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Appellants are not eligible for parole.

The Court agrees with the penalty of life imprisonment and payment of fine of ₱500,000.00 imposed by the lower courts upon appellants. It must be emphasized, however, that appellants are not eligible for parole.[25]

WHEREFORE, the June 21, 2010 Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 03736 is **AFFIRMED** with the **MODIFICATION** that appellants DATS GANDAWALI *y* GAPAS and NOL PAGALAD *y* ANAS shall not be eligible for parole.

SO ORDERED.

Carpio (Chairperson), Villarama, Jr.,[*] *Mendoza,* and *Leonen, JJ.,* concur.

EN BANC

[A.M. No. P-11-2917. December 2, 2014]

MARIVIC C. VITOR, *complainant, vs.* **CAROLINE GRACE ZAFRA, COURT STENOGRAPHER II, METROPOLITAN TRIAL COURT, BRANCH 71, PASIG CITY,** *respondent.*

SYLLABUS

1. POLITICAL LAW; ADMINISTRATIVE LAW; UNIFORM RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE; WILLFUL FAILURE TO PAY JUST DEBTS IS CLASSIFIED AS LIGHT OFFENSE WITH THE

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[25] *People v. SPO3 Ara y Mirasol,* 623 Phil. 939, 962 (2009).

[*] Per Special Order No. 1888 dated November 28, 2014.

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CORRESPONDING PENALTY OF REPRIMAND FOR THE FIRST OFFENSE, SUSPENSION FOR ONE (1) TO THIRTY (30) DAYS FOR THE SECOND OFFENSE, AND DISMISSAL FOR THE THIRD OFFENSE; APPLICATION IN CASE AT BAR.— Zafra was guilty of the administrative charge of willful failure to pay just debts. The Uniform Rules on Administrative Cases in the Civil Services defines "just debts" as those (1) claims adjudicated by a court of law, or (2) claims the existence and justness of which are admitted by the debtor. Under the Uniform Rules, willful failure to pay just debts is classified as a light offense with the corresponding penalty of reprimand for the first offense, suspension for one to 30 days for the second offense, and dismissal for the third offense. With her indebtedness having been adjudicated with finality by a court of law, her liability under the law is undisputed. Since she committed the offense for the first time, the appropriate penalty is reprimand.

2. ID.; ID.; ID.; CONVICTION FOR A CRIME INVOLVING MORAL TURPITUDE IS A GRAVE OFFENSE AND UPON THE FIRST OFFENSE, THE PENALTY OF DISMISSAL MUST BE METED OUT; PRESENT IN CASE AT BAR.— Under the Administrative Code of 1987, a conviction for a crime involving moral turpitude is a ground for disciplinary action. In that regard, the Uniform Rules on Administrative Cases in the Civil Service states that conviction for a crime involving moral turpitude is a grave offense and upon the first offense, the penalty of dismissal must be meted out. It is clear, therefore, that Zafra should be dismissed from the service for having been convicted by final judgment of *Batas Pambansa Blg*. 22 violations. Verily, her criminal convictions evinced her absolute unfitness and unworthiness to remain in the service of the Judiciary, a department of the Government that demands from its officers and employees the highest degree of integrity and reputation.

D E C I S I O N

***PER CURIAM*:**

The conviction of an employee for a violation of *Batas Pambansa Blg*. 22, a crime that involves moral turpitude, is

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sufficient cause for dismissal from the service. Thereby, the employee's unworthiness and lack of fitness to remain in the service of the Judiciary are exposed.

Antecedents

The complaint-affidavit dated July 31, 2006 filed by Marivic C. Vitor charged respondent Caroline Grace Zafra with conduct unbecoming of a court personnel for the latter's failure to pay the amount of ₱37,500.00 she had owed to the former. Vitor averred that Zafra had issued to her six post-dated checks as payment of her loan; that the checks had bounced upon being deposited for the reason that the account had been closed; and that Zafra had then ignored her repeated demands to pay the amounts of the checks, thereby forcing her to bring her criminal complaint against Zafra for violation of Batas Pambansa Blg. 22.[1]

In due course, the Court directed Zafra, a Court Stenographer II of Branch 71 of the Metropolitan Trial Court in Pasig City (MeTC), to comment on the complaint-affidavit of Vitor.[2] But she did not file her comment. In the resolution dated June 3, 2009, the Court instructed her to show cause why she should not be held in contempt of court for failing to file the comment on the complaint-affidavit as required in the resolution dated July 9, 2007, and to submit the required comment, both within 10 days from notice.[3]

However, Presiding Judge Maria Gracia A. Cadiz-Casaclang of the MeTC informed the Court through her letter dated July 7, 2009 that the resolution dated June 3, 2009 could not be served because Zafra had stopped reporting for work, and the MeTC did not have any confirmed information as to her current address.[4]

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[1] *Rollo*, pp. 2-3.

[2] *Id*. at 15.

[3] *Id*. at 20.

[4] *Id*. at 21.

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The letter of Judge Casaclang was referred to the Office of the Court Administrator (OCA),[5] which, in the First Indorsement dated August 9, 2006, directed Zafra to file her comment.[6] When it did not receive her answer, the OCA dispatched a first tracer letter dated November 27, 2006.[7]

On May 10, 2007, the OCA submitted its report and recommendation. Thus, the Court reminded Zafra to file her comment on the complaint-affidavit within 10 days from notice; otherwise, the complaint-affidavit would be deemed submitted for resolution without her comment.[8]

In the resolution dated July 9, 2007, the Court adopted the recommendation of the OCA, but still directed Zafra to file her comment on the complaint-affidavit within 10 days from notice, warning her yet again that should she fail to file the comment the complaint-affidavit would be resolved without the comment.[9]

Zafra communicated with the Court only 10 months later through an undated handwritten letter requesting a copy of the complaint-affidavit of Vitor. It is shown on the lower left corner of the letter that Zafra affixed her signature thereon to acknowledge receiving a copy of the complaint-affidavit on May 16, 2008.[10]

Despite her receipt of the copy of the complaint-affidavit, Zafra did not submit her comment. Accordingly, the Court, through the resolution dated September 29, 2008, still directed Zafra to show cause why she should not be held in contempt of court for such failure, and to comply with the resolution dated July 9, 2007.[11] The Court reiterated these directives on

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[5] *Id*. at 23.

[6] *Id*. at 15.

[7] *Id*. at 16.

[8] *Id*. at 1.

[9] *Id*. at 17.

[10] *Id*. at 18.

[11] *Id*. at 19.

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June 3, 2009.[12] Although it did not receive any communication from Zafra afterwards, the Court deemed her to have been properly notified of the charge, and considered her to have waived her right to comment by virtue of her silence. Hence, the Court deemed the charge submitted for decision.

Ruling of the Court

The claim of Vitor that Zafra borrowed the amount of ₱37,500.00 and issued six checks to cover the loan cannot be disputed inasmuch as copies of the checks attached to the complaint-affidavit showed Zafra's signatures.

In fact, the two complaint sheets charging the violation of *Batas Pambansa Blg*. 22 filed in the Office of the City Prosecutor of Pasig City against Zafra resulted in the filing of two separate informations in the MeTC in Pasig City. The first information (Criminal Case Nos. 93119 to 21) was raffled to MeTC (Branch 70), Pasig City, and, on January 6, 2010, that court rendered its decision finding Zafra guilty beyond reasonable doubt of the violation of *Batas Pambansa Blg*. 22 charged. The other information (Criminal Case No. 94074) was submitted for decision in the MeTC (Branch 69), in Pasig City.[13]

In the decision dated January 6, 2010 of the MeTC (Branch 70), it was found to be established that Zafra had issued PNB Check Nos. (1) 0944074 dated September 10, 2005; (2) 0944075 dated October 10, 2005; and (3) 0944076 dated November 10, 2005, each in the amount of ₱6,250.00, payable to the order of Vitor; and that all the checks had been dishonored for lack of sufficient funds or credits. The MeTC convicted Zafra of the crimes charged, and sentenced her to pay a fine of ₱18,750.00, with subsidiary imprisonment in case of insolvency. It also ordered her to indemnify Vitor in the sum of ₱18,750.00, representing the total face value of the checks, plus ₱4,245.00 representing the cost of suit and expenses for litigation. The judgment became final on August 4, 2010.[14]

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[12] *Id*. at 20.

[13] *Id*. at 31.

[14] *Id*. at 24-29, penned by Judge Marina Gaerlan-Mejorada.

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Accordingly, Zafra was guilty of the administrative charge of willful failure to pay just debts. The Uniform Rules on Administrative Cases in the Civil Services defines "just debts" as those (1) claims adjudicated by a court of law, or (2) claims the existence and justness of which are admitted by the debtor. Under the Uniform Rules, willful failure to pay just debts is classified as a light offense with the corresponding penalty of reprimand for the first offense, suspension for one to 30 days for the second offense, and dismissal for the third offense. With her indebtedness having been adjudicated with finality by a court of law, her liability under the law is undisputed. Since she committed the offense for the first time, the appropriate penalty is reprimand.[15]

However, the conviction of Zafra of criminal offenses requires the imposition of higher penalties. This is particularly so here, considering that Court has already classified and characterized the violation of *Batas Pambansa Blg*. 22 as a crime involving moral turpitude.[16] Under the Administrative Code of 1987, a conviction for a crime involving moral turpitude is a ground for disciplinary action. In that regard, the Uniform Rules on Administrative Cases in the Civil Service states that conviction for a crime involving moral turpitude is a grave offense and upon the first offense, the penalty of dismissal must be meted out. It is clear, therefore, that Zafra should be dismissed from the service for having been convicted by final judgment of *Batas Pambansa Blg*. 22 violations. Verily, her criminal convictions evinced her absolute unfitness and unworthiness to remain in the service of the Judiciary, a department of the Government that demands from its officers and employees the highest degree of integrity and reputation.

WHEREFORE, the Court **DISMISSES Court Stenographer II CAROLINE GRACE P. ZAFRA** from the service for having

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[15] *Id.* at 31-32.

[16] *People v. Tuanda*, Adm. Case No. 3360, January 30, 1990, 181 SCRA 692, 697; *Villaber v. Commission on Elections*, G.R. No. 148326, November 15, 2011, 369 SCRA 126, 134-135; *Lao v. Medel*, A.C. No. 5916, July 1, 2003, 405 SCRA 227, 232-233.

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been convicted with finality of a crime involving moral turpitude, with forfeiture of any monetary benefits, except accrued leaves.

Let this decision be noted in the personal records of **CAROLINE GRACE P. ZAFRA**.

SO ORDERED.

Carpio[*] *(Acting C.J.), Velasco, Jr., Leonardo-de Castro, Peralta, Bersamin, del Castillo, Villarama, Jr., Perez, Mendoza, Reyes, Perlas-Bernabe, Leonen,* and *Jardeleza, JJ.*, concur.

Sereno, C.J., on official business.

Brion, J., on wellness leave.

EN BANC

[G.R. No. 205136. December 2, 2014]

OLIVIA DA SILVA CERAFICA, *petitioner, vs.* **COMMISSION ON ELECTIONS,** *respondent.*

SYLLABUS

1. POLITICAL LAW; ELECTIONS; COMMISSION ON ELECTIONS (COMELEC); THE DUTY OF THE COMELEC TO GIVE DUE COURSE TO CERTIFICATES OF CANDIDACY (COC) FILED IN DUE FORM IS MINISTERIAL IN CHARACTER; SUSTAINED.— In *Cipriano v. Comelec*, we ruled that the Comelec has no discretion to give or not to give due course to COCs. We emphasized that the duty of the Comelec to give due course to COCs filed in due form is ministerial in character, and that while the Comelec may look into patent defects in the COCs, it may not go into matters not appearing on their face.

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[*] Acting Chief Justice per Special Order No. 1878-A.