

EN BANC

[A. M. No. 2003-18-SC, June 03, 2004]

**RE: ADMINISTRATIVE LIABILITIES OF THE SECURITY
PERSONNEL INVOLVED IN THE ENTRY OF AN UNIDENTIFIED
PERSON AT THE PHILIPPINE JUDICIAL ACADEMY.**

RESOLUTION

CORONA, J.:

This refers to the report dated November 10, 2003 of the Court's Security Division relative to the case of a certain person caught opening a drawer in one of the offices of the Philippine Judicial Academy (PHILJA) located at the 3rd floor of the Centennial Building, Padre Faura, Manila on November 5, 2003.

Based on the report, the man, later identified as Gaudencio Chavez Bohol, was caught by Nennette Z. Tapales in the act of opening the drawer of Atty. Joy Amethyst Martinez. When asked who he was looking for, Bohol answered he wanted to see a certain Atty. Enciso. There is no "Atty. Enciso" in PHILJA. Apparently, Bohol was able to enter the building without an entry pass. Because of this, the Complaint and Investigation Division (CID) of the Office of Administrative Services (OAS), through Atty. Eden T. Candelaria, Deputy Clerk of Court and Chief Administrative Officer, asked the following security personnel then on duty to explain why they should not be held administratively liable:

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| 1. | Mr. Lino G. Lumansoc | Security Guard III |
| 2. | Mr. Ricardo U. Tubog | Security Guard I |
| 3. | Ms. Etheldreda Velasquez | Watchman II |
| 4. | Mr. Edgar C. Carbonel | Watchman II |

After investigation, the CID wrote a memorandum dated March 30, 2004 to the Chief Justice, through the Clerk of Court, Atty. Luzviminda D. Puno, which read:

On or about 12:15 p.m. on November 5, 200^[3] at PHILJA, Ms. [Nennette] Z. Tapales, a Training Specialist I, assigned at the said office, saw a man stooping down in the cubicle of Atty. Joy Amethyst Martinez. The man was opening one of the drawers of Atty. Martinez. It was found out that he had no entry pass.

Ms. Tapales asked the man who he was looking for. He replied, "Si Atty. Insenso." The man looked alarmed. Upon stating that there was no such name in that office, Ms. Tapales led the man to the hallway to leave. While the man was waiting for the elevator, Ms. Tapales called her co-employee Lope Palermo to take a look at the man. She went back to her cubicle and then called-up the guard immediately. The guard, who was later on identified as Ricardo Tubog, was then the security assigned at the lobby of the Centennial Building, answered the call.

According to Ms. Tapales, she immediately informed the guard at the lobby. The transcript of her testimony is quoted as follows:

"Hello, si [Nennette] ito ng Philja, meron ditong naghahanap ng Atty. Insenso dito sa Philja nagpunta, naghahalungkat ng drawer. Sinabi ko yon. Sabi ko nagbubukas ng drawer. Tapos sabi niya, hello, ma'am, sandali po. Hoy, hoy sinong hinahanap ninyo? Atty. Enciso na ang sinabi niya doon. A eto na ma'm. Tapos saka niya hinung-up yung phone." - (Italics supplied. Transcript of [Nennette] Z. Tapales on December 16, 2003)

At that juncture, Mr. Tubog called the man who had just come out from the elevator. He requested him for an identification. The man gave Mr. Tubog a driver's license bearing the name Gaudencio Chavez Bohol, with residence address at Bohol Avenue, Quezon City. He asked him what he was doing at the PHILJA and why he was opening the drawer of Atty. Martinez. He denied the accusation. Afterward, Mr. Tubog called on the radio his Shift-in-Charge, Mr. Lino Lumansoc, informing the latter that there was a problem at the lobby.

Mr. Lumansoc heeded the call and went to the lobby. There, Mr. Tubog allegedly told his Shift-in-Charge regarding the incident where, according to him, a man who was able to enter the Centennial Building without an entry pass was caught by Ms. Tapales opening a drawer at PHILJA. Mr. Tubog then, turned-over the man to Mr. Lumansoc, as a procedure they follow. After a short conversation by Mr. Lumansoc with the man, the former called Mr. Tubog and said, "parehistruhin mo na lang yan," afterwards, Mr. Lumansoc left.

Despite the order to let the man register, Mr. Tubog did not allow the man to register. Instead, he stated that it was already 12:20 p.m. then, and it was lunch break, thus no reason to let him in. **After a brief conversation with Mr. Lumansoc, on the lame excuse that he would be having lunch outside, the man had his way out of the premises freely.** Mr. Tubog, on the other hand, noted on a piece of paper the name and address of the person.

There was neither a blotter nor a report made by Mr. Lumansoc about the incident, which as a matter of course should be done.

Mr. Lino Lumansoc admitted during the investigation that he was immediately informed by Mr. Tubog about the man who gained an entry to the PHILJA at the Centennial Building, without the necessary entry pass. However, he denied having been informed about the opening of the drawer. If ever Mr. Tubog allegedly reported about the opening of the drawer at PHILJA, he said, that he surely did not hear it all. In support, he attached an Affidavit of Allan R. Cabuhat, a janitor from Sparrow Janitorial Services, who corroborated that he himself did not hear Mr. Tubog reported about the drawer being opened by the man. The affidavit, however, was not under oath.