

EN BANC

[**A.M. No. P-99-1315 (formerly OCA IPI No. 99-600-P, November 03, 1999)**]

**ATTY. JESUSA MANINGAS AND ATTY. JENNIFER C. BUENDIA,
COMPLAINANTS, VS. CARLITO C. BARCENAS, RESPONDENT.**

RESOLUTION

PER CURIAM:

In their Joint Affidavit-Complaint dated 8 June 1998 and filed with the Office of the Court Administrator (OCA), complainants Clerk of Court Jesusa P. Maningas and Assistant Clerk of Court Jennifer C. Buendia, Office of the Clerk of Court, Regional Trial Court (RTC) of Manila, charged respondent Carlito C. Barcenas, Court Stenographer III of Branch 26 of said court, with grave misconduct, insubordination, and conduct unbecoming of a government employee.

Complainants alleged that on 8 June 1998 at about 12:50 p.m., while they were having lunch together with Mrs. Racquel Bajar inside the office of complainant Maningas, they heard heavy knockings at, and banging and kicking on, the door of the office. Complainant Buendia stood up to ascertain the identity of the person doing so; and she found out that it was respondent Carlito Barcenas, who was then detailed in the office of Atty. Maningas. When Atty. Maningas learned who the culprit was, she told Atty. Buendia not to open the door, as Barcenas appeared to be drunk. She then instructed Atty. Buendia and Mrs. Bajar to move to the other side of the room where Atty. Buendia was holding office, as the office janitor might be able to help them just in case anything would happen.

Suddenly, respondent rushed into the room of Atty. Maningas and shouted at the complainants: "*Bakit ayaw mong pirmahan ang time card ko? Sabihin mo kung bakit!*" Atty. Buendia answered: "*Bakit wala ba kaming karapatan na I-hold ang pagpirma ng card mo? We have orders from Judge Loja to verify carefully your time record before we sign it.*" But respondent, shouting again, answered back: "*Anong order? Nasaan ang order? Ipakita mo sa akin ang order. Pag hindi n'yo pinirmahan iyan, ipapatay ko kayo, madali lang magpapatay.*"

Atty. Maningas told respondent not to shout and advised him to discuss the issue with her when he was no longer drunk; but respondent continued with his threatening remarks. When told that if he persisted in his actuation he might be charged with insubordination, respondent shouted back at Atty. Maningas: "*Putang ina mo, huwag mong pirmahan `yan at tingnan natin, ipapatay ko kayong lahat.*" Atty. Maningas then instructed a certain Mr. Lacaba to call for some sheriffs in the other room to prevent respondent from inflicting harm upon her and Atty. Buendia. Meantime, Mr. Greg Faraon, the Administrative Officer, succeeded in pacifying respondent and led the latter out of Atty. Maningas' room. Atty. Maningas instructed Sheriff Reyala to take respondent to the office of the Executive Judge. Upon hearing

the instruction, respondent uttered to her the following words: "*Sige, sige at nang ipayari kita, babawi ako, madali kitang ipayari.*"

The OCA docketed the complaint as OCA IPI No. 99-600-P and indorsed it to Executive Judge Maximo A. Savellano, Jr., of the RTC of Manila for investigation and report. The latter had the case docketed as Adm. Case No. 98-001.

In his Report and Recommendation dated 27 February 1999, Executive Judge Savellano found as follows:

Respondent's conduct was repulsive from the very beginning.

...

Respondent, a subordinate who [was] merely on detail in the Office of the Clerk of Court, Atty. Maningas, whom he slandered and threatened, evidently committed grave misconduct if not insubordination and serious disrespect against his superiors.

In his testimony, as well as in his Memorandum, dated September 14, 1998, respondent Carlito Barcenas admits the incident on June 8, 1998. It is significant to point out that in his Memorandum, Barcenas admits having knocked several times on the door of Atty. Maningas' room and when no one responded he knocked harder; that he saw the complainants transfer to the other room of Atty. Buendia, the door of which was open; that the respondent admits that he asked Atty. Buendia inside her room "Bakit ayaw mong pirmahan and time card ko?" and that Atty. Buendia answered him "Wala kang magagawa kung gusto namin I-hold and pagfirma ng time card mo dahil may karapatan kaming I-hold and kard mo. We have orders from Judge Loja to verify your time record before we sign it." Indeed, it was truly Atty. Buendia's obligation to take some time in examining the entries in the time records of respondent Barcenas in the light of the facts and circumstances mentioned in the aforequoted Exhibits H, G, I, A and B which she was aware of, as the Office of the Clerk of Court was furnished with copies thereof, and for which Barcenas was, in fact, temporarily detailed thereat for the reasons mentioned in said exhibits. Respondent Barcenas also admits that he "did not use respectful language at the time he saw Atty. Buendia," and the reason why he "failed to use courteous language at that time was the fact that respondent had already submitted the same (DTR) to Atty. Buendia since June 2, 1998." His defense is that Atty. Buendia had not released his daily time records for the month of May, 1998, which he submitted on June 2, 1998. Be that as I may, it was respondent's obligation to approach his superiors, Attys. Maningas and Buendia, with utmost respect and courtesy but, on the contrary, respondent behaved in a repulsive and abnormal manner. Before approaching them, he first got drunk, and then, with belligerence, he repeatedly knocked and kicked loudly and with increasing intensity the door of Atty. Maningas' room, clearly betraying his impatience and anger, so that, apparently, he was not in a sound condition for a peaceful and dispassionate confrontation with Attys. Maningas and Buendia. His conduct or behavior revealed that of a bully trying to intimidate and threaten his two (2) lady superiors into