

THIRD DIVISION

[**A.M No. P-04-1925 (formerly AM-OCA-IPI No. 00-809-P), December 16, 2004**]

COURT PERSONNEL OF THE OFFICE OF THE CLERK OF COURT OF THE REGIONAL TRIAL COURT-SAN CARLOS CITY, COMPLAINANTS, VS. OSCAR LLAMAS, RESPONDENT.

DECISION

PANGANIBAN, J.:

Public service requires integrity and discipline. For this reason, public servants must exhibit at all times the highest sense of honesty and dedication to duty. By the very nature of their duties and responsibilities, government employees must faithfully adhere to, hold sacred and render inviolate the constitutional principle that a public office is a public trust; that all public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency.^[1]

The Case

This case originated from a Complaint lodged by the court employees of the Office of the Clerk of Court (OCC) of the Regional Trial Court (RTC) of San Carlos City, Pangasinan, against Oscar T. Llamas, cash clerk II of the same Office, charging respondent with discourteous, disrespectful and unbecoming conduct.

The Complaint had initially been referred for investigation, report and recommendation to Dagupan City RTC Judge Luis M. Fontanilla, who prayed for and was granted inhibition from hearing the case^[2] on the ground that two of the signatories of the Complaint were close to him. The case was thereafter referred to Vice-Executive Judge Silverio Q. Castillo of the same RTC,^[3] who likewise prayed for and was granted, on justifiable grounds, inhibition therefrom.^[4] The case was finally referred to Judge Crispin C. Laron of the Dagupan RTC, Branch 43.^[5]

The Facts

In a letter addressed to Chief Justice Hilario G. Davide Jr. dated January 25, 2000, herein complainants,^[6] all of whom are employed in the Office of the Clerk of Court of the RTC of San Carlos City, Pangasinan, labeled respondent as a "troublesome and arrogant court employee."

Respondent Oscar Llamas is a brother of Judge Victor T. Llamas, who used to preside over Branch 56 of the San Carlos RTC. Animosity between Judge Llamas and the OCC personnel started when the latter, headed by Atty. Omega L. Moises, testified in an immorality case filed against the former. Respondent sympathized

with his brother and showed hostility towards his co-employees.

During the hearing of the instant administrative Complaint, Gemma F. Adriano -- one of the complainants -- testified that while inside the office, respondent showed signs of belligerence towards the other employees by slamming his drawer, the window jalousies, as well as the stapler and the puncher. There were occasions when he would look at them with a hostile expression that would cause anxiety to three female employees who happened to be in the office at the time.

According to Adriano, respondent also became disrespectful to Atty. Moises by acting belligerently even in the latter's presence. He would also frequently leave the office without permission, only to be seen drinking wine with his brother-judge during office hours. With the rising tension in the office, complainants finally decided to file a Complaint against respondent. From then on, he refused to talk to them.

Myrna de la Cruz, a utility worker, testified that sometime in May of 1998, she had looked for Oscar Llamas within the court premises, because a person was asking for him in connection with some cadastral cases. While going down the stairs of the Hall of Justice, Cruz sprained her foot. She finally found him drinking liquor at Annie's Canteen, where he allegedly had the habit of drinking with other court personnel and with litigants. She thus felt relieved when he was transferred to the Dagupan RTC.

Manuel de Guzman corroborated the testimony of his-co-complainants. He said that on January 15, 2000 (a Saturday), while on duty, respondent challenged the brother of Atty. Moises to a fistfight. On the same occasion, respondent called her (Atty. Moises) a traitor for causing the withholding of his Judiciary Development Fund (JDF) allowance for the last quarter of 1999. Apparently, she had indicated his frequent absences in his Daily Time Report (DTR), thereby preventing him from receiving the allowance.

Atty. Moises added that respondent had been the cash clerk of the Office of the Clerk of Court from 1997 to 2001 until his transfer to the Municipal Trial Court in Cities (Branch 1) of Dagupan in May 2001. She corroborated the testimony of the other complainants by saying that his attitude was probably due to the fact that some of her friends at the RTC (Branch 57) had filed charges against his brother, Judge Victor T. Llamas, for immorality and grave misconduct.

Atty. Moises repeatedly warned respondent about his unprofessional attitude in no less than three Memoranda. The first Memorandum called his attention to his drinking sessions during office hours and his highly hostile attitude. She would always request a member of her staff to call him whenever he was drinking outside the Justice Hall.

The second Memorandum, dated December 2000, called the attention of respondent to his tardiness and frequent absences. Atty. Moises introduced in evidence several documents showing that due to his absences and tardiness, he did not receive his productivity bonus for two years, from 1997 to 1999; his JDF allowance for the last quarter of 1999; and his salary for February 2000. He was also required to refund the sum of P5,000 for the month of March 2000. The payroll showed that, for the separate periods July 1 to 15 and November 1 to 15, the sums of P3,845.92 and P801.03, respectively, were deducted from his salary.

Atty. Moises testified further that on November 22, 1999, respondent altered his leave form by making it appear that he had applied for a leave from November 22 to December 2, 1999; actually, his application was only for November 23 and 24, 1999. Upon discovering the alteration, she issued forthwith the third Memorandum dated December 8, 1999.

Respondent did not appear during the hearing, but submitted his Counter-Affidavit with Position Paper,^[7] basically denying the allegations leveled against him. He asserted that he was a quiet, humble, hardworking and cooperative employee, who performed any task assigned to him. He explained his absences by saying that he had to drive his brother, Judge Llamas, to Manila where the hearing of the immorality case was being conducted.

Respondent denied ever drinking alcohol during office hours, alleging that the charges against him were bereft of evidence and had no basis whatsoever. He also attached an Affidavit executed by Jose P. Cabugao, one of the complainants. Cabugao said therein that he had been deceived into signing the Letter-Complaint against respondent. Allegedly, complainants had been convincing other court employees to join them in their effort to destroy the reputation of Judge Llamas.

Respondent also attached his letter to Chief Justice Hilario G. Davide Jr. dated November 18, 1999, requesting that the former be detailed to Dagupan City because of the hostile acts of some of herein complainants --Atty. Moises, Emmanuel Lacandola, Manuel Marquez and Angelito Dispo. Such acts allegedly included repeatedly spitting on the desk of respondent, placing his chair on top of his desk upside down, carrying firearms inside the office, making threatening remarks against him, staring provocatively, and slamming doors or desk drawers when he was around.

Respondent pointed out that the prayer for his detail or transfer had become moot in view of his transfer to the Metropolitan Trial Court of Dagupan City and his subsequent resignation from the judiciary. He added, "Granting, without necessarily admitting that [he] is guilty of misconduct, the maximum penalty imposable would be dismissal from service [which] would not be possible for the reason that respondent had already resigned from his position."^[8]

Evaluation and Recommendation of the Office of the Court Administrator

The Office of the Court Administrator (OCA) found the acts attributed to respondent supported by substantial evidence. It opined that "[a] cash clerk, being a judicial employee, is expected to act with prudence, restraint, courtesy and dignity. Deviation from these salutary norms undeniably constitutes misconduct prejudicial to the best interest of the service."^[9] The OCA asked the Court to adopt the recommendation of Investigating Judge Crispin C. Laron that respondent be dismissed from service.

The Court's Ruling

We agree with the findings of the OCA, but modify the penalty.

Administrative Liability

The acts described in the Complaint, the testimony of complainants, and the OCA's findings of fact can be lumped into the following categories: 1) discourtesy and disrespect to superiors and co-employees, 2) alcohol drinking, during office hours, 3) tardiness, 4) absenteeism and 5) falsification of the leave form.

The Court notes that respondent never successfully disputed any of the foregoing charges against him. His Answer contained mere blanket denials and countercharges against complainants. While he dismissed the Complaint by alleging that it was only a malicious plot to discredit him, the Court cannot turn a blind eye to the strong evidence they have piled up against him.

In her December 2, 1999 Memorandum addressed to respondent, Atty. Moises called his attention to the number of absences he had incurred since January 1999, totaling 48 as well as to 20 instances of his tardiness.^[10] In another Memorandum dated May 26, 1998, she reminded him that drinking liquor during office hours was considered an offense under the Civil Service Law; thus, she directed him to observe working hours and official time.^[11]

As regards the charge of drunkenness during official time, its veracity is difficult to determine under the circumstances. Respondent attached to his Answer the Affidavits of denial executed by the canteen-owners^[12] in whose stores he allegedly had his drinking sprees.

Nonetheless, he could not explain away the deductions in his salary or his failure to receive his JDF and productivity pay, which had allegedly been caused by his frequent absences and tardiness. As a result of these and of his loitering around the premises of the Hall of Justice even during office hours, his co-workers had to take over and perform his designated tasks. His explanation that he incurred his absences while driving for his brother-judge deserves short shrift. As a public servant, the former owes his loyalty, not to his brother or to any other family member; but, rather, to the institution of which respondent is a part and, ultimately, to the public he is sworn to serve.

In the third Memorandum dated December 9, 1999, Atty. Moises further called the attention of respondent to the unauthorized alterations or erasures in his leave form.^[13] He was never able to refute the foregoing charges. However, his allegation that he applied for a leave during the dates specified, when in truth and in fact he did not, does not amount to *serious* dishonesty. He made the alterations to reflect the number of absences he had actually incurred, albeit without the approval of his immediate supervisor. Nevertheless, such act constitutes misconduct.^[14]

Public service requires integrity and discipline. For this reason, public servants must exhibit at all times the highest sense of honesty and dedication to duty. By the very nature of their duties and responsibilities, they must faithfully adhere to, hold sacred and render inviolate the constitutional principle that a public office is a public trust; that all public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency.^[15]