

AURORA FLORES, COMPLAINANT, VS. ROSARIO TATAD, ASSISTANT LIBRARIAN, COURT OF AGRARIAN RELATIONS, QUEZON CITY, RESPONDENT.

A.M. No. P-1808. March 31, 1980

Ponente: MELENCIO-HERRERA, J.

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MELENCIO-HERRERA, J.:

In a sworn letter-complaint, dated January 10, 1978, Aurora Flores charged Rosario Tatad, Assistant Librarian of the Court of Agrarian Relations, with "wilful failure to pay just debt, an act unbecoming of a public official."

Complainant alleges that from February to March of 1977, respondent secured from her several loans of different amounts totalling P5,412.00 with the promise to pay on or before April 28, 1977; that despite repeated demands thereafter made, respondent reacted merely by requesting several grace periods culminating in her execution of a promissory note on July 6, 1977, payable on or before August 31, 1977, but that upon maturity, respondent failed and refused to settle her obligations.

In her Comment dated January 31, 1978, respondent admitted her indebtedness and her failure to pay the loans on time but asserted that the delay is not malicious nor deliberate but due to force of circumstances. In her own words, she explained: "I am very much willing to pay the debts I owe Ms. Flores as manifested in my gesture. On July 1, 1977, I paid her Three Hundred Pesos (P300.00) at the Court of Agrarian Relations and on July 11, 1977, I paid her Four Hundred Sixty Pesos (P460.00). Prior to these dates, she had at one time taken my salary amounting to forty-seven pesos only (P47.00), without any authority from me. In view of my situation, however, I did not complain anymore to the cashier x x x. Just for the record please be informed that aside from the complaint pending before you, Ms. A. Flores has already filed a civil suit against me at the Quezon City Court and an administrative case before the Court of Agrarian Relations."

Considering respondent's admission of her failure to pay her indebtedness despite complainant's repeated demands, her liability is sufficiently established and no further investigation is necessary.

Section 36 (b) (22) of Presidential Decree No. 807 provides as one of the grounds for disciplinary action.

"(22) Wilful failure to pay just debts x x x";

"x x x

x x x

x x x."

Section 19 (n), Rule XVIII, B, of the Civil Service Rules reiterates the foregoing provisions and defines the term "just debts" as follows:

'The term just debts' shall apply only to:

- (1) claims adjudicated by a court of law, or
- (2) claims the existence and justness of which are admitted by the debtor."

With respondent's admission of the existence and justness of her indebtedness and her failure to pay the same, disciplinary administrative action is proper. Her submission that her failure to pay "is not deliberate but due to force of circumstances" will not exclude her from the scope of the aforequoted provisions.[1] Neither would the pendency of a civil case against respondent for collection of her debt bar this administrative suit, the thrust of which is directed at respondent's actuations unbecoming of a public official.

Under Civil Service Commission Memorandum Circular No. 8, series 1970, the administrative offense of wilful failure to pay just debts is classified as a light offense calling for a fine or suspension from one (1) day to thirty (30) days. The Court Administrator has recommended suspension of fifteen (15) days without pay, which we find reasonable.

WHEREFORE, respondent Rosario Tatad is hereby suspended from office for fifteen (15) days without pay for wilful failure to pay just debts, an act unbecoming of a public official.

SO ORDERED.

Teehankee (Chairman), Acting C.J., Makasiar, Fernandez, Guerrero, and De Castro, JJ., concur.

[1] Vide. *Pineda vs. Hizalan* (Adm, Case No. P-242, May 28. 1975), 64 SCRA 160.

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