

**QUEDAN AND RURAL CREDIT GUARANTEE CORPORATION,
REPRESENTED BY ALEXANDER S. ORETA, COMPLAINANT, VS.
DOMINADOR B. CAUBALEJO, COURT STENOGRAPHER II, MUNICIPAL
TRIAL COURT IN CITIES...**

A.M. NO. P-05-2066 (FORMERLY OCA IPI NO. 04-1988-P). September 12, 2005

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

The instant administrative case refers to the charges of conduct unbecoming of a court employee against Dominador B. Caubalejo, Court Stenographer II, Municipal Trial Court in Cities (MTCC), Tacloban City, Branch 1. The complaint was filed by Alexander S. Oreta, in behalf of Quedan and Rural Credit Guarantee Corporation (Quedancor).

In a Complaint-Affidavit[1] dated May 17, 2004, the complainant alleged that as evidenced by Promissory Note No. 41627,[2] the respondent obtained a P10,000.00 loan from Quedancor, payable within one year, in 12 monthly installments. The respondent had apparently been negligent in the payment of his loan and, despite repeated demands, refused to pay the same.

In his Letter[3] dated November 4, 2004, the respondent alleges that he honestly believed that his remaining unpaid balance was P8,313.18, as he was assured by the previous manager that the payments he made were duly credited and applied to his account. He claims that he intended to pay the loan, and even requested the company to restructure it, as he has no means to immediately pay the full amount. He further asserts that the instant administrative case should not prosper, as the transaction involved is purely private and does not in any way relate to his official functions. The respondent points out that he incurred the loan even before he entered the Judiciary.

In its Report[4] dated August 5, 2005, the Office of the Court Administrator (OCA) recommended that the respondent be reprimanded and warned that the commission of the same or similar acts in the future shall be dealt with more severely, considering that this was his first offense. This is in accordance with Civil Service Resolution No. 99-1936, which classifies willful failure to pay just debts as a light offense, and prescribes the penalty of reprimand for the first offense, suspension for one to thirty days for the second offense, and dismissal for the third offense.

The foregoing recommendation is well taken.

The respondent's belief that the complaint should be dismissed as it does not relate to his official functions and was in fact obtained even before he entered the Judiciary is erroneous. It bears stressing 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.[5] Court personnel, from the lowliest employee to the clerk of court or any position lower than that of a judge or justice, are involved in the dispensation of justice, and parties seeking redress from

the courts for grievances look upon court personnel as part of the Judiciary. In performing their duties and responsibilities, court personnel serve as sentinels of justice and any act of impropriety on their part immeasurably affects the honor and dignity of the Judiciary and the people's confidence in it.[6]

Indeed, Civil Service Resolution No. 99-1936 (Uniform Rules on Administrative Cases in the Civil Service) classifies "willful failure to pay just debts" as a light offense; "just debts," in turn, is defined as "claims the existence and justness of which are admitted by the debtor." [7] In this case, the respondent admitted that he had an existing loan and that he failed to pay the same. As pointed out by the OCA, "the gravamen of the offense is the unwillingness to pay a just obligation." Indeed, the penalty imposed by the law is not directed at the respondent's private life but at his actuation unbecoming a public official.[8] As the Court pointed out in *Villaseñor v. De Leon*: [9]

Clearly, respondent's willful failure to pay her just debt is unbecoming of a public employee and a ground for disciplinary action against her. Her unethical conduct has diminished the honor and integrity of her office, stained the image of the judiciary and caused unnecessary interference, directly or indirectly, in the efficient and effective performance of her functions. Certainly, to preserve decency within the judiciary, court personnel must comply with just contractual obligations, act fairly and adhere to high ethical standards. Like all court personnel, respondent is expected to be a paragon of uprightness, fairness and honesty not only in all her official conduct but also in her personal actuations, including business and commercial transactions, so as to avoid becoming her court's albatross of infamy.[10]

WHEREFORE, respondent Dominador B. Caubalejo, Court Stenographer II, MTCC, Tacloban City, Branch 1, is REPRIMANDED for his 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), Austria-Martinez, Tinga, and Chico-Nazario, JJ., concur.

[1] Rollo,, pp. 2-3.

[2] Id. at 6.

[3] Id. at 14.

[4] Id. at 17-18.

[5] *Santelices v. Samar*, A.M. No. 00-1394, 15 January 2002, 373 SCRA 78.

[6] A.M. No. 03-06-13-SC, CODE OF CONDUCT FOR COURT PERSONNEL, which took effect on 1 June 2004.

[7] Section 52 C(10) reads in full:

Section 52. Classification of Offenses. – Administrative offenses with corresponding penalties are classified into grave, less grave or light, depending on their gravity or depravity and effects on the government service.

...

C. The following are Light Offenses with corresponding penalties:

...

10. Willful failure to pay just debts or willful failure to pay taxes due to the government 1[st] Offense –

Reprimand

2nd] Offense – Suspension 1-30 days

3rd] Offense – Dismissal

The term "just debts" shall apply only to:

- Claims adjudicated by a court of law, or
- Claims the existence and justness of which are admitted by the debtor.

[8] *Grio Lending Services v. Sermonia*, A.M. No. P-03-1757, 10 December 2003, 417 SCRA 361, citing *Uy v. Magallanes, Jr.*, 380 SCRA 414 (2002).

[9] A.M. No. P-03-1685, 20 March 2003, 399 SCRA 342, cited in the OCA Report of August 5, 2005.

[10] *Id.* at 348-349.

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