

GRIO LENDING SERVICES, COMPLAINANT, VS. SALVACION SERMONIA, CLERK IV, REGIONAL TRIAL COURT, BRANCH 26, ILOILO CITY, RESPONDENT.

A.M. No. P-03-1757 (Formerly AM No. OCA-IPI-02-1527-P). December 10, 2003

Ponente: CALLEJO, SR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/77cf5c32fcee/>

CALLEJO, SR., J.:

Before the Court is the Verified Complaint dated November 6, 2002, filed against Salvacion Sermonia, Clerk IV of the Regional Trial Court of Iloilo City, Branch 26, for willful failure to pay just debts.

The verified complaint was filed by Mitchill Griro, who alleged that on November 5, 1999, respondent Sermonia obtained loans from the Griro Lending Services in the total amount of forty thousand pesos (P40,000.00) payable in installments. When the loans became due, and upon demand by the complainant, the respondent issued postdated checks in favor of the latter as follows:

Check No. Date Amount

Pilipinas Bank Check

No. 0040325 March 31, 2000 P20,000.00

0040326 March 31, 2000 P20,000.00

0040327 April 1, 2000 P 2,000.00

0040328 April 1, 2000 P 2,000.00

Total P44,000.00[1]

When the checks were presented for encashment, however, these were dishonored by the bank with the notation "account closed" stamped thereon. Despite repeated demands on the respondent, she failed and refused to pay her obligation. Consequently, the complainant was constrained to file the present administrative complaint.

In her Comment dated July 4, 2003, the respondent averred that she had already explained to the complainant her financial predicament and requested that she (the respondent) be given more time to pay her obligation. Finding the respondent's explanation acceptable, the complainant agreed to withdraw her complaint against the respondent. Attached to the respondent's comment are the complainant's Affidavit of Desistance dated December 2, 2002, and her letter of even date addressed to Executive Judge Tito G. Gustilo, RTC of Iloilo City, requesting for the withdrawal of the complaint she filed against the respondent. The complainant alleged that she and the respondent had reached an amicable settlement and the latter had made arrangements for the payment of her obligation.

Upon evaluation of the verified complaint and the comment thereon, Deputy Court Administrator Zenaida N. Elepaño recommended that the respondent be reprimanded and severely warned to be more circumspect in the conduct of her activities as a court employee, and to observe strict propriety and decorum in dealing with other people.[2]

The Court agrees with and adopts the foregoing recommendation.

As correctly pointed out by Deputy Court Administrator Elepaño, despite the amicable settlement reached by the parties, the respondent should nonetheless be held administratively liable for her actuations. Significantly, it was only when the verified complaint was filed against her that respondent exerted efforts to make arrangements to pay her obligation to the complainant. Before the filing of the complaint, the respondent consistently ignored the complainant's repeated demands.

The respondent is, thus, liable under Section 46, Chapter 7, Title I, Subtitle A, Book V of the Administrative Code of 1987 (Executive Order No. 292) which covers the respondent as a court personnel. The said provision reads in part:

Section 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:

...

(22) Willful failure to pay just debts or willful failure to pay taxes to the government . . .

Further, Section 23, Rule XIV of the Omnibus Rules Implementing the 1987 Administrative Code defines "just debts" as including those "claims the existence and justness of which are admitted by the debtor." It cannot be gainsaid that the respondent admitted the existence of her debt to the complainant in this case.

The same rule classifies the willful failure to pay just debts as a light offense and prescribes the 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. Apparently, this is the respondent's first offense; hence, the penalty of reprimand is proper. It must be stressed that the penalty imposed by the law is not directed at the respondent's private life but at her actuation unbecoming a public official.[3]

It bears stressing at this point that employees of the judiciary should be living examples of uprightness not only in the performance of official duties but also in their personal and private dealing with other people so as to preserve at all times the good name and standing of the courts in the community.[4]

WHEREFORE, respondent Salvacion Sermonia, Clerk IV of the Regional Trial Court of Iloilo City, Branch 26, is REPRIMANDED for her willful failure to pay just debts, which amounts to conduct unbecoming a court employee. The commission of the same or similar acts in the future will be dealt with more severely.

SO ORDERED.

Puno, (Chairman), Quisumbing, Austria-Martinez, and Tinga, JJ., concur.

[1] Rollo, p. 1.

[2] Id. at 19.

[3] Uy vs. Magallanes, Jr., 380 SCRA 414 (2002).

[4] Santelices vs. Samar, 373 SCRA 78 (2002).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.