



Republic of the Philippines  
**Supreme Court**  
Manila

**FIRST DIVISION**

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated August 31, 2022, which reads as follows:*

“A.M. No. P-22-060 [Formerly OCA IPI No. 17-4717-P] (*Lee D. Osorio v. Ariel C. Sumbilla*). — This is a review of the Report<sup>1</sup> made by the Judicial Integrity Board (JIB) concerning the complaint filed by Lee D. Osorio (Osorio), Legal Researcher I, Metropolitan Trial Court of Manila, Branch 3, against Ariel C. Sumbilla (Sumbilla), Process Server of the same station. The JIB Report finds both Osorio and Sumbilla guilty of conduct unbecoming of a court employee, and recommends that they each be meted a fine of (₱5,000.00).

**The Factual Antecedents**

In a Complaint<sup>2</sup> dated July 10, 2017 filed before the Office of the Court Administrator, Osorio accuses Sumbilla of misconduct and prays that the latter be held administratively liable.

Osorio narrated that on September 28, 2016, at around 12:05 p.m., she returned to their staff room after buying lunch. A few moments later, she was surprised to see Sumbilla marching towards her, pointing his finger and yelling: “*kung may problema ka sa akin Lee, Sabihin mo! Wag kang bastos!*”<sup>3</sup> Agitated, Osorio retorted, “*Bakit mo ako dinuduro-duro? Sino ka? Ikaw ba ang nagpapakain sa akin?*”<sup>4</sup> As Sumbilla continued his rant, Osorio cut him off and asked, “*eh ano ba ang problema mo?*” to which Sumbilla responded, “*Ikaw! Ikaw ang may problema! Bastos ka! Kinakausap ka sa ibaba di ka*

<sup>1</sup> *Rollo*, pp. 28-35. Penned by Associate Justice Sesinando E. Villon (Ret.), and concurred in by Associate Justices Romeo J. Callejo, Sr., (Ret.), Angelina Sandoval-Gutierrez (Ret.), and Rodolfo A. Ponferrada (Ret.).

<sup>2</sup> *Id.* at 1-10.

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

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

*sumasagot!*”<sup>5</sup> Osorio, who was apparently irritated by Sumbilla’s tirades, retorted “*eh ayaw kitang kausapin eh, anong bang problema dun?!?*”<sup>6</sup>

Osorio further narrated that as she was taking her lunch, she shook her head as an expression of her irritation at Sumbilla. Apparently, the latter saw this and commented, “*pailing-iling ka pa dyan!*”<sup>7</sup> to which Osorio replied, “*oo, umiiling talaga ako.*”<sup>8</sup> Before finally leaving the office, Sumbilla allegedly uttered: “*kung di ka babae, papatulan kita!*”<sup>9</sup>

Osorio believed that Sumbilla’s attacks against her might have been triggered by what happened minutes earlier outside. She recalled that before the incident, she saw Sumbilla walking on the other side of the street. Osorio emphasized that she is neither friends nor enemies with Sumbilla; that they are not in talking terms so she did not react when she saw Sumbilla. Apparently, this did not sit well with Sumbilla.<sup>10</sup>

On October 5, 2016, Osorio reported the incident to Judge Juan O. Bermejo, Jr. (Judge Bermejo), their Presiding Judge, and expressed her intention to file a case against Sumbilla. It appeared that it came to the knowledge of Osorio that Sumbilla has no plans whatsoever of apologizing for his misdeeds.<sup>11</sup> Judge Bermejo further directed his clerk of court to try to settle the matter between the parties; however, the clerk reported that Sumbilla was uncooperative, and would only apologize in the presence of Judge Bermejo.<sup>12</sup>

On October 24, 2016, the parties were summoned by Judge Bermejo. There, Osorio claimed that Sumbilla presented a “meek and as immaculate as a saint”<sup>13</sup> demeanor, who explained that he suffered embarrassment when the former ignored him, and that he was just overwhelmed by his emotions.<sup>14</sup> Nevertheless, Osorio did not believe this and described Sumbilla’s apology as “sham, and lacking in sincerity.”<sup>15</sup>

On November 25, 2016, another incident transpired. Osorio recounted that she was not feeling well that day, so she left the office to buy medicines. On her way, she again came across Sumbilla who was smoking alone. Osorio claimed that as she tried to pass through, Sumbilla grabbed her arm and

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<sup>5</sup> Id. at 3.

<sup>6</sup> Id.

<sup>7</sup> Id.

<sup>8</sup> Id.

<sup>9</sup> Id.

<sup>10</sup> Id. at 4.

<sup>11</sup> Id. at 5.

<sup>12</sup> Id.

<sup>13</sup> Id. at 6.

<sup>14</sup> Id.

<sup>15</sup> Id.

uttered, “*bati tayo*.”<sup>16</sup> According to Osorio, this being the second time, strengthened her resolve to file the present complaint. In support of her allegations, Osorio attached the affidavits of her officemates Jane S. Mercadera<sup>17</sup> and Romeliz D. Martinez.<sup>18</sup>

In his Comment,<sup>19</sup> Sumbilla categorically denied all the allegations against him and recounted a different story.

According to him, it was Osorio who embarrassed him which caused the start of the conflict. He recalled that on that day, he greeted her in a friendly manner, “*Lee, kumain na sila doon*.”<sup>20</sup> Surprisingly, not only did Osorio ignore him, but also displayed a “scornful look.”<sup>21</sup> Sumbilla claimed that this scene was witnessed by other people who commented, “*pare, ang lalaki hindi pinapansin*”<sup>22</sup> and thereafter laughed at him.

Sumbilla was dumbfounded and deeply offended as he does not remember any possible cause for such treatment, nor was his approach disrespectful. Thus, he admitted that in another encounter with Osorio, he made a gesture by raising his right arm while asking, “*Lee, ano ba’ng problema mo? Wala akong atraso sa’yo. Bakit mo ako binastos sa harap ng maraming tao at pinagtawanan pa nila ako dahil sa ginawa mo?*”<sup>23</sup>

Sumbilla further casted doubt on the truthfulness of the contents of the affidavits of Osorio’s witnesses, observing that they are “prepared by one and the same person, perhaps by her [Osorio].”<sup>24</sup>

To support his narrations, Sumbilla presented the affidavit of Lenie A. Cervantes.<sup>25</sup> The truthfulness of the contents of the affidavit is however sternly contested by Osorio in her Reply.<sup>26</sup>

### **Report and Recommendation of the Judicial Integrity Board (JIB)**

In its Report<sup>27</sup> dated May 25, 2022, the JIB recommended that both parties be fined. The dispositive portion of the Report reads:

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<sup>16</sup> Id. at 8.

<sup>17</sup> Id. at 11-12.

<sup>18</sup> Id. at 13-14.

<sup>19</sup> Id. at 17-21.

<sup>20</sup> Id. at 17.

<sup>21</sup> Id.

<sup>22</sup> Id.

<sup>23</sup> Id. at 18.

<sup>24</sup> Id.

<sup>25</sup> Id. at 20.

<sup>26</sup> Id. at 22-27.

<sup>27</sup> Id. at 28-35.

**ACCORDINGLY**, the Board respectfully **RECOMMENDS** for the consideration of the Honorable Court that:

1.) The instant administrative case be **RE-DOCKETED** as a regular administrative matter against complainant **LEE D. OSORIO**, Legal Researcher I, and respondent **ARIEL C. SUMBILLA**, Process Server, both of Metropolitan Trial Court of Manila, Branch 3; and

2.) Both **LEE D. OSORIO** and **ARIEL C. SUMBILLA**, be found **GUILTY** of unbecoming conduct of a court employee and be **ORDERED** to pay a **FINE** of Five Thousand Pesos (₱5,000.00) each, with a **STERN WARNING** that a repetition of the same will be dealt with more severely.<sup>28</sup>

The JIB found fault in both parties. It held that while Sumbilla may be guilty of unbecoming conduct, “complainant’s role in the confrontation cannot just be ignored.”<sup>29</sup> The JIB emphasized that based on precedent, it is not material who is the instigator and the aggrieved.

### **Our Ruling**

The Court adopts with modification the recommendation of the JIB.

As the saying goes, “do not fight fire with fire.”<sup>30</sup> Unfortunately, that is exactly what happened in the present case. We reiterate the pronouncement of the JIB that the confrontation between the parties, who are both court employees, cannot be condoned, especially since it happened within court premises. As correctly found by the JIB:

Notwithstanding respondent’s finding of guilt, complainant’s role in the confrontation cannot just be ignored. Though she might be considered as an aggrieved party in the incident, her conduct was likewise not beyond reproach. By her own admission, she made angry responses and quick retorts to an already agitated respondent. While it may be argued that she was merely defending herself against respondent’s tirade, her antagonistic retorts clearly aggravated the situation. Thus, complainant must be held equally liable for unbecoming conduct of a court employee for her actions.<sup>31</sup>

The parties’ actions constitute vulgar and unbecoming conduct, a light charge, under Rule 140, Section 16 (a) of the Rules of Court, as amended by A.M. No. 21-08-09-SC. This is distinguished from simple misconduct under Section 15 (a) of the same rule, in that the latter requires a violation of the Code of Judicial Conduct or the Code of Conduct for Court Personnel. In the present case, the parties’ actions have not been shown to be violative of the

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<sup>28</sup> Id. at 34.

<sup>29</sup> Id. at 32.

<sup>30</sup> Lane, Kathleen, “Don’t Fight Fire with Fire,” September 12, 2014 [http://faithfoxvalley.org/content.cfm?page\\_content=blogs\\_include.cfm&friendly\\_name=dontfightfirewithfire](http://faithfoxvalley.org/content.cfm?page_content=blogs_include.cfm&friendly_name=dontfightfirewithfire) (visited July 20, 2022).

<sup>31</sup> Rollo, p. 32.

aforementioned codes. Hence, their offense properly falls under the light charge of vulgar and unbecoming conduct only.

Here, We need not discuss Sumbilla's participation in the incident, as this is already settled. Granted, however, that he initiated the commotion, Osorio could have responded in a more civil manner. Regrettably, she did not. Instead, she resorted to exactly the same kind of behavior she is complaining of: rude, offensive, and indecent. Clearly, this constitutes unbecoming conduct.

As to the recommended penalty, the Court makes a modification. Section 19, Rule 140 of the Rules of Court, as amended by A.M. No. 21-08-09-SC, provides:

SECTION 19. *Modifying Circumstances.* – In determining the appropriate penalty to be imposed, the Court may, in its discretion, appreciate the following mitigating and aggravating circumstances:

(1) Mitigating circumstances:

- a. First offense;
- b. Length of service of at least ten (10) years with no previous disciplinary record where respondent was meted with an administrative penalty;
- c. Exemplary performance;
- d. Humanitarian considerations; and
- e. Other analogous circumstances.

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Here, it appears that this is both parties' first offense. Thus, We are inclined to reduce the fine recommended by the JIB. Further, We deem it proper to further reduce the fine recommended to be imposed upon Osorio, who merely responded in defense.

Having settled the core issue, the Court takes note of Osorio's insinuation in her complaint:

[A]s respondent's gesture could very well be taken as an act of disrespect towards Complainant, **who is momentarily-in-charge of the office, being the Legal Researcher, the second in-command from organization's hierarchy position, as the clerk of court went out for lunch to attend to some personal matters.**<sup>32</sup>

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<sup>32</sup> *Rollo*, pp. 2-3. Emphasis supplied.

From this line, it would appear that Osorio is hinting that due to her position in the office hierarchy, disrespect to her becomes graver. We strongly disagree.

Unbecoming conduct and disrespect are absolute evils, not relative; disrespect towards one person carries the same weight as disrespect towards another. In other words, the circumstances of the person to which the disrespect is directed is totally irrelevant. Thus, it is incorrect and frankly, tactless of Osorio to make such insinuation.

**WHEREFORE**, the Court hereby **ADOPTS** the recommendation of the Judicial Integrity Board finding Ariel C. Sumbilla and Lee D. Osorio **GUILTY** of vulgar and unbecoming conduct under Rule 140, Section 16 (a) of the Rules of Court, as amended, with the modification that Ariel C. Sumbilla and Lee D. Osorio are ordered to **PAY** a fine amounting to ₱4,000.00 and ₱1,000.00, respectively. The parties are **STERNLY WARNED** that a repetition of the same shall be dealt with more severely.

**SO ORDERED.**” *Inting, J., designated additional Member per Raffle dated July 26, 2022 vice Marquez, J., who recused due to prior participation.*

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court *m 9/15*

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court  
**101-I**

SEP 19 2022

Ms. Lee D. Osorio  
Complainant – Legal Researcher I  
Metropolitan Trial Court, Branch 3  
1000 Manila

Mr. Ariel C. Sumbilla  
Respondent – Process Server  
Metropolitan Trial Court, Branch 3  
1000 Manila

The Hon. Presiding Judge  
Metropolitan Trial Court, Branch 3  
1000 Manila

Hon. Raul B. Villanueva (x)  
Court Administrator  
Hon. Jenny Lind R. Aldecoa-Delorino (x)  
Hon. Leo Tolentino Madrazo (x)  
Deputy Court Administrators  
Hon. Lilian Barribal-Co (x)  
Hon. Maria Regina A. F. M. Ignacio (x)  
Assistant Court Administrators  
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The Clerk of Court  
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Office of Administrative Services (x)  
Legal Office (x)  
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