

THIRD DIVISION

[A.M. No. P-99-1330, August 12, 1999]

CLARITA I. DIONISIO, LEGAL RESEARCHER AND ACTING CLERK OF COURT, REGIONAL TRIAL COURT OF PINAMALAYAN, ORIENTAL MINDORO (BRANCH 42), COMPLAINANT, VS. PACIFICO S. GILERA, MYRNA O. SOLAS, SANTIAGO C. MARCIANO JR., FLORENCIA G. MARCIANO, BENEDICTO J. MANAHAN AND ALFREDO M. MENORCA, REGIONAL TRIAL COURT OF PINAMALAYAN, ORIENTAL MINDORO (BRANCH 42), RESPONDENTS.

DECISION

PANGANIBAN, J.:

The image of the courts depends to a large extent on the personal and official conduct of its employees. Hence, from the judge to the lowest clerk, judicial personnel have the solemn and sacred duty to maintain the good name of the judiciary.^[1]

The Facts

The present controversy began when employees of the Regional Trial Court of Pinamalayan, Oriental Mindoro (Branch 42) -- Pacifico S. Gilera, Myrna O. Solas, Santiago C. Marciano Jr., Florencia G. Marciano, Benedicto J. Manahan and Alfredo M. Menorca -- filed a Complaint dated July 21, 1995, which questioned the designation of Clarita I. Dionisio as acting branch clerk of court. In her Comment, Dionisio denied the charges against her and filed a Complaint of her own against two of the original complainants. The second Complaint led to the filing of other charges by the protagonists against each other.

The factual antecedents of the present consolidated case were summarized by the Office of the Court Administrator (OCA) in this wise:

"This case is a consolidation of the complaint of Pacifico S. Gilera, Court Interpreter, and five (5) of his co-employees at RTC, Branch 42, Pinamalayan, Oriental Mindoro against Clarita I. Dionisio, [l]egal [r]esearcher and then [a]cting [b]ranch [c]lerk of [c]ourt of the same court, and the charges of Clarita I. Dionisio against Pacifico S. Gilera and other court employees.

"In a Complaint dated 21 July 1995, Gilera together with Myrna O. Solas, Santiago C. Marciano, Jr., Florencia G. Marciano, Benedicto J. Manahan and Alfredo M. Menorca questioned the designation of Dionisio as [a]cting [b]ranch [c]lerk of [c]ourt. They claimed that Dionisio was not eligible for the position as she is not a member of the bar. Maintaining that the

[a]cting [b]ranch [c]lerk of [c]ourt is incompetent, they cited the fact that she has even scheduled cases for pre-trial and trial without proper notice to the parties. At one time, she set a case for trial on a Sunday. Complainants added that Dionisio often seeks the assistance of the court stenographers in the preparation of official communications as she cannot perform the task by herself. They also complained that Dionisio is abusive and overbearing.

"Commenting on these imputations, Dionisio vehemently denied the same, alleging that Judge Manuel A. Roman strongly recommended her to the position because of her familiarity with the functions of [c]lerk of [c]ourt. She claimed that she has been performing these functions since 1988; and when she began receiving her RATA in 1992 for this added function, her co-employees became envious.

"Dionisio rejected the claim that she is incompetent in scheduling cases since these are scheduled by agreement of the parties as approved by the judge. With regards to Criminal Case No. P-5140 (People vs. Abestado), she disclosed that it was the presiding judge who set the date for hearing, unaware that the scheduled date was a Sunday.

"Reversing the charge, Dionisio countered that it is Gilera who is not qualified for the position of interpreter because his interpretations are grammatically wrong and convey meaning far from what the witnesses intend. Oftentimes, the public prosecutor or the defense counsel acts as interpreter because Gilera is not around to perform his duties, as what happened on 31 July 1991 when Judge Roman issued a memorandum requiring the interpreter to explain within seventy-two (72) hours his absence from the session held that day. Dionisio also complained that Gilera usually does not report for work in the afternoon and that he goes home to Mabini, Batangas every Thursday and returns to work only on Tuesdays without filing any leave of absence. Gilera, she stressed, is a habitual absentee.

"With regard to the other complainants, Dionisio maintained that they began harboring ill-feelings against her when she issued a memorandum requiring them to strictly observe office hours. This was resented by the court personnel especially when she complained about the illegal activities of some staff members amounting to corruption.

"Attached to Dionisio's Comment was her Complaint against Florencia G. Marciano and Myrna O. Solas, both Stenographers of the trial court, for Corruption and Illegal Transactions. According to Dionisio, these two (2) stenographers, with the connivance of Santiago C. Marciano, Jr., [u]tility [w]orker, actively solicit clients who need assistance in the preparation of legal documents such as Affidavits and Deeds of Sale. They prepare these for a fee, using office hours and office supplies.

"In retaliation Gilera filed on 20 September 1995 a complaint against Dionisio for harassment. He averred that Dionisio refused to sign his Daily Time Record (DTR) because he initiated her recall and had filed administrative charges against her. In her Comment, Dionisio countered

that her refusal to sign the DTR was because it did not reflect the true and actual time-in, time-out and absences of Gilera.

"On 22 September 1995 Dionisio filed another complaint against Gilera for grave misconduct and insubordination. She claimed that at about 3:40 PM of 1 September 1995, Gilera attacked her with a bladed weapon inside the court and then slapped and threatened her. As a result thereof, she suffered physical injuries. Dionisio likewise filed criminal charges for attempted homicide and attempted murder against Gilera. The [i]nvestigating [p]rosecutor however found only a *prima facie* case for less serious physical injuries and grave threats for the injuries sustained by Dionisio. Gilera filed a petition for review of these findings which resulted in the dismissal of the charges as recommended by the [i]nvestigating [p]rosecutor. Gilera then filed with this Office a motion to dismiss the administrative complaint claiming that since the charges were dismissed by the Prosecutor's Office, the dismissal of the administrative complaint should follow.

"To get back at Dionisio, Gilera filed charges for perjury in that the former executed false sworn statements to support the criminal cases she filed against him. These charges were also dismissed by the Prosecutor's Office for lack of legal and factual basis. Gilera filed a petition for review of this dismissal. This Office has not yet been informed of the outcome of this petition.

"On 26 February 1996, Dionisio filed an administrative complaint against Santiago C. Marciano, Jr., [u]tility [w]orker, for gross neglect of duty which was detrimental to public service. Dionisio maintained that on 7 February 1996, Marciano, Jr. who is the custodian of keys to the courthouse was nowhere to be found. Since her room was locked, she was forced to hold office at the Fiscal's Office and consequently could not retrieve the records of a case when a litigant asked about the status thereof. No Comment thereto was filed by Marciano, Jr."^[2]

In a Resolution dated June 17, 1998, the Court appointed Executive Judge Normelito J. Ballocanag of the Regional Trial Court of Pinamalayan, Oriental Mindoro, to investigate the case.

On February 16, 1999, the Office of the Court Administrator received Gilera's January 29, 1999 letter praying for the dismissal of the case, on the ground that the contending parties had already decided to withdraw their respective Complaints.

Report of the Investigating Judge

In his Report dated October 15, 1998, the investigating judge recommended the dismissal of the administrative cases because of the desistance of all the concerned court employees.

"In view of the foregoing considerations, the undersigned most respectfully recommends x x x that the administrative charge and countercharges between the parties be dismissed with the stern warning

that any future similar infractions would be dealt with more severely in accordance with law."

Report and Recommendation of the Court Administrator

Notwithstanding the conclusion of the investigating judge, the OCA recommended that Pacifico S. Gilera be suspended without pay for a period of fifteen (15) days and that he and his co-employees -- Clarita I. Dionisio, Myrna O. Solas, Santiago C. Marciano Jr., Florencia G. Marciano, Benedicto J. Manahan and Alfredo M. Menorca -- be reprimanded with a stern warning that a repetition of similar acts in the future would be dealt with severely.^[3] It explained:

"x x x The withdrawal of a complaint or the desistance by a complainant does not necessarily warrant the dismissal of an administrative complaint. In *Vasquez vs. Malvar*, 85 SCRA 10, the Court categorically expressed that 'to condition administrative actions upon the will of every complainant who may, for one reason or another condone a detestable act, is to strip this Court of its supervisory power to discipline erring members of the Judiciary.'

"In the case at bar, the desistance of the court employees [from filing] their charges and counter-charges against each other does not justify the dismissal of this administrative case especially if the records provide sufficient basis for the determination of their liabilities.

"The complaint initiated by Gilera for the recall of Dionisio as [a]cting [c]lerk of [c]ourt for incompetence and ineligibility has become moot and academic because of the appointment of Atty. Mart Noel M. Rillorta as [c]lerk of [c]ourt of RTC, Branch 42, Pinamalayan, Oriental Mindoro. Dionisio reassumed her former position as court legal researcher.

"The other charges imputed to Dionisio are not substantiated and must therefore be dismissed.

"On the other hand, Dionisio's claim that Gilera usually disappears from the court during office hours is supported among others by a Memorandum issued by Judge Manuel A. Roman requiring Gilera to explain why during the hearing of Criminal Case No. P-3567 on 31 July 1991 he left the courtroom without permission and did not return until the court adjourned. It was the Deputy Sheriff who instead acted as interpreter during the session.

"Gilera's lack of dedication to his work was best reflected in his explanation to Judge Roman's Memorandum where he described his action as a 'simple yet pardonable neglect or omission.' He explained that he left the courtroom only when the defense lawyer finished his 'lengthy direct examination [of] the accused-witness and the Fiscal propounded his long and tedious examination.' He maintained that when the defense lawyer rested his case, his presence was no longer necessary and so he left not expecting that the prosecution would present a rebuttal witness. Objecting to Judge Roman's claim that he