JUDGE DOMINGO C. SAN JOSE, JR., COMPLAINANT, VS. ROBERT T. CAMURONGAN, RESPONDENT.

A.M. No. P-06-2158 (Formerly OCA I.P.I No. 01-1036-P). April 25, 2006

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PER CURIAM:

This administrative case originates from a Complaint-Memorandum[1] filed by judge Domingo C. San Jose, Jr., charging Robert T. Camurongan, a court aide assigned to the Office of the Clerk of Court (OCC) of the Municipal Trial Court (MTC) of San Fernando, Pampanga, with gross misconduct and conduct prejudicial to the best interest of the service.

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

> "Complainant alleged that he received a Report dated 28 November 2000 from .Juanita M. Flores, Clerk of Court II, MTC, San Fernando, Pampanga regarding the theft incident allegedly perpetrated by respondent in the [Office of the Clerk of Court], MTC, San Fernando, Pampanga sometime in November 2000 involving jueteng evidence in different cash denominations which were confiscated from the accused on the following cases, to wit:
>
> Case No.
>
> Amount
>
> Pending Before Branch
>
> 1. 00-2160
>
> P260.00
>
> III
>
> 2. 001930
>
> 399.75
>
> III
>
> 3. 00-2035
>
> undetermined
>
> IV
>
> 4. 00-2315
>
> 3,112.50
>
> II

5. 00-2333

375.75

IV

6. 00-1879

7,835.00

I

P11,983.00

"As a result, .complainant alleged that he issued a memorandum to respondent requiring him to comment on the matter and to appear before him for investigation and at the same time issued another memorandum to Clerk of Court Flores directing her to withhold the respondent's salary, benefits or emoluments effective immediately.

"On 08 December 2000, complainant averred that respondent submitted a written explanation admitting the charge against him and sought humanitarian considerations that he be allowed to remain in the service, obligating himself to return the money taken by him."[2]

In his Comment[3] dated July 21, 2001, respondent admitted taking the monetary exhibits under the custody of the OCC for his personal use. He explained that he had taken the money without authority from the Clerk of Court "only for safekeeping," because the OCC was flooded at that time.[4] However, while the money was under his possession, a family emergency constrained him to use it for his personal benefit.[5] He then asked the Court to understand his plight as sole breadwinner and pleaded for leniency in determining the sanction for his transgression.[6]

In its October 12, 2001 Report,[7] the OCA found respondent guilty of gross misconduct and conduct prejudicial to the best interest of the service. It therefore recommended that respondent be dismissed from the service with forfeiture of all benefits and with prejudice to re-employment in the government or any of its subdivisions, instrumentalities and agencies, including government-owned or -controlled corporations. This Court agrees with these findings and recommendation.[8]

The strictest standards have always been valued in judicial service. Verily, everyone involved in the dispensation of justice, from the presiding judge to the lowliest clerk, is expected to live up to the strictest norm of competence, honesty and integrity in the public service.[9] This principle echoes what the Constitution enshrines: that a public office is a public trust, and 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.[10] Further, the Code of Conduct and Ethical Standards for Public Officials and Employees provides that every public servant shall uphold public interest over and above personal interest at all times.[11]

Respondent, in this case, dismally fell short of this standard. As found by the OCA, he readily admitted that he had taken the monetary exhibits, the subject of this Complaint, for his personal use. Further, he asked for forgiveness and promised to replace the amount.[12]

The act of taking monetary exhibits without authority from their custodian constitutes theft.[13] Thievery, no matter how petty, has no place in the judiciary.[14] This unlawful act of taking cannot be justified by an alleged intention to safeguard the money from damage that might be caused by the flood. Neither can this Court sanction the appropriation, even if temporary, of property under custodia legis in order to remedy the financial exigency of one's family. Personal problems cannot justify the misuse by any court employee of judiciary funds in their

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custody.[15] We will not countenance such acts, which portray the judiciary as a "haven of corruption, instead of a bastion of justice."[16]

Public servants must exhibit the highest sense of honesty and integrity in their performance of official duties and in their personal affairs, so as to preserve the Court's good name and standing.[17] The administration of justice is a sacred task. This Court cannot countenance, on the part of court personnel, any act or omission that would violate the norm of public accountability; and would diminish, or even just tend to diminish, the faith of the people in the judiciary.[18]

Time and time again, we have emphasized that more than just a cardinal virtue, integrity in the judicial service is a necessity.[19] The image of the judiciary is mirrored in the conduct, official or otherwise, of its personnel. Thus, this Court will not allow the good name and standing of the judicial system to be tainted by the dishonesty of the very people who have sworn to uphold its honor.

Respondent's acts indeed constitute gross misconduct and conduct prejudicial to the best interest of the service.[20] These are malevolent acts that have no place in the judiciary. Being in the nature of grave offenses, they carry with them the extreme penalty of dismissal for the first offense.[21] Court personnel who might otherwise yield to the temptation of using for their own interest funds entrusted to the courts should be reminded: there is no place in the judiciary for those who cannot meet the exacting standards of judicial conduct and integrity.[22]

WHEREFORE, Robert T. Camurongan, court aide of the MTC of San Fernando, Pampanga, is found guilty of grave misconduct and conduct prejudicial to the interest of the service. He is hereby DISMISSED from the service with forfeiture of all benefits, except accrued leave credits, and with prejudice to re-employment in the government or any of its subdivisions, instrumentalities and agencies, including government-owned or -controlled corporations.

Respondent is further ORDERED to restitute the amount of eleven thousand nine hundred eighty-three pesos (P11,983). There is still an undetermined amount of jueteng evidence missing in Case No. 00-2035 pending before Branch IV;[23] hence, Juanita Flores, Clerk of Court II, is hereby DIRECTED to conduct further investigations to specify the amount that will be added to the total to be restituted by respondent.

The Employee's Division of the Office of the Administrative Services-OCA is likewise DIRECTED to compute the balance of respondent's earned leave credits and to forward it to the Finance Division, Fiscal Management Office-OCA, which shall compute its money value. This amount, together with all other benefits that respondent may be entitled to, shall be included as restitution of the amount taken by him. The OCA is also ORDERED to coordinate with the prosecution arm of the government to ensure the expeditious prosecution of the criminal liability of respondent.

SO ORDERED.

Panganiban, C.J., Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., Azcuna, Tinga, Chico-Nazario, Garcia, and Velasco, Jr., JJ., concur.
Puno, J., on leave.

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[1] Dated December 29, 2000; rollo, pp. 1-2.

[2] OCA Report dated October 12, 2001, pp. 1-2; rollo, pp. 26-27.

[3] Rollo, p. 25.

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[4] Id.

[5] Id.

[6] Id.

[7] Signed by Court Administrator Presbitero J. Velasco, Jr. (now a member of this Court).

[8] In a Resolution dated November 19, 2001, the Court required the parties to manifest whether they were submitting the case for resolution, based on the records already submitted. Respondent, however, failed to comply. Thus, in a Resolution dated April 6, 2005, the Court deemed the case submitted for decision, on the basis of the pleadings and records on file.

[9] Alabastro v. Moncada, Sr., 447 SCRA 42, December 16, 2004; Grayda v. Primo, 442 SCRA 60, November 11, 2004; Ratti v. Mendoza-De Castro, 435 SCRA 11, July 23, 2004; Aquino, Jr. v. Miranda, 429 SCRA 230, May 27, 2004; Saï¿½ez v. Rabina, 411 SCRA 236, September 18, 2003; Santos v. Arlegui-Hernandez, 427 Phil. 794, February 22, 2002.

[10] CONSTITUTION, Article XI, Sec. 1.

[11] Republic Act No. 6713 (1989), Sec. 4a.

[12] OCA Report dated October 12, 2001, p. 2; rollo, p. 27; See also Explanation and Request dated December 8, 2000; rollo, pp. 6 & 21.

[13] See Gaviola v. Navarette, 341 Phil. 68, July 7, 1997.

[14] Baquerfo v. Sanchez, 455 SCRA 13, April 6, 2005.

[15] Re: Report on the Examination of the Cash and Accounts of the Clerks of Court of the RTC and the MTC of Vigan, Ilocos Sur, 400 SCRA 387, April, 2, 2003.

[16] Report on the Financial Audit Conducted at the MCTC-Mabalacat, Pampanga, A.M. No. P-05-1989, October 20, 2005.

[17] Layosa v. Salamanca, 455 Phil. 28, July 29, 2003; JDF Anomaly in the RTC of Ligao, Albay, 325 Phil. 506, March 21, 1996.

[18] Report of the Financial Audit Conducted on the Accounts of Zenaida Garcia, MTC, Barotac Nuevo, Iloilo, 362 Phil. 480, February 15, 1999.

[19] Pascual v. Bonifacio, 447 Phil. 11, March 10, 2003 and Talens-Dabon v. Arceo, 328 Phil. 692, July 25, 1996 citing Dy Teban Hardware & Auto Supply Co. v. Tapucar, 102 SCRA 493, January 31,1981.

[20] Re: Report on the Financial Audit Conducted in the RTC Br. 34, Balaoan, La Union, 437 SCRA 72, August 19, 2004; Report, of the Financial Audit Conducted on the Accounts of Zenaida Garcia, MTC, Barotac Nuevo, Iloilo, supra note 18.

[21] Uniform Rules on Administrative Cases in the Civil Service, Rule IV, Sec.

[22] OCA v. Sumilang, 338 Phil. 28, April 18, 1997.

[23] See OCA Report dated October 12, 2001, p. 1; rollo, p. 26; See also Report of the Office of the Clerk of Court dated November 28, 2000; rollo, p. 3.

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