

FIRST DIVISION

[A.M. NO. P-06-2151, August 26, 2006]

MARIA RAQUEL R. BAJAR, RECORDS OFFICER III, ARCHIVES SECTION, OFFICE OF THE CLERK OF COURT, REGIONAL TRIAL COURT, MANILA, COMPLAINANT, VS. VICTORIANO P. BATERISNA, RECORDS OFFICER II, ARCHIVES SECTION, OFFICE OF THE CLERK OF COURT, REGIONAL TRIAL COURT, MANILA, RESPONDENT.

DECISION

PANGANIBAN, CJ:

Judicial employees must always abide by the Code of Conduct and Ethical Standards for Public Officers and Employees. They are expected to be living examples of uprightness and decorum, not only in the performance of their duties, but also in their dealings with other people.

The Case and the Facts

This case finds its origin from a Complaint-Affidavit^[1] filed by Maria Raquel R. Bajar, Records Officer III, against Victoriano P. Baterisna, Records Officer II, both of the Office of the Clerk of Court of the Regional Trial Court of Manila. Complainant charged respondent with insubordination, disrespect and conduct unbecoming an officer.^[2]

The Office of the Court Administrator (OCA) summarized the facts of the case in its February 13, 2006 Report,^[3] as follows:

"x x x [O]n 30 June 2003 at around 1:30 in the afternoon, complainant Maria Raquel R. Bajar, Records Officer III, Archives Section, RTC-OCC, Manila and Mr. Joel Loja went to the Bodega room of the Archives and Notarial Section of RTC-Manila to verify Mr. Loja's complaint that said room/office was locked from the inside. After knocking repeatedly, the door was opened and they saw respondent Victoriano P. Baterisna in the company of other RTC employees.

"As a result of the incident, complainant issued a memorandum to respondent reminding the latter that the Bodega is for official use and should be open during office hours. Respondent refused to receive the said memorandum. Later, that same afternoon, respondent went to complainant's office and berated the latter in the presence of her staff with the following:

"Wala kang karapatang mag-issue ng memo! Ikaw nga nagpaparlor ka during office hours, gagawa[-]gawa ka ng

memo, mali-mali naman ang English mo, bakit ikaw di mo madisiplina ang iba diyan! May inggit ka kasi sa akin, hindi ka bagay maging boss!"

"[O]n the morning of 1 July 2003, complainant and the respondent were summoned to the Office of the Clerk of Court. In the presence of Atty. Buendia, respondent badmouthed the complainant with the following utterances:

"Wala kang karapatang mag-issue ng memorandum! Kailan ka ba naging Chief? Di mo ba alam na ang Chief lang dito sa office ay si Atty. Buendia? Wala ka kasing pinag-aralan kay[a] mali-mali ang ginagawa mo! Ano? Gusto mo personalan tayo ha? Gusto mo? Alam mo ba ma'am (referring to Atty. Buendia) ipinagsasabi niya na bulok ang jeep [ninyo] sa probinsiya at nanghihiram ka ng alahas at hindi agad ibinabalik! Naku, ma'am wag kayo magtiwala diyan, traydor ang babaeng iyan! Kaya si Ann sa akin nagtitiwala, sa akin nagcoconfide dahil traydor yang kaibigan! Hindi mo ba alam na lahat ng kaopisina natin sa labas ay galit sa iyo? Napakahayop mo talaga! Hayop ka talaga!"

"Respondent also warned that he would take the necessary action against complainant if the latter will not withdraw the memorandum from the former's 201 file. Respondent then sent a letter to complainant denying using the room for other purposes and in the same letter, accused complainant of utilizing the same room for her "physical fitness and beauty".

"Complainant filed a criminal complaint against the respondent but she later on desisted which led to the dismissal of the case. She, however, pursued the instant administrative case before the Office of the Court Administrator.

"Rico Marabut, Process Server of the OCC-RTC, Manila, testified that he served complainant's memorandum to the respondent. The respondent refused to receive the memorandum and said "Sobra naman siya, akala mo kung sino siya, bababa [na lang] ako sa kanya".

"Mr. Marabut was instructed by complainant to have the memorandum received at their Receiving Section and to furnish their Clerk of Court of a copy thereof and another copy in respondent's 201 file. When he returned to their office, he found respondent waiting for the complainant. When complainant arrived, respondent confronted her on the memorandum and uttered in a loud voice, "hindi ka bagay maging boss".

"Jerlyn Balbas of the Archives Section declared that on the afternoon of 30 June 2003, respondent came to their office looking for the complainant. When complainant arrived, respondent confronted her, saying among others, "hindi ka bagay maging boss" in a loud and high-pitched voice. Thereafter, respondent left the room.

"Respondent Victoriano Baterisna, on the other hand, explained that on

30 June 2003, he attended the raffle of cases which terminated at around 12:30 p.m. While having a late lunch, he did not notice that complainant checked their door which was closed at that time. Instead of personally calling his attention on the matter, complainant served him with a memorandum.

"On 1 July 2003, respondent sought an audience with the complainant before the Clerk of Court to settle the matter. Atty. Buendia prodded them to settle their differences but they had an exchange of words instead. Respondent requested the complainant to withdraw her memorandum, but complainant refused.

"Respondent claimed that he was not angry and was not speaking at the top of his voice when he confronted the complainant. He said that complainant perceived respondent's utterances differently due to personal bias. Respondent reiterated that this administrative case is a mere duplication of the charges filed against him by the complainant before the Office of the City Prosecutor of Manila which was dismissed on 10 December 2003.

"Respondent admitted writing letters on several occasions admitting the utterances he made. He likewise admitted authorship of the letter addressed to the Clerk of Court and the letter addressed to the complainant wherein he berated the latter. Respondent nevertheless maintained that the misunderstanding between him and the complainant is personal and not related to their respective duties."^[4]

Findings and Recommendation of the OCA

The OCA opined that respondent had not successfully disputed the charge against him. It found that by uttering unsavory remarks against complainant in front of other employees, and later in the presence of the clerk of court, respondent was not only discourteous but also disrespectful.^[5] His act displayed conduct unbecoming a court employee.

Further, the OCA found that the rude and hostile behavior exhibited by respondent affected public service. Such "improper behavior displayed by respondent during office hours exhibit[ed] not only a paucity of professionalism at the workplace, but also great disrespect for the court itself."^[6]

Thus, the OCA recommended that 1) the present case be re-docketed as a regular administrative matter; 2) respondent be suspended for one month and one day for gross discourtesy in the course of official duty; and 3) he be warned that a repetition of the same or similar acts in the future would be dealt with more severely.^[7]

The Court's Ruling

We agree with the findings and recommendations of the OCA.