

JOSEPH ANGELES, COMPLAINANT, VS. REMEDIOS C. BASE, CLERK OF COURT II, MTC, BROOKE'S POINT, PALAWAN, RESPONDENT.

A.M. No. P-03-1670. January 22, 2003

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

A public office is a public trust. The law requires all public officials, especially those involved in the administration of justice, to embody at all times the values of integrity and discipline.

The Case and the Facts

This administrative case stems from a sworn Letter-Complaint[1] filed by Joseph Angeles, charging Remedios C. Base, clerk of court II of the Municipal Trial Court (MTC) of Brooke's Point, Palawan, with gross misconduct.

The material averments of the Complaint are summarized by the Office of the Court of Administrator (OCA) in this wise:

“Complainant is the plaintiff (complaining witness) in Criminal Case No. 8270 before MTC, Brooke's Point, Palawan presided by Judge Fernando R. Gomez Jr. Said criminal case was dismissed on July 23, 1998 for lack of interest to prosecute x x x. The cash bonds posted by the accused was ordered cancelled and returned to the bondsman but the accused, by way of special power of attorney, authorized or constituted complainant to receive said cash bond from respondent Base.

“He alleges that respondent Base, with unjustifiable reason, failed to release the cash bond to him despite several demands. Finally, respondent informed him that she would release the amount of P3,000 to him if he would sign a receipt of payment. He did sign the receipt but respondent failed to release the amount for which she signed because respondent gave him only the amount of P2,000. He alleges that to this time respondent failed and still fails to give the balance of P1,000.”[2]

In her Answer[3] dated March 17, 1999, respondent averred that complainant had already received the full amount of P3,000 on July 16, 1998, the day the amount was withdrawn from the Land Bank of the Philippines. She presented as proof his signature at the back of the withdrawal slip.[4]

In a Report dated May 11, 2000,[5] the OCA recommended that the matter be referred to the executive judge of the Regional Trial Court (RTC) of Puerto Princesa, Palawan, for a formal investigation.

Report and Recommendation of the Investigating Judge

In her May 28, 2002[6] Report and Recommendation,[7] the investigating judge, Nelia Yap Fernandez, found respondent guilty of malicious non-feasance in office. She explained as follows:

“The evidence disclosed that the amount of P3,000.00 never reached its intended receiver. The evidence of the [r]espondent which is the withdrawal slip does not show how much amount was given to the [c]omplainant as

it is only the signature of said [c]omplainant which appeared therein. As stated by the [c]omplainant he affixed his signature at the back of the withdrawal slip but upon counting the money it was short of P1,000.00. He returned the P2,000.00 to the [r]espondent who advised him to come back the following morning. There was no evidence showing that the [c]omplainant had actually received or was given by [r]espondent the amount of P3,000.00. The explanation given by [r]espondent that she was unable to prepare any acknowledgement receipt because she was called by the Judge after the [c]omplainant had received the money is too flimsy.”[8]

She added that complainant would not waste his time, money and effort to complain about a small amount of money, if he had indeed received it. Thus, she concluded that respondent had misappropriated the cash bond for the latter’s own use.

Judge Fernandez recommended that respondent be reprimanded and ordered to pay complainant the amount representing the cash bond supposedly released to the latter. The judge warned that a repetition of the same or a similar offense would be dealt with more severely.

The Court’s Ruling

We agree with the investigating judge, but modify the penalty consistent with Civil Service Rules and current jurisprudence on the subject.

Administrative Liability of Respondent

The administration of justice is a sacred task. It demands that all officials and employees involved in the dispensation of justice embody the values of integrity and discipline at all times. This high standard of judicial service echoes the principle enshrined in the Constitution that a public office is a public trust. Hence, all public officers and employees must at all times be accountable to the people; serve them with utmost responsibility, integrity, loyalty and efficiency; act with patriotism and justice; and lead modest lives.[9]

Verily, this Court condemns and would never countenance any conduct, act or omission that would violate this norm of public accountability; or diminish or even just tend to diminish the faith of the people in the judiciary.[10]

Clerks of court perform delicate administrative functions essential to the prompt and proper administration of justice. They keep the records and seal; issue processes; enter judgments and orders; and give (upon request) certified copies of any paper, record, order, judgment, or entry found in the records.[11] They are also the designated custodians of the court’s funds and revenues, records, property and premises.[12] As such, they are liable for any loss, shortage, destruction or impairment of the said funds and property.[13]

In the present case, we find respondent remiss in her duty as custodian of the court’s funds. Her own testimony reveals that she was negligent in releasing the cash bond under her safekeeping.

First, she arranged for the withdrawal of the cash bond even without the court’s Order dismissing the case and canceling the bond. Claiming good faith, she explained that she had prepared the withdrawal slips based on that Order which Judge Gomez had given in open court a day before the bond was withdrawn.

The good faith asserted by respondent is untenable. If, indeed, there was an urgent need to release the money, she could have easily asked for the early preparation of the judgment dismissing the criminal case and the corresponding order to release the cash bond.

Second, before releasing the money, respondent did not require complainant to show a special power of attorney to receive the cash bond on behalf of the bondsmen. Elementary is the rule that a cancelled bond may be returned

only to the bondsman or a duly authorized representative. Respondent should have ensured that complainant had the necessary document authorizing him to receive the cash bond on behalf of the bondsmen regardless of their intention to give the amount to him as settlement of their case.

Third, respondent failed to issue the necessary acknowledgment receipt upon release of the amount. The signature of complainant at the back of the withdrawal slip was presented as proof of payment. However, as correctly observed by the investigating judge, it was not an acknowledgment of the amount he had actually received. Unacceptable is the excuse of respondent that she was not able to issue the proper receipt because Judge Gomez had called her inside his office.

Respondent must bear in mind that as custodian of the court's funds and property, she is liable for whatever loss or damage may result from her own act or omission. The mandatory nature of this duty is designed to promote full accountability for government funds. Respondent did not observe due diligence in her duty. She failed to show sufficient proof of payment of the cash bond and must therefore take full responsibility for the unaccounted money.

We emphasize that a clerk of court must be an individual of competence, honesty and integrity. The prestige of the office entails the corresponding responsibility to safeguard its integrity and proceedings, to earn respect therefor, and to uphold the confidence of the public in the administration of justice.[14] Verily, the conduct of a clerk of court at all times must not only be characterized by propriety and decorum, but must also be above suspicion.[15]

Respondent, as clerk of court, is expected to be a role model[16] for the other court employees -- to be emulated in the performance of her duties as well as in her conduct and behavior as a civil servant.[17] She cannot afford to err without affecting the integrity of the court or the efficient administration of justice.

We agree with the recommendation of the investigating judge that respondent be administratively sanctioned for nonfeasance or neglect of duty. However, the recommended penalty of reprimand is too light. Her failure to observe due diligence in her duty as custodian of the court's funds constitutes neglect of duty which, under the Civil Service Law and Omnibus Rules implementing the same,[18] is a less grave offense penalized with suspension of one (1) month and one (1) day to six (6) months for the first offense and dismissal for the second offense. As this appears to be the first infraction of respondent, we find her suspension for one (1) month and one (1) day without pay to be a sufficient penalty for her offense.

Furthermore, to prevent any undue adverse effect on the public service which would ensue should work be left unattended by reason of respondent's suspension, we deem it wise to convert her penalty to the payment of a fine. Thus, in line with jurisprudence,[19] we impose a fine instead of a suspension, so that she can continue to discharge her assigned tasks.

WHEREFORE, Remedios C. Base, clerk of court of the Municipal Trial Court (MTC) of Brooke's Point, Palawan, is found guilty of simple neglect of duty and a FINE equivalent to her one-month salary is hereby imposed on her, with a WARNING that a repetition of the same or a similar act shall be dealt with more severely. She is further ordered to PAY P1,000 to Joseph Angeles representing the balance of the cash due him.

SO ORDERED.

Puno, (Chairman), Sandoval-Gutierrez, Corona, and Carpio-Morales, JJ., concur.

[1] Dated September 11, 1998; rollo, pp. 1-4.

[2] OCA Report, p. 1; rollo, p. 15.

[3] Rollo, pp. 7-10.

[4] Annex B-1, respondent's Answer; rollo, p.10.

[5] Rollo, pp. 15-16.

[6] Id., pp. 302-311.

[7] The case was deemed submitted for decision on July 31, 2002, per Resolution of the Third Division of the Supreme Court.

[8] Judge Fernandez's Report and Recommendation, p. 9; rollo, p. 310.

[9] §1, Article XI, Constitution.

[10] Bandong v. Ching, 261 SCRA 10, August 23, 1996; citing Sy v. Academia, 198 SCRA 705, 717, July 3, 1991.

[11] Angeles v. Bantug, 209 SCRA 413, May 29, 1992.

[12] Manual for Clerks of Court, Section B, Chapter I.

[13] OCA v. Orbigo-Marcelo, AM No. P-00-1415-MeTC, August 30, 2001.

[14] Anonymous v. Geverola, 279 SCRA 279, September 18, 1997.

[15] Solidbank Corporation v. Capoon Jr., 289 SCRA 9, April 15, 1998.

[16] Paa v. Remigio, 88 SCRA 593, February 28, 1979.

[17] Mallare v. Ferry, AM Nos. P-00-1381 and P-00-1382, July 31, 2001.

[18] Uniform Rules on Administrative Cases in the Civil Service, §52, b(1).

[19] See Aquino v. Lavadia, AM No. P-01-1483, September 20, 2001; Amane v. Mendoza-Arce, 318 SCRA 465, November 19, 1999.

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