



PHILJA E-Alerts

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ELECTRICIAN

• Grave Misconduct

Time and again, this Court has pronounced that court personnel charged with the dispensation of justice, from the presiding judge to the lowliest clerk, bear a heavy responsibility in insuring that their conduct are always beyond reproach. The preservation of the integrity of the judicial process is of paramount importance. All those occupying offices in the judiciary should, at all times, be aware that they are accountable to the people.

In the instant case, records show that respondent electrician failed to live up to these exacting standards. He committed misconduct by: *first*, bringing a firearm inside the Court premises; and *second*, in indiscriminately firing said firearm, thus, damaging Court properties. His actuations show his culpability, and lack of prudence and responsibility, and without regard to human lives, in general. Respondent electrician's reprehensible acts, not only constitute irresponsible and improper conduct, but a grave misconduct as it shows total lack of respect for the Court as his acts compromised the image, integrity and uprightness of the courts of law.

Respondent electrician's behavior is contrary to the ethical conduct demanded by Republic Act No. 6713, otherwise known as *Code of Conduct and Ethical Standards for Public Officials and Employees*.

Section 4(c) of RA No. 6713 (Code of Conduct Standards for Public Officials and Employees) fittingly provides:

(c) *Justness and sincerity.* – **Public officials and employees shall remain true to the people at all times.** They must act with justness and sincerity and shall not discriminate against anyone, especially the poor and the underprivileged. **They shall at all times respect the rights of others, and shall refrain from doing acts contrary to law, good morals, good customs, public policy, public order, public safety and public interest.**

Even if the incident occurred outside of the regular work hours, respondent electrician's behavior still had no excuse. Respondent electrician admitted that he was the on-duty electrician on December 25, 2018 when the firing incident transpired. It must be reminded that our laws on ethical behavior and proper decorum must still be observed even outside office hours. Moreso, as respondent electrician's misconduct was committed while in the performance of his official functions. Clearly, respondent electrician's misconduct was committed with clear intent to violate the law, or flagrant disregard of an established rule.

Misconduct is intentional wrongdoing or deliberate violation of a rule of law or standard of behavior. To constitute an administrative offense, misconduct should relate to or be

connected with the performance of the official functions and duties of a public officer. In grave misconduct, as distinguished from simple misconduct, the elements of corruption, clear intent to violate the law, or flagrant disregard of an established rule must be manifest.

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As a final note, it must be emphasized that those in the Judiciary serve as sentinels of justice, and any act of impropriety on their part immeasurably affects the honor and dignity of the Judiciary and the people's confidence in it. The Institution demands the best possible individuals in the service and it had never, and will never, tolerate nor condone any conduct which would violate the norms of public accountability, and diminish, or even tend to diminish, the faith of the people in the justice system. As such, the Court will not hesitate to rid its ranks of undesirables who undermine its efforts towards an effective and efficient administration of justice, thus tainting its image in the eyes of the public.

The Court found respondent electrician guilty of grave misconduct and was dismissed from the service, with forfeiture of retirement benefits, except earned leave credits, if any, and with prejudice to reinstatement or reemployment in any agency of the government, including government-owned or controlled corporations.

The Court further directed all Security personnel to strictly implement the Security Guidelines issued by the Court to prevent the repetition of the same or similar incident in the future. *[A.M. No. 2019-04-SC, June 2, 2020]*

UTILITY WORKER

- **Gross neglect of duty and habitual absenteeism**

This Court adopts the findings of fact of the Office of the Court Administrator. However, its conclusions require further examination.

According to the Office of the Court Administrator, respondent utility worker was guilty of grave misconduct since his "illicit activities resulted in his apprehension by the police authorities in a buy-bust operation" and that "in entrapment operations [like buy-bust operations,] ways and means are resorted to for the purpose of ensuring and capturing law-breakers in the execution of their criminal plan." Simply put, the Office of the Court Administrator opines that the mere conduct of the buy-bust operation on respondent utility worker constituted substantial evidence to find him guilty of grave misconduct.

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In this case, the only evidence to support the conclusion that respondent utility worker committed grave misconduct is his arrest from the conduct of a buy-bust operation. There is no other information, such as prior surveillance of alleged drug activities or proof of the validity of the conduct of the buy-bust operation that would prove that respondent utility worker is guilty of selling illegal drugs. Thus, he cannot be conclusively found guilty of grave misconduct.

However, it would be remiss of this Court to disregard that respondent utility worker is also charged with gross neglect of duty and habitual absenteeism.

According to Rule 10, Section 46(A)(2) of the Revised Rules on Administrative Cases in the Civil Service, gross neglect of duty is considered a grave offense with the corresponding punishment of dismissal from service.

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Frequent unauthorized absences are also grave offenses punishable by “suspension of 6 months and 1 day to 1 year for the first offense and dismissal from the service for the second offense.”

Here, respondent utility worker was given five consecutive “unsatisfactory” ratings from July 2012 to June 2015, as shown in his Performance Rating Forms. Under the Revised Rules on Administrative Cases in the Civil Service, an employee who is given two consecutive “unsatisfactory” ratings may be dropped from the rolls after due notice. Considering that respondent utility worker received no less than five consecutive “unsatisfactory” ratings from 2012 to 2015, he should have been dropped from the rolls since 2015.

Respondent utility worker was also reported to have stolen a fellow court employee’s salary check in April 2014, although no criminal complaint was filed as he later returned the money taken. Prior to his arrest, he also failed to report to office for the entire month of November 2015, and was absent without leave for 9 days in September 2015 and for 16 days in October 2015.

These undeniably show that respondent utility worker was grossly inefficient and incompetent in the conduct of his tasks, to the detriment of the Municipal Circuit Trial Court of X province. He has also cavalierly failed to report for work for long periods of time, without any valid reasons.

Respondent utility worker, thus, is guilty of gross neglect of duty and frequent unauthorized absences. His dismissal from service is in order.

Respondent utility worker’s wife laments that her husband was deprived of due process when he was rendered unable to refute the charges against him due to his arrest. On the contrary, the deprivation of liberty does not equate to the deprivation of due process. Respondent utility worker is not being held incommunicado. He was free to submit his comment on the charges in any form that could be available to him, whether in a handwritten letter or as assisted by counsel. He could even have requested for as much time as he needed to formulate his comment. He did none of these. He, therefore, chose to forego his opportunity to be heard.

In any case, and as proven by substantial evidence, respondent utility worker is found guilty of gross neglect of duty and habitual absenteeism. “If the respondent is found guilty of two or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge and the rest shall be considered as aggravating circumstances.” This Court, therefore, adopts the Office of the Court Administrator’s recommended penalty of dismissal from service.

Respondent utility worker was found guilty of gross neglect of duty and habitual absenteeism. He was, thus, meted the penalty of dismissal from the service with the accessory penalty of forfeiture of retirement benefits, except for accrued leave credits, with prejudice to reinstatement or reemployment in any agency of government, including government-owned and controlled corporations. ***[A.M. No. 16-01-3-MCTC, June 9, 2020]***