

**GEPTE M. PEREZ, COMPLAINANT, VS. MARIA ISABEL D. HILARIO,
SOCIAL WORKER II, REGIONAL TRIAL COURT OF PASAY CITY,
BRANCH 113, RESPONDENT.**

A.M. No. P-02-1603. July 23, 2002

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

This pertains to the letter-complaint of Gepte M. Perez, Court Stenographer III of the Regional Trial Court (RTC) of Pasay City, Metro Manila, Branch 116, dated October 12, 2001, to the Office of the Court Administrator, seeking administrative sanctions against Ms. Maria Isabel D. Hilario, Court Social Worker, RTC of Pasay City, Branch 113, for non-payment of a just debt.

In his sworn complaint, Perez alleged that on November 9, 1998, Ms. Hilario borrowed from him the sum of P3,000, promising to repay it immediately. Ms. Hilario, however, reneged on her word and kept on putting off Perez each time he asked her to pay.

On April 5, 2001, Ms. Hilario executed a promissory note^[1] to pay her debt to Perez within six months from date thereof.

Sometime in the first week of July 2001, Ms. Hilario paid Perez P500, but made no payments thereafter, despite continuous demand with reminders from Perez.

On October 12, 2001, Perez filed a sworn complaint with the Office of the Court Administrator (OCA) against Ms. Hilario “for whatever administrative penalty that might be meted out on her.”^[2]

On November 15, 2001, the OCA directed Ms. Hilario to comment on the complaint.

On December 14, 2001, Perez withdrew his complaint against Ms. Hilario after the latter had fully paid the sum owing him.

On December 19, 2001, Ms. Hilario wrote to the OCA, stating that she had already settled her account with Perez and that the latter had withdrawn the complaint filed against her. She prayed that the case against her be closed or dismissed.

In a memorandum submitted to this Court,^[3] the OCA stated that, inasmuch as the promissory note executed by Ms. Hilario stated that the debt would be paid in six months from date, and the debt was fully paid on December 14, 2001, there was delay in payment for only a little over a month. It then recommended that this matter be considered “CLOSED and TERMINATED.”

We note, however, that this is the second case of this nature involving Ms. Hilario. As the OCA itself stated, Ms. Hilario should be reminded that this Court has reprimanded her in A.M. No. P-00-1433, *Esperanza de Guzman vs. Isabel D. Hilario*, dated April 4, 2001, for similar shortcomings on her part. In said case, she was sanctioned for a similar misconduct, which we found violative of the Revised Administrative Code of 1987 (E.O. No. 292). In

particular Book V, Section 46 thereof states:

Sec. 46. Discipline: General Provisions. - (a) No officer or employee in the Civil Service shall be suspended or dismissed except for cause as provided by law and after due process.

(b) The following shall be grounds for disciplinary action:

...

(22) Willful failure to pay just debts or willful failure to pay taxes to the government;

xxx

Under Rule XIV, Section 22, of the Omnibus Rules of the Civil Service, “just debts” pertain to:

- claims adjudicated by a court of law, or
- claims the existence and justness of which are admitted by the debtor.

In the present case, Ms. Hilario in her comment did not deny incurring the debt much less the fact that it was a just debt. She also did not deny her failure to pay it when due. Instead, she asked that the case against her be closed or dismissed since she had settled her account with Perez on December 14, 2001, and the latter had already withdrawn his complaint against her.

In the light of her admissions, we find the aforecited provision of the Revised Administrative Code applicable. 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.[4] The purpose of complainant was not only to collect from Ms. Hilario, but also to seek administrative disciplinary action against her. The penalty therefore is not directed at Ms. Hilario’s private life but at her actuation unbecoming a public employee.[5]

Under Rule XIV, Section 22 of the Omnibus Rules of the Civil Service, willful refusal to pay a just debt is a light offense. The penalties prescribed under said rule are reprimand for the first offense; suspension from one to 30 days for the second offense; and dismissal from the service for the third offense. Since this is Ms. Hilario’s second offense, she should be suspended and not merely reminded about the previous reprimand imposed on her in A.M. No. P-00-1433, as recommended by the OCA. However, we deem it proper to consider the present economic conditions of court employees and thereby temper the penalty to be imposed against her. For we note that she did, after all, pay off her debt albeit with admitted delay. A suspension from office for five working days should suffice in her present case.

WHEREFORE, MARIA ISABEL D. HILARIO, Court Social Worker, Regional Trial Court of Pasay City, National Capital Region, Branch 113, is hereby **SUSPENDED** for five (5) working days for conduct unbecoming a public servant by first refusing and then failing to pay on time a just debt, with a **STERN WARNING** that a repetition of the same or similar acts in the future will be dealt with more severely.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, and Corona, JJ., concur.

[1] Annex “A,” Rollo, p. 2.

[2] Rollo, p. 3.

[3] Dated March 5, 2002.

[4] *Florenda vs. Enrile*, A.M. No. P-92-695, 239 SCRA 22, 29 (1994).

[5] *Martinez vs. Muñoz*, A.M. No. P-94-1006, 249 SCRA 14, 22 (1995), citing *Flores vs. Tatad*, A.M. No. P-1808, 96 SCRA 676, 679 (1980).

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