

## EN BANC

**[ A.M. NO. 2009-04-SC, September 04, 2009 ]**

**RE: COMPLAINT OF ATTY. WILHELMINA D. GERONGA AGAINST  
MR. ROSS C. ROMERO, DRIVER, SHUTTLE BUS NO. 5, FOR  
RECKLESS DRIVING**

### DECISION

**PER CURIAM:**

This administrative matter arose from a letter-complaint dated January 15, 2009 filed with the Supreme Court (SC) Shuttle Bus Committee by Atty. Wilhelmina D. Geronga, Chief of Office, Legal Division, Office of the Court Administrator (OCA), against Ross C. Romero, Driver, Shuttle Bus No. 5, for Reckless Driving.

Atty. Geronga alleged:

I am a regular rider of Shuttle Bus No. 5 and I have on many occasion witnessed the reckless driving of Ross.

Yesterday afternoon, January 14, 2009, before I completely alighted from the shuttle bus, it immediately accelerated. My left foot was already on the pavement while my right foot was still on the last step (stairs) of the bus with my hands holding tightly a portion of the bus to support my descent (I was facing the south side while the bus was northbound). If not for my presence of mind and my luck that I was able to balance my body, I would have fallen and hit the back of my head on the pavement. The driver did not even bother to stop and check if I was alright.

Atty. Geronga added that other riders of Shuttle Bus No. 5 have their own stories of Romero's reckless driving, and that she was filing the complaint before other employees would sustain physical harm.

In its Memorandum dated January 16, 2009, Atty. Carina M. Cunanan, Chairperson, SC Shuttle Bus Committee, directed Romero to submit his explanation on Atty. Geronga's letter-complaint within three (3) days from receipt thereof.

In his Comment dated January 19, 2009, Romero expressed his apologies to Atty. Geronga for whatever infraction he had committed against the latter. He claimed that "upon reaching her (Atty. Geronga) destination, she alighted the bus, to the best of my knowledge, unharmed. After checking the right side mirror and ascertaining that Atty. Geronga was already out of the bus, I slowly drove forward." He added that he was surprised by the call of the bus coordinator, Alma Cortez, so he stopped the bus. He averred that he wanted to check on Atty. Geronga, but was allegedly reassured by Cortez that Atty. Geronga was fine. He narrated that he did

not see whether Atty. Geronga was still holding on to the bus when he drove forward; neither did he see if the pavement she stepped on was uneven. He also said that if he only knew that she was still there, he would not have driven the bus forward. He assured the committee and the bus riders that that kind of incident would not happen again.

In her letter of even date, Atty. Geronga declared that Romero's statement was contrary to the text message that he had sent to her on that very same day the incident took place. The text message reads:

*Gud pm atty. I m vry sori po abt kanina dko npo nkita kc nung nsa stribo kau ng pinto. Pcnsya npo nsaktan po b kau.*

Atty. Geronga alleged that several instances had occurred in the past when Romero would start accelerating the bus even if she was still standing on the stairs and about to take a step to go down from the bus.

The complaint, together with Romero's explanation and Atty. Geronga's opposition (treated as reply), was endorsed to the Complaint and Investigation Division, Office of the Administrative Services (CID-OAS), this office, for appropriate action.

The OAS, which has the initiatory authority to discipline a shuttle bus driver,<sup>[1]</sup> issued a Memorandum dated January 23, 2009 requesting Alma Cortez, assigned Coordinator, and Cherrylyn F. Pasco, assigned Assistant Coordinator of Shuttle Bus No. 5 to appear before the OAS on January 30 and January 29, 2009, respectively. The OAS also required Romero to submit his rejoinder to the above reply.

In his letter (treated as a rejoinder) dated February 11, 2009, Romero stated that he never intended the incident to happen. He claimed that he was always careful and was never reckless in his driving, and that he always saw to it that his passengers would arrive safely in their destinations. However, in that particular incident, he admitted that he drove the bus without noticing that Atty. Geronga was still holding on to the side portion of the bus. He reiterated his plea for understanding and once again apologized to her. He vowed that he would remain very cautious in his driving to ensure the safety of his passengers. A portion of his letter reads:

Noong araw ng aksidente, sa hindi pong inaasahang pangyayari ay napatakbo ko po ang bus ng di namalayan na si Atty. Wilhelmina Geronga ay nakahawak pa sa pintuan ng bus. Tulad po ng dati ay naunang bumababa po si Atty. Vicky na kasunod po si Atty. Geronga. Akin pa pong napansin na natigilan si Atty. Vicky sa pagtawid patungo ng sidewalk dahil sa isang motorsiklo na pilit na sumiksik sa kanang bahagi ng aming bus. Pagkalipas po ng ilang sandali ay aking dahan-dahang inabante ang bus at bigla po akong sinabihan ng aming bus coordinator na si Ma'am Alma na nasa gilid pa daw po ng bus si Atty. Geronga. Akin pong agarang pinigil ang bus. Hindi ko po napansin na si Atty. Geronga ay nasa gilid po pala ng aming bus. Inantabayan ko na lamang po na siya ay nakalapit kay Atty. Vicky at maayos na makalakad pauwi. Hindi ko na

po nagawang bumaba at lapitan si Atty. Geronga upang matiyak na siya ay nasa ayos dahil na rin sa pinaghalong kaba at kahihiyan sa naganap na aksidente. Sinabihan na lamang po ako ni Ma'am Alma na tumuloy na po sa biyahe dahil maayos na pong nakatawid sina Atty. Geronga.

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Nais ko rin pong bigyang linaw na akin pong kinikilala ang naganap na aksidente at ako po ay patuloy na humihingi ng paumanhin. Hindi ko po intension na ipagwalang-bahala o itatwa ang nangyari. xxx

In its Memorandum dated March 3, 2009 addressed to the Chief Justice through Atty. Ma. Luisa D. Villarama, Atty. Candelaria, Deputy Clerk of Court and Chief Administrative Officer of the Court, summarizes the testimony of Cortez and Pasco, as follows:

xxx. Ms. Cortez stated that she blurted in surprise when Mr. Romero started driving the bus because she clearly saw that Atty. Geronga was right down the bus holding the corner portion of the door. She further testified that Mr. Romero stopped the bus at a distance which she approximately stated as around ten (10) meters from where Atty. Geronga got off. She recalled that it was her reaction which prompted Mr. Romero to stop the bus. She stated that Ms. Cherilyn Pasco, HRMO II, Leave Division, the designated Assistant Coordinator of Shuttle Bus No. 5, this Office, from the view at her seat saw that Atty. Geronga and Atty. Vicky Ignacio, another passenger who alighted ahead of Atty. Geronga, were already talking to each other. When that information was relayed to her, she then assented to proceed with their trip. However, she disclaimed Mr. Romero's assertion that it was her who assured him that Atty. Geronga was already all right.

On the other hand, Ms. Pasco narrated that she was asleep when the incident happened, and was awakened by the sudden reaction of Ms. Cortez. She stated that she immediately looked down towards the door and saw Atty. Geronga was still right there. She guessed something must have happened that is why Mr. Romero stopped the bus. However, she claimed that shortly thereafter the bus also departed since Ms. Cortez gave her consent to Mr. Romero to leave. In recalling what exactly happened, Ms. Pasco positively stated that she recalled seeing Atty. Geronga's hand holding the bus.

Ms. Pasco also mentioned experiences of other passengers whom she claimed had been nearly caught by the closing door of the shuttle bus. She stated that if not for the timely call by the coordinators of Mr. Romero's attention, passengers would have been injured by the door. In fact, she stated that just before that day, there was a similar incident.

On the allegation that the right foot of Atty. Geronga was still at the last door step of the bus, Ms. Pasco opined that it seemed to her to be