

JACINTO R. FERNANDEZ, JR., COMPLAINANT, VS. MARIETTA M. GATAN, CLERK III, RTC, BR. 23 ROXAS, ISABELA, RESPONDENT.*A.M. No. P-03-1720. May 28, 2004*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/de3f907fe307/>**TINGA, J.:**

Public office is a public trust.[1] All public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency, and act with patriotism and justice, and lead modest lives.[2] Regrettably, this did not happen in this case.

On November 6, 2000, the Office of the Chief Justice of the Supreme Court received the Letter-Complaint of Mr. Jacinto R. Fernandez dated October 27, 2000 accusing Marietta M. Gatan, Clerk III, Regional Trial Court, Branch 23, Roxas, Isabela, of violating Republic Act No. 3019 (Anti-Graft and Corrupt Practices Act), for discourtesy and failure to issue official receipts for payments received in behalf of the court.[3]

According to complainant's mother, Mrs. Angeles R. Fernandez (Mrs. Fernandez), on October 25, 2000, she went to the Regional Trial Court, Branch 23, Roxas, Isabela to secure her court clearance. Thereat, respondent Marietta Gatan assisted her, handing over the clearance. Respondent demanded one hundred fifty (P150.00) pesos as payment. After paying the amount, Mrs. Fernandez asked for an official receipt to prove payment of the clearance fee. Respondent, however, told her that the receipt would no longer be necessary.[4]

Upon her return to her residence, Mrs. Fernandez further narrated, complainant advised her to return and obtain from the respondent a receipt for the clearance fee. She heeded the advice. Unfortunately, however, instead of respondent issuing a receipt, she yelled at her saying "Ang kulit mo. Sa dinami-dami ng kumukuha ng certification ikaw pa lang ang bumalik dito. Yan ang pera mo kunin mo, kunin mo." [5]

After a while, Mrs. Fernandez added, respondent went to her table, brought out money from her drawer and angrily dumped it on the table, addressing her in Tagalog, "Yan ang pera mo, kunin mo." She did not take the money back.[6]

Later on, respondent made amends to Mrs. Fernandez, the latter added.[7]

Feeling that her mother was humiliated and aggrieved on account of the incident, complainant conducted his own investigation. According to him, he got confirmation even from the officemates of the respondent that she has been collecting P150.00 from every person who seeks court clearance through her. He pointed to a certain Mr. Conrad Pua who paid the amount for a clearance but was not issued an official receipt by the respondent. He added there are some well-known persons in their community who also had the same experience.[8]

On December 21, 2000, then Court Administrator Alfredo L. Benipayo referred the complaint of Jacinto Fernandez, Jr. to Hon. Teodulo E. Mirasol (Judge Mirasol), then Presiding Judge, Regional Trial Court, Branch 23, Roxas, Isabela, for investigation and report.[9] Judge Mirasol took the statements of the complainant[10] and Mrs. Fernandez.[11] He also took the statement of Mr. Pua who confirmed having been charged by the respondent without issuing a receipt for a court clearance.[12] Respondent submitted her counter-affidavit in which she

disputed almost all the allegations of Mrs. Fernandez.[13]

In his report dated March 6, 2001, Judge Mirasol recommended that respondent be merely warned and directed to exercise more prudence and caution in the future.[14]

On April 17, 2001, then Deputy Court Administrator Bernardo T. Ponferrada referred the complaint to respondent Marietta M. Gatan for comment.[15]

Respondent, in her Comment dated June 11, 2001, practically repeated what she stated in her counter-affidavit. She denied anew having collected P150.00 from Mrs. Fernandez for a court clearance and engaging in an altercation with her in connection with her alleged demand for an official receipt. Once again, she admitted processing the court clearance requested by Mrs. Fernandez and releasing it immediately after the Clerk of Court signed it. However, for the first time, she declared that she saw Mrs. Fernandez leave something on the table before the latter left.[16]

On June 2, 2003, the Office of the Court Administrator (OCA) submitted its recommendation that respondent be suspended for six (6) months, with a warning that a repetition of the same in the future shall be dealt with more severely.[17] The OCA found, among others, that respondent collected P150.00 from Mrs. Fernandez for a clearance without issuing the corresponding receipt.[18]

The crucial factual issues are whether Mrs. Fernandez paid P150.00 to the respondent and whether she was issued the corresponding receipt by the respondent for the court clearance. We resolve both issues in the affirmative.

To begin with, the amount of P150.00 which according to Mrs. Fernandez the respondent had collected from her for the court clearance she secured corresponds to the fee prescribed by this Court for such a service. Under A.M. No. 00-02-01-SC[19] which took effect on March 1, 2000 and therefore, was still applicable when the incident subject of this case took place, the prescribed fee for any service that may be required by the Clerk of Court that is not specifically prescribed therein is P150.00. Consequently, respondent must have demanded the payment of the fee before she handed the court clearance, duly signed by the Clerk of Court, from Mrs. Fernandez. As the collection of the clearance fee is standard procedure, Mrs. Fernandez must have paid the fee. If she did not, she could not have secured the court clearance.

In a significant way, respondent herself confirmed the fact of payment of the clearance fee. She declared that Mrs. Fernandez left something on the table after she secured the clearance and before she left the office of the respondent. Moreover, a witness in the person of Mr. Conrad Pua stated that he had a similar experience with the respondent. He secured a court clearance from the respondent for which he paid P150.00 but he was not given a receipt.

Basically, respondent found herself in a quandary as to what position or defense she would take in relation to the charge. On one hand, she could not make an out-and-out denial of the fact of payment of the clearance fee. If she did, she would have to explain why he released the clearance to Mrs. Fernandez. That is why she said Mrs. Fernandez left something on her table. On the other hand, she could not explicitly admit that she did receive the payment. If she did, her case is irretrievably doomed. Indeed, she was caught in a bind. But she had nobody to blame but herself.

Clearly, therefore, the respondent is guilty of grave misconduct.

Grave misconduct is a malevolent transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by the public officer or employee which threatens the very existence of the system of administration of justice. An act that manifests the serious lack of integrity, uprightness and honesty

demanding of an employee in the judiciary, and for which a respondent, in such a case, does not deserve to stay a minute longer.[20]

The Supreme Court cannot countenance any conduct, act or omission, which diminishes or even just tends to diminish the faith of the people in the judiciary.[21] The Court has reiterated time and again the rule that the conduct of every employee of the judiciary must be at all times characterized with propriety and decorum, and above all else, it must be above and beyond suspicion.[22] The conduct and behavior of every official and employee of an agency involved in the administration of justice, from the presiding judge to the most junior clerk, should be circumscribed with the heavy burden of responsibility.[23]

This being the first offense of the respondent, suspension from office for six (6) months appears to be the proper penalty.[24]

WHEREFORE, this Court finds respondent Marietta Gatan GUILTY of grave misconduct, and hereby suspends her for six (6) months,[25] with a warning that a repetition of the same in the future shall be dealt with more severely.

SO ORDERED.

Quisumbing, Austria-Martinez, and Callejo, Sr., JJ., concur.
Puno, (Chairman), J., on official leave.

[1] 1987 Constitution; Joseph Angeles v. Remedios C. Base, A.M. No. P-03-1670, 22 January 2004, 395 SCRA 600.

[2] Antonio C. Sy v. Marleo J. Academia, A.M. No. P-87-72, 3 July 1991, 198 SCRA 705.

[3] Rollo, pp. 2-3; 8-9.

[4]Id. at 11.

[5] Id. at 12.

[6] Ibid.

[7] Id. at 13.

[8].

[9] Rollo, p. 4.

[10]Id. at 14.

[11]Id. at 11-13.

[12]Id. at 14.

[13]Id. at 25.

[14]Id. at 18-20; 26-28.

[15]Id. at 21.

[16]Id. at 29.

[17]Id. at 43-51.

[18]Id. at 50.

[19] Rule 141, Sec. 7 (d), as amended by SC Resolution in A.M. No. 99-8-01 dated September 14, 1999, and further amended by A.M. No. 00-02-01-SC.

[20] Imperial v. Santiago, Jr., A.M. No. P-01-1449, 24 February 2003, 398 SCRA 75.

[21] Supra, note 1.

[22] Bilag-Rivera v. Flora, A.M. P-94-1008, 315 Phil. 668 (1995).

[23] Apaga v. Ponce, A.M. No. P-95-1119, 315 Phil. 226 (1995); Policarpio v. Fortus, A.M. No. P-95-1114, 18 September 1995, 248 SCRA 272.

[24] Similarly, in the recent case of Biscocho, et al. v. Marero, A.M. No. P-01-1527, 22 April 2002, 381 SCRA 430, penned by Justice Puno, where the respondent was found guilty of grave misconduct, the Court imposed the penalty of six (6) months without pay.

[25] Rules XIV Section 23 (b), (c) Implementing Book V of Executive order No. 292 and other pertinent Civil Service Laws provides:

The following are grave offenses with its corresponding penalties:

xxx

(b) Gross neglect of duty (1st Offense, Dismissal)

(c) Grave misconduct (1st Offense, Dismissal)

xxx

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.