CRISTETA D. ORFILA, COMPLAINANT, VS. STIFANA S. ARELLANO, H.R.M.O. II, RESPONDENT.

A.M. NO. P-06-2110 (FORMERLY OCA IPI NO. 02-1377-P). April 26, 2006

Ponente: TINGA, J.

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TINGA, J.:

Under consideration is the "Motion For Reconsideration & Appeal For Justice" filed by respondent Judge Jesusa P. Maniñgas (Judge Maniñgas) assailing this Court's Decision dated February 13, 2006, imposing upon her a fine of P20,000.00 for the offense of borrowing money from a subordinate she was found guilty of.

Judge Maniñgas submits that the penalty imposed upon her "is not in contemplation of law" since borrowing money from a subordinate is a light offense punishable only by reprimand for the first offense under the Implementing Rules of the Civil Service. She further avers that mere borrowing of money by a superior officer from a subordinate does not per se constitute a ground for disciplinary action as it must first be shown that she acted with sinister or ulterior motives arising from the loan morass which has undermined the administration of justice. She claims that when she borrowed money from complainant Estifana Arellano, she did so in the privacy of her cubicle and without knowledge that Arellano was at that time a moneylender in the Office of the Clerk of Court. Finally, she appeals to this Court for generosity and mercy to temper the penalty meted out to her considering the present economic conditions of court employees.

While it is true that the Civil Service rules consider borrowing of money from a subordinate only as a light offense punishable by reprimand for the first offense, this Court deemed reprimand to be too light a penalty considering the circumstances in the instant case. This Court in past cases has imposed more severe penalties on erring court employees than that provided in the rules in the greater interest of protecting public service.[1] It has been repeatedly emphasized that every employee of the judiciary, from the judge down to the lowliest clerk, should be an example of integrity, uprightness and honesty as the image of the courts is mirrored in the conduct of every man and woman working thereat.[2] Any act which diminishes or tends to diminish the faith of the people in the judiciary should not be countenanced. This Court has not hesitated to impose the utmost penalty of dismissal for even the slightest breach of duty by, and the slightest irregularity in the conduct of, said officers and employees, if so warranted.[3]

In the case at bar, Judge Maniñgas was then the Clerk of Court of the Regional Trial Court (RTC) of Manila when the offense was committed. As a clerk of court, she is an essential and ranking officer of our judicial system who performs delicate administrative functions vital to the proper administration of justice. As such, she is expected to be more circumspect in her dealings with others, private or otherwise.

Records reveal that she obtained not just one, but two loans from Arellano, who was her subordinate at that time. It is irrelevant that she received the money from Arellano in private as any irregular or unlawful transaction is hardly done in public view. Furthermore, it is incredible that she did not know that Arellano was a moneylender as she admitted in her pleadings that she learned of Arellano's money lending from a fellow employee and that

Arellano kept a notebook where she listed payments made by borrowers, including hers. As the clerk of court, she should have known that Arellano's acts were illegal. Instead of admonishing the latter as a superior officer, she countenanced Arellano's illegal activities and even joined in without hesitation. Moreover, it is even suspect that her cordial relationship with Arellano has affected the way she handled the situation as her superior.

Furthermore, Judge Maniñgas misunderstood our ruling in the case of Villaseñor v. De Leon[4] wherein this Court stated as follows:

> We must likewise point out that respondent occupies sensitive position in the Office of the Clerk of Court. If moved by sinister or ulterior motives arising from the loan morass she found herself in, she could undermine the administration of justice by simply failing to act or by tampering with the record books for a consideration with which to pay her debts. x x x (Emphasis supplied.)

In said case, therein respondent was found guilty of willful failure to pay a just debt. In stating the afore-quoted, this Court did not mean that in order to be disciplined, one must have been moved by sinister or ulterior motives arising from the loan obligation, as Judge Maniñgas suggests. Rather, this Court was emphasizing that given the sensitive position the respondent therein occupied, being Clerk III in the Office of the Clerk of Court, she could very well use her position in order to raise money to pay her debts and thereby undermine the administration of justice. This is the dubious situation that the rules and this Court seek to prevent.

Considering the foregoing, this Court stands by its ruling that Judge Maniñgas deserves more than a mere reprimand for the offense she committed. However, considering her service in the judiciary for 33 years, as well as her clean record and efficiency presumably because of which she was promoted to the position of MeTC Judge, we deem that a reduction in the fine imposed upon her is in order. This Court is mindful of the fact that there have been previous instances when, for humanitarian reasons[5], we reduced the penalty imposed upon an erring court employee. In Perez v. Hilario,[6] this Court found respondent therein guilty of the light offense of conduct unbecoming a public servant by first refusing and then failing to pay on time a just debt. While the imposable penalty is suspension from office for one (1) to thirty (30) days, we deemed it proper to temper the penalty to suspension for only five (5) working days in view of the present economic conditions of court employees.

For the above considerations, the penalty of fine of P20,000.00 imposed on respondent Judge Maniñgas is hereby reduced to P5,000.00.

WHEREFORE, the Motion for Reconsideration is GRANTED IN PART. The penalty of FINE of P20,000.00 imposed upon respondent Jesusa P. Maniñgas is hereby REDUCED to P5,000.00, with a STERN WARNING that a repetition of the same or similar act will be dealt with more SEVERELY.

SO ORDERED.

Panganiban, C.J., Puno, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., Azcuna, Chico-Nazario, Garcia, and Velasco, Jr., JJ., concur.

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[1] See Re: Administrative Case for Dishonesty Against Elizabeth Ting and Angelita C. Esmerio, A. M. No. 2001-7-SC & No. 2001-8-SC, July 22, 2005, 464 SCRA 1, and Quiroz v. Ofila, 338 Phil. 51 (1997).

[2] See Concerned Employee v. Generoso, A.M. No. 2004-33-SC, August 24, 2005, 467 SCRA 614, 623; Villanueva v. Milan, 438 Phil. 560 (2002); Bucatcat v. Bucatcat, 380 Phil. 555 (2000); and Jabao v. Bonilla, 372 Phil. 823 (1999).

[3] Concerned Employee v. Generoso, supra.

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[4] 447 Phil. 457 (2003).

[5] Re: Administrative Case for Dishonesty Against Elizabeth Ting and Angelita C. Esmerio, supra, citing In re: Imposition of Corresponding Penalties for Habitual Tardiness Committed During the First and Second Semesters of 2002 by the Following Employees of this Court: Gerardo H. Alumbro, et al., A. M. No. 00-06-09-SC, March 16, 2004, 425 SCRA 508; Sarenas-Ochagabia v. Atty. Balmes Ocampos, A.C. No. 4401, January 29, 2004, 421 SCRA 286; In re: Misappropriation of the Judiciary Fund Collections by Ms. Juliet C. Banag, A. M. No. P-02-1641, January 20, 2004, 420 SCRA 150; In re: Delayed Remittance of Collections of Teresita Lydia Odtuhan, 445 Phil. 222 (2003); and Geocadin v. Hon. Remigio Peña, A.M. No. 1092-MJ, October 30, 1981, 108 SCRA 519; Perez vs. Hilario, 434 Phil. 179 (2002).

[6] Supra.

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