

## THIRD DIVISION

[ A.M. No. P-02-1552, December 03, 2002 ]

**JUDGE ANTONIO C. REYES, COMPLAINANT, VS. ALBERTO R. VIDOR, UTILITY WORKER I, REGIONAL TRIAL COURT, BRANCH 3, BAGUIO CITY, RESPONDENT.**

### DECISION

**SANDOVAL-GUTIERREZ, J.:**

On September 19, 2000, the Office of the Court Administrator (OCA) received a copy of the September 7, 2000 Memorandum of Executive Judge Antonio Reyes, Regional Trial Court, Baguio City, addressed to respondent Alberto Vidor, Utility Worker I, Branch 3 of the same court, quoted as follows:

“OFFICE OF THE EXECUTIVE JUDGE

“MEMORANDUM TO:

MR. ALBERTO VIDOR  
Utility Worker I  
Regional Trial Court  
Branch 3  
Baguio City

For habitual drunkenness and for displaying unruly behavior during office hours, particularly today, September 7, 2000 at exactly 4:40 in the afternoon in the presence of the undersigned, which constitute a clear violation of the Civil Service Law, you are hereby **SUSPENDED** for a period of one (1) month without pay effective September 8, 2000.

(Sgd.) ANTONIO C.  
REYES  
Executive Judge”

In his 1st Indorsement dated October 19, 2000, then Court Administrator Alfredo L. Benipayo directed respondent to comment on the Memorandum.

Respondent, in his comment, admitted the charges and apologized to Executive Judge Reyes, pleading that his suspension be limited to only 1 week without pay and promising not to commit similar acts in the future.

On September 20, 2000, Executive Judge Reyes issued an Order reconsidering his Memorandum of September 7, 2000 by lifting the suspension of respondent but with a stern warning that a repetition of the same acts will be dealt with more severely.

The OCA, through Deputy Court Administrator Jose P. Perez, submitted to this Court a Report and Recommendation partly quoted as follows:

"EVALUATION: We will dwell first on the issue of the lifting of the suspension order by complainant against herein respondent. "Section (7) IV of Administrative Order No. 6 provides, thus:

'Specific Powers, Prerogatives and Duties of the Executive Judge:

x x x

To **recommend** to the Supreme Court the imposition upon erring employees of such disciplinary sanctions as may be necessary and proper; and, **pending the administrative investigation or its review by the Supreme Court, to place the respondent under preventive suspension** in accordance with Civil Service rules and regulations, furnishing the Supreme Court a copy of the order of suspension and the grounds therefor without unnecessary delay.

x x x'

"Based on the foregoing provision, the 'suspension' initially imposed by complainant may be considered a preventive suspension. A preventive suspension, when read in conjunction with the Civil Service Law, has a maximum duration of ninety (90) days after which, the respondent who is not a presidential appointee, shall be automatically reinstated in the service.

"In the case at hand, the suspension was not implemented when the same was recalled by complainant himself two (2) weeks after its supposed effectivity upon consideration of respondent's apology and promise not to commit acts of similar nature in the future.

"The Court has repeatedly emphasized that the conduct and behavior of every court personnel (charged) with the dispensation of justice is attended with the heavy burden of responsibility. Court employees and officers must at all times observe propriety and decorum. Based on the fact that respondent acknowledged his error and did not contest the complaint against him we deem it sufficient to make a cursory review of the matter.

"While the complainant in this case may have forgiven respondent in view of the subsequent memorandum of recall, the Court, charged as it is with enforcing discipline in the judiciary, cannot simply close its eyes to respondent's act of intransigence. The lifting of the suspension will not free respondent from any sanction. Administrative proceedings against public employees are imbued with public interest, public office being a public trust.

"RECOMMENDATION: Respectfully submitted for the consideration of the Honorable Court that respondent Alberto R. Vidor be FINED in the amount of One Thousand Pesos (P1,000.00) with REPRIMAND that a repetition of the same will be dealt with more severely." (emphasis added)