

THIRD DIVISION

[A.M. No. P-18-3873 (Formerly OCA IPI No. 18-4858-P), January 11, 2021]

MARIA CELIA * A. FLORES, BRANCH CLERK OF COURT, BRANCH 2, MUNICIPAL TRIAL COURT IN CITIES, OLONGAPO CITY, ZAMBALES, COMPLAINANT, VS. MARY LOURD R. INTERINO, CLERK III, BRANCH 2, MUNICIPAL TRIAL COURT IN CITIES, OLONGAPO CITY, ZAMBALES, RESPONDENT.

RESOLUTION

INTING, J.:

Before the Court is the Letter^[1] dated November 28, 2018 filed by Mary Lourd R. Interino (respondent), Clerk III, Branch 2, Municipal Trial Court in Cities (MTCC), Olongapo City, Zambales, seeking clarification of the Court's Resolution^[2] dated September 17, 2018 which found her guilty of Simple Neglect of Duty and imposed upon her the penalty of suspension from office for one (1) month and one (1) day without pay, effective upon notice.^[3]

The Antecedents

This case is noted on a Letter-Complaint^[4] dated October 7, 2016 filed by Maria Celia A. Flores (complainant), Branch Clerk of Court, Branch 2, MTCC Olongapo City, Zambales against respondent for Dereliction of Duty.

In a Resolution dated September 17, 2018, the Court found respondent administratively liable for Simple Neglect of Duty for her failure to release court decisions, orders, and other processes on time in violation of Section 1,^[5] Canon IV of Administrative Matter No. 03-06-13-SC, or the "Code of Conduct for Court Personnel."

The dispositive portion of the Resolution states:

ACCORDINGLY, the Court, upon recommendation of the OCA, resolves to:

- (1) RE-DOCKET the instant administrative complaint as a regular administrative matter;
- (2) HOLD respondent Mary Lourd R. Interino, Clerk III, Branch 2, MTCC, Olongapo City, Zambales, GUILTY of Simple Neglect of Duty and IMPOSE upon her the penalty of SUSPENSION for one (1) month and one (1) day without pay, effective immediately upon receipt of notice; and
- (3) REMIND complainant Flores and respondent Interino to be

more circumspect in dealing with each other in their work place and prevent any untoward hostility, with a STERN WARNING that a repetition of the same or any similar act will be dealt with more severely by the Court.^[6]

In her Letter, respondent informed the Court that she has resigned and left her post effective July 31, 2018. As such, she prayed for clarification as to the proper penalty to be imposed upon her given that she can no longer serve the penalty of suspension originally meted out against her.

In its Resolution^[7] dated February 4, 2019, the Court noted respondent's letter and required the Office of the Court Administrator (OCA) to confirm respondent's allegations and make appropriate recommendations therefor.

The OCA Report and Recommendation

In the Memorandum^[8] dated April 5, 2019, the OCA confirmed from the records of the Office of Administrative Services that respondent had resigned from her work prior to the issuance of the Court Resolution dated September 17, 2018.^[9] The OCA thus opined that respondent could no longer serve the penalty of suspension imposed upon her in the Resolution.

Accordingly, the OCA recommended that the Resolution dated September 17, 2018 be *modified* to impose upon respondent the penalty of a *Fine*, in lieu of suspension from office, equivalent to her salary for one (1) month and one (1) day based on the prevailing rate during her last day of work.^[10]

The Court's Ruling

At the outset, the Court stresses that respondent's cessation from office by reason of resignation is not a ground to dismiss the case filed against her at the time that she was still in the public service or render it moot and academic.^[11] It is well settled that "[r]esignation is not a way out to evade administrative liability when a court personnel is facing administrative sanction."^[12]

Considering that it is indeed no longer possible for respondent to serve the penalty of suspension meted out upon her in the Resolution dated September 17, 2018, the Court adopts and approves the OCA's recommendation to impose instead a *Fine* equivalent to her salary for one (1) month and one (1) day to be computed based on the prevailing rate on her last day at work and to be deducted from her accrued leave credits, if any, or paid directly to the Court if she does not have sufficient leave credits to cover the amount of the fine.^[13] This ruling is in line with Section 19, Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292,^[14] Series of 1987 viz.:

Section 19. The penalty of transfer, or demotion, or fine may be imposed *instead of suspension from one month and one day* to one year except in case of fine which shall not exceed six months. (Italics supplied.)

WHEREFORE, the Court hereby **AMENDS** the Resolution dated September 17, 2018 as follows:

(a) The penalty of suspension from office for one (1) month and