

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.

A.M. No. 01-1-13-RTC. April 02, 2003

Ponente: AZCUNA, J.

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AZCUNA, J.:

On September 22, 1999, an anonymous letter was filed before the Office of the Court Administrator charging Atty. Florante R. Rigunay, Clerk of Court of the Regional Trial Court of Vigan, Ilocos Sur, of misappropriating the court's collections for his personal use. Due to the seriousness of the allegation, an audit team was immediately directed to conduct an examination of the cash and accounts of the Regional Trial Court and Municipal Trial Court of Vigan, Ilocos Sur.

The audit team found that Atty. Rigunay had a total collection of P1,332,121.04 for the Judiciary Development Fund covering the period from March 1985 to October 22, 1999, but he failed to remit the sum of P516,578.45. Moreover, Atty. Rigunay did not remit his total collection for the Sheriff General Fund in the amount of P18,976.35. The audit team observed that some collections were not immediately deposited as required by court circulars.

Acting on the findings of the audit team, the Office of the Court Administrator directed Atty. Rigunay to reconstitute the shortages in the Judiciary Development Fund and the Sheriff General Fund in the total sum of P535,554.80. Said Office caused the salary and allowances of Atty. Rigunay to be withheld effective February 2000.

On November 9, 2000, Atty. Alex Requeño, OIC-Clerk of Court of the Regional Trial Court, Vigan, Ilocos Sur, forwarded to the Office of the Court Administrator two LBP-Vigan Branch deposit slips dated October 9, 2000 which covered the amounts of P516,578.50 and P18,976.50 for the Judiciary Development Fund and Sheriff General Fund Accounts, respectively. Said deposit slips evidenced the remittances effected by Atty. Rigunay for the full payment of his shortages.

On January 18, 2001, Atty. Rigunay tendered his irrevocable resignation as Clerk of Court VI in the Regional Trial Court, Branch 20, Vigan, Ilocos Sur, which was accepted by the Court on March 22, 2001.

On September 11, 2001, the Court required Atty. Rigunay to comment on the Report on the Examination of the Cash and Accounts of the Clerk of Court of the Regional Trial Court and Municipal Trial Court of Vigan, Ilocos Sur.

In his letter-explanation, Atty. Rigunay admitted that he misappropriated the unremitted judiciary funds. He explained that he was forced to do so due to personal problems: a daughter's operation for breast carcinoma, a son's hospitalization, a fire that gutted his installment-paid house and a failed business venture. Atty. Rigunay prayed for the Court's compassion and clemency in resolving his case.

The Court finds the explanation unsatisfactory.

Appellant's personal problems cannot justify his act of using the judiciary funds in his custody. In *Office of the Court Administrator v. Galo*,^[1] the Court held:

We have said time and again that those involved in the administration of justice from the highest official to the lowest clerk must live up to the strictest standards of honesty and integrity in the public service bearing in mind that the image of a court of justice is necessarily mirrored in the conduct, official or otherwise, of the men and women who work thereat. More particularly, we have repeatedly warned Clerks of Court, being next in rank to judges in courts of justice, that dishonesty, particularly that amounting to malversation of public funds, will not be countenanced as they definitely reduce the image of courts of justice to mere havens of thievery and corruption. Hence, as custodian of court funds and revenues, Clerks of Court have always been reminded of their duty to immediately deposit the various funds received by them to the authorized government depositories for they are not supposed to keep funds in their custody. For those who have fallen short of their accountabilities, we 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.

The fact that Atty. Rigunay fully paid his shortages does not free him from the consequences of his wrongdoing. The act of misappropriating judiciary funds constitutes dishonesty and grave misconduct which are grave offenses^[2] punished by dismissal.

Although Atty. Rigunay resigned on March 22, 2001, the Court is not divested of its supervisory power to discipline errant officials and personnel of the judiciary. Atty. Rigunay's act of misappropriating judiciary funds for his personal use warrants forfeiture of his retirement benefits with prejudice to reappointment.^[3]

Nevertheless, Atty. Rigunay is entitled to receive terminal leave benefits under Section 65, Rule XVI of the Omnibus Rules Implementing Book V of Executive Order No. 292 and other pertinent Civil Service Laws.

WHEREFORE, Atty. Florante R. Rigunay is hereby found GUILTY of DISHONESTY and GRAVE MISCONDUCT, and, accordingly, his retirement benefits are hereby ordered forfeited in favor of the government, excluding accrued leave credits. Moreover, Atty. Rigunay is declared disqualified from reemployment in the government or in any government-owned or controlled corporation.

SO ORDERED.

Davide, Jr., C.J. (Chairman), Bellosillo, Puno, Vitug, Mendoza, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio Morales, and Callejo, Sr., JJ., concur.

[1] 314 SCRA 705, 711-712 (1999).

[2] Rule IV of the Uniform Rules on Administrative Cases in the Civil Service (Resolution No. 99-1936, which took effect on September 27, 1999), Sec. 52. 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.

- The following are grave offenses with their corresponding penalties:

- Dishonesty—1[st] offense—Dismissal
- Gross Neglect of Duty—1[st] offense—Dismissal
- Grave Misconduct—1[st] offense--Dismissal

[3] Office of the Court Administrator v. Galo, see note 1, *supra*, at 712-713.

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