

THIRD DIVISION

[A.M. No. P-10-2753 [FORMERLY A.M. OCA IPI
NO. 09-3088-P], December 15, 2010]

**DONNABELLE D. RUBEN, COMPLAINANT, VS. RAMIL L. ABON,
UTILITY WORKER I, RESPONDENT,**

D E C I S I O N

CARPIO MORALES, J.:

By Affidavit-Complaint^[1] dated February 20, 2009, Donnabelle D. Ruben (complainant), Clerk IV of the Office of the Clerk of Court (OCC), Regional Trial Court (RTC) of Bayombong, Nueva Vizcaya, charged Ramil L. Abon (respondent), Utility Worker I of the same office, with conduct unbecoming a court employee.

From the *rollo*, it is gathered that in the morning of February 3, 2009, while respondent and an officemate Hartly Fernandez (Fernandez) were conversing, complainant heard respondent utter in the Ilocano dialect a comment which, when translated to English, means "there's a colleague here who stabs you at your back." Complainant at once inquired from respondent to whom he was referring, to which respondent answered that he was referring to her. At that instant, respondent asked complainant if she wanted to hear a voice record proving that she was trying to malign him. Respondent in fact started playing the voice record but stopped it after the first word and left the room, albeit he returned.

By complainant's claim, respondent shouted at her during the incident that occurred before he left the room, and when respondent returned, he was drunk and threatened her with a gun.

Respondent denied having shouted at complainant or being drunk when he returned to the office or having threatened her with a gun.^[2]

The Office of the Court Administrator (OCA),^[3] by Report of December 1, 2009, came up with the following findings, quoted *verbatim*:

Respondent Abon failed to rebut complainant's allegations that he shouted at her and drew and loaded his .45 caliber pistol in front of her. He claims that **he was with Fernandez** at the time he went back to the office after a few minutes, and that he immediately proceeded to his table which was about 7 meters away from the complainant, and near the table of Clerk of Court Atty. Augusto Solonio, Jr., who was there seated. Being charged with a serious offense, the natural course will be to prove one's innocence. But respondent did not even bother to submit any affidavit neither from the said **Fernandez** nor from the **Clerk of Court to buttress his allegations.** Instead, he offered empty

denials that are self-serving and deserving scant consideration.

The Code of Conduct and Ethical Standards for Public Officers and Employees requires public employees to respect at all times the rights of others and to refrain from any acts contrary to good morals and good customs [citing Republic Act No. 6713, Sec. 4 (c)]. This, respondent miserably failed to observe. The rude and belligerent behavior exhibited by him against his woman co-employee, threatening her verbally and with a gun is indeed conduct unbecoming of a court employee and cannot be countenanced. His act was not only an assault upon a female co-employee but more so, upon the integrity and authority of the court.

The alleged settlement of the differences between complainant and respondent cannot absolve the latter from administrative liability. Respondent merely alleges the same in his Comment without any proof whatsoever, i.e., written assent thereto of the complainant. His claim of a settlement is a lame attempt to escape from administrative liability, especially with the settled rule that the withdrawal of an administrative complaint or subsequent desistance by the complainant does not free the respondent from liability as the purpose of an administrative proceeding is to protect the public service, based on the time-honored principle that a public office is a public trust. The issue in administrative cases is whether or not the respondent has breached the norms and standards of service in the judiciary.

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Under the Implementing Rules of the Code of Conduct and Ethical Standards for Public Officials and Employees, any violation of the Code shall be punished with a fine not exceeding the equivalent of six (6) months salary or suspension not exceeding one (1) year, or removal depending on the gravity of the offense [citing Rule XI, Sec. 1 thereof]. As this is respondent's first administrative case, and since he has settled his differences with complainant, the imposition of one (1) month suspension without pay is in order.^[4] (emphasis and underscoring supplied)

The OCA accordingly recommended as follows:

x x x Mr. Ramil L. Abon be **SUSPENDED** from office for one (1) month without pay, with a **STERN WARNING** that a repetition of the same, or the commission of a similar offense in the future, will be dealt with more severely.^[5]

By Resolution^[6] of January 13, 2010, the Court resolved:

(1) to *NOTE*: (a) the aforesaid First Indorsement; (b) the verified affidavit-complaint dated 20 February 2009 of Donnabelle D.