

EN BANC

[A.M. NO.2005-09-SC, July 11, 2007]

**RE: COMPLAINTS AGAINST MR. ALEXANDER R. BLANCA,
CONSTRUCTION AND MAINTENANCE GENERAL FOREMAN, HALL
OF JUSTICE, MORONG, RIZAL.**

D E C I S I O N

CARPIO MORALES, J.:

This administrative matter is a consolidation of three complaints, to wit: the (a) February 6, 200[3] sworn letter-complaint^[1] of Sales T. Bisnar (Bisnar), Sheriff IV of Branch 78, Regional Trial Court (RTC), Morong, Rizal addressed to Executive Judge Candido Delos Santos; (b) March 11, 2005 letter-complaint^[2] of Bisnar addressed to the Chief Justice of this Court; and (c) March 2, 2004 letter-complaint^[3] of six (6) security guards of the Hall of Justice, Morong, all against Alexander R. Blanca (respondent), a casual employee whose appointment as Construction and Maintenance General Foreman, Hall of Justice, Morong, has, for the last nine years, been renewed every six months.

In his sworn complaint of February 6, 200[3], Bisnar sought the investigation of respondent on the following grounds:

1. Unauthorized taking out of one (1) gallon Vulca Seal on the night of July 27, 2002 at about 7:15 as per record of the Security Guard Log Book . . .;
2. Tolerance of the absences and abandonment of duty by his underling Mr. Onofre Francis Crisologo, also of Maintenance Section, who from the last quarter of 2002 no longer report for work and seldom seen in the compound even on the first month of the new year;
3. Rotting parts of the building that should have been repaired but unattended that poses great risks and danger to the life of court employees and the litigants;
4. Qualifications of Mr. Blanca do not suit with the job of a maintenance supervisor and should be immediately revoked of his appointment.^[4] (Underscoring supplied)

In his March 11, 2005 letter-complaint, Bisnar charged respondent with bringing out of assorted items from the Hall of Justice of Morong on three different occasions, all of which were recorded in the logbook of the security guards, thus:

1. May 23, 2004 at 11:15 A.M. – 1 pc. plyboard;

2. June 6, 2004 at 7:00 P.M. – 1 roll electrical tube;
3. July 4, 2004 at 10:25 A.M. – 1 pc. plywood.^[5] (Underscoring supplied)

Bisnar went on to inform that on those three occasions, the guards on duty asked respondent for the gate pass in bringing out the items but the latter answered, "Remember that I am the one signing your Daily Time Records,"^[6] drawing the guards to just record the incidents in the logbook.

The third letter-complaint of March 2, 2004 which was filed by Leonardo Golocino, Jr., Jonathan Fronda, Irineo Sobusa, Newell Barnachea, Rogelio Paulite and Sofronio Taisan, Jr., security guards all of the Combined Blue Dragon Security Services, Inc. who were assigned at the Hall of Justice of Morong, charged respondent with an overbearing and arrogant manner of supervision. They relate that on several occasions, respondent scolded them in front of many people even for the slightest mistake they committed, and in one instance, one of them received a mouthful of insults from respondent regarding the implementation of the policy on parking of vehicles in front of the Hall of Justice.^[7]

Denying the charges against him, respondent, in his Comment^[8] of February 27, 2003, gave his side as follows:

There was no need to ask permission from his superior with respect to the bringing out of the Vulca Seal can, it being empty.

On his alleged tolerance of the absences of Onofre Francis Crisologo who was reported to have stopped reporting for work effective the last quarter of 2002, respondent averred that Crisologo had been reporting directly to Atty. Myrna Directo, Clerk of Court VI, effective October 2002.

As for the alleged unattended rotting parts of the Hall of Justice, respondent averred that he had already sent to this Court a Maintenance Report for the last quarter of 2002 stating the repairs and installations made in the hall.

On the claim that he is not qualified for his position, respondent averred that he has the necessary academic and employment background.

Respecting the questioned bringing out of items in May and July 2004, respondent, in his Comment^[9] of May 19, 2005, explained that he was requested by Assistant Prosecutor of Rizal Wilfredo Oca to fabricate a wooden filing cabinet and a typing table for which he bought a piece of plyboard and a piece of plywood. As he has a complete set of carpentry tools and equipment at home, he told Prosecutor Oca that he would just bring the items home so he could accomplish the requested job expeditiously.

As regards the electrical tube which he brought out without permission, respondent explained that during the first week of June 2004, he was requested by Emma Dionisio, Clerk of Court of the Municipal Trial Court of Morong, to install an additional electrical outlet for the air conditioning unit in the staff room. He was given money to, and he did, buy 15 meters of electrical tube. He thereupon brought out the electrical tube from the Hall of Justice to show it to the municipal electrician of

Morong so the latter could calculate if there was still need for him to buy some more.

After investigation, the Office of Administrative Services (OAS) of this Court came out with the following findings:

1. **Respondent Blanca has not shown any overbearing conduct or arrogant manner in his supervision over the guards on duty.** What Mr. Blanca might have demonstrated is bossy and tyrannical to some but reasonable to others. This Office believes that this is merely a simple case of misunderstanding between Security Guard Sobusa and respondent Blanca on the issue of parking slot policy. To remedy the situation, all of the security guards wrote an apology to respondent Blanca hoping to restore their friendships that existed between them prior to the incident. In short, the case was amicably settled. Be that as it may, respondent Blanca is nonetheless reminded to be more courteous and respectful to everybody at all times;
2. As to the alleged acts of taking out one (1) pc. Plyboard, one (1) pc. Plywood and one (1) roll electrical tube, respondent Blanca admitted to have brought these items out but denied that they were part of the supplies issued by the Court. Perusal of the records show that no plyboard and plywood were issued for the HOJ of Morong, Rizal except on February 21, 2002. Roll of electrical tube, however, was not among the supplies delivered. **This Office is persuaded that respondent Blanca has substantially established by evidence that the materials mentioned-above have been separately bought, hence not part of the supplies issued by the Court vis-à-vis the entries recorded on the Security Logbook.** First, the Affidavits of Prosecutor Oca and Mrs. Dionisio on the purchase of plyboard and plywood, and the electrical tube, respectively with attachments of the receipts of purchases, and second, the Maintenance Report for the 2nd Quarter of 2004 stating thereon that on the report of repair and installation, *"the maintenance fabricated wooden filing cabinet at the Office of the Fiscal[,]"* an evidence that supports Mr. Blanca's claim that Prosecutor Oca had indeed requested him to fabricate wooden filing cabinet. These are adequate proofs that support Mr. Blanca's claim as against complainant, hence, a favorable conclusion to dismiss the charges is appropriate.
3. **However, as to the charge of taking out one (1) gallon Vulca Seal without permission or proper authority, this Office is not impressed with the allegation of the respondent nor has reason to doubt the testimony of Security Guard Golocino, Jr.** This Office therefore submits that respondent Blanca is found guilty thereof which constitutes dishonesty and grave misconduct. Mr. Blanca's allegation that it was an empty can of Vulca Seal cannot prevail over the clear, positive, and categorical assertions of the security guard who witnessed him taking out the same considering that an entry was made in the Security Logbook

after respondent Blanca failed to show any GATE PASS for that matter. Moreover, the guard's positive identification that it was an **"unopened can"** of Vulca Seal, far from being an **empty can with no cover** as asserted by respondent Blanca since according to the witness he was just a meter away from the respondent when it was brought out. Besides, if indeed it was just an empty can, normally, it is a natural reaction of a person who is doing nothing illegal to complain, object or protest any false recording/entry made in the logbook just to prove that the can was empty. Respondent can easily call the attention of the guard by showing that the can was empty. However, respondent did not bother to contest the entry made by the guard-on-duty because the truth is the can is not empty. Respondent would somehow use this lame excuse to conceal such taking. Yet, respondent failed to. Thus, when he testified, he said:

Q: *Di ba kahit sinong bumasa n'yan (referring to the Security Logbook), kahit kayo, ang lumalabas dito may laman "yung inilabas n'yo" S'yempre ho ang tendency n'yan, kakausapin n'yo "yung guwardiya, "Bakit naman nilista mo ako d'yan, eh lata lang naman nilabas ko?"*

A: *Hindi na po. Natural lang po sa trabaho ng mga guwardiya. Kasi kapag magre-react "Bakit mo inano yan?" baka sabihin nila may laman. "Yun naman po ang akin doon kaya hindi po ako. Ok lang, trabaho nila yan.*

Q: *So hindi na po kayo gumawa ng komentaryo?*

A: *Hindi. Hindi po ako.. Sa akin po normal lang po, sa kanilang trabaho "yun eh, na ilista po kung ano.."*

The Security Logbook shows the entries as follows:

"Golocino, L.

Dampog, S.

RTC Morong

7-27-02

x x x

1810 Hrs – x x x

Note: *Light of PAO Office open*

1915 Hrs. – Mr. Blanca, A. went in of PAO Office; Switch off the light. After few min. went out with one (1) gallon Vulca Seal; went home.

x x x"

It would seem respondent Blanca easily takes little things or supplies of the Court out of the Hall without permission or proper authority by justifying this act simply because what was involved were perhaps good as junks and garbage anyway. Thievery, no matter how petty or small the value, is still thievery and has no place in the Judiciary.