

## SECOND DIVISION

**[ A.M. NO. P-09-2691 (FORMERLY A.M. OCA IPI NO. 09-3040-P), October 13, 2014 ]**

**IRENEO GARCIA, RECORDS OFFICER I, METROPOLITAN TRIAL COURT, OFFICE OF THE CLERK OF COURT, CALOOCAN CITY, COMPLAINANT, VS. CLERK OF COURT IV ATTY. MONALISA A. BUENCAMINO, RECORDS OFFICER II JOVITA P. FLORES AND PROCESS SERVER SALVADOR F. TORIAGA, ALL OF METROPOLITAN TRIAL COURT, OFFICE OF THE CLERK OF COURT, CALOOCAN CITY, RESPONDENTS.**

**[A.M. No. P-09-2687 (Formerly A.M. OCA IPI No. 09-3093-P)]**

**EXECUTIVE JUDGE MARIAM G. BIEN, METROPOLITAN TRIAL COURT, BRANCH 53, CALOOCAN CITY, COMPLAINANT, VS. IRENEO GARCIA, RECORDS OFFICER I AND SALVADOR F. TORIAGA, PROCESS SERVER, BOTH OF THE METROPOLITAN TRIAL COURT, OFFICE OF THE CLERK OF COURT, CALOOCAN CITY, RESPONDENTS.**

**[A.M. NO. P-14-3247 (FORMERLY A.M. OCA IPI NO. 09-3238-P)]**

**CLERK OF COURT IV ATTY. MONALISA A. BUENCAMINO, RECORDS OFFICER II JOVITA P. FLORES, AND PROCESS SERVER SALVADOR F. TORIAGA OF THE METROPOLITAN TRIAL COURT, OFFICE OF THE CLERK OF COURT, CALOOCAN CITY, COMPLAINANTS, VS. IRENEO GARCIA AND UTILITY WORKER I HONEYLEE VARGAS GATBUNTON-GUEVARRA, RESPONDENTS.**

## D E C I S I O N

**MENDOZA, J.:**

For resolution of the Court are three (3) consolidated administrative cases, two (2) of which originated from the November 5, 2008 letter-complaint<sup>[1]</sup> by Records Officer I Ireneo Garcia (*Garcia*) of the Office of the Clerk of Court, Metropolitan Trial Court (*MeTC*), Caloocan City, sent to then Chief Justice Reynato S. Puno. The other administrative case stemmed from a formal letter<sup>[2]</sup> by Judge Mariam G. Bien (*Judge Bien*) to Assistant Court Administrator Jesus Edwin A. Villasor (*ACA Villasor*), regarding an incident between Process Server Salvador Toriaga (*Toriaga*) and Garcia.

Considering that the cases were all related as they essentially involved the same parties, issues and causes of action, they were ordered to be consolidated for expediency and exhaustive determination.

**A.M. No. P-09-2691 (Formerly A.M. OCA IPI No. 09-3040-P)**

In his letter-complaint, Garcia charged his co-workers, Clerk of Court IV Monalisa A. Buencamino (*Atty. Buencamino*) with Misconduct; Records Officer I Jovita P. Flores (*Flores*) with Dishonesty, Grave Misconduct and Falsification of Public Document; and Process Server Salvador F. Toriaga (*Toriaga*) with Conduct Unbecoming of a Court Employee. Garcia specifically alleged the following:

1. Despite being on leave from September 1-5, 2008, Atty. Buencamino still officially placed the remarks such as "out of office" and "sleeping during office hours" on their bundy cards for the month of September 2008.
2. As Records Officer II, Flores was responsible for signing and issuing court clearances. Flores, however, often left the office without permission. Thus, she made "pre-signed" court clearances making it appear that the court continued to issue the said clearances even when she was out of the office. More specifically, on September 19, 2007 between 1:00-2:00 o'clock in the afternoon, Flores' signature appeared in some of the court clearances despite the fact that she was at the Supreme Court, attending to her loan and only came back to the office at around 2:50 o'clock in the same afternoon.
3. Toriaga exhibited acts which were unbecoming of a court employee in an incident that happened on September 19, 2008, as detailed in Garcia's letter<sup>[3]</sup> to Honorable Judge Bien, dated October 27, 2008 as follows:

*"Humigit kumulang alas kwatro ng hapon habang ako ay nasa loob ng tanggapan ng Clerk of Court at nagtatrabaho, dumating at pumasok sa loob ng tanggapan itong si Salvador Toriaga lasing na lasing, nagsisigaw at nagwawala! Saglit lang at siya'y nanlilisik ang mga matang nakatingin sa akin at ako'y kanyang pinagmumura ng PUTANG INA MO, IKAW PARE, PUTANG INA MO! TUMATAE KA DIMO NILILINIS ANG KUBETA! PUTANG INA MO! Napamulagat ako sa aking kinauupuan dahil hindi ko akalain na sa akin pala galit na galit itong si Salvador Toriaga. Dugtong pa ni Salvador Toriaga "PUTANG INA MO ME DALA AKONG BARIL, ME DALA AKO, LUMABAS KA, LUMABAS KA DIYAN! Sa puntong iyon ay halos nakapaikot na sa kanya ang mga empleyado ng tanggapan at ako naman ay tatayo sa aking pagkakaupo upang siya ay kausapin. Ngunit mabilis siyang nakahagilap ng "stapler" at ako'y susugurin. Sa tagpong 'yon ay mabilis naman siyang nahawakan ng kanyang anak, ng guwardiyang si Catadman at ng ilang empleyado, at siya'y kinaladkad papalabas. Habang papalabas sumigaw uli siya ng 'HINDI AKO TAKOT MAWALA SA OPISINA! HAYUP KA ME ARAW KA RIN SA AKIN" Matapos siyang mailabas ng tanggapan, ako namay naupos na parang kandila dahil sa nerbiyos. Alam kong tumaas ang presyon ng aking dugo*

*kaya'y akoy namahinga ng ilang minuto bago umakyat sa Executive Judge.*<sup>[4]</sup>

In her Comment,<sup>[5]</sup> Atty. Buencamino denied the allegations against her and averred that the comments/annotations on the bundy card/daily time record of Garcia and his common-law wife, Honeylee Gatbunton-Guevarra (*Guevarra*), as well as of all the court personnel was a method to stop erring court employees from further wrongdoings such as sleeping, loafing or missing, playing computer games, doing nothing, cooking during office hours and other acts in violation of the civil service and Supreme Court rules and regulations or circulars. Atty. Buencamino also claimed having instructed her staff and other persons to list all court employees of the Office of the Clerk of Court (OCC) of their whereabouts, what they were doing and those sleeping during office hours at the time/period she was on leave. If those instructed could not write their reports on the logbook or journal, then she would be the one to write them upon her return to work.

Atty. Buencamino further alleged that Garcia showed little concern for time lost from work as he was a habitual absentee, late comer, lazy, and indifferent. He did nothing everyday while listening to his music with headphone attached to his head and ears, slept during office hours, placed/piled the docket and records so high in order to hide while sleeping or doing nothing, and wore sunglasses inside the office in order not to get detected that he was already sleeping. She also averred that Garcia would be missing during office hours to go home and take care of his three (3) children with Guevarra and come back before office hours ended.<sup>[6]</sup> Atty. Buencamino claimed that the attitude, conduct and behavior of Garcia had fallen short of the stringent standard of conduct demanded from everyone connected with the administration of justice.<sup>[7]</sup>

Insofar as the complaints against Toriaga and Flores were concerned, Atty. Buencamino claimed that Toriaga never complained about his work for 19 years and that he was not a quarrelsome person. Flores, on the other hand, had never issued pre-signed court clearances because she herself would not allow such act. The clearances marked as Annexes "B," "C," "D," and "E" were signed by Flores only after her return to the office, contrary to Garcia's allegations, and for the reason that the latter, being the officer next in rank authorized to sign court clearances, refused to sign them and told one Edwin Cara (*Cara*) to wait for the return of Flores.<sup>[8]</sup>

On her part, Flores alleged in her Comment<sup>[9]</sup> that upon her return to the office at around 2:50 o'clock in the afternoon, Cara presented to her the court clearances which did not bear any signature of any Records Officer I or any person next in rank to her. Attached to her comment was Cara's affidavit<sup>[10]</sup> to prove that she did not sign any blank form or pre-signed court clearances, contrary to Garcia's claim. Flores also averred that she had witnessed the confrontational incident between Garcia and Toriaga on September 19, 2008 and that Toriaga did not utter any threatening words or carry any gun.<sup>[11]</sup>

Furthermore, Flores claimed that Garcia was one of their erring court employees who were always caught sleeping, loafing or missing, and doing nothing during office hours.<sup>[12]</sup>

In like manner, Toriaga, in his Comment,<sup>[13]</sup> denied Garcia's allegations against him and claimed that he did not threaten Garcia or bring any gun to work, as likewise contained by the report<sup>[14]</sup> of the building's security guard. He, however, admitted that he and Garcia shouted and hurled invectives at each other. Because of the said incident, they were called by Executive Judge Bien to settle things between them. As no settlement took place, they were asked to submit their respective written explanations.<sup>[15]</sup> Toriaga also mentioned having previously reported another misconduct of Garcia relating to the latter's misuse of their office comfort room to their other superiors namely: David Maniquis (Clerk of Court III), Rowena Ruiz (Administrative Officer II), Ferdinand Santos (Clerk III), Edwin Cara (Process Server) and Liza Macasaquit (Records Officer I-Appeal Cases), but no action was taken by any of them as they did not want to intervene.<sup>[16]</sup>

Toriaga also corroborated the claims of Atty. Buencamino and Flores regarding Garcia's behavior during office hours and that Garcia and Guevarra, who was married, were publicly known to be living together and had three (3) children; that Atty. Buencamino's comments on the logbook/journal and Bundy card of Garcia were true; and that Flores did not sign any blank or make any pre-signed court clearances.<sup>[17]</sup>

#### **A.M. No. P-09-2687 (Formerly A.M. OCA IPI No. 09-3093-P)**

This case arose from the formal letter<sup>[18]</sup> sent by Judge Bien to ACA Villasor where she reported the September 19, 2008 incident between Garcia and Toriaga. Allegedly, Toriaga got irked by Garcia's manner of using their office's comfort room, and out of anger, he went home and drank liquor. He then returned to the office and confronted Garcia. A shouting match between the two ensued.

Judge Bien endeavored to talk to both parties immediately after the incident, but Toriaga already left the office premises and took a month-long leave of absence. Upon the latter's return to work on October 20, 2008, efforts were exerted to have the parties settle the matter amicably, but to no avail.<sup>[19]</sup>

Attached to Judge Bien's letter were the report<sup>[20]</sup> of the security guard on-duty at the time of the incident and the respective statements<sup>[21]</sup> of Garcia and Toriaga.

Upon receipt by the Office of the Court Administrator (OCA) of Judge Bien's formal letter, then Court Administrator (now Associate Justice) Jose P. Perez sent a notice<sup>[22]</sup> to Garcia and Toriaga requiring them to manifest their intentions to submit the case for evaluation by the said office. Toriaga submitted his letter<sup>[23]</sup> narrating the incident, while Garcia's letter<sup>[24]</sup> confirmed the submission of the case for evaluation and prayed for its early resolution.

Subsequently, the Court in its Resolution,<sup>[25]</sup> dated September 2, 2009, upon the Court Administrator's recommendation, resolved to re-docket the complaint as a regular administrative matter and referred the same to the Executive Judge for investigation, report and recommendation.

## **A.M. No. P-14-3247 (Formerly A.M. OCA IPI No. 09-3238-P)**

This case was an offshoot of the respective comments submitted by Atty. Buencamino, Flores and Toriaga on Garcia's complaint against them. Pursuant to the Court's Resolution,<sup>[26]</sup> dated September 9, 2009, upon the OCA's recommendation, the charges and counter-charges contained in the aforementioned comments were treated and docketed as a separate administrative complaint against Garcia and his alleged common-law wife, Guevarra. Pieces of evidence were submitted to prove the immoral relationship between the two and the infractions that both had committed, in violation of the existing rules and regulations, circulars and laws of the Civil Service Commission and of the Supreme Court. More specifically, Garcia was charged with habitual absenteeism and violation of office rules, while Garcia and Guevarra were charged with immorality for their common-law relationship, which relationship was of public knowledge.

### **Consolidated Comment by Garcia and Guevarra**

In their Consolidated Comment,<sup>[27]</sup> dated December 2, 2009, Garcia and Guevarra merely denied all the charges against them for being malicious, fabricated and baseless. It was their contention that Atty. Buencamino's act of placing the remarks on their Daily Time Record (*DTR*) constituted conduct unbecoming of an employee of the court. They emphasized that Atty. Buencamino was one of those previously found guilty of dishonesty and conduct unbecoming of a public servant in *A.M. No. P-07-2352 Ireneo Garcia, et al. vs. Monalisa Buencamino and A.M. No. P-07-2353 Atty. Monalisa Buencamino vs. Ireneo Garcia, et al.*, where Atty. Buencamino was reprimanded and fined.

As to the alleged immoral relationship, Garcia and Guevarra categorically denied such imputation and averred that the relationship between them was purely official in character and that Guevarra was very much married to her husband, Rolando Guevarra, with whom she has two (2) children.<sup>[28]</sup>

### **Findings and Recommendation of the Investigating Judge**

In the September 9, 2009 Resolution<sup>[29]</sup> of the Court, the administrative cases were referred to Executive Judge Thelma Canlas Trinidad-Pe Aguirre (*Judge Aguirre*) of the Regional Trial Court, Caloocan City (*RTC*), for investigation, report and recommendation.

Thus, on July 4, 2013, a resolution<sup>[30]</sup> in **A.M. No. P-09-2691** was issued by Judge Aguirre recommending the dismissal of the complaints against Atty. Buencamino and Flores. Garcia testified that he did not see Atty. Buencamino place the remarks being complained by him on the specified dates on his *DTR*. He also admitted having no knowledge whether Flores filed a leave of absence. Garcia also testified not seeing Flores sign the clearances.<sup>[31]</sup>

Insofar as Toriaga was concerned, Judge Aguirre recommended the imposition of the penalty of one (1) month suspension from office without pay for misbehavior, to serve as a deterrent to others. Garcia was meted out the penalty of suspension from office for one (1) month without pay for the inappropriate use of the office comfort