JUDGE ISIDRA A. ARGANOSA-MANIEGO, COMPLAINANT, VS. ROGELIO T. SALINAS, UTILITY WORKER I, MUNICIPAL CIRCUIT TRIAL COURT, MACABEBE-MASANTOL, MACABEBE, PAMPANGA, RESPONDENT.

A.M. No. P-07-2400 (Formerly OCA IPI No. 07-2589-P). June 23, 2009

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

This is an administrative complaint for grave misconduct and gross dishonesty, filed by complainant Judge Isidra A. Arganosa-Maniego (Judge Maniego), against Utility Worker I Rogelio T. Salinas (Salinas), both of the Municipal Circuit Trial Court (MCTC), Macabebe-Masantol, Macabebe, Pampanga.

The facts of the case as culled from the records of the case are as follows:

Salinas handed to Judge Maniego, on 17 May 2007, Land Bank Check No. 184461, in the amount of Twenty Thousand pesos (P20,000.00), representing the latter's Economic and Emergency Allowance (EEA).

When Judge Maniego went to MCTC Apalit-San Simon, Apalit, Pampanga, on 22 May 2007, to attend the cases set for Judicial Dispute Resolution (JDR), she learned from Clerk of Court Maria A. Chico that judges had recently received two checks, one for their EEA, and another for their Special Allowance for Justices and Judges (SAJ). This was confirmed by Judge Teodora Gonzales of the MCTC Apalit-San Simon, Apalit, Pampanga.

Thereafter, Judge Maniego instructed her Court Interpreter Ofelia R. Cunanan (Cunanan), via text message, to look for the mailing envelope which contained the EEA checks for their court. Later, Cunanan called Judge Maniego's cellular phone to inform the latter that Salinas received the mail for their court and that Salinas already threw away the mailing envelope Judge Maniego was looking for.

To address her doubts regarding her missing SAJ check, Judge Maniego issued on 24 May 2007 a Memorandum[1] to her staff, namely, Clerk of Court Aris Yabut (Yabut), Clerk Lilian L. Gueverra (Gueverra), Court Stenographers Elsa I. Lagman (Lagman), Ethel I. Pabustan (Pabustan), and Karen I. Villanueva (Villanueva), Process Server Gerardo S. Lagman (Lagman), Cunanan, and respondent, directing them to explain how their EEA checks came to their possession.

Yabut, Guevarra, Lagman, Pabustan, Villanueva, Lagman, and Cunanan, filed their respective replies to Judge Maniego's Memorandum, reporting therein that their EEA checks were individually given to them by Salinas on 17 May 2007.[2]

Salinas separately filed his reply[3] to Judge Maniego's Memorandum, admitting that he received the mailed checks for Judge Maniego and the employees of her court, and that he retained and encashed Judge Maniego's check, bearing the number 184462, and amounting to P2,521.00, because he needed money for the repair of his tricycle. Salinas' reply reads:

> Bago po ang lahat, ako ay humihingi ng paumanhin o kapatawaran sa pagpalit ko ng "cash" sa tsekeng "representing the economic assistance for court's personnel."
>
> Ako po ay hindi masamang tao, hindi magnanakaw, hindi tamad, hindi maluho, hindi naglilinis sa opisina gaya ng sinabi ninyo sa akin na ako ay magnanakaw, tamad, maluho at hindi naglilinis sa opisina.
>
> Lakas loob ko pong ginamit ang tseke ""representing the economic assistance for court's personnel" dahil inakala ko na hindi kayo magagalit at mauunawaan ninyo ako, noong araw na iyon ay nasira po ang motor na ginagamit namin. Walang wala po kaming pera nung araw na iyon, naisip ko po wala akong magagamit na motor sakaling magpahatid kayo sa sakayan. Dahil mayroon naman po kaming inaasahang perang darating, mga dalawang araw lang darating na lakas loob ko ng ginamit ang tseke para mapagawa ko ang motor para may magamit ako sakaling magpahatid kayo sa sakayan.
>
> Ang balak ko po ay sasabihin ko sa inyo kinabukasan ang pangyayari na papalitan ko na lang ng "cash" ang tseke kaya lang hindi ako nakapasok. Noong araw na iyon nang pumasok ako kinabukasan ay galit na galit kayo. Nawalan po ako ng pagkakataon makapagpaliwanag dahil sa galit ninyo, nataranta po ako. Maniwala po kayo or hindi sa aking paliwanag ay nasa sa inyo na po. Hindi ko po hawak ang inyong kalooban. Alam po ng Diyos na malinis ang konsensya ko at alam po ng Diyos na sa sampong taon kong pagka Court Aide ay pinagkakatiwalaan ako sa mga tseke at perang pinadedeposito sa banko.
>
> Huwag naman po kayong mawala ng tiwala sa akin kahit na pinalitan ko na po ng "cash" ang nasabing "tseke." Hindi po ako masamang tao. Patawarin po ninyo ako sa inaakalang maling ginawa ko. Bigyan po ninyo akong isa pang pagkakataong alang-alang sa pamilya ko. (Emphasis supplied.)

Salinas also orally admitted to Judge Maniego that he was able to encash the check in question with the Ignacio Superette, a supermarket located at the Poblacion, Masantol, Pampanga, by forging Judge Maniego's signature.

Thus, Judge Maniego filed a Verified Complaint[4] dated 25 June 2007 against Salinas, charging the latter with grave misconduct and gross dishonesty. Judge Maniego prayed that Salinas be preventively suspended because her court could not function well when he was present, since everyone would be guarding their things, apprehensive that Salinas might also take them. Judge Maniego reiterated such prayer in her Urgent Ex-Parte Motion for Indefinite Preventive Suspension of Respondent [Salinas]. In addition, she also feared that Salinas might commit another unlawful act in connivance with the lawyers and litigants in cases before her court.

On 29 June 2007, the Office of the Court Administrator (OCA) required[5] Salinas to comment on Judge Maniego's complaint within 10 days from receipt of notice.

Judge Maniego filed on 12 July 2007 an Ex-Parte Manifestation with Motion,[6] informing the Court that she filed before the Office of the Provincial Prosecutor of Pampanga two criminal complaints against Salinas, particularly, for (1) Qualified Theft and (2) Falsification of Official/Commercial Document. As a result, Judge Maniego sought the immediate resolution of her motion for Salinas' preventive suspension, because with her filing of the said criminal complaints against Salinas, Judge Maniego now feared for her personal safety.

In his Comment[7] on Judge Maniego's Complaint, Salinas denied that he committed grave misconduct and/or gross dishonesty. He asserted that he did not open the mail matter containing the checks without the knowledge of Clerk of Court Yabut and the other court staff. Salinas narrated that when the court staff learned that their mailed checks had arrived at the post office, they instructed him to pick up the same and then to distribute the checks to the respective payees.

Anent Judge Maniego's check, Salinas alleged that:

> I personally handed to the complainant [Judge Maniego] the two (2) checks and asked her politely if she can accommodate me in borrowing the amount stated in the second check in the amount of Two Thousand Five

> Hundred Twenty One Pesos (P2,521.00) Philippine currency, for I need very badly that amount to have the tricycle I am using in taking her to the jeep terminal whenever she decide (sic) to go home anytime even during office hour (sic). After handing the two (2) checks to her, she entered her chamber and I stayed outside for I was waiting for her answer to (sic) my request. After a few minute (sic) the complainant [Judge Maniego] came out from the chamber and asked, "why do you have to borrow the said amount when you also received your check (sic)? I told her, that the money I just received are (sic) all earmarked for the enrollment of my children and for our daily sustenance. With that answer of mine, complainant [Judge Maniego] handed back to me the said check with a request to return/repay the cash value of the check within one (1) week for she [was] also in need of cash considering that school opening is (sic) fast approaching. She further asked me to have the tricycle be (sic) repaired the soonest. When she handed to me the check it was already signed and advice (sic) me just affixed (sic) also my signature at the dorsal side.[8]

Salinas claimed that he did not encash the subject check without Judge Maniego's knowledge and consent. Neither did he falsify Judge Maniego's signature on the said check. According to Salinas, he only admitted in his reply to Judge Maniego's Memorandum that he encashed the check without Judge Maniego's knowledge and consent because he was assured by the latter that no case would be filed against him. Salinas contended that Judge Maniego only wanted to make it appear that she was not extending financial assistance to Salinas, for the other employees might also borrow money from her.

Salinas further argued that there was no justification for his preventive suspension, considering that he was only a court aide, not likely to exert undue influence on the witnesses who were holding higher ranking positions and who had already executed their affidavits. Moreover, the possibility of his tampering with documentary evidence was remote because there was no showing that such documents were under his control or possession.

In a Report dated 1 October 2007, the Office of the Court Administrator (OCA) recommended, among other things, that Salinas be placed under preventive suspension pending the resolution of Judge Maniego's Complaint against him. This recommendation was adopted by the Court.[9]

In a Resolution dated 12 November 2007, the Court referred the present administrative matter to a Consultant of the OCA for investigation, report and recommendation within sixty (60) days from receipt of the records thereof.

Meanwhile, on 12 February 2008, Salinas submitted a "Sinumpaang Salaysay"[10] dated 11 February 2008, renouncing the previous allegations in his Comment on Judge Maniego's Complaint, avowing that he did not admit the truth in said Comment for fear of being immediately dismissed from the service. This time, he admitted, among other things, that:

> - Na ako ang tumanggap ng check-letter mail na binanggit ni ma'am sa kanyang demanda na laban sa akin;
>
> - Na binuksan ko iyon at ako na rin ang nagdistribute noon sa aking mga kasamahan at kay mam (Judge);
>
> - Na dalawang tseke ang nakalaan para kay ma'am, isang halagang P20,000.00 at isang P2,500.00 plus;
>
> - Na dahil sa matinding pangangailangan sa araw na iyon, natukso akong kunin ang tseke ni ma'am na may halagang P2,500.00 plus at ang may halagang P20,000.00 ay binigay ko sa kanya;
>
> - Na pinagpalit ko iyon ng cash sa Ignacio Superrette sa Masantol, Pampanga;
>
> x x x x
>
> Na bilang tao, dumarating ang kahinaan sa buhay at tayo ay hindi perpekto at inuulit kong natukso lang po ako dahil sa matindi kong pangangailangan nung araw na iyon at nahihiya naman akong mang-utang kay judge at sa aking mga kasamahan.[11] (Emphasis ours.)

Salinas pleaded for the Court, out of compassion, not to dismiss him from service, considering that he had four children who were studying and that his wife's salary as a court stenographer would not be able to fully support their family needs.

Given the non-renewal of the service contracts of the OCA Consultants and the subsequent developments in this administrative matter, such as respondent's admission of guilt, a formal investigation was no longer warranted. Hence, the OCA deemed it appropriate to proceed with the evaluation of the administrative matter in order to expedite the proceedings, thereby saving the time and resources of this Court.

On 2 May 2008, the OCA submitted its report[12] with the following recommendations:

> - That the Sinumpaang Salaysay dated 11 February 2008 be NOTED and made of record;
>
> - That respondent Rogelio Salinas, Utility Worker I, MCTC, Macabebe- Masantol, Macabebe, Pampanga be found GUILTY of DISHONESTY; and
>
> - That he be meted with the penalty of DISMISSAL from the service with forfeiture of all retirement benefits, except accrued leave credits, and with perpetual disqualification from re-employment in any government agency, including government owned and controlled corporation.[13]

The Court thereafter required[14] the parties to manifest within ten (10) days from notice if they were willing to submit the matter for resolution based on the pleadings filed. Judge Maniego and Salinas submitted their separate manifestations on 21 August 2008[15] and 6 February 2009, respectively.[16] Consequently, the administrative matter was submitted for decision based on the pleadings filed.

The Court, after a careful examination of the records herein, is upholding the findings of the OCA that Salinas is indeed responsible for stealing and encashing Check No. 184462 representing the special allowance issued to Judge Maniego, and converting for his personal use the cash he received thereby, but modifies the recommended penalty.

In two written documents, i.e., his reply to Judge Maniego's Memorandum and his Sinumpaang Salaysay, respondent had already knowingly and willingly admitted the acts with which he was charged. Despite knowing that the payee of Check No. 184462 was clearly Judge Maniego,[17] Salinas still took and encashed the same for his personal use.

The Court finds nothing in Salinas' explanation to justify his liability for taking what was clearly not his. Neither his purported intense desire to have his tricycle immediately repaired so that he could use it to bring Judge Maniego to the jeepney terminal whenever he was requested to do so, nor his alleged intention to immediately pay the amount of the check the day after his encashment of the same, could excuse his transgression of administrative and ethical standards for court employees. The Court cannot comprehend how Salinas would rather commit a dishonest act by stealing from Judge Maniego, than endure the embarrassment from borrowing money up-front from Judge Maniego or other court employees.

Given Salinas' own admission, taken together with the evidence submitted by Judge Maniego in support of her Complaint, the Court finds substantial evidence to support the administrative charge of grave misconduct and dishonesty against Salinas. In administrative proceedings, the quantum of proof necessary for a finding of guilt is substantial evidence or such relevant evidence as a reasonable mind may accept as adequate to support a conclusion.[18] Well-entrenched is the rule that substantial proof, and not clear and convincing evidence or proof beyond reasonable doubt, is sufficient as basis for the imposition of any disciplinary action upon the employee. The standard of substantial evidence is satisfied where the employer, which is the Court in this case, has reasonable ground to believe that the employee is responsible for the misconduct and his participation therein

renders him unworthy of trust and confidence demanded by his position.[19]

Misconduct is a transgression of some established and definite rule of action, a forbidden act, a dereliction from duty, unlawful behavior, willful in character, improper or wrong behavior,[20] while "gross" has been defined as "out of all measure; beyond allowance; flagrant; shameful; such conduct as is not to be excused."[21]

Dishonesty, on the other hand, has been defined as the "(d)isposition to lie, cheat, deceive, or defraud; untrustworthiness; lack of integrity; lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray."[22] Indeed, dishonesty is a malevolent act that has no place in the judiciary.[23]

The Court emphasizes that public service requires utmost integrity and discipline. A public servant must exhibit at all times the highest sense of honesty and integrity for no less than the Constitution mandates the principle that "a public office is a public trust and all public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency."[24] In addition, the Code of Conduct and Ethical Standards for Public Officials and Employees provides that every public servant shall at all times uphold public interest over his or her personal interest.[25]

Court personnel, from the presiding judge to the lowliest clerk, must adhere to the high ethical standards of public service in order to preserve the Court's good name and standing.[26] Time and again, this Court has exhorted that any act that falls short of the existing standards for public service, especially on the part of those expected to preserve the image of the judiciary, shall not be countenanced. As the administration of justice is a sacred task, the persons involved in it ought to live up to the strictest standard of honesty and integrity.[27] Their conduct, at all times, must not only be characterized by propriety and decorum but, above all else, must be above suspicion. Thus, every employee of the judiciary should be an example of integrity, uprightness and honesty.[28]

Salinas, in taking and encashing Judge Maniego's check, on a personal level, violated Judge Maniego's trust in him and deprived Judge Maniego of her property; and, also on a much larger scale, degraded the judiciary and diminished the respect and regard of the people for the court and its personnel. Salinas is not much different from the respondent in Court Administrator v. Sevillo,[29] whom the Court lamentably regarded as a common thief for stealing mail matters.

Salinas only admitted to Judge Maniego that he took the latter's check and paid the value of the same at 1:00 p.m. on 24 May 2007,[30] after being directly confronted by Judge Maniego. Also working against Salinas' interest is the fact that he lied to this Court in his Comment on Judge Maniego's Complaint. It should be recalled that Salinas, in his reply to Judge Maniego's Memorandum, admitted encashing Judge Maniego's check without the knowledge or consent of the latter. However, in his Comment on Judge Maniego's Complaint before this Court, he changed his story by claiming that Check No. 184462 was voluntarily given to him by Judge Maniego as a loan. Then again, in the Sinumpaang Salaysay he subsequently submitted, Salinas again admitted to keeping and encashing Judge Maniego's check, without the latter's knowledge or consent. The foregoing events only further expose Salinas' intent to mislead the Court, as well as his propensity to be dishonest. Salinas' subsequent admission of his wrongdoing in his Sinumpaang Salaysay does not at all redeem him, since there would have been no need for the same if he already made such an admission earlier in his Comment.

Pursuant to Section 23, Rule XIV of the Omnibus Rules Implementing Book V of Executive Order 292, Grave Misconduct and Dishonesty, being in the nature of grave offenses, carry the extreme penalty of dismissal from the service with forfeiture of retirement benefits except accrued leave credits, and perpetual disqualification for reemployment in government service.[31]

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However, in several administrative cases, the Court has refrained from imposing the actual penalties in the presence of mitigating factors. Factors such as the respondent's length of service, the respondent's acknowledgement of his or her infractions and feeling of remorse, family circumstances, humanitarian and equitable considerations, respondent's advanced age, among other things, have had varying significance in the Court's determination of the imposable penalty.[32]

The compassion extended by the Court in these cases was not without legal basis. Section 53, Rule IV of the Revised Uniform Rules on Administrative Cases in the Civil Service,[33] grants the disciplining authority the discretion to consider mitigating circumstances in the imposition of the proper penalty.

The court has also ruled that where a penalty less punitive would suffice, whatever missteps may be committed by labor ought not to be visited with a consequence so severe.[34] It is not only for the law's concern for the workingman; there is, in addition, his family to consider. Unemployment brings untold hardships and sorrows on those dependent on wage earners.[35]

Applying the rationale in the aforesaid catena of cases, it is appropriate for this Court, in the case at bar, to consider that this is Salinas' first offense in his more than 10 years in government service, that he acknowledged his infractions and feeling of remorse and restituted the amount involved. Thus, suspension for one year without pay is sufficient, given the circumstances.

WHEREFORE, Salinas is hereby found GUILTY of Gross Misconduct and Dishonesty, and is hereby SUSPENDED for a period of ONE (1) YEAR without pay, commencing upon notice of this Decision, with warning that a repetition of the same or similar act shall be dealt with more severely.

SO ORDERED.

Ynares-Santiago, Velasco, Jr., Nachura, and Peralta, JJ., concur.

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[1] Rollo, pp. 10-11.

[2] Id. at 13-14.

[3] Id. at 17.

[4] Id. at 4-9.

[5] Id. at 32.

[6] Id. at 33-34.

[7] Id. at 63-68.

[8] Id. at 65.

[9] Id. at 81.

[10] Id. at 83-85.

[11] Id. at 83-84.

[12] Id. at 88-94.

[13] Id. at 94.

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[14] Id. at 98.

[15] Id. at 30-31.

[16] Id. at 101.

[17] Id. at 25.

[18] Ebero v. Sheriff Camposano, 469 Phil. 426, 422 (2004).

[19] Reyno v. Manila Electric Company, G.R. No. 148105, 22 July 2004, 432 SCRA 660, 668.

[20] BLACK'S LAW DICTIONARY, 5[th] Edition, p. 901, cited in Vidallon-Magtolis v. Salud, A.M. No. CA-05-20-P, 9 September 2005, 469 SCRA 439, 469.

[21] Id. at 632, citing State Board of Dental Examiners v. Savelle, 90 Colo. 177, 8 P. 2d 693, 697, cited in Vidallon-Magtolis v. Salud, id.

[22] Re: Administrative Case for Dishonesty Against Elizabeth Ting, Court Sec. I & Angelita C. Esmerio, Clerk III, Off. Clerk of Court, A.M. No. 2001-7-SC & No. 2001-8-SC, 22 July 2005, 464 SCRA 1, 15.

[23] Cabanatan v. Molina, 421 Phil. 664, 674 (2001); Lacurom v. Magbanua, 443 Phil. 711, 718 (2003), citing Pizarro v. Villegas, 398 Phil. 837, 838 (2000).

[24] Section 1, Article XI, 1987 Constitution.

[25] Republic Act No. 6713, Section 2.

[26] De Chavez v. Lescano, A.M. No. R-70-P, 8 October 1985, 139 SCRA 103, 106; Recto v. Racelis, 162 Phil. 566, 574 (1976).

[27] Hernandez v. Borja, 312 Phil. 199, 204 (1995).

[28] Basco v. Gregorio, 315 Phil. 681, 688 (1995).

[29] 336 Phil. 931 (1997).

[30] Rollo, p. 6

[31] Office of the Court Administrator v. Magno, 419 Phil. 593, 602 (2001); Sec. 22(a), Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292 (Administrative Code of 1987), as amended by CSC Memorandum Circular No. 19, s. 1999 (a).

[32] In Re: Administrative Case for Dishonesty Against Elizabeth Ting, Court Secretary I, and Angelita C. Esmerio, Clerk III, Office of the Division Clerk of Court, Third Division (A.M. No. 2001-7-SC & 2001-8-SC, 22 July 2005, 464 SCRA 1), where therein respondents were found guilty of dishonesty, the Court, for humanitarian considerations, in addition to various mitigating circumstances in respondents' favor, meted out a penalty of six months suspension instead of imposing the most severe penalty of dismissal from service. In imposing a lower penalty, the court, for humanitarian considerations, took note of various mitigating circumstances in respondent's favor, to wit: (1) for respondent ANGELITA C. ESMERIO: her continued long years of service in the judiciary amounting to 38 years; her faithful observance of office rules and regulations from the time she submitted her explanation-letter up to the present; her acknowledgment of her infractions and feelings of remorse; her retirement on 31 May 2005; and her family circumstances (i.e., support of a 73-year old maiden aunt and a 7-year old adopted girl); and (2) for ELIZABETH L. TING: her continued long years of service in the judiciary amounting to 21 years; her acknowledgment of her infractions and feelings of remorse; the importance and complexity of the

nature of her duties (i.e., the preparation of the drafts of the Minutes of the Agenda); the fact that she stays well beyond office hours in order to finish her duties; and her Performance Rating which has always been "Very Satisfactory" and her total score of 42 points which is the highest among the employees of the Third Division of the Court

In the case of Concerned Taxpayer v. Doblada, Jr. (A.M. No. P-99-1342, 20 September 2005, 470 SCRA 218), the penalty of dismissal was reduced by the Court to six months suspension without pay for the attendant equitable and humanitarian considerations therein: Norberto V. Doblada, Jr. had spent 34 years of his life in government service and he was about to retire; this was the first time that he was found administratively liable per available record; Doblada, Jr. and his wife were suffering from various illnesses that required constant medication, and they were relying on Doblada's retirement benefits to augment their finances and to meet their medical bills and expenses.

In Civil Service Commission v. Belagan (G.R. No. 132164, 19 October 2004, 440 SCRA 578, 601), Allyson Belagan, who was charged with sexual harassment and found guilty of Grave Misconduct, was meted out the penalty of suspension from office without pay for one year, instead of the heavier penalty of dismissal, given his length of service, unblemished record in the past, and numerous awards.

In Vidallon-Magtolis v. Salud (A.M. No. CA-05-20-P, 9 September 2005, 469 SCRA 439, 469-470), Cielito M. Salud, a Court of Appeals personnel, was found guilty of inefficiency and gross misconduct, punishable by dismissal from service even for the first-time offenses. However, considering that Salud had not been previously charged nor administratively sanctioned, the Court instead imposed the penalty of suspension for one year and six months.

In De Guzman, Jr. v. Mendoza (A.M. No. P-03-1693, 17 March 2005, 453 SCRA 545, 574), Sheriff Antonio O. Mendoza was charged with conniving with another in causing the issuance of an alias writ of execution and profiting from the rentals collected from the tenants of the subject property. Mendoza was subsequently found guilty of Grave Misconduct, Dishonesty and Conduct Prejudicial to the Best Interest of the Service; but instead of imposing the penalty of dismissal, the Court meted out the penalty of suspension for one year without pay, it appearing that it was Mendoza's first offense.

In Buntag v. Pana (G.R. No. 145564, 24 March 2006, 485 SCRA 302), the Court affirmed the findings of the Court of Appeals and the Ombudsman when they took into consideration Corazon G. Buntag's length of service in the government and the fact that this was her first infraction. Thus, the penalty of dismissal for Falsification of Official Document was reduced to merely one-year suspension.

In Re: Delayed Remittance of Collections of Teresita Lydia Odtuhan (445 Phil. 220 [2003]), a court legal researcher, Lydia Odtuhan of the Regional Trial Court of Pasay City was found guilty of serious misconduct in office for failing to remit a P12,705.00 fund collection to the proper custodian for three years and doing so only after several demands or directives from the clerks of court and from the Office of the Court Administrator (OCA). For humanitarian reasons, the Court found dismissal from the service to be too harsh, considering that Odtuhan subsequently remitted the entire amount and she was afflicted with ovarian cancer. She was imposed a fine P10,000.00, with a stern warning that a repetition of the same or a similar act will be dealt with more severely.

In Re: Misappropriation of the Judiciary Fund Collections by Ms. Juliet C. Banag (465 Phil. 24 [2004]), Juliet C. Banag, the Clerk of Court of the Municipal Trial Court of Plaridel, Bulacan, was delayed in the remittance of her cash collections, which constituting gross neglect of duty under the Civil Service Law. However, the Court took into consideration the lack of bad faith and the fact that Banag fully remitted all her collections and that she had

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no outstanding accountabilities. Because of these attendant circumstances and for humanitarian considerations, the Court merely imposed a fine of P20,000.00 and a stern warning that a repetition of the same or similar acts shall be dealt with more severely.

[33] CSC Memorandum Circular No. 19-99, 14 September 1999.

[34] Re: Habitual Absenteeism of Mr. Fernando P. Pascual, A.M. No. 2005-16-SC, 22 September 2005, 470 SCRA 569, 573

[35] Mendoza v. Navarro, A.M. No. P-05-2034, 11 September 2006, 501 SCRA 354, 364.

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