

THIRD DIVISION

[**A.M. NO. P-00-1427 (FORMERLY OCA IPI NO. 98-505-P), February 14, 2007**]

MACRINA M. BISNAR, COMPLAINANT, VS. MYRLA P. NICANDRO, COURT STENOGRAPHER, REGIONAL TRIAL COURT, BRANCH 217, QUEZON CITY, RESPONDENT.

R E S O L U T I O N

AUSTRIA-MARTINEZ, J.:

Before us is a Complaint-Affidavit^[1] dated August 11, 1998 of Macrina M. Bisnar (complainant) charging Myrla P. Nicandro (respondent), Court Stenographer, Regional Trial Court (RTC), Branch 217, Quezon City, with Willful Failure to Pay Just Debts.

Complainant alleges that: sometime in 1996, respondent requested for a loan from the complainant in the total amount of Fifty One Thousand Three Hundred Pesos (P51,300.00); to guarantee payment of said amount, respondent issued several postdated checks which, when presented for payment, all bounced due to account closed; despite request to pay, respondent failed and refused to pay; respondent's continued refusal to pay her debt prejudiced complainant and the same is grossly prejudicial to the best interest of the service as contained in No. 19 of Memorandum Circular No. 30, s. 1989 as well as Presidential Decree (P.D.) No. 807 and Republic Act (R.A.) No. 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees).

In its First Indorsement dated October 29, 1998,^[2] the Office of the Court Administrator (OCA) required respondent to comment on the Complaint-Affidavit.

In the Agenda Report^[3] dated August 7, 2000, the OCA submitted its evaluation and recommendation, to wit:

EVALUATION: Complainant had sufficiently established that respondent is indebted to her, but up to the time of the filing of the instant complaint it has not been paid. On the other hand, respondent chose to remain silent on the charge even after she was furnished with a copy of the complaint and was directed to file comment thereon. Respondent's deliberate refusal to refute the charge only means that the allegations are true and she cannot deny them.

A court personnel, being a public servant, must exhibit the highest sense of honesty and integrity, not only in the performance of her official duties but also in her personal and private dealings with other people, to preserve the court's good name and standing. Failing in this respect,

respondent should be held liable.

Under the Revised Schedule of Penalties for Administrative Offenses, willful failure to pay just debt is punishable by a reprimand, for first offense; suspension for 1-30 days, for second offense; and dismissal for third.

RECOMMENDATION: Respectfully submitted for the consideration of the Honorable Court are the following recommendations:

1. That the instant complaint be RE-DOCKETED as a regular administrative matter; and
2. That respondent MYRLA P. NICANDRO, Court Stenographer, RTC, Branch 217, Quezon City, be held LIABLE for Willful Failure to Pay Just Debt and she be meted a penalty of suspension for thirty (30) days without pay to be served immediately upon notice.

In its Resolution of September 20, 2000,^[4] the Court resolved to docket the administrative complaint as a regular administrative matter and required the respondent to comment thereon.

The period within which to comply lapsed without respondent submitting her comment. The Court, in its Resolution^[5] of March 27, 2001, required respondent to show cause why she should not be held in contempt for failure to comply with the Resolution of September 20, 2000. But still, the Court received no word from respondent. Thus, the Court, in its Resolution^[6] of December 3, 2001, imposed upon respondent a fine of P1,000.00, or a penalty of imprisonment of five days, and required respondent to comply with the Resolution of March 27, 2001.

In her Motion for Reconsideration^[7] dated January 23, 2002, respondent begs the indulgence of the Court to reconsider its Resolution and afford her the right to be heard considering that she did not receive the order for her to comment on the complaint filed against her, not to mention the fact that the instant case has already been the subject of an amicable settlement between the parties.

The Court, in its Resolution^[8] of August 5, 2002, resolved to deny the Motion for Reconsideration of respondent for lack of merit and required her to comment on the Complaint-Affidavit.

Notwithstanding the Resolutions of the Court, respondent failed and still fails to submit her comment. Thus, the Court, in a Resolution of July 23, 2003, resolved to increase the fine to P2,000.00, or a penalty of imprisonment of 10 days, and required respondent to submit her comment.

On June 8, 2004, respondent paid the P2,000.00 fine^[9] without complying with the Resolution of July 23, 2003 requiring her to submit her comment on the Complaint-Affidavit.

The Court, in its Resolution^[10] of July 5, 2004, reiterated its Resolution of August 5, 2002 and required respondent to comply therewith with warning that should she fail