

FIRST DIVISION

[A.M. No. P-15-3300 (Formerly OCA I.P.I. No.12-4011-P), February 10, 2016]

**JOSEPHINE E. LAM, COMPLAINANT, VS. NILA M. GARCIA,
JUNIOR PROCESS SERVER, MUNICIPAL TRIAL COURT, SIATON,
NEGROS ORIENTAL, RESPONDENT.**

R E S O L U T I O N

LEONARDO-DE CASTRO, J.:

The instant administrative matter arose from an Amended Letter-Complaint^[1] dated October 12, 2012 of Josephine E. Lam (Lam), Clerk of Court II of the Municipal Trial Court (MTC) of Siaton, Negros Oriental, charging Nila M. Garcia (Garcia), Process Server of the same court, with insubordination and conduct unbecoming a court employee.

Lam alleged in her Letter that on October 2, 2012, at around 2:20 in the afternoon, Garcia was scanning the Office Logbook so that she could copy the entries to her Daily Time Record (DTR), when she said out aloud to Lam, "*Pin! Buang Ka! Yawa Ka! Nganong imo kong gibotangan ug absent? Gasunod sunod pa gud. Paghulat ug akoy mabotang! Disabled!*" ("Pin, you are stupid/foolish! You devil! Why did you mark me absent for consecutive days? Wait until I would be the one to write! Disabled!") Lam replied, "*Ngano mang dili tikaw botangan ug absent diha nga wala man ka nitungha?*" ("Why should I not mark you absent when in fact you were not around?") Garcia then continued to hurl abusive words against Lam, loud enough for their co-employees to hear. Lam ended up just entering the Judge's chambers, crying. Garcia had similar outbursts in the past, but Lam let them pass in the hope that Garcia would eventually realize her mistakes.

Attached to Lam's Letter was a Joint Affidavit^[2] dated October 18, 2012 executed by Merla M. Kitane and Bernadine B. Ragay (Ragay), Interpreter I and Utility Worker I, respectively, of MTC, Siaton, Negros Oriental, essentially recounting the same incident.

In her Comment and Answer,^[3] Garcia denied Lam's charges against her and insisted that what happened between her and Lam was a mere misunderstanding. According to Garcia, she merely called Lam's attention as Lam maliciously modified Garcia's DTR without notice. Garcia recalled that upon checking her DTR, she noticed that Lam erased some entries in said DTR and superimposed on said entries the word "ABSENT." Garcia explained that she felt insulted and humiliated by what Lam had done, not only because the DTRs were the employees' personal property, but also because it had always been a practice in their office that only the employees themselves are allowed to fill out or make changes to their respective DTRs. Garcia further admitted that upon her discovery of the modifications in her DTR, she confronted and raised her voice at Lam, but denied demeaning or insulting

Lam.

On November 7, 2014, the Office of the Court Administrator (OCA) submitted its Report with the following recommendations:

RECOMMENDATION: It is respectfully recommended for the consideration of the Honorable Court that:

1. The instant administrative complaint against respondent Nila M. Garcia, Junior Process Server, Municipal Trial Court, Siaton, Negros Oriental, be RE-DOCKETED as a regular administrative matter; and
2. Respondent Garcia be found GUILTY of simple discourtesy and conduct unbecoming a court employee; and
3. Respondent Garcia be REPRIMANDED, with a STERN WARNING that the commission of the same in the future shall be dealt with more severely.^[4]

In compliance with the Resolution^[5] issued by the Court on February 11, 2015, the parties submitted their respective Manifestations^[6] stating that that they were already submitting the case for resolution based on the pleadings filed.

The Court adopts the findings and recommendations of the OCA.

Lam charges Garcia with insubordination. "Insubordination" refers to willful or intentional disregard of some lawful and reasonable instructions of the employer.^[7] The Court, though, does not perceive "insubordination" as the proper charge against Garcia. There is no showing that any of Garcia's superiors instructed her to make specific entries in her DTR, which she willfully or intentionally refused to follow.

From the records, it appears that Garcia, upon discovering that the entries in her DTR were modified by Lam, complained loudly against Lam, using insulting and offensive words. For this, Garcia must be administratively sanctioned for simple discourtesy and conduct unbecoming a court employee.

Time and again, the Court has stressed that the conduct and behavior of employees in the judiciary, particularly those in the first and second level courts, are circumscribed by the rules on proper and ethical standards. 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 court employees. 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. 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