

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 ...

A.M. No. P-07-2339. August 20, 2008

Ponente: NACHURA, J.

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NACHURA, J.:

The instant administrative matter arose from the failure of Atty. Jacinto Peñaflor, Clerk of Court, Regional Trial Court (RTC), San Jose, Camarines Sur, to submit the required Monthly Report of Collections, Deposits and Withdrawals.

The facts of the case, gleaned from the report of the Office of the Court Administrator (OCA), are as follows:

Two notices directing the submission of the reports were sent to Atty. Peñaflor by Ms. Hedelina F. Alcaraz, then Supreme Court (SC) Chief Judicial Staff Officer, Accounting Division, Financial Management Office (FMO), OCA. The first one was sent on May 18, 2004[1] and the second on July 21, 2004[2] ordering Atty. Peñaflor to submit the following monthly reports of collections and deposits for the following accounts, to wit:

Sheriff's Trust Fund - January 1999-February 2001, September 2001. November 2001-March 2002. March-May 2003. July 2003-July 2004

Fiduciary Fund - November 2000. January 2001. February-April 2002. November 2003-July 2004

General Fund - February 2002

Sheriff's General Fund - November 2001. November 2003

Special Allowance for Justices & Judges - December 2003. March 2004-July 2004

Despite the directives, Atty. Peñaflor failed to submit the required reports which prompted the OCA to request the Honorable Court for authority to withhold his salaries pending his compliance,[3] pursuant to Section 122 of Presidential Decree 1445. The Court approved the request on August 6, 2004[4] and Atty. Peñaflor's salaries were withheld effective September 2004.

In a letter dated January 11, 2005,[5] Atty. Peñaflor was directed anew to submit the required monthly reports but he still failed to submit them.

On May 19, 2005, then Deputy Court Administrator Zenaida N. Elepaño required Atty. Peñaflor to show cause within a non-extendible period of five (5) days why no disciplinary sanctions should be taken against him for gross neglect of duty, incompetence and conduct prejudicial to the best interest of the service.[6] Atty. Peñaflor failed to submit his explanation.

On October 25, 2006, Atty. Peñaflor was reminded again to submit the required reports.[7] Still, no compliance

was received by the OCA.

On June 14, 2007, the OCA finally received a letter dated June 13, 2007^[8] from Atty. Peñaflor. He explained that he suffered a stroke in September 2004 and was unable to report for work for more than a month. For these reasons, he was unable to submit regularly the monthly reports of his collections.

He recounted that on March 19, 2007, his books of accounts were audited by the OCA. He was ordered to deposit within 24 hours upon receipt of the audit report "all amount which he should have deposited from his collections as found by the audit team." He had already complied with said order by depositing "the amount" within the prescribed period and had also already submitted all the monthly collection reports he was required to submit when he appealed for the Court's compassion to release his withheld salaries.

On July 11, 2007, the Court resolved to consider the Memorandum dated February 5, 2007 of Atty. Lilian Barribal-Co, Chief of Office, FMO, OCA, as a complaint for insubordination and gross neglect of duty against Atty. Peñaflor, and to re-docket the same as a regular administrative matter. The Court resolved further to direct Atty. Peñaflor to file his comment within ten (10) days from receipt of notice, but withheld his salaries and allowances pending the resolution of the instant administrative case.

In a Memorandum for the Court dated August 28, 2007, the OCA reported that Atty. Peñaflor had already submitted the required monthly reports, and thus recommended the release of his withheld salaries. Acting on said Memorandum, the Court granted on October 17, 2007 Atty. Peñaflor's request for the release of his salaries, and directed Atty. Co to immediately cause the release of the withheld salaries of Atty. Peñaflor.

Prior thereto, or on September 25, 2007, the OCA received Atty. Peñaflor's Comment dated September 7, 2007, which was in compliance with the Court's July 11, 2007 Resolution. In the said comment, respondent Atty. Peñaflor denies the allegation in the Memorandum of Atty. Co that he "failed to submit, despite due notice, the required monthly reports and to comply with the show cause order which clearly shows his indifference and willful disregard of the authority of said Office and his willful disobedience or insubordination needs correction and requires the exercise of the court's disciplinary action."

Respondent explains that on March 19, 2004, a team from the Court Management Office (CMO), OCA, conducted a financial audit on the Office of the Clerk of Court (OCC), San Jose, Camarines Sur, and arrived at "zero accountability" after examining and verifying the cashbooks of all court funds.^[9] His office also furnished the audit team the monthly financial reports which were allegedly not received by the OCA, albeit the OCC mailed them to the OCA. Until the audit period of March 19, 2004, therefore, there were no financial reports not submitted to the OCA. Thereafter, his office, though sometimes belatedly, periodically submitted the monthly financial reports of collections.

Respondent claims that the withholding of his salaries in September 2004 was "too drastic," considering that he had just been audited on March 19, 2004 as regards all his accountabilities covering the period from the time he assumed office as Clerk of Court, OCC-RTC, San Jose, Camarines Sur in May 2002 until the audit date. Respondent said he submitted to the audit team all the financial reports the team directed him to submit. Granting that he failed to submit the monthly reports from the audit date of March 19, 2004 until August 2004, or for a period of five (5) months, he believes that he should have first been given the opportunity to explain before his salaries were withheld.

He relates that in the same month his salaries were withheld, or particularly on the morning of September 28, 2004,^[10] he suffered a stroke. He was unable to report for work for one and a half (1½) months,^[11] or from October to November 15, 2004 because of residual paralysis. The SC Welfare Assistance Board even validated

his request for medical assistance benefit.[12] This caused the delay in the submission of the required reports. Despite his desire to finish and submit the reports soonest, he was constrained to work slowly due to his mental and physical condition. He has not since then fully recovered and recuperated from his stroke.

Respondent claims that he complied with the May 19, 2005 show-cause order of then Deputy Court Administrator Elepaño through his letter dated June 3, 2005.[13]

He also claims that he complied with the October 25, 2006 letter of Ms. Hedeliza Alcaraz by preparing the required financial reports and mailing them to "the offices concerned." He, however, failed to inform Ms. Alcaraz that he already submitted them to the OCA. Misappreciation of facts may have led Atty. Co to submit the memorandum, which became the basis of the instant administrative complaint.

Respondent states that notwithstanding his dilemma, he has dutifully performed his tasks and obligations as Clerk of Court of the OCC-RTC, San Jose, Camarines Sur. As of May 4, 2007 he already submitted to the OCA the required monthly financial reports to comply with the directive of the SC, particularly SC Circular No. 32-93, and thus, prays for the dismissal of the instant case.

According to the Office of Administrative Services, OCA, Atty. Peñaflor was appointed Clerk of Court VI at the OCC-RTC, San Jose, Camarines Sur on October 17, 2002. Prior to his appointment, he was already the Officer-in-Charge (OIC)-Clerk of Court starting May 1, 2002, replacing Atty. Evelyn R. Rivera who retired on April 18, 2002.

From March 16 to 19, 22 and 25, 2004, an audit team headed by Mr. Eduardo G. Tesea conducted a financial audit and reconciliation of the books of accounts and accountabilities of Atty. Rivera and Atty. Peñaflor covering the period January 1, 1983 to February 2004. The team reported, among others, respondent's failure to timely submit his monthly and quarterly reports of collections to the Revenue Section, Accounting Division, FMO, OCA.

Upon verification, Mr. Tesea confirmed respondent's claim in his comment that he furnished the audit team copies of the delayed monthly reports. He is, however, unsure whether or not copies of those reports were also sent by the respondent to the Revenue Section.

Notably, some of the monthly reports required from respondent were for periods when he was not yet the accountable officer. Ms. Gilda A. Sumpo, OIC, Revenue Section, Accounting Division, FMO, OCA explained that the respondent was asked to submit all the overdue monthly financial reports of the OCC, RTC, San Jose, Camarines Sur, because he was the accountable officer. Respondent failed to call the OCA's attention or explain that some of the monthly reports he was asked to submit corresponded to the term of Atty. Rivera. Respondent simply ignored the letters sent to him.

Further verification with Ms. Sumpo showed that based on the OCA's records, respondent's monthly reports were usually mailed and submitted late. She observed that respondent submitted his monthly reports by batches. For example, the monthly reports for the Judiciary Development Fund (JDF) and Fiduciary Fund for the months of March 2004 to August 2004, were all submitted by respondent in one batch and all were received by the Revenue Section only in October 2004. Several months after he had reported back to work from his stroke, most of respondent's monthly reports were still submitted late and by batches. This is evident from the list he provided in his Comment,[14] showing the dates he mailed his monthly reports of funds collected.

The OCA finds the respondent liable for simple neglect of duty and recommends the imposition of a fine of P5,000.00, this being his first administrative offense. Under the circumstances, we find the OCA's findings and recommendations in order.

Clerks of court are important functionaries of the judiciary. Their administrative functions are vital to the prompt and sound administration of justice.[15] Their office is the hub of adjudicative and administrative orders, processes and concerns.[16] They perform a very delicate function as custodian of the court's funds, revenues, records, property and premises.[17] They are liable for any loss, shortage, destruction or impairment of such funds and property.[18] They are specifically imbued with the mandate to safeguard the integrity of the court as well as the efficiency of its proceedings, to preserve respect for and loyalty to it, to maintain the authenticity or correctness of court records, and to uphold the confidence of the public in the administration of justice.[19] Thus, they are required to be persons of competence, honesty and probity.[20]

WHEREFORE, the Court finds Atty. Jacinto B. Peñaflor, Jr., Clerk of Court VI, RTC, San Jose, Camarines Sur, GUILTY of SIMPLE NEGLIGENCE OF DUTY and fines him P5,000.00 with a stern warning that a repetition of the same offense will be dealt with more severely.

SO ORDERED.

Ynares-Santiago, Austria-Martinez, Chico-Nazario, and Reyes, JJ., concur.

[1] Rollo, p. 12.

[2] Id. at 10.

[3] Id. at 16-17.

[4] Id. at 21.

[5] Id. at 9.

[6] Id. at 8.

[7] Id. at 7.

[8] Id. at 31-32.

[9] Id. at 46.

[10] Id. at 48.

[11] Id. at 50-51.

[12] Id. at 52.

[13] Id. at 56-57.

[14] Id. at 42-43.

[15] *Escañan v. Monterola II*, A.M. No. P-99-1347, February 6, 2001, 351 SCRA 228.

[16] *Solidbank Corporation v. Capoon, Jr.*, A.M. No. P-98-1266, April 15, 1998, 289 SCRA 9.

[17] *Office of the Court Administrator v. Orbigo-Marcelo*, A.M. No. P-00-1415-MeTC, August 30, 2001, 364 SCRA 1.

[18] *Office of the Court Administrator v. Bawalan*, A.M. No. P-93-945, March 24, 1994, 231 SCRA 408.

[19] *Marasigan v. Buena*, A.M. No. 95-1-01-MTCC, January 5, 1998, 284 SCRA 1.

[20] Cain v. Neri, A.M. No. P-98-1267, July 13, 1999, 310 SCRA 207.

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