

FIRST DIVISION

[A.M. No. 2003-5-SC, November 20, 2003]

**VALENTINO V. RUGA, MISO (CASUAL), COMPLAINANT, VS.
EDWIN S. LIGOT, SC CHIEF JUDICIAL STAFF OFFICER,
MANAGEMENT INFORMATION SYSTEMS OFFICE (MISO), MISO-
SDAAD, RESPONDENT.**

D E C I S I O N

YNARES-SANTIAGO, J.:

The people's faith in the Judiciary is certainly eroded when they stand witness to the dismaying spectacle of a supervisory court employee shouting at and hitting at subordinate in front of others. It becomes even more appalling when the people involved are no less than employees of this Court.

Complainant and respondent are both employees of the Court's Management Information Systems Office (MISO). Complainant Valentino V. Ruga is a casual employee of the Management Information Systems Office, Systems Planning and Project Evaluation Division (MISO-SPPED) while respondent Edwin S. Ligot, is an SC Chief Judicial Staff Officer, Systems Development for Administrative Application Division (MISO-SDAAD).

In a Memorandum dated May 20, 2003 addressed to Atty. Eden T. Candelaria, Chief of the Court's Office of Administrative Services (OAS), complainant Ruga charged respondent Ligot with misconduct for the maltreatment he allegedly received from the latter on May 14, 2003 at around 10:20 a.m., when respondent approached him at the Satellite 1 Office of the MISO to follow up on the liquidation of certain purchases, and angrily said in a loud voice, "*Gawin mo na!*" Suddenly, the latter hit him on the chest with an open palm.

Complainant ignored what respondent did and tried to explain the details of the liquidations. Respondent, however, ignored what he said and walked out of the room, thereby embarrassing complainant.

Melissa Limlengco and Noel Beltran, Clerk and Utility Personnel, respectively, of the MISO, witnessed the incident and heard a loud sound caused by respondent's blow to complainant's chest.

Later that afternoon, complainant went to the medical clinic for examination of the pain he felt in his chest because of the blow he sustained.

In support of his allegations, complainant submitted the Joint Affidavit of Melissa Limlengco and Noel Beltran together with a Medical Certificate issued by Dr. Prudencio P. Banzon Jr. of the Supreme Court Clinic.

Respondent, in his comment dated May 27, 2003, claimed that the matter should have been brought first for settlement before the Chief of their Office, Atty. Ivan Uy, pursuant to the provisions of Section 4, Item No. 2 of the Supreme Court Grievance Machinery.

Respondent averred that he was assigned by Mrs. Petrita Arguelles, Assistant Chief, MISO, to monitor the disbursements and liquidation of the cash advances given to their office for the emergency purchase of computer parts and supplies. He had been requesting complainant to submit the liquidation of the expenses taken from the cash advance, and he properly apprised the latter of the proper procedure, the schedule and the required documents to be submitted for liquidation. From the time he started monitoring the liquidation, complainant has always been late in submitting the required documents despite repeated demands to submit the same on time.

Respondent further narrated that on May 14, 2003, he went to complainant's workstation and asked him for the liquidation report which was overdue for more than three weeks. He reiterated that the delay would result in the interruption of the cash advance of the MISO for the succeeding weeks. He admitted that he tapped the complainant's chest with his open palm, not to purposely inflict injury, but to call his attention. He expressed doubts as to whether he really inflicted pain on complainant, considering that the latter went for consultation at the SC Clinic, which is only a few steps away from their office, six hours after the incident. Moreover, complainant could not have performed his duties if the pain he felt was persistent and unbearable. Respondent suspects that the filing of the complaint was deliberately filed to discredit him and that, knowing complainant to be a good man, the latter would not have thought of filing the complaint unless he was advised by someone who had malicious intentions to destroy his integrity and reputation.

Moreover, respondent averred that he did not have any intention to abuse his authority as a Division Chief of the MISO as he had never been known to be a person with a short temper and a heavy hand. He claims that he is easy to work with and this could be attested to by staff members of the OAS, who had the opportunity to work with him.

The case was set for investigation on June 10, 2003 before the OAS. Complainant testified that his duties include the servicing of computer units in the different offices of the Court, and to identify the computer peripherals that need replacement and to buy the same in the market using the cash advance issued to the MISO. He averred that it is not part of his duties to make the liquidation of the receipts issued in connection with the purchase of computer peripherals. Rather, it was Ms. Marie Ilagan who was assigned to do it. However, complainant admitted that the task has since then been assigned to him when Ms. Ilagan was transferred to the 7th floor office of the MISO and that he experienced difficulty performing the same because of his tight schedule in his other duties. He likewise admitted that he was not able to submit on time the necessary report for April despite repeated demands by respondent.

Respondent, who also appeared on the same date, reiterated his allegations in his comment of May 27, 2003. He submitted in evidence copies of the previous liquidation reports submitted by complainant's Division to show that the task is not so complicated as to prevent him from accomplishing and submitting the reports on

time.

Pursuant to a Resolution of the Court dated September 9, 2003, complainant manifested his willingness to submit this case for resolution on the basis of the pleadings filed. For his part, respondent sent a letter addressed to the Office of the Chief Justice dated September 22, 2003 averring that he and complainant have amicably settled their differences.

Addressing preliminarily the question of whether or not the complaint should be referred to the Grievance Machinery of the Court, we find respondent's reliance on the provisions of Section 4 of the Grievance Machinery^[1] misplaced. Section 2 of the Grievance Machinery provides:

The Grievances that shall be acted upon through the grievance machinery are those that are work related or which may give rise to employee dissatisfaction, such as:

1. Non-implementation of policies, practices and procedures on economic and financial issues and other terms and conditions of employment fixed by law including salaries, incentives, working hours, leave benefits, and other related terms and conditions;
2. Non-implementation of policies, practices and procedures which affect employees from recruitment to promotions, detail, transfer, retirement, termination, lay-offs and other related issues that affect them;
3. Physical working conditions;
4. Protests on appointments and other personal actions;
5. Interpersonal relationships and linkages; and
6. All other matters giving rise to employee dissatisfaction and discontentment outside of those cases enumerated above.

The following cases shall not be acted upon through the grievance machinery:

1. Disciplinary cases which shall be resolved pursuant to the Uniform Rules on Administrative Cases;
2. Sexual Harassment cases as provided for in R.A. 7877; and
3. Employees' Associations' issues and concerns.

Clearly, the complaint filed against respondent does not fall under any of the instances enumerated in the foregoing provisions. What the foregoing Section, in fact, states is that the Uniform Rules on Administrative Cases govern the action considering that it is a complaint for conduct unbecoming of an officer/employee of the Court and prays that *disciplinary* sanctions be meted on respondent.

We note that this case stemmed from an altercation between complainant and