judge Santelices, who was informed of the incident by Germelina Jadie, immediately went to the scene where he witnessed respondent still yelling at her mother. Germelina and Rey executed affidavits about the incident.

Another complaint, dated 1 December 1997, consolidated with OCA IPI No. 97-383-P, was filed by Judge Santelices, charging respondent with acts unbecoming a public officer as well as falsification, forgery and dishonesty. Complainant said that a few days after the 18th November 1997 incident, respondent's mother, Aurelia Samar, went to his office to inquire about a letter sent to her by respondent. Attached to the letter was an affidavit supposedly executed by Geminiano Aringo, Jr., the process server in complainant's *sala,* stating that following the incident on 18 November 1997, respondent showed Aringo a list showing that she regularly sent money to her mother. When Judge Santelices summoned Aringo, the latter denied having executed the affidavit.

In her answer, respondent asserted that she was never informed, either verbally or by memorandum, of any office policy requiring court personnel to sign the logbook, and that she had only learned of it on 30 July 1996. She denied having been a loafer during office hours, explaining that she would leave the Hall of Justice only whenever complainant himself would send her out on errands, usually to bring snacks to his granddaughter in school. Respondent admitted that she was sharing a room

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in a boarding house with another woman but only because she could not afford to alone pay the rent. She denied any immoral relationship with her lady companion. With respect to her absences from 24 March to 01 April 1997, respondent averred that she had to go to Catanduanes to visit her sick father. She said that before leaving, she went to see Clerk of Court Jaime S. Narvaez on 21 March 1997 for the approval of her application for leave but the latter was not in his office. She admitted having made the erasures on her bundy card upon her return but just to reflect her absences. In connection with the final charge against her, respondent maintained that she had merely talked to her mother on 18 November 1997 when she saw her in the Hall of Justice. She averred that the affidavit attached to the letter she had sent to her mother was neither signed nor notarized, and it was made only for the purpose of reminding her mother that Aringo witnessed the 18th November 1997 incident. Respondent enclosed a list showing the financial support she extended to her family and a medical certificate of one Dr. Ismael M. Buban certifying that she was undergoing treatment for acute gastritis since 07 July 1997. Respondent claimed that the affidavits of Rey Fernandez and Germelina Jadie about the 18th November incident, where they supposedly witnessed respondent slap her mother, were fabricated. She submitted an affidavit executed by her mother denying that any untoward incident transpired on 18 November 1997.

On 19 July 1999, the Court referred the complaints to Executive Judge Vladimir B. Brusola of the Regional Trial Court of Legazpi City for investigation, report and recommendation. Judge Brusola found the charges against respondent to be founded and recommended that —

"x x x (R)espondent be imposed a fine of ₱10,000.00 in OCA IPI No. 97-228-P for:

"1. *Misconduct* in sleeping in the library with a lady companion;

"2. *Dishonesty* in punching her bundy card to make it appear that she was present on March 24 to April 1, 1997 although she was absent;

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"3. *Misconduct* in loitering outside the building premises during office hours to be with her lady friend Aurea Condeno at MABA kindergarten school;

"4. *Failure to file* her sworn statement of assets and liabilities on time; and

"5. *Insubordination* for refusing to sign the logbook of attendance;

"and a fine of ₱10,000.00 in OCA IPI No. 97-383-P for:

"1) *Conduct Unbecoming a Public Officer* in slapping and berating her mother in the premises of the Hall of Justice on November 18, 1996; and

"2) *Deceit and Dishonesty* by making it appear that Geminiano Aringo, Jr. had executed an affidavit in her favor when the latter did not."

The case was referred by the Court to the Office of the Court Administrator ("OCA") for further evaluation, report and recommendation.

The OCA, in its memorandum of 25 April 2000, considered it to be unlikely that respondent was unaware of the office procedure regarding the requisite signing of the logbook. It found that sufficient evidence was extant to show that respondent had sometimes been loitering and loafing during office hours. On the erasures made on respondent's bundy card particularly, the OCA found no substantial evidence that would show that she had caused somebody to punch her attendance card while she was absent, and the erasures she later made were, in fact, done to reflect her absence during the period. The OCA gave weight to the declaration of witnesses about the 18th November 1997 incident and saw nothing to indicate that they would have testified falsely against respondent. The affidavit executed by Aurelia Samar, the mother of respondent, absolving respondent from liability was downgraded by the OCA, explaining that the outcome of the case could not "be made dependent on the subsequent recantation of charges against respondent and on the whims and caprices of the personalities involved especially

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if the integrity and credibility of the judiciary and the people comprising it (were) at stake."[1]

Anent the charges for falsification and forgery, both the OCA and the Investigating Judge concluded that the draft affidavit of Aringo could not have been included by respondent in her letter to her mother only to remind the latter that Aringo was shown the list of remittances sent to respondent's family. Even if unsigned, the affidavit, drafted without the knowledge and consent of Aringo, nevertheless, did indicate that respondent had less than an honest motive to use it.

The OCA recommended that respondent be suspended for six (6) months without pay with a stern warning that the commission of similar acts in the future would be dealt with most severely.

The Court agrees with the evaluation made by the OCA. Indeed, the conduct exhibited by respondent would show that she has fallen short of the degree of professionalism expected of a public official. The Code of Conduct and Ethical standards for public officials[2] requires it. Employees of the judiciary particularly should be living examples of uprightness not only in the performance of official duties but also in their personal and private dealings with other people so as to preserve at all times the good name and standing of the courts in the community. The image of a court, as being a true temple of justice,[3] is aptly mirrored in the conduct, official or otherwise, of the men and women who work thereat, from the judge to the least and lowest of its personnel.

The Court believes, however, that the recommended penalty of a six-month suspension, without pay, would appear to be a bit harsh. A three-month suspension, likewise without pay, would be more reasonable given the circumstances.

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[1] Memorandum from the Office of the Court Administrator, dated 25 April 2000, p. 7.

[2] R.A. 6713, Sec. 4(b).

[3] *Marquez vs. Clores-Ramos*, 336 SCRA 122.

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WHEREFORE, respondent Loida B. Samar, Utility Aide, Regional Trial Court-Library, Legazpi City, is found guilty of misconduct, and she is hereby suspended for three (3) months, without pay, with a stern warning, however, that a repetition of similar infractions by her will be dealt with most severely.

SO ORDERED.

Melo (Chairman), Panganiban, Sandoval-Gutierrez, and *Carpio, JJ.,* concur.

THIRD DIVISION

[A.M. No. 00-4-06-SC. January 15, 2002]

RE: COMPLAINT OF EXECUTIVE JUDGE TITO GUSTILO, REGIONAL TRIAL COURT, ILOILO CITY, AGAINST CLERK OF COURT MAGDALENA LOMETILLO, REGIONAL TRIAL COURT, ILOILO CITY.

SYNOPSIS

Executive Judge Tito Gustilo of the Regional Trial Court (RTC) of Iloilo City charged Clerk of Court Magdalena Lometillo with gross neglect of duty in violation of Supreme Court Administrative Circular No. 2-99 and habitual tardiness. In her comment, respondent averred that assignments for the Saturdays work schedule of court personnel were made two months in advance. On 04 September 1999, two court employees were assigned. However, one employee had to leave at around 1:00 o'clock in the afternoon to attend to her ailing mother in the hospital, while the other one went home at 1:30 in the afternoon due to severe migraine, but the latter returned to the office at 3:45 in the afternoon. However, on 11 March 2000, respondent admitted that she was unable to monitor the attendance of the