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THIRD DIVISION

[A.M. No. P-01-1512. September 24, 2001]

TERESITA H. ZIPAGAN, *complainant, vs.* **JOVENCIO N. TATTAO, Court Interpreter III, Regional Trial Court, Cabagan, Isabela,** *respondent.*

SYNOPSIS

Complainant Teresita H. Zipagan filed an administrative complaint against respondent Jovencio N. Tattao, Court Interpreter III, of the Regional Trial Court (RTC) of Cabagan, Isabela, for gross misconduct in office. Complainant alleged that on February 26, 1998, while complainant was in the premises of the official station of the respondent at the Regional Trial Court, Branch 22, Cabagan, Isabela, respondent slapped her right cheek and hit her right eye with a glass with water causing her to become wet. As a result of the incident, she suffered injury in her right eye. Judge Juan A. Bigornia, Jr., Executive Judge of the RTC of Ilagan, Isabela (Branch 18), conducted an investigation of the matter. Judge Bigornia found respondent's behavior unbecoming of a court employee and a gentleman and recommended that respondent be fined in the amount of five thousand pesos (₱5,000.00). The Office of the Court Administrator (OCA) sustained the findings of the investigating judge but considering the high-strung and belligerent behavior of respondent, his unbecoming acts as a judicial employee, and complainant's gender, the OCA recommended the more severe penalty of suspension for one month with a warning that a repetition of the same or a similar act in the future shall be dealt with more severely.

The Supreme Court affirmed the recommendation of the Office of the Court Administrator. According to the Court, the brash and callow behavior of respondent was unbecoming a court employee. Assuming that complainant was disturbing the orderly administration of justice with her noisy chatter, respondent should have exercised more patience and adopted a more prudent manner in asking her to leave the office. His abrupt interruption of the conversation, followed by his slapping of her face and hitting her right eye has shamed not only the court he is serving, but the entire

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judiciary as well. Respondent has degraded the dignity of the judiciary and undermined the people's faith and confidence in it.

SYLLABUS

POLITICAL LAW; ADMINISTRATIVE LAW; PUBLIC OFFICERS; COURT PERSONNEL; GROSS MISCONDUCT IN OFFICE; THE BRASH AND CALLOW BEHAVIOR OF RESPONDENT IS CONDUCT UNBECOMING OF A COURT EMPLOYEE.— The brash and callow behavior of respondent is unbecoming a court employee. Assuming that complainant was disturbing the orderly administration of justice with her noisy chatter, respondent should have exercised more patience and adopted a more prudent manner in asking her to leave the office. His abrupt interruption of the conversation, followed by his slapping her face and hitting her right eye has shamed not only the court he was serving, but the entire judiciary as well. Clearly, respondent has degraded the dignity of the judiciary and undermined the people's faith and confidence in it. Indeed, the Court looks "with great disfavor [upon] any display of animosity by any court employee. Court personnel must, at all times, act with strict propriety and proper decorum so as to earn the public's regard for the judiciary. Improper behavior, particularly during office hours, exhibits not only a paucity of professionalism at the workplace but also a great disrespect to the court itself. Such a demeanor is a failure of circumspection demanded of every public official and employee." Respondent evidently failed to measure up to this expectation when he mauled complainant, causing her eye injury.

APPEARANCES OF COUNSEL

Carlos T. Aggabao for complainant.

D E C I S I O N

PANGANIBAN, *J.*:

The conduct of all employees in the judiciary is circumscribed with a heavy burden of responsibility. It must at all times be characterized by strict propriety and decorum so as to maintain the respect of the public.

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Statement of the Case

Before this Court is a Complaint[1] filed by Teresita H. Zipagan,[2] in which she charges Jovencio N. Tattao, Court Interpreter III of the Regional Trial Court (RTC) of Cabagan, Isabela, with gross misconduct in office. Quoted hereunder is her Complaint:

"That on or about February 26, 1998, at Cabagan, Isabela, Philippines, and within the jurisdiction of this Honorable Supreme Court, the said accused, did then and there while complainant was in the premises of the official station of the accused at the Regional Trial Court, Branch 22, Cabagan, Isabela, x x x [abuse] his official stature, assault, slap and hit with a glass the victim TERESITA H. ZIPAGAN, thereby causing injury to the said complainant as per Medico Legal Certificate issued by Dra. Mignonette Tamayo, which would require a healing period of seven (7) days and medical attendance for the same period of time, to the damage and prejudice of the said complainant."[3]

The Facts

The factual antecedents of the present case are summarized by the Office of the Court Administrator[4] (OCA) in a Memorandum dated May 18, 2001, as follows:

"A SWORN COMPLAINT dated 26 February 1998 of Teresita H. Zipagan accusing Jovencio N. Tattao of gross misconduct in office was received by the Office of the Court Administrator x x x.

"Complainant claims that on 26 February 1998 she went to the Office of the Clerk of Court of the Regional Trial Court of Cabagan, Isabela to discuss an important official matter with the presiding judge of said Court. Thereafter she talked with a certain Mrs. Albano, 'the officer-in-charge of the Regional Trial Court, Branch 22, Cabagan, Isabela' regarding her consultation with the judge. It was at that juncture that respondent berated her saying *'[M]anao ca ngana taue, cannu oorderan nga Department of Justice y oficina mi ta under cami lappa ta Supreme Court, gagangay gare tu sipsip ca adde tagga ta cami Judge Vera Cruz,*['] which means in

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[1] *Rollo*, pp. 1-2.

[2] Stenographic Reporter III of the Public Prosecutor's Office.

[3] Complaint, p. 1; *rollo*, p. 1.

[4] The Memorandum was signed by Deputy Court Administrator Bernardo T. Ponferrada and recommended by Acting Court Administrator Zenaida N. Elepaño.

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English, ['G]et out of this place, we don't receive orders from the Department of Justice because we are under the Supreme Court, you [have been] a sucker ever since the time of Judge Vera Cruz.' Afterwards, respondent slapped her right cheek and hit her right eye with a glass with water causing her to become wet. As a result of the incident she suffered injury in her right eye.

"In his COMMENT dated 02 June 1998, respondent avers that on 26 February 1998, complainant entered their office and therein shouted 'x x x so many utterances which disturbed the people who [were] attending the trial of cases set for said date.' He told her not to shout since their office [was] not a market place but complainant went near him and threw the 'glass of Sprite' he was drinking (respondent was taking his *merienda* that time). Thereafter, Zipagan hit him with a ballpen, wounding his right elbow in the process so he slapped her with his left hand. Still, complainant kept on attacking him and was only pacified when Utility Worker Gerard Vinasoy brought her out of the office.

"Tattao claims that Zipagan filed a criminal complaint against him with MCTC, Cabagan, Isabela for which he already filed a counter-affidavit. Respondent closes his COMMENT saying 'that with the unbecoming conduct of Mrs. Teresita H. Zipagan, she should be punished for conduct unbecoming and besides she should be investigated for frequently absenting herself from office every Wednesday of the week because she is attending to her *sari-sari* store in Cabagan Public Market, without leave of absence and for collecting illegal bet for *[j]ueteng,* she being an employee of the Public Prosecutor's Office.'

"In a resolution of the Third Division of this Court dated 31 January 2000, the Court resolved to refer this case to Executive Judge Alfredo G. Vergara, Regional Trial Court, Cabagan, Isabela for investigation, report and recommendation within sixty (60) days from receipt of the records of the case.

"However on 21 March 2000, counsel for the complainant, Atty. Carlos T. Aggabao, filed with this Office an Urgent Motion for Inhibition of the Investigating Judge claiming that respondent Jovencio N. Tattao [was] a subordinate of the executive judge and that both of them used to [be] together in coming to Cabagan and going home to Ilagan, Isabela.

"On 02 August 2000 the Third Division of this Court issued a resolution designating Executive Judge Juan A. Bigornia, Jr. [of] Branch 18, Regional Trial Court, Ilagan, Isabela to conduct the investigation."[5]

[5] Court Administrator's Report, pp. 1-2.

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Recommendation of the Investigating Judge

Judge Juan A. Bigornia, Jr.,[6] executive judge of the RTC of Ilagan, Isabela (Branch 18), conducted the investigation on the matter. In his Report and Recommendation[7] dated January 31, 2001, he made the following recommendation:

"After evaluating the evidence, we find [that] respondent Jovencio Tattao, failed to measure up to that behavior expected of a court employee and gentleman. We recommend a fine of FIVE THOUSAND (Php5,000.00) PESOS, to set an example to other court employees to conduct themselves properly in their dealings with other persons."[8]

Recommendation of the OCA

The OCA sustained the findings of the investigating judge. But considering the high-strung and belligerent behavior of respondent, his unbecoming acts as a judicial employee, and complainant's gender, the OCA recommended the more severe penalty of suspension for one month with a warning that a repetition of the same or a similar act in the future shall be dealt with more severely.

The Court's Ruling

We agree with the recommendation of the OCA.

Respondent's Administrative Liability

Time and time again, this Court has emphasized that "the conduct of every employee of the judiciary must be at all times characterized [by] propriety and decorum and above all else, it must be above and beyond suspicion."[9] We have reiterated in several

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[6] Initially, the Court referred the matter to Judge Alfredo G. Vergara, executive judge of the RTC of Cabagan, Isabela (Branch 22), for investigation, report and recommendation. But because of an urgent Motion for Inhibition filed by complainant's counsel, Atty. Carlos T. Aggabao, the Court resolved to designate Judge Bigornia to conduct the investigation of the matter.

[7] The Report and Recommendation was received by the Clearance and Docket Division of this Court on February 15, 2001.

[8] January 31, 2001 "Report and Recommendation" of Judge Juan A. Bigornia, Jr. to then Court Administrator Alfredo L. Benipayo, p. 3.

[9] *Bilag-Rivera v. Flora*, 245 SCRA 603, 612, July 6, 1995, per Padilla, *J.*

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cases[10] that "the conduct and behavior of every official and employee of an agency involved in the administration of justice, from the presiding judge to the most junior clerk, should be circumscribed with the heavy burden of responsibility. Their conduct must at all times be characterized by, among others, strict propriety and decorum so as to earn and keep the respect of the public for the judiciary."[11]

Moreover, the Code of Conduct and Ethical Standards for Public Officers and Employees (RA 6713) implements the State policy of promoting a high standard of ethical responsibility in the public service. Specifically, Section 4 of the Code requires "[p]ublic officials and employees x x x [to] respect the rights of others, and x x x refrain from doing acts contrary to law, good morals, good customs, public policy, public order, public safety and public interest."

Clearly, the brash and callow behavior of respondent is unbecoming a court employee. Assuming that complainant was disturbing the orderly administration of justice with her noisy chatter, respondent should have exercised more patience and adopted a more prudent manner in asking her to leave the office. His abrupt interruption of the conversation, followed by his slapping her face and hitting her right eye has shamed not only the court he was serving, but the entire judiciary as well.

Clearly, respondent has degraded the dignity of the judiciary and undermined the people's faith and confidence in it. Indeed, the Court looks "with great disfavor [upon] any display of animosity by any court employee. Court personnel must, at all times, act with strict propriety and proper decorum so as to earn the public's regard for the judiciary. Improper behavior, particularly during office hours, exhibits not only a paucity of professionalism at the

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[10] *Alawi v. Alauya*, 268 SCRA 628, 637, February 24, 1997, per Narvasa, *CJ*, citing *Apaga v. Ponce*, 245 SCRA 233, 240, June 21, 1995, citing *Callejo, Jr. v. Garcia*, 206 SCRA 491, February 25, 1992; *Angeles v. Bantug*, 209 SCRA 413, May 28, 1992; *Icasiano, Jr. v. Sandiganbayan*, 209 SCRA 377, May 28, 1992; *Medilo v. Asodisen*, 233 SCRA 68, June 13, 1994.

[11] *Ibid.*

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workplace but also a great disrespect to the court itself. Such a demeanor is a failure of circumspection demanded of every public official and employee."[12]

Respondent evidently failed to measure up to this expectation when he mauled complainant, causing her eye injury.

WHEREFORE, respondent is found guilty of gross misconduct in office and is hereby ***SUSPENDED*** for a period of one month, with a stern warning that a repetition of the same or a similar act shall be dealt with more severely.

SO ORDERED.

Melo (Chairman), Vitug, Gonzaga-Reyes, and *Sandoval-Gutierrez, JJ.,* concur.

EN BANC

[G.R. Nos. 127759-60. September 24, 2001]

PEOPLE OF THE PHILIPPINES, *plaintiff-appellee, vs.* **PO3 NOEL FELICIANO,** *accused-appellant.*

SYNOPSIS

Accused-appellant Noel Feliciano was convicted of three (3) counts of murder by the Regional Trial Court of Isabela, Basilan. In Criminal Cases Nos. 2211-142 and 2213-145, he was sentenced to suffer the penalty of death, and in Criminal Case No. 2214-146, to suffer the indeterminate penalty of imprisonment from twelve (12) years and one (1) day as minimum to fourteen (14) years and eight (8) months of *reclusion temporal* as maximum. On automatic review before the Court, appellant contended that the trial court erred in ruling that the killing of Police Inspector Edgardo Miguel and Police

[12] *Gratela v. Yonzon, Jr.,* 256 SCRA 587, 591-92, April 29, 1996, per Vitug, *J.*