

OFFICE OF THE COURT ADMINISTRATOR COMPLAINANT, VS. MS. ROSA A. ACAMPADO, CLERK OF COURT II, MUNICIPAL TRIAL COURT, TAFT, EASTERN SAMAR RESPONDENT.

AM Nos. P-13-3116 & P-13-3112. November 12, 2013

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PER CURIAM:

“Those charged with the dispensation of justice, from the justices and judges to the lowliest clerks, should be circumscribed with the heavy burden of responsibility.”[1] Court personnel are expected to act in a manner free from reproach. Medical treatment of a sick husband does not excuse the actions of the respondent who repeatedly deceived this Court by misusing court funds, falsifying public documents, and failing to comply with orders.

For resolution are two consolidated administrative cases where the respondent is charged with failing to submit the documents required by the Fiscal Monitoring Division of this Court; failing to remit her collections on time; and submitting falsified bank deposit slips. A.M. No. P-13-3116 (Formerly A.M. No. 07-11-299-MTC) pertains to the Report on the Non-compliance of respondent Rosa A. Acampado, Clerk II, Municipal Trial Court, Taft, Eastern Samar, to submit additional documents for financial audit. A.M. No. P-13-3112 (Formerly A.M. OCA IPI No. 09-3164-P) pertains to the Report on the Financial Audit conducted on the books of account of Rosa A. Acampado and Jean Gladys N. Lobina of the Municipal Trial Court, Taft, Eastern Samar.

Then Senior Deputy Court Administrator Zenaida N. Elepaño in her Memorandum[2] informed this Court that Rosa A. Acampado, Clerk II, failed to submit to the Fiscal Monitoring Division, Court Management Office, Office of the Court Administrator, the additional documents required to finalize the audit examination of her books of accounts.[3] Respondent Acampado failed to comply despite several warnings and follow-up communications sent by the Office of the Court Administrator.[4] Senior Deputy Court Administrator Elepaño then requested that the salaries, allowances, and other monetary benefits of respondent Acampado be withheld until compliance is made.[5]

Consequently, in a Resolution dated December 12, 2007, this Court withheld respondent Acampado’s salaries, allowances, and other monetary benefits until compliance was duly effected as an exception to Administrative Circular No. 2-2000[6] to avoid misuse of government funds and to protect this Court’s interest. This Court also noted the Memorandum dated October 31, 2007 of the Office of the Court Administrator.[7]

In a Memorandum dated February 19, 2009, the Financial Audit Team headed by Ms. Cielo D. Calonia submitted a report to then Court Administrator and now Associate Justice of this Court, Jose P. Perez.[8] The audit team found that Clerk of Court II, Ms. Rosa Acampado, who was then in charge of the collections of the court, incurred cash shortages in her books of accounts and falsified or tampered bank deposit slips. The team found shortages amounting to One Hundred Thousand Four Hundred Seventy-eight Pesos and Thirty-Three Centavos (P100,478.33).[9] According to the audit team:

It is clear that she committed gross neglect of duty and gross dishonesty and even malversation of public funds when she failed to turn over on time her collections (JDF, SAJF, MF, Fiduciary fund) and altered/tampered

deposit slips and official receipts to cover-up collections. x x x.

x x x x

There is no question that Ms. Rosa A. Acampado committed the act of dishonesty in unreported collections of cash bond under Official Receipt Numbers 5581801 to 5581823 totalling to Sixty-Five Thousand Five Hundred Sixty Pesos (P65,560.00) and altering deposit slips and official receipts during her accountability period.[10]

In a Resolution dated April 15, 2009, this Court treated the Memorandum dated February 19, 2009 of the Office of the Court Administrator as an administrative charge for gross neglect of duty and dishonesty.[11] This Court also consolidated A.M. No. 09-3-41-MTC (Report on the Financial Audit Conducted on the Books of Account of Ms. Rosa A. Acampado and Ms. Jean Gladys N. Lobina of the Municipal Trial Court, Taft, Eastern Samar) with A.M. No. 07-11-299-MTC (Report on the Non-Compliance of Ms. Rosa A. Acampado, Clerk of Court II, Municipal Trial Court [MTC], Taft, Eastern Samar to Submit Additional Documents for Financial Audit).[12] In the same Resolution, Hon. Chita A. Umil, Presiding Judge of the Municipal Trial Court, Taft, Eastern Samar, was directed to: (1) investigate the extent of respondent Acampado's responsibilities in relation to the tampered deposit slips and falsification of official receipts for Fiduciary Fund and submit her report and recommendation within thirty (30) days from receipt of notice; and (2) monitor and advise the Officer-in-Charge to strictly follow the Supreme Court Circulars on the proper handling of Judiciary funds.[13]

Respondent Acampado's salaries and allowances were withheld from February 2008 to April 15, 2009 but were subsequently released by this Court for humanitarian considerations.[14] The release was subject to the condition that Fifty Thousand Pesos (P50,000.00) would be "retained/set aside" to answer for whatever penalty this Court may impose upon her.[15]

In a Letter dated June 10, 2009, Judge Umil asked that she be relieved from the task of investigating respondent Acampado to maintain the harmonious atmosphere in her office and to maintain neutrality.[16] After granting Judge Umil's request to inhibit herself, this Court referred the matter to Judge Renato Noel C. Echague, Metropolitan Trial Court, Can-avid, Eastern Samar, for investigation, report, and recommendation. Judge Echague then submitted his Findings and Recommendations dated July 15, 2010 to the Office of the Court Administrator.[17]

The Office of the Court Administrator submitted its evaluation, report, and recommendation on Judge Echague's findings on February 9, 2011.

In an Indorsement dated September 3, 2012, the Deputy Ombudsman for the Visayas resolved to refer for appropriate action the case against respondent Acampado for Malversation of Public Funds[18] and deemed the case closed and terminated in so far as the Office of the Ombudsman was concerned.

The issues for resolution in this case are:

- Whether respondent Acampado is guilty of gross misconduct and gross neglect of duty;
- Whether respondent Acampado should be dismissed from service; and
- Whether mitigating circumstances should be considered in this case.

Findings and Recommendations of the Investigating Judge

Judge Echague found that respondent Acampado incurred the following cash shortages in her collections: (1) P23,712.53 for the Judiciary Development Fund; (2) P58,285.80 for the Special Allowance for the Judiciary

Fund; and (3) P5,000.00 for the Mediation Fund, amounting to a total of Eighty-six Thousand Nine Hundred Ninety-eight Pesos and Thirty-three Centavos (P86,998.33).[19]

After hearing respondent Acampado's admission that she under-remitted Judiciary funds and falsified bank deposit slips, Judge Echague found her guilty of gross misconduct and gross neglect of duty punishable by dismissal from service for failing to turn over cash on time. She is also guilty of dishonesty and falsification of public documents for falsifying bank deposit slips. For failing to submit the additional documents, she is guilty of simple neglect of duty.

However, in view of mitigating circumstances, such as respondent Acampado's admission, remorse, length of service, and the fact that this is her first administrative case, Judge Echague recommended that she be given the following penalties:

1. In A.M. No. 07-11-299-MTC (Failure of Ms. Acampado to submit additional documents needed for financial audit), she is guilty of simple neglect of duty. Accordingly, it is recommended that she be fined Five Thousand Pesos (P5,000.00).
2. In A.M. No. OCA I.P.I. No. 09-3164-P (Report on the Financial Audit on the books of account of MTC, Taft, Eastern Samar), Ms. Acampado is guilty of gross misconduct and gross neglect of duty for her failure to remit on time her collections. Ms. Acampado is likewise guilty of dishonesty and falsification of public documents for falsifying bank deposit slips. Accordingly, it is respectfully recommended that for these two infractions, she be fined an amount equivalent to six (6) months of her salary to be deducted from her retirement benefits.[20]

Respondent's Arguments

In the hearing which she requested[21] and in lieu of her Comment, respondent Acampado asked this Court for forgiveness. She explained that the shortages were due to under-remittance. She was tempted to use the money for the medical check-ups and medication of her husband who was insulin-dependent due to diabetes and who had been undergoing dialysis treatment.[22]

She also admitted that she falsified 19 Land Bank of the Philippines deposit slips as well as additional 20 bank deposit slips.[23] She prepared the bank deposit slips but failed to go to the bank. She was rattled by the presence of the audit team, and she just surrendered the falsified slips to the team. Respondent Acampado also stated that she already fully restituted the cash shortages in the amount of Eighty-six Thousand Nine Hundred Ninety-eight Pesos and Thirty-three Centavos (P86,998.33). On her non-compliance to submit additional records needed to finalize the audit, she explained that these records were damaged by water used to put out a fire that had gutted a portion of the municipal hall.[24]

This Court referred the Findings and Recommendations dated July 15, 2010 of Judge Echague to the Office of the Court Administrator for evaluation, report, and recommendation.

Office of the Court Administrator's Report and Recommendations

The Office of the Court Administrator adopted the findings of the investigating judge with modification. According to the Office of the Court Administrator, a clerk of court's failure to make a timely turnover of cash deposited with him or her constitutes not only gross negligence in the performance of duty but also gross dishonesty, if not malversation.[25] The Office of the Court Administrator said that misappropriation of Judiciary funds amounts to a serious misconduct. It is "a grave offense punishable by dismissal."[26] Restitution of the total cash shortages will not erase his or her liability.[27]

The Office of the Court Administrator also said that "falsification of bank deposit slips is patent dishonesty."[28]

Dishonesty, as a grave offense, “carries the extreme penalty of dismissal from the service with forfeiture of retirement benefits, except accrued leave credits, and with perpetual disqualification from re-employment in government service.”[29]

However, the Office of the Court Administrator considered certain mitigating circumstances in this case. The Office of the Court Administrator noted how respondent Acampado readily acknowledged the offenses and offered her sincerest apologies. This is also the first time that she was charged with an administrative case. Lastly, the length of service of respondent Acampado, which was more than thirty years (30), was also considered.

The Office of the Court Administrator recommended that:

X X X X

2. respondent Rosa A. Acampado be found GUILTY of simple neglect of duty in A.M. No. 07-11-299-MTC (failure of Ms. Acampado to submit additional documents needed for financial audit) and be FINED in the amount of Five Thousand Pesos (P5,000.00); and likewise be found GUILTY of: (a) gross misconduct and gross neglect of duty for her failure to remit on time her collections; and (b) dishonesty and falsification of public documents for falsifying bank deposit slips in A.M. OCA IPI No. 09-3164-P (Report on the Financial Audit on the books of account of MTC, Taft, Eastern Samar); that she be FINED in the amount equivalent to one (1) year of her salary to be deducted from her retirement benefits; and

3. the Presiding Judge of Municipal Trial Court, Taft, Eastern Samar, be DIRECTED to MONITOR all financial transactions of the court in strict adherence to the issuances of the Court on the proper finding of all judiciary funds, otherwise, he/she shall be equally liable for the infractions committed by the employees under his/her command and supervision.[30]

We agree with the recommendations of the Office of the Court Administrator regarding respondent Acampado’s liabilities. However, we disagree with the recommended penalty to be imposed on her.

This is not the first time that this Court has disciplined an erring and dishonest court employee for misappropriating Judiciary funds and falsifying public documents under his or her control. In *Rojas, Jr. v. Mina*,[31] we found the respondent guilty of gross misconduct and dishonesty for stealing and encashing Special Allowance for Judges and Justices checks payable to several trial court judges without their consent. In *Office of the Court Administrator v. Elumbaring*,[32] we held that the respondent was guilty of dishonesty for failing to remit the Judiciary Development Fund and Special Allowance for the Judiciary Fund collections in full and on time. Similarly, in *Court Administrator v. Abdullahi*,[33] we said that falsification of Daily Time Records amounts to dishonesty, and dismissal from service is proper even if the offense was committed for the first time.

The Code of Conduct for Court Personnel[34] prescribes the norms of conduct which are specific to personnel employed in the Judiciary.[35] The specificity of these norms is due to “the special nature of [court personnel’s] duties and responsibilities.”[36]

Respondent Acampado violated the following provisions of the Code:

CANON I
FIDELITY OF DUTY

X X X X

SECTION 5. Court personnel shall use the resources, property and funds under their official custody in a judicious manner and solely in accordance with the prescribed statutory and regulatory guidelines or procedures.

CANON IV
PERFORMANCE OF DUTIES

SECTION 1. Court personnel shall at all times perform official duties properly and with diligence. They shall commit themselves exclusively to the business and responsibilities of their office during working hours.

x x x x

SECTION 3. Court personnel shall not alter, falsify, destroy or mutilate any record within their control.

This provision does not prohibit amendment, correction or expungement of records or documents pursuant to a court order.

x x x x

In A.M. No. P-13-3116,[37] respondent Acampado continued to disregard the Orders of this Court to submit additional documents required to complete the financial audit of her books of accounts. Her non-compliance even resulted in the withholding of her salaries, allowances, and other monetary benefits.[38]

Simple neglect of duty is defined as the “failure to give proper attention to a required task. It signifies disregard of duty due to carelessness or indifference.”[39] Respondent Acampado disregarded the directives sent to her on several occasions by this Court through the Court Management Office of the Office of the Court of the Administrator. She merely alleged that she could not produce on time the booklet of official receipts required from her since the booklet was among the documents damaged by water when a portion of the court had been gutted by fire.[40] We said before that the failure of a respondent to comply with the Office of the Court Administrator’s directives manifests his or her “indifference to the lawful directives”[41] of this Court.

For respondent Acampado’s failure to submit the additional documents required for completion of the financial audit, the Office of the Court Administrator correctly recommended that she be found guilty of simple neglect of duty and should, therefore, be fined the amount of Five Thousand Pesos (P5,000.00). Under Rule 10, Section 46 (D) (1) of the Revised Rules on Administrative Cases in the Civil Service, simple neglect of duty is a less grave offense punishable by suspension of one (1) month and one (1) day to six (6) months for the first offense and dismissal from the service for the second offense. Section 49 (b) of the same Rule provides that the minimum of the penalty shall be imposed when no mitigating and aggravating circumstances are present. Submission of the required documents belatedly neither exculpates nor mitigates respondent Acampado’s liability.[42]

However, the payment of a fine in lieu of suspension is available in grave, less grave, and light offenses when the penalty imposed is suspension for six (6) months or less.[43] This Court has deemed it proper to impose the fine of Five Thousand Pesos (P5,000.00) on erring court employees who committed simple neglect of duty.[44] We impose the same penalty on respondent Acampado for disregarding her duty to turn over the required documents due to indifference in the face of several court directives.

In A.M. No. P-13-3112,[45] respondent Acampado already admitted the acts charged by the Office of the Court Administrator which included the misappropriation of Judiciary funds and the falsification of bank deposit slips.[46] For these, the Office of the Court Administrator found respondent Acampado guilty of gross dishonesty and serious misconduct punishable by dismissal:

x x x Misappropriation of judiciary funds is a serious misconduct, a grave offense punishable by dismissal. Although, respondent Rosa A. Acampado was able to fully reconstitute the shortages, such act will not in any way erase her culpability.

x x x x

Falsification of bank deposit slips is patent dishonesty. x x x Dishonesty, being a grave offense, carries the extreme penalty of dismissal from the service with forfeiture of retirement benefits except accrued leave credits, and with perpetual disqualification from re-employment in government service. Indeed, dishonesty is a malevolent act that has no place in the Judiciary.[47]

Despite the pronouncements made by the Office of the Court Administrator regarding respondent Acampado's actions and her failure to meet the high ethical standards expected of court employees, the Office of the Court Administrator still considered certain allegedly mitigating circumstances. According to the Office of the Court Administrator, respondent Acampado's ready acknowledgment of her actions, her sincerest apologies, her length of service in the Judiciary, and the fact that this is the first time she committed the offenses may be considered as extenuating circumstances.[48] Consequently, the Office of the Court Administrator reduced its recommended penalty from dismissal to a fine in the amount equivalent to one (1) year of her salary to be deducted from her retirement benefits.

We disagree with the Office of the Court Administrator's recommendation to mitigate the respondent's liability and lower the penalty to be imposed.

Under the Revised Rules on Administrative Cases in the Civil Service, the acts of under-remitting funds of the Judiciary, remitting cash beyond the reglementary period, and falsifying bank deposits are grave offenses that merit the most severe penalty of dismissal from service.[49]

Gross Neglect of Duty and Grave Misconduct

Clerks of Court are the custodians of the courts' "funds and revenues, records, properties, and premises." [50] They are "liable for any loss, shortage, destruction or impairment" [51] of those entrusted to them. Any shortages in the amounts to be remitted and the delay in the actual remittance "constitute gross neglect of duty for which the clerk of court shall be held administratively liable." [52]

Respondent Acampado committed gross neglect of duty and grave misconduct when she failed to turn over the funds of the Judiciary that were placed in her custody within the period required by law. We said in *Office of the Court Administrator v. Fueconcillo* that undue delay by itself in remitting collections, keeping the amounts, and spending it for the respondent's "family consumption, and fraudulently withdrawing amounts from the judiciary funds, collectively constitute gross misconduct and gross neglect of duty." [53] Such behavior should not be tolerated as it denigrates this Court's image and integrity.

Serious Dishonesty

Dishonesty is defined as the:

[d]isposition to lie, cheat, deceive, or defraud; untrustworthiness; lack of integrity; lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray. [54]

Under the Revised Rules on Administrative Cases in the Civil Service, serious dishonesty is a grave offense punishable by dismissal from service even if the offense was committed for the first time. [55]

Respondent Acampado's actions of misappropriating Judiciary funds and incurring cash shortages in the amounts of 1) Twenty-three Thousand Seven Hundred Twelve Pesos and Fifty-three Centavos (P23,712.53) for the Judiciary Development Fund; 2) Fifty-eight Thousand Two Hundred Eighty-five Pesos and Eighty Centavos (P58,285.80) for the Special Allowance for the Judiciary; and 3) Five Thousand Pesos (P5,000.00) for the Mediation Fund (MF), totaling to Eighty-six Thousand Nine Hundred Ninety-eight Pesos and Thirty-three Centavos (P86,998.33) are serious acts of dishonesty that betrayed the institution tasked to uphold justice and

integrity for all. Moreover, respondent Acampado's act of repeatedly falsifying bank deposit slips is patent dishonesty that should not be tolerated by this Court. Restitution of the missing amounts will not relieve respondent Acampado of her liability.[56]

Those in the Judiciary "serve as sentinels of justice, and any act of impropriety on their part immeasurably affects the honor and dignity of the Judiciary and the people's confidence in it." [57] The institution demands "the best possible individuals in the service." [58] "This Court will not hesitate to rid its ranks of undesirables who undermine its efforts toward an effective and efficient administration of justice, thus tainting its image in the eyes of the public." [59]

We said in *Office of the Court Administrator v. Bernardino* [60] that:

[W]e have not hesitated to impose the ultimate penalty. This Court had never and will never tolerate nor condone any conduct which would violate the norms of public accountability, and diminish, or even tend to diminish, the faith of the people in the justice system. [61]

Again, this Court does not agree with the Office of the Court Administrator's recommendations of imposing the penalty of a fine equivalent to one (1) year's salary to be deducted from her retirement benefits, instead of dismissal from service as the law requires. Dismissal from service is the proper penalty to be imposed on respondent Acampado. Under Rule 10, Section 52 of the Revised Rules on Administrative Cases in the Civil Service, "the penalty of dismissal shall carry with it cancellation of eligibility, forfeiture of retirement benefits, perpetual disqualification from holding public office, and bar from taking civil service examinations." In addition, Section 49 of Rule 10 in the Revised Rules on Administrative Cases in the Civil Service provides that:

if the respondent is guilty of two (2) or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge and the rest shall be considered as aggravating circumstances.

In this case, respondent Acampado is found guilty of more than two charges, which are gross neglect of duty and grave misconduct, and serious dishonesty. All offenses are grave offenses that merit dismissal from service.

WHEREFORE, respondent Rosa A. Acampado is found GUILTY of the following:

- SIMPLE NEGLIGENCE OF DUTY in A.M. No. P-13-3116 for failing to submit the additional documents required for financial audit and is FINED the amount of Five Thousand Pesos (P5,000.00);
- GRAVE MISCONDUCT and GROSS NEGLIGENCE OF DUTY in A.M. No. P-13-3112 for failing to remit on time her collections and SERIOUS DISHONESTY for misappropriating funds of the Judiciary and falsifying bank deposit slips. She is DISMISSED FROM THE SERVICE with forfeiture of retirement benefits, perpetual disqualification from holding public office in any branch or instrumentality of the government, including government-owned or controlled corporations.

The Presiding Judge of Municipal Trial Court, Taft, Eastern Samar, is DIRECTED to MONITOR all financial transactions of the court in strict adherence to the issuances of this Court on the proper handling of all Judiciary funds. He or she shall be equally liable for the infractions committed by the employees under his or her command and supervision.

SO ORDERED.

Sereno, C.J., Carpio, Velasco, Jr., Leonardo-De Castro, Brion, Peralta, Bersamin, Del Castillo, Abad, Villarama, Jr., Mendoza, Reyes, Perlas-Bernabe, and Leonen, JJ., concur.

Perez, J., no part, acted as Crt. Adm.

[1] Office of the Court Administrator v. Fontanilla, A.M. No. P-12-3086, September 18, 2012, 681 SCRA 17, 25.

[2] This Memorandum dated October 31, 2007 was docketed as A.M. No. P-13-3116.

[3] A.M. No. P-13-3116, rollo, p. 1.

[4] Id. at 2, 9, 15, and 17.

[5] Id.

[6] This Administrative Circular No. 2-2000 was dated April 12, 2000 and entitled "GUIDELINES ON WITHHOLDING OF SALARIES AND OTHER MONETARY BENEFITS OR SET-OFF AGAINST SALARIES OF ALLEGEDLY ERRONEOUSLY RELEASED MONETARY BENEFITS." The Administrative Circular provides that the Office of the Court Administrator may not unilaterally withhold the salaries and other monetary benefits of judges, court officials, and employees for non-compliance with administrative orders, circulars or for any infractions of misfeasance the Office of the Court Administrator may deem as a sufficient cause to withhold such salaries or benefits. The Circular also provides that "neither may the Office of the Court Administrator unilaterally withhold salary checks of judges and court officials and employees as a means to set off or enforce refund for monetary benefits claimed to have been erroneously or even illegally released to them."

[7] A.M. No. P-13-3116, rollo, p. 25.

[8] A.M. No. P-13-3112, rollo, pp. 3-13.

[9] Id. at 10.

[10] Id. at 10-11.

[11] Id. at 75.

[12] Id.

[13] Id.

[14] Id. at 76.

[15] Id.

[16] Id. at 78.

[17] Id. at 86.

[18] OMB-V-C-10-0194-D.

[19] A.M. No. P-13-3112, rollo, p. 168.

[20] Id. at 172.

[21] Letter dated July 7, 2010, A.M. No. P-13-3112, rollo, p. 182.

[22] Id. at 185.

[23] Id. at 187.

[24] Id. at 191.

[25] Id. at 225-230. Memorandum dated February 9, 2011, pp. 4-6 citing Office of the Court Administrator v. Bernardino, A.M. No. P-97-1258, January 31, 2005, 450 SCRA 88.

[26] Id. at 229.

[27] Id.

[28] Id.

[29] Id.

[30] Id. at 230.

[31] A.M. No. P-10-2867, June 19, 2012, 673 SCRA 592.

[32] A.M. No. P-10-2765, September 13, 2011, 657 SCRA 453.

[33] A.M. No. P-02-1560, March 20, 2002, 379 SCRA 521.

[34] A.M. No. 03-06-13-SC, Effective June 1, 2004.

[35] Id., 5th Whereas Clause.

[36] Id.

[37] Report on the non-compliance of Rosa A. Acampado, MTC-Taft, Eastern Samar, to submit additional documents for financial audit.

[38] A.M. No. P-13-3116, rollo, p. 24. [39] Tolentino-Fuentes v. Galindez, A.M. No. P-07-2410, June 18, 2010, 621 SCRA 189, 194-195 citing Atty. Dajao v. Lluch, 429 Phil. 620, 626 (2002).

[40] A.M. No. P-13-3112, rollo, p. 191.

[41] Sesbreño v. Gako, Jr., A.M. No. RTJ-08-2144, November 3, 2008, 570 SCRA 398, 407.

[42] See Failure of Atty. Jacinto B. Peñaflor, Jr., Clerk of Court VI, Regional Trial Court, San Jose, Camarines Sur, to Submit the Required Monthly Report of Collections, Deposits, and Withdrawals, A.M. No. P-07-2339, August 20, 2008, 562 SCRA 373.

[43] Revised Rules on Administrative Cases in the Civil Service (2011), Rule 10, Sec. 47 (2).

[44] See Office of the Court Administrator v. Paredes, A.M. No. P-06-2103, April 17, 2007, 521 SCRA 365; Vda. de Feliciano v. Rivera, A.M. No. P-11-2920, September 19, 2012, 681 SCRA 323. See also Office of the Administrator v. Go, A.M. No. MTJ-07-1667, April 10, 2012, 669 SCRA 1.

[45] Report on the Financial Audit on the Books of Account of the MTC-Taft, Eastern Samar.

[46] A.M. No. P-13-3112, rollo, p. 168.

[47] Id. at 229.

[48] Id.

[49] Revised Rules on Administrative Cases in the Civil Service (2011), Rule 10, Sec. 46.

Classification of Offenses – Administrative Offenses with corresponding penalties are classified into grave, less grave or light, depending on their gravity or depravity and effects on the government service.

A. The following grave offenses shall be punishable by dismissal from the service:

- a. Serious Dishonesty;
- b. Gross Neglect of Duty;
- c. Grave Misconduct;
- d. Being Notoriously Undesirable;
- e. Conviction of a crime involving moral turpitude;
- f. Falsification of official document;
- g. Physical or mental incapacity or disability due to immoral or vicious habits;

[50] See Section B, Chapter 1 of the 1991 Manual for Clerks of Court as amended by the 2002

Revised Manual for Clerks of Court, p. 4. See also *Office of the Court Administrator v. Canque*, A.M. No. P-04-1830, June 4, 2009, 588 SCRA 226.

[51] *Office of the Court Administrator v. Bawalan*, A.M. No. P-93-945, March 24, 1994, 231 SCRA 408, 411. See also *Office of the Court Administrator v. Fontanilla*, A.M. No. P-12-3086, September 18, 2012, 681 SCRA 17 citing *Office of the Court Administrator v. Lising*, A.M. No. P-03-1736, March 8, 2005, 453 SCRA 16, 22.

[52] *Office of the Court Administrator v. Fontanilla*, A.M. No. P-12-3086, September 18, 2012, 681 SCRA 17, 24.

[53] A.M. No. P-06-2208, August 26, 2008, 563 SCRA 226, 236.

[54] (Re: Alleged Anomaly that transpired in LRC Case No. 181 tried before RTC, Branch 31, Cabarroguis, Quirino) *Executive Judge Menrado V. Corpuz, Regional Trial Court, Branch 38, Maddela, Quirino v. Max Ramiterre, Civil Docket Clerk, et al.*, A.M. No. P-04-1779, November 25, 2005, 476 SCRA 108, 121 citing *Re: Administrative Case for Dishonesty Against Elizabeth Ting, Court Secretary I and Angelita C. Esmerio, Clerk III, Office of the Division Clerk of Court, Third Division*, A.M. No. 2001-7-SC & No. 2001-8-SC, July 22, 2005, 464 SCRA 1; *Office of the Court Administrator v. Yan*, A.M. No. P-98-1281, April 27, 2005, 457 SCRA 389; *Alabastro v. Moncada, Sr.*, A.M. No. P-04-1887 (Formerly OCA IPI No. 03-1645-P), December 16, 2004, 447 SCRA 42.

[55] *Revised Rules on Administrative Cases in the Civil Service* (2011), Rule 10, Sec. 46.

[56] See *Re: Withholding of Other Emoluments of the following Clerks of Court: ELSIE C. REMOROZA of the Municipal Trial Court (MTC) of Mauban, Quezon; ELENA P. REFORMADO of the MTC of Guinayangan, Quezon; EUGENIO STO. TOMAS of the MTC of Cabuyao, Laguna; MAURA D. CAMPAÑO of the MTC of San Jose, Occidental Mindoro; ELEANOR D. FLORES of the Municipal Circuit Trial Court (MCTC) of Taytay, Palawan; and JESUSA P. BENIPAYO of the MCTC of Ligao, Albay*, A.M. No. 01-4-133-MTC, August 26, 2003, 409 SCRA 574.

[57] *Code of Conduct for Court Personnel*. See *Anonymous Complaint Against Sheriff Sales T. Bisnar*, Regional Trial Court, Branch 78, Morong, Rizal, A.M. No. 05-7-458-RTC, August 25, 2005, 468 SCRA 17.

[58] *Cabanatan v. Molina*, A.M. No. P-01-1520, November 21, 2001, 370 SCRA 16, 26.

[59] *Id.*

[60] A.M. No. P-97-1258, January 31, 2005, 450 SCRA 88.

[61] *Id.* at 119-120.

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