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be addressed and/or forwarded to this Court for appropriate action and disposition, which shall then order an investigation, if warranted.

SO ORDERED.

Yap (Chairman), Narvasa, Cruz, and *Feliciano, JJ.*, concur.

FIRST DIVISION

[Adm. Matter No. R-586-P. November 27, 1986]

CONSTANCIA FABRIGARAS, *complainant, vs.* **NORA B. NEMEÑO,** *respondent.*

SYLLABUS

ADMINISTRATIVE LAW; COURT PERSONNEL; COURT INTERPRETER; WILLFUL FAILURE TO PAY JUST DEBT CONSTITUTES MISCONDUCT. — Upon the facts, we find that respondent is guilty of misconduct (Section 36 [b] [4], Article IX, Presidential Decree No. 807), a "conduct unbecoming of a public official" for her willful failure to pay her just debt to the complainant. In fact, willful failure to pay just debts is a separate and specific ground for disciplinary action under the Civil Service Decree (Section 36 [b] [22], Article IX, *ibid.*), aside from misconduct.

RESOLUTION

MELENCIO-HERRERA, *J.*:

This is an administrative case against respondent Nora B. Nemeño, Court Interpreter in the Regional Trial Court, National Capital Region (NCR), Branch XVII, Manila, instituted by Ms. Constancia Fabrigaras, a retired school teacher, for "conduct unbecoming of a government employee."

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Ms. Fabrigaras averred, in her Affidavit Complaint dated November 23, 1985, the following:

"That on October 28, 1985 Ms. Nora B. Nemeño Court Interpreter, RTC Manila, Branch XVII, City Hall, Manila got from me a gold ring, gold necklace and bracelet, all 24 karat in the amount of P6,500.00;

"That Ms. Nora B. Nemeño promised to pay a downpayment of P2,500.00 on October 29, 1985 and the balance of P4,000.00 payable on four equal installments beginning November 15, 1985 and every 15 days thereafter until the amount was to be fully paid by December 30, 1985, as per attached xerox copy of the promissory note dated October 28, 1985;

"That despite repeated demands, Ms. Nora B. Nemeño refused and still refuses to pay the full amount of P6,500.00;

"That as a consequence, I demanded from Ms. Nora B. Nemeño the return of the jewelries to me, but to date she still refuses to do the same;

"That due to the failure of Ms. Nora B. Nemeño either to pay or return the jewelries, I was forced to pay my supplier the entire amount causing me damage and inconvenience;

"That my almost daily visit to the office of Ms. Nemeño at City Hall, Manila to demand payment/return of the jewelries has prejudiced me because I have to cancel my other transactions just to wait for Ms. Nemeño for nothing and in vain" (*Rollo*, p. 4).

In her Comment, respondent contended that complainant had already filed a complaint for Estafa against her to which she had filed a Motion to Dismiss on the ground that the complaint is civil in nature and that this complaint is an act of harassment.

Referred for investigation and report to the Acting Executive Judge, Alfin S. Vicencio, of the Regional Trial Court, NCR, Manila, said Judge disclosed that during the hearing, although respondent waived her appearance, her counsel admitted that she had received the jewelry from Complainant and that she failed to pay even a single centavo. Her only defense was that because the Fiscal's Office had already dismissed the Estafa charge, "she could not be charged administratively but only civilly in Court." Considering her admission, Judge Vicencio pronounced her guilty as charged and finding that respondent "being a Court Interpreter is a public official, holding a public trust and her failure to pay her just obligation is a

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ground for disciplinary action against her," recommended that respondent "be suspended for sixty (60) days without pay, with the admonition to pay her obligation" (*Rollo*, p. 17).

Upon the facts, we find that respondent is guilty of misconduct (Section 36 [b] [4], Article IX, Presidential Decree No. 807), a "conduct unbecoming of a public official" for her willful failure to pay her just debt to the complainant. In fact, willful failure to pay just debts is a separate and specific ground for disciplinary action under the Civil Service Decree (Section 36 [b] [22], Article IX, *ibid.*), aside from misconduct.

As we held in the case of *Alfredo de Chavez vs. Jesus R. Lescaño* (139 SCRA 103 [1985]):

"As provided in Section 36 [b] [22] of Presidential Decree No. 807, willful failure to pay just debts is one of the grounds for disciplinary action against an employee in the Civil Service. And Section 19(n), Rule XVIII, B, of the Civil Service Rules defines just debts as: '(1) claims adjudicated by a court of law, or (2) claims the existence and justness of which are admitted by the debtor.' Also, under Civil Service Commission Memorandum Circular No. 8, Series 1970, such administrative offense of willful failure to pay just debts is classified as a light offense calling for a fine or suspension of one (1) day to thirty (30) days.

"x x x. As in the cases of AM No. P-1808 entitled *Aurora Flores vs. Rosario Tatad* (96 SCRA 676), and AM No. 2758-P entitled *Sol M. Sipin vs. Gloria Gironella* (114 SCRA 607), we find that respondent's suspension of fifteen (15) days for willful failure to pay just debts is in order. Respondent's improper conduct unavoidably tarnishes the image of the judiciary. Court personnel must comply with just contractual obligations, act fairly and adhere to high ethical standards to preserve the Court's integrity. (*Garciano vs. Oyao*, AM No. P-208, 102 SCRA 195)"

ACCORDINGLY, respondent Nora B. Nemeño is found guilty of misconduct and willful failure to pay just debts. As recommended by the Court Administrator, however, "taking into account the present economic situation and that respondent is already saddled with a debt which she is unable to pay," she is sentenced to suffer fifteen (15) days' suspension, without pay, and is admonished to pay complainant the amount still owing, or to return the jewelries she bad taken from said complainant within fifteen (15) days from

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notice hereof. Respondent's failure to pay said obligation or to return said jewelries to the complainant within the period herein stipulated will call for a more severe penalty.

A copy of this Resolution shall be attached to her personal file.

SO ORDERED.

Yap (Chairman), Narvasa, Cruz, and *Feliciano, JJ.*, concur.

SECOND DIVISION

[G.R. No. L-43195. November 27, 1986]

FIDEL GUEVARRA, *claimant-appellant, vs.* **WORKMEN'S COMPENSATION COMMISSION and CITY OF MANILA, (Department of Public Services),** *respondents-appellees.*

SYLLABUS

1. **LABOR AND SOCIAL LEGISLATION; WORKMEN'S COMPENSATION; PRESUMPTION OF COMPENSABILITY; APPLICABLE WHEN AN ILLNESS SUPERVENES DURING THE COURSE OF EMPLOYMENT.**— It is evident from the records that petitioner was in good health when he was employed in 1949 as garbage collector in the City of Manila, and he contracted this illness in 1969. His duties as a garbage collector consisted primarily of loading and unloading of garbage in the garbage truck and other allied activities. The nature of his work entailed travelling to different places to collect garbage and in the process exposed himself to the heat of the sun, dust and bad weather. Under these conditions, a person can easily contract a respiratory disease. Thus, in 1969, petitioner started to complain of chest pains and afternoon fever. He consulted Dr. Tomas Josef and he was found to be suffering from P.T.B. Minimal and Asthmatic Bronchial. Dr. Josef certified