

## FIRST DIVISION

[ A.M. NO. P-06-2102, January 24, 2006 ]

**LEONIDA O. PABLEJAN, COMPLAINANT, VS. TERESITA J. CALLEJA, CLERK OF COURT, REGIONAL TRIAL COURT, BRANCH 7, TACLOBAN CITY, RESPONDENT.**

### D E C I S I O N

**PANGANIBAN, J.:**

The Court reiterates the oft repeated dictum that judicial employees should be living examples of uprightness not only in the performance of their official duties, but also in their personal and private dealings with other people.

#### The Case and the Facts

This administrative case stems from a verified Complaint <sup>[1]</sup> filed by Leonida O. Pablejan <sup>[2]</sup> against Atty. Teresita Calleja, clerk of court of the Regional Trial Court (RTC), Branch 7, Tacloban City, who had employed her as household helper. The pertinent portions of the Complaint alleges as follows:

"1. When I questioned why my employer Atty. Teresita Calleja limits the use of household water even for personal hygiene[,] Atty. Teresita Calleja slapped me twice and shouted at me to get out;

"2. Atty. Teresita Calleja slapped my mouth until it bled. She was also helped by her sister Ester in pushing me against a concrete column;

"3. Atty. Teresita Calleja threatened to kill me if I should refuse to go outside;

"4. Atty. Teresita Calleja belittled me for being poor hence, will be unable to file a complaint;

"5. My employer Atty. Teresita Calleja also gave me limited food." <sup>[3]</sup>

The Office of the Court Administrator (OCA) summarized the facts of the case in its November 4, 2004 Recommendation Report, <sup>[4]</sup> as follows:

"x x x. In a Complaint dated 1 October 2003, Leonida O. Pablejan charges [R]espondent Atty. Teresita J. Calleja, Clerk of Court, RTC, Branch 7, Tacloban City with Conduct Unbecoming a Public Officer due to maltreatment.

"Complainant, a 16-year-old housemaid of respondent, avers that at about 9:00 in the evening of 6 March 2003, respondent maltreated her

for which she sustained injuries. When she complained of the limited allowance of water for her personal hygiene, respondent slapped her until her mouth bled. Then, respondent, together with her sister, pinned complainant against a concrete column of the house causing the right side of her head to bleed. Respondent threatened to kill her should she refuse to leave the house.

"Complainant alleges that she and the other household helpers were given limited food allocation. Also, frequent verbal abuses were inflicted upon them by the respondent.

"The Medico Legal Report of Doctors Aris Manuel M. Villasin and Mary Carolyn D. Carillo dated 11 March 2003 shows the following findings: *"EENT NOTES: (+) superficial 2 cm. abrasion with frontal area (R), (+) swelling nasalabial area, SURGERY NOTES: (+) linear abrasion 4 cm. in length at (R) posterior cervical area."* On the other hand, Dr. Violeta C. Perez in her 10 April 2003 Psychiatric Evaluation of the complainant remarked that the latter "suffered from a transient anxiety reaction from the verbal and physical abuses she received."

"In her **COMMENT** dated 8 December 2003, respondent belies complainant's assertions. Upon learning on the evening of 6 March 2003 that complainant is below 15 years of age and being aware that children of that age are not allowed to work in any establishment, respondent informed complainant that she is terminating her work engagement. She then advised the complainant to transfer to her sister who was staying a few houses away. However, complainant refused, thus at the initiative of the respondent, complainant's salary was handed to her. Afterwards, complainant remarked *"isusumbong ko kamo"*, to which respondent replied, *"dire ako nahahadlok kay husto la it akon. (I am not afraid, I know I am right.)"* Immediately, complainant packed her clothes and left the house shouting and cursing.

"Respondent points out several inconsistencies between the affidavit of the minor and that of her witness. She also underscores the dismissal of the criminal complaint for child abuse filed by the complainant before the City Prosecutor of Tacloban. She contends that the fact that complainant gained weight also belies the claim that she provides limited food to her housemaids. If indeed complainant was being verbally abused by the respondent, the former would not have stayed in the latter's household for a long period of time.

"Lastly, respondent avers that one Juanito Bansay instigated the filing of the instant complaint against her for pecuniary benefit.

"In a **REPLY** dated 03 March 2004, complainant explains that the Resolution of the City Prosecutor of Tacloban did not dwell on the merits of the case when he recommended the dismissal of the criminal complaint for child abuse. The said resolution is pending review before the Department of Justice. The alibi and denial raised by the respondent in her comment do not deserve full faith and credence. Complainant adds that Bansay is connected with the Commission on Human Rights (CHR)

as Barangay Human Rights Officer.

"In her **COMMENT TO THE REPLY** dated 15 March 2004, respondent alleges that the medical finding itself contradicts the allegation that she and her sister pinned complainant against a concrete column of the house. Lastly, Bansay is not connected with the CHR but only appointed by the barangay where neither the complainant nor the respondent resides." [5]

### **Findings and Recommendation of the OCA**

The OCA gave greater credence to complainant's allegations. It explained that "respondent inflicted physical injuries against the minor complainant warranting the imposition of an administrative sanction against her." [6] This finding was supported by substantial proof consisting of the Affidavit [7] of complainant, as well as that of another housemaid; [8] a Medico-Legal Report; [9] and a Psychiatric Evaluation. [10] The OCA thus recommended that the present case be re-docketed as a regular administrative matter, and that respondent be penalized with a fine of two months of her present salary, with a stern warning that the commission of the same or similar acts in the future would be dealt with more severely. [11]

On December 13, 2004, this Court resolved to note the report of the OCA dated November 4, 2004, and to re-docket the present administrative case as a regular administrative matter. [12]

### **The Court's Ruling**

We agree with the findings of the OCA but modify the penalty to conform with jurisprudence.

### **Respondent's Administrative Liability**

Being positive, definite and detailed, the allegations of complainant must be accorded greater weight. Furthermore, they were corroborated by the testimony of another housemaid and supported by the Medico-Legal Report as well as by the Psychiatric Evaluation. Respondent's defense, on the other hand, rests primarily on the alleged inconsistencies between the Affidavits of complainant and of her witness. These inconsistencies allegedly include the absence of injuries in the mouth and the head of complainant, despite her claim that her mouth was slapped twice, and her head banged against a house post. [13]

Respondent points out the contention of complainant that the latter was forbidden from using the water because such usage was wasteful, contrary to the allegation of another witness, according to whom the reason given by respondent was that complainant "might get sick and getting sick is expensive." [14] Respondent further notes the statement of this other witness that complainant was slapped on her left and right cheeks -- a contention that was again inconsistent with that of the young housemaid who alleged that she was slapped twice on the right cheek. [15] Also, according to the witness, complainant was "dragged" out of the house; the latter maintains, on the other hand, that she was "pushed." [16] Furthermore, the witness