# CELESTE V. ALMONTE, COMPLAINANT, VS. BERNABE C. DAQUE, SHERIFF IV, REGIONAL TRIAL COURT, BRANCH 36, CALAMBA, MISAMIS OCCIDENTAL, RESPONDENT.

*A.M. NO. P-06-2195 (Formerly OCA IPI NO. 05-2274-P). June 15, 2007*

Ponente: AUSTRIA-MARTINEZ, J.

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**AUSTRIA-MARTINEZ, J.:**

Before us is a letter-complaint[1] dated February 18, 2005 of Celeste V. Almonte (complainant), charging Bernabe C. Daque (respondent), Sheriff IV, Regional Trial Court (RTC), Branch 36, Calamba, Misamis Occidental, with Willful Failure to Pay Just Debt.

Complainant alleges that respondent has a loan which was long over due and despite several demands and promises, the debt remained unpaid and outstanding.

In its 1[st] Indorsement[2] dated September 6, 2005, the Office of the Court Administrator (OCA) required respondent to comment on the complaint.

For failure of respondent to comply with the directive of September 6, 2005, the OCA sent a 1[st] Tracer dated December 6, 2005 to respondent reiterating the directive for him to submit his comment; otherwise, the matter would be submitted for resolution without his comment.

In his letter-comment[3] dated February 6, 2006, respondent contends: He was trying to settle the matter with complainant but the latter had taken her hands off the matter for the reason that the case was already filed in court. When judgment for the collection was rendered by the court, he paid the amount of P20,000.00. Since he was sending two nursing students to college, he was remiss in his obligation. His children already graduated from college and he had now the capacity and sincerity to settle his obligation with a prayer that the same be on installment basis considering the amount involved. He again approached complainant after receiving the indorsement of the OCA but to no avail. He had no intention of avoiding his obligation but had utmost concern to settle the matter.

In the Agenda Report[4] dated June 14, 2006, the OCA submitted its evaluation and recommendation, to wit:

> EVALUATION: This Office finds that the instant complaint is meritorious.
>
> The 6 September 2001 writ of execution issued by RTC, Br. 14, Oroquieta City is a concrete evidence that respondent is indebted to the complainant in the amount of P169,700.00 with 12% interest per annum to be computed from the time the obligation became due and demandable until the date of payment and an additional amount of P15,000.00 and other legal fees. The Sheriff's Return of Service dated 26 February 2002 reveals that respondent was only able to pay the amount of P20,000.00
>
> Respondent does not deny his indebtedness to the complainant. While it may be true that his willful failure to [pay] his debt was for the reason that he is sending his children to college, respondent's financial obligation, however, cannot be condoned. The Omnibus Rules implementing the provisions of the Revised Administrative

> Code of 1987 classifies willful failure to pay just debts as a light offense and prescribes the penalty of reprimand for the first offense. Considering that this is respondent's first offense, he should be reprimanded.
>
> RECOMMENDATION: Respectfully submitted for the consideration of the Honorable Court the recommendation that respondent Bernabe C. Daque be REPRIMANDED and WARNED that a repetition of the same of similar offense will warrant the imposition of a more severe penalty and that the instant complaint be RE-DOCKETED as a regular administrative matter.

In the Resolution[5] of July 10, 2006, the Court required the parties to manifest whether they were willing to submit the case for resolution based on the pleadings filed.

On September 8, 2006, complainant complied in the affirmative. However, respondent failed to comply with the aforecited Resolution. Thus, the Court in its Resolution of February 26, 2007, dispensed with the filing of the said manifestation.

As correctly found by the OCA, respondent should be held administratively liable for willful failure to pay just debts.

Section 46, Chapter 6 of Book V, Title I, Subtitle A (Civil Service Commission) of the Revised Administrative Code of 1987 (E.O. No. 292) provides that willful failure to pay just debts shall be a ground for disciplinary action. "Just debts" as defined in Section 23, Rule XIV of the Omnibus Rules Implementing Book V of E.O. No. 292, meanwhile, refers to: (1) claims adjudicated by a court of law; or (2) claims the existence and justness of which are admitted by the debtor.

In this case, the claims of complainant had already been adjudicated by a court of law and their existence and justness admitted by the debtor, herein respondent, making him administratively liable for his willful failure to pay his just debt to complainant, an act which is unbecoming of a public employee and a ground for disciplinary action.

Section 22(1), Rule XIV of the Omnibus Rules Implementing Book V of E.O. No. 292 as amended by CSC Memorandum Circular No. 19, s.1999, provides that 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. This is respondent's first case of willful failure to pay just debts and therefore a penalty of reprimand is in order.

Per Sheriff's return, respondent paid only the amount of P20,000.00.[6] Within the realm of an administrative case, we are duty bound to correct whatever we perceive as an improper conduct among court employees by ordering them to do what is proper in the premises.[7] Thus, we direct respondent to pay the balance of his indebtedness to complainant, pursuant to the September 6, 2001 Writ of Execution issued by the RTC, Branch 14, Oroquieta City within a reasonable time from receipt of this Resolution.[8]

A violation of this order should be a basis of another administrative charge for "willful failure to pay just debts," which shall then be considered a second offense, punishable by suspension of 1 to 30 days among other serious charges arising from a willful violation of a lawful order of this Court.[9]
WHEREFORE, respondent Bernabe C. Daque, Sheriff IV, RTC, Branch 36, Calamba, Misamis Occidental is REPRIMANDED for his willful failure to pay just debt which amounts to conduct unbecoming a court employee. Respondent is ordered to pay complainant the balance of his indebtedness under the Writ of Execution issued by the Regional Trial Court, Branch 14, Oroquieta City, within a period of three (3) months from finality of herein Resolution. He is further WARNED that a commission of the same or similar acts in the future will be dealt with more severely.


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SO ORDERED.

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

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[1] Rollo, pp. 1.

[2] Id. at 7.

[3] Id. at 9.

[4] Id. at 10-11.

[5] Id. at 13.

[6] Rollo, p. 6.

[7] Villaseñor v. De Leon, 447 Phil. 457, 465 (2003).

[8] Rollo, pp. 4-5.

[9] Id. at 466; In Re: Complaint for Failure to Pay Just Debts Against Esther T. Andres, A.M. No. 2004-40-SC, March 1, 2005, 452 SCRA 654, 667.


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