

EN BANC

[A.M. No. P-03-1697, October 01, 2003]

JOCELYN S. PAISTE, COMPLAINANT, VS. APRONIANO V. MAMENTA, JR., CLERK OF COURT II, MUNICIPAL CIRCUIT TRIAL COURT, TAYUG-SAN NICOLAS, PANGASINAN, RESPONDENT.

[A.M. NO. P-03-1699.]

JOANNE S. GOLTIAO, COMPLAINANT, VS. APRONIANO V. MAMENTA, JR., CLERK OF COURT II, MUNICIPAL CIRCUIT TRIAL COURT, TAYUG-SAN NICOLAS, PANGASINAN, RESPONDENT.

D E C I S I O N

PER CURIAM:

These consolidated administrative cases arose from two different complaints filed against respondent Aproniano V. Mamenta, Jr., Clerk of Court II, Municipal Circuit Trial Court of Tayug-San Nicolas, Pangasinan. In an affidavit-complaint filed with the Office of the Chief Justice,^[1] dated August 10, 2001, complainant Joanne S. Goltiao charged him with gambling and drinking liquor during office hours, sexual harassment, arrogance and acts unbecoming of a government official. In another affidavit-complaint filed with the Office of the Court Administrator,^[2] dated August 28, 2001, the other complainant Jocelyn C. Paiste charged him with conduct unbecoming of a public officer and with violation of the Anti-Graft and Corrupt Practices Act^[3] for his failure to issue official receipt.

After respondent denied the accusations against him in separate letters,^[4] we resolved^[5] to refer both cases to Hon. Ulysses Butuyan, Executive Judge of the Regional Trial Court of Tayug, Pangasinan for investigation, report and recommendation.^[6] Separate investigations of the complaints were conducted.

In A.M. No. P-03-1699 (formerly OCA I.P.I. No. 01-1202-P), evidence shows that complainant Goltiao is a Stenographer I of the MCTC of Tayug-San Nicolas since 1997. She testified^[7] that on August 7, 2000, at about 3:00 p.m., a representative from the Plaridel Insurance Co. came to their office seeking clearance. She immediately prepared the necessary form and, together with the representative, went to see respondent in the courtroom to obtain his signature. When she asked him to sign the document, respondent, who was at that time playing *tong-its* (a card game) at the lawyers' table with unnamed individuals, got angry and threw his cards. He shouted at her: "Why did you bring them with you? Did you like them to bring me to the Supreme Court?" She responded that such was not her intention and reminded him of his requirement that he must first see the applicants before he sign their clearance. He did not sign the clearance, sent them out and shouted "Bullshit ka!" at her thrice. They all then went out of the courtroom and proceeded

back to the staff room. She went to her table and buried her face in her hands, crying. Respondent followed her and continued uttering unsavory remarks: "Bullshit ka! Vulva of your mother! Why did you take the client there and even raised your voice? (*Bullshit ka! Okinnam nga babai! Apay ta innalam dagita kliyente idiy sanak to rinayawan!*)" She replied that her parents taught them not to answer back at older people. He still shouted: "Vulva of your mother! I wish you will die now! Whom are you bragging of? We will try each other. (*Okinnam nga babai! Matay ka koma itattan! Apay sinno aya ti paglaslastog mo? Sige, agpipinnadas tayo.*)" Thereafter, he asked the utility aide to buy him four bottles of beer.

Goltiao declared that her working relationship with the respondent is "sometimes good and sometimes bad because of his ill temper."^[8] He easily gets mad at her even for small, trivial mistakes. This situation started, according to her, when she told him to stop courting and sending her love notes as she is already a married woman. She related an incident which happened early one morning when he asked her to see him inside the judge's chamber. At that time, the designated judge was not around. Once inside, she was told to sit in one of the chairs in front of the judge's table. The respondent, who was sitting at the judge's chair, then extended his hand to her, as if he wanted to shake her hands. She reciprocated by extending her hands and jokingly put his hands on her forehead (*agmanmano*). She afterwards tried to free her hands off his but he would not let her. Instead, he told her, "Wait for a while, I would just like to tell you something. I love you, is that okay? Tell me that you love me too. No strings attached." She retorted, "As if you are my father." Spurned, he got mad. This kind of incident happened at least ten more times.

Furthermore, respondent sent her love notes. He wrote his love messages on pieces of paper in front of her and handed them to her.^[9] She knew that they were intended for her as there was nobody else present when he gave the notes to her. He would also call her at her mother's house. She did not respond affirmatively to his display of affection as both of them are married. Finally, she explained that she filed a complaint against him only on August 10, 2001 because of the August 7, 2001 incident, when she got fed up at the way he treated her.

Marilyn de Leon, also a court stenographer of MCTC Tayug-San Nicolas, corroborated the testimony of Goltiao.^[10] She stated that she witnessed the incident on August 7, 2001, when respondent became angry at Goltiao after the latter went to ask for his signature while he was playing *tong-its*. She heard respondent shout foul words at Goltiao. She added that respondent gets mad at everyone at the office on trivial matter. She, too, received love notes from the respondent.

Court stenographer Glenda C. Ramirez also corroborated the testimony of Goltiao.^[11] She declared that she witnessed the incident on August 7, 2001 at their office. She observed that respondent was fuming mad at Goltiao, when the latter asked him to sign a clearance form. She heard respondent shout at Goltiao inside the courtroom and at the staff room. Respondent got mad when Goltiao allowed the representatives of the insurance company to enter the courtroom, where he was playing *tong-its*. She related that she also received love notes from him. One time, after respondent signed her travel order she noticed the following message written on the order: "7:30 in the evening, Jollibee." She did not go out with him. She chose him as a principal sponsor on her wedding in the hope that he would treat her

like his own child and that he would stop sending notes to her. This did not happen even as respondent continued to easily get mad at her for simple lapses.

Renato Rombawa, a utility worker at the court, saw the incident on August 7, 2001, when respondent got mad at Goltiao inside the courtroom.^[12] He did not know why he became furious. At the time of the incident, respondent was playing *tong-its*.

Estifanio Acosta, Clerk III at the MCTC, stated that he likewise saw respondent got mad when Goltiao tried to obtain his signature for a clearance form.^[13] Respondent, he recalled, was at that time playing *tong-its*. He knew that respondent gives love notes to Goltiao and Glenda Ramirez, as the two revealed this secret to him.

Lastly, David Kagaoan testified that at about 3:00 o'clock in the afternoon of August 7, 2001, somebody came to get a clearance from the court.^[14] The clearance form was prepared by Goltiao who went to see the respondent at the courtroom. He then heard shouts of "vulva of your mother, get out of here!" from the room. He thought it came from the respondent, who was then playing *tong-its*. Rombawa, the utility worker, went inside the courtroom and brought the sobbing Goltiao out. He stated that complainant showed him some of the love notes respondent gave her. He knows it came from respondent as he is familiar with his signature.

Respondent denied the allegations against him.^[15] He admitted shouting at Goltiao because she, too, shouted at him. He declared that the complaint was intended to harass him and put him into shame and to remove him from office. He said that Goltiao and her witnesses resent his strictness and they want to continue with their bad ways in the office. Goltiao, Ramirez and de Leon come to office late but Goltiao's daily time record does not reflect her tardiness. She sells stenographic notes without remitting a single centavo to the Judiciary Development Fund (JDF). Witness Rombawa does not work in the office from 2:00 to 5:00 o'clock in the afternoon. Witness Acosta is a habitual absentee, reports at 10:00 o'clock and leaves after only an hour. He then returns at 2:00 o'clock in the afternoon. He is hired by one Bobby Go as a driver. Witness Kagaoan is a habitual latecomer as he attends to his agricultural business first before going to the court. He adds that witnesses Rombawa, Acosta and Kagaoan all play *tong-its* either at the session hall of the court or the first floor of the building.

On rebuttal, complainant Goltiao revealed that respondent invited her several times for a date at Jollibee, instructing her not to tell her husband about it.^[16] Respondent countered that every time he invites her, it was with de Leon, Ramirez and other court personnel.^[17]

In A.M. No. P-03-1697 (formerly OCA I.P.I. No. 01-1196-P), complainant Paiste is the owner of JCP72 Insurance Agency, and as its proprietor, has transactions with the MCTC Tayug-San Nicolas.^[18] She testified that on April 3, 2001 at about 2:00 p.m. she went to the court, together with a client, to post bail. When they arrived, they could not find the respondent. An employee named Marilyn accompanied then to one of the rooms at the hall of justice where the respondent was holding game cards and playing *tong-its* with some people. Marilyn called respondent's attention telling him that somebody wants to post bail. Respondent retorted, "You just go ahead upstairs. Why, could you not wait?" They went ahead and respondent

followed fifteen minutes after. She noticed that he was mad. They told him they want to post bail and he asked for the records of the case. After examining the records, he slammed it and said, "You go to Rosales! That is not our work!" He also became angry when they followed him.

On April 20, 2001, Paiste, an officemate and a client again went to the MCTC in Tayug-San Nicolas to post bail in connection with Criminal Case No. 7461. The respondent instructed them to go to the house of Judge Pastor. They went there as told but the judge rejected their papers. They returned the next day, a Saturday, after completing their documents. They came from the court where they met respondent, who accompanied them to the judge's house. The judge approved the surety bond.^[19] Later, they handed three thousand pesos (P3,000.00) to the respondent, two thousand four hundred pesos (P2,400.00) of which was for the JDF. They gave him the remaining six hundred pesos (P600.00) after he asked them, "*Paano naman yung sa akin?*" They understood that to mean that he was expecting some form of compensation as he accompanied them outside the office on a non-working day. They then demanded an official receipt for the two thousand four hundred pesos (P2,400.00) they paid him corresponding to the amount of the JDF. He told them to go to the court and get it the following Monday. That Monday, she sent one of her staff to get the receipt, but the latter reported to her that he did not issue one. She added that this is not the only time that he failed to issue her a receipt. In other cases, he also neglected to do so even after she has paid the mandatory JDF fees.

A staff member of the MCTC Tayug-San Nicolas, Estifanio Acosta, verified the records of Criminal Case No. 7461 and stated that no official receipt appears on file although the personal bail bonds issued by the JCP72 Insurance Agency, bearing the date April 21, 2001, in favor of the several accused in the case were approved by the acting presiding judge of the court.^[20]

For his part, respondent merely denied the foregoing allegations in open court and waived presentation of evidence.^[21]

After investigation, the investigating judge rendered a Consolidated Report and Recommendation^[22] finding respondent guilty of serious misconduct and accordingly proposed that he be sternly reprimanded and fined ten thousand pesos (P10,000.00), thus:

Nonetheless, on the basis of the evidence adduced, barely refuted by the respondent, the undersigned finds him guilty of serious misconduct in office, consisting of abundantly substantiated offenses thus:

1. Making undue advances through love notes to female subordinates;
2. Indulging in card games during office hours;
3. Using abusive language in dealing with subordinates as well as with third persons seeking his services as clerk of court; and
4. Receiving payments for court fees without promptly issuing the corresponding receipts therefore.

WHEREFORE, all of the foregoing premises and circumstances considered, the undersigned hereby respectfully recommends that respondent be sternly reprimanded, and fined in the amount of P10,000.00, for serious misconduct.^[23]

The report was forwarded to the Office of the Court Administrator (OCA). After evaluating the report and the records, the OCA proposed that a stiffer penalty must be imposed on respondent. On the basis of Sections 52, 54 and 55 of Memorandum Circular No. 19, series of 1999 of the Civil Service Commission,^[24] it recommended that the two complaints be consolidated and docketed as a regular administrative case and that respondent be "SUSPENDED for a period of one (1) year having been found Guilty of various offenses including the (*sic*) Grave Offenses and disgraceful and immoral conduct."^[25]

A painstaking examination of the records of the cases convinces us that the respondent is guilty of the offenses charged against him.

The evidence in A.M. No. P-03-1699 adequately establishes that he was guilty of gambling, using abusive language and sexually harassing his female subordinates. We find credible the categorical and straightforward testimonies of complainant Goltiao and her witnesses. Their frank and candid testimonies, unshaken by cross-examination and unflawed by inconsistencies or contradictions in their material points, deserve our full faith and belief.^[26]

In contrast, we are not persuaded by the denial put forward by the respondent. The purported motive he imputes against complainant and her witnesses for filing this case is not worthy of attention. He asserts that they just want him removed so they can continue with their "bad ways in the office." It strikes us strange that he allowed these bad ways for a long time without taking any measures or reporting them to the OCA.

Time and again, we have emphasized that court officers, circumscribed with heavy responsibility, must be the paragon of propriety and good behavior.^[27] This is especially true for a clerk of court like the respondent. As a ranking officer of the court, it is incumbent upon him to set an example to his co-employees as to how they should conduct themselves in office; to see to it that his subordinates work efficiently in accordance with the rules and regulations of the civil service and the judiciary; and to provide them with a healthy working atmosphere wherein co-workers treat each other with respect, courtesy and cooperation, so that in the end public interest will be benefited.^[28]

Respondent failed to measure up to these standards. His use of offensive language towards complainant Goltiao reflects his impoliteness and lack of decorum. He shouted profanity at her, verbally abused her and even disrespected her mother. He did this in the presence of so many employees and clients of the court. Worse, there was no reason for him to unleash to her a fury of this kind. She was merely asking him to sign a clearance form and to examine the applicant pursuant to his specific instruction that he should first see the applicant for the clearance before he sign the form. In fine, she was just doing her job. The truth is, he got mad at her out of his fear that the client she brought along might report him to this court when they caught him *in flagrante delicto* gambling.