

BIENVENIDO BERNAL, JR., COMPLAINANT, VS. JOCELYN FERNANDEZ, COURT STENOGRAPHER, MUNICIPAL TRIAL COURT (MTC), CABA, LA UNION, RESPONDENT.

A.M. No. P-05-2045 (Formerly A.M. No. OCA IPI 03-1818-P). July 29, 2005

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

Jocelyn Fernandez, Court Stenographer of the Municipal Trial Court (MTC) of Caba, La Union, is charged, by Letter-Complaint dated August 27, 2003[1] of Bienvenido Bernal, Jr. (complainant) which was received on November 13, 2003 by the Office of the Court Administrator (OCA), of willful failure to pay just debt.

Complainant details the facts that gave rise to the filing of the present complaint as follows, quoted verbatim:[2]

Sometime in January 2003, Ms. Jocelyn C. Fernandez came to my store to get some grocery items on credit. I was then adamant to extend credit because I do not know her. She then convinced me that she is a good credit because she is an employee of the Municipal Trial Court. She further assured me that the goods she will get from my grocery will in turn be given to her brother and sister-in law who have retail stores in Caba, La Union. I eventually gave her a 30-day credit. When her account became due, I made several demands but she refused to pay her bills. I then went to investigate whether the grocery items Ms. Jocelyn Fernandez got from my store were delivered to her brother and sister in law. Upon investigation, I learned that Jocelyn Fernandez never delivered the goods and in fact she was only using the name of her brother and sister in law.

To date Ms. Jocelyn Fernandez still refuses to pay her bills in the amount of Twenty Thousand One Hundred Eight Pesos (P20,108.00) excluding interest. She even taunts me into filing a case against her. Due to the refusal of Ms. Fernandez I incurred damages and I am affected by her actuations. (Underscoring supplied).

The Court Administrator, by 1[st] Indorsement of December 2, 2003,[3] directed respondent to comment on the thereto attached Letter-Complaint within ten days.

The Registry Return Receipt of the Court Administrator's 1[st] Indorsement sent to complainant (at the MTC Caba) shows that it was received on January 5, 2004 by one whose signature appears to read "Bautista." A check with the Personnel Division of this Court shows that the MTC Caba has in its employ one Raygan Bautista.

Nothing having been heard from respondent, the Court Administrator, by 1[st] Tracer dated March 17, 2004[4] addressed to respondent, reiterated the directive in the 1st Indorsement for her to file comment on the Letter-Complaint, which 1st Tracer was received on April 14, 2004 by one whose signature is illegible. Just the same, nothing had been heard from respondent.

In the meantime, complainant, by letter of April 15, 2004,[5] inquired from the Court Administrator the status of his complaint and requested for a speedy disposition thereof.

The OCA, noting the failure of respondent to comment on the complaint, considered her to have waived her right "to submit controverting evidence" and accordingly held, by Report dated October 18, 2004, that the allegations

in the complaint are true.[6]

It thus finds respondent guilty of willful failure to pay just debt and misconduct, and recommends that she be suspended from office for Three (3) Months, with a stern warning that a repetition of the same or similar offense shall be dealt with more severely.[7]

By Resolution of December 1, 2004,[8] this Court directed the parties to MANIFEST within Twenty Days whether they are submitting the case on the basis of the pleadings/records already filed and submitted. Copy of this Court's Resolution addressed to respondent was received on January 19, 2005 by one whose signature appears above the handwritten name Jocelyn Fernandez, herein respondent.

Complainant has, by Manifestation dated January 31, 2005[9] which was received by the OCA Legal Office on March 28, 2005,[10] informed that he is submitting the case on the basis of the pleadings/records already filed and submitted. It appears that copy of complainant's Manifestation was sent to respondent. Still, nothing has been heard from her.

The Court finds the OCA's recommendation well-taken.

By respondent's failure to comment on the Letter-Complaint, the three opportunities for her to give her side thereon notwithstanding, she is deemed to have admitted the existence and justness of the claim against her. That the just obligation has remained unpaid since the expiration of the 30-day credit extended to her sometime in January 2003 conclusively speaks of her willful refusal to settle the same.

No doubt, willful failure to pay just debt does not become a court employee, hence proscribed and subject to disciplinary action under Book V, Title I, Chapter 7, Subtitle A, Section 46(b)(22) of the Revised Administrative Code (E.O. 292). The offense is classified and penalized under Sec. 22(i), Rule XIV of the Omnibus Rules Implementing Book V of the Revised Administrative Code, as amended by CSC Memorandum Circular No. 19, s. 1999, as follows:

SEC. 22. Administrative offenses with its corresponding penalties are classified into grave, less grave, and light, depending on the gravity of its nature and effects of said acts on the government service.

x x x

The following are light offenses with their corresponding penalties:

(i) Willful Failure to Pay Just Debts

1[st] Offense - Reprimand

2[nd] Offense - Suspension for one (1) to thirty (30) days

3[rd] Offense - Dismissal

(Italics in the original).

Neither does unjustified failure to comply with this Court's directive for respondent to comment on the Letter-Complaint become her. It in fact constitutes gross misconduct and insubordination,[11] or disrespect.[12]

WHEREFORE, for willful failure to pay just debt and misconduct, respondent, Stenographer Jocelyn Fernandez of the Municipal Trial Court, Caba, La Union, is hereby **SUSPENDED** from office for Three (3) Months, with a **STERN WARNING** that repetition of the same or similar offense shall be dealt with more severely.

SO ORDERED.

Panganiban, (Chairman), Sandoval-Gutierrez, and Garcia, JJ., concur.
Corona, J., on official leave.

[1] Rollo at 1-2.

[2] Id. at 1.

[3] Id. at 5.

[4] Id. at 6.

[5] Id. at 7.

[6] Id. at 8-9.

[7] Id. at 9.

[8] Id. at 11.

[9] Id. at 12.

[10] Ibid.

[11] Purita Lim v. Judge Cesar M. Dumlao, A.M. No. MTJ-04-1556, March 31, 2005.

[12] Imbang v. del Rosario, 443 SCRA 79, 83 (2004)

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