

EN BANC

[A.M. No. P-95-1138, May 15, 1996]

**SECURITY DIVISION, SUPREME COURT OF THE PHILIPPINES,
PETITIONER, VS. GAMAL L. UMPA, CLERK OF COURT, SHARI'A
CIRCUIT COURT, TUBOD, LANA DEL NORTE, RESPONDENT.**

D E C I S I O N

PER CURIAM:

On 07 March 1995, while Judge Samsoden A. Mustapha (Presiding Judge of the Shari'a Circuit Court at Tubod, Lanao del Norte) was at the Office of the Court Administrator ("OCA") to follow-up the status of certain pending administrative cases and to request for a Certificate of Appearance relative to a conference held the day before, Gamal L. Umpa, Judge Mustapha's Clerk of Court, suddenly entered the room, hit the Judge on the face and then kicked him several times. The incident transpired in the presence of Atty. Ma. Carina M. Cunanan and Atty. Thelma Bahia who were both assigned to the OCA. A security personnel was called in to prevent Umpa, who persisted in hurling invectives at the Judge, from inflicting further harm. Judge Mustapha was brought to the Supreme Court clinic for treatment while Umpa was taken to the Security Outpost. Later, at the Philippine National Police-Western Police District Command, Station V, an appropriate complaint was made.

It would appear that on 06 March 1995, Deputy Court Administrator Reynaldo L. Suarez invited Judge Mustapha for a conference concerning his problems with Umpa. Apparently, Umpa had not been reporting for work since 1994 but he still insisted that his daily time records be countersigned by Judge Mustapha. Judge Mustapha refused to sign not only the daily time records but also Umpa's application for leave of absence because of the latter's continued insubordination and disrespect.

In its resolution, dated 24 May 1995, the Court, through its Third Division, resolved to treat the report on the incident so made by the Security Division as an administrative complaint against Gamal L. Umpa. It, accordingly, required respondent Umpa to submit his answer within fifteen (15) days from notice. In the meanwhile, Umpa was ordered suspended from the service effective upon his receipt of the Court's resolution. Copies of the resolution repeatedly sent to him, however, were returned to the Court "unclaimed."

On 24 August 1995, Judge Mustapha reiterated his recommendation that respondent be dismissed from the service since the latter's absence for more than a year had seriously hampered the administrative function of his court.

In a manifestation, dated 28 August 1995 and received by the OCA on 06 September 1995, respondent Umpa averred that on 24 August 1995, his mother, Rangelongan Umpa, went to the post office of Tubod, Lanao del Norte, and it was