

EN BANC

[A.M. No. P-96-1211, March 31, 2000]

EXECUTIVE JUDGE PACIFICO S. BULADO, COMPLAINANT, VS. DOMINGO TIU, JR., UTILITY WORKER I, REGIONAL TRIAL COURT, DUMAGUETE CITY, BRANCH 44, RESPONDENT.

RESOLUTION

PER CURIAM:

In a letter dated January 18, 1986, Judge Pacifico S. Bulado, then the Executive Judge of the Regional Trial Court, Negros Oriental, referred to the Office of the Court Administrator the matter of Domingo T. Tiu, Jr., a utility worker assigned to Branch 44 of the RTC, Dumaguete City. Tiu had numerous enemies among his co-employees, and had to be re-assigned to different stations several times. Judge Bulado stated in his letter that Tiu may fittingly be called "notoriously undesirable."

From Branch 44, Tiu was detailed to the Office of the Clerk of Court of the RTC. However, he performed poorly in said office. Moreover, he physically assaulted the clerk of court of Branch 33, after sexually harrassing her. Tiu was ordered to return to Branch 44, but the presiding judge of said court, Judge Alvin L. Tan, wrote Judge Bulado to state that if Tiu returned to his sala, there would be "fracas everyday which will derail the administration of justice."^[1]

Tiu was then detailed to the Office of the Clerk of Court of the Municipal Trial Court in Cities, Dumaguete City, but such office also rejected him. He was then detailed to Branch 40.

Tiu's other infractions include: (1) not reporting for work and instead hiring somebody else to do his work for him; (2) using the office of Branch 44 as his personal quarters, and inviting another person to live with him therein; and (3) interfering with a pending criminal case by promising to release a bail bond absent a court order therefor.^[2] As regards the second and third infractions, Branch 44 clerk of court Atty. Armando Ricafort issued separate memoranda to respondent ordering him not to use the office as his residence and not to repeat his interference with a case.

Upon recommendation of the OCA, we opted to treat Judge Bulado's letter as an administrative complaint against Tiu and ordered the latter to comment thereon.

In his comment, respondent branded as without basis Judge Bulado's allegations against him. He argued that the complaint is merely a personal vendetta, caused by an old feud within the Bulado clan, to which both Judge Bulado and respondent belong. Respondent also pointed out that he filed administrative complaints against the same court personnel complaining against him, including Judge Bulado and Atty. Ricafort, and that the present complaint against him is simply harassment. He also

claimed that Judge Bulado asked him to withdraw his complaint against Atty. Ricafort and the other court personnel, in exchange for a promotion and the dismissal of a case against respondent filed in another sala of the RTC.

Replying to respondent's comment, Judge Bulado pointed out that the basis of his letter complaint were the letters and reports he received from other court personnel regarding respondent's misbehavior. As regards the alleged feud within the Bulado clan, Judge Bulado explained that this had long been settled and that members of the family had restored their good relations. Manikanä

Judge Bulado stated that the Office of the Ombudsman dismissed the complaint filed by respondent against Atty. Ricafort. He denied having asked respondent to withdraw his complaint, and pointed out that this Court would resolve administrative cases notwithstanding withdrawal of the complaint. He also stressed that he could not have promised respondent a promotion since respondent was not even working in his sala.^[3]

On August 4, 1997, we referred this administrative matter to the OCA for evaluation, report and recommendation.

In a memorandum dated February 2, 1998, the OCA recommended respondent's dismissal from the service, with forfeiture of all benefits and with prejudice to re-entry to any government office, including government-owned and controlled corporations.

The OCA gave weight to Judge Bulado's allegations because his letter-complaint was supported by numerous affidavits executed by other court personnel, among them judges and clerks of court, all attesting to respondent's errant behavior. The OCA particularly denounced the violence and savagery displayed by respondent (1) when he engaged Madonna Macalua, a clerk at branch 44, RTC, Dumaguete City, in a verbal tussle as he interfered with a criminal case pending before Branch 44, whose records were under the care and custody of Macalua; and (2) when he punched Atty. Nieves Ivy Y. Carriaga, clerk of court of Branch 33, RTC, Dumaguete City, in the face. Such behavior, according to the OCA, does not have a place in the judiciary.

Meanwhile, in a 3rd Indorsement dated May 12, 1999, Judge Alvin L. Tan, presiding judge of Branch 44, RTC, Dumaguete City, informed this Court that respondent has a pending application for the position of Clerk III at Branch 41, RTC, Dumaguete City. The application could not be acted upon due to this pending administrative case against respondent, per Section 14, Rule VI of the Omnibus Rules of the Civil Service, which disqualifies a person with a pending administrative case from promotion.

Judge Tan informed the Court that Judge Bulado, the complainant in this case, had already forgiven respondent, who had reportedly mended his ways. In this regard, Judge Tan recommended that the case against respondent be withdrawn to pave way for respondent's promotion to Clerk III.

Required to evaluate Judge Tan's recommendation, the OCA reiterated its earlier memorandum recommending the dismissal of respondent. The OCA pointed out that actions in administrative cases are independent of the will of the complainant. Public