

FIRST DIVISION

[A.M. NO. P-01-1523, October 27, 2006]

**CARMELITA CHIONG, COMPLAINANT, VS. SHERWIN BALOLOY,
PROCESS SERVER, REGIONAL TRIAL COURT, BRANCH 130,
CALOOCAN CITY, RESPONDENT.**

DECISION

YNARES-SANTIAGO, J.:

This administrative matter stems from a sworn affidavit-complaint dated November 14, 2000 by Carmelita P. Chiong of No. 198, F. Roxas Street, Caloocan City, charging Process Server Sherwin M. Baloloy of the Regional Trial Court of Caloocan City, Branch 130, with Grave Misconduct.

In her *Salaysay Ng Pagdedemanda*,^[1] complainant Carmelita Chiong alleged that on October 12, 2000 at about 4:30 p.m., she was at the Aurelio Building at 9th Avenue, Caloocan City to collect payments from her customers for various merchandise she sells on installment. She narrated that after she made her rounds in the 5th and 6th floors of the building, she proceeded to the IBP Office to collect from Ana Baloloy, wife of respondent, who is the office secretary. However, when she opened the door, the same was partially blocked by respondent, thus, she was not able to enter and was forced to remain standing outside the premises.

Complainant further averred that from outside the premises, she communicated by hand signals to Ana the purpose of her visit, who in turn, gestured that complainant return the next day for the payment. Complainant, however, remained outside the door pleading with Ana to pay her whatever amount she could spare. At that point, respondent irritably said: "*Bakit ba ang kulit mo? Sinabi ng wala ah. Pasensiya ka nagpapahulog ka eh. Kasama iyan.*" Instead of reacting in kind because respondent was a long-time acquaintance, complainant calmly replied that she was not there to collect from him. At that juncture, the now infuriated respondent suddenly faced her saying: "*Talagang ang kulit mo ah, lumayas ka nga rito!*" then shoved her outside with his hands.

Ana attempted to pacify respondent but the latter became more incensed and choked the complainant, then punched her left jaw. Owing to the force of the blow, complainant fell down and passed out. She regained consciousness at about the same time respondent returned to the place of the altercation and who, upon seeing her thus revived, scornfully said to her: "*O ano, nakita mo na ang hinahanap mo.*" Still not content with uttering such contemptuous remarks, respondent punched her again hitting her at her left jaw and before going out the door turned and threatened her thus: "*Huwag na huwag ka nang makababa-baba rito at papatayin na kita!*"

The incident prompted complainant to file criminal charges for Slight Physical

Injuries, docketed as Criminal Case No. 204059^[2] and Light Threats^[3] docketed as Criminal Case No. 204060, with Branch 49 of the Metropolitan Trial Court of Caloocan City.

The complaint was subsequently referred^[4] to respondent by the Office of the Court Administrator (OCA) for comment.

In his Comment dated May 31, 2001^[5] respondent vehemently denied the charges against him. He narrated that when he arrived at the IBP Office where his wife was working, he saw complainant through the glass window of the door slapping his wife. Complainant further threw to the ground his wife's personal belongings, some materials and books belonging to the IBP.

Respondent attempted to open the door but it was locked. Meanwhile, complainant continued throwing his wife's personal effects to the floor while shouting invectives at the latter. Arlene Santos, his wife's friend who was present at the time noticed respondent and immediately opened the door. Upon entering the room, respondent pushed complainant away from his wife and asked complainant why she was acting thus. Instead of explaining her acts, complainant berated respondent which prompted the latter to demand that complainant get out of the office or he would drag her out himself. Complainant complied but she picked up a pair of scissors at the desk of respondent's wife and gave him a "dagger look" before getting out of the office.

Respondent denied punching complainant or threatening her because he only told her: "*Lumabas ka rito, kung hindi ay hihilahin kitang palabas.*"

Respondent likewise filed criminal complaints against complainant for Slander by Deed, docketed as Criminal Case No. 204626 and Malicious Mischief, docketed as Criminal Case No. 204627.^[6] These cases were consolidated with the criminal complaints for Slight Physical Injuries and Light Threats filed by complainant against respondent.^[7]

In a Resolution dated November 26, 2001,^[8] the case was docketed as a regular administrative matter and referred to the Executive Judge of the Regional Trial Court of Caloocan City for investigation, report and recommendation.

Executive Judge Victoria Isabel A. Paredes submitted her Report and Recommendation dated August 17, 2005^[9] finding respondent liable for Grave Misconduct with recommendation that respondent be suspended for three months without pay with a stern warning that a repetition of the same offense would be dealt with more severely.^[10]

In a Resolution dated September 19, 2005,^[11] the Court resolved to require the parties to manifest within five days from notice whether they are willing to submit the case for resolution based on the pleadings filed.

On October 25, 2005, respondent filed a Manifestation with *Ex Parte* Motion To Allow Filing of Memorandum^[12] with prayer that he be given a period of 30 days within which to file the memorandum which was granted.^[13]

Thereafter, the instant administrative case was referred to the OCA which sustained the findings and the penalty recommended by the Investigating Judge.

The issue for resolution is whether or not the conduct of respondent warrants the imposition of administrative sanctions.

Respondent insists that during the incident, he was acting in his capacity as a private individual and not as an officer of the court. Thus, if there is any liability on his part, he could only be held liable in his private capacity but not as public officer and employee. He cannot therefore be held liable for misconduct because the incident is not in any way connected with the discharge of his official duties as a process server.^[14]

The argument is flawed. It also betrays respondent's cavalier regard and deficient grasp of the burden and extent of his duties and responsibilities as an employee of the Judiciary.

Respondent must always bear in mind that government service is people-oriented.^[15] Belligerent behavior has no place in government service^[16] where employees are bound by the rules of proper and ethical behavior and are expected to act with self-restraint and civility at *all* times, even when confronted with rudeness and insolence.^[17] In *Pablejan v. Calleja*,^[18] the Court emphasized that employees of the judiciary 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*, so as to preserve at all times the good name and standing of courts in the community. Any scandalous behavior or any act that may erode the people's high esteem for the judiciary unbecomes an employee.

In the instant case, the incident transpired in the building where the courts and the IBP Office were located. While the incident was not related to the functions of respondent as a process server, however, the same happened at around 4:30 p.m. or during office hours.^[19] The investigating judge found respondent's denial of the charges unconvincing but noted the possibility that he may have acted in defense of his wife. However, she observed that respondent had no reason to punch the complainant twice as he was being restrained by Atty. Edwin Lagac, of the RTC-OCC, yet he still returned to the IBP Office to hit the complainant again.

Time and again we have held that court personnel must, at all times, act with strict propriety and proper decorum so as to earn the public's regard for the judiciary.^[20]

While knightly gallantry is not demanded of respondent, neither is he given a license to act like a lout more so towards a woman. Respondent's churlish conduct towards complainant certainly cannot be countenanced. To be sure, boorishly striking a lady not once but twice while hurling threats and epithets towards her is behavior characterizing a cad, not a court employee.

Complainant's obstinacy and refusal to stop importuning respondent's wife for the payment of the latter's debt is no excuse for him to assault the complainant like a common street thug. A court peopled by ruffians is an unflattering image the judiciary can do without. Hooliganism has no place in the judicial service. A process server being a judicial employee, is expected to act with prudence,