

THIRD DIVISION

[A.M. No. P-12-3073 [Formerly A.M. OCA I.P.I. No. 08-2984-P), April 03, 2013]

**ANTIOCO BONONO, JR. AND VICTORIA RAVELO-CAMINGUE,
COMPLAINANTS, VS. JAIME DELA PEÑA SUNIT, SHERIFF IV,
REGIONAL TRIAL COURT, BRANCH 29, SURIGAO CITY,
RESPONDENT.**

D E C I S I O N

PERALTA, J.:

The instant administrative case arose from the complaint separately filed by Antioco Bonono, Jr. and Victoria Ravelo-Camingue, charging respondent Jaime dela Peña Sunit, Sheriff IV of the Regional Trial Court (RTC) of Surigao City, with grave abuse of authority and conduct unbecoming an officer of the court..

The antecedents are as follows:

In the evening of August 15, 2008, complainant Camingue, together with complainant Bonono, Jr. and officemates,^[1] were having a few drinks at the Blesseil's Eatery located at Pantalan II, Surigao City, Surigao del Norte, while respondent was with a friend at the same place drinking beer. For unknown reasons, respondent challenged complainant Bonono Jr. to a fight, while complainant Camingue tried to dissuade complainant Bonono Jr. from accepting the challenge. Despite the refusal of complainant Bonono, Jr. to fight, respondent instead kicked complainant Camingue. Thereafter, respondent shouted "*Taga korte ako, Jawa kamo, Sheriff ako*" (*I'm with the Court, you're evil, I'm a sheriff*) and berated others in the eatery and bragged about his connection with the court while waving his badge. A police officer arrived and tried to calm him down, but respondent did not heed the policeman's advice. It was only upon the arrival of a team of heavily armed policemen headed by the Chief of Police that respondent was subdued.

As a result of the incident, complainants filed an administrative case against the respondent.

In his 1st Indorsement^[2] dated December 16, 2008, then Court Administrator Jose P. Perez^[3] referred the complaint to respondent for his comment. Instead of giving his side and controverting the allegations against him, respondent simply moved for the dismissal of the case for failure of the complainants to attach a certification or statement of non-forum shopping.

In a Resolution^[4] dated January 27, 2010, the Court, upon recommendation of the Office of the Court Administrator (OCA), directed the respondent to (1) show cause why he should not be administratively sanctioned for refusing to submit his comment on the complaint despite the OCA's directive; and (2) submit his comment

within ten (10) days from notice, otherwise the case shall be resolved on the basis of the record on file.

In compliance with the above directive, respondent filed his comment and claimed that he neither initiated nor picked a fight with complainant Bonono, Jr., and he was merely having a conversation with a friend at Blesseil's Eatery on the day the incident occurred and could have unintentionally banged his beer on the table to stress a point during said conversation. Respondent claimed that complainant Bonono, Jr. might have misinterpreted the actuations of respondent, so that complainant Bonono, Jr. stood behind respondent and menacingly shouted: "*Ako ba an imo gibundakan ug baso?*" (Am I the one to whom you are banging your glass?). Respondent then told Bonono, Jr. that they should not quarrel, but the latter suddenly kicked him on the leg resulting in a commotion. Insulted and humiliated, respondent retaliated and in the process, could have accidentally kicked complainant Camingue who was trying to pacify them. As he never intended to inflict physical harm on anybody, he apologized to the complainants and their companions.

In a Resolution^[5] dated December 6, 2010, the Court referred the case to the Executive Judge of RTC, Surigao City, for investigation, report and recommendation. During the investigation conducted on May 5, 2011, complainant Bonono Jr. manifested that he is no longer pursuing his complaint against respondent as he had already forgiven him after he sincerely asked for forgiveness. Complainant Camingue, on the other hand, manifested her interest to continue with the prosecution of the respondent.

In his Memorandum,^[6] respondent argued that he could not be held liable for misconduct and grave abuse of authority, because to constitute an administrative offense, misconduct should relate to or be connected with the performance of the official functions and duties of a public officer. The alleged act of inflicting injury on Camingue was not work-related as he was already off-duty and was just spending the night with a friend at Blesseil's Eatery. Respondent further contended that he could not be faulted for the incident because it was complainant Bonono, Jr. who instigated the fight and that he merely acted in self-defense and if ever complainant Camingue was kicked, the same was unintentional. He admitted having uttered the words: "*I'm with the Court, you're evil and I'm a sheriff,*" but the same was merely done out of anger and to inform everyone present that despite being a sheriff, complainant Bonono, Jr. assaulted him.

On the basis of the memorandum filed, Executive Judge Bayana, in her Compliance Report, recommended the dismissal of the complaint for lack of merit and cause of action.

In a Resolution^[7] dated September 14, 2011, the Court referred the compliance report to the OCA for evaluation, report and recommendation. After evaluating the case, the OCA recommended that respondent be held liable for Conduct Unbecoming a Court Employee, which amounts to simple misconduct and be suspended for one (1) month without pay with a stern warning that a repetition of the same infraction in the future shall be dealt with more severely.^[8]

The Court's Ruling