



Republic of the Philippines
Supreme Court
 Manila

SUPREME COURT OF THE PHILIPPINES
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EN BANC

HON. STELA MARIE Q. GANDIA-ASUNCION,
PRESIDING JUDGE,
RODELIO A. PEDROCHE,
OFFICER-IN-CHARGE -
CLERK OF COURT, GENELYN C. GRAGASIN,
COURT STENOGRAPHER I,
MARANATHA GRACEL A. LARDIZABAL,*
COURT STENOGRAPHER I, VON A. VILLANUEVA,
COURT CLERK II, DIOSO S. TOMAS,
PROCESS SERVER, AND MEYNARD L. MILLADO,
COURT AIDE I, MUNICIPAL CIRCUIT TRIAL COURT, STA. IGNACIA, TARLAC,
 Complainants,

A.M. No. P-22-042
 (Formerly OCA IPI No. 17-4767-P)

Members:

GESMUNDO, C.J.,
LEONEN,
CAGUIOA,**
HERNANDO,
LAZARO-JAVIER,
INTING,***
ZALAMEDA,
LOPEZ, M.,
GAERLAN,
ROSARIO,
LOPEZ, J.,
DIMAAMPAO,
MARQUEZ,****
KHO, JR., and
SINGH, JJ.

-versus-

LORNA M. MARTIN, Court Stenographer I, Municipal Circuit Trial Court, Sta. Ignacia, Tarlac,
 Respondent.

Promulgated:

June 28, 2022

X-----X

* Also referred to as Maranatha Gacel Lardizabal in some parts of the rollo.
 ** On official leave.
 *** On leave.
 **** No part.

DECISION

Per Curiam:

The Case

In their Affidavit-Complaint¹ dated December 4, 2017, Presiding Judge Stela Marie Q. Gandia-Asuncion, Officer-in-Charge Clerk of Court Rodelio A. Pedroche, Court Stenographer I Genelyn C. Gragasin, Court Stenographer I Maranatha Gracel A. Lardizabal, Court Clerk II Von A. Villanueva, Process Server Dioso S. Tomas, and Court Aide I Meynard L. Millado, all of the Municipal Circuit Trial Court (MCTC), Sta. Ignacia, Tarlac (complainants), charged respondent Lorna M. Martin, Court Stenographer I of the same court, with Gross Misconduct, Gross Insubordination, Gross Discourtesy, and Violation of Reasonable Office Rules and Regulations before the Office of the Court Administrator (OCA).²

Antecedents

In the main, complainants alleged that respondent repeatedly committed misconduct and exhibited disrespectful and arrogant behavior in the performance of her duties as court stenographer.³

They narrated that the latest incident took place on November 24, 2017. On that day, around 10:20 in the morning, respondent suddenly barged into the chambers of Presiding Judge Stela Marie Q. Gandia-Asuncion (Gandia-Asuncion), screaming “*Sika nga Judge loklokwen nak, Apay tuwing agpa-correct ak kanyam ti order ket suksukatam, Loko-loko ka, Demonyo, Satanas ka nga talaga nga Judge (You Judge is [sic] fooling me, Why is it that every time I submit my draft orders to you, You make them corrected [sic], You are fooling demon, You really are Satan).*” Respondent then slammed the papers she was holding on Judge Gandia-Asuncion’s table and hurriedly left.⁴

Just a few minutes after she left, she again spat out invectives while holding some of her draft orders. Then, she angrily marched back into Judge Gandia-Asuncion’s chambers. Officer-in-Charge Clerk of Court Rodelio A. Pedroche (Pedroche) immediately followed her. But it was too late; respondent had already pushed the door and fired anew unsavory words at Judge Gandia-Asuncion. When Pedroche admonished her, she picked up a stapler and attempted to strike him, blurting “*Madi ka*

¹ *Rollo*, pp. 3–6.

² *Id.* at 3.

³ *Id.*

⁴ *Id.*

*makibalbali ditoy, punyeta ka (Do not interfere here, punyeta ka)."*⁵ Pedroche tried to restrain her, but she raised both her hands and as if she was out of her mind, screamed⁶ "*Ay madi ka makibalbale ittoy punyeta ka, Satanas ka met, Matay ka kuma ittatan pati familiam. Mabuong kuma ta ulom, matukkol ta sakam, Mabulagan ka pay kuma, Ikarkararag ko nga kinanayon (I am cursing you right now in the name of Jesus Christ, I am cursing you in the name of Jesus and God Almighty, Do not interfere here, You are punyeta, you are also a Satan, I wish you and your family will die right now, I wish your head will blow, your feet will break and you will get blind. I will always pray for that, God will punish you, and I am cursing you right now in the name of Jesus Christ, I am cursing you in the name of Jesus and God Almighty).*"⁷

Later that day, Judge Gandia-Asuncion instructed Pedroche to collect respondent's stenographic notes and tape recorder cartridge for the November 21, 2017 hearing. But respondent refused. Instead, she laughed while blurting "*Ay copyak agitoy, saan yu nga kukwa, Madi ko ited kanyayo, Uray man nu ipulong yu ijay Supreme Court, Madi ak mabuteng, nu kayat mo ikkan ka pay iti pagplitim nga mapan dijay (Those are my copies and it is not yours! I won't give it to you, even you [sic] will report this matter to the Supreme Court, I am not afraid, I will even give you transportation fair [sic] to go there if you like).*"⁸

Respondent's habitual intimidating behavior had caused them terrible anxiety, great fear, and severe disturbance in the workplace.⁹ She also brought embarrassment to the court since the people around them could hear her repulsive words whenever she berated Judge Gandia-Asuncion and Pedroche.¹⁰

They, too, have been suffering from stress and phobia knowing that the same incidents will surely happen over and over again. Respondent acted in the same way whenever Judge Gandia-Asuncion would correct her notes. Respondent's stenographic notes, however, were always incomplete, if not, inaccurate. During hearings, she herself could not even decipher her own notes whenever lawyers would ask her to repeat some of their questions.

Respondent's recalcitrant attitude, arrogance, and rudeness had already escalated and had even gotten worse.¹¹ From 2014 to 2017, she received six (6) Memoranda from Judge Gandia-Asuncion, directing her to

⁵ Id. at 52-53.

⁶ Id. at 4.

⁷ Id.

⁸ Id.

⁹ Id.

¹⁰ Id.

¹¹ Id. at 5.

explain in writing why she should not be administratively penalized for her infractions, *viz.*:¹²

1. May 8, 2014 Memorandum¹³ – for her refusal to follow the lawful order of Judge Gandia-Asuncion and Pedroche to enter her chambers to discuss her (respondent's) improper entries in the Court's Attendance Record dated May 6, 2014;

2. August 27, 2015 Memorandum¹⁴ – for her failure to turn over copies of the notes and draft orders issued in open court on August 26, 2015 despite Pedroche's order;

3. November 26, 2015 Memorandum¹⁵ – for her arrogant and offensive words against Court Clerk II Von A. Villanueva regarding the hearing dates and for questioning with arrogance and disrespect the manner by which Judge Gandia-Asuncion's dictates her orders in open court;

4. April 28, 2016 Memorandum¹⁶ – for displaying discourteous, arrogant, and offensive behavior toward Judge Gandia-Asuncion and her fellow court employees on April 27, 2016;

5. September 7, 2016 Memorandum;¹⁷ and

6. April 5, 2017 Memorandum¹⁸ – for her disrespectful and offensive behavior toward Pedroche when the latter asked her to perform her duty as the assigned stenographer of the day.

Respondent, however, refused to receive any of these memoranda.¹⁹ The returns submitted by Process Server Dioso S. Tomas (Tomas) showed respondent's obstinate refusal to comply with the orders of Judge Gandia-Asuncion, *viz.*:

1. Return of Service²⁰ dated May 12, 2014 - When the process server tried to serve the Memorandum dated May 8, 2014 on respondent, she blurted "***Why should I receive that? I would just make myself tired in answering that.***";

2. Return of Service²¹ dated September 2, 2015 - Respondent refused to receive the Memorandum dated August 27, 2015;

¹² Annexes "1" to "6" of the Affidavit-Complaint, *id.* at 14, 17, 19–20, 22, 25, and 28.

¹³ *Id.* at 14.

¹⁴ *Id.* at 17.

¹⁵ *Id.* at 19–20.

¹⁶ *Id.* at 22.

¹⁷ *Id.* at 25, copy of the Memorandum dated September 7, 2016 attached to the records was not clear.

¹⁸ *Id.* at 28.

¹⁹ *Id.* at 5.

²⁰ *Id.* at 15.

²¹ *Id.* at 16.

3. Return of Service²² dated December 1, 2015 - Respondent refused to receive the Memorandum dated November 26, 2015;

4. Return of Service²³ dated May 3, 2016 - Respondent crumpled, tore apart, then scattered on the court floor the Memorandum dated April 28, 2016 while shouting in the vernacular. **She then forced the process server to give her the receiving copy so she can also tear it apart and then feed it to Judge Gandia-Asuncion;**

5. Return of Service²⁴ dated September 8, 2016 - Respondent refused to receive the Memorandum dated September 7, 2016 despite several attempts; and

6. Return of Service²⁵ dated April 5, 2017 - Upon receipt of the Memorandum dated April 5, 2017, **respondent angrily tore it while babbling offensive and defamatory words against Judge Gandia-Asuncion.**

Respondent's repetitive appalling acts as heretofore shown constituted gross misconduct, gross insubordination, gross discourtesy. She defied not only the court but the basic norms which a government employee must at all times uphold.²⁶

In her **Answer**,²⁷ respondent denied the charges. She argued they were merely fabricated, hence, she was deeply hurt;²⁸ she is "*not abnormal not to get angry.*"²⁹

She "*will never appreciate a judge like Judge Gandia-Asuncion.*"³⁰ She lost her respect for Judge Gandia-Asuncion when the latter asked her to perform tasks in addition to her regular work assignments.³¹ She also faulted Judge Gandia-Asuncion for not repeating her orders in open court which orders she (respondent) seldom understood.³²

Pedroche, on the other hand, is a "*liar*" and "*is no good.*"³³ His accusations regarding her alleged untoward behavior and refusal to perform

²² Id. at 21.
²³ Id. at 24.
²⁴ Id. at 27.
²⁵ Id. at 29.
²⁶ Id. at 5.
²⁷ Id. at 42-45.
²⁸ Id. at 44.
²⁹ Id.
³⁰ Id. at 43.
³¹ Id. at 54.
³² Id. at 43.
³³ Id. at 44.

her tasks as court stenographer were untrue. She admitted, though, that once, she refused to hand over her stenographic notes to Pedroche. But since Pedroche kept on disturbing her, she rolled up the notes, struck them in his nape, blurting, “*If you get this what will I copy! Am I a magician to finish a transcript/TSN with nothing to copy! [sic].*”³⁴

As for the memoranda, there were only three (3) of them actually and she refused to receive all of them because they were issued without any justifiable reason.³⁵

Report and Recommendation of the Office of the Court Administrator (OCA)

Under its Report³⁶ dated June 3, 2020, the OCA recommended that respondent be found guilty of gross insubordination and discourtesy in the performance of her official duties; and consequently, be suspended for a period of one (1) year, without pay.

First off, the OCA noted that instead of squarely answering the charges against her, respondent dodged them with *incoherent* and *off-tangent replies*.³⁷ Thus, her refusal to categorically answer the allegations against her was deemed to be an admission of guilt.³⁸

Next, the OCA opined that the manner by which respondent confronted complainants with acerbic words and even threats of bodily harm should not be countenanced.³⁹ Her conduct showed discourtesy not only toward the public but toward the court as well. Respondent, too, unjustifiably refused to receive the six (6) memoranda issued by the court directing her to explain in writing her repeated boorish behavior.

Proceedings before the Court

By Resolution⁴⁰ dated December 7, 2021, the Court issued a temporary protection order (TPO) against respondent and ordered her preventive suspension pending resolution of this case. The Court also directed her to undergo psychological counselling, *viz.*:

WHEREFORE, the Court resolves to:

³⁴ Id.
³⁵ Id. at 43.
³⁶ Id. at 52–58.
³⁷ Id. at 55.
³⁸ Id.
³⁹ Id.
⁴⁰ Id. at 65–68.

1. **RE-DOCKET** the present administrative matter against respondent Lorna M. Martin, Court Stenographer I, Municipal Circuit Trial Court, Sta. Ignacia, Tarlac as a regular administrative case;
2. **PREVENTIVELY SUSPEND** Court Stenographer I Lorna M. Martin for **ninety (90) days**;
3. Issue a **TEMPORARY PROTECTION ORDER** against Court Stenographer I Lorna M. Martin for **ninety (90) days**; and
4. **REQUIRE** Court Stenographer I Lorna M. Martin to **UNDERGO** psychological assessment and counselling during the period of her preventive suspension.

The Office of the Court Administrator is **DIRECTED** to: (1) assist respondent in securing a consultation and psychological counselling from the Court's Medical Services within ten (10) days from notice, and (2) submit to the Court the results of respondent's psychological assessment and counselling within fifteen (15) days from completion.

This Resolution takes effect **IMMEDIATELY**. Let copy of this Resolution be furnished the Office of the Court Administrator, the Supreme Court Medical Services, and the Executive Judge having supervision over the Municipal Circuit Trial Court, Sta. Ignacia, Tarlac.

Respondent Court Stenographer I Lorna M. Martin is required to submit to the Office of the Court Administrator the exact date when she shall have received this Resolution within (5) days from notice. x x x

Under its Memorandum dated May 31, 2022, the OCA informed the Court that although respondent agreed to undergo psychological and psychiatric assessment via videoconference scheduled on May 6, 2022, she failed to attend the same. She also failed to respond to the subsequent calls and messages from the psychologist of the Court.

Our Ruling

Gross misconduct constituting violation of the Code of Conduct for Court Personnel (CCCP) in lieu of Discourtesy in the Course of Official Duties under the Civil Service Commission Revised Rules on Administrative Cases in the Civil Service (CSC RRACCS)

First off, early this year, the Court promulgated the *Further Amendments to Rule 140 of the Rules of Court (Amended Rule 1400)*. The Court envisioned the Amended Rule 140 as "a disciplinary framework for the entire Judiciary that is wholly independent from the Civil Service Rules." In its annotations, it was mentioned that "any reference to the [CSC]

rules should already be deleted in order to signal that the Supreme Court is already moving away from the reference to CSC rules in light of the establishment of a framework of discipline for the judiciary through this amended Rule 140.” Section 24 of the Amended Rule 140 explicitly states that the amendment applies to all *pending* administrative cases involving employees and personnel of the Judiciary.

Consequently, the Court will exclusively apply here the provision of the Amended Rule 140, specifically the relevant canons therein for the purpose of determining respondent’s liability for all her assailed actions and behavior.

As borne out by the records, it has become respondent’s habit to badmouth and confront Judge Gandia-Asuncion whenever the latter would correct her drafts.⁴¹ Respondent’s co-workers, too, were not spared from her rude manners and quarrelsome behavior.

First. By Memorandum⁴² dated November 26, 2015, OIC Clerk of Court Pedroche required respondent to explain in writing within three (3) days from notice her: (a) impolite and offensive utterances against Court Clerk II Von A. Villanueva in connection with the setting of hearing dates and; (b) her disrespectful attitude toward Judge Gandia-Asuncion when she (respondent) questioned the manner by which the judge dictated her orders in open court.

Second. In yet another Memorandum⁴³ dated April 28, 2016, Judge Gandia-Asuncion herself required respondent to explain within three (3) days from notice her arrogant and discourteous attitude not only towards her but also towards respondent’s fellow court employees. In the same Memorandum, Judge Gandia-Asuncion reminded respondent that her habitual offensive behavior was already affecting the honor and dignity of the judiciary.

Third. In her Memorandum⁴⁴ dated April 5, 2017, Judge Gandia-Asuncion required respondent to explain in writing her disrespectful behavior toward Pedroche when he (Pedroche) asked her to perform her duty as the assigned stenographer of the day.

Fourth. On November 24, 2017, within the court premises and during office hours, respondent suddenly barged into the chambers of Judge Gandia-Asuncion and spewed invectives at the latter.⁴⁵ Respondent was

⁴¹ Id. at 3.

⁴² Id. at 19-20.

⁴³ Id. at 22.

⁴⁴ Id. at 28.

⁴⁵ Id. at 3-4.

fuming mad and appeared murderous when she saw the corrections made by Judge Gandia-Asuncion on her draft order: She consequently spat out a slew of offensive remarks at Judge Gandia-Asuncion, viz.: “*Sika nga Judge loklokwen nak, Apay tuwing agpa-correct ak kanyam ti order ket suksukatam, Loko-loko ka, Demonyo, Satanas ka nga talaga nga Judge (You Judge [are] fooling me, Why is it that every time I submit my draft orders to you, You make them corrected [sic], You are fooling [sic] demon, You really are Satan).*” Respondent then slammed the bunch of papers she was holding on Judge Gandia-Asuncion’s table, and then hurriedly left.⁴⁶

Fifth. Later that day, respondent angrily marched back into the chambers of Judge Gandia-Asuncion and spewed another round of invectives at the latter. Pedroche reacted and immediately called out respondent. Respondent, however, was quick to pick up a stapler and attempted to strike Pedroche with it, while cursing “*Madi ka makibalbale ditoy, punyeta ka (Do not interfere here, punyeta ka).*” When Pedroche tried to restrain her, she screamed at him, and as if possessed by some evil spirit, she raised both her hands and chanted a curse at Pedroche calling him a “Satan” and wishing that he and his family die right at that moment, to wit: “*Ay madi ka makibalbale ittoy punyeta ka, Satanas ka met, Matay ka kuma ittatan pati familiam. Mabuong kuma ta ulom, matukkol ta sakam, Mabulagan ka pay kuma, Ikarkararag ko nga kinanayon, I am cursing you right now in the name of Jesus Christ, I am cursing you in the name of Jesus, and God Almighty (Do not interfere here, You are punyeta, you are also a Satan, I wish you and your family will die right now, I wish your head will blow, your feet will break and you will get blind. I will always pray for that, God will punish you, and I am cursing you right now in the name of Jesus Christ, I am cursing you in the name of Jesus and God Almighty).*”⁴⁷

Sixth. Still on the same day, when Pedroche asked for respondent’s stenographic notes and tape recorder cartridge for the November 21, 2017 hearing, she laughingly blurted “*Ay copyak agitoy, saan yu nga kukwa, Madi ko ited kanyayo, Uray man nu ipulong yu ijay Supreme Court, Madi ak mabuteng, nu kayat mo ikkan ka pay iti pagplitim nga mapan dijay (Those are my copies and it is not yours! I won’t give it to you, even [if] you will report this matter to the Supreme Court, I am not afraid, I will even give you transportation [fare] to go there if you like).*”⁴⁸

Respondent is a court stenographer. As such, her official functions and duties include the transcription of the minutes during open court hearings and every single word spoken during court proceedings. Whenever Judge Gandia-Asuncion or Pedroche called her attention due to her erroneous entries or notes and her delayed or undelivered drafts, respondent violently

⁴⁶ Id. at 3.

⁴⁷ Id. at 3–4.

⁴⁸ Id. at 4.

reacted, without fail. She resorted to shouting, insults, threats, and worse, physical violence.

The six (6) aforecited incidents are indubitable proofs of respondent's rude and violent behavior which, according to complainants, is her "*usual habit*" whenever she is in the workplace as it even got worse whenever her the judge corrected her work.⁴⁹

Notably, the aforecited incidents were not the only instances when respondent displayed reprehensible conduct while performing her duty in the court. The uniform declarations of complainants as well as the six (6) memoranda issued to respondent from 2014 to 2017⁵⁰ proved how her co-workers at MCTC-Sta. Ignacia, Tarlac had endured her overbearing, violent, disrespectful, and rude behavior.

Respondent herself admitted there was one occasion she refused to hand over her stenographic notes to Pedroche. But when Pedroche kept on bugging her, **she rolled up the notes, struck them against the nape of Pedroche**, blurting "*If you get this what will I copy! Am I a magician to finish a transcript/TSN with nothing to copy! [sic]*"⁵¹

Further, we take note of the Memorandum⁵² dated November 26, 2015 issued to respondent, *viz.*:

Furthermore, your unstable attitude and behavior that have been (*sic*) transpired during the past and present had caused anxieties, fear and disturbance toward the Presiding Judge, OIC-Clerk of Court, and the rest of the staff of the Court, which we can no longer afford to take, to wit: Quarrelsome; Discourteous, Disobedient; Disrespectful; Gross Insubordination; Refuses to follow instruction; Countermands direct instruction from the Presiding Judge and OIC-Clerk of Court; Answers back in a very, very loud voice; and Making unnecessary noise to disturb other[s] like tapping handfan, bottle cup and voluminous Bond Papers on the desk, and talking, and laughing alone with yourself while clapping around to catch our attention[s].⁵³

Records show, too, that respondent's threats and unlawful behavior had already taken a toll on Judge Gandia-Asuncion, Pedroche, and the rest of the court personnel in MCTC-Sta. Ignacia, Tarlac. Not only did she cause fear and anxiety among them but also severe disturbance in the workplace, nay, serious disrespect toward the court.

⁴⁹ Id. at 3.

⁵⁰ Id. at 14-28.

⁵¹ Id. at 44.

⁵² Id. at 19.

⁵³ Id.

In fact, under Letter⁵⁴ dated December 7, 2015, Pedroche informed the OCA of respondent's reprehensible conduct, asking that respondent be transferred to another court, thus:

In view thereof, **the repeated arrogant and recalcitrant behavior of MS. LORNA M. MARTIN which caused anxieties, fear and disturbance** toward the Presiding Judge, the undersigned and the rest of the staff of this Court, may we request that Ms. Lorna M. Martin be transferred to other Courts, so as to maintain peace, pleasant and orderly situation in our Court x x x.⁵⁵ (Emphasis supplied)

This was followed by another Letter⁵⁶ dated May 4, 2016, this time, signed not only by Pedroche but by all the other complainants herein, informing the OCA that respondent's belligerent behavior had gotten worse. They reiterated their plea for respondent's transfer to another court, viz.:

Please be informed that on April 27, 2016[,] right after our hearing[,] Ms. Lorna Martin **tried to assault our Presiding Judge and delivered unsavory remarks to her.** x x x BASTOS KAYO LOKO-LOKO KA NGA LIDER LOKO-LOKO KA NGA JUDGE while bragging around that nobody could ever dared to challenge her seven (7) years stint as Interpreter somewhere in RTC or MTC Imus, Cavite. x x x

x x x x

x x x **the repeated arrogant and recalcitrant behavior of MS. LORNA M. MARTIN which is becoming worse than before caused terrible anxieties, fear and disturbance** toward the Presiding Judge and all the undersigned staff of this Court. Again, may we request that Ms. Lorna M. Martin be transferred to other Courts, so as to maintain peace, pleasant and orderly situation in our Court, x x x.⁵⁷ (Emphasis supplied)

Unfortunately, records do not show that the OCA had taken any action in response to these letter requests.

In view of respondent's repeated violent outbursts committed in the workplace during office hours, and while in the performance of her official duties, the latest being on November 24, 2017, complainants had no other recourse but to file the present administrative case against her.

On the other hand, respondent merely shrugged off these accusations and denied them altogether. She countered "*I will never appreciate a judge*

⁵⁴ Id. at 18.

⁵⁵ Id.

⁵⁶ Id. at 30-31.

⁵⁷ Id. at 30, 32.

like Judge Gandia-Asuncion”⁵⁸ and Pedroche is a “liar” and “is no good.”⁵⁹ She asserted, too, that the accusations against her were merely fabricated. Even then, she failed to establish any ill motive that could have moved the presiding judge and her co-employees at the MCTC-Sta. Ignacia, Tarlac to collectively petition for her transfer to another court and file the present complaint, other than to assert the truth. What is undisputed though is - respondent has not specifically denied the contents of the six (6) memoranda and the present complaint against her. Thus, as correctly found by the OCA, respondent’s silence or refusal to categorically deny the charges against her is an admission of guilt.⁶⁰

All in all, respondent committed six (6) counts of violation of Canon IV⁶¹ of AM No. 03-06-13-SC otherwise known as the Code of Conduct for Court Personnel (CCCP) ordaining that in the performance of their official duties, all court personnel shall at all times perform official duties properly and with diligence, commit themselves exclusively to the business and responsibilities of their office during working hours, and carry out their responsibilities as public servants in as courteous a manner as possible. Specifically, she committed six (6) counts of gross misconduct due to her flagrant disregard of established rules of conduct and standard of behavior as an employee of the judiciary, thus, amounting to a willful intent to subvert these rules. Her conduct further exhibits her utter lack of professionalism and respect toward the rights of others contrary to good morals and good customs.

Indeed, a high-strung and belligerent behavior has no place in the government service, especially when done at the workplace and during working hours.⁶² Courts are looked up to by the people with utmost respect. Any misbehavior by court personnel necessarily diminishes their dignity reflecting adversely on the good image of the Judiciary,⁶³ more so if the misbehavior is so palpable and so gross, as in this case.

Gross Insubordination

Insubordination is defined as a refusal to obey some order, which a superior officer is entitled to give. The term imports a willful or intentional disregard of the lawful and reasonable instructions of the employer.⁶⁴

⁵⁸ Id. at 48.

⁵⁹ Id. at 44.

⁶⁰ Id. at 55.

⁶¹ SECTION 1. Court personnel shall at all times perform official duties properly and with diligence. They shall commit themselves exclusively to the business and responsibilities of their office during working hours.

SECTION 2. Court personnel shall carry out their responsibilities as public servants in as courteous a manner as possible. x x x

⁶² *Re: Ombudsman Case Nos. OMB-Adm-5-92-0100 and OMB-Adm-5-92-0179*, 304 Phil. 327 (1994).

⁶³ *Capco-Umali v. Acosta-Villarante*, 613 Phil. 602, 613 (2009).

⁶⁴ *Dalmacio-Joaquin v. Dela Cruz*, 604 Phil. 256, 261 (2009).

Here, respondent exhibited repeated defiance of the lawful directives of Judge Gandia-Asuncion and Pedroche.

As stated, she was in receipt of six (6) memoranda requiring her to explain in writing her rebellious character and continued insubordination. She, however, refused to receive the memoranda, let alone, submit an explanation for her infractions. The various returns of service submitted by the court's process server Tomas to Judge Gandia-Asuncion showed respondent's obstinate refusal to comply with the orders of the court, viz.:

1. Return of Service⁶⁵ dated May 12, 2014 - When the process server tried to serve the Memorandum dated May 8, 2014 on respondent, she uttered "*Why should I receive that? I would just make myself to be(sic) tired in answering that.*";

2. Return of Service⁶⁶ dated September 2, 2015 - Respondent refused to receive the Memorandum dated August 27, 2015;

3. Return of Service⁶⁷ dated December 1, 2015 - Respondent refused to receive the Memorandum dated November 26, 2015;

4. Return of Service⁶⁸ dated May 3, 2016 - Respondent crumpled, tore, then scattered on the court floor the torn Memorandum dated April 28, 2016 while shouting in the vernacular. **She then forced the process server to give her the receiving copy so she can also tear it apart and then feed it to Judge Asuncion;**

5. Return of Service⁶⁹ dated September 8, 2016 - Respondent refused to receive the Memorandum dated September 7, 2016 despite several attempts to serve it on her; and

6. Return of Service⁷⁰ dated April 5, 2017 - Upon receipt of the Memorandum dated April 5, 2017, **respondent angrily tore it while uttering offensive and defamatory words against Judge Gandia-Asuncion.**

Respondent clearly disobeyed, nay, ignored all the six (6) memoranda issued her by Judge Gandia-Asuncion. She undermined the authority of her superior with utmost arrogance and lack of respect. Without a doubt, respondent, too, is guilty of gross insubordination six (6) times over for ignoring Judge Gandia-Asuncion's aforesaid Memoranda.

In *Frades v. Gabriel*,⁷¹ the Court upheld the OCA's recommendation finding respondent Gabriel guilty of insubordination for refusing to respond

⁶⁵ *Rollo*, p. 15.

⁶⁶ *Id.* at 16.

⁶⁷ *Id.* at 21.

⁶⁸ *Id.* at 24.

⁶⁹ *Id.* at 27.

⁷⁰ *Id.* at 29.

⁷¹ 821 Phil. 36, 48 (2017).

to the office memorandum directing her to explain why no disciplinary action should be taken against her for opening and distributing an envelope containing checks for salaries and allowance of court personnel without proper authority. It was only after the administrative complaint was filed against her that she eventually submitted her explanation. The Court found that Gabriel's failure to respond when required by her superior constituted insubordination.

Respondent has been a repeat offender many times over, and each time, she just got worse. And whenever her superiors gave her the opportunity to explain her actions, she arrogantly refused to comply. To be sure, we cannot turn a blind eye to respondent's astounding arrogance and total lack of respect for authority, even toward the Court itself. To recall, she openly mocked OIC Clerk of Court Pedroche "*Ay copyak agitoy, saan yu nga kukwa, Madi ko ited kanyayo, Uray man nu ipulong yu ijay Supreme Court, Madi ak mabuteng, nu kayat mo ikkan ka pay iti pagplitim nga mapan dijay (Those are my copies and it is not yours! I won't give it to you, even you [will] report this matter to the Supreme Court, I am not afraid, I will even give you transportation [fare] to go there if you like).*"⁷²

She exhibited no guilt, regret, remorse, or anxiety for whatever wrongdoings or shortcomings she committed. Her detestable conduct had become a vicious cycle. She habitually undermined the authority of Judge Gandia-Asuncion and OIC Clerk of Court Pedroche. Worse, she had no qualms about mocking even the authority of the highest Court of the land. She definitely failed to live up to the ethical norm expected of her as an employee of the judiciary.

Penalty

Rule 140 of the Revised Rules of Court as amended by A.M. No. 21-08-09-SC,⁷³ governs the discipline of members of the judiciary as well as its officers and employees, thus:

SECTION 1. *How instituted.* — (1) *Motu Proprio Against those who are not Members of the Supreme Court.* — Proceedings for the discipline of the Presiding Justices and Associate Justices of the Court of Appeals, the *Sandiganbayan*, the Court of Tax Appeals, the *Shari'ah* High Court, and Judges of the **first and second level courts**, including the *Shari'ah* District or Circuit Courts, **as well as the officials, employees, and personnel of said courts**, and the Supreme Court x x x x may be instituted, *motu proprio*, by either the Supreme Court with the Judicial Integrity Board, or by the Judicial Integrity Board itself on the basis of

⁷² *Rollo*, p. 4.

⁷³ Resolution dated February 22, 2022, which further amended Rule 140 (A.M. No. 18-01-05-SC dated October 2, 2018) of the Rules of Court included personnel of the lower courts within the said Rule's coverage, and Resolution dated July 7, 2020, which expanded the coverage of Rule 140 to include all officials and employees of the Judiciary.

records, documents; or newspaper or media reports; or other papers duly referred to or endorsed to it for appropriate action; or on account of any criminal action filed in, or a judgment of conviction rendered by the *Sandiganbayan* or by the regular or special courts x x x

(2) *By Complaint Against those who are not members of the Supreme Court* – Disciplinary proceedings against those mentioned in Section 1(1) of this Rule may also be instituted with the Judicial Integrity Board by any interested person x x x (Emphasis supplied)

Under the same rule, **Gross Insubordination** and **Gross Misconduct** are classified as **serious charges**⁷⁴ for which any of the following sanctions may be imposed for each count:

SECTION 17. Sanctions. —

- 1) If the respondent is guilty of a serious charge, any of the following sanctions may be imposed:
 - (a) **Dismissal** from the service, forfeiture of all or part of the benefits as the Court may determine, and **disqualification from reinstatement or appointment to any public office**, including government-owned or controlled corporations. *Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits;*
 - (b) Suspension from office without salary and other benefits for more than six (6) months but not exceeding one (1) year; or
 - (c) A fine of more than P100,000.00 but not exceeding P200,000.00. (Emphasis supplied)

To repeat respondent is guilty of **violations of the Code of Conduct for Court Personnel**, specifically six (6) counts of **gross misconduct**; and **six (6) counts of gross insubordination**, for which the Court imposes the penalty of dismissal from the service, along with the accessory penalties for each count.

In addition, the Court finds respondent guilty of the less serious charge of **disobedience to the Court's directive**⁷⁵ due to her apparent

⁷⁴ **Section 14. Serious Charges. —** Serious charges include:

- a) **Gross misconduct constituting violations of the Code of Judicial Conduct or of the Code of Coudct for Court Personnel;** x x x
- b) x x x x
x x x x
- d) **Grave abuse of Authority, and/or prejudicial conduct that gravely besmirches or taints the reputation of the service** x x x
x x x x
- n) **Gross Insubordination** (Emphasis supplied)

⁷⁵ **Section 15. Less Serious Charge. —** Less serious charge include: x x x

- e) **Violation of Supreme Court rules, directives, and circulars;** x x x (Emphasis supplied)

Asic

defiance to the Court's order for her to undergo psychological evaluation despite her prior agreement thereto, and for ignoring the subsequent calls and text messages of the Court's psychologist. Her intransigent defiance even of the Court's directive is the worst manifestation of her irreformable lack of respect to the duly constituted authority.

Clearly, respondent's continuous employment poses grave danger to the lives and limbs of her co-workers. It cannot be denied that she is mentally and emotionally disturbed. The better part of prudence is to disconnect her right off from her victims and would be victims. The Court must act now to ensure the safety of its officials and employees and the public service in general before it's too late.

Indeed, respondent's continuous employment in the judiciary has lost all its redeeming value. She has to be removed from the service soonest, lest she cause further irreparable damage to the service, her co-workers, and the public in general. She already struck her immediate superior in the nape with rolled papers and attempted further to hit him with a stapler. What else could she do with her irrepressible wrath and fury? No one really knows. The Court though cannot just sit back and wait for any more tragedy to happen.

Verily, therefore, and considering the totality of the serious infractions committed by respondent, the Court imposes on her the ultimate penalty of dismissal from the service, with all its accessory penalties, including forfeiture of benefits *except* her accrued leave credits pursuant to Section 17 of Rule 140, as amended.

As for her defiance of the Court's directive to attend the scheduled psychological assessment, and for ignoring the subsequent calls and text messages of the Court's psychologist, the Court deems it proper to impose on her a fine of ₱36,000.00.⁷⁶

Lastly, the Court notes that there are requests pending before the Office of the Court Administrator (OCA) for respondent's transfer to another court which were filed by complainants herein through letters dated December 7, 2015 and May 4, 2016. In view of the penalty imposed on her in this case, *i.e.*, dismissal, these requests are now considered academic.

⁷⁶ Section 17. *Sanctions.* –

x x x x

2. If the respondent is guilty of a less serious charge, any of the following sanctions shall be imposed:

(a) Suspension from office without salary and other benefits for not less than one (1) month nor more than six (6) months; or

(b) A fine of more than ₱35,000.00 but not exceeding ₱100,000.00. (Emphasis supplied)

ACCORDINGLY, respondent Lorna M. Martin, Court Stenographer I, Municipal Circuit Trial Court, Sta. Ignacia, Tarlac, is found **GUILTY** of violations of the Code of Conduct for Court Personnel, specifically six (6) counts of **Gross Misconduct** and six (6) counts of **Gross Insubordination**.

She is immediately **DISMISSED** from the service, with **FORFEITURE** of all benefits, *except her accrued leave credits*, if any. Her Civil Service eligibility is **CANCELLED** and she is **BARRED** from taking any future Civil Service Examination. She is **PERPETUALLY DISQUALIFIED** from re-employment in any government instrumentality, including government-owned and controlled corporations.

For disobeying the order of the Court to undergo a psychological assessment despite her prior agreement thereto, and for ignoring the subsequent calls and messages of the Court's psychologist, she is likewise ordered to **PAY** a **FINE** of **₱36,000.00**.

A **PERMANENT PROTECTION ORDER** is issued against respondent and in favor of Presiding Judge Stela Marie Q. Gandia-Asuncion, Officer-in-Charge Clerk of Court Rodelio A. Pedroche, Court Stenographer I Genelyn C. Gragasin, Court Stenographer I Maranatha Gracel A. Lardizabal, Court Clerk II Von A. Villanueva, Process Server Dioso S. Tomas, and Court Aide I Meynard L. Millado:

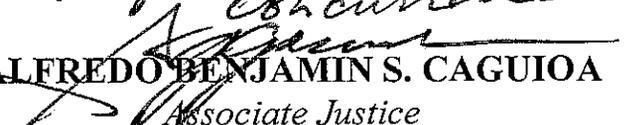
- 1) **PROHIBITING** respondent from threatening to commit or committing personally or through another, any acts of violence against any of the aforementioned complainants herein;
- 2) **DIRECTING** respondent to stay away from the aforementioned complainants and their residences and place of work at the Hall of Justice of Sta. Ignacia, Tarlac within a radius of at least five hundred (500) meters; and
- 3) **RESTRAINING** respondent from harassing, annoying, contacting, or otherwise communicating with any of the aforementioned complainants whether directly or indirectly.

This Decision is without prejudice to any criminal and/or civil cases which may be filed against respondent. Let a copy of this Decision be attached to her records with this Court and furnished the Civil Service Commission.

SO ORDERED.


ALEXANDER G. GESMUNDO
Chief Justice


MARVIC MARIO VICTOR F. LEONEN
Senior Associate Justice

*on official leave but
left his vote of
concourse*

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


RAMON PAUL L. HERNANDO
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice

(On leave)
HENRI JEAN PAUL B. INTING
Associate Justice

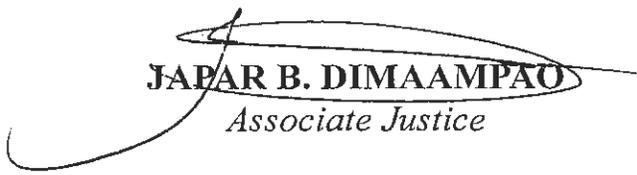

RODIL V. ZALAMEDA
Associate Justice

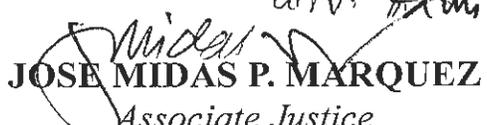

MARIO V. LOPEZ
Associate Justice


SAMUEL H. GAERLAN
Associate Justice


RICARDO R. ROSARIO
Associate Justice


JHOSEP Y. LOPEZ
Associate Justice


JAPAR B. DIMAAMPAO
Associate Justice

*Nopart. Participated as
COTV Administrator*

JOSE MIDAS P. MARQUEZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice


MARIA FILOMENA D. SINGH
Associate Justice

CERTIFIED TRUE COPY


MARIA LUISA M. SANTILLA
Deputy Clerk of Court and
Executive Officer
OCC-En Banc, Supreme Court

