

SECOND DIVISION

[A.M. No. P-01-1466 (formerly OCA IPI No.99-699-P), September 03, 2003]

EDUARDO F. BAGO, COMPLAINANT, VS. JOEL FERAREN, SHERIFF III, RESPONDENTS.

RESOLUTION

AUSTRIA-MARTINEZ, J.:

This refers to the complaint of Eduardo F. Bago filed with the Office of the Court Administrator (OCA) on July 22, 1999 against Joel E. Feraren, Sheriff III of the Metropolitan Trial Court of Makati City (Branch 67) for non-payment of a just debt.

Complainant Bago alleges that on October 3, 1997, respondent Feraren borrowed from him the amount of P4,500.00, evidenced by a promissory note executed by the latter.^[1] Under the said promissory note, Feraren promised to pay complainant within ten days from date of the note, which was October 3, 1997. However, complainant claims that as of July 22, 1999, Feraren remains unable to pay his indebtedness. He contends that Feraren is guilty of violating the provisions of Section 4 (A), (c) of R.A. No. 6713, otherwise known as the Code of Conduct and Ethical Standards for Public Officials and Employees.

In his Comment dated February 9, 2000, respondent Feraren did not dispute that he owes Bago the amount of P4,500.00. However, he claims that he cannot be held liable under the provisions of Sec. 4 (A), (c) of R.A. No. 6713. He contends that said provision of law "speaks of justness and sincerity in the discharge of the official function of the employees of the government." Respondent argues that he cannot be held administratively liable under the above-quoted section since his act of borrowing money is not in any way connected with the discharge of his official function as sheriff.^[2]

In its Report dated January 26, 2001, the OCA found that, in light of respondent's admission of his indebtedness, the justness thereof and his refusal to pay the same, his administrative liability is beyond dispute. Accordingly, the OCA recommended that respondent be reprimanded in accordance with the pertinent provisions of E.O. No. 292, otherwise known as the Revised Administrative Code of 1987.^[3]

In a Resolution dated March 12, 2001, this Court docketed the instant case as a regular administrative matter and required the parties to manifest their willingness to submit the case for resolution based on the pleadings filed.^[4] Both complainant and respondent failed to comply with the directive of the above-mentioned Resolution.

Hence, in a Resolution dated June 9, 2003, this Court declared the parties to have waived their right to ask for a formal hearing of the instant case and considered the

same to be submitted for resolution based on the pleadings filed.^[5]

We agree with the findings of the OCA and approve the recommended penalty.

Respondent Feraren admits that he owes complainant the amount of P4,500.00. Having incurred a just debt, it is his moral and legal responsibility to settle it when it becomes due. As a court employee, he must comply with just contractual obligations, act fairly and adhere to high ethical standards to preserve the court's integrity.^[6]

As of the date of filing of his Comment on February 16, 2000, or more than two years from the time he borrowed money from complainant, respondent has not yet paid his indebtedness. He offered no excuse for his failure to pay complainant. We take this as an indication of respondent's willful refusal to pay a just debt.

We agree with respondent's contention that complainant's reliance on Section 4 (A), subheading (c) of R.A. No. 6713 is misplaced as this refers to the standards of personal conduct of public officials and employees in the discharge and execution of their official duties. The full text of the above-cited provision reads as follows:

SEC. 4. *Norms of Conduct of Public Officials and Employees.* – (A) Every public official and employee shall observe the following as standards of personal conduct in the discharge and execution of official duties:

(a) *Commitment to public interest.* – Public officials and employees shall always uphold the public interest over and above personal interest. . . .

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(c) *Justness and Sincerity.* – Public officials and employees shall remain true to the people at all times. They must act with justness and sincerity and shall not discriminate against anyone, especially the poor and the underprivileged. They shall at all time respect the rights of others, and shall refrain from doing acts contrary to law, good morals, good customs, public policy, public order, public safety and public interest. They shall not dispense or extend undue favors on account of their office to their relatives whether by consanguinity or affinity except with respect to appointments of such relatives to positions considered strictly confidential or as members of their personal staff whose terms are coterminous with theirs.

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Since respondent's act of borrowing money from complainant is not in any way connected with the discharge of his official duties as sheriff, he may not be held accountable under the above-quoted provision.

This notwithstanding, respondent may still be held administratively liable for his willful failure to pay his debt to complainant, an act which is unbecoming of a public employee and a ground for disciplinary action.

The applicable provision of law is Book V, Title I, Subtitle A, Chapter 6, Section 46