

ISABELO GARCIANO, COMPLAINANT VS. WILFREDO OYAO, RESPONDENT.*A.M. No. P-208. January 27, 1981*

Ponente: MAKASIAR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/115fe5e19e99/>**MAKASIAR, J.:**

The complainant alleges that: "(1) sometime in February of 1968, the respondent borrowed money from him in the sum of P568.00 for which he signed a promissory note with special power of attorney authorizing respondent to collect his first quicena salary until his indebtedness is fully paid but, instead, the respondent collected in advance his salary checks so complainant was unable to collect a single check by way of payment of the indebtedness; (2) that respondent employed all sorts of tactics and manipulations to evade payment of his obligations but due to the persistent demands of the complainant the sum of P268 was paid leaving a balance of P300.00; (3) that on July 26, 1973, the respondent executed a promissory note promising to pay his obligation within that month of July or August; (4) that after his attention was called by Judge Andres Sabido of Branch X, CFI of Cebu regarding his unpaid obligation to him, the respondent signed another promissory note on August 31, 1973 promising to pay his obligation on or before September 15, 1973, but until now the respondent has not complied with his promise to settle his indebtedness to him; and (5) that respondent's act in wilfully refusing to settle his obligation is a violation of the Civil Service Rules and Regulations which would subject him to punishment."

The respondent admits that "he is indebted to complainant in the original amount of P300.00 plus interest so that all in all it reaches the amount of P560.00; that he already paid the complainant the amount of P260.00 representing the interest of the principal capital of the original amount of P300.00; that last July 26, 1973, the complainant demanded from him the remaining balance of P300.00 and so he proposed to him to pay said balance at P50.00 per month but the complainant got angry so he signed a promissory note; then on August 31, 1973, he again came to their office and demanded again from him the remaining balance but again he prayed of him to please give him an ample time to look for the amount with the request again to pay him in installments to which proposal he did not agree, so he again signed a promissory note; that he is only receiving a monthly pay of P273.00 and being the sole breadwinner of a big family, he cannot pay the complainant in lump sum of the remaining balance of P300.00; and that he is very willing to pay the complainant in installments of P50.00 a month."

The explanation of respondent is not satisfactory considering that for over 12 years from February, 1968 until this date, respondent has not fully paid his indebtedness in the original amount of P568.00 despite his various promises to pay the same on installment basis at the rate of P50.00 a month. He has still an unpaid balance of P300.00 on the principal since July, 1973.

Respondent's willful failure to pay just debt for twelve (12) years since 1968, is unbecoming of a public official, to put it mildly (Flores vs. Tatad, Adm. Case No. P-1808, March 31, 1980) and is a ground for disciplinary action against him, including suspension or dismissal from the service (Sec. 19, Rule XVIII of the Civil Service Rules in

relation to Sec. 33, R.A. No. 2260; Sec. 36, Art. IX, P.D. No. 807 of October 6, 1975).

His alleged "obvious financial set-back" — about which no proof was submitted — cannot justify the unnecessary inconvenience he caused to the complainant. The indebtedness was incurred as early as February, 1968. Respondent executed a promissory note in favor of the complainant and also a special power of attorney authorizing herein complainant to collect respondent's first "quincena" salary until the indebtedness was fully paid. But complainant could not collect the first 15-day salary of respondent, for the latter always collected it ahead of complainant. Respondent's execution of the aforesaid documents in favor of the complainant induced the latter to grant the said loan. Hence, it is clearly unfair to the complainant as well as unethical for herein respondent to welch on his promise.

Moreover, in his explanation dated January 4, 1974, respondent falsely averred that, being the sole breadwinner of a "big family", he cannot pay with his monthly salary of P273.00 herein complainant Isabelo Garciano in a lump sum the remaining balance of P300.00 (Respondent's Explanation, par. 6). This claim is belied by his Personnel File No. 201, which discloses that respondent has only one daughter, Rhodora T. Oyao, born on August 19, 1961 and since January 1, 1975 — seven years after he incurred the indebtedness — he has been receiving a monthly salary of P435.16 (Personnel File No. 201, p. 13).

Respondent's unstable financial position is due to his habitual absenteeism — several leaves of absence without pay — as revealed by his Personnel File No. 201.

For all the foregoing, respondent does not deserve the sympathy, much less the mercy, of the Court.

Moreover, while it is meet and just for an individual to incur an indebtedness uncurtailed by the fact that he is a public officer or employee, caution should be taken to prevent the development of suspicious circumstances that might inevitably impair the image of the public office. We need not exaggerate the importance of being absolutely free from any suspicion which may unnecessarily erode the faith and confidence of the people in their government. As the Constitution categorically declared: "Public office is a public trust. Public officers and employees shall serve with the highest degree of responsibility, integrity, loyalty and efficiency, and shall remain accountable to the people" (Art. XIII, Sec. 1, Constitution).

A ground for apprehension is the possibility that cases might arise involving parties who are creditors of the respondent, then Docket Clerk, now Clerk of a Court of First Instance of Cebu — a public employee. This is certainly not a remote possibility. It is well to stress here that at the time respondent incurred the above-said indebtedness he was discharging the duties of a docket clerk, in charge of the custody and maintenance of up-to-date entries in: docket books on all cases, record book of judgment, record book on archived cases, record book on appealed cases, and the record of the minutes on the raffling of cases. As clerk of court, among his important duties are to receive all pleadings, documents and communications pertaining to the court, to refer to the deputy clerk of court all cases, pleadings, documents and communications received, to take charge of all mail matters, and to release decisions, orders, processes, subpoenas and notices as directed.

Respondent, it is thus clear, occupies a sensitive position; and, if moved by sinister or ulterior motives, he could unduly impair the administration of justice. By simply failing to act or by tampering with the record books for a consideration with which to pay his debts, he can unilaterally imperil the orderly administration of justice.

In one case, *Bautista vs. Joaquin, Jr.* (Adm. Matter No. P-236, July 29, 1977, 78 SCRA 83, 86, 87), this Court penalized the respondent deputy clerk of court for "irregularity in receiving pleading". In underscoring the importance of a correct and accurate court record and its consequent effect on the faith and trust of the litigants in our courts of justice, this Court held:

"In the administration of justice, litigants repose their faith and trust in the authenticity and correctness of court records, and it is the bounden duty of officials and employees of the court to maintain and uphold that confidence of the public. Any act which tends to undermine and corrode the public trust is a wrongdoing which warrants administrative sanctions the severity of which should be commensurate with the gravity of the act committed.

"We cannot overemphasize the importance of a faithful and accurate entry of the time and date of receipt of pleadings filed in court. Where there is no mechanical device available to make the tampering of dates impossible, safeguards are taken to ensure the correct recording of the time and date when pleadings are received. One such safeguard is the keeping of an entry book. Here, there was such an entry book, but the filing of the answer of the defendants at 4:00 P.M. on December 19, 1973, was not registered thereon on said date or any date thereafter, thus giving rise to the fears of complainant, which we hold to be justified, that said answer was surreptitiously received by respondent after the period given by the trial court to the defendants to file their answer had expired, especially since, the original of said answer did not bear any proof of receipt of a copy thereof by complainant's counsel as of the date, December 19, 1973. . . .

Respondent Wilfredo Oyao, should avoid so far as reasonably possible a situation which would normally tend to arouse any reasonable suspicion that he is utilizing his official position for personal gain or advantage to the prejudice of party litigants or the public in general. In the language of then Justice, now Chief Justice Enrique M. Fernando in the case of *Pineda vs. Claudio* {28 SCRA 34, 54}: "There may be occasion then where the needs of the collectivity that is the government may collide with his private interest as an individual".

Respondent's improper conduct unavoidably stains the image of the judiciary. Court personnel must comply with just contractual obligation, act fairly and adhere to high ethical standards to preserve the court's integrity.

Furthermore, respondent, although an ordinary court employee, should not, like judges, incur obligations which will in any way interfere, directly or indirectly, with his function as such. He should be scrupulously careful to avoid such action as may reasonably tend to generate the suspicion that his relations with others constitute an element in the determination of the course of action that the court to which he belongs, will take in a pending case.

"... The conduct and behavior of everyone connected with an office charged with the dispensation of justice, like the courts below, from the presiding judge to the lowliest clerk, should be circumscribed with the heavy burden of responsibility. His conduct, at all times, must not only be characterized with propriety and decorum but above all else must be above suspicion" (*Jereos, Jr. vs. Reblando, Sr.*, Adm. Matter No. P-141, May 31, 1976, 76 SCRA 126, 131, 132).

To emphasize the warning, Section 1 of the Anti-Graft and Corrupt Practices Act (R.A. No. 3019, as amended by R.A. 3047) states: "It is the policy of the Philippine Government in line with the principle that a public office is a public trust, to repress certain acts of public officers, and private persons alike which constitute graft and corrupt and practices or which may lead thereto" (*italics supplied*)

Although the actuation of the respondent in the present case may not clearly fall under any of the graft and corrupt practices defined by law, the impropriety of the same is evidently unquestionable for it may lead to any of those prohibited acts.

WHEREFORE, respondent Wilfredo Oyao is hereby admonished to pay his debts when due and is directed to pay to complainant, Isabelo Garciano, the amount of fifty (P50.00) pesos every month until the entire balance of

P300.00 as well as the interest thereon is fully paid.

SO ORDERED.

Teehankee, (Chairman), Fernandez, Guerrero and Melencio-Herrera, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.