

SECOND DIVISION

[**A.M. NO. P-06-2115 (FORMERLY OCA-IPI NO. 04-1897-P), February 22, 2007**]

ANGELES MANGUBAT, COMPLAINANT, VS. JOEL FRANCIS C. CAMINO, SHERIFF III, MUNICIPAL TRIAL COURT IN CITIES, ISLAND GARDEN CITY OF SAMAL, RESPONDENT.

R E S O L U T I O N

TINGA, J.:

Before us is a Memorandum^[1] from the Office of the Court Administrator (OCA) dated 9 January 2007 relative to the letter^[2] dated 25 October 2006 of respondent Joel Francis C. Camino seeking the release of his salary and benefits for services rendered since March 2006.

On 23 February 2006, this Court issued a Resolution^[3] finding respondent guilty of neglect or dereliction of duty and imposing on him the penalty of suspension from office for two (2) months. He received a copy of the same on 20 March 2006. Instead of complying with this Court's directive, he filed a motion for reconsideration and continued to report for work. We denied said motion in a Resolution^[4] dated 7 June 2006, a copy of which he received on 20 July 2006. On even date, he received a Notice of Suspension Order^[5] from Clerk of Court Melchor Borres of the Municipal Trial Court in Cities, Island Garden City of Samal, Branch 2, informing him that his suspension will take effect immediately on the date he received the Resolution denying his motion for reconsideration. Thus, he did not report to work from 20 July to 20 September 2006.

In the meantime, or on 28 March 2006, respondent wrote the Finance Division, requesting the release of his salaries and allowances pending the outcome of his motion for reconsideration. His request was denied in a letter dated 6 June 2006^[6] on the ground that judgments and resolutions in administrative matters are immediately executory, and that those who have been found guilty of an administrative charge, except those who have been reprimanded or warned, are not covered by the grant of benefits during the period covered by said grant.

After serving his suspension, respondent again wrote the Finance Division a letter^[7] dated 21 September 2006, requesting the immediate release of all his salaries and benefits withheld from him and attaching thereto his certificate of resumption to duty and certified machine copies of his daily time records from March to August 2006. He was informed that said letter was referred to the Legal Division for appropriate action.

On 25 October 2006, respondent informed the Court Administrator of his predicament, averring that he has not received a single centavo from this Court

since the end of March 2006 and because of which his family had suffered. He appealed for compassion and mercy and prayed therein that his salaries and other benefits being withheld be immediately released to him so that his children may enroll in the second semester of this school year.

In its Report,^[8] the OCA observed that respondent's defiance of this Court's suspension order should be penalized. Pursuant to the Court's pronouncement in *Development Bank of the Philippines v. Judge Angel S. Malaya and Sheriff Roque Angeles*^[9] that administrative penalties are to take effect immediately, respondent should have desisted from reporting to work from the time he received a copy of this Court's Resolution on 20 March 2006. Furthermore, respondent was informed of the Resolution by the Finance Division as early as 6 June 2006 but he continued to perform his functions. The OCA recommended that instead of imposing the penalty of dismissal, respondent's request for the release of his salaries and benefits be denied and that he be fined in the amount equivalent to his claims for his non-compliance with this Court's directives, finding thus:

In the case of *Dr. Edgarda Alday, et al. vs. Judge Escolastico Cruz (A.M. No. RTJ-00-1530; 4 February 2002)*[,] respondent judge continued to discharge the duties and exercise the functions of a judge despite the Court's suspension order, having filed a motion for reconsideration. He was dismissed from the service with forfeiture of all retirement benefits. It is clear that respondent may be meted with a penalty of dismissal. However, in several cases, we have mitigated the imposable penalty for humanitarian reasons. We have also considered length of service in the judiciary; the respondent's acknowledgment of his infractions and feelings of remorse; and family circumstances, among others, in determining the proper penalty. We have also ruled that where a penalty less punitive would suffice, whatever missteps may be committed by labor ought not to be visited with a consequence so severe. It is not only because of the law's concern [f]or the workingman. There is in addition, his family to consider. Unemployment brings untold hardships and sorrows on those dependent on [the] wage earner. (*RE: Habitual Absenteeism of Mr. Fernando P. Pascual, A.M. No. 2005-16-SC, 22 September 2005*)

It is deemed appropriate to impose the penalty of fine only upon respondent considering the consequential bearings should he be dismissed from service. If dismissal is imposed, it would invalidate his acts during the period of suspension. Hence, the dismissal would greatly affect the judicial proceedings and administration of justice because it would mean recalling of all the judicial processes and writ of executions which he has served.^[10]

After careful deliberation, this Court resolves to approve and adopt the findings and recommendations of the OCA except as to the amount of fine to be imposed.

We have held that directives issued by this Court are not to be treated lightly; certainly not on the pretext that one has misapprehended the meaning of said directives.^[11] Every officer and employee in the judiciary is duty bound to obey the orders and processes of the Supreme Court without the least delay.^[12] Effective