347 Phil. 667

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[A.M. No. P-94-1088, December 17, 1997]

OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. ADMER L. FERRER, UTILITY WORKER I, MUNICIPAL TRIAL COURT IN CITIES, BRANCH 2, GENERAL SANTOS CITY, RESPONDENT.

D E C I S I O N

PER CURIAM:

Respondent Admer L. Ferrer was a utility worker at Branch 2 of the Municipal Trial Court in Cities (MTCC) of General Santos City. He was charged with qualified theft in connection with the loss of a .45 caliber pistol and three magazines with nine rounds of live ammunition, which have been offered in evidence in a criminal case pending in the court. Based on the same incident, the Office of the Court Administrator (OCA) also administratively charged him on October 17, 1994 with dishonesty and grave misconduct in this case.

Respondent was required to answer, but failed to do so despite the show cause resolution of February 15, 1995 as well as the resolutions of May 17, 1995 and March 13, 1996 imposing upon him a fine of P500.00 and increasing such fine to P1,000.00, respectively. A copy of the resolution dated March 13, 1996 imposing a P1,000.00 fine on him for failure to file his answer, was returned to this Court on the ground that respondent was no longer at the address given. The Court required the Clerk of Court of Branch 2 of the MTCC of General Santos City to inform it of respondent's present address, but in her reply, Clerk of Court Norma C. Yumang stated that when she saw respondent's parents, she was told that respondent had left his parent's home after getting married on December 1995, apparently without letting them know where he resides at present. Accordingly, the Court, in its resolution dated November 27, 1996, considered respondent to have waived his right to file an answer and referred the case to Executive Judge Teodoro A. Dizon, Jr. of the Regional Trial Court of General Santos City for investigation, report, and recommendation. Because Judge Dizon had to undergo an eye operation for cataract, the case was transferred to Executive Judge Antonio S. Alano.

For consideration of the Court are the investigation report of Judge Alano dated June 9, 1997 and the OCA memorandum dated October 10, 1997, both recommending the dismissal of the case.

It appears that on October 27, 1994, respondent tendered his resignation effective that day. On May 30, 1995, Pablo C. Caintic was appointed in his place. The Civil Service Commission approved Caintic's appointment on June 7, 1995. To date respondent has not, however, claimed his retirement benefits. According to the OCA memorandum, "the Office of Administrative Services and the Fiscal Management and Budget Office did not have any knowledge that [respondent] had a[n administrative] case. Said offices became aware of respondent's case only after