

## **EN BANC**

**[ A.M. No. P-20-4041 [Formerly OCA I.P.I No. 20-4997-P], October 13, 2020 ]**

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.  
ATTY. JOAN M. DELA CRUZ, CLERK OF COURT V, BRANCH 64,  
REGIONAL TRIAL COURT, MAKATI CITY, RESPONDENT.**

### **D E C I S I O N**

**ZALAMEDA, J.:**

Before this Court is an administrative matter for Discourtesy in the Course of Official Duties which the Office of the Court Administrator (OCA) filed against respondent Atty. Joan M. Dela Cruz (respondent), Clerk of Court V at Branch 64, Regional Trial Court of Makati City (Branch 64).

#### **Antecedents**

The case stemmed from the visit of Chief Justice Diosdado M. Peralta (Chief Justice) to the first and second level courts of Makati City on 15 November 2019, in connection with the 5<sup>th</sup> Nationwide Judgment Day Program of the OCA. According to the Makati city trial court judges who were present during the visit, respondent was standing at the doorway of the court, leaning on the door frame, and effectively blocking the entrance when the Chief Justice arrived at Branch 64. Respondent remained in such position even while speaking with the Chief Justice.

Further, after the Chief Justice asked respondent where Presiding Judge Gina M. Bibat-Palamos was, respondent nonchalantly replied that the latter was teaching at San Beda College. The Chief Justice inquired if Branch 64 had any cases scheduled on that day and respondent made a curt remark that their Branch does not schedule cases on Fridays. This merited a reminder from the Chief Justice that under the Rules on Continuous Trial, trial courts should hear criminal cases even on Fridays. Respondent, however, did not appear to be at least apologetic for failing to set any hearing for that day, and continued to talk brashly and impertinently to the Chief Justice.

In a Memorandum dated 18 November 2019, the OCA directed respondent to show cause why no disciplinary measures should be taken against her for her reported gross disrespect of, and discourtesy to the Chief Justice during his visit to the trial courts of Makati City during the 5<sup>th</sup> Nationwide Judgment Day Program.<sup>[1]</sup>

In her Letter/Compliance dated 21 November 2019, respondent profusely apologized for her actions during the said visit, and prayed for this Court's leniency, as well as the forgiveness of the Chief Justice. She claimed that she had no intention "to convey any discourtesy or disrespect" to the Chief Justice. She pointed out that

she has been serving the Judiciary for seventeen (17) years, first, as legal researcher and then, as branch clerk of court. As such, she has nothing but reverence to the Supreme Court as an institution, and with it, her highest esteem for its head, the Chief Justice. She expressed that "[n]o words can describe my remorse for causing him any disrespect I implore his kind understanding that in my earnest effort to explain myself before the highest magistrate of the land, I failed to exhibit the grace and courtesy befitting his Honor."<sup>[2]</sup>

Respondent further apologized for failing to set any case for hearing on 15 November 2019, despite the clear directive in OCA Circular No. 166-2019 on the occasion of the 5<sup>th</sup> Nationwide Judgment Day Program that all first and second level courts must conduct an inventory of civil and criminal cases, particularly those involving detention prisoners, and set them for hearing on the said date" She claimed that it was never her intention to violate any circular and explained that the court has actually been promulgating judgments and releasing detention prisoners even before 15 November 2019. In fact, in September 2019, the court was able to dispose 45 cases through plea bargaining. The following month, another four (4) cases were disposed through plea bargaining and resolution on the merits. The Branch 64 has also made it a point to properly observe A.M. No. 15-06-10-SC or the Revised Guidelines for Continuous Trial of Criminal Cases.<sup>[3]</sup>

### **OCA's Findings and Recommendations**

After due proceedings, the OCA came up with the following evaluation:

x x x This Office notes that in her Comment, Dela Cruz admits that she "failed to exhibit the grace and courtesy befitting his Honor." She then prays and begs for the Court's leniency and the Chief Justice's "forgiveness" and promises "to be more mindful of [her] language and demeanor to improve the way [she] communicates [herself]." These statements and admissions are considered declarations against her interest and evidence of gross disrespect and discourtesy. Declarations of parties as to a relevant fact may be given in evidence against them.

The Court has constantly stressed the need for promptness, courtesy, and diligence of court personnel in public service. We find the need to reiterate this standard in this administrative case.

Public officials and employees are under obligation to perform the duties of their offices honestly, faithfully, and to the best of their ability. They, as recipients of the public trust, should demonstrate courtesy, civility, and self-restraint in their official actuations to the public at all times even when confronted with rudeness and insulting behavior. In particular, the conduct of court employees must always be characterized by strict propriety and decorum in dealing with other people. There is no room for discourtesy of any kind in the ranks of court employees. Improper behavior, particularly during office hours, exhibits not only a paucity of professionalism at the workplace but also a great disrespect to the court itself. Such a demeanor is a failure of circumspection demanded of every public official and employee.

x x x

In this case, Dela Cruz sorely failed to meet the standard of conduct set by the Court when she did not accord the respect due to the Chief Justice of the Republic of the Philippines as shown by her rude manner of speaking and her lackadaisical posture. She also displayed arrogance in the way she replied to the Chief Justice's queries, particularly on her failure to calendar any case for the day. The fact that Dela Cruz promises to be more mindful of her language and demeanor only underscored her guilt in the instant case.

x x x

Records show that this is the second time Dela Cruz is being charged with discourtesy committed during office hours and, this time, directed at no less than the Chief Justice of the Republic of the Philippines. This shows her propensity to exhibit disrespectful behavior towards others while in the discharge of her official duties. Considering that such actions were not refuted, and were in effect admitted by Dela Cruz in her comment, we find her administratively liable for discourtesy in the course of official duties.<sup>[4]</sup>

The OCA recommends that respondent, in lieu of suspension, be fined in the amount equivalent to her three (3) month-salary, computed at the time of her resignation, which shall be deducted from her accrued leave credits or other monetary benefits she may be entitled to. This, considering that on 04 December 2019, respondent already tendered her resignation, effective 2 January 2020.<sup>[5]</sup>

### **Ruling of the Court**

The recommendation of the OCA is well-taken.

Professionalism, respect for the rights of others, good manners and right conduct are expected of all judicial officers and employees, because the image of the judiciary is necessarily mirrored in their actions.<sup>[6]</sup> In keeping with this, Section 2, Canon IV of the Code of Conduct for Court Personnel, requires that "[c]ourt personnel shall carry out their responsibilities as public servants in as courteous a manner as possible."

Verily, for a public officer, courtesy should be the policy always. This applies with more force in the case of a Clerk of Court who is supposed to be the model of all court employees not only with respect to the performance of their assigned tasks, but also in the manner of conducting themselves with propriety and decorum ever mindful that their conduct, official or otherwise, necessarily reflects on the court of which they are a part.<sup>[7]</sup>

Accordingly, in *Office of the Court Administrator vs. Judge Moises M. Pardo and Clerk of Court Jessie Tuldague*,<sup>[8]</sup> the Court penalized Atty. Jessie Tuldague, Clerk of Court at the Regional Trial Court of Cabarroguis, Quirino, for gross discourtesy in the course of official duties, in view of his belligerent behavior, and admitted lack of respect for Judge Moises M. Pardo. As this Court held therein: