

HON. ALICIA V. SEMPIO-DIY, COMPLAINANT, VS. AMELIA GARCIA SUAREZ, RESPONDENT.

Adm. Matter No. P-2599. March 25, 1982

Ponente: BARREDO, J.

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BARREDO, J.:

On October 22, 1981, the Court issued the following resolution:

"Acting on the letter of Judge Alicia V. Sempio-Diy, Juvenile and Domestic Relations Court of Caloocan City, dated August 26, 1981, informing this Court that Mrs. Amelia G. Suarez, Cashier of the said court has not been filing her monthly report as cashier of the above-mentioned court and that the last report filed by her was for the month of December, 1980, with request that the Court's Financial Officer conduct an official audit on said cashier's account and records as soon as possible, as well as the report dated September 15, 1981 of Mr. Dimas H. Guevarra of the Accounting Division of this Court who was sent to examine the cash accountability of said Mrs. Suarez, the comment/explanation of Mrs. Suarez, and the report of Court Administrator Lorenzo Relova, recommending that she be (a) found guilty of serious misconduct prejudicial to public service and be separated from the service, with forfeiture of all retirement benefits, her unjustified actions being sufficient to warrant her separation from the service, and (b) ordered to pay the whole amount (P7,566.16) without need of conducting any formal investigation, considering that the records of the case sufficiently provide a basis for determination of her administrative liability, the Court Resolved to DIRECT the Clerk of Court to furnish the respondent copies of the aforesaid reports of Court Administrator Relova and Mr. Guevarra, for COMMENT within seventy-two (72) hours from notice, why said reports should not be approved and her dismissal ordered by the Court."

On November 3, 1981, the Court Administrator submitted the following report and recommendation:

"ADMINISTRATIVE MATTER FOR AGENDA

"Subject Matter: ADM. MATTER No. P-2599.— Hon. Alicia V. Sempio-Diy, JDRC, Caloocan City vs. Amelia Garcia Suarez, Cashier, same court, for serious misconduct prejudicial to the public interest.

"Reason for Subject-Request: Submitted to this Court on Oct. 30, 1981 is the attached respondent's letter of even date, in compliance with the Resolution of the Court dated Oct. 22, 1981.

"Other Relevant Information: In the Memorandum of Oct. 12, 1981 the undersigned has recommended 'that respondent Amelia G. Suarez be found guilty of serious misconduct prejudicial to the public interest and that she be separated from the service, with forfeiture of all retirement benefits and Pay, and payment of the whole amount.'

"The Court En Banc, in its Resolution of October 22, 1981, resolved to DIRECT the Clerk of Court to furnish the respondent copies of the aforesaid reports of Court Administrator Relova and Mr. Guevarra, for COMMENT within seventy-two (72) hours from notice, why said reports should not be approved and her dismissal ordered by the Court.'

"RECOMMENDATION: SUBMITTED to the Honorable Court is the aforementioned letter dated Oct. 30, 1981 of respondent Amelia G. Suarez, in compliance with the Resolution dated Oct. 22, 1981 of this Court.

(Sgd.)

LORENZO RELOVA

Court Administrator

NPjr/
11:3.81"

...

...

...

"October 30, 1981

Justice Lorenzo Relova

Court Administrator

Office of the Administrative

Sciences (sic) Supreme Court, Manila

Sir:

"In compliance with your directive dated October 27, 1981, I am submitting herewith my COMMENT: I submit to the recommendation contained therein, however, I pray that the Supreme Court consider the fact that I am the sole support of my two (2) children as my husband is presently unemployed and separation from the service with forfeiture of all retirement benefits would further aggravate the pitiful economic plight in which we are in.

"I know that the Supreme Court renders justice with compassion and I appeal that the Supreme Court be compassionate enough to just transfer me to any other position where the handling of funds is not involved.

"I have realized my mistake. I have suffered for it. I have repented.

Very truly yours,

(Sgd.)

Amelia G. Suarez"

After mature deliberation, the Court resolved to DENY the request of respondent Suarez and to approve the recommendation of the Court Administrator of October 12, 1981 that "respondent Amelia G. Suarez be found guilty of serious misconduct prejudicial to the public interest and that she be separated from the service, with forfeiture of all retirement benefits and pay, and payment of the whole amount."

This resolution is immediately executory.

Fernando, C.J., Teehankee, Makasiar, Aquino, Concepcion Jr., Fernandez, Guerrero, de Castro, Melencio-Herrera, Ericta, Plana and Escolin, JJ., concur.

Abad Santos, J., on official leave.

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