

DANILO M. SY, COMPLAINANT, VS. ISABELITA M. CRUZ, BRANCH CLERK OF COURT, METROPOLITAN TRIAL COURT, BRANCH 76, MARIKINA, METRO MANILA, RESPONDENT.

A.M. No. P-95-1163 (Formerly A.M. No. OCA IPI 95-35-P). December 06, 1995

Ponente: REGALADO, J.

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REGALADO, J.:

In a letter-complaint dated August 26, 1994 addressed to the Court Administrator, complainant Danilo M. Sy, Local Revenue Officer II of Marikina, Metro Manila, assails the official conduct of respondent Isabelita M. Cruz, Branch Clerk of Court of the Metropolitan Trial Court, Branch 76, Marikina, Metro Manila, committed in violation of civil service laws, particularly Section 23(A), Rule XIV of the Civil Service Law.

It appears that in a compromise agreement between complainant and his brother, Alfredo Sy, who resides in the United States, which settlement entails the return of the amount of P350,000.00 owed by the former to the latter, they agreed that monthly payments of the amount will be entrusted to and deposited in a bank by respondent, as a neutral party. Pursuant to that agreement, complainant gave to respondent monthly deposits of P10,000.00 for the period from August, 1993 to February, 1994, or a total amount of P70,000.00 and for which respondent issued the corresponding receipts. Later, one Lani Ayuson was appointed as depositary by Alfredo Sy due to a falling out between him and respondent. Complainant then requested respondent several times to accordingly return the amount he had deposited thus far,[1] which would be turned over to Lani Ayuson who, incidentally, is the niece of the wife of Alfredo Sy.

When respondent ignored the requests, complainant, through counsel, served a written demand dated April 22, 1994 upon respondent for the latter to return the aforesaid amount. Respondent replied, in a letter dated May 2, 1994, that she was still waiting for the release of her PAG-IBIG loan. Respondent apparently failed to return the deposited money in due time, and demand letters dated June 1 and 15, 1994 were again sent to her by complainant through the latter's lawyer, Atty. Ruth B. Castelo, but said demands were likewise ignored. Thus, a complaint for estafa was filed on August 30, 1994 by complainant against respondent with the Office of the Provincial Prosecutor of Rizal, together with the present administrative matter, charging her with having used for her own benefit the amount of money earlier entrusted to her.[2]

In her Comment, respondent replied that she did not return the amount to complainant since the same was supposed to be turned over to the new collection agent, Lani Ayuson, who had not personally met with her at that time. Respondent finally gave the amount to Ayuson on October 18, 1994 in the presence of Rizal Provincial Prosecutor Amerhassan C. Paudac after the aforesaid estafa charges were filed against her.

In the same Comment, respondent disparaged complainant's reputation and personal life by referring to him as a "two timing husband; a desfalcador by admission, and evidently also a malversador of government money." Respondent then incorporated therein a request addressed to the Municipal Mayor of Marikina that her said Comment be considered as a formal administrative complaint against complainant for gross

misconduct/immorality, dishonesty, and malversation of public funds. She also furnished a copy of the said Comment to the Office of the Ombudsman with the request that it be regarded as her formal complaint before said office against herein complainant likewise for grave misconduct/immorality, dishonesty, and seven counts of malversation of public funds.[3]

Respondent has indeed violated the stricture that every employee of the judiciary should always be an example of integrity, uprightness, and honesty.[4] The conduct of each employee of a court of justice must, at all times, not only be characterized with propriety and decorum, but above all else, be above suspicion.[5] In dealing with others, whether it be in connection with one's official duties or outside thereof, such employee must exhibit scrupulous adherence to the tenets of good faith and fair play.

Prefatorily, respondent ought to have personally distanced herself from the controversy between the Sy brothers, since she has a multitude of official duties which demand her full attention. As a branch clerk of court, it was not her concern and business to act as a trustee of complainant and his brother knowing that it could lead to a possible conflict of interests in the future and of controversies such as the one in which she is now embroiled. She should be aware that, for the same reasons, and although under supervision by the court concerned, clerks of court are not allowed to act as receivers[6] or administrators[7] in proceedings therein.

It will also be noted that she agreed to act as a trustee through the intercession of a certain Atty. Cesar Lavina who was then a practicing lawyer and is now reportedly a trial judge. She thus dealt with a matter in which she should never have involved herself in the first instance, even just out of a sense of delicacy or propriety. She should be reminded that by reason of the nature of the office that she holds, the exercise of prudence and caution is a paramount desideratum in the discharge of the duties and functions that go with that position. Administrative disciplinary sanction in case of a failure in that regard is thus necessarily justified in order to maintain the strictest standards of honesty and integrity among court employees.

From a liberal view, respondent cannot be faulted with gross dishonesty in violation of civil service laws for she subsequently, although belatedly, returned the amount in question.[8] The record, however, tends to establish that she had indeed used for her benefit the money entrusted to her on deposit. This is bolstered by the fact that she asked for time for the return of that amount until after her PAG-IBIG loan had been processed and approved.[9] This could only mean that she intended to refund the entrusted money from the proceeds of her said loan. From there, it is not far-fetched to deduce that she had spent the money entrusted to her by the Sy brothers.

As well analyzed by the Office of the Court Administrator - -

"Evidence show(s) that she was not able to produce and return the P70,000.00 to complainant even after several demands including letters of demand from Atty. Ruth B. Castelo x x x. It was only when her loan from the PAG-IBIG was released that she was able to return the money. She also answered one of the letter demands x x x requesting time-allowance for the return of the money. This is a very clear proof that she did not have the P70,000.00 with her when the demands were made by the complainant (per instructions of his brother). Being a Branch Clerk of Court, well-versed in the legal proceedings, she can not now deny the truth in her letter dated May 21, 1994 that she appropriated the P70,000.00 earlier for herself and the PAG-IBIG loan is the solution to her legal problem afterwards with the complainant.

"How can the respondent use the extremely incriminating letter `as a ploy to bide time while awaiting instructions from her principal' when she already admitted in subject letter her bad faith and misappropriation? How can she await instruction from the principal when she well knew that it was the principal all along who is demanding his money through the complainant because she had been ignoring and avoiding all his overseas calls? What could be the clear message of ignoring calls and not returning them aside from guilt and sin?

x x x

"Being deeply involved in private matters like this is taboo for a court staff. Respondent should have remained neutral and should have avoided being the entrustee of the monthly P10,000.00 between the brothers. It is now unbelievable to assume that in the process, she did not profit pecuniarily. Besides, this is a clear violation of RA 6713 or the Code of Conduct and Ethical Standard(s) for Public Officials and Employees x x x."

Respondent's act of imputing an unsavory personal life on the part of complainant Danilo Sy, to the extent of initiating administrative charges against him before the Office of the Mayor of Marikina and the Office of the Ombudsman, likewise leaves much to be desired. She obviously had only revenge in mind in hurling those charges which thereby smacks of vindictiveness, and in further digressing into matters which, in the words of the Court Administrator, are beside the point. Apropos hereto are the observations of said official:

"Instead of just keeping quiet before she has finally paid the P70,000.00 entrusted to her by the brothers, respondent went on fabricating flimsy excuses and even prof(ered) counter-charges against the complainant vi(l)ifying his whole personality. Respondent should have apologized instead, and returned the interest of the P70,000.00 which (it) was supposed to have earned if the same was deposited in a bank as (per) her principal's instruction. Where the P10,000.00 entrusted to her monthly comes from, is beside the point. Respondent should have stuck with the merits of her case, if she had any.

"Respondent is trying to justify her actuations by picturing complainant as not being faultless himself, thus she feels justified in having acted the way she did. This is foolish and unethical."

In sum, respondent deserves to be punished for misconduct and unethical behavior not befitting an employee of the judiciary. As this Court has repeatedly stressed, "(t)he image of a court of justice is necessarily mirrored in the conduct, official or otherwise, of the men and women who work thereat, from the judge to the least and lowest of its personnel — hence, it becomes the imperative sacred duty of each and every one in the court to maintain its good name and standing as a true temple of justice." [10]

On the appropriate imposable sanction, a submission is made to the Court that the actuations of respondent do not constitute the grave dishonesty contemplated under Sec 23(a), Rule XIV of the Civil Service Law that merits the punishment of dismissal. It is also pointed out, by way of extenuation, that this is respondent's first administrative case, that she is academically qualified for her present position, that she did not volunteer to be the trustee of the amount deposited with her, and that she has fully refunded the same.

We have completely reviewed the unnecessarily extended exchanges on this matter and commend the Office of the Court Administrator for the thorough report and recommendation therein. It is, however, the sense of the Court that the recommended sanction of severe reprimand should be modified since there are at least two serious administrative derelictions involved.

ACCORDINGLY, respondent Isabelita M. Cruz is hereby ordered to pay a FINE of one thousand pesos (P1,000.00) for her misconduct and unethical behavior unbecoming a court employee, with the WARNING that a repetition of the same or similar act in the future shall be more stringently dealt with. Let a copy of this decision be attached to respondent's Civil Service 201 file and other official records.

SO ORDERED.

Narvasa, C.J., (Chairman), Puno, Mendoza, and Francisco, JJ., concur.

[1] Rollo, 1, 21-22.

[2] Rollo, 97, 67.

[3] Ibid., 60-71.

[4] Sy vs. Academia, et al., A.M. No. P-87-72; Pardo vs. Academia, A.M. No. P--90-481, July 3, 1991, 198 SCRA 705.

[5] Young vs. Momblan, A.M. No. 89-367, January 9, 1992, 205 SCRA 33.

[6] Abrigo vs. Kayanan, etc., et al., L-28601, March 28, 1983, 121 SCRA 20.

[7] Medina, et al. vs. Court of Appeals, et al., L-34760, September 28, 1973, 53 SCRA 206; Vasquez vs. Malvar, A.M. No. 884-CFI, August 31, 1978, 85 SCRA 10.

[8] Rollo, 67.

[9] Ibid., 97.

[10] Lim-Arce vs. Arce, et al., A.M. No. P-89-312, January 9, 1992, 205 SCRA 21.

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