

RE: AN UNDATED LETTER WITH THE HEADING “EXPOSÉ” OF A CONCERNED MEDIAMAN ON THE ALLEGED ILLEGAL ACTS OF JUDGE JULIAN C. OCAMPO III OF THE MUNICIPAL TRIAL COURT IN CITIES BRANCH 1...*A.M. No. 00-10-230-MTCC. June 20, 2001*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-00-10-230/>**PER CURIAM:**

This concerns an anonymous letter^[1] by a "concerned media man" which contains an "exposé" of anomalies allegedly committed by Judge Julian C. Ocampo III of the Municipal Trial Court in Cities, Branch 1, Naga City and Renato C. San Juan, Clerk of Court, Municipal Trial Court in Cities, Naga City. Copies of the letter were sent to the Office of the President and the Chief Justice, both of whom referred the same to the Office of the Court Administrator. The OCA in turn referred the letter to Executive Judge Jose T. Atienza of the Regional Trial Court of Naga City for investigation, report, and recommendation.

The letter alleged the following:

- (1) Justice is for sale at the MTCC, Branch 1, Naga City as respondent judge allows respondent clerk of court to dispense justice for a certain price and in return for certain favors.
- (2) Respondent judge has given respondent clerk of court full power and discretion in the hiring of personnel in the MTCC, Branch 1, Naga City with the result that respondent clerk of court hires only his relatives and godchildren by marriage (hijados and hijadas) so that the MTCC, Branch 1, Naga City has been converted into a "family corporation." Those hired to fill the vacancies in the MTCC, Branch 1, Naga City due to their connections with respondent clerk of court are the following:
 - a. MRS. ASUNCION BOLOCON, LEGAL RESEARCHER and Acting Branch Clerk of Court, married to AUGOSTO BOLOCON, a Court Stenographer of the same Court;
 - b. MRS. MELBETH CABANOS, a Court Stenographer of said Court married to GREGORIO CABANOS, a Process Server of the same Court;
 - c. MRS. MALBA SIPOY, also a Court Stenographer of Branch 1, a HIJADA sa kasal of MR. SAN JUAN and JUDGE OCAMPO;
 - d. MR. RONNIE SEVERO, Staff Asst. of the same Court, a relative of the former Presiding Judge, JOSEPH ABANTE, whose protege was MR. SAN JUAN;
 - e. MRS. MARIA VICTORIA RILI, Court Interpreter, a relative of JUDGE ABANTE and a protege of MR. SAN JUAN.

Mrs. Bolocan was also recommended by respondent judge to become the next Branch Clerk of Court which would result in the anomalous situation of her exercising supervision over her husband Augusto who is a stenographer of the same court.

(3) Respondents rig the raffle of criminal cases involving jueteng so that they could get their hands on the confiscated bet money. All cases involving jueteng are assigned to Branch 1 presided by respondent judge without being raffled among the three branches of the MTCC of Naga City. Respondent clerk of court would inform respondent judge that the accused is either a relative or a friend and make arrangements with respondent judge for the money to be given to him (respondent clerk of court) allegedly for safekeeping as evidence. Respondent judge for his part would allow the accused if he is a first-time offender to plead guilty and impose on him a fine in the amount of P210.00. In case the accused is a repeat offender, respondent clerk of court would arrange for the accused to post bail. In either instance, the case will either be ordered terminated or archived with the bet money being kept in a private vault and thereafter spent for personal uses, i.e., the snacks of, loans to, and the hiring of a dance instructor for the Branch 1 employees, liquor for respondents, and Christmas decor for the Branch 1 office. In the following cases, bet money had been misappropriated:

FOR THE MONTH OF AUGUST 1997

1. CC No. 78538 -

PEOPLE v. ALBERT CALASIGAN y MERCADO, et al.

2. CC No. 7[9]632 -

PEOPLE v. ERNESTO BORROMEO y ACABADO

3. CC No. 78745 -

PEOPLE v. ROY MARTINEZ y BASBAS, et al.

FOR THE MONTH OF SEPTEMBER 1997

4. CC No. 78986 -

PEOPLE v. DENNIS MENESIS y PACIA, et al.

FOR THE MONTH OF OCTOBER 1997

5. CC No. 79170 -

PEOPLE v. REYNALDO GUINTO y NOPRE

6. CC No. 78632 -

PEOPLE v. ROGELIO TAYO y ANTER, et al.

7. CC No. 79294 -

PEOPLE v. ABLARDO HERNANDEZ y IPA, et al.

FOR THE MONTH OF NOVEMBER 1997

8. CC No. 79571-

PEOPLE v. ALVIN BAÑAS y SANTILLAN

FOR THE MONTH OF DECEMBER 1997

9. CC No. 79621 -

PEOPLE v. ROMEO PEREZ y OJEDA

10. CC No. 79622 -

PEOPLE v. EDGAR "DOQUE" LANUZGA y MARQUEZ

To conceal the anomalies, the staff of the MTCC, Branch 1 hides the records and expedientes of the cases involving jueteng.

(4) Every transaction in the MTCC, Branch 1, Naga City "is for a price": P400.00 for solemnizing of marriages (P100.00 for solemnization fee and documentary stamps, P100.00 for the employee who prepares the papers, P100.00 for the revolving fund for snacks, and P100.00 for drinks (liquor)); P300.00 for approval of motions for reconsideration or motions to lift order of arrest; and P30.00 - P100.00 for affidavits of loss. For the approval of bailbonds, the accused is required to treat the staff to snacks and to give a tip to employees who facilitated his release.

(5) Respondent clerk of court was gifted with an airconditioner by the Robertson Department Store which has pending cases in the MTCC, Naga City.

(6) Knowing that respondent judge is a "habitual heavy drinker" and to preserve his influence with respondent judge, respondent clerk of court supplies him with Fundador brandy which respondent clerk of court either buys or solicits from lawyer-friends who have pending cases in respondent judge's court.

(7) At respondent judge's 59th birthday celebration held in his courtroom, lawyers and parties who had cases pending before him attended. Among those present was Ruben Sia, "a notorious businessman in Naga City" who "cannot be arrested," despite the numerous cases for bouncing checks against him, and Atty. Marvel Clavecilla, who brought "one whole lechon." The party started at 3:00 in the afternoon on October 30, 1998 and lasted until the morning of the following day.

(8) Respondent clerk of court makes respondent judge sign papers while the latter is in a drinking session so that the latter signs without any questions asked. In this way, respondent clerk of court manages to have respondent judge approve fake bonds.

(9) Atty. Joselito Fandiño, who manages a bonding company, is "extra close" to respondents and buys them drinks. Atty. Fandiño in fact donated a coffeemaker for the MTCC, Branch 1 with the inscription "donated by Atty. Fandiño."

As the complainant is unknown, the investigating judge required the City Prosecutor of Naga City to submit a report regarding the disposition of the bet money in the cases involving jueteng mentioned in the anonymous letter. He made discreet inquiries among the lawyers in Naga City regarding respondent judge's drinking habits in

addition to requiring respondents to comment on the allegations against them.

In his comment,[2] dated April 5, 1999, respondent judge claimed that the author of the letter was actually a female employee of his court, who was disgruntled because he (respondent judge) did not recommend her for appointment as his branch clerk of court to fill the vacancy created by the promotion of respondent Renato C. San Juan to the position of Clerk of Court and Ex-Oficio Sheriff of the MTCC of Naga City. Respondent judge said that he instead recommended his legal researcher, Asuncion Bolocan, whose husband also works at Branch 1. According to respondent judge, Mrs. Bolocan's appointment, which was opposed by the suspected letter-writer on the ground of nepotism, was cleared by the Regional and Central Office of the Civil Service Commission.

Respondent judge claimed that he recommended only individuals who were qualified and that it was merely coincidental that his recommendees were the same individuals recommended by respondent clerk of court, who as a "good and caring relative and godfather[,] had to [look after] the welfare of his kin and godchildren." He alleged that he stood as sponsor at the wedding of Malba Sipoy after her appointment as stenographer; that with regard to promotions, he gave preference to his employees who were qualified so as to avoid demoralization in his staff; and that, in any event, it is the Supreme Court which has the final say on who should be appointed.

Respondent judge denied that the bet money in cases involving jueteng were turned over to his court and spent for the benefit of the employees. He said that the only money delivered to his court was that in the amount of P9,000.00, which consisted of bags of coins. The money was given to respondent judge's court in connection with Criminal Case No. 78538. According to respondent judge, the coins were not immediately counted because to do so was time-consuming. He said that the money was kept in a safe place for several months. When the same was finally counted, however, half of the money had already been demonetized. Of the P4,000.00, which remained legal tender, respondent judge says half was given to police officer Edgardo Sto. Domingo of the PNP Theft and Robbery Section who received the same "as a Christmas present." The rest of the money was allegedly spent for the purchase of office supplies when the supplies sent by the Court ran out.

With regard to the assignment of jueteng cases to his court without being raffled, respondent judge explained that this was done to accommodate the request of the accused in those cases for immediate arraignment so that they did not have to post bail. According to respondent judge, "considering the urgency of the request," respondent clerk of court would refer the cases to him and in turn he would have the cases immediately set for arraignment without conducting a raffle. During arraignment, the accused's counsel would usually manifest that his client was willing to plead guilty provided that the penalty to be imposed would be a fine. The public prosecutor would readily agree if the accused is a first-time offender.

Respondent judge said that it is also not true that the records of the jueteng cases were concealed. Anyone who wanted to examine them and was refused could ask him or the RTC Executive Judge for leave to do so. He says that the records show that the lowest fine he imposed was P1,010.00 and not P210.00 as charged.

Respondent judge said that insofar as he knew, those who wanted him to solemnize their marriage were only made to pay a fee of P 50.00 and P 18.00 for documentary stamps. Any money given to the staff for snacks by the couple wishing to get married was purely voluntary, respondent judge said.

Respondent judge denied that the party on his 59th birthday lasted until the wee hours of the morning because the fact was that the party broke up at past 8:00 in the evening. He also denied that Ruben Sia was present at his birthday party. While he admitted that Atty. Marvel Clavecilla was present at the party, he claimed that this was because they had been observing their birthdays together. He said that Atty. Clavecilla had brought liquor and lechon paksiw from a pig's head, not a whole lechon as alleged. According to Atty. Clavecilla's affidavit,[3] which respondent judge submitted together with his comment, the party actually took place in a nearby canteen and not

in the courtroom as alleged. Atty. Clavecilla also denied he had pending cases before respondent judge.

Respondent judge alleged that he and Atty. Joselito Fandiño were close friends, both of them being professors at the University of Nueva Caceres College of Law. He said, however, that he is unaware that Atty. Fandiño manages any bonding company.

Respondent judge said that the employee whom he claimed wrote the "expose" should not complain about the airconditioner respondent clerk of court solicited because "the Branch to which she (the suspected letter-writer) belongs was also given a unit which she enjoys whenever she reports for office."

He said that the allegation that "justice [is] for sale" in his office is too sweeping since not one case was cited to prove this allegation.

For his part, respondent Clerk of Court Renato C. San Juan in his comment,[4] dated April 12, 1999, denied that he selected and recommended to respondent judge whom to hire and promote in Branch 1 because the fact was that all employees were recommended by either respondent judge or the latter's predecessor, Judge Joseph Abante. He claimed that the only relatives he had in the MTCC, Branch 1 were the Cabanos spouses. As for Malba Sipoy, respondent clerk of court said that she was already a court stenographer when he and respondent judge stood as sponsors at her wedding.

According to respondent clerk of court, he requested an airconditioner for his office from Robert Obiedo, owner of Robertson Department Store, only because he learned that the latter had already given one to the MTCC. He said that a slightly used air conditioner was given him.

Anent the assignment of cases without the benefit of raffle, respondent clerk of court said that even before he assumed said position, it was already the practice not to raffle detention cases but just to distribute the same to the three branches of the MTCC of Naga City on a rotation basis to ensure "prompt action."

He denied having in his custody bet money confiscated in jueteng cases. He said he was aware that in one case (Criminal Case No. 78538), P20,000.00 bet money was allegedly confiscated, but the amount turned out to be only P9,000.00 in coins which was then turned over to respondent judge for the latter's disposition. He said that it was not true that MTCC, Branch 1 employees used the confiscated bet money in jueteng cases as the employees spent their own money for their snacks and activities including the buying of Christmas decor and the hiring of a dance instructor.

Respondent clerk of court claimed he was unaware of any excessive or improper fees being charged for the solemnization of marriages. He also denied that he gave gifts and engaged in drinking sessions with respondent judge where he asks favors from the latter especially in the matter of approval of bail bonds.

In his report,[5] dated April 19, 1999, the investigating judge found respondent judge, as executive judge of the MTCC, Naga City, to have violated Circular No.7, dated September 23, 1974, by failing to raffle criminal cases involving jueteng and instead assigning them on rotation basis and to have been negligent in the care of confiscated bet money in Criminal Case No. 78538 by failing to count the confiscated bet money which had been turned over by the City Prosecutor's Office. He also found that respondent clerk of court had solicited an airconditioner in violation of R.A. No. 6713, Sec.7(d).

The investigating judge recommends that respondent judge be reprimanded with a warning that repetition of the same acts would be dealt with more severely and that respondent clerk of court be suspended from office for three months without pay.

The OCA recommends increased penalties for both respondents: six month suspension for respondent judge and

one year suspension for respondent clerk of court.

After a review of the records of the case, the Court finds the following charges against respondents to be unsubstantiated:

1. That justice "is for sale" at respondent judge's court

As stated by the investigating judge in his report, "no evidence was ever adduced . . . to substantiate the charge that indeed justice is for sale at the MTCC, Branch 1, Naga City, presided by [respondent] Judge Julian C. Ocampo III. Even upon exhaustive interviews conducted [with] court personnel and persons who frequent the MTCC, Branch 1, nobody would [confirm] . . . that San Juan directly asked money from litigants in exchange [for] a favorable decision."

2. Favoritism and nepotism in the appointment of personnel of MTCC, Branch 1, Naga City

Respondent judge's power in regard to the appointment of personnel of his office provided is merely recommendatory. It is noteworthy that no one of those whom he has recommended for appointment has been shown not to have the necessary qualifications. In the exercise of the power to recommend, he necessarily exercises discretion. As long as it is not shown that he has abused that discretion by recommending individuals without the requisite qualifications or showing preference to those less qualified over those with superior qualifications, he cannot be held accountable for his recommendations.

The appointment of Asuncion Bolocan as Branch Clerk of Court cannot be considered as having been made in violation of the prohibition against nepotism within the meaning of Executive Order No. 292, Sec. 59 which provides in pertinent part, as follows:

"Nepotism. - (1) All appointments in the national, provincial, city and municipal governments or in any branch or instrumentality thereof, including government-owned or controlled corporations, made in favor of a relative of the appointing or recommending authority, or of the chief of the bureau or office, or of the persons exercising immediate supervision over him are hereby prohibited.

As used in this Section, the word "relative" and members of the family referred to are those related within the third degree either of consanguinity or of affinity."

Under the above definition, there is nepotism if an appointment is issued in favor of a relative within the third civil degree of consanguinity or affinity of any of the following: (a) appointing authority; (b) recommending authority; (c) chief of the bureau or office; and (d) person exercising immediate supervision over the appointee.

Mrs. Bolocan's appointment does not fall under any of the foregoing categories of nepotistic appointments. In its resolution, dated February 9, 1999, in "Re Appointment List No.99-03," this Court approved respondent judge's recommendation and appointed Mrs. Bolocan Branch Clerk of Court.

3. Alleged lenient treatment of accused pleading guilty in jueteng cases

As found by the investigating judge, the accused in Criminal Case. Nos. 78538, 79632, 78745, 79170, 78632, 79294, 79571, 79621, and 79622 were ordered to pay a fine ranging from P1,000.00 to P1,500.00 as well as P10.00 costs, while in Criminal Case No.78986, respondent judge sentenced each of the accused to imprisonment of ten (10) days.[6]

As to the allegations that respondent judge is a heavy drinker; that in the middle of his drinking bouts, he approves even fake bonds which respondent clerk of court presented to him; that respondent clerk of court gifts respondent judge with bottles of liquor solicited from lawyers who had pending cases with him (respondent judge)

to indulge the latter's habit; that respondent judge held a drinking session in his courtroom on his 59th birthday; that excessive fees are collected for the solemnization of marriages in respondent judge's chambers and other transactions in his Court; and that respondent judge accepted a coffee maker from a lawyer friend who owns a bonding company, no evidence has been found to substantiate them.

However, the Court finds respondents guilty of the following:

1. Violation of Circular No. 7, dated September 23, 1974, re Raffling of Cases

This circular provides in pertinent part:

"I. RAFFLING OF CASES

All cases filed with the Court in stations or groupings where there are two or more branches shall be assigned or distributed to the different branches by raffle. No case may be assigned to any branch without being raffled. The raffle of cases should be regularly conducted at the hour and on the day or days to be fixed by the Executive Judge. Only the maximum number of cases, according to their dates of filing, as can be equally distributed to all the branches in the particular station or grouping shall be included in the raffle. Cases in excess of the number sufficient for equal distribution shall be included in the next scheduled raffle, subject to the exceptions provided in paragraphs II and IV hereof.

II. NOTICE

Notice of the day and hour of the raffle shall be posted prominently in the bulletin boards of the Courts and at a conspicuous place at the main door of the session hall of the Executive Judge. Other notices to the parties may be sent as the interest of justice may require on request of any party and with the prior approval of the Executive Judge. There shall be no special raffle of any case except on meritorious application in writing by any party to the case and with the approval of the Executive Judge.

III. MANNER OF RAFFLING

The raffle must be conducted at the lawyer's table in open court by the Executive Judge personally with the attendance of two other judges or, in case of the latter's inability, of their duly authorized representatives. In stations where there are only two salas the Judges of both and either the Clerk of Court or the Branch Clerk of Court should be present. In the absence of the Executive Judge, the Judge at the station who is the most senior in point of appointment to the Judiciary shall personally conduct the raffle. Under no circumstance may any raffle be made in chambers. The raffle proceedings should be stenographically recorded, and minutes thereof shall be prepared and signed by the Judges (or their representatives) and the Clerk of Court in attendance. Immediately after the raffle on any particular day, the Executive Judge shall indicate the particular branch to which the case is assigned, the same to be written in words and in figures on the cover of the Rollo and on the first page of the original complaint or information and initialed by the Executive Judge and the other two officers who attended said raffle.

The raffle must be conducted in such manner that all the branches of the Court in that station or grouping, including vacant salas, shall receive more or less the same number of civil, criminal, and other kinds of cases.

For purposes of facilitating implementation of the foregoing rules, a Raffle Committee composed of the Executive Judge and two other judges shall, as much as practicable, be constituted." (Emphasis added).

Respondent judge justifies the assignment of the jueteng cases to him without any raffle on the ground that the accused, if first-time offenders, can be immediately arraigned and sentenced to pay a fine.

The court finds respondent judge's justification unconvincing. No matter how urgent a case may be, this fact cannot justify the procedural shortcuts employed by respondent judge of dispensing with the raffle of the same in

violation of Circular No.7 when there are provisions for such situations. Thus, the circular provides:

"IV. IN CASE OF URGENT OR INTERLOCUTORY MATTERS

Whenever an incidental or interlocutory matter in a case is of such urgent nature that it may not wait for the regular raffle, the interested party may request the Executive Judge in writing for a special raffle. If the request is granted and the special raffle is conducted, the case shall immediately be referred to the branch to which it corresponds. The Executive Judge shall have no authority to act on any incidental or interlocutory matter in any case not yet assigned to any branch by raffle." (Emphasis added)

By not raffling cases involving jueteng, respondent judge opens himself to the suspicion that he acted not so much out of urgency but to save the accused in those cases from going to jail.

The importance of assigning cases by raffle is obvious. Such method of assignment safeguards the right of the parties to be heard by an impartial and unbiased tribunal, while protecting judges from any suspicion of impropriety. For this reason, disregard of Circular No. 7, which requires such method, cannot be taken lightly.[7] In a case[8] which also involved an MTC Executive Judge who did not raffle jueteng cases and instead assigned them to his own branch, we found said judge guilty of a "clear breach of his duty as a judge."

On the other hand, respondent clerk of court admits the absence of raffle not only of jueteng cases but even of detention cases which are merely assigned to judges on rotation basis on the ground that this has been the practice in the MTCC of Naga City. Needless to state, a wrong cannot be made right because such has been the practice. As Clerk of Court of the MTCC of Naga City, respondent should have known better than to acquiesce in this practice. As this Court has stated, court employees, particularly clerks of court, should adhere strictly to the requirements of the law on the raffle of cases.[9]

2. Improper Disposition of Confiscated Bet Money in a Gambling Case

P.D. No. 1602, Sec. 2 provides that cash money or articles of value in cases of illegal gambling shall be confiscated or forfeited in favor of the government.

In this case, the investigating judge found that, with the exception of Criminal Case No. 78745, respondent judge failed to order the payment of confiscated money to the government in the criminal cases mentioned in the anonymous letter.[10] Respondent judge cannot be excused on the ground that the bet money was not always turned over to his court by the Office of the City Prosecutor.[11] It was his duty to see to it that the money was turned over to his court and then ordered by him to be paid to the government.

With respect to Criminal Case No. 78538, respondent judge admits that the confiscated bet money was turned over to his court. Indeed, this fact is evidenced by the receipt,[12] dated August 12, 1997, showing the amount to be P20,249.75.. However, contrary to what is shown in the receipt, both respondents claim that the amount of the money was only P9,000.00. Their claim is rendered doubtful by their admission that the money was not immediately counted when it was turned over to respondent judge's court by the City Prosecutor's Office through its clerk Salvador C. Agustillo. To sign a receipt for the money without counting the same is, to say the least, negligence on the part of respondent clerk of court. No matter how tedious and time-consuming the counting of the money might be, respondent clerk of court should have had no reason for not immediately doing so.[13] Nor can respondent judge escape liability for the money since he exercises control and supervision over his court and its personnel. In fact, he admits that he gave the police P2,000.00. of the confiscated bet money and spent an equal amount for office supplies. This amounts to a misappropriation of funds constituting serious misconduct.[14]

3. Improper Solicitation of Airconditioner

Respondent clerk of court admits that he solicited an airconditioner from the Robertson Department Store owned by Mr. Robert Obiedo who had pending cases before the MTCC. This is highly improper conduct. That the unit was slightly used and that a similar donation has been previously made do not justify the request of respondent clerk of court. As noted by the investigating judge, respondent clerk of court may even be held liable under R.A. No. 6713, Sec. 7(d) which provides in pertinent part:

"Solicitation or acceptance of gifts. - Public officials and employees shall not solicit or accept directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value from any person in the course of their official duties or in connection with any operation being regulated by or any transaction which may be affected by the functions of their office."

Like judges, a court employee should be careful to avoid any action which may reasonably give rise to suspicion that his relations with others influence the decision of cases in his court.[15]

Respondent judge apparently sees nothing wrong with respondent clerk of court's solicitation of an air conditioner. In his comment, respondent judge stated that the suspected writer of the expose had no cause to complain as "the Branch to which she belongs was also given a unit which she enjoys whenever she reports for office." This is a reflection of moral obtuseness which renders respondent unfit for the judicial office. It is noteworthy that the Branch referred to is respondent judge's court.

Considering the foregoing violations of statutory provisions and regulations, both respondents deserve to be given heavier penalties than those recommended by the investigating judge and the Office of the Court Administrator. By their conduct, both have demonstrated culpability subversive of the time-honored principle that a public office is a public trust.[16]

WHEREFORE, respondent Judge Julian C. Ocampo III and respondent Clerk of Court Renato C. San Juan of the Municipal Trial Court in Cities, Naga City are DISMISSED from the service with forfeiture of all their accrued retirement benefits, if any, and with prejudice to re-employment in any branch, agency, or instrumentality of the government including government-owned or controlled corporations.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Pardo, Buena, Gonzaga-Reyes, Ynares-Santiago, De Leon, Jr., and Sandoval-Gutierrez, JJ., concur.

[1] Rollo, pp. 20-24.

[2] Id., pp. 26-30.

[3] Id., p. 33.

[4] Id., pp. 34-36.

[5] Id., pp. 11-19.

[6] Id., pp. 31-32.

[7] See *Medina vs. De Guia*, 219 SCRA 153 (1993); *Ang Kek Chen vs. Bello*, 163 SCRA 358 (1988).

[8] Judge Daniel Liangco, Executive Judge, Municipal Trial Court (MTC) of San Fernando, Pampanga, Adm. Matter No. 99-11-158-MTC, Aug. 1, 2000.

[9] Medina vs. De Guia, supra.

[10] Although it appears such a directive was also made in Criminal case No. 78538. Rollo, pp. 31-32.

[11] Per the report, dated April 14, 1999, of the Office of the City Prosecutor, in response to the letter of inquiry of the investigating judge, only the bet money in Criminal Case No. 78538, among the criminal cases involving jueteng mentioned in the "expose," was turned over to the MTCC. Rollo, p. 42.

[12] Rollo, p. 45.

[13] Under the Manual for Clerks of Court, Chapter XII, Section B(3), after the case has been terminated, the money should be turned over to the National Treasury.

[14] Ferriols vs. Hiam, 225 SCRA 205 (1993).

[15] Garciano vs. Oyao, 102 SCRA 195 (1981).

[16] See Francisco vs. Springael, 139 SCRA 107 (1985).

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