

EN BANC

[A.M. No. P-11-2917, December 02, 2014]

MARIVIC C. VITOR, COMPLAINANT, VS. CAROLINE GRACE ZAFRA, COURT STENOGRAPHER II, METROPOLITAN TRIAL COURT, BRANCH 71, PASIG CITY, RESPONDENT.

DECISION

PER CURIAM:

The conviction of an employee for a violation of *Batas Pambansa Blg. 22*, a crime that involves moral turpitude, is sufficient cause for dismissal from the service. Thereby, the employee's unworthiness and lack of fitness to remain in the service of the Judiciary are exposed.

Antecedents

The complaint-affidavit dated July 31, 2006 filed by Marivic C. Vitor charged respondent Caroline Grace Zafra with conduct unbecoming of a court personnel for the latter's failure to pay the amount of P37,500.00 she had owed to the former. Vitor averred that Zafra had issued to her six post-dated checks as payment of her loan; that the checks had bounced upon being deposited for the reason that the account had been closed; and that Zafra had then ignored her repeated demands to pay the amounts of the checks, thereby forcing her to bring her criminal complaint against Zafra for violation of *Batas Pambansa Blg. 22*.^[1]

In due course, the Court directed Zafra, a Court Stenographer II of Branch 71 of the Metropolitan Trial Court in Pasig City (MeTC), to comment on the complaint-affidavit of Vitor.^[2] But she did not file her comment. In the resolution dated June 3, 2009, the Court instructed her to show cause why she should not be held in contempt of court for failing to file the comment on the complaint-affidavit as required in the resolution dated July 9, 2007, and to submit the required comment, both within 10 days from notice.^[3]

However, Presiding Judge Maria Gracia A. Cadiz-Casacang of the MeTC informed the Court through her letter dated July 7, 2009 that the resolution dated June 3, 2009 could not be served because Zafra had stopped reporting for work, and the MeTC did not have any confirmed information as to her current address.^[4]

The letter of Judge Casacang was referred to the Office of the Court Administrator (OCA),^[5] which, in the First Indorsement dated August 9, 2006, directed Zafra to file her comment.^[6] When it did not receive her answer, the OCA dispatched a first tracer letter dated November 27, 2006.^[7]

On May 10, 2007, the OCA submitted its report and recommendation. Thus, the

Court reminded Zafra to file her comment on the complaint-affidavit within 10 days from notice; otherwise, the complaint-affidavit would be deemed submitted for resolution without her comment.^[8]

In the resolution dated July 9, 2007, the Court adopted the recommendation of the OCA, but still directed Zafra to file her comment on the complaint-affidavit within 10 days from notice, warning her yet again that should she fail to file the comment the complaint-affidavit would be resolved without the comment.^[9]

Zafra communicated with the Court only 10 months later through an undated handwritten letter requesting a copy of the complaint-affidavit of Vitor. It is shown on the lower left corner of the letter that Zafra affixed her signature thereon to acknowledge receiving a copy of the complaint-affidavit on May 16, 2008.^[10]

Despite her receipt of the copy of the complaint-affidavit, Zafra did not submit her comment. Accordingly, the Court, through the resolution dated September 29, 2008, still directed Zafra to show cause why she should not be held in contempt of court for such failure, and to comply with the resolution dated July 9, 2007.^[11] The Court reiterated these directives on June 3, 2009.^[12] Although it did not receive any communication from Zafra afterwards, the Court deemed her to have been properly notified of the charge, and considered her to have waived her right to comment by virtue of her silence. Hence, the Court deemed the charge submitted for decision.

Ruling of the Court

The claim of Vitor that Zafra borrowed the amount of P37,500.00 and issued six checks to cover the loan cannot be disputed inasmuch as copies of the checks attached to the complaint-affidavit showed Zafra's signatures.

In fact, the two complaint sheets charging the violation of *Batas Pambansa Blg. 22* filed in the Office of the City Prosecutor of Pasig City against Zafra resulted in the filing of two separate informations in the MeTC in Pasig City. The first information (Criminal Case No. 93119 to 21) was raffled to MeTC (Branch 70), Pasig City, and, on January 6, 2010, that court rendered its decision finding Zafra guilty beyond reasonable doubt of the violation of *Batas Pambansa Blg. 22* charged. The other information (Criminal Case No. 94074) was submitted for decision in the MeTC (Branch 69), in Pasig City.^[13]

In the decision dated January 6, 2010 of the MeTC (Branch 70), it was found to be established that Zafra had issued PNB Check Nos. (1) 0944074 dated September 10, 2005; (2) 0944075 dated October 10, 2005; and (3) 0944076 dated November 10, 2005, each in the amount of P6,250.00, payable to the order of Vitor; and that all the checks had been dishonored for lack of sufficient funds or credits. The MeTC convicted Zafra of the crimes charged, and sentenced her to pay a fine of P18,750.00, with subsidiary imprisonment in case of insolvency. It also ordered her to indemnify Vitor in the sum of P18,750.00, representing the total face value of the checks, plus P4,245.00 representing the cost of suit and expenses for litigation. The judgment became final on August 4, 2010.^[14]

Accordingly, Zafra was guilty of the administrative charge of willful failure to pay just