

## SECOND DIVISION

**[ A.M. NO. P-05-1957 (FORMERLY A.M. OCA IPI NO. 04-1912-P), February 07, 2005 ]**

**JUDGE THELMA CANLAS TRINIDAD-PE AGUIRRE, COMPLAINANT,  
VS. EDUARDO T. BALTAZAR, LEGAL RESEARCHER, REGIONAL  
TRIAL COURT, BRANCH 129, CALOOCAN CITY, RESPONDENT.**

### D E C I S I O N

**CALLEJO, SR., J.:**

The instant administrative matter refers to the Letter-Complaint dated April 12, 2004, of Judge Trinidad-Pe Aguirre charging Eduardo T. Baltazar, Legal Researcher, Regional Trial Court (RTC) of Caloocan City, Branch 129, with conduct unbecoming a court employee.

It appears that the complainant Judge first issued a directive requiring several of her staff to file a written explanation regarding repeated absences, and that the respondent was one of them. Upon the latter's failure to submit his written explanation, the complainant Judge issued Administrative Order No. 01-04<sup>[1]</sup> dated March 17, 2004, effectively imposing a fine on the respondent for "disobedience of a lawful order" in the amount of P500.00. Thereafter, the complainant Judge issued another Order on April 14, 2004, worded as follows:

TO: MR. EDUARDO T. BALTAZAR  
Court Legal Researcher  
RTC, Br. 129, Caloocan City

On the ground that you have failed to perform your duties and responsibilities as a Court Legal Researcher, you are hereby ordered detailed in the Office of the Clerk of Court, Regional Trial Court, this City, to beef up the manpower of the Clerk of Court, until such time that you can perform your duties with fidelity and zeal.

This Order takes effect immediately.<sup>[2]</sup>

In her letter-complaint, the complainant Judge alleged that she was the former Presiding Judge of RTC, Branch 62, Gumaca, Quezon. She alleged that she was charging the respondent for misbehavior for filing a leave of absence from March 22, 2004 to April 20, 2004, without seeking her written permission. She stressed that at the time he filed his application for leave, she had already assumed her post as Presiding Judge of RTC, Caloocan City, Branch 129. She claimed that such act of the respondent undermined her position as Presiding judge and would create a bad precedent among her subordinates. She pointed out that certain averments in the respondent's application for leave needed to be clarified, since it was mentioned that he was spending his vacation abroad.

The respondent, for his part, expressed surprise at the charge against him in his Comment dated June 21, 2004, considering that he had already been fined and detailed to another office by the complainant Judge. According to the respondent, he sought the approval of his application for leave of absence from Judge Silvestre H. Bello, Jr., then Executive Judge of RTC, Caloocan City, for the period of March 22 to April 20, 2004. Considering that Judge Bello, Jr. was also the pairing judge of Branch 129, he no longer had to submit his application for leave to Judge Aguirre. The respondent also reasoned that Judge Aguirre was at a seminar in Tagaytay City at the time. Since he had to immediately submit his application for leave to the Leave Section as a requirement for his request for a permit to travel, he could no longer wait for her return.

The respondent maintained that he acted in good faith and did not undermine the position of the complainant Judge; on the contrary, it was the complainant Judge who undermined the position of the Executive Judge when she ordered the respondent's detail at the Office of the Clerk of Court. He further averred that the complainant Judge's display of authority was alarming and that he felt harassed.

In her Reply dated August 4, 2004, the complainant Judge maintained that the reason for her actuations was to avoid a bad precedent among her staff. She stressed that as the Presiding Judge of her *sala*, she is charged with the control and supervision of "all (subordinate) personnel of the court."<sup>[3]</sup> She further claimed that the respondent had no intention to seek her approval since her name was not indicated in the application form as the "Authorized Official," and that in doing so, the respondent intended to disregard and by-pass her authority. She averred that Judge Bello, Jr. approved the respondent's application for leave of absence not as a pairing judge but as an Executive Judge. While she admitted that she was attending a seminar at Tagaytay City, she argued that she was not on leave and could have properly acted on the questioned application.

The complainant Judge further claimed that the respondent lied when he indicated that the reason for his application for leave of absence was to visit his ailing parents in West Covina, California, United States of America. She also pointed out that the respondent very well knew that he would not be allowed to travel abroad since he did not have an approved visa in the first place. In fact, the respondent was seen roaming around the new Judicial Complex from March 22 to April 20, 2004.

Finally, the complainant Judge reiterated that in imposing a fine against the respondent and detailing him to another branch, she had no other intention than to improve public service and preserve the public's faith and confidence in the judiciary.

In its Report dated November 26, 2004, the Office of the Court Administrator (OCA) made the following recommendation:

Recommendation: Respectfully submitted for the consideration of the Honorable Court are our recommendations, to wit:

1. That the instant case be RE-DOCKETED as an administrative matter;

2. That the complaint against respondent Eduardo T. Baltazar, Legal Researcher, RTC-Caloocan City, Branch 129, be DISMISSED; and
3. Complainant Judge Thelma Canlas Pe-Aguirre, RTC, Caloocan City, Branch 129, be ADMONISHED to be more circumspect in the exercise of her supervisory authority over the personnel of her court.<sup>[4]</sup>

According to the OCA, Section 52, Rule XVI of the Civil Service Omnibus Rules Implementing Book V of E.O. 292 and Other Pertinent Civil Service Laws provides that leave of absence for any reason other than illness of an officer or employee or any member of his immediate family must be contingent upon the needs of the service. As such, the grant of vacation leave shall be at the discretion of the head of department/agency. On the other hand, Item VI of OCA Circular No. 6-2003 dated January 9, 2003, which provides for the guidelines on applications for leave to be spent abroad by a court personnel, requires that a court personnel, applying for leave to be spent abroad, submit, among others, his application for leave covering the period of his travel abroad duly recommended by the Executive Judge/Presiding Judge. Thus, the recommendation or approval for the application for leave of absence to be spent abroad may be done by either the Executive Judge or the Presiding Judge. However, considering that the respondent applied for leave of absence to visit his ailing parents, which under the said Rules is not subject to the contingency of the service, he was no longer required to seek the approval of the complainant Judge. Moreover, considering that the approval of a visa application was beyond the respondent's control, the fact that the latter's application was not approved did not necessarily mean that false statements were made in his application for leave. Nevertheless, the OCA opined that "if only out of respect and courtesy to his Presiding Judge," it would have been better if the respondent had first sought the latter's approval.

The findings and recommendation of the OCA are well taken.

The authority of judges and/or Executive Judges to discipline erring court personnel under their supervision is limited to light offenses only.<sup>[5]</sup> In case the court employee is charged with a grave or less grave offense, even the Executive Judge cannot directly penalize him, and can only recommend to the Supreme Court the necessary disciplinary action.<sup>[6]</sup> Circular No. 30-91 Re: Guidelines of the Functions of the Office of the Court Administrator dated September 30, 1991 is instructive on this point:

## 2. Lower Court Personnel

### a. *Light Offenses*

(1) Disciplinary matters involving light offenses as defined under the Civil Service Law (Administrative Code of 1987), and the Code of Conduct and Ethical Standards for Public Officials and Employees (Rep. Act 6713) where the penalty is reprimand, suspension for not more than thirty days, or a fine not exceeding thirty days' salary, and as classified in Civil Service Resolution No. 30, Series of 1989, shall be acted upon by the appropriate supervisory official of the lower court concerned.