# COMMISSION ON AUDIT- REGION VI BY: HAYDEE P. PASUELO, STATE AUDITOR IV, COMPLAINANT,VS. RENAN VILLANUEVA PAMPOSA, CLERK OF COURT II, MUNICIPAL TRIAL COURT IN CITIES, PASSI CITY,...

*A.M. NO. P-07-2291. June 25, 2007*

Ponente: YNARES-SANTIAGO, J.

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**YNARES-SANTIAGO, J.:**

Pursuant to Reassignment Order No. 2000-188 dated May 12, 2000 of the Commission on Audit (COA), State Auditor IV Haydee Pasuelo of COA-Region VI, was assigned to examine the cash and accounts of the Municipal Trial Court in Cities (MTCC) in Passi City. The examination conducted on August 14, 2001 and February 22, 2002, revealed that there were irregularities committed by Mr. Renan Villanueva Pamposa, Clerk of Court II, in the handling of funds of the said court. He was found short in his cash accountabilities amounting to P355,896.00. Demand letters were sent to Pamposa by registered mail but were returned because the addressee cannot be located and his relatives refused to receive the same.

On September 16, 2002, the COA Legal and Adjudication Sector forwarded the affidavit of State Auditor Pasuelo containing the audit findings, together with supporting documents, to the Office of the Ombudsman (Visayas) for further evaluation and preliminary investigation and the possible filing of criminal and/or administrative complaints. The complaint was docketed as OMB-V-C-02-0554-I and OMB-V-A-02-0482-1.

In a Consolidated Evaluation Report dated September 27, 2002, the Office of the Ombudsman (Visayas) endorsed the administrative complaint[1] to this Court pursuant to Sec. 6, Article VIII of the 1987 Constitution which exclusively vests in the Supreme Court the administrative supervision over all courts and court personnel.

Thus, on November 8, 2002, then Court Administrator Presbitero J. Velasco, Jr.[2] directed Pamposa to submit his comment within 10 days from receipt of the copy of the complaint. On November 26, 2002, the Court en banc issued a Resolution a) directing the Financial Management Office, OCA to withhold the salaries and benefits of Pamposa, b) dropping his name from the rolls for having been absent without official leave (AWOL) since December 3, 2001, and c) declaring his position vacant. Mrs. Noeme P. Hibionada was designated as Acting Clerk of Court.

On May 16, 2003, Pamposa has not yet submitted his comment so he was given another five days within which to comply, otherwise the case will be deemed submitted for resolution.

Meanwhile, the Court Management Office conducted a financial audit on May 11-17, 2003 in the MTCC-Passi City. The findings of the detailed audit disclosed that Pamposa incurred shortages in the following amounts: P932,990.00 for the Fiduciary Fund; P80,702.74 for the Judiciary Development Fund; and P30,619.88 for the General Fund, or total shortages amounting to P1,044,312.62.

In view of the report of the audit team, the Court issued on February 9, 2004 a Resolution a) directing Pamposa to

restitute the shortages amounting to P1,044,312.62, and b) advising Judge Nilo P. Pamonag to properly monitor Acting Clerk of Court Hibionada to ensure strict adherence to circulars and other issuances of the Court and to coordinate with the National Bureau of Investigation to locate the whereabouts of Pamposa. The Court also resolved to issue a Hold Departure Order against Pamposa to prevent him from leaving the country pending the resolution of this administrative matter.

In its Memorandum dated October 25, 2006, the Office of the Court Administrator noted, thus:

> The failure of respondent to restitute the total shortage constitutes gross dishonesty, grave misconduct and malversation of public funds for which dismissal from the service with forfeiture of all leave credits and of retirement privileges and with prejudice to reappointment are clearly appropriate. The Court condemns any conduct, act or omission which violates the norms of public accountability or diminishes the faith of the people in the judiciary

The OCA recommended that:

> - RENAN VILLANUEVA PAMPOSA, Clerk of Court II, MTCC, Passi City, Iloilo be found GUILTY of dishonesty, grave misconduct and malversation of public funds;
>
> - He be DISMISSED from the service effective immediately, with forfeiture of all his accrued retirement benefits, except accrued leave credits and other privileges, if any, with prejudice to re-employment in any branch, agency or instrumentality of the government, including government-owned or controlled corporations;
>
> - A Criminal Complaint for Malversation against RENAN VILLANUEVA PAMPOSA be FILED;
>
> - he Finance Division, Financial Management Office, OCA be DIRECTED to compute the monetary value of Renan Villanueva Pamposa's earned leave credits which amount shall be applied as part of the restitution of the shortage.

We adopt the findings of the OCA.

Respondent was given several opportunities to answer the charges filed against him. However, up to this date, he failed to submit his answer. Worse, he absconded and his present whereabouts is unknown. Even his relatives refused to receive the demand letters intended for respondent. These actuations are contrary to the behavior of an innocent man when faced with serious charges such as the present one. Instead of facing head-on the complaints filed against him, respondent took flight like a guilty man.

A clerk of court, such as respondent, performs very delicate functions. He/she acts as a cashier and disbursement officer of the court. He/she collects and receives all monies paid as legal fees, deposits, fines, and dues; controls the disbursement of funds appropriated by the provincial and city governments as aid to the court; and disburses funds quarterly allocated by the Supreme Court to the branches upon the direction and approval of the Executive Judge.[3]

As custodian of court funds and revenues, Clerks of Court have always been reminded of their duty to immediately deposit the various funds received by them to the authorized government depositories for they are not supposed to keep funds in their custody. Any loss, shortage, or impairment of said funds renders the Clerk of Court liable thereto.[4]

It is undisputed that respondent incurred shortages amounting to P1,044,312.62. This constitutes gross dishonesty, grave misconduct, and malversation of public funds.[5]

Under Section 54, Rule IV of the Uniform Rules on Administrative Cases in the Civil Service, dishonesty and grave misconduct are classified as grave offenses punishable by dismissal even if committed for the first time.


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Although respondent has been dropped from the rolls by Resolution of this Court dated November 26, 2002 for having been absent without official leave since December 3, 2001, it does not mean that the dismissal of the administrative complaint is warranted. The Court still retains the authority to resolve the instant administrative case as the complaint was filed long before respondent was dropped from the rolls.[6]

ACCORDINGLY, respondent Renan Villanueva Pamposa is found guilty of gross dishonesty and grave misconduct and is ordered DISMISSED from the service effective November 26, 2002[7] with forfeiture of retirement benefits except leave credits, with prejudice to re-employment in any branch, instrumentality or agency of the government, including government owned or controlled corporations. He is further ordered to RESTITUTE the shortages incurred in the Fiduciary Fund, Judiciary Discretionary Fund and General Fund, amounting to P932,990.00, P80,702.74 and P30,619.88, respectively.[8] The Finance Division, Financial Management Office, OCA, is DIRECTED to compute the monetary value of respondent's accrued leave credits and to apply the same as part of the restitution of the shortage.

**SO ORDERED.**

Austria-Martinez, Chico-Nazario, and Nachura, JJ., concur.

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[1] Docketed as OMB-V-A-02-0482-1.

[2] Now an Associate Justice of the Supreme Court.

[3] Ilagan v. Amar, A.M. No. P-04-1858, August 16, 2004, 436 SCRA 535, 540.

[4] Id. at 541.

[5] Id.

[6] Id. at 541-542.

[7] Id. at 542.

[8] See Re: Report on the Judicial and Financial Audit of RTC-Br. 4, March 13, 1998, 287 SCRA 510, 533-534.


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