

## SECOND DIVISION

**[ A.M. No. RTJ-03-1805 [OCA IPI 02-1378-RTJ],  
October 14, 2003 ]**

**TEODORA A. RUIZ, COMPLAINANT, VS. JUDGE ROLANDO G.  
HOW, RTC-BR. 257, PARAÑAQUE CITY, RESPONDENT.**

### DECISION

**BELLOSILLO, J.:**

Complainant Teodora A. Ruiz, Court Stenographer III, RTC-Br. 257, Parañaque City, in a verified letter-complaint dated 14 January 2002 addressed to Chief Justice Hilario G. Davide, Jr., and referred by this Court to the Office of the Court Administrator (OCA) for appropriate action, charged her Presiding Judge, respondent Judge Rolando G. How with oppression, grave abuse of authority and gross ignorance of the law.

Teodora A. Ruiz narrated that on 6 July 2001 respondent Judge confronted her about an anonymous complaint filed before the Supreme Court and accused her of being its author. From then on her relationship with respondent turned sour as she became the object of his wrath. According to her, respondent's devious designs against her first became manifest when he issued Memo No. 01-S-03 designating her as officer-in-charge of criminal cases. But she declined the additional assignment because the position being offered was the subject of an investigation by the OCA. However respondent was so persistent and even cajoled her with flattering words like my "x x x untarnished and unblemished moral qualities make me (complainant) the most qualified among (his) staff to handle the position of criminal case-in-charge."<sup>[1]</sup> She could not agree to respondent's importunings for fear that her work while in charge of the criminal cases would be "sabotaged and prejudiced." Since then respondent's acts of harassment and oppression became more virulent when he filed a complaint for falsification against her.

Complainant further alleged in her affidavit-complaint that on 10 August 2001 Shara/Ciara, respondent's daughter, together with her classmates went to their office to use their computer. Because it was already 5:30 in the afternoon and the other employees had gone home, she was requested by her officemate Aida Sarza, who was then about to leave, to assist Shara/Ciara and her classmates with their work. When Shara/Ciara finished at around 6:00 o'clock in the evening, she checked all the electrical outlets and locked the door. According to complainant, respondent Judge confronted her the following day, and in a loud voice asked her why she was left alone in his chambers. She vehemently objected to the insinuations made by respondent, telling him that his daughter was a liar. On top of his voice, respondent Judge allegedly blurted out the following defamatory remarks:

`Alam mo naman kung bakit ayaw kitang maiwan dito? Pero bakit ka nagpaiwan hanggang 5:30 p.m., Si Nora magpaiwan hanggang 5:30

p.m., ano ang plano mo? Alam mo naman na may reason ako at very meaty ang reason ko dahil nga sa mga intriga sa akin at sinulat sa akin? Oo, sabi ni Shara/Ciara, daddy, ang bait bait ni Ate Nora tinulungan niya kami. Bakit kilala mo ba kung sino si Nora. Sinisi ko talaga si Shara/Ciara dahil bakit ka niya iniwan sa chamber. Ikaw tutulong ka, bakit ka tutulong. Anong dahilan mo, bakit ka nagvolunteer na tulungan ang anak ko you are maybe good to Shara/Ciara but you are not good to me.'

Then again on 22 August 2001 when complainant filed an application for leave for one (1) week to attend to her diabetic father who was critically ill, respondent not only disapproved her application for leave but also refused to allow her to leave the office on that day. Left with no other recourse, complainant went to the executive judge to ask permission to leave early but before the latter could act on her request, she learned that her father had already passed away.

On 8 January 2002 respondent again displayed his oppressive conduct against complainant when he gave her "18" points which were equivalent to "unsatisfactory" in the periodical performance rating. Respondent's prejudice against her became even more apparent in light of the fact that in the two (2) preceding evaluation periods she obtained satisfactory marks of "27" and "28." According to her, what was unacceptable about her latest performance rating was the notation that she was "*x x x inclined to be quarrelsome, surly, and touchy. Does not get along well with others. Upsets morale. Inclined to be dishonest.*"

In an effort to defend herself, complainant photocopied her performance rating with the intention of attaching it as evidence in support of her pending complaint against respondent. In response, however, respondent Judge then hastily issued Memo No. 02-003 the full text of which reads:

Re: Your refusal to return the Performance Rating

This Court was informed by the Branch Clerk of Court regarding your refusal to return your performance rating wherein you got a rating of 18 which is equivalent to "Unsatisfactory."

After you received the said performance rating for your signature, you misbehaved by banging your things on your table and insulted this Judge by calling him "*mandaraya*." You also stated many uncalled for remarks in a loud voice which was overheard by Atty. Evillo Pormento, a lawyer from the Public Attorney's Office.

You are given one (1) hour from receipt of this letter to immediately return the performance rating, otherwise, this Court will declare you in direct contempt.

Below the memorandum, complainant made a handwritten inscription which reads:

Received under protest.

"What is wrong of (sic) saying "*sino ang gumagawa ng kagaguhan at ako ang pinag-iinitan ninyo*." All your allegations in your memo are pure lies. Be fair to your subordinate, please do not use your position, I did not call you *mandaraya*. God knows (attached is my letter). I did not bang my

things.

I'm begging now on the Honorable Chief Justice to save me for the harassments and maltreatments that I'm presently experiencing from your hands.

God, please help me !!!

In addition, complainant wrote in a separate piece of paper a message in bold letters -

Judge,

Bilang Iglesia ni Cristo hindi itinuro sa amin ang mandaya, hindi kami namumuhay ng pangsalibutan kaya wala kang karapatan akusahan ako ng "DISHONEST." Kung gusto ninyo pumunta kayo sa lahat ng local na pinanggagalingan ko at ipagtanong ninyo kung sino si "Ka Nora Ruiz."

"MAAWA KA AT MAGING FAIR"

Ganito rin ang ginawa ninyo kay Atty. Obediencia at PJ.

According to complainant, despite her compliance with the order, respondent Judge still cited her for direct contempt. Her motion for reconsideration having been denied, respondent ordered her detention in the Parañaque City Jail which lasted for twenty-four (24) hours.

In his Comment, respondent Judge disclosed that apart from the instant administrative case, complainant previously filed three (3) other administrative cases against him, namely: (a) an administrative complaint filed in September 2001 for harassment; (b) a complaint filed in October 2001 for violation of Sec. 2, PD 1079, and S.C. Circular 5-98 on re-raffle of judicial notices in Special Proceedings and LRC cases, which was already dismissed by the Court on 13 February 2002; and, (c) a case for harassment filed in January 2002 for issuing two (2) Memoranda dated 5 December 2001 and 7 December 2001.<sup>[2]</sup>

Anent the allegation that he disapproved complainant's application for leave, respondent narrated that the application for leave was brought to his attention at around 11:30 in the morning of 22 August 2001 by the Clerk of Court from whom he learned for the first time about complainant's ailing father. He emphasized that he instructed the Clerk of Court to advise the complainant to take the leave of absence on that very same day and not wait for the following morning. He explained that he was not able to sign the application form because it was already lunch break. It was at about 1:30 to 2:00 in the afternoon that the Clerk of Court again informed him that complainant's father had passed away but by then complainant had already left the office. So, he told his Clerk of Court to require complainant to file a new leave form because the reason for the application had already changed.

On the alleged unsatisfactory performance rating, respondent Judge belied the accusation that he alone prepared the complainant's evaluation form. The truth of the matter, according to him, is that there were three (3) of them who evaluated the complainant - the Clerk of Court, the legal researcher, and himself. Further, he

stressed that he did not write the words "*upsets morale and inclined to be dishonest*" appearing in the evaluation form because these were written in printed form.

On the charge of grave abuse of authority and gross ignorance of the law for declaring complainant in direct contempt, he contended that he was compelled to do so because of complainant's misbehavior in the courtroom during office hours. Complainant, respondent asserted, was compelled to return the evaluation form only after he threatened her with direct contempt. Worse than her refusal to return the evaluation form, complainant insolently wrote letters which contained insulting words like "*kagaguhan*" which he found to be very humiliating and embarrassing. These letters, respondent insisted, were written in bold letters which were intended to insult his person and cause disrespect to his office.

Complainant, according to respondent Judge, was prone to hysterics and hyper-emotional outbursts even inside the office. She would often ignore her co-employees who incurred her ire and even the presiding Judge was not spared from her so-called "cold war" treatment.

On 7 October 2002 the OCA through Court Administrator Presbitero J. Velasco, Jr., recommended that the instant administrative case be referred to an associate justice of the Court of Appeals for investigation, report and recommendation.<sup>[3]</sup> On the basis of the recommendation, this Court issued on 4 December 2002 a Resolution referring the administrative matter to the Presiding Justice of the Court of Appeals for raffle among its members for investigation, report and recommendation by the Justice to whom the case would be assigned.<sup>[4]</sup>

After the investigation, Associate Justice Oswaldo D. Agcaoili of the Court of Appeals recommended the dismissal of the charges against respondent Judge. The Investigating Justice observed -

The circumstances mentioned by complainant to support respondent's supposed oppressive conduct and grave abuse of authority are actually unfounded. *Firstly*, the supposed designation by respondent as officer-in-charge of criminal cases badly supports complainant's complaint for oppression. It was not explained why complainant would consider her designation as a form of sabotage. *Secondly*, the reaction of respondent when complainant was left alone in the former's chamber after office hours was justifiable. Expectedly and quite understandably, considering the demands of his work, respondent is entitled, to a certain extent, some privacy. He may have raised his voice at the time he confronted complainant about this but this alone is not indicative of oppression and grave abuse of authority. *Thirdly*, the testimony of respondent judge on the alleged disapproval of the complainant's application for leave is more logical considering the subject leave form itself. (TSN, June 27, 2003, 16-18) The leave form (Annex "C") presented in evidence does not contain any notation or indication that respondent judge had disapproved it. It does not bear his signature because it was not as amended submitted to him for approval. *Fourthly*, complainant's poor rating in the performance rating as reflected in the performance rating sheet cannot be construed as a form of oppression and grave abuse of authority.