



Republic of the Philippines
Supreme Court
Baguio City

THIRD DIVISION

ANTIOCO BONONO, JR.
and VICTORIA RAVELO-
CAMINGUE,

Complainants,

- versus -

JAIME DELA PEÑA SUNIT,
Sheriff IV, Regional Trial Court,
Branch 29, Surigao City,

Respondent.

A.M. No. P-12-3073

[Formerly A.M. OCA I.P.I. No. 08-2984-P)

Present:

VELASCO, JR., J., *Chairperson*,
PERALTA,
ABAD,
MENDOZA, and
LEONEN, JJ.

Promulgated:

April 3, 2013

X ----- *Macapian* X

DECISION

PERALTA, J.:

The instant administrative case arose from the complaint separately filed by Antioco Bonono, Jr. and Victoria Ravelo-Camingue, charging respondent Jaime dela Peña Sunit, Sheriff IV of the Regional Trial Court (RTC) of Surigao City, with grave abuse of authority and conduct unbecoming an officer of the court.

The antecedents are as follows:

In the evening of August 15, 2008, complainant Camingue, together with complainant Bonono, Jr. and officemates,¹ were having a few drinks at the Blesseil's Eatery located at Pantalan II, Surigao City, Surigao del Norte, while respondent was with a friend at the same place drinking beer. For

¹ Complainants and their officemates are employees of the Provincial Government of Surigao del Norte, *rollo*, p. 3.

unknown reasons, respondent challenged complainant Bonono Jr. to a fight, while complainant Camingue tried to dissuade complainant Bonono Jr. from accepting the challenge. Despite the refusal of complainant Bonono, Jr. to fight, respondent instead kicked complainant Camingue. Thereafter, respondent shouted “*Taga korte ako, Jawa kamo, Sheriff ako*” (*I’m with the Court, you’re evil, I’m a sheriff*) and berated others in the eatery and bragged about his connection with the court while waving his badge. A police officer arrived and tried to calm him down, but respondent did not heed the policeman’s advice. It was only upon the arrival of a team of heavily armed policemen headed by the Chief of Police that respondent was subdued.

As a result of the incident, complainants filed an administrative case against the respondent.

In his 1st Indorsement² dated December 16, 2008, then Court Administrator Jose P. Perez³ referred the complaint to respondent for his comment. Instead of giving his side and controverting the allegations against him, respondent simply moved for the dismissal of the case for failure of the complainants to attach a certification or statement of non-forum shopping.

In a Resolution⁴ dated January 27, 2010, the Court, upon recommendation of the Office of the Court Administrator (OCA), directed the respondent to (1) show cause why he should not be administratively sanctioned for refusing to submit his comment on the complaint despite the OCA’s directive; and (2) submit his comment within ten (10) days from notice, otherwise the case shall be resolved on the basis of the record on file.

In compliance with the above directive, respondent filed his comment and claimed that he neither initiated nor picked a fight with complainant Bonono, Jr., and he was merely having a conversation with a friend at Blesseil’s Eatery on the day the incident occurred and could have unintentionally banged his beer on the table to stress a point during said conversation. Respondent claimed that complainant Bonono, Jr. might have misinterpreted the actuations of respondent, so that complainant Bonono, Jr. stood behind respondent and menacingly shouted: “*Ako ba an imo gibundakan ug baso?*” (*Am I the one to whom you are banging your glass?*). Respondent then told Bonono, Jr. that they should not quarrel, but the latter suddenly kicked him on the leg resulting in a commotion. Insulted and humiliated, respondent retaliated and in the process, could have accidentally kicked complainant Camingue who was trying to pacify them. As he never intended to inflict physical harm on anybody, he apologized to the complainants and their companions.

² Rollo, p. 21.

³ Now a member of this Court.

⁴ Rollo, pp. 39-40.

In a Resolution⁵ dated December 6, 2010, the Court referred the case to the Executive Judge of RTC, Surigao City, for investigation, report and recommendation. During the investigation conducted on May 5, 2011, complainant Bonono Jr. manifested that he is no longer pursuing his complaint against respondent as he had already forgiven him after he sincerely asked for forgiveness. Complainant Camingue, on the other hand, manifested her interest to continue with the prosecution of the respondent.

In his Memorandum,⁶ respondent argued that he could not be held liable for misconduct and grave abuse of authority, because 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. The alleged act of inflicting injury on Camingue was not work-related as he was already off-duty and was just spending the night with a friend at Blesseil's Eatery. Respondent further contended that he could not be faulted for the incident because it was complainant Bonono, Jr. who instigated the fight and that he merely acted in self-defense and if ever complainant Camingue was kicked, the same was unintentional. He admitted having uttered the words: *"I'm with the Court, you're evil and I'm a sheriff,"* but the same was merely done out of anger and to inform everyone present that despite being a sheriff, complainant Bonono, Jr. assaulted him.

On the basis of the memorandum filed, Executive Judge Bayana, in her Compliance Report, recommended the dismissal of the complaint for lack of merit and cause of action.

In a Resolution⁷ dated September 14, 2011, the Court referred the compliance report to the OCA for evaluation, report and recommendation. After evaluating the case, the OCA recommended that respondent be held liable for Conduct Unbecoming a Court Employee, which amounts to simple misconduct and be suspended for one (1) month without pay with a stern warning that a repetition of the same infraction in the future shall be dealt with more severely.⁸

The Court's Ruling

We agree with the findings and recommendations of the OCA, except as to the recommended penalty.

⁵ *Id.* at 71.

⁶ *Id.* at 193-199.

⁷ *Id.* at 234-235.

⁸ Evaluation and recommendation submitted by Court Administrator Jose Midas P. Marquez and Deputy Court Administrator Raul Bautista Villanueva, dated March 2, 2012.

Employees of the judiciary should be very circumspect in how they conduct themselves inside and outside the office.⁹ It matters not that his acts were not work-related. 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 at all times the good name and standing of the courts in the community. Any scandalous behavior or any act that may erode the people's esteem for the judiciary is unbecoming of an employee. Professionalism, respect for the rights of others, good manners and right conduct are expected of all judicial officers and employees.¹⁰ Any transgression or deviation from the established norm of conduct, work related or not, amounts to a misconduct.¹¹

The respondent's asseverations that he did not initiate the fight with the complainants deserve scant consideration. Merlita Catay, the proprietor/owner of Blesseil's Eatery, corroborated the complainants' allegations. In her Affidavit,¹² she alleged that prior to the respondent's assault on Camingue, the respondent, while being drunk, already showed his provocative attitude towards the other customers of her establishment by repeatedly pounding his table with a bottle of beer. It is settled that where there is no evidence to indicate that the prosecution witnesses were actuated by improper motive, the presumption is that they were not so actuated and that their testimonies are entitled to full faith and credit.¹³ In the present case, there is no shred of evidence to indicate that Ms. Catay was impelled by improper motive to falsely testify against the respondent, hence, her statement deserves proper credit.

In the case at bar, the respondent failed to meet the exacting standards required of employees of the judiciary by his provocative attitude towards the complainants by challenging complainant Bonono, Jr. to a fight and assaulting complainant Camingue. The respondent's unruly attitude is further shown by the fact that when a police officer tried to pacify him, he bragged that he is an officer of the court, brandished his badge as a sheriff, and was only pacified and subdued upon the arrival of a team of heavily armed policemen. The behavior of the respondent is tantamount to an arrogant and disrespectful officer of the court which should not be countenanced.

As correctly pointed out by the OCA, however, respondent cannot be held liable for grave abuse of authority. Grave abuse of authority has been defined as a misdemeanor committed by a public officer, who under color of his office, wrongfully inflicts upon any person any bodily harm,

⁹ *Mendez v. Balbuena*, A.M. No. P-11-2931 (Formerly A.M. OCA I.P.I. No. 08-2852-P), June 1, 2011, 650 SCRA 10, 15.

¹⁰ *Id.*

¹¹ *Re: Disciplinary Action Against Antonio Lamano, Jr. of the Judgment Division, Supreme Court*, A.M. No. 99-10-10-SC, November 29, 1999, 319 SCRA 350, 352; 377 Phil. 364, 367 (1999).

¹² *Rollo*, p. 5.


¹³ *Vidar v. People*, G.R. No. 177361, February 1, 2010, 611 SCRA 216, 226.

imprisonment or other injury; it is an act of cruelty, severity, or excessive use of authority.¹⁴ In the present case, the acts complained of against the respondent are not connected to the performance of his duty as a sheriff.


Respondent, therefore, can only be held liable for conduct unbecoming of a court employee which amounts to simple misconduct, a less grave offense. There is a need, however, to correct the penalty recommended by the OCA. Under the Uniform Rules on Administrative Cases in the Civil Service,¹⁵ the penalty for simple misconduct is suspension for one (1) month and one (1) day to six (6) months for the first offense.¹⁶ Hence, the lowest penalty that should be imposed is one (1) month and one (1) day, not one (1) month, as recommended by the OCA.

WHEREFORE, respondent Jaime dela Peña Sunit, Sheriff IV, Regional Trial Court, Branch 29 of Surigao City, is found **GUILTY** of Simple Misconduct and is **SUSPENDED** for a period of One (1) Month and One (1) Day without pay, effective immediately upon his receipt of this Decision. He is **STERNLY WARNED** that a repetition of the same or similar act in the future shall be dealt with more severely.

SO ORDERED.


DIOSDADO M. PERALTA
 Associate Justice

WE CONCUR:


PRESBITERO J. VELASCO, JR.
 Associate Justice
 Chairperson

¹⁴ *Romero v. Villarosa, Jr.* A.M. No. P-11-2913 (Formerly OCA I.P.I. No. 08-2810-P), April 12, 2011, 648 SCRA 32, 42.

¹⁵ CSC Resolution No. 99-1936 dated August 31, 1999.

¹⁶ Sec. 52. *Classification of Offenses.* – Administrative offenses with corresponding penalties are classified into grave, less grave or light, depending on their gravity or depravity and effects on the government service.

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B. The following are less grave offenses with the corresponding penalties:

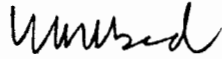
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2. Simple Misconduct

1st Offense – Suspension 1 mo. 1 day to 6 mos.

2nd Offense – Dismissal

x x x x



ROBERTO A. ABAD
Associate Justice



JOSE CATRAL MENDOZA
Associate Justice



MARVIC MARIO VICTOR F. LEONEN
Associate Justice