



Republic of the Philippines
SUPREME COURT
Baguio City

THIRD DIVISION

**L.G. JOHNNNA E. LOZADA and
L.G. LIZA S. MILLADO,**
Complainants,

**A.M. No. P-13-3108
(Formerly OCA I.P.I No. 10-
3465-P)**

- versus -

Present:

MA. THERESA G. ZERRUDO,
Clerk of Court IV, and
SALVACION D. SERMONIA,
Clerk IV, both of the Office of
the Clerk of Court, Municipal
Trial Court in Cities of Iloilo
City,

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

Promulgated:

Respondents.

APR 10 2013

Allorea

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RESOLUTION

VELASCO, JR., J.:

This administrative case arose from a letter dated July 21, 2010 transmitted to the Office of the Court Administrator (OCA) by complainants L.G. Johnna E. Lozada (Lozada) and L.G. Liza S. Millado (Millado).

In their letter, complainants alleged that they were security guards of Eagle Matrix Security Agency, Inc. who were assigned to guard the premises of the CJ Ramon Avanceña Hall of Justice where the Office of the Clerk of Court of the Municipal Trial Court in Cities (OCC-MTCC) of Iloilo City, Iloilo is located. As part of their duties, complainants were directed by Executive Judge Antonio M. Natino to collect every Monday morning, at exactly 8:00 a.m., the record sheets containing the time of arrival of the court employees and submit the same to the OCC-MTCC.

Complainants recounted that on July 19, 2010, at around 8:10 a.m., a lady who claimed to be employed by the OCC-MTCC took the record sheets they had just collected on the pretext that she would be the one to submit them as the OCC-MTCC was then still closed. A few minutes after, however, complainants noticed that the record sheets had been distributed

among employees who were trying to sign the record sheets for coming in late.

At this point, complainants recalled that respondent Salvacion D. Sermonia (Sermonia) angrily approached them and berated them in the vernacular saying, "*Kamo nga duha ha, i-report ko gid kamo kay Judge Natino sang gina pang obra nyo di!!!*" (You two, I will report to Judge Natino what you are doing here!)

When Sermonia left the complainants, respondent Ma. Theresa G. Zerrudo (Zerrudo) supposedly came out of her office, approached the complainants, pointed her finger at Lozada, and yelled, "*Sin-o gina saligan mo di?!! May gina saligan ka? Andaman mo lang ha kay gina bantayan ta ka, gna dumtan ta ka di!!!*" (Who are you depending on?!! Are you relying on someone? You better be ready, I have a grudge against you!!!)

Complainants averred that this happened in full view of other court personnel and visitors. Hence, complainants felt that respondents' actuations were intended to embarrass them as lowly guards of the Hall of Justice.

On September 1, 2010, the OCA sent separate Indorsements to respondents Sermonia and Zerrudo directing them to file their respective comments on the complaint within ten (10) days from receipt of the complaint.

Instead of complying, however, Zerrudo filed a letter dated October 16, 2010 seeking an additional fifteen (15) days from the expiration of the original period to file her comment, alleging that she was scheduled to attend the seminar-convention and election of officers for the Clerks of Court Association of the Philippines and that she needed time to gather the affidavits of the witnesses and other supporting papers for the comment. Similarly, Sermonia moved for an additional thirty (30) days from the expiration of the original period to submit her comment, stating that she first had to secure a counsel and gather evidence to support her comment.

Zerrudo's request for additional time to file her comment was granted by the OCA in a letter dated December 7, 2010 and received by Zerrudo on January 14, 2011. Likewise, Sermonia's motion for an extension of time to file her comment was granted by the OCA in a letter dated March 11, 2011, which was received by Sermonia on April 6, 2011.

Almost a year after, however, neither of the respondents had filed a comment. Hence, in separate trace letters both dated January 26, 2012, the OCA reiterated its prior directive for respondents to submit their comments and warned that should they fail to comply with the directive within five (5)

working days, the matter will be submitted to the Court for resolution without the required comments. Per the registry return receipts, the trace letters were received by respondents on February 28, 2012.

Instead of complying with the latest OCA directive, respondents, yet again, filed separate motions requesting for additional time to file their respective comments. In her motion, Sermonia reasoned that because of the earthquake that affected the Iloilo Hall of Justice Building, she is pre-occupied with the transferring and packing of their things for immediate relocation to a new site. Hence, she needed ten (10) more days to file her comment. The same reason was used by Zerrudo in requesting for additional ten (10) days to file her comment. Further, Zerrudo alleged that she still has to look for the witnesses who could shed light on the allegations hurled by complainants against her.

In a letter dated March 13, 2012, the OCA granted the respondents' separate requests for ten (10) more days to file their respective comments.

Almost ten (10) months after, however, respondents still had not submitted their comments. Hence, in a Recommendation dated January 8, 2013, the OCA declared that the respondents' adamant refusal to file their respective comments, despite the opportunities given to them for a total period of almost two (2) years, amounts to an admission of the charges hurled against them.¹ Furthermore, the OCA found that the same refusal to submit their comments has aggravated the respondents' liability for "humiliat[ing] the complainants/security guards to cover up the irregularities they were committing vis-a-vis the record sheets containing the attendance of the court's employees."² The OCA also considered relevant the fact that respondents Zerrudo and Sermonia are either facing other administrative complaints or have been previously penalized by the Court.³ Hence, it was recommended that respondents Zerrudo and Sermonia be found guilty of the offense charged and accordingly suspended for six (6) months without pay, with a stern warning that a repetition of the same or similar offense shall be dealt with more severely by the Court.

Indeed, as correctly pointed out by the OCA, respondents in the present case, by their inexcusable refusal to submit their comments despite all the opportunities provided them, waived their right to rebut the allegations contained in the letter-complaint filed by Lozada and Millado.⁴ In fact, respondents' cavalier acts of stringing the investigation out by repeatedly filing requests for extension of time to file their comments and

¹ Citing *Mendoza v. Tablizo*, A.M. No. P-08-2553, August 28, 2009, 597 SCRA 381, 386.

² Recommendation, p. 5.

³ "Respondent Zerrudo is also facing administrative charges in A.M. No. P-01-1498 (formerly docketed as OCA IPI No. 99-596-P). On the other hand, respondent Sermonia was reprimanded by the Court on 27 February 2002 in A.M. Nos. P-02-1563 and P-03-1757 and suspended for six (6) months and ordered to pay the complaint therein on 4 August 2009 in A.M. No. P-08-2436." Recommendation, p. 3.

⁴ *Mendoza v. Tablizo*, supra note 1.

still failing to file their comments despite the lapse of almost two years constitute an appalling disrespect of the authority of this Court and its rules and regulations.⁵ This inexcusable failure on the part of respondents, by itself, amounts to an act of impudence, as to be contumacious.⁶

Even granting the implied admission by respondents of the charges contained in the letter-complaint, We cannot assent to the recommended penalty on respondents.

Without a doubt “[t]he conduct required of court personnel must always be beyond reproach and circumscribed with the heavy burden of responsibility [since] [t]he image of a court of justice is necessarily mirrored in the conduct, official or otherwise, of the men and women who work therein, from the judge to the lowest of its personnel.”⁷ This Court had stressed that the conduct of employees of the judiciary, particularly those in the first and second level courts, must be circumscribed by the proper and ethical standards.⁸

The allegations contained in the complaint, however, do not immediately render respondents guilty of some groundless acts of crudeness that warrant the imposition of the maximum penalty imposed by law for less grave offenses.⁹ Instead, it is unclear whether the words uttered by respondents, albeit crudely, were made “to cover up the irregularities they were committing vis-a-vis the record sheets containing the attendance of the court’s employees” or intended to reprimand the complainants for an apparent dereliction of the latter’s duty to collect, keep, and submit the record sheets of the court employees. It is not even stated in the complaint whether respondents were among the “employees trying to sign the record sheets” or had already signed the record sheets prior to 8 o’clock in the morning and before the said sheets were distributed among the employees who came later. This ambiguity brooks the presumption of good faith behind the respondents’ actuations.

Nonetheless, respondents cannot be fully exonerated from liability. While they may have been properly moved to call attention to an apparent irregularity, respondents’ acts of “shouting” while angrily pointing their fingers at the complainants in front and in the presence of so many court personnel and visitors, thus causing complainants shame and

⁵ *Soria v. Villegas*, A.M. No. RTJ-03-1812, November 18, 2004, 443 SCRA 13, 20; citing *Imbang v. del Rosario*, A.M. No. 03-1515-MTJ, February 3, 2004, 421 SCRA 523.

⁶ *Office of the Court Administrator v. Kasilag*, A.M. No. P-08-2573, June 19, 2012, 673 SCRA 583, 590.

⁷ *Junto v. Bravio-Fabio*, A.M. No. P-04-1817, December 19, 2007, 541 SCRA 1, 9.

⁸ *De Vera, Jr. v. Rimando*, A.M. No. P-03-1672, June 8, 2007, 524 SCRA 25, 31.

⁹ CSC Resolution No. 1101502, November 18, 2011, Revised Rules on Administrative Cases in the Civil Service, Rule 10, Sec. 46 (D). The following less grave offenses are punishable by suspension of one (1) month and one (1) day suspension to six (6) months for the first offense; and dismissal from the service for the second offense:

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embarrassment, cannot be allowed or tolerated. This Court has consistently directed the employees of the judiciary to exercise self-restraint and civility at all times.¹⁰ Hence, court employees cannot engage in a shouting match, act with vulgarity or behave in such a way that would diminish the sanctity and dignity of the courts,¹¹ even when confronted with rudeness and insolence.¹² Respondents' breach of this mandate not only showed a paucity of professionalism but also unjustifiably embarrassed complainants. Hence, regardless of respondents' motivations, their transgression of the bounds of decency warrants the imposition of a penalty as provided by law.

WHEREFORE, respondents Ma. Theresa G. Zerrudo, Clerk of Court IV, and Salvacion D. Sermonia, Clerk IV, both of the Office of the Clerk of Court, Municipal Trial Court in Cities, Iloilo City, Iloilo, are found guilty of discourtesy and are hereby **REPRIMANDED** with a **WARNING** that a repetition of the same or similar acts shall be dealt with more severely.

SO ORDERED.

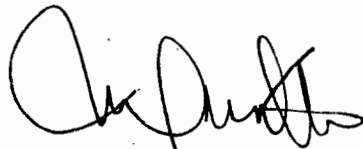
PRESBITERO J. VELASCO, JR.
Associate Justice

¹⁰ *De Vera, Jr. v. Rimando*, supra note 8, at 32.

¹¹ *Id.*

¹² *In Re: Ms. Edna S. Cesar, RTC, Branch 171, Valenzuela City*, A.M. No. 00-11-526-RTC, September 16, 2002, 388 SCRA 703, 707-708.

WE CONCUR:



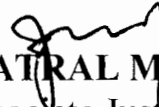
DIOSDADO M. PERALTA

Associate Justice



ROBERTO A. ABAD

Associate Justice



JOSE CATRAL MENDOZA

Associate Justice



MARVIC MARIO VICTOR F. LEONEN

Associate Justice

