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RELIWAYS, INC., REPRESENTED BY: AURELIO P. VENDIVEL, JR., PETITIONER, VS. MELCHORINA P. ROSALES, STENOGRAPHER, METROPOLITAN TRIAL COURT, BRANCH 61, MAKATI CITY, RESPONDENT.

A.M. NO. P-07-2326 (FORMERLY OCA IPI NO. 04-2041-P). July 09, 2007

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.

Before the Court is a Complaint-Affidavit[1] dated August 25, 2004 filed by Aurelio P. Vendivel, Jr. on behalf of Reliways, Inc. (complainant) charging Melchorina P. Rosales (respondent), Court Stenographer, Metropolitan Trial Court (MeTC), Branch 61, Makati City, with Conduct Unbecoming a Court Employee for Non-Payment of a Just Debt.

In her Manifestation[2] dated September 15, 2006, respondent avers that the same complaint was referred to the Office of Deputy Court Administrator Reuben P. dela Cruz; that on February 9, 2005, she submitted her answer/response to the said complaint; that the same complaint was filed in the MeTC, Branch 44, Pasay City and judgment was issued on February 23, 2006; and that she had already fully complied with the agreement between the complainant and herself. The deposit slips were attached to the Manifestation.

In its Resolution[3] dated December 13, 2006, the Court referred the administrative matter to the Office of the Court Administrator (OCA) for investigation, report and recommendation.

On March 22, 2007, Hon. Narciso T. Atienza, Hearing Investigator, submitted his Investigation Report, to wit:

INVESTIGATION REPORT

x x x x

To clarificatory questions propounded by the investigator, respondent admitted that she borrowed the amount of P7,000.00 for a term of one (1) month. She executed the Promissory Note and an Irrevocable Special Power of Attorney so that Reliways can encash her checks as payment of the money she borrowed from them. She paid her loan every 15th and 30th of the month by depositing in MetroBank, Salcedo Village Branch. A civil case for sum of money was filed against her by Reliways and a compromise agreement was entered into by the parties. Thereafter the court rendered a judgment based on the compromise agreement.

DISCUSSION
Willful failure to pay just debt is only a slight offense punishable with reprimand for the first offense.

In the instant case, respondent secured a loan in the amount of P7,000.00 from Reliways, Inc., on July 5, 2001 and failed to pay her obligations despite demands — oral and written. This prompted complainant to file civil action for sum of money against respondent before MeTC, Branch 44, Pasay City entitled "Reliways, Inc. vs. Melchorina Rosales". Aside from the civil action above-mentioned, complainant also filed the instant

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> administrative complaint apparently to compel herein respondent to pay her debt. Complainant succeeded and a compromise agreement was entered into between the plaintiff and the defendant. On February 23, 2006, the court rendered a decision based on the compromise agreement. The money judgment was paid by the respondent in three (3) equal installments in accordance with the decision of the court.
>
> The existence of the debt was admitted by the respondent. This being so, it is not only her obligations but also her legal responsibility to pay the same when it becomes due and demandable. When respondent failed and/or refused to pay her just debt upon demand, she can be held administratively liable.
>
> It is said that employees of the judiciary, from the highest to the lowest personnel, should be an example of integrity, uprightness and honesty not only in their official conduct but also in their actuations and in dealing with others to preserve the good name of the courts. Any act of impropriety on their part affects the honor of the judiciary and people's confidence in it.
>
> The settlement or payment of the debt pursuant to the compromise agreement between respondent and Reliways, Inc., will not result in the dismissal of the administrative complaint. The Court has the power to determine the veracity of the complaint and to discipline erring employee [sic] if the result of the investigation warrants. In a case the Court said:
> The discharge of a court employee's debt did not render the administrative case moot. The proceedings are not directed at respondent's private life but at her actuations unbecoming a public employee. Disciplinary action of this nature do not involve purely private or personal matters. They cannot be made to defend [sic] upon the will of the parties nor are then [sic] bound by their unilateral act in a matter that involves the Court's constitutional power to discipline its personnel. Otherwise, this power may be put to naught or otherwise undermine the trust character of a public office and the dignity of the Court as a disciplining authority.

RECOMMENDATION
WHEREFORE, PREMISES CONSIDERED, it is most respectfully recommended that respondent Melchorina P. Rosales be REPRIMANDED for failure to pay her just debt, with a warning that repetition of the same or similar offense shall be dealt with more severely.[4]

In view of the admissions made by respondent in her Manifestation and before the Hearing Investigator, that she failed to pay a just debt incurred by her in 2001 and that she only paid in 2006, the Court no longer finds it necessary to refer the Investigation Report to the Court Administrator for evaluation and recommendation.

The Court agrees with the findings and recommendation of the Hearing Investigator.

Having incurred a just debt, it is respondent's moral and legal responsibility to settle it when it becomes due. As a court employee, respondent must comply with just contractual obligations, act fairly and adhere to high ethical standards to preserve the court's integrity.[5]

While respondent has already paid in full her obligation towards complainant, this does not exculpate her from liability. As the Court held in Orasa v. Seva,[6] citing Villaseñor v. De Leon:[7]

> x x x the discharge of a court employee's debt does not render the administrative case moot. For, the proceedings are not directed at respondent's private life but at her actuations unbecoming a public employee. Disciplinary actions of this nature do not involve purely private or personal matters. They cannot be made to depend upon the will of the parties nor are we bound by their unilateral act in a matter that involves the Court's constitutional power to discipline its personnel. Otherwise, this power may be put to naught or otherwise undermine the trust character of a public office and the dignity of this Court as a disciplining authority.[8]

The purpose of an administrative proceeding is to protect the public service, based on the time-honored principle that a public office is a public trust.[9]

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Book V, Title I, Subtitle A, Chapter 6, Section 46 (b) (22) of Executive Order (E.O.) No. 292, provides that a public employee's willful failure to pay just debts is a ground for disciplinary action.

Under the Rules implementing Book V of E.O. No. 292, willful failure to pay just debts is classified as a light offense, punishable by reprimand for the first infraction, suspension for 1 to 30 days for the second, and dismissal for the third. It appearing that this is the first time that respondent had committed an offense of this nature, the penalty imposable upon her is reprimand with a warning that the commission of the same or similar offenses in the future shall be dealt with more severely.

WHEREFORE, the Court finds Melchorina P. Rosales, Court Stenographer, MeTC, Branch 61, Makati City, guilty of willful failure to pay a just debt amounting to conduct unbecoming a court employee and is REPRIMANDED with a warning that a repetition of the same or similar offenses in the future shall be dealt with more severely.

SO ORDERED.

Ynares-Santiago, (Chairperson), Chico-Nazario, and Nachura, JJ., concur.

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[1] Rollo, pp. 1-2.

[2] Id. at 15.

[3] Id. at 20.

[4] Investigation Report, pp. 5-7.

[5] Bago v. Feraren, 457 Phil. 363, 365-366 (2003).

[6] A.M. No. P-03-1669, October 5, 2005, 472 SCRA 75, 84.

[7] 447 Phil. 457 (2003).

[8] Villaseñor v. De Leon, id. at 463.

[9] Saraza v. Tam, A.M. No. P-04-1896, January 12, 2005, 448 SCRA 57, 60.

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