

EN BANC

[A.M. No. P-96-1231, February 12, 1997]

**JUDGE ISAIAS P. DICDICAN, COMPLAINANT, VS. RUSSO
FERNAN, JR., CLERK III AND RAMIELA BOHOLST-EGOS, CLERK
III, RESPONDENTS.
D E C I S I O N**

PER CURIAM:

Before us is an administrative complaint initiated by JUDGE ISAIAS P. DICDICAN, Branch XI, Regional Trial Court (RTC) of Cebu City against respondents RUSSO FERNAN, JR., Clerk III of the same court, and MRS. RANIELA JOSEFA BOHOLST-EGOS, Clerk III, Office of the Clerk of Court, RTC, Cebu City for disgraceful and immoral conduct.

The facts are undisputed.

In the morning of August 24, 1996, a Saturday, complainant Judge Dicdican and his wife, after attending a wedding, decided to pass by the former's office at Branch XI, RTC, Cebu City, located at the second floor of the Palace of Justice.

When the couple reached the entrance of complainant's office, complainant noticed that the door of his personnel's office was not padlocked as was usually done. Sensing that someone could be inside the office, complainant, accompanied by his wife, pushed the door and discovered it was bolted from inside. Using his own set of keys, complainant managed to open the door and enter the room. Inside the room, he saw a naked man spring from the sofa near the office table and run towards another table, trying to seek cover. The man left his shirt and shorts on the floor, near the sofa. Complainant recognized him to be respondent RUSSO S. FERNAN, JR., a clerk in his office who is in charge of the records of criminal cases in his sala.

Complainant approached the sofa where respondent Fernan came from. While walking towards the sofa, he noticed another person under an adjacent table who was trying to reach out for a jumper and t-shirt on top of the table. Complainant asked respondent Fernan who his companion was. Respondent identified his companion as "Didi" who turned out to be respondent MRS. RANIELA BOHOLST-EGOS, Clerk III in the Office of the Clerk of Court, RTC Cebu City and assigned at the RTC Library, located at the third floor of the Palace of Justice.

Complainant asked respondent Fernan what was happening and the latter replied: "Nasapnan lang gayud, Judge" ("We were just caught, Judge."). Complainant then requested his wife to summon other people who could serve as witnesses to the scene. Among those who responded were Provincial Guard ALFREDO ABELLA, assigned to guard the Palace of Justice, HENRY ESPINOSA, supervisor of the maintenance personnel of the Palace of Justice, utility workers ARIEL MOMONGAN and IGNACIO CANDONES, plumber QUIRINO ALBERIA, and janitors CELSO MIANO

and IKE TUNACAO. They all saw respondent Fernan behind a table, still naked, and respondent Egos hiding under another table. Respondent Fernan, Jr. was pleading to complainant: "Please Judge, sakto na Judge" (Please Judge, enough Judge.).^[1] Complainant replied: "Dili ko gusto nga ang akong korte himoong motel" (I would not want my court to be transformed into a motel.).^[2] Complainant then asked all the parties to vacate the office.^[3]

After reducing his statement and those of his witnesses in writing, complainant judge endorsed his complaint and his witnesses' Affidavits to Executive Judge PRISCILA S. AGANA for appropriate action.^[4]

In the meantime, respondent Fernan tendered his resignation to complainant judge, effective August 26, 1996, allegedly due to health reasons.^[5] The next day, respondent Egos filed her resignation, citing "personal reasons" for the filing.^[6]

Executive Judge Agana was directed by Deputy Court Administrator BERNARDO P. ABESAMIS to conduct an immediate investigation of the incident. However, since the mother-in-law of respondent Egos was employed in the office of Executive Judge Agana, the latter inhibited herself and delegated the task of investigating the matter to JUDGE LEONARDO CANARES, Branch X, RTC of Cebu City.^[7]

Pursuant to said Order, Judge Canares summoned the parties and their witnesses to appear and testify before him about the administrative complaint. Respondents were further directed to submit their Counter-Affidavits.^[8] However, on the scheduled date of hearing, only complainant judge and his witnesses appeared.

In his Investigation Report,^[9] Judge Canares, relying on the uncontroverted evidence of the complainant and his witnesses, found respondents guilty of disgraceful and immoral conduct.

Deputy Court Administrator Abesamis affirmed the findings of investigating Judge Canares and recommended that respondents be dismissed from service, with forfeiture of all benefits and with prejudice to re-employment in any branch of government.^[10]

It bears emphasis that the image of a court of justice is mirrored in the conduct, official and otherwise, of the personnel who work thereat, from the judge to the lowest of its personnel. Court employees have been enjoined to adhere to the exacting standards of morality and decency in their professional and private conduct in order to preserve the good name and integrity of the courts of justice.

In the case at bar, we are in full agreement with the findings of fact of the investigating judge and the recommendation of Deputy Court Administrator Abesamis. The records confirm without doubt the guilt of respondent-employees. The allegations of complainant in his Affidavit and the statements of his witnesses regarding the incident remain unrebutted. Despite receipt of the notice of hearing of the administrative complaint filed against them, respondents did not appear at the investigation or submit their counter-affidavits. Instead, two (2) days after their sexual indiscretion, respondents successively tendered their resignation from the judiciary. Nonetheless, their submission of resignation would not serve to exculpate