

SECOND DIVISION

[A.M. No. P-12-3035 [Formerly OCA I.P.I. No. 11-3619-P], June 13, 2012]

JUDGE ETHELWOLDA A. JARAVATA, PETITIONER, VS. PRECIOSO T. ORENCIA, CLERK OF COURT II, MUNICIPAL TRIAL COURT, AGOO, LA UNION, RESPONDENT.

R E S O L U T I O N

SERENO, J.:

On 7 April 2011, Ethelwolda A. Jaravata filed a complaint letter with the Office of the Court Administrator (OCA), claiming that on 18 February 2011, respondent Precioso T. Orenca entered her chambers while intoxicated and uttered disrespectful statements against her.

Complainant is the Presiding Judge of the Municipal Trial Court (MTC), First Judicial Region in Aringay, La Union, while respondent is the Clerk of Court of MTC Agoo. On 19 June 2003, four criminal cases were assigned to complainant by virtue of a Designation Order issued by Executive Judge Clifton U. Ganay. While the said cases originated in Agoo, the Presiding Judge of Agoo had recused himself from hearing them. On two other occasions, Judge Ganay again issued Designation Orders reassigning four more cases to Judge Jaravata.

Judge Jaravata later discovered that in one of these cases, respondent Orenca took two days upon his receipt of a pending Motion before forwarding the case records to complainant. During the court session of 10 December 2010, Orenca, the stenographer, and the process server were all absent. A Subpoena for one of the criminal cases was not served upon the concerned litigant, despite Orenca's receipt thereof on 7 December 2010. Thus, in her Order dated 10 December 2010, Judge Jaravata informed the Executive Judge of the regional trial court regarding the purported indifference of Orenca towards the latter's court duties.

At around 3:00 in the afternoon of 18 February 2011, Judge Jaravata was preparing to leave the court after the day's session had ended. In the corridor, she saw respondent, who handed her a diary as a gift and informed her that he had come from a social affair nearby. Complainant thanked him then said, "I thought you went to GSIS. You are heavily drunk, *Mang* Che. Be careful, you might not retire if somebody will file a case against you. You are drunk and you are here."

Respondent followed complainant and, within earshot of litigants and court personnel, yelled, "You are the one interested in removing me. I'm not afraid to be removed, if I'll be removed, I have means to live, all my children are finished (with their schooling). I tell you, I will surely retire, if you know somebody in the Supreme Court, I too have connections... If I will be removed, I assure you that all of us will be removed."

Complainant judge then asked, “*Mang Che*, what’s your problem?” Respondent continued with his tirade, calling the judge by her first name. When complainant was about to light a cigarette to appease and calm herself, respondent shouted, “Even you, you are smoking.” Complainant called Judge Clifton Ganay, who promptly arrived at her chambers. Even in Judge Ganay’s presence, respondent allegedly continued hurling invectives towards complainant.

Judge Jaravata thus filed the present Complaint, charging respondent Orendia with disrespect and discourtesy tantamount to grave misconduct. She also bewails the failure of the in-house security guards to impose safety measures and protect the occupants of the Hall of Justice from the threat of harm. She rebukes Security Guard Roberto Lacsamana in his preparation of the Incident Report, which allegedly stated that it was her smoking that triggered the behavior of respondent.

Respondent Orendia submitted his Comment with Counter-Complaint dated 13 April 2011. He admits to having attended a social affair on the day of the incident, but denies being “heavily drunk,” as he had consumed only two bottles of beer. He claimed that he greeted complainant politely and even gave her a diary. It was only when he saw her smoking inside the chamber and reminded her about her policy on cleanliness that she allegedly uttered, “*Judge ako. Pwede kita ipatanggal. Hindi ka maka-retire.*” Respondent was unable to rein in his temper and answered, “*Ikaw ang magpapatanggal sa akin, hindi ako takot na matanggal, kahit matanggal ako, may pambuhay ako, tapos na lahat ng mga anak ko.*”

Respondent retired from service on 1 July 2011. On 12 December 2011, the OCA submitted its report, recommending that respondent be reprimanded for his behavior and fined in the amount of P3,000 (three thousand pesos).

After a careful review of the records, we ADOPT the findings and recommendations of the OCA.

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.”

The image of a court of justice is necessarily mirrored in the conduct, official or otherwise, of the men and women who work there. Court personnel must at all times act with strict propriety and proper decorum so as to earn and rebuild the public’s trust in the judiciary as an institution. We agree with the OCA that this Court “would never countenance any conduct, act or omission on the part of all those involved in the administration of justice, which would violate the norm of public accountability and diminish or even just tend to diminish the faith of the people in the judiciary.”^[1]

In this case, the disrespectful behavior of respondent is highlighted, as it was directed toward complainant judge and witnessed by litigants and other court personnel in the vicinity. Respondent ranted and berated her during office hours, right after the court session had ended. His behavior exhibited not only a lack of professionalism, but also profound disrespect towards the court itself.

Under Rule XIV, Section 23 of the Omnibus Rules Implementing Book V of Executive