

THIRD DIVISION

[A.M. NO. P-03-1716, June 09, 2005]

ATTY. CORAZON C. PAGULAYAN-TORRES, ASSISTANT CLERK OF COURT, REGIONAL TRIAL COURT, BACOLOD CITY, COMPLAINANT, VS. CARLOTA V. GOMEZ, CLERK IV, REGIONAL TRIAL COURT, BACOLOD CITY, RESPONDENT.

DECISION

PANGANIBAN, J.:

The administration of justice is circumscribed by a heavy burden of responsibility. Everyone involved in its dispensation -- from the presiding judge to the lowliest clerk -- is required to live up to the strictest standards of competence, dedication and integrity in the public service.

The Case and the Facts

This administrative case stems from a Sworn Complaint^[1] filed by Assistant Clerk of Court Corazon C. Pagulayan-Torres of the Regional Trial Court (RTC) of Bacolod City against Carlota V. Gomez, Clerk IV of the same court. The pertinent portions of the Complaint read as follows:

"1. That on June 2, 2000, not being authorized to do so, [respondent] received payment for publication fee amounting to P8,640.00 relative to an extra-judicial foreclosure case entitled 'Philipp Villanueva vs. Azela de Oca Valderama, et al';

"2. That on June 20, 2000, she also received P4,680.00 representing deposit for publication relative to a Special Proceedings case entitled 'In the [M]atter of the [I]ntestate [E]state of the [L]ate Felix A. Abay, Sr.[';]

"3. That on June 23, 2000, again she received another publication fee in the amount of P6,840.00 relative to [an] extrajudicial foreclosure case entitled 'Alfonso Dacles vs. Sarrosa Chua';

"4. That when brought to [complainant's] attention, immediately or on July 6, 2000, [complainant] issued [respondent] a Memorandum, sent through registered mail because she had gone on prolonged and unauthorized leave by then x x x;

"5. That on July 26, 2000, during a staff meeting where [respondent] was present, she was singled out not to meddle with others' dut[ies], specially if [these] concern the collection of money. Furthermore, the undersigned pulled her out from the frontline and assigned her to purely clerical works such as doing the monthly report of cases;

"6. [In spite] of her new assignment, on August 22, 2000, she allegedly followed-up an extra-judicial foreclosure case entitled 'Miguel Antonio Lacson vs. Annabelle Arrenas' and personally collected the publication fee thereof amounting to P6,840.00 and then intentionally kept the copy of the petition to herself;

"7. That in all these instances, she issued [a]cknowledgment receipt[s] x x x BUT NEVER remitted the monies to [the] [c]ash [c]lerk. She was never given permission, written or verbal, to use nor even possess these Acknowledgment Receipts Forms, considering that we have a [c]ash [c]lerk. These unauthorized transactions or payments have come to [the court's] knowledge only much later when various inquiries and complaints were made about such payments x x x[;]

"8. That [complainant], upon being informed of [respondent's] latest anomaly, immediately called her up and demanded [an] explanation. During their telephone conversation, while she hesitantly admitted that she received the money, she blamed her officemates for not raffling off the case for publication x x x;

"[9]. That in most of the months since January 2000, reporting to office [was] the exception [and] not the rule [for respondent]. After repeated verbal reminders and warnings, a second Memorandum was issued by [complainant] on August 16, 2000, x x x with the instruction to submit her written explanation within five days. No explanation was ever offered, verbal nor written;

"[10]. It has become a pattern that when [respondent] commits a wrong, x x x she would go on unauthorized and prolonged absences and leave [others] to answer for her wrongdoing. Worst, x x x she cannot seem to find a way to inform [complainant] x x x of her whereabouts x x x;

"[11]. That for all the patience and understanding that [complainant] has afforded her, [respondent] does not seem to show earnest and sincere effort to mend her ways. [Complainant] is left with no recourse except to take action, hoping that this will finally put a stop to her condemnable behavior and[,] more importantly, to save the Office from further embarrassment."^[2]

In sum, the charges against respondent were dishonesty and serious misconduct, habitual absenteeism and tardiness.

Acting on the said Complaint, then Court Administrator Alfredo L. Benipayo required respondent to file her Comment within ten (10) days from receipt of notice.^[3]

Respondent filed a Motion for Extension of Time to File Comment dated December 2, 2000. Despite the grant by the Office of the Court Administrator (OCA) of an extension of fifteen (15) days, respondent failed to file her comment on the Complaint against her.

In a letter dated April 19, 2001, then acting Court Administrator Zenaida N. Elepaño