

SECOND DIVISION

[A.M. No. P-03-1757 (Formerly A.M. No. OCA-IPI-02-1527-P), December 10, 2003]

GRIO LENDING SERVICES, COMPLAINANT, VS. SALVACION SERMONIA, CLERK IV, REGIONAL TRIAL COURT, BRANCH 26, ILOILO CITY, RESPONDENT.

RESOLUTION

CALLEJO, SR., J.:

Before the Court is the Verified Complaint dated November 6, 2002, filed against Salvacion Sermonia, Clerk IV of the Regional Trial Court of Iloilo City, Branch 26, for willful failure to pay just debts.

The verified complaint was filed by Mitchill Grio, who alleged that on November 5, 1999, respondent Sermonia obtained loans from the Grio Lending Services in the total amount of forty thousand pesos (P40,000.00) payable in installments. When the loans became due, and upon demand by the complainant, the respondent issued postdated checks in favor of the latter as follows:

Check No.	Date	Amount
Pilipinas Bank Check		
No. 0040325	March 31, 2000	P20,000.00
0040326	March 31, 2000	P20,000.00
0040327	April 1, 2000	P 2,000.00
0040328	April 1, 2000	<u>P 2,000.00</u>
	Total	P44,000.00 ^[1]

When the checks were presented for encashment, however, these were dishonored by the bank with the notation "account closed" stamped thereon. Despite repeated demands on the respondent, she failed and refused to pay her obligation. Consequently, the complainant was constrained to file the present administrative complaint.

In her Comment dated July 4, 2003, the respondent averred that she had already explained to the complainant her financial predicament and requested that she (the respondent) be given more time to pay her obligation. Finding the respondent's explanation acceptable, the complainant agreed to withdraw her complaint against the respondent. Attached to the respondent's comment are the complainant's Affidavit of Desistance dated December 2, 2002, and her letter of even date addressed to Executive Judge Tito G. Gustilo, RTC of Iloilo City, requesting for the withdrawal of the complaint she filed against the respondent. The complainant