



SUPREME COURT OF THE PHILIPPINES
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Republic of the Philippines
Supreme Court
Manila

TIME: *10:10*

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OFFICE OF THE COURT
ADMINISTRATOR,
Complainant,

A.M. No. P-20-4041
[Formerly OCA I.P.I No. 20-4997-P]

Present:

-versus-

ATTY. JOAN M. DELA
CRUZ, CLERK OF COURT
V, BRANCH 64, REGIONAL
TRIAL COURT, MAKATI
CITY,

Respondent.

PERALTA, C.J.,*
PERLAS-BERNABE,
LEONEN,**
CAGUIOA,
GESMUNDO,
HERNANDO,
CARANDANG,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ,
DELOS SANTOS,
GAERLAN, and
BALTAZAR-PADILLA,***
ROSARIO, JJ.

Promulgated:

October 13, 2020

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DECISION

ZALAMEDA, J.:

Before this Court is an administrative matter for Discourtesy in the Course of Official Duties which the Office of the Court Administrator

* No part.
** On official leave.
*** On leave.

(OCA) filed against respondent Atty. Joan M. Dela Cruz (respondent), Clerk of Court V at Branch 64, Regional Trial Court of Makati City (Branch 64).

Antecedents

The case stemmed from the visit of Chief Justice Diosdado M. Peralta (Chief Justice) to the first and second level courts of Makati City on 15 November 2019, in connection with the 5th Nationwide Judgment Day Program of the OCA. According to the Makati city trial court judges who were present during the visit, respondent was standing at the doorway of the court, leaning on the door frame, and effectively blocking the entrance when the Chief Justice arrived at Branch 64. Respondent remained in such position even while speaking with the Chief Justice.

Further, after the Chief Justice asked respondent where Presiding Judge Gina M. Bibat-Palamos was, respondent nonchalantly replied that the latter was teaching at San Beda College. The Chief Justice inquired if Branch 64 had any cases scheduled on that day and respondent made a curt remark that their Branch does not schedule cases on Fridays. This merited a reminder from the Chief Justice that under the Rules on Continuous Trial, trial courts should hear criminal cases even on Fridays. Respondent, however, did not appear to be at least apologetic for failing to set any hearing for that day, and continued to talk brashly and impertinently to the Chief Justice.

In a Memorandum dated 18 November 2019, the OCA directed respondent to show cause why no disciplinary measures should be taken against her for her reported gross disrespect of, and discourtesy to the Chief Justice during his visit to the trial courts of Makati City during the 5th Nationwide Judgment Day Program.¹

In her Letter/Compliance dated 21 November 2019, respondent profusely apologized for her actions during the said visit, and prayed for this Court's leniency, as well as the forgiveness of the Chief Justice. She claimed that she had no intention "to convey any discourtesy or disrespect" to the Chief Justice. She pointed out that she has been serving the Judiciary for seventeen (17) years, first, as legal researcher and then, as branch clerk of court. As such, she has nothing but reverence to the Supreme Court as an institution, and with it, her highest esteem for its head, the Chief Justice. She expressed that "[n]o words can describe my remorse for causing him any disrespect. I implore his kind understanding that in my earnest effort to explain myself before the highest magistrate of the land, I failed to exhibit the grace and courtesy befitting his Honor."²

¹ *Rollo*, p. 1.

² *Id.* at 2.



Respondent further apologized for failing to set any case for hearing on 15 November 2019, despite the clear directive in OCA Circular No. 166-2019 on the occasion of the 5th Nationwide Judgment Day Program that all first and second level courts must conduct an inventory of civil and criminal cases, particularly those involving detention prisoners, and set them for hearing on the said date. She claimed that it was never her intention to violate any circular and explained that the court has actually been promulgating judgments and releasing detention prisoners even before 15 November 2019. In fact, in September 2019, the court was able to dispose 45 cases through plea bargaining. The following month, another four (4) cases were disposed through plea bargaining and resolution on the merits. The Branch 64 has also made it a point to properly observe A.M. No. 15-06-10-SC or the Revised Guidelines for Continuous Trial of Criminal Cases.³

OCA's Findings and Recommendations

After due proceedings, the OCA came up with the following evaluation:

x xx This Office notes that in her Comment, Dela Cruz admits that she “failed to exhibit the grace and courtesy befitting his Honor.” She then prays and begs for the Court’s leniency and the Chief Justice’s “forgiveness” and promises “to be more mindful of [her] language and demeanor to improve the way [she] communicates [herself].” These statements and admissions are considered declarations against her interest and evidence of gross disrespect and discourtesy. Declarations of parties as to a relevant fact may be given in evidence against them.

The Court has constantly stressed the need for promptness, courtesy, and diligence of court personnel in public service. We find the need to reiterate this standard in this administrative case.

Public officials and employees are under obligation to perform the duties of their offices honestly, faithfully, and to the best of their ability. They, as recipients of the public trust, should demonstrate courtesy, civility, and self-restraint in their official actuations to the public at all times even when confronted with rudeness and insulting behavior. In particular, the conduct of court employees must always be characterized by strict propriety and decorum in dealing with other people. There is no room for discourtesy of any kind in the ranks of court employees. Improper behavior, particularly during office hours, exhibits not only a paucity of professionalism at the workplace but also a great disrespect to the court itself. Such a demeanor is a failure of circumspection demanded of every public official and employee.

x xx

³ *Id.* at 2.

In this case, Dela Cruz sorely failed to meet the standard of conduct set by the Court when she did not accord the respect due to the Chief Justice of the Republic of the Philippines as shown by her rude manner of speaking and her lackadaisical posture. She also displayed arrogance in the way she replied to the Chief Justice's queries, particularly on her failure to calendar any case for the day. The fact that Dela Cruz promises to be more mindful of her language and demeanor only underscored her guilt in the instant case.

x xx

Records show that this is the second time Dela Cruz is being charged with discourtesy committed during office hours and, this time, directed at no less than the Chief Justice of the Republic of the Philippines. This shows her propensity to exhibit disrespectful behavior towards others while in the discharge of her official duties. Considering that such actions were not refuted, and were in effect admitted by Dela Cruz in her comment, we find her administratively liable for discourtesy in the course of official duties.⁴

The OCA recommends that respondent, in lieu of suspension, be fined in the amount equivalent to her three (3) month-salary, computed at the time of her resignation, which shall be deducted from her accrued leave credits or other monetary benefits she may be entitled to. This, considering that on 04 December 2019, respondent already tendered her resignation, effective 2 January 2020.⁵

Ruling of the Court

The recommendation of the OCA is well-taken.

Professionalism, respect for the rights of others, good manners and right conduct are expected of all judicial officers and employees, because the image of the judiciary is necessarily mirrored in their actions.⁶ In keeping with this, Section 2, Canon IV of the Code of Conduct for Court Personnel, requires that "[c]ourt personnel shall carry out their responsibilities as public servants in as courteous a manner as possible."⁷

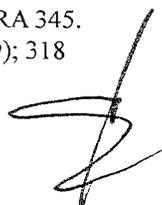
Verily, for a public officer, courtesy should be the policy always. This applies with more force in the case of a Clerk of Court who is supposed to be the model of all court employees not only with respect to the performance of their assigned tasks, but also in the manner of conducting themselves with propriety and decorum ever mindful that their conduct, official or otherwise, necessarily reflects on the court of which they are a part.⁷

⁴ *Id.* at. 3-6.

⁵ *Id.* at. 9.

⁶ *Reyes v. Reyes*, A.M. No. MTJ-06-1623, 18 September 2009; 616 Phil. 323-364 (2009); 600 SCRA 345.

⁷ *See Amare v. Mendoza-Arce*, A.M. No. P-94-1080, 19 November 1999; 376 Phil. 575-602 (1999); 318 SCRA 465.



Accordingly, in *Office of the Court Administrator vs. Judge Moises M. Pardo and Clerk of Court Jessie Tuldague*,⁸ the Court penalized Atty. Jessie Tuldague, Clerk of Court at the Regional Trial Court of Cabarroguis, Quirino, for gross discourtesy in the course of official duties, in view of his belligerent behavior, and admitted lack of respect for Judge Moises M. Pardo. As this Court held therein:

The Court additionally finds that respondent Tuldague is guilty of **gross discourtesy** in the course of official duties under Rule IV, Section 52 (B) (3) of the Revised Uniform Rules on Administrative Cases in the Civil Service for failure to accord respect for the person and rights of the Judge. The belligerence he showed to the Judge, reflected in his above-quoted letter to the Judge - a case of *res ipsa loquitur* - which was even noted by the OCA, betrays his below-par conduct as a court employee.

In this case, respondent categorically admitted that she failed to accord respect to the highest magistrate of the land. Needless to say, seeing a Chief Justice being disrespected by a Clerk of Court of a trial court harms the image of the Supreme Court, and the Judiciary as a whole. And if respondent has the temerity to do that to the Chief Justice, it is more than likely that she can do it to anyone else.

Respondent's acts constitute the offense of Discourtesy in the Course of Official Duties, a less grave offense punishable by suspension of one (1) month and one (1) day to six (6) months for the first offense and dismissal from the service for the second offense.⁹ The 2017 Revised Rules on Administrative Cases in the Civil Service (RRACCS)¹⁰ allows for the appreciation of mitigating and aggravating circumstances in the imposition of the appropriate penalty, which must, however, be invoked in order to be appreciated. In any event, the disciplining authority may, in the interest of substantial justice, consider the circumstances *motu proprio*.¹¹

In exercising this discretion granted by the RRACCS, this Court, in previous cases, had imposed lesser penalties in the presence of mitigating circumstances. This is consistent with precedent where this Court refrained from imposing the actual administrative penalties prescribed by law or regulation in the presence of mitigating factors. Indeed, while this Court is duty-bound to sternly wield a corrective hand to discipline errant employees and to weed out those who are undesirable, this Court also has the discretion to temper the harshness of its judgment with mercy.¹²

⁸ A.M. No. RTJ-08-2109, 30 April 2008; 576 Phil. 52-64 (2008).

⁹ Section 50 (D) (3), Rule 10, 2017 Revised Rules on Administrative Cases in the Civil Service.

¹⁰ CSC Resolution No. 1701077, 03 July 2017.

¹¹ Section 53, Rule 10, 2017 Revised Rules on Administrative Cases in the Civil Service.

¹² See *Office of the Court Administrator v. Chavez*, A.M. No. RTJ-10-2219, 01 August 2017; 815 Phil. 41-53 (2017); 833 SCRA 518.

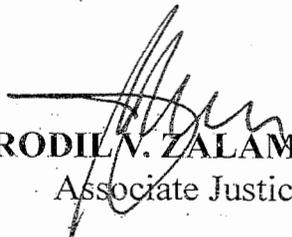
Respondent's service in the government for seventeen (17) years may be taken as a mitigating circumstance.¹³ Notably, however, this is not the first time that respondent has been found guilty of discourtesy. In *Special Investigator Joel C. Otic vs. Atty. Joan M. Dela Cruz*,¹⁴ she was reprimanded for simple discourtesy, a light offense under Section 50 (F) of the RRACCS, with a warning that a repetition of the same or similar offense shall be dealt with more severely. Thus, respondent's prior administrative offense, which is considered as an aggravating circumstance, cancels out the mitigating circumstance of length of service in her favor.

Another mitigating circumstance considered by this Court in previous cases is the acknowledgment by the errant employee of his or her infraction.¹⁵ However, respondent's admission of the offense cannot be considered mitigating as it was prompted only by fear of possible administrative sanctions against her.¹⁶

In effect, the mitigating and aggravating circumstances present in this case equally offset each other. Section 54 of the RRACCS provides that when mitigating and aggravating circumstances present equally offset each other, the penalty imposed must be in its medium period, which in this case, should be a suspension of three (3) months. However, in view of respondent's resignation effective 2 January 2020, this Court imposes a fine equivalent to three (3) months of her salary, in lieu of suspension, computed at the salary rate for her former position at the time of her resignation, which amount shall be deducted from her accrued leave credits or other monetary benefits she may be entitled to.

WHEREFORE, in light of the foregoing, this Court finds Atty. Joan M. Dela Cruz, Clerk of Court V, Branch 64, Regional Trial Court, Makati City, **GUILTY** of gross discourtesy in the course of official duties, and is hereby **FINED**, in lieu of suspension, in the amount equivalent to her Three (3) Months Salary, computed at the salary rate at the time of her resignation, which amount shall be deducted from her accrued leave credits or any other monetary benefits she may be entitled to.

SO ORDERED.


RODIL V. ZALAMEDA
Associate Justice

¹³ Section 53(m), Rule 10, 2017 Revised Rules on Administrative Cases in the Civil Service.

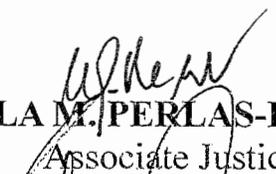
¹⁴ A.M. No. P-17-3706, 05 June 2017.

¹⁵ See *Committee on Security and Safety, Court of Appeals v. Dianco*, A.M. No. CA-15-31-P, 16 June 2015; 760 Phil. 169-206 (2015); 758 SCRA 137.

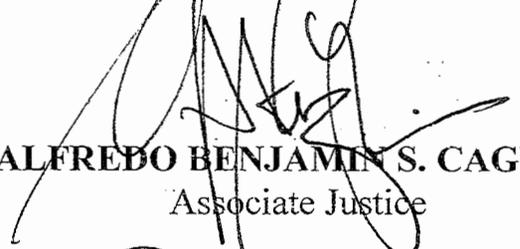
¹⁶ *Id.*

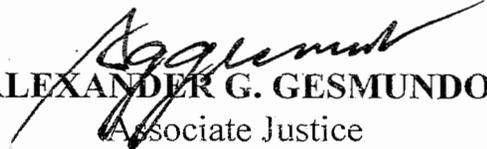
WE CONCUR:

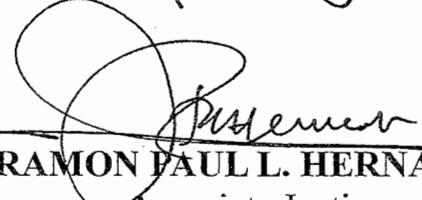
(No part)
DIOSDADO M. PERALTA
Chief Justice


ESTELA M. PERLAS-BERNABE
Associate Justice

(On official leave)
MARVIC MARIO VICTOR F. LEONEN
Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

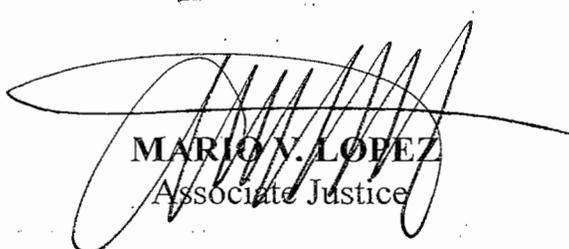

ALEXANDER G. GESMUNDO
Associate Justice


RAMON PAUL L. HERNANDO
Associate Justice


ROSMARI D. CARANDANG
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice

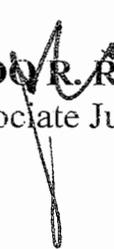

HENRI JEAN PAUL B. INTING
Associate Justice

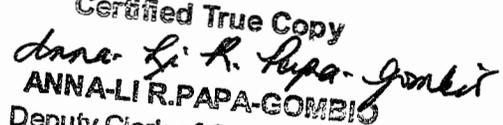

MARIO N. LOPEZ
Associate Justice


EDGARDO L. DELOS SANTOS
Associate Justice


SAMUEL H. GAERLAN
Associate Justice

(On leave)
PRISCILLA J. BALTAZAR-PADILLA
Associate Justice


RICARDO R. ROSARIO
Associate Justice

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