

****Title: Concerned Citizen vs. Eleuterio C. Gabral, Jr.****

****Facts:****

This case originated from a letter-complaint dated July 16, 2001, addressed to the Chief Justice by a concerned citizen whose husband was acquitted in an illegal gambling case. Despite a trial court order to return the fine paid, Eleuterio C. Gabral, Jr., Clerk of Court II at the Municipal Circuit Trial Court (MCTC) of Sta. Rita, Samar, delayed its release. The complainant alleged misappropriation of court funds, non-release of bonds, and evasion of audits. In addition, the respondent was accused of tardiness.

The Court Administrator tasked Executive Judge Jovito O. Abarquez with investigating, and Abarquez's February 5, 2002 report found Gabral guilty, recommending suspension or a fine equivalent to one month's salary. Gabral challenged the investigation's legality and denied using the money for personal gain.

On October 10, 2002, the Office of the Court Administrator (OCA) called for a financial audit and held other charges in abeyance. The audit conducted between March 2-12, 2003, revealed Gabral's accountabilities totaling P162,385 in various funds. Deputy Court Administrator Zenaida N. Elepao directed Gabral to restitute the amounts and file necessary reports. However, Gabral admitted to misappropriating funds for personal needs in a letter dated August 27, 2003.

In a report dated July 1, 2005, the OCA recommended Gabral's dismissal for gross misconduct, dishonesty, and fund misappropriation, with prejudice to government reemployment, and restitution of the misappropriated amounts.

****Issues:****

1. Whether Gabral is guilty of gross misconduct, dishonesty, and misappropriation of public funds.
2. Whether Gabral should be dismissed from service due to these accusations.
3. Whether Gabral's tardiness constitutes an administrative offense warranting sanctions.
4. Whether personal financial difficulties can justify the misuse of judiciary funds.

****Court's Decision:****

1. ****Gross Misconduct, Dishonesty, and Misappropriation:****

- The Court held that Gabral was guilty of dishonesty and misappropriation. Despite initial denials, Gabral admitted the misuse of funds. The court emphasized that judiciary officials

must meet the strictest standards of honesty and integrity. Gabral failed to fulfill his duties to timely deposit court collections, submit monthly reports, maintain accurate records, and segregate funds per Supreme Court Circulars.

2. **Dismissal from Service:**

- Given the gravity of the violations, the Court upheld the OCA's recommendation and dismissed Gabral from service. The dismissal included forfeiture of all benefits, barring accrued leave credits, and a perpetual ban on government reemployment. Gabral was ordered to reconstitute the misappropriated sum of P162,385.

3. **Charge of Tardiness:**

- The evidence of tardiness was not substantiated thoroughly, hence the Court absolved Gabral from this charge, finding no significant proof of misconduct regarding office hours.

4. **Use of Personal Financial Difficulties as Justification:**

- The Court found Gabral's justification inadequate. Regardless of financial challenges, misappropriation of judiciary funds is inexcusable and does not exempt officials from liability.

Doctrine:

- **Strict Integrity and Accountability in Judiciary:** Judiciary personnel must uphold the highest standards of integrity and accountability. Misappropriation of public funds is a grave offense warranting severe penalties, including dismissal.

Class Notes:

- **Dishonesty and Misconduct:** Defined by the Omnibus Rules Implementing Book V of Executive Order 292 as actions indicating a disposition to lie, cheat, deceive, or defraud, which justify dismissal for the first offense.

- **Supreme Court Circular Compliance:** Officials must adhere to SC Circulars (e.g., SC Circular No. 22-94, 32-93) mandating proper handling and reporting of funds to maintain accountability.

- **Consequences of Administrative Offense:** Dismissal includes forfeiture of benefits and perpetual disqualification from government reemployment as per CSC Resolution No. 99-1936.

Historical Background:

This case exemplifies the judiciary's zero-tolerance policy towards corruption and dishonesty, emphasizing the systemic importance of judiciary integrity by reinforcing

stringent sanctions for financial mismanagement among court personnel. Through such decisions, the Supreme Court aims to uphold the judiciary's reputation and public trust.