

**THE OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
MR. CRISPIN C. EGIPTO, JR., CLERK OF COURT IV, MUNICIPAL TRIAL
COURT IN CITIES, PAGADIAN CITY, RESPONDENT.**

A.M. No. P-05-1938. January 30, 2018

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PER CURIAM:

On November 7, 2017, the Court found and declared the respondent guilty of gross neglect of duty, dishonesty and grave misconduct for failing to remit his collections on time, and dismissed him from the service, disposing thusly:

WHEREFORE, the Court FINDS and DECLARES respondent CRISPIN C. EGIPTO, JR., Clerk of Court IV, Municipal Trial Court in Cities of Pagadian City, GUILTY of DISHONESTY and GRAVE MISCONDUCT; and, ACCORDINGLY, DISMISSES him from the service with forfeiture of all retirement benefits (excluding earned leave credits), with prejudice to his re-employment in the Government, including government-owned or government-controlled corporations.

The Court DIRECTS the Employees Leave Division, Office of Administrative Services, Office of the Court Administrator, to determine the balance of his earned leave credits; and to report thereon to the Finance Division, Fiscal Management Office, Office of the Court Administrator for purposes of computing the monetary value of his earned leave credits for release to him.

SO ORDERED.

The respondent now moves for the reconsideration of the decision particularly seeking the reduction of his penalty of dismissal with forfeiture of all his retirement benefits (excluding earned leave credits), to suspension of six months, or to a fine in an equitable amount considering his service in the Judiciary for more than 36 years; his unqualified and candid acknowledgement of his offense; his feeling of remorse; his full restitution of the shortages amounting to 98,652.81; his advancing age and medical condition; and his nearing the mandatory retirement by January 4, 2019.

We grant the motion for reconsideration.

In *Arganosa-Maniego v. Salinas*,^[1] the Court explained:

[I]n 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.

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, 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. It is not only for the laws concern for the workingman; there is, in addition, his family to consider.

Unemployment brings untold hardships and sorrows on those dependent on wage earners.

Conformably with the foregoing, the Court finds that the circumstances listed by the respondent merit the mitigation of the ultimate penalty of dismissal from the service with forfeiture of all retirement benefits (excluding earned leave credits), with prejudice to his re-employment in the Government, including government-owned or government-controlled corporations imposed upon him.

WHEREFORE, the Court GRANTS respondent Crispin C. Egipto, Jr.'s motion for reconsideration, and MODIFIES his penalty of dismissal from the service to ONE (1) YEAR SUSPENSION WITHOUT PAY commencing upon notice of this resolution with a stern warning that a repetition of the same or similar act will be dealt with more severely.

SO ORDERED.

Sereno, C.J., Carpio, Velasco, Jr., Leonardo-De Castro, Peralta, Bersamin, Del Castillo, Leonen, Jardeleza, Caguioa, Tijam, Reyes, Jr., and Gesmundo, JJ., concur.

Perlas-Bernabe, J., on leave.

Martires, J., on official leave.

[1] A.M. No. P-07-2400, June 23, 2009, 590 SCRA 531, 544-547.

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