



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

**FERDINAND E. TAURO, Court  
Interpreter, Regional Trial Court,  
Branch 122, Caloocan City,**  
Complainant,

**A.M. No. P-17-3731  
(Formerly OCA IPI No. 12-3871-P)**

Present:

- versus -

**CARPIO, J., Chairperson,  
PERALTA,  
PERLAS-BERNABE,\*  
CAGUIOA, and  
REYES, JR., JJ.**

**RACQUEL O. ARCE, Clerk III,  
Regional Trial Court, Branch 122,  
Caloocan City,**  
Respondent.

Promulgated:

**08 NOV 2017**

x ----- *M. Cabalag Perfecto* ----- x

**RESOLUTION**

**CAGUIOA, J.:**

For resolution is the Complaint Affidavit<sup>1</sup> dated May 8, 2012 filed by complainant Ferdinand E. Tauro (complainant), Court Interpreter, Regional Trial Court (RTC), Branch 122, Caloocan City, charging respondent Racquel O. Arce (respondent), Clerk III of the same court, with serious misconduct.

Complainant narrated that on May 3, 2012, he was heckled by respondent who was at that time looking for missing court records which were supposedly under respondent's custody.<sup>2</sup> Respondent allegedly shouted at complainant, "*Ikaw ang kumuha, ikaw ang gumalaw ng mga records, sinungaling, sinungaling ka! Dapat sa iyo mag-resign.*"<sup>3</sup> Complainant kept his cool but respondent continued berating him for the missing records.<sup>4</sup>

Despite the intervention of other court personnel, respondent allegedly continued to throw slanderous and threatening remarks against complainant.<sup>5</sup>

\* On official leave.  
1 Rollo, pp. 1-3.  
2 Id. at 1.  
3 Id. at 1-2.  
4 Id. at 2.  
5 Id.

When complainant denied the accusations, respondent became furious and, seemingly determined to kill complainant, attacked him with a kitchen knife.<sup>6</sup> However, the attack was timely prevented by their fellow court employees.<sup>7</sup>

In her defense, respondent recounted that on May 3, 2012, while she was busy releasing orders and other court processes, she noticed that two (2) important case folders, which bore a directive from their judge to issue subpoenas for cases scheduled for hearing the following week, were missing from her table.<sup>8</sup> Respondent was convinced that it was complainant who had taken the case folders without permission, for complainant had the habit of taking case folders in order to update the court calendar.<sup>9</sup> Respondent asked complainant about the missing records, but complainant was evasive and kept deflecting every question respondent posed.<sup>10</sup> Thereafter, an argument ensued between complainant and respondent, causing respondent to say out of anger, "*pag hindi [ka pa] tumigil sa kadadal ng wala namang kinalaman sa tanong ko sa 'yo, sasaksakin na kita.*"<sup>11</sup>

As to the alleged threat to kill complainant, respondent denied aiming the knife at complainant, and explained that she was merely overwhelmed with anger because complainant was dishonest and kept evading her questions.<sup>12</sup> Respondent also faulted complainant for his inefficiency in performing his functions as court interpreter.<sup>13</sup>

In reply, complainant stressed that respondent's allegations about his performance as a court interpreter are immaterial to the subject administrative complaint.<sup>14</sup> Complainant added that even assuming he got the records from respondent's table, he need not ask permission from respondent since he needed the records to update the court calendar, and respondent clerk occupies a rank lower than him.<sup>15</sup> Complainant emphasized that respondent's slanderous remarks were meant to dishonor, discredit, and besmirch his reputation.<sup>16</sup> Complainant also accused respondent of having motive to oust him because the latter was interested in the position he occupied.<sup>17</sup> Lastly, complainant asserted that the actions of respondent clearly showed her intent to harm him, giving rise to grave threat and/or serious misconduct.<sup>18</sup>

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<sup>6</sup> Id.

<sup>7</sup> Id.

<sup>8</sup> Id. at 29.

<sup>9</sup> Id. at 29-30.

<sup>10</sup> Id. at 30.

<sup>11</sup> Id.

<sup>12</sup> Id. at 33.

<sup>13</sup> See id. at 33-35.

<sup>14</sup> Id. at 171.

<sup>15</sup> Id.

<sup>16</sup> Id.

<sup>17</sup> Id. at 172.

<sup>18</sup> See id.

In a Report<sup>19</sup> dated May 18, 2017, the OCA recommended the following: (1) the instant administrative complaint against respondent be re-docketed as a regular administrative matter; (2) the Comment of respondent be treated as a separate administrative complaint against complainant; and (3) complainant and respondent be both found guilty of conduct unbecoming of court employees and fined in the amount of ₱5,000.00 each, with a stern warning that repetition of the same or similar infraction would be dealt with more severely.<sup>20</sup>

After considering the allegations in the administrative complaint and respondent's explanation, and resolving the issue of whether the conduct of both complainant and respondent warrant the imposition of administrative sanctions, the OCA found as follows:

In *Dela Cruz v. Zapico, et al.*, the Court explained that "(t)he image of a court of justice is necessarily mirrored in the conduct, official or otherwise, of the men and women therein, from the judge to the least and lowest of its personnel; hence, it becomes the imperative and sacred duty of each and everyone in the court to maintain its good name and standing as a true temple of justice. The conduct of court personnel must be, and also perceived to be, free from any whiff of impropriety, with respect not only to their duties in the judiciary but also in their behavior outside the court. Their behavior and actuations must be characterized by propriety and decorum and should at all times embody prudence, restraint, courtesy and dignity. Simply put, they must always conduct themselves in a manner worthy of the public's respect for the judiciary."

Based on the complaint, comment and reply, the allegations and counter-allegations of the parties were out of hand and very personal, if not downright childish. Their behavior and conduct have no place in government service. What they have exhibited is indicative of utter lack of concern not only for each other as officemates, but more so for the court as well. It is highly reprehensible for any court personnel to engage in a personal confrontation, particularly during office hours where professionalism, order and discipline among the ranks are expected.

Even though complainant failed to substantiate his allegation that respondent Clerk is guilty of serious misconduct, we find that her actuations in this case are not above reproach. In her comment, she admits that indeed she was involved in an oral altercation with complainant and that there was some truth to the kitchen knife incident. Although holding a knife barely proves anything, it does prove however that when she loses control of her emotions, she has a tendency to resort to something more than just a mere confrontation. She even stated in her own comment that she was so angry at complainant, hence the kitchen knife in her hand, although there was no intention or outward indication that she intended to do him harm in any way. Then, there were the uncalled for statements of both parties. These utterances contributed to, if not precipitated, the tension between complainant Court Interpreter and respondent Clerk. This Office likewise notes with disfavor the fact that the parties showed

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<sup>19</sup> Id. at 192-195.

<sup>20</sup> Id. at 195.

disrespect to the court especially when they did not even bother to prevent the incident from deteriorating.

It is unacceptable for court employees to allow themselves to be swayed by their emotions and engage in a fight, physical or otherwise, especially in front of their co-employees during office hours. This behavior can be classified as conduct unbecoming a court employee categorized as a less grave offense under Section 52 (B) (2) of the [Uniform Rules on Administrative Cases in the Civil Service] which merits suspension for one (1) month and one (1) day to six (6) months for the first offense.

Considering that there are some extenuating circumstances accompanying the established set of facts, Section 48 of [the Revised Rules on Administrative Cases in the Civil Service (RRACCS)] grants the disciplining authority the discretion to appreciate/consider these circumstances in the imposition of the proper penalty. These are, among others, admission of guilt, remorse, length of service, and family of the personnel dependent on them for subsistence. Taking into consideration the fact that this is their first administrative case, a commensurate and reasonable amount of fine for each of them is appropriate under the circumstances.<sup>21</sup> (Citations omitted)

The Court agrees with and accordingly adopts the findings and recommendation of the OCA.

Employees of the judiciary should be very circumspect in the way they conduct themselves both inside and outside the office.<sup>22</sup> Any scandalous behavior or any act that may erode the people's esteem for the judiciary is unbecoming of an employee.<sup>23</sup> Professionalism, respect for the rights of others, good manners and right conduct are expected of all judicial officers and employees.<sup>24</sup> Any transgression or deviation from established norm of conduct, work related or not, amounts to a misconduct.<sup>25</sup>

The Court will not countenance and finds reprehensible the altercation that ensued between complainant and respondent, more so since it happened within the premises of the court.<sup>26</sup> In *Ginete v. Caballero*,<sup>27</sup> where a verbal argument occurred between therein respondent Clerk of Court and respondent Process Server, the Court deemed it proper to fine both transgressors ₱1,000.00 each, and held, thus:

Fighting between court employees during office hours is a disgraceful behavior reflecting adversely on the good image of the judiciary. It displays a cavalier attitude towards the seriousness and dignity with which

<sup>21</sup> Id. at 194-195.

<sup>22</sup> *Bonono, Jr. v. Sunit*, 708 Phil. 1, 6 (2013), citing *Mendez v. Balbuena*, 665 Phil. 161, 165 (2011).

<sup>23</sup> Id.

<sup>24</sup> Id.

<sup>25</sup> Id., citing *Re: Disciplinary Action Against Antonio Lamano, Jr., of the Judgment Division, Supreme Court*, 377 Phil. 364, 367 (1999).

<sup>26</sup> See *Ginete v. Caballero*, 578 Phil. 197, 205 (2008).

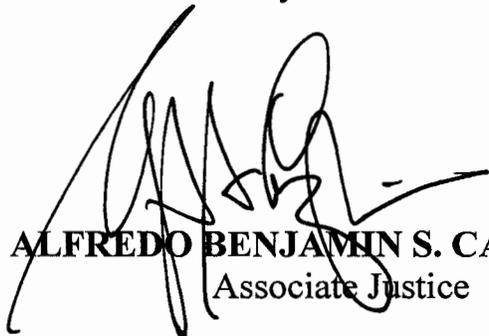
<sup>27</sup> Id.

court business should be treated. Shouting at one another in the workplace and during office hours is arrant discourtesy and disrespect not only towards co-workers, but to the court as well.<sup>28</sup>

Noting our ruling in *Ginete*, the Court finds the penalty recommended by the OCA to be proper. Thus, complainant and respondent shall both be fined in the amount of ₱5,000.00 each, with a stern warning that a repetition of the same or similar infraction would be dealt with more severely.

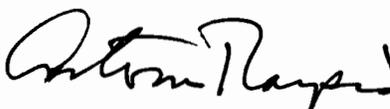
**WHEREFORE**, the Court finds complainant Ferdinand E. Tauro and respondent Racquel O. Arce both **GUILTY** of conduct unbecoming a court employee and imposes on both a **FINE** in the amount of Five Thousand Pesos (₱5,000.00) each, with a stern warning that a repetition of the same or similar infraction would be dealt with more severely.

**SO ORDERED.**

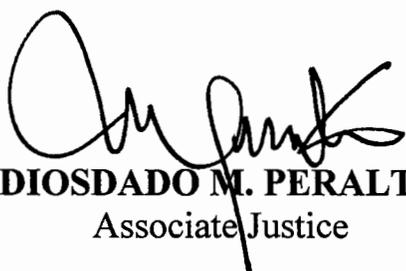


**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

WE CONCUR:



**ANTONIO T. CARPIO**  
Associate Justice  
Chairperson



**DIOSDADO M. PERALTA**  
Associate Justice

(On official leave)  
**ESTELA M. PERLAS-BERNABE**  
Associate Justice



**ANDRES B. REYES, JR.**  
Associate Justice

<sup>28</sup> Id. at 205, citing *Aquino v. Israel*, 470 Phil. 41, 43 (2004).