

## SECOND DIVISION

[ **A.M. No. P-17-3731 (Formerly OCA IPI No. 12-3871-P), November 08, 2017** ]

**FERDINAND E. TAURO, COURT INTERPRETER, REGIONAL TRIAL COURT, BRANCH 122, CALOOCAN CITY, COMPLAINANT, VS. RACQUEL O. ARCE, CLERK III, REGIONAL TRIAL COURT, BRANCH 122, CALOOCAN CITY, RESPONDENT.**

### RESOLUTION

#### **CAGUIOA, J:**

For resolution is the Complaint Affidavit<sup>[1]</sup> dated May 8, 2012 filed by complainant Ferdinand E. Tauro (complainant), Court Interpreter, Regional Trial Court (RTC), Branch 122, Caloocan City, charging respondent Racquel O. Arce (respondent); Clerk III of the same court, with serious misconduct.

Complainant narrated that on May 3, 2012, he was heckled by respondent who was at that time looking for missing court records which were supposedly under respondent's custody.<sup>[2]</sup> Respondent allegedly shouted at complainant, "*Ikaw ang kumuha, ikaw ang gumalaw ng mga records, sinungaling, sinungaling ka! Dapat sa iyo mag-resign.*"<sup>[3]</sup> Complainant kept his cool but respondent continued berating him for the missing records.<sup>[4]</sup>

Despite the intervention of other court personnel, respondent allegedly continued to throw slanderous and threatening remarks against complainant.<sup>[5]</sup> When complainant denied the accusations, respondent became furious and, seemingly determined to kill complainant, attacked him with a kitchen knife.<sup>[6]</sup> However, the attack was timely prevented by their fellow court employees.<sup>[7]</sup>

In her defense, respondent recounted that on May 3, 2012, while she was busy releasing orders and other court processes, she noticed that two (2) important case folders, which bore a directive from their judge to issue subpoenas for cases scheduled for hearing the following week, were missing from her table.<sup>[8]</sup> Respondent was convinced that it was complainant who had taken the case folders without permission, for complainant had the habit of taking case folders in order to update the court calendar.<sup>[9]</sup> Respondent asked complainant about the missing records, but complainant was evasive and kept deflecting every question respondent posed.<sup>[10]</sup> Thereafter, an argument ensued between complainant and respondent, causing respondent to say out of anger, "*pag hindi [ka pa] tumigil sa kadadaldal ng wala namang kinalaman sa tanong ko sa yo, sasaksakin na kita.*"<sup>[11]</sup>

As to the alleged threat to kill complainant, respondent denied aiming the knife at complainant, and explained that she was merely overwhelmed with anger because

complainant was dishonest and kept evading her questions.<sup>[12]</sup> Respondent also faulted complainant for his inefficiency in performing his functions as court interpreter.<sup>[13]</sup>

In reply, complainant stressed that respondent's allegations about his performance as a court interpreter are immaterial to the subject administrative complaint.<sup>[14]</sup> Complainant added that even assuming he got the records from respondent's table, he need not ask permission from respondent since he needed the records to update the court calendar, and respondent clerk occupies a rank lower than him.<sup>[15]</sup> Complainant emphasized that respondent's slanderous remarks were meant to dishonor, discredit, and besmirch his reputation.<sup>[16]</sup> Complainant also accused respondent of having motive to oust him because the latter was interested in the position he occupied.<sup>[17]</sup> Lastly, complainant asserted that the actions of respondent clearly showed her intent to harm him, giving rise to grave threat and/or serious misconduct.<sup>[18]</sup>

In a Report<sup>[19]</sup> dated May 18, 2017, the OCA recommended the following: (1) the instant administrative complaint against respondent be re-docketed as a regular administrative matter; (2) the Comment of respondent be treated as a separate administrative complaint against complainant; and (3) complainant and respondent be both found guilty of conduct unbecoming of court employees and fined in the amount of P5,000.00 each, with a stern warning that repetition of the same or similar infraction would be dealt with more severely.<sup>[20]</sup>

After considering the allegations in the administrative complaint and respondent's explanation, and resolving the issue of whether the conduct of both complainant and respondent warrant the imposition of administrative sanctions, the OCA found as follows:

In *Dela Cruz v. Zapico, et al.*, the Court explained that "(t)he image of a court of justice is necessarily mirrored in the conduct, official or otherwise, of the men and women therein, from the judge to the least and lowest of its personnel; hence, it becomes the imperative and sacred duty of each and everyone in the court to maintain its good name and standing as a true temple of justice. The conduct of court personnel must be, and also perceived to be, free from any whiff of impropriety, with respect not only to their duties in the judiciary but also in their behavior outside the court. Their behavior and actuations must be characterized by propriety and decorum and should at all times embody prudence, restraint, courtesy and dignity. Simply put, they must always conduct themselves in a manner worthy of the public's respect for the judiciary."

Based on the complaint, comment and reply, the allegations and counter-allegations of the parties were out of hand and very personal, if not downright childish. Their behavior and conduct have no place in government service. What they have exhibited is indicative of utter lack of concern not only for each other as officemates, but more so for the court as well. It is highly reprehensible for any court personnel to engage in a personal confrontation, particularly during office hours where professionalism, order and discipline among the ranks are expected.