

FELICIDAD FELARCA-BERDIN, COMPLAINANT, VS. PETRONILA AMBROSIO-GARCIA, RESPONDENT.

A.M. No. P-2254. July 17, 1981

Ponente: AQUINO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/ee88618bc2c6/>

AQUINO, J.:

Felicidad Felarca-Berdin charged Petronila Ambrosio-Garcia, a clerk-stenographer in Branch V of the city court of Quezon City, with willful failure to pay just debts and frequent unauthorized absences or tardiness.

Mrs. Garcia denied the charges. After Mrs. Berdin had filed a reply and Mrs. Garcia had submitted a rejoinder, the case was referred to the executive judge of the city court for investigation, report and recommendation.

Willful failure to pay just debts. - The evidence shows that sometime in May, 1975, Mrs. Berdin, 66, a retired government employee and her sister, Mariquita L. Felarca, leased to Mrs. Garcia and her husband a room on the ground floor of her house located at 16 Banahaw Street, Cubao, Quezon City for a monthly rental of one hundred pesos payable within the first five days of the month, with free light and water.

The Garcia spouses complied faithfully with their obligation for the first few months. Then, they defaulted and their arrearages piled up.

On December 21, 1975, Mrs. Berdin caused respondent's husband, Reynaldo to sign a document captioned "Reynaldo Garcia Rental Schedule of Payment" under which he agreed to pay on a staggered basis up to August 31, 1976 the back rentals amounting to P589 as of December, 1975 together with the rental for January, 1976. Respondent Mrs. Garcia also signed that agreement (Exh. A).

Because the Garcias only made sporadic payments, Mrs. Berdin reminded them of their obligation in her letter dated October 21, 1976. In May, 1979 when the Garcias' obligations totalled P1,505.00, Mrs. Berdin's lawyer sent them a pay-and-vacate demand letter dated May 31, 1979, giving them until the end of June, 1979 to settle their account and to leave the premises.

On June 4, 1979, the Garcias paid fifty pesos but did not vacate the room. As of that date, their back rentals amounted to P1,555.00 (Exh. Z). On August 14, 1979, Mrs. Berdin filed an ejectment suit against the Garcia spouses in the Quezon City city court (Civil Case No. 35986).

At the same time, she lodged with the executive judge of the city court the administrative complaint against Mrs. Garcia. (See sec. 36[b][22], Civil Service Decree, Presidential Decree No. 807.)

As a counter-move, the Garcias filed with the city court on August 28, 1979 a petition for consignment of rentals. They alleged that Mrs. Berdin had deliberately refused to accept their payments so that she would have a pretext to eject them.

Eventually, or as of August, 1980 and shortly before the hearing of this administrative case, the Garcias were able to pay the back rentals. The investigator found that Mrs. Garcia deliberately failed to pay the back rentals. That

finding is supported by the evidence.

Tardiness.- As to the charge of tardiness or irregular office attendance, Mrs. Berdin attached to her complaint the affidavits of Monica Rance and Cristobella Engana who alleged that Mrs. Garcia invariably left her residence at nine o'clock in the morning and returned at about four in the afternoon, carrying with her a plastic bag containing fresh fish, meat and vegetables which she cooked in the morning.

The investigator found that the second charge was not proven. The vague and inconsistent testimonies of Mrs. Berdin's witnesses cannot prevail over Mrs. Garcia's time records which show that she maintained regular office hours (Exh. 8 to 16-C). She is hereby exculpated from that charge.

WHEREFORE, for willful failure to pay just debts, respondent Mrs. Garcia is ordered to pay a fine equivalent to her salary for fifteen days. A copy of this decision should be attached to her personal record.

SO ORDERED.

Barredo, (Chairman), Concepcion, Jr., Abad Santos, and De Castro, JJ., concur.

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.