

THIRD DIVISION

[A.M. No. P-08-2521 (Formerly OCA I.P.I. No. 05-2329-P), February 13, 2009]

CHRISTOPHER D. MANAOG, COMPLAINANT, VS. ARNEL JOSE A. RUBIO AND EDGAR C. SURTIDA II, BOTH SHERIFF IV, REGIONAL TRIAL COURT, NAGA CITY, RESPONDENTS.

R E S O L U T I O N

NACHURA, J.:

The instant controversy arose from a Complaint dated November 14, 2005 and docketed as OCA I.P.I No. 05-2329-P for misconduct, unethical behavior, verbal abuse, manhandling, grave threat, grave/serious oral defamation, harassment, abuse and usurpation of judicial power by Christopher D. Manaog against Arnel Jose A. Rubio and Edgar C. Surtida, Sheriff IV, Regional Trial Court (RTC)-Naga City.

In a Resolution^[1] dated February 27, 2008, the Third Division of the Court referred the complaint to the Executive Judge of the RTC at Naga City^[2] for investigation, report and recommendation. Thereafter, the case was referred to the Office of the Court Administrator (OCA), also for evaluation, report and recommendation.^[3]

As summarized by the Investigating Judge, the facts are as follows:

The complainant, on October 21, 2005, went to the Office of the Clerk of Court (OCC), RTC, Naga City to secure information on ownership of certain parcels of land, which had been transferred to others allegedly through fraud. He was inquiring at the information counter in the lobby of the Hall of Justice, when respondent Rubio approached him and said, "*Digdi*" (It's here) after the former saw the documents he had brought with him. The complainant claims the respondent told him that the person whose signature appeared on the said documents was already dead, and whatever records the complainant was looking for were already gone. A discussion followed, culminating in a verbal tussle between them.

The complainant avers that the respondent summoned the guard-on-duty at the Hall of Justice and instructed the latter: "*Guard, pahaleon mo ang hayop na taong ini*" (Guard, send away this beast!). The respondent proceeded to hurl invectives at the complainant, statements like "*Dae ka tatao makipag-olay, hayup ka*" (You do not know how to ask for a favor, you beast!). Respondent Surtida, who was unknown to the complainant at the time, also joined the fray, telling the complainant, "*Magdigdi ka ta titirahon ta kang di, puta kang hayop ka*" (Come here and I will hit you, you vile beast!).

The complainant avers that on October 26, 2005, together with his brother, he returned to the Hall of Justice to verify the identity of the other employee (respondent Surtida) who had joined respondent Rubio in verbally abusing him.