VIRGINIA C. HANRIEDER, COMPLAINANT, VS. CELIA A. DE RIVERA, COURT INTERPRETER, REGIONAL TRIAL COURT, BRANCH 100, QUEZON CITY.RESPONDENT.

A.M. No. P-05-2026 (Formerly A.M. OCA-IPI No. 04-1994-P). August 02, 2007

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PER CURIAM:

This is an administrative complaint against Celia A. de Rivera, Interpreter of the Regional Trial Court of Quezon City, Branch 100, for Serious Misconduct, Willful Refusal to Pay Just Debt, and Conviction for an Offense Involving Moral Turpitude, relative to Criminal Cases Nos. 043676 to 043690 for fifteen (15) counts of violation of Batas Pambansa Blg. 22 (B.P. 22), entitled "People of the Philippines vs. Celia De Rivera."

In a Complaint-Affidavit[1] dated 31 August 2004, complainant Virginia Hanrieder alleged that in a decision dated 27 November 2002 of the Metropolitan Trial Court (MeTC) of Quezon City, Branch 40 in the criminal cases, respondent had been found guilty beyond reasonable doubt of fourteen (14) counts of B.P. 22 violation and adjudged civilly liable for the fifteen (15) checks subject of the charges. It appeared that in 1997, respondent had issued the following Banco Filipino checks payable to the order of complainant, all of which were dishonored for lack of sufficient funds or credits:

Check No. Date Amount

0029895 August 15, 1997

P 833.00

0029894 August 4, 1997

833.00

0029893 July 30, 1997

833.00

0029892 July 30, 1997

833.00

0029879 October 13, 1997

4,400.00

0029878 September 29, 1997

4,400.00

0029877 September 15, 1997

4,400.00

0029876 September 1, 1997

4,400.00

0029875 August 18, 1997

4,400.00

0029874 August 4, 1997

4,400.00

0029873 July 9, 1997

4,400.00

0029872 July 7, 1997

4,400.00

0029868 September 5, 1997

1,480.00

0029867 August 20, 1997

1,480.00

0029865 August 5, 1997

1,480.00

A fine had also been imposed on respondent without any provision for subsidiary imprisonment in case of insolvency. Despite the finality of the decision, according to complainant she had not been able to collect any amount from respondent, except the cash bail bond in the amount of P10,000.00. In addition, respondent did not pay the fine and even opposed the release of the cash bond into complainant's custody as partial satisfaction of the adjudged civil liability.[2]

Complainant further alleged that the writ of execution issued by the trial court could not be enforced as the sheriff could not levy upon any cash or property of respondent. Consequently, the sheriff had made an arrangement with respondent for the latter to pay the amount of P500.00 monthly. Notwithstanding, this respondent failed to comply.[3]

Complainant thus prayed that respondent be dismissed from service and that all of her retirement, termination, and unused leave benefits in the amount sufficient to repay her debts plus interest be released to complainant.[4]

In her Comment[5] dated 26 October 2004, respondent asserted that her failure to pay her civil obligation was not prompted by bad faith or willful intention to evade a responsibility. She pointed out that her take-home pay was P1,500.00 every pay day as her salary was saddled with deductions for loans that she had obtained to support her family. Purportedly, she was hard-pressed to make both ends meet. Her monthly income as court personnel allegedly was not sufficient to cover the daily expenses of her family composed of her husband, four children, and an ailing mother who were all dependent on her.[6]

In addition, she asserted that her conviction for violation of B.P. 22 cannot be characterized as misconduct so

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gross in character as to render her morally unfit to hold her position since the same was not committed in her professional capacity.[7]

The Office of the Court Administrator (OCA) evaluated the Complaint-Affidavit and found it meritorious. Accordingly, the OCA recommended that respondent be suspended for thirty (30) days for her willful failure to pay her just debts.[8] The OCA however did not consider respondent's conviction for B.P. 22 as a conviction for a crime involving moral turpitude.

In a Resolution[9] dated 6 July 2005, the Court directed the parties to manifest their willingness to submit the case for resolution on the basis of the pleadings filed. The copy of the Court's Resolution addressed to complainant was received on 12 September 2005 by one whose signature appeared on the space provided for the addressee's agent.

By her Manifestation[10] dated 30 August 2005, respondent informed the Court of her willingness to submit the case for resolution. To date, nothing has been heard from complainant. Hence, the Court considers her to have waived her right to file the required manifestation and to have submitted the case for decision.[11]

The Court finds the OCA's recommendation not in accord with law and jurisprudence.

It appears that the OCA failed to take into account respondent's having been adjudged guilty of several counts of B.P. 22 violation when it recommended that she be merely suspended. It might seem that the issuance of the bouncing checks is but a component of respondent's general failure to pay her just debts to complainant. But since issuing a bouncing check for whatever purpose is in itself a criminal offense, such act should be considered and appreciated separately from the failure to pay just debts.

We first consider the charge of failure to pay just debts.

The Revised Administrative Code of 1987, which is applicable since respondent is an employee in the civil service, provides:

> 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:
>
> x x x
>
> (22) Willful failure to pay just debts or willful failure to pay taxes due to the government;
>
> x x x x[12]

The Uniform Rules on Administrative Cases in the Civil Service defines "just debts" as those (1) claims adjudicated by a court of law, or (2) claims the existence and justness of which are admitted by the debtor.[13] Under the same Rule, willful failure to pay just debts is classified as a light offense with the corresponding penalty of reprimand for the first offense, suspension for one (1) to thirty (30) days for the second offense, and dismissal for the third offense.

In the case at bar, respondent does not deny her indebtedness and the same had been adjudicated by a court of law. Thus, her liability under the law is undisputed. While the Court is sympathetic to respondent's financial condition, she has a moral and legal duty to pay her obligations when due despite her financial difficulties. Her failure to do so warrants disciplinary action. Since she committed the offense for the first time, the appropriate penalty is reprimand. The Court has consistently applied the penalty prescribed by law in its rulings in similar cases.[14]

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Apropos complainant's request for the Court's intercession to collect the amount owed her, it should be stressed that the Court is not a collection agency.[15] Thus, the Court cannot grant her plea. The Court, however, is duty bound to correct whatever it perceives as an improper conduct among court employees by ordering them to do what is proper in the premises. In the instant case, the Court directs respondent to pay her indebtedness to complainant, within a reasonable time from the receipt of this Resolution.[16] A violation of this order could be the basis of another administrative charge for a second offense of "willful failure to pay just debts" punishable by suspension of one (1) to thirty (30) days, among other serious charges arising from a willful violation of a lawful order of this Court.[17] With this command, the Court expects respondent to stay away from such misdeed and shun a subsequent offense of the same nature, or any other offense for that matter.[18]

Finally, anent the second charge, the Administrative Code of 1987 provides that conviction for a crime involving moral turpitude is a ground for disciplinary action.[19] The Uniform Rules on Administrative Cases in the Civil Service states that conviction for a crime involving moral turpitude is a grave offense and upon the first offense, the penalty of dismissal must be meted out.[20] In the case of Re: Conviction of Imelda B. Fortus, Clerk III, RTC Br. 40, Calapan City for the Crime of Violation of B.P. 22, the Court characterized the violation of B.P. 22 as a crime involving moral turpitude.[21] It is clear therefore that respondent should be dismissed from service for having been convicted by final judgment[22] of B.P. 22 violations. As in the previously cited case, however, respondent may reenter the government service if she can prove that she is fit to serve once again.[23]

Indeed, it is worthy of note that respondent violated B.P. 22 not once or twice, but at least 14 times. The individual amount for each check may have been relatively small, ranging from P833.00 to P4,400.00, yet the sheer number of instances that respondent violated B.P. 22 cannot simply be ignored, especially considering the moral turpitude dimension of her acts.

WHEREFORE, respondent Celia A. de Rivera, Interpreter, RTC of Quezon City, Branch 100, is REPRIMANDED for her willful failure to pay just debts, which amounts to conduct unbecoming a court employee.

Respondent is likewise ordered to PAY complainant Virginia C. Hanrieder, or her heirs or assigns, as the case may be, the amount stated in the Decision dated 27 November 2002 of the Metropolitan Trial Court of Quezon City, Branch 40 in Criminal Cases Nos. 043676 to 043690, representing her indebtedness, less previous payments thereon, within ninety (90) days from receipt of this Resolution.

Furthermore, for having been found guilty with finality of a crime involving moral turpitude, respondent Celia A. de Rivera is hereby DISMISSED from the service. Respondent, however, may be allowed to reenter government service if she can prove that she is fit to serve once again.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Azcuna, Tinga, Chico-Nazario, Garcia, Velasco, Jr., and Nachura, JJ., concur.

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[1] Rollo, pp. 1-2.

[2] Id. at 1.

[3] Id. at 2.

[4] Id.

[5] Id. at 54-55.

[6] Id. at 54.

[7] Id. at 55.

[8] In a Report dated 22 April 2005; id. at 57-60.

[9] Id. at 61.

[10] Id. at 68-69.

[11] Villaseñor vs. De Leon, A.M. No. P-03-1685, 20 March 2003, 399 SCRA 342, 346.

[12] REVISED ADMINISTRATIVE CODE, Book V, Title I, Subtitle A, Ch. 7, Sec. 46(b)(22).

[13] Resolution No. 991936, Rule IV, Sec. 52(c)(10).

[14] See Manaysay vs. Samaniego, A.M. No. P-06-2133 (Formerly OCA-I.P.I. No. 05-2138-P), 10 March 2006, 484 SCRA 258, 260; Bernal, Jr. vs. Fernandez, A.M. No. P-05-2045 (Formerly OCA-I.P.I. No. 03-1818-P), 29 July 2005, 465 SCRA 29, 32-33; Marata vs. Fernandez, A.M. No. P-04-1871 (Formerly OCA-I.P.I. No. 03-1577-P), 9 August 2005, 466 SCRA 45, 48-49.

[15] Marata vs. Fernandez, A.M. No. P-04-1871 (Formerly OCA-I.P.I. No. 03-1577-P), 9 August 2005, 466 SCRA 45, 48-49.

[16] Villaseñor vs. De Leon, A.M. No. P-03-1685, 20 March 2003, 399 SCRA 342, 349-350.

[17] Marata v. Fernandez, supra note 15, at 49.

[18] Villaseñor v. De Leon, supra note 16 at 350.

[19] Revised Administrative Code, Book V, title I, Subtitle A, Ch. 6, Sec. 46(10).

[20] Resolution No. 991936, Rule IV, Sec. 52 A(5).

[21] A.M. No. P-04-1808, 27 June 2005, 461 SCRA 231, 234-235. See also Barrios v. Martinez, A.C. No. 4585, 12 November 2004, 442 SCRA 324; Villaber vs. Commission on Elections, G.R. No. 148326, 15 November 2001, 369 SCRA 126, People vs. Tuanda, A.C. No. 3360, 30 January 1990, 181 SCRA 692.

[22] Rollo, p. 39.

[23] Re: Conviction of Imelda B. Fortus, Clerk III, RTC Br. 40, Calapan City for the Crime of Violation of B.P. 22 A.M. No. P-04-1808, 27 June 2005, 461 SCRA 231, 234-235.

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