



Republic of the Philippines
Supreme Court
Manila

EN BANC

**RUTH NADIA N. DE LOS
SANTOS,**

Complainant,

A.M. No. P-18-3792

[Formerly OCA IPI No. 16-4579-P]

Present:

SERENO, *C.J.*,
CARPIO,
VELASCO, JR.,
LEONARDO-DE CASTRO,
PERALTA,
BERSAMIN,
DEL CASTILLO,
PERLAS-BERNABE,
LEONEN,
JARDELEZA,
CAGUIOA,*
MARTIRES,
TIJAM,* and
REYES, JR.,
GISMUNDO, *JJ.*

- versus -

**JOSE RENE C. VASQUEZ,
SHERIFF IV, REGIONAL
TRIAL COURT, BRANCH 41
BACOLOD CITY, NEGROS
OCCIDENTAL,**

Respondent.

Promulgated:

February 20, 2018

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DECISION

PER CURIAM:

Before the Court is the Letter-Complaint¹ filed by complainant Ruth Nadia N. De Los Santos (*complainant*) against respondent Jose Rene C. Vasquez (*respondent*), Sheriff IV, Regional Trial Court (*RTC*) of Bacolod City, Negros Occidental, Branch 41, before the Office of the Court

*On official leave.

¹ *Rollo*, p. 1.

Administrator (*OCA*), for inhuman and unruly behavior, dishonesty and threat.

The Complaint

In her Affidavit-Complaint,² complainant alleged that on July 27, 2015 at around 4:00 o'clock in the afternoon, while she was doing her groceries at MJ Store in Barangay Mansilingan, Bacolod City, she met respondent's wife, Beverly Vasquez (*Beverly*), who owed her a sum of money; that while confronting Beverly about her loan, respondent, who was smelling and reeking of liquor, suddenly appeared from behind and hit her left arm and threatened her saying, "*Indi mo paghulaton nga may matabo sa imo kag madug an gid ang kamot ko,*" which meant "Don't wait that something will happen to you and cause my hand to be stained;"³ and that because of fear and respondent's threat, complainant caused the incident to be recorded in the police blotter at Police Station 7, Mansilingan, Bacolod City.

Complainant further averred that prior to the incident, she filed two separate cases against respondent and his wife: (1) Collection of Sum of Money where the Municipal Trial Court in Cities, Branch 6 (*MTCC*) rendered a decision in her favor and issued a writ of execution, which had not been served to respondent and his wife until now; and (2) Estafa which was pending with the Office of the City Prosecutor of Bacolod City. She believed that respondent, being a sheriff, manipulated the serving of the writ of execution.

The Comment of Respondent

In his Comment to the Affidavit-Complaint,⁴ respondent denied hitting complainant and stated that he was not drunk at the time the incident occurred. He asserted that on July 27, 2015, he was in the Mansilingan area serving summons when his wife, Beverly, called and told him that they were out of cooking gas. Because his wife had no money and he was in the area, he told his wife to meet him at MG Store⁵ so he could give her money to buy the cooking gas. As he was entering the store, respondent saw his wife and complainant in a tussle with the latter holding his wife's arm, shaking her and pointing a finger at her face. Respondent hurriedly went to them and asked "*Ano na man? Buy i na ang asawa ko!*" (What is that? Let go of my wife).⁶ He confronted complainant and they had an exchange of words about

² Id. at 2-3.

³ Id. at 2.

⁴ Id. at 33-38.

⁵ Referred to as MJ Store in the Affidavit-Complaint.

⁶ *Rollo*, p. 33.

advised

the manner of her collection and her actuations against his wife. Respondent claimed that complainant provoked him until he lost his patience and angrily told her, "*Indi na paghulata nga mag dug-anay kita*" (don't wait for things to get worse), to which she replied "*Ano gid gusto mo Jun haw?*" (What do you want, Jun?).⁷ Thereafter, he backed off, pulled his wife away, and left the store.

Respondent further denied that he manipulated the service of the writ of execution, which was, in fact, already served upon his wife by the sheriff of RTC - Branch 6. He contended that he was discharged as defendant in the complaint for collection of sum of money because it was only his wife who transacted with complainant. As to the case of estafa, respondent stated that it was not the complainant who filed the complaint but a certain Faith Ombid.

Upon the recommendation⁸ of the OCA, the Court, in its Resolution⁹ dated January 30, 2017, referred the complaint to the Executive Judge of the RTC for investigation, report and recommendation.

The Report and Recommendation of the Investigating Judge

In his Investigation Report,¹⁰ Executive Judge Raymond Joseph G. Javier (*EJ Javier*) found no evidence to sustain the charges of dishonesty and abuse of authority against respondent. He, however, found respondent guilty of conduct unbecoming a court employee and recommended that he be suspended from the service for a period of six (6) months without pay considering that he had been previously found administratively liable for the same offense in A.M. No. P-07-2313,¹¹ entitled *Zelinda G. Nicopior v. Jose Rene C. Vasquez*. EJ Javier opined that respondent's act of slapping the shoulder of complainant and his use of unsavory language failed to meet the exacting standards required of a court employee.

The Court's Ruling

The Court adopts the findings of the Investigating Judge but modifies the recommended penalty.

It must be stressed that employees of the Judiciary should be living examples of uprightness not only in the performance of official duties but also in their personal and private dealings with other people so as to preserve

⁷ Id. at 34.

⁸ Report, dated November 8, 2016, id. at 55-57.

⁹ Id. at 58.

¹⁰ Id. at 157-162.

¹¹ 550 Phil 457 (2007).

the good name and standing of the courts in the community at all times.¹² Indeed, the image of a court of justice is mirrored by the conduct, official or otherwise, of its personnel from the judge to the lowest of its rank and file who are all bound to adhere to the exacting standard of morality and decency in both their professional and private actions.¹³ They are expected to accord respect to the person and the rights of another; and their every act and word should be characterized by prudence, restraint, courtesy and dignity.¹⁴

In the present case, respondent's act of slapping the shoulder of complainant, and his use of improper and intemperate words and his threat against her should not be countenanced. Without a doubt, such acts tarnished not only the image and integrity of the public office but also the public perception of the very image of the Judiciary of which he was a part of.¹⁵ Respondent must be reminded that government service is people-oriented where high-strung behavior and belligerent attitude cannot be allowed.¹⁶

Time and again, this Court has reminded all employees that discourtesy and disrespect have no place in the Judiciary.¹⁷ Boorishness and overbearing behavior can only bring their office to disrepute and erode public respect.¹⁸ As stated, professionalism, respect for the rights of others, good manners and right conduct are expected from all judicial officers and employees at all times as the image of the Judiciary is necessarily mirrored in their actions.¹⁹ Thus, any scandalous behavior or any act that may erode the people's esteem for the Judiciary is unbecoming of an employee, and tantamount to simple misconduct.²⁰

Moreover, the Court takes note of the fact that respondent left the office during office hours without securing the necessary permission from his superiors. Respondent admitted that he was in MG Store on July 27, 2015 at around 3:00 o'clock in the afternoon. His explanation that he was in the area serving summons when he needed to meet his wife supposedly to give her money for their cooking gas, is bereft of merit. During the hearing conducted on May 19, 2017, respondent admitted that he was not armed with a written authority to travel when he allegedly served the summonses

¹² *Mendez, et al. v. Balbuena*, 665 Phil.161, 165-166 (2011); *Fernandez v. Rubillos*, 590 Phil. 303, 314 (2008).

¹³ *Judge Buenaventura v. Mabalot*, 716 Phil. 476, 496 (2013).

¹⁴ *Court Personnel of the Office of the Clerk of Court of the Regional Trial Court- San Carlos City v. Llamas*, 488 Phil. 62, 71 (2004).

¹⁵ *Supra* note 13 at 497.

¹⁶ *Gonzales v. Gatcheco, Jr., et al.*, 503 Phil. 670, 675 (2005).

¹⁷ *Fernandez v. Rubillos*, *supra*, at 314.

¹⁸ *Supra* note 16.

¹⁹ *Supra* note 17.

²⁰ *Mendez v. Balbuena*, 665 Phil. 161, 166 (2011).

Mendez

and court processes, and could not even remember the cases for which these summonses were issued, thus:

QUESTIONS FROM THE COURT TO MR. JOSE RENE VASQUEZ:

COURT:

Q: In your Judicial Affidavit you told me that you were there in the area of Mansilingan, July 27, 2015 more or less, 3:00 to 4:00 in the afternoon, correct?

A: Yes, Your Honor.

Q: Do you know that this day is an Office day?

A: Yes, Your Honor.

Q: You said you are serving summons and processes in answer thirteen (13)?

A: Yes, Your Honor.

Q: Now, what are those summons cases?

A: I forgot the case but I was not able to serve it since the person was not around, Your Honor.

Q: You don't know the case?

A: I forgot, Your Honor.

Q: So, you cannot recall what cases are these?

A: Yes, Your Honor.

Q: Be sure that you cannot recall what cases are these?

A: Yes, Your Honor.

Q: Do you have also authority to travel issued by your Clerk of Court to serve?

A: No, Your Honor.

Q: Why? Meaning you are not being authorized by the Clerk of Court to serve summons and cases?

A: We did not practice that authority from the Clerk of Court since as a Sheriff when I serve subpoena in relation to foreclosure, I usually bring those notices of the same place like example in Mansilingan, Your Honor.

Q: Do you know that it is a rule that whenever you go out from the Office on official business you should be duly authorized with that authority to travel from the Clerk of Court?

A: Yes, Your Honor.

- Q: But what you are trying to tell me is your deviating procedure, establish procedure by the Supreme Court?
- A: We do not practice that, Your Honor. I only asked permission verbally without any written permission, Your Honor.²¹

It bears stressing that judicial officials and employees must devote their official time to government service.²² They must strictly observe the prescribed office hours and the efficient use of every moment thereof for public service if only to recompense the government and ultimately the people who shoulder the cost of maintaining the Judiciary²³ and to inspire public respect for the justice system.²⁴

Under Section 52 (B), Rule IV of the Uniform Rules on Administrative Cases in the Civil Service, simple misconduct is punishable by suspension for one (1) month and one (1) day to six (6) months for the first offense, and dismissal for the second offense.

The Court notes that this is not the first time that respondent has been administratively charged. In A.M. No. P-07-2313, respondent was found guilty of conduct unbecoming of a government employee for deliberately bumping and hitting the left breast of complainant therein. He was suspended for a period of two (2) months and was sternly warned that a repetition of the same or similar act would be dealt with more severely. Despite such warning, respondent repeated the same act. Hence, the ultimate penalty of dismissal should be imposed.

WHEREFORE, the Court finds respondent Jose Rene C. Vasquez, Sheriff IV, Regional Trial Court, Branch 41, Bacolod City, Negros Occidental, **GUILTY** of Conduct Unbecoming of a Court Employee. He is hereby **DISMISSED** from the service effective immediately, with forfeiture of all retirement benefits, except accrued leave credits, with prejudice to his re-employment in any branch or instrumentality in the government, including government-owned and controlled corporations.

SO ORDERED.



²¹ *Rollo*, pp. 154-155.

²² *Office of the Court Administrator v. Mallare, et al.*, 461 Phil. 18, 27 (2003).

²³ *Lopena v. Saloma*, 567 Phil. 217, 225- 226 (2008).


²⁴ *Re: Icamina*, 588 Phil. 443, 450 (2008).



MARIA LOURDES P. A. SERENO
Chief Justice



ANTONIO T. CARPIO
Associate Justice



PRESBITERO J. VELASCO, JR.
Associate Justice




TERESITA J. LEONARDO-DE CASTRO
Associate Justice




DIOSDADO M. PERALTA
Associate Justice



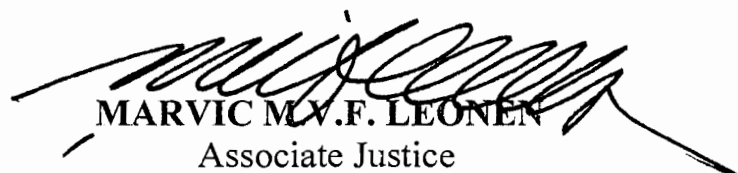
LUCAS P. BERSAMIN
Associate Justice



MARIANO C. DEL CASTILLO
Associate Justice



ESTELA M. PERLAS-BERNABE
Associate Justice



MARVIC M.V.F. LEONEN
Associate Justice



FRANCIS H. JARDELEZA
Associate Justice

(On official leave)
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

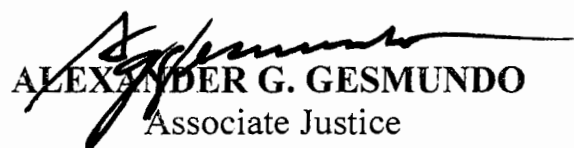


SAMUEL R. MARTIRES
Associate Justice

(On official leave)
NOEL G. TIJAM
Associate Justice



ANDRES B. REYES, JR.
Associate Justice



ALEXANDER G. GESMUNDO
Associate Justice

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ANNA-LI R. PAPA-GOMBIO
Deputy Clerk of Court En Banc
OCC En Banc, Supreme Court

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