

THIRD DIVISION

[A.M. P-01-1480, June 28, 2001]

JUDGE AMADO S. CAGUIOA, COMPLAINANT, VS. CRISANTO FLORA, DEPUTY SHERIFF, REGIONAL TRIAL COURT, OCC, BAGUIO CITY, RESPONDENT.

DECISION

PANGANIBAN, J.:

Making derogatory remarks against a judge constitutes gross discourtesy and results in a heavy administrative liability.

The Case

Before us is a Letter-Complaint^[1] for grave misconduct filed April 17, 1998, by Executive Judge Amado S. Caguioa of the Municipal Trial Court in Cities, Baguio City, against Deputy Sheriff Crisanto T. Flora.

The Facts

The factual circumstances leading to the administrative complaint are as follows:^[2]

"Complainant states that on April 16, 1998 at about 2:30 p.m. while he and Executive Judge Abraham Borreta, RTC, Baguio City were standing at the lobby of the Baguio City Hall of Justice, respondent, who was allegedly drunk at that time, repeatedly shouted the word `KALBO' while looking toward the direction of complainant. He felt humiliated as the incident occurred while the nearby courts were holding trial and there were many people in the vicinity. He then confronted respondent who insisted that the utterances were directed not at complainant but at respondent's companion, Al, who was then seated beside him (respondent). Complainant claims that it was the second time that respondent called him `KALBO.' Complainant opines that respondent's previous suspension by the Court apparently did not do him any good. So, in order that he [would] not be embolden[ed] in the future `to shout derisive epithets such as `bartek', `babaero' and the like, complainant decided to file this instant [C]omplaint.

"In his [c]omment, respondent apologizes for what he did but claims that he was only misconstrued. While he admits uttering the word `KALBO', he denies that the same was done in a shouting manner. He avers that the same was made emphatically in reference to the person (Al) seated beside him. He asserts though that his actuation was not meant to ridicule persons having `the same physical feature x x x'. He likewise

denies he was drunk at that time.

"Complainant asserted in his Reply that Respondent Flora was indeed intoxicated[,] as one RTC employee admitted x x x having purchased the bottle of Fundador which was consumed by x x x respondent and his group that afternoon.

"Complainant further avers that he was amazed that respondent had the gall to state in his Comment that Executive Judge Borreta knew what really happened, saying that the latter's presence did not even deter respondent from shouting the word `KALBO'. At any rate another judge, Judge Villanueva, RTC, Branch 7[,] was willing to testify regarding another incident wherein respondent shouted the same word against herein complainant. Another witness was willing to testify that respondent called another judge `bartek' (drunkard) in the presence of other people.

"Complainant corrected himself saying respondent in another administrative case was not suspended by the High Court but was fined P5,000.00 with a warning. He also informs that respondent has a string of criminal cases pending before a court in Dagupan and at the Baguio City Fiscal's Office.

"Respondent filed his Comment on the Reply of complainant denying once again that he was intoxicated at the time of the incident. He argues also that the criminal cases involving him `should not be situated in juxta position with the instant administrative case.' He claims that there were some circumstances [during which] he shared absurd observations and idiosyncrasies with complainant like [when] the latter would:

- 1) approach one employee and say, *`Gusto mo bugbugan tayo*
- 2) display in public his firearm (9 millimeter and .38 Caliber pistol)
- 3) display his photograph showing his bald head blackened by an ink and make some humorous remark.

"Respondent reiterated his plea for forgiveness saying he really had no intention to malign or ridicule complainant.

"The Third Division of the Supreme Court, acting on the recommendation of this Office, referred the instant case to Executive Judge Antonio C. Reyes, Regional Trial Court, Baguio City for his investigation, report and recommendation.

"Briefly stated, the following transpired in the course of [the] investigation of Executive Judge Reyes.

"Complainant Judge Caguioa reaffirmed the charges he had made in his letter of April 17, 1998.

"Sheriffs Balagtey and Rimando executed their respective affidavits that indeed they heard the shouts `KALBO' and that Judge Caguioa approached respondent Flora to confront the latter why he (Flora) was ridiculing him (judge) for his lack of hair or for being bald. Both witnesses admitted having consumed liquor that afternoon along with respondent, and the three of them were drunk at the time of the incident.

"Witness Eufemio Gula, a detailed employee at Branch 3 of the RTC, Baguio City also confirmed and corroborated the testimony of Balagtey and Rimando relative to the shouting incident. This was further reinforced by the testimony of Judge Abraham Borreta who in open court, affirmed and confirmed the affidavit of Mr. Gula. Another witness for Judge Caguioa testified that the kind of behavior of x x x respondent at the Hall of Justice was not an isolated incident and he (Tano) was, at one time, also ridiculed and berated by x x x respondent when the latter was drunk.

"Respondent Flora on his part never presented any evidence on the dates reserved for him, having earlier manifested before the scheduled hearing that he [would] rely on what [was] contained in the records for his defense.

"In finding the guilt of x x x respondent, the investigating judge declares:

`Therefore, the above statement of respondent Flora is an admission, as conclusive as can be, of his wrongdoing because of his reliance upon Judge Borreta as an eyewitness and the testimony of Judge Borreta was in no uncertain terms that respondent Flora indeed insulted and ridiculed Judge Amado S. Caguioa with reckless abandon and belligerence and in complete disregard of the honorable position that the judge holds.

`Additionally, respondent sheriff stated under oath that x x x neither [was he] drunk nor had [he] imbibed any alcoholic drinks at that time. Yet, the testimonial [affidavit] of his own colleague, [S]heriff Balagtey, and that of Eufemio Gula reveal that they (Flora, Rimando and Balagtey) had consumed one bottle of *Fundador*, a popular Spanish brandy and thereafter returned to their place of work. By this alone, respondent Flora x x x perjured himself and he did not even have the honesty and humility to admit that he was drunk when he was required to tell the truth. Eufemio Gula likewise mentioned that respondent Flora `smelled [of] x x x liquor.'

Judge Antonio Reyes also posits that: