

SECOND DIVISION

[A.M. No. P-03-1720, May 28, 2004]

JACINTO R. FERNANDEZ, JR., COMPLAINANT, VS. MARIETTA M. GATAN, CLERK III, RTC, BR. 23 ROXAS, ISABELA, RESPONDENT.

DECISION

TINGA, J.:

Public office is a public trust.^[1] All public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency, and act with patriotism and justice, and lead modest lives.^[2] Regrettably, this did not happen in this case.

On November 6, 2000, the Office of the Chief Justice of the Supreme Court received the Letter-Complaint of Mr. Jacinto R. Fernandez dated October 27, 2000 accusing Marietta M. Gatan, Clerk III, Regional Trial Court, Branch 23, Roxas, Isabela, of violating Republic Act No. 3019 (Anti-Graft and Corrupt Practices Act), for discourtesy and failure to issue official receipts for payments received in behalf of the court.^[3]

According to complainant's mother, Mrs. Angeles R. Fernandez (Mrs. Fernandez), on October 25, 2000, she went to the Regional Trial Court, Branch 23, Roxas, Isabela to secure her court clearance. Thereat, respondent Marietta Gatan assisted her, handing over the clearance. Respondent demanded one hundred fifty (P150.00) pesos as payment. After paying the amount, Mrs. Fernandez asked for an official receipt to prove payment of the clearance fee. Respondent, however, told her that the receipt would no longer be necessary.^[4]

Upon her return to her residence, Mrs. Fernandez further narrated, complainant advised her to return and obtain from the respondent a receipt for the clearance fee. She heeded the advice. Unfortunately, however, instead of respondent issuing a receipt, she yelled at her saying "*Ang kulit mo. Sa dinami-dami ng kumukuha ng certification ikaw pa lang ang bumalik dito. Yan ang pera mo kunin mo, kunin mo.*"^[5]

After a while, Mrs. Fernandez added, respondent went to her table, brought out money from her drawer and angrily dumped it on the table, addressing her in Tagalog, "*Yan ang pera mo, kunin mo.*" *She did not take the money back.*^[6]

Later on, respondent made amends to Mrs. Fernandez, the latter added.^[7]

Feeling that her mother was humiliated and aggrieved on account of the incident, complainant conducted his own investigation. According to him, he got confirmation even from the officemates of the respondent that she has been collecting P150.00

from every person who seeks court clearance through her. He pointed to a certain Mr. Conrad Pua who paid the amount for a clearance but was not issued an official receipt by the respondent. He added there are some well-known persons in their community who also had the same experience.^[8]

On December 21, 2000, then Court Administrator Alfredo L. Benipayo referred the complaint of Jacinto Fernandez, Jr. to Hon. Teodulo E. Mirasol (Judge Mirasol), then Presiding Judge, Regional Trial Court, Branch 23, Roxas, Isabela, for investigation and report.^[9] Judge Mirasol took the statements of the complainant^[10] and Mrs. Fernandez.^[11] He also took the statement of Mr. Pua who confirmed having been charged by the respondent without issuing a receipt for a court clearance.^[12] Respondent submitted her counter-affidavit in which she disputed almost all the allegations of Mrs. Fernandez.^[13]

In his report dated March 6, 2001, Judge Mirasol recommended that respondent be merely warned and directed to exercise more prudence and caution in the future.^[14]

On April 17, 2001, then Deputy Court Administrator Bernardo T. Ponferrada referred the complaint to respondent Marietta M. Gatan for comment.^[15]

Respondent, in her *Comment* dated June 11, 2001, practically repeated what she stated in her counter-affidavit. She denied anew having collected P150.00 from Mrs. Fernandez for a court clearance and engaging in an altercation with her in connection with her alleged demand for an official receipt. Once again, she admitted processing the court clearance requested by Mrs. Fernandez and releasing it immediately after the Clerk of Court signed it. However, for the first time, she declared that she saw Mrs. Fernandez leave something on the table before the latter left.^[16]

On June 2, 2003, the Office of the Court Administrator (OCA) submitted its recommendation that respondent be suspended for six (6) months, with a warning that a repetition of the same in the future shall be dealt with more severely.^[17] The OCA found, among others, that respondent collected P150.00 from Mrs. Fernandez for a clearance without issuing the corresponding receipt.^[18]

The crucial factual issues are whether Mrs. Fernandez paid P150.00 to the respondent and whether she was issued the corresponding receipt by the respondent for the court clearance. We resolve both issues in the affirmative.

To begin with, the amount of P150.00 which according to Mrs. Fernandez the respondent had collected from her for the court clearance she secured corresponds to the fee prescribed by this Court for such a service. Under A.M. No. 00-02-01-SC^[19] which took effect on March 1, 2000 and therefore, was still applicable when the incident subject of this case took place, the prescribed fee for any service that may be required by the Clerk of Court that is not specifically prescribed therein is P150.00. Consequently, respondent must have demanded the payment of the fee before she handed the court clearance, duly signed by the Clerk of Court, from Mrs. Fernandez. As the collection of the clearance fee is standard procedure, Mrs. Fernandez must have paid the fee. If she did not, she could not have secured the