

**LBC BANK VIGAN BRANCH, REPRESENTED BY ITS MANAGER,
LEONELL B. AGCON, COMPLAINANT, VS CARLOS Q. GUZMAN,
UTILITY WORKER, RTC-OFFICE OF THE CLERK OF COURT, VIGAN
CITY, AND LORMIN A...**

A.M. NO. P-06-2270 (FORMERLY OCA I.P.I. NO. 05-2111-P). December 06, 2006

Ponente: TINGA, J.

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TINGA, J.:

Under consideration is the Administrative Complaint[1] dated 5 August 2004 filed by the LBC Bank Vigan Branch ("complainant") through its branch manager, Leonell Agcon charging respondents Carlos Q. Guzman, Utility Worker in the Regional Trial Court (RTC)-Office of the Clerk of Court (OCC), Vigan City and Lormin A. Pascua, Utility Worker in the Metropolitan Circuit Trial Court (MCTC) Caoayan, Ilocos Sur, with conduct unbecoming a court employee for willful failure to pay a just debt.

Guzman obtained a loan in the amount of P20,000.00 from complainant for which he signed a promissory note[2] with Pascua as his co-maker. Respondents undertook to pay the loan in twenty-four (24) installments of P1,333.33 each payable on the 15[th] and 30[th] of the month starting 30 August 1997.

Respondents defaulted on the installments beginning with the one that fell due on 30 June 1998. Despite oral and written demands by complainant, respondents failed to pay their obligation, prompting complainant to file the instant complaint with the Civil Service Commission (CSC). The CSC forwarded the complaint to the Office of the Court Administrator (OCA) on 17 January 2005.[3] The OCA required respondents to comment on the complaint but they failed to comply.

Meanwhile, complainant filed a Motion to Dismiss[4] dated 18 April 2005, seeking the dismissal of its administrative complaint against respondents on the ground that Guzman had already settled his outstanding account. Respondent Guzman informed the OCA in a Letter[5] dated 10 June 2005 that he had already settled his obligation. This was followed by another letter[6] dated 2 August 2005 from both Guzman and Pascua praying for the dismissal of the instant complaint.

In its Report,[7] the OCA recommended the denial of the Motion to Dismiss notwithstanding the fact that respondents had already settled their obligation, citing this Court's ruling in *Perez v. Hilario*,[8] thus:

x x x Complainant's withdrawal of his complaint did not relieve her of her administrative culpability. Proceedings against a public officer or employee for misconduct, malfeasance or misfeasance cannot just be withdrawn anytime by the complainant nor should they depend on complainant's whims and caprices. The complainant is in a real sense, only a witness therein. The purpose of the complainant was not only to collect from Mrs. Hilario, but also to seek administrative disciplinary action against her. The penalty therefore is not directed at Mrs. Hilario's private life but at her actuation unbecoming a public employee.[9]

In a Resolution[10] dated 16 January 2006, this Court denied the Motion to Dismiss and directed respondents to

file their respective comments on the complaint within ten (10) days from notice.

In his Comment,[11] Guzman alleges that his failure to fulfill his obligation was not willful as the only reason he was unable to pay complainant was that he disagreed with the latter's computation as regards the interest and penalties imposed on top of the principal amount of the loan. He states that he fully paid his indebtedness after he was apprised of the computation of his obligation.

Meanwhile, Pascua explains in his Comment[12] that although he signed the promissory note as co-maker, he did not receive any part of the amount loaned to Guzman. He alleges that when he received the complainant's demand letter, he reminded Guzman to settle his obligation and the latter assured him that it would be taken care of.

Both respondents reiterate that their obligation with complainant had already been fully settled and, therefore, the instant case should be dismissed.

In its Memorandum,[13] the OCA recommended that Guzman be reprimanded for his willful failure to pay a just debt while Pascua should not be held administratively liable. It found, thus:

x x x Respondent Guzman did not care to explain what the issue was about nor did he submit any documents to show he questioned any alleged erroneous computation by the complainant. Notably, he did not mention this matter in his initial communications to this court that leads us to conclude that his explanation is simply an afterthought considering that even in his comment he candidly stated that: "even had [he] wanted to pay his monetary obligation, he had no financial capacity to [do so]."

x x x x

As co-maker, respondent Pascua should be equally liable with Guzman. He, however, explained that "during the times that [he] received notices from complainant bank, he would remind Mr. Carlos Guzman who would time and again assure [him] that the matter is being taken care of." There appears no reason to disbelieve him and consequently to suppose that he willfully failed to pay his just debt. The record shows that he only received a single notice from complainant regarding his obligation as a co-maker which would under the normal course of event (sic) have led him to suppose that respondent Guzman had indeed taken care of the matter.[14]

We agree with the OCA's findings and we adopt its recommendations.

In administrative cases, the object is not retribution for the complainant but rather the preservation of the integrity and competence of the Judiciary by policing its ranks and enforcing discipline among its erring employees. So much so that the complainant's withdrawal of the complaint does not deter this Court from investigating the matter that was brought to its attention and penalizing the respondent accordingly if found to have erred.

Under Book V, Title I, Subtitle A, Chapter 6, Section 46 (b) (22) of E.O. No. 292, a public employee's willful failure to pay just debts is a ground for disciplinary action. Rule XIV, Section 22 of the Rules Implementing Book V of E.O. No. 292, as modified by Rule IV, Section 52, (C) (10) of Resolution No. 991936 of the Civil Service Commission, otherwise known as the Uniform Rules on Administrative Cases in the Civil Service, provides that "just debts" refer to: 1) claims adjudicated by a court of law; or, 2) claims the existence and justness of which are admitted by the debtor. Respondents do not dispute the existence and justness of their obligation; hence, respondents' obligation falls under the second category. They however insist that their failure to pay the same was not willful. As correctly found by the OCA, Guzman's explanation merely reflects an afterthought and deserves scant consideration. He failed to present any evidence that he indeed disputed the computation of his obligation. Worse, it took him several years before he actually settled the same. Meanwhile, Pascua's explanation inspires belief and was not refuted by Guzman or the complainant, thus we cannot hold him liable.

Under the Uniform Rules, willful failure to pay a just debt is a light offense punishable by reprimand for the first infraction.[15] Since this is Guzman's first offense, such penalty applies to him.

Respondents should remember that the image of the courts as a true temple of justice is mirrored in the conduct, official or otherwise, of the men and women who work thereat.[16]Hence, court employees should be living examples of uprightness not only in the performance of official duties but also in their personal and private dealings with others so as to preserve at all times the good name and standing of the courts in the community.[17]

WHEREFORE, the recommendation of the OCA is APPROVED. Carlos Q. Guzman is found GUILTY of willful failure to pay a just debt and is hereby REPRIMANDED. He is sternly warned that a repetition of the same or similar acts shall be dealt with more severely. The administrative complaint against Lormin A. Pascua is DISMISSED for lack of merit.

SO ORDERED.

Quisumbing, (Chairperson), Carpio, Carpio-Morales, and Velasco, Jr., JJ., concur.

[1] Rollo, pp. 2-13.

[2] Id. at 8.

[3] Id. at 1.

[4] Id. at 19 and 23.

[5] Id. at 20-22.

[6] Id. at 29.

[7] Id. at 32-33.

[8] 434 Phil. 179 (2002).

[9] Id. at 183.

[10] Rollo, p. 34.

[11] Id. at 38-39.

[12] Id. at 44-45.

[13] Id. at 53-55.

[14] Id. at 54.

[15] UNIFORM RULES IN ADMINISTRATIVE CASES IN THE CIVIL SERVICE, Rule IV, Sec. 52 (C) (10).

[16] Gutierrez, et al. v. Quitalig, 448 Phil. 469, 480, citing Re: Administrative Matters OCA IPI No. 97-228-P, Judge Rafael P. Santelices v. Loida B. Samar, Utility Aide, Regional Trial Court-Library, Legaspi City; and OCA IPI No. 97-383-P, Judge Rafael P. Santelices v. Loida B. Samar, Utility Aide, Regional Trial Court-Library, Legaspi City, A. M. No. 00-1394, 15 January 2002, 373 SCRA 78.

[17] Id.

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