ATTY. CORAZON C. PAGULAYAN-TORRES, ASSISTANT CLERK OF COURT, REGIONAL TRIAL COURT, BACOLOD CITY, COMPLAINANT, VS. CARLOTA V. GOMEZ, CLERK IV, REGIONAL TRIAL COURT, BACOLOD CITY,...

A.M. NO. P-03-1716. June 09, 2005

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

The administration of justice is circumscribed by a heavy burden of responsibility. Everyone involved in its dispensation -- from the presiding judge to the lowliest clerk -- is required to live up to the strictest standards of competence, dedication and integrity in the public service.

The Case and the Facts

This administrative case stems from a Sworn Complaint[1] filed by Assistant Clerk of Court Corazon C. Pagulayan-Torres of the Regional Trial Court (RTC) of Bacolod City against Carlota V. Gomez, Clerk IV of the same court. The pertinent portions of the Complaint read as follows:

> "1. That on June 2, 2000, not being authorized to do so, [respondent] received payment for publication fee amounting to P8,640.00 relative to an extra-judicial foreclosure case entitled 'Philipp Villanueva vs. Azela de Oca Valderama, et al';
>
> "2. That on June 20, 2000, she also received P4,680.00 representing deposit for publication relative to a Special Proceedings case entitled 'In the [M]atter of the [I]ntestate [E]state of the [L]ate Felix A. Abay, Sr.[';]
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> "3. That on June 23, 2000, again she received another publication fee in the amount of P6,840.00 relative to [an] extrajudicial foreclosure case entitled 'Alfonso Dacles vs. Sarrosa Chua';
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> "4. That when brought to [complainant's] attention, immediately or on July 6, 2000, [complainant] issued [respondent] a Memorandum, sent through registered mail because she had gone on prolonged and unauthorized leave by then x x x;
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> "5. That on July 26, 2000, during a staff meeting where [respondent] was present, she was singled out not to meddle with others' dut[ies], specially if [these] concern the collection of money. Furthermore, the undersigned pulled her out from the frontline and assigned her to purely clerical works such as doing the monthly report of cases;
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> "6. [In spite] of her new assignment, on August 22, 2000, she allegedly followed-up an extra-judicial foreclosure case entitled 'Miguel Antonio Lacson vs. Annabelle Arrenas' and personally collected the publication fee thereof amounting to P6,840.00 and then intentionally kept the copy of the petition to herself;
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> "7. That in all these instances, she issued [a]cknowledgment receipt[s] x x x BUT NEVER remitted the monies to [the] [c]ash [c]lerk. She was never given permission, written or verbal, to use nor even possess these Acknowledgment Receipts Forms, considering that we have a [c]ash [c]lerk. These unauthorized transactions

> or payments have come to [the court's] knowledge only much later when various inquiries and complaints were made about such payments x x x[;]
>
> "8. That [complainant], upon being informed of [respondent's] latest anomaly, immediately called her up and demanded [an] explanation. During their telephone conversation, while she hesitantly admitted that she received the money, she blamed her officemates for not raffling off the case for publication x x x;
>
> "[9]. That in most of the months since January 2000, reporting to office [was] the exception [and] not the rule [for respondent]. After repeated verbal reminders and warnings, a second Memorandum was issued by [complainant] on August 16, 2000, x x x with the instruction to submit her written explanation within five days. No explanation was ever offered, verbal nor written;
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> "[10]. It has become a pattern that when [respondent] commits a wrong, x x x she would go on unauthorized and prolonged absences and leave [others] to answer for her wrongdoing. Worst, x x x she cannot seem to find a way to inform [complainant] x x x of her whereabouts x x x;
>
> "[11]. That for all the patience and understanding that [complainant] has afforded her, [respondent] does not seem to show earnest and sincere effort to mend her ways. [Complainant] is left with no recourse except to take action, hoping that this will finally put a stop to her condemnable behavior and[,] more importantly, to save the Office from further embarrassment."[2]

In sum, the charges against respondent were dishonesty and serious misconduct, habitual absenteeism and tardiness.

Acting on the said Complaint, then Court Administrator Alfredo L. Benipayo required respondent to file her Comment within ten (10) days from receipt of notice.[3]

Respondent filed a Motion for Extension of Time to File Comment dated December 2, 2000. Despite the grant by the Office of the Court Administrator (OCA) of an extension of fifteen (15) days, respondent failed to file her comment on the Complaint against her.

In a letter dated April 19, 2001, then acting Court Administrator Zenaida N. Elepaño gave respondent an extension of another five (5) days from notice within which to submit her Comment. The latter was further warned that failure to do so would constrain the OCA to submit the case for consideration of the Court, without her Comment.[4] Again, respondent did not bother to answer.

Report and Recommendation of the OCA

Parenthetically, in a November 22, 2000 Resolution[5] issued by the Second Division of this Court, respondent was dropped from the service for her continued absence without approved leave. Nevertheless, the OCA recommends that, for the present charges, she be meted out a penalty of dismissal from the service, with all its accessory penalties. The OCA believes that being dropped from the service is a non-disciplinary mode of separation and does not result in either the forfeiture of any benefits or disqualification from reemployment in the government.

The Court's Ruling

The Court agrees with the recommendation of the OCA that being dropped from the service is not enough penalty, and that the Court should thus impose the additional or accessory penalties involved in a dismissal from the service.

Administrative Liability of Respondent

Despite ample opportunity, respondent failed to submit any comment on the Complaint against her. As she has in

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effect waived her right to answer the serious and multiple charges against her, this Court is constrained to rule on the basis of the evidence available.

On several occasions, respondent received payments for publication fees without any authority and without properly remitting the amounts after she had collected them. Despite having been reprimanded and instructed by complainant to refrain from meddling in the collection of funds, respondent again committed the same violation. When an explanation was demanded from her, she could not give any plausible reason or justification.

When her malfeasances were converted to a formal administrative Complaint, she did not even bother to submit any comment despite being given ample time to do so. Her deafening silence to the serious charges against her is indicative of her guilt.

A public office is a public trust. This Court will not countenance dishonesty and malversation, which diminish the people's faith in the judiciary.[6]

Respondent has also been repeatedly reprimanded for her habitual and unauthorized absences, as a result of which she was dropped from the service effective February 1, 2000. This Court has held that habitual absenteeism and unreasonable tardiness are impermissible. It has emphasized the need for officials and employees of the judiciary to strictly observe official time in order to inspire public respect for the justice system.[7]

The offense of dishonesty coupled with frequent unauthorized absences warrants the dismissal of respondent from the service.[8] The penalty of dismissal carries with it the cancellation of eligibility, the forfeiture of retirement benefits, and disqualification from reemployment in the government service. Further, the imposition of such penalty is without prejudice to respondent's criminal or civil liability.[9]

Those charged with the dispensation of justice, from the presiding judge to the lowliest clerk, should be circumscribed with the heavy burden of responsibility. Their conduct at all times must not only be characterized by propriety and decorum but, above all else, must be beyond suspicion. Every employee should be an example of integrity, dedication and competence. Integrity in a judicial office is more than a virtue; it is a necessity. It applies, without qualification as to rank or position, from the judge to the least of the court personnel, they being standard-bearers of the exacting norms of ethics and morality imposed upon a court of justice.[10]

WHEREFORE, Carlota V. Gomez is found GUILTY of dishonesty and habitual absenteeism and would have been DISMISSED from the service, had she not been earlier dropped from the rolls effective February 1, 2000. However, the Court hereby imposes upon her the additional or accessory penalties of dismissal: forfeiture of all retirement benefits, except accrued leave credits; and prohibition from reemployment in any branch, agency or instrumentality of the government including government-owned or -controlled corporations.

SO ORDERED.

Corona, Carpio-Morales, and Garcia, JJ., concur.
Sandoval-Gutierrez, J., on official leave.

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[1] Rollo, pp. 2-5.

[2] Complaint, pp. 1-4; rollo, pp. 2-5.

[3] 1[st] Indorsement dated October 27, 2000; rollo, p. 9.

[4] Rollo, p. 20.

[5] AM No. 00-10-456-RTC, Re: Absence Without Official Leave of Ms Carlota V. Gomez. A Motion for Reconsideration filed by respondent was denied with finality in a Resolution dated January 31, 2001.

[6] Re: Report on the Judicial and Financial Audit of RTC-Br. 4, Panabo, Davao del Norte, 351 Phil. 1, March 13, 1998.

[7] Re: Habitual Tardiness Incurred by Gideon M. Alibang, AM No. 2003-11-SC, June 15, 2004.

[8] §23(a) of the Omnibus Rules Implementing Book V of Executive Order No. 292 and other Pertinent Civil Service Laws, December 27, 1991.

[9] §9, ibid.

[10] Cosca v. Palaypayon, 273 SCRA 249, September 30, 1994.

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