

## FIRST DIVISION

[ A.M. NO. P-04-1879, August 09, 2005 ]

**LETICIA GONZALES, COMPLAINANT, VS. ROMEO S. GATCHECO, JR., SHERIFF III, BRANCH 1, MUNICIPAL TRIAL COURT IN CITIES, AND MA. ANITA GLORIA G. GATCHECO, INTERPRETER, BRANCH 2, MUNICIPAL TRIAL COURT IN CITIES, SANTIAGO CITY, RESPONDENTS.**

### DECISION

#### YNARES-SANTIAGO, J:

A complaint<sup>[1]</sup> was filed by Leticia Gonzales with the Office of the Court Administrator (OCA) charging Romeo S. Gatcheco, Jr., Sheriff III, Branch 1, MTCC, and Ma. Anita Gloria G. Gatcheco, Interpreter, Branch 2, MTCC of Santiago City with Conduct Unbecoming a Government Employee.

Complainant alleged that on September 11, 2003 between 6 and 7 p.m., respondents entered her house in Dubinan East, Santiago City, and the following allegedly transpired during the meeting:

Sheriff Gatcheco: *May ginawa ang aking abogado si Atty. Cabucana upang papirmahan sa iyo ang papel na ito.*

Mrs. Gonzales: *Ano yan?*

Butch Gatcheco: *Sinabi ko rito na inaayos ko naman ang pagpapatupad ng Execution sa kaso mo. At ipaparating ko sa Supreme Court na ikaw ay pinapirma na lamang ni Judge Plata, hindi ba?*

Mrs. Gonzales: *Butch! Kaya kita isinumbong sa Supreme Court dahil hindi mo ginagawa ang trabaho mo. Hindi tama na pinagbintangan mo ako na pinapirma lamang ako ni Judge Plata.*

Butch Gatcheco: *Di ayaw mong pirmahan? Bahala ka! Yari ka sa akin, aalis kami ngayong gabi, punta kami sa Supreme Court, mayroon akong counter sa iyo! Maghanda ka! Kung si Levie Pascua napapirma ko IKAW PA KAYA!*

Mrs. Gonzales: *Sige, hintayin ko at ako naman ay handa!*

Mrs. Annie Gatcheco: *Yabang ang babaing yan! Akala mo sino! Squatter lang naman.*<sup>[2]</sup>

Complainant claimed that respondents transgressed the sanctity of her abode and manifested conduct unbecoming of government employees. In support of her allegations, complainant presented the joint affidavit<sup>[3]</sup> of Nelson Broncano and Maryann Gonzales-Broncano.

In his Counter-Affidavit,<sup>[4]</sup> respondent Romeo S. Gatcheco, Jr. admitted going to complainant's house on September 11, 2003 to request her to execute an affidavit of desistance regarding her administrative complaint against him. He alleged that upon reaching the house, he called "*tao po*" and asked the girl who answered him "*andyan ba ang mama mo?*" She replied "*andito po*," then called her mother loudly who was inside the room. When complainant went out of the room, he introduced himself and greeted her "*good evening po, si Sheriff Gatcheco po ito.*" She replied "*ikaw pala, tuloy ka, maupo ka, pasensya ka na sa bahay naming magulo*," then offered him a seat. He asked complainant to execute an affidavit of desistance but she replied "*tanungin ko muna kay Judge Plata.*" Upon hearing her reply, he asked, "*bakit pa po nyo itatanong e kayo naman po ang complainant hindi naman sya?*" She replied "*baka magalit sa akin si Judge (Plata).*" He told complainant in a pleading tone, "*kasama ko nga po ang misis ko at mga anak, nandoon sila sa tricycle, tulog kasi yung bunso ko kalong ni misis at saka umuulan pa.*" Still, complainant refused to execute an affidavit of desistance so he told her "*alam kong alam niyo na hindi totoo yung bintang nyo, bahala lang po kayo.*" Then he left the house.

In her Counter-Affidavit,<sup>[5]</sup> respondent Interpreter Ma. Anita Gloria C. Gatcheco contended that the allegations in the complaint are all lies and fabricated. She claimed that on September 11, 2003 at about 5:00 in the afternoon, her husband and their two (2) sons fetched her from the office at San Andres, Santiago City. Together, they proceeded to La Salette University to fetch their daughter but since the latter was still having a lyre and bugle practice, they decided to see complainant to beg her to withdraw the complaint she filed with the Supreme Court against her husband. She did not alight from the tricycle so only her husband proceeded to complainant's house. After about fifteen (15) minutes, the latter returned and told her that complainant refused to withdraw her complaint. Thereafter, they returned to La Salette University to fetch their daughter. Both respondents presented the affidavit<sup>[6]</sup> of Perlita Sagawinit Mangano to support their claim.

The matter was referred to Judge Fe Albano Madrid, Executive Judge of the Regional Trial Court of Santiago City, Branch 21, for investigation, report and recommendation.<sup>[7]</sup>

In her report<sup>[8]</sup> Judge Madrid stated that she scheduled three (3) hearings on October 8, November 12 and November 26, 2004 but complainant failed to appear despite notice. On account of her non-appearance, respondents opted to submit the case for resolution based on the documents submitted.

Judge Madrid found respondents guilty of unbecoming conduct. The investigating judge pointed out that the initial conversation between complainant and respondents must have been polite, friendly and conciliatory. After all, respondent Sheriff went to the house of the complainant to ask her to sign an affidavit of desistance. It was only when complainant refused to sign that respondent Sheriff

became angry and uttered the remarks complained of.

Judge Madrid did not lend credence to the claim of respondent Ma. Anita Gloria G. Gatcheco that she did not go to complainant's house. According to the Investigating Judge, it is more logical for respondent Ma. Anita Gloria G. Gatcheco to accompany her husband and talk to complainant on a woman-to-woman level. Judge Madrid also observed that there was no reason for complainant to implicate respondent Sheriff's wife if she was not there and also uttered abusive remarks.

For such misconduct, Judge Madrid recommended that respondents be admonished. [9] The OCA agreed with the findings of the investigating Judge but recommended that respondents be reprimanded instead.

Time and again, the Court has stressed that persons involved in the administration of justice ought to live up to the strictest standard of honesty and integrity in the public service. The conduct of every personnel connected with the courts should, *at all times*, be circumspect to preserve the integrity and dignity of our courts of justice. [10]

Certainly, respondents should not take advantage of their public office in order to oppress or abuse others. This Court has always reminded court personnel that they are part and parcel of the administration of justice and, therefore, *whether on or off duty*, they should set the example for obedience and respect for the law. They should always remember that boorish and overbearing behavior can only bring their office to disrepute and erode public respect for them. [11]

From the standpoint of conduct and demeanor expected of those who belong to the judicial family, resort to intemperate language only detracts from the respect due those who work in the judiciary and becomes self-destructive. [12] Respondents need to be reminded that government service is people-oriented where high-strung behavior and belligerent attitude cannot be allowed. [13] Patience is an essential part of dispensing justice and courtesy is a mark of culture and good breeding. [14] Belligerent behavior has no place in government service where personnel are enjoined to act with self-restraint and civility at all times even when confronted with rudeness and insolence. [15] Maintaining the dignity of courts and enforcing the duty of the citizens to respect them are necessary adjuncts to the administration of justice. [16]

Respondents departed from the judicial decorum demanded of them when they used intemperate and insulting language towards the complainant. Worse, they should know that pressuring anyone to withdraw a complaint is certainly repulsive and unbecoming. They should be sanctioned for such deplorable behavior.

An inquiry with the OCA discloses that aside from this case, respondent Sheriff has been administratively charged *eight* (8) other times. [17] Of these cases, one (1) has been dismissed [18] while six (6) are still pending. [19] Last January 17, 2005, respondent Sheriff was found guilty of *Grave Misconduct, Dishonesty and Conduct Grossly Prejudicial to the Best Interest of the Service*, suspended for one (1) year without pay and warned that a commission of the same or similar offense will be dealt with more severely in *Aldoma v. Gatcheco*. [20]