



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **June 20, 2022**, which reads as follows:*

**“A.M. No. 2022-01-SC (Re: Complaint for Discourteous Conduct against Mechanical Shop General Foreman Nicomedes V. Natanauan, Jr., Maintenance Division, Office of Administrative Services, this Court).—** This administrative case stemmed from the Complaint Report<sup>1</sup> (Complaint) dated February 21, 2022 filed by Security Guard II Ronabelle S. Osomo, Security Division, Office of Administrative Services (OAS)—Supreme Court (SC) (complainant) against Mechanical Shop General Foreman Nicomedes V. Natanauan, Jr. (respondent), Maintenance Division, OAS-SC, for alleged misconduct when asked about his latest antigen test result upon his entry to work.

Complainant narrated that at approximately 7:45 a.m. of February 21, 2022, she greeted respondent as he was entering the Centennial Building Entrance Gate of the SC. In accordance with the Corona Virus Disease 2019 (COVID-19) safety measures being implemented at the Court, complainant asked respondent about the date of his most recent antigen test result. In response, respondent shoved his cellular phone within an inch of complainant’s face.<sup>2</sup> Taken aback, complainant reacted by saying: “*Sir ‘wag nyo po idukdok ‘yung cellphone niyo sa mukha ko.*” Respondent replied: “*O, ayan, okay na?*” He then glared angrily at complainant as he left.<sup>3</sup>

In his letter<sup>4</sup> dated February 22, 2022, respondent admitted that he waved his cellular phone in front of the face of complainant. He explained that he was not in a good state of mind at that time because he recently learned that a close friend of his was diagnosed with a serious illness.<sup>5</sup> Then, respondent submitted a counter-complaint<sup>6</sup> dated March 2, 2022 against complainant and Watchman II Gloria V. Hecto, also of the Security Division, OAS-SC (collectively, guards), for harassment and/or oppression. In

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<sup>1</sup> *Rollo*, p. 19.

<sup>2</sup> *Id.* at 1.

<sup>3</sup> *Id.* at 1-2.

<sup>4</sup> *Id.* at 14.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* at 15.

essence, respondent claimed that he acted as he did during the incident because of the guards' alleged unfair treatment towards him. He averred that the guards would allow other employees to enter the Court premises upon a mere mention of the date of their last antigen test, while they would always want to verify the actual results of his antigen test slip. Respondent thus accused the guards of unfair treatment and favoritism.<sup>7</sup>

Subsequently, the guards submitted their respective comments<sup>8</sup> on respondent's counter-complaint<sup>9</sup> contending that there was neither harassment nor unfair treatment when they asked for respondent's recent antigen test. They explained that calling the attention of employees reporting for work and asking for their recent antigen test are part of standard safety and security procedures of the Court.

In a Memorandum<sup>10</sup> dated March 15, 2022, Atty. Maria Carina M. Cunanan, Deputy Clerk of Court and Chief Administrative Officer of the OAS-SC, issued the following recommendations, viz.:

IN VIEW OF THE FOREGOING, this Office respectfully submits for the consideration of the Honorable Court that:

1. The charges of harassment and/or oppression raised against Ronabelle S. Osono, Security Guard II, and Gloria Hecto, Watchman II, both of the Security Division, Office of Administrative Services-SC be DISMISSED for lack of merit; and
2. Respondent Nicomedes Natanauan, Jr., Mechanical Shop General Foreman, Maintenance Division, Office of Administrative Services-SC, be found administratively liable for Simple Discourtesy in the Course of Official Duties, and correspondingly, issued the penalty of a REPRIMAND, with a warning that a repetition of the same will warrant the imposition of a more severe penalty.<sup>11</sup> (Emphasis omitted)

#### *The Issues*

The issues to be resolved in the case are: *first*, whether respondent is guilty of simple discourtesy; and *second*, whether the guards are guilty of harassment and/or oppression.

#### *The Court's Ruling*

The Court adopts the findings and the recommendations of the OAS-SC with modification in view of the Further Amendments to Rule

<sup>7</sup> Id.

<sup>8</sup> See Comments filed on March 7, 2022 and March 8, 2022; id. at 8-10.

<sup>9</sup> Id. at 15.

<sup>10</sup> Id. at 1-7.

<sup>11</sup> Id. at 6.

140 of the Rules of Court<sup>12</sup> issued on February 22, 2022.

There is no dispute that respondent rudely shoved his cellular phone within inches of the faces of the guards to show his antigen test result,<sup>13</sup> in violation of Section 2, Canon IV of A.M. No. 03-06-13-SC or the Code of Conduct For Court Personnel. It provides:

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

Respondent, however, explained that he was affected by the illness of his longtime friend.<sup>14</sup>

On this note, the Court has always reminded those in the government service to be circumspect in their behavior.<sup>15</sup> Respondent, as an employee of the Judiciary, is “expected to accord respect for the person and rights of others at all times.” His every act and word should be characterized by prudence, restraint, courtesy, and dignity.<sup>16</sup> Thus, while the Court commiserates with respondent as to his friend’s illness, his conduct and behavior are inexcusable and cannot be tolerated.

Anent the proper penalty, it must be emphasized that the Court, in A.M. No. 21-08-09-SC,<sup>17</sup> amended Rule 140 of the Rules of Court and included all the personnel of the Judiciary, such as respondent, within its coverage.<sup>18</sup> Under Section 15(a) thereof, Simple Misconduct constituting violations of the Code of Conduct for Court Personnel is classified as a less serious charge.

In turn, Section 17 of Rule 140 provides for the sanctions for less serious charges, as follows:

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

<sup>12</sup> A.M. No. 21-08-09-SC.

<sup>13</sup> *Rollo*, pp. 14, 19.

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

<sup>15</sup> *Re: Letter of Presiding Justice Roman G. Del Rosario, Court of Tax Appeals, Concerning the Letter Dated June 1, 2016 From the Judiciary Employees Association of the Philippines [JUDEA]*, A.M. No. 16-07-03-CTA (Notice), July 10, 2018.

<sup>16</sup> *Macalua v. Tiu, Jr.*, 341 Phil. 317, 323 (1997).

<sup>17</sup> Supreme Court *En Banc* Resolution dated February 22, 2022, entitled: “Further Amendments to Rule 140 of The Rules of Court.”

<sup>18</sup> Rule 140 - Discipline of Members, Officials, Employees, and Personnel of the Judiciary. See *id.*

exceeding ₱100,000.00.

x x x x

Meanwhile, Section 20 of the same rule authorizes the Court to impose the penalties of suspension or fine for a period or amount not less than half of the minimum prescribed under the rule if there are one or more mitigating circumstances present and no aggravating circumstances, as in the case.

Here, the Court takes into consideration the following mitigating circumstances, namely: (1) the absence of a clear intent to violate the law or a flagrant disregard of an established rule;<sup>19</sup> (2) the fact that it is respondent's first infraction; (3) the length of respondent's service in the Court which is twenty four (24) years;<sup>20</sup> and (4) the absence of any aggravating circumstances. Applying Section 20 of Rule 140, the Court may suspend respondent from office without salary and benefits for a period not less than fifteen (15) days or impose a fine of not less than ₱17,500.00.

Still, the Court finds the imposition of either penalty to be disproportionate because no real harm was committed by respondent. Moreover, the Court is not unaware of the severe economic hardships and health risks brought about by the COVID-19 pandemic.<sup>21</sup> Along with the presence of mitigating circumstances, this unprecedented period where the entire nation is struggling to get back to its feet warrants a degree of leniency in favor of respondent both on humanitarian and equitable considerations. In this regard, the Court adopts the OAS-SC recommendation to reprimand respondent with warning that a repetition of the same will warrant the imposition of a more severe penalty.

To be sure, "[w]hile the Court is duty-bound to sternly wield a corrective hand to discipline its errant employees and to weed out those who are undesirable, the Court also has the discretion to temper the harshness of its judgment with mercy."<sup>22</sup>

Anent the complaint filed against the guards, suffice it to say that the burden of proof lies upon the party who alleges the truth of his or her claim or defense or any fact in issue.<sup>23</sup> Save for respondent's bare allegations,<sup>24</sup> there is nothing on record which supports his claim that the guards committed harassment or oppression against him. In fact, the guards were in the regular performance of their duties when they asked for respondent's latest antigen test result; there is nothing irregular or

<sup>19</sup> See *Hon. Sarno-Davin v. Quirante*, A.M. No. P-19-4021, January 15, 2020, citing *Duque v. Calpo*, A.M. No. P-16-3505, January 22, 2019.

<sup>20</sup> *Rollo*, p. 6.

<sup>21</sup> *Puno v. Marasigan*, A.C. No. 12674, May 3, 2021.

<sup>22</sup> *Son v. Leyva*, A.M. No. P-11-2968, November 28, 2019.

<sup>23</sup> *Leave Div., OAS, OCA v. Gutierrez III, Clerk III, RIC. Br. 116, Pasay City*, 682 Phil. 28, 32 (2012).

<sup>24</sup> *Rollo*, p. 15.

illegal in the said act that can be characterized as harassment or oppression on their part. Hence, the OAS-SC correctly recommended that respondent's counter-complaint be dismissed for lack of merit.

**WHEREFORE**, the Court finds respondent Nicomedes V. Natanauan, Jr., **GUILTY** of Simple Misconduct. He is hereby **REPRIMANDED** with a **STERN WARNING** that a repetition of the same or a similar act in the future shall be dealt with more severely.

The counter-complaint against Security Guard II Ronabelle S. Osomo and Watchman II Gloria V. Hecto is **DISMISSED** for lack of merit.

The following are **NOTED**:

1. Letter dated February 21, 2022 of Security Guard II Ronabelle S. Osomo, Security Division, Office of Administrative Services regarding Mechanical Shop General Foreman Nicomedes V. Natanauan, Jr.'s inappropriate behavior;
2. Letter dated February 22, 2022 of Mechanical Shop General Foreman Nicomedes V. Natanauan, Jr., stating that he was not in a good state of mind at the time of the incident because he recently learned that a close friend was diagnosed with an illness;
3. Letter dated March 2, 2022 of Mechanical Shop General Foreman Nicomedes V. Natanauan, Jr., charging Security Guard II Ronabelle S. Osomo and Watchman II Gloria V. Hecto, both of the Security Division, Office of the Administrative Services, with harassment and/or oppression;
4. Comment filed March 7, 2022 of Security Guard II Ronabelle S. Osomo on the Letter dated March 2, 2022;
5. Comment dated March 4, 2020 of Watchman II Gloria V. Hecto on the Letter dated March 2, 2022; and
6. Memorandum dated March 15, 2022 of the Office of Administrative Services recommending that: (a) the charges against Security Guard II Ronabelle S. Osomo and Watchman II Gloria V. Hecto be dismissed for lack of merit; and (b) Mechanical Shop General Foreman Nicomedes V. Natanauan, Jr., Maintenance Division, Office of Administrative Services, be found administratively liable for Simple Discourtesy in the Course of Official Duties, and correspondingly be issued a penalty of reprimand with a warning that a repetition of the same or a similar act in the future will warrant the imposition of a more severe penalty.

**SO ORDERED.”**

By authority of the Court:

*Mis-DCBatt*  
**MISAELO DOMINGO C. BATTUNG III**  
*Division Clerk of Court*  
Sen  
9143129

Nicomedes V. Natanauan Jr.,  
Complainant  
Maintenance Division, OAS  
Supreme Court, Manila

Ronabelle S. Osomo  
Respondent  
Security Division, OAS  
Supreme Court, Manila

Atty. Maria Carina M. Cunanan  
Deputy Clerk of Court and  
Chief Administrative Officer  
Supreme Court, Manila

Atty. Caridad A. Pabello  
Office of the Court Administrator  
Office of Administrative Services OAS-OCA  
Supreme Court, Manila

Atty. Aureo Cyrus C. Lim  
Chief, Complainants & Investigation Division  
Supreme Court, Manila

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