

**ADMINISTRATOR, COMPLAINANT, VS. ARTURO BATONGBACAL,
FORMER CLERK OF COURT AND REMEDIOS I. ROXAS, COURT
STENOGRAPHER I, METROPOLITAN TRIAL COURT, PULILAN,
BULACAN, RESPONDENTS.**

A.M. No. P-06-2190 (Formerly A.M. No. 01-11-291-MTC). March 25, 2009

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-01-11-291/>

PER CURIAM:

On August 13-17, 2001, a team from the Court Management Office (CMO) of the Office of the Court Administrator (OCA) conducted an on-the-spot audit of the books of accounts of the Municipal Trial Court (MTC) of Pulilan, Bulacan. The audit team found that former clerk of court Tomas E. Ocampo (Ocampo) and the then incumbent clerk of court, herein respondent, Arturo S. Batongbacal (Batongbacal) incurred shortages in their corresponding accounts.

On January 14, 2002, the Court issued a Resolution directing Ocampo and Batongbacal to remit or restitute their respective shortages. Ocampo complied with the Court's directive. Batongbacal did not.[1]

In its Resolution dated December 9, 2002, the Court, upon recommendation of the OCA, considered the administrative matter involving Ocampo closed and terminated.[2]

Subsequently, in a Resolution dated July 7, 2004, the Court en banc found Batongbacal guilty of gross dishonesty, gross misconduct and malversation of public funds. He was dismissed from the service and his withheld salaries were applied to his accountabilities. He was also disqualified from re-employment in any branch of the government or in any government-owned or controlled corporation.[3]

On July 30, 2004, Batongbacal filed a Motion for Reconsideration praying that instead of being dismissed from the service, he be admonished and made to pay a fine; that in the event that he is not reinstated to his former position, the penalty of disqualification from re-employment in any branch of government or in any government-owned or controlled corporation be lifted, and that, after applying the proceeds of his withheld salaries and allowances to his accountabilities, the balance thereof be given to him. Batongbacal came up with a computation refuting the findings of the Court that he incurred shortages in the funds in his custody. To support his contentions, he attached documents which he did not previously submit.[4]

In its Resolution dated August 17, 2004, the Court referred Batongbacal's Motion for Reconsideration to the OCA for evaluation, report and recommendation.[5]

In a subsequent letter dated August 19, 2004, Batongbacal reiterated his prayer that the portion of the July 7, 2004 Resolution of the Court which disqualifies him from re-employment in the government or in any government-owned and controlled corporation be lifted.[6] The Court also referred the above-mentioned letter to the OCA for evaluation, report and recommendation.[7]

In its Memorandum dated October 29, 2004 addressed to then Chief Justice Hilario G. Davide, Jr., the OCA indicated the need to conduct a comprehensive audit of the cash and accounts of Batongbacal in order to assess

the validity of the new documents which he attached to his motion for reconsideration. With this end in view, the OCA requested that it be given a chance to complete its audit before submitting its report and recommendation to the Court.[8] The Court granted the request of the OCA in its Resolution issued on November 23, 2004.[9]

On April 24, 2006, the audit team from the OCA submitted a Memorandum to then Senior Deputy Court Administrator Zenaida N. Elepaño containing the team's findings and recommendations. As part of the comprehensive audit conducted, a financial audit was also conducted on the books of accounts of herein respondent Remedios I. Roxas (Roxas), the officer-in-charge who took over when Batongbacal was relieved of his position.

The audit team found that both Batongbacal and Roxas were remiss in the performance of their duties and that there were massive shortages in the court's funds under their custody. The audit team also noted that the salary of Roxas was withheld by the Financial Management Office of the OCA because of her failure to submit her Monthly Reports of Collections and Deposits on time.[10]

In a Memorandum received by the En Banc through the Clerk of Court on May 3, 2006, the OCA adopted the recommendation of the audit team and recommended approval thereof.[11]

Accordingly, on June 13, 2006, the Court issued a Resolution, pertinent portions of which read as follows:

- (a) DIRECT Mr. Arturo S. Batongbacal, former Clerk of Court, MTC, Pulilan, Bulacan, to
- (i) IMMEDIATELY RESTITUTE his incurred shortages on General Fund, Judiciary Development Fund and Fiduciary Fund amounting to Twenty-Six Thousand Nine Hundred Nineteen Pesos (P26,919.00). Fifty-Seven Thousand Four Hundred Six-Seven Pesos (P57,467.00) and Two Hundred Ninety-Eight Thousand One Hundred Seventy-Nine Pesos (P298,179.00), respectively, in their respective fund bank account, through Ms. Froctosa I. Ceñidoza, the incumbent Clerk of Court, copy furnished the Fiscal Monitoring Division, Court Management Office, with the machine validated deposit slip/s as proof of compliance; and
- (ii) TRANSMIT to this Court, through the Fiscal Monitoring Division, Court Management Office, all the documents (marked x) to support the validity and authenticity of the withdrawals/refund of the following cashbonds:

COLLECTIONS

WITHDRAWALS

Date of Collections

OR No.

CASE NO.

NAME OF LITIGANTS

AMOUNTS

CO

AR

7-Jul-97

7050572

1197-M-97 (97-5913)**JENNY MENDOZA**

20,000.00

1/9/98

X

8-Dec-97

7050713

97-6308

RED MENDOZA

20,000.00

1/26/98

X

16-Dec-97

7050715

97-6316-20

JOSE L. TECSON/ R. DE GUZMAN

6,000.00

Apr-98

X

22-Apr-97

5383948

97-5742

R. ESTRELLA

10,000.00

5/20/98

X

16-Feb-98

7050713

98-6462

CORNELIO BAUTISTA

1,200.00

6/18/98

X

4-May-98

7050745

97-5764 & 68

SHIRLEY PAGUIO

20,000.00

6/24/98

X

97-5770 & 72

15-Jul-98

9404013

98-6645

CESAR DIMLA

2,000.00

6/30/98

X

22-Aug-97

7050589

97-6019

T. JAYME

25,000.00

7/9/98

X

23-Mar-98

7050739

98-6499

E. PAVO

15,000.00

7/16/98

X

21-Apr-98

7050742

98-6512

GILBERT MENDOZA/ V. FAVIAN

6,000.00

X

07/18/98

5-May-98

7050746

98-6542

ELISCO MANAHAN

10,000.00

6/3/98

X

21-May-98

7050750

98-6516

CLARITA GOJO CRUZ

2,000.00

7/10/98

X

27-Jun-97

7050568

13117

JOSELITO ROBLES

6,000.00

X

08/06/98

6-Oct-97

7050596

487-97

EDNA BRILLANTE

11,000.00

X

08/11/98

20-Jan-99

9404047

98-6764

SOFRONIO DE JESUS

1,000.00

X

02/18/99

7-Oct-98

9404030

12123-98 (12343 W)

MERLYN CAMZA

2,000.00

X

X

19-Dec-97

7050722

97-6323-24

ALLAN LOMBOSON (L. ARCEO)

1,000.00

7/29/99

X

8-Mar-99

9404460

98-6649

RANDY REYES/ RESURRECION

5,000.00

Jul-99

X

21-Jun-99

9404473

99-7014-15

JOSE DELA PENA

7,000.00

7/26/99

X

12-Aug-96

5383742

L. ALEJO

5,000.00

8/11/99

X

23-Jan-98

7050728

98-6362

ALEXANDER VILLEN0

7,000.00

X

09/16/99

9-Jul-98

9404009

98-6598

FELICIANO SAMSON

2,000.00

8/18/99

X

2-Oct-98

9404029

98-6753-62

RUEL T. CRUZ

50,000.00

X

09/28/99

27-May-97

7050557

97-5820

TIMOTEO MANUEL PABLO

10,000.00

9/15/99

X

13-Jan-00

9404493

00-7290

ROSALINA SANTIAGO

1,000.00

X

02/09/00

24-Jan-00

9404496

00-1306

ROSALINA SANTIAGO

2,500.00

2/16/00

X

28-Jan-00

9404498

00-7307

ELIZABETH CRUZ

1,000.00

2/16/00

X

2-Feb-00

9404499

00-7311

JULIA C. SANTOS

12,000.00

X

02/07/00

7-Jul-98

9404008

98-6635

ERNESTO LAGSA

15,000.00

3/22/00

X

2-Feb-00

9404500

00-7314

CELSO CRUZ

2,100.00

3/1/00

X

13-Jan-00

9404495

00-7291

JOSEPHINE GINERO

4,000.00

4/12/00

X

19-Apr-00

10969518

00-7503

MARTINIANO SANTOS

10,000.00

X

May-00

22-Sep-99

9404478

99-7081

CYNTHIA PADO

6,000.00

X

Jun-00

10969534

00-7666

REMEDIOS DELA CRUZ

5,000.00

8/23/00

X

10969535

00-7668

SANTOS

5,000.00

8/23/00

X

28-Jan-99

9404050

99-6891

AMAD MANGULAGNAN/ S. RIVERA

30,000.00

9/11/00

X

17-Oct-00

10969540

00-7721

PRIMITIVA REYES

3,000.00

X

10/17/00

22-Jan-98

7050727

98-6350-54

SERGIO RODRIGUEZ

35,000.00

12/19/00

X

12-Dec-00

10969555

00-7787

ANTONIO CASAS /EMMANUEL CRUZ

10,000.00

12/13/00

X

31-Jan-97

5383927

17661

NEIL SOYANGCO

15,000.00

X

01/18/01

1-Sep-00

10969534

00-7685

ANTONIO CASAS

20,000.00

1/24/01

X

15-Jan-01

10969558

00-7823

ERIC CAPULONG/ EFREN FELIFE

10,000.00

1/24/01

X

19-Jan-01

10969559

00-7825

ROLANDO T. GOLGOTA/ RAFAEL G.

10,000.00

X

02/05/01

20-Jan-01

10969560

00-7831

GERRY FELIPE

5,000.00

3/14/01

X

12-Feb-01

10969562

00-7729

LEONARDO CRUZ

5,500.00

3/5/01

X

5-Mar-01

10969564

2189631

MARINA SALONGA/ M. LOPEZ

15,000.00

3/7/01

X

8-Mar-01

10969566

01-7903

VICTORIA DALISAY/ W. BULATAO

4,000.00

3/21/01

X

19-Mar-01

10969568

01-7863

MINERVA ORALLIO

5,000.00

4/18/01

X

15-Mar-99

9404461

99-6914

TEOFILO JAYME/ A. JAYME

20,000.00

6/18/01

X

10-May-01

10969574

01-7969

MARIBEL GONZALES

20,000.00

X

06/15/01

11-Jun-01

10969577

01-7990

ANTONIO CASAS/ W. BAYLON

5,000.00

6/13/01

X

12-Dec-00

10969553

00-7786

HERMINIO SALVADOR/ A. RAMIREZ

3,000.00

8/22/01

X

7-Aug-01

10969589

01-8048

ALBERTO CABRAL ET AL./ A. CASAS

15,000.00

8/8/01

X

5-Jan-00

9404491

00-7282

WILFREDO BELONIO

6,000.00

9/19/01

X

11-Sep-01

10969592

01-8078

GERRY SANCHEZ

10,000.00

9/12/01

X

4-Apr-01

10969571

01-7919-21

ZENAIDA SULIT-ALFONSO/ EFREN S.

6,000.00

X

10/04/01

23-Apr-01

10969573

01-7821

DOLORES BERSANO/ F. AUSTIN

1,500.00

X

10/10/01

18-May-98

7050749

98-6527

RUFINO DE JESUS

10,000.00

X

11/19/01

28-Sep-01

10969594

01-8029

RICARDO V. FLORES/ TONY CASAS

5,000.00

11/21/01

X

27-Oct-01

13565003

01-8120 & 8121

LEONARA MARAGUINOT

4,000.00

X

11/26/01
28-Nov-01
13565010
01-8152

ANTONIO CASAS

5,000.00
12/5/01

X

10-Dec-01
13565012
01-8162

TONY CASAS

15,000.00
12/12/01

X

Grand Total 600,800.00

[Should Mr. Batongbacal fail to provide this Court with the documents (marked x) needed to support the withdrawals of the above-presented cashbonds, the same shall be considered outstanding and unwithdrawn, and Mr. Batongbacal should restitute the amount of Six Hundred Thousand Eight Hundred Pesos (P600,800.00).];

(b) DEFER ACTION on the Motion for Reconsideration of the resolution of July 7, 2004 and Letter dated August 19, 2004, both filed by Mr. Batongbacal, until he complies with the foregoing directives;

(c) DIRECT Ms. Remedios I. Roxas, former Officer-in-Charge, to

(i) EXPLAIN why she should not be administratively sanctioned for failure to deposit her collections on time and RESTITUTE the following shortages to their respective bank accounts, within fifteen (15) days from notice hereof, through Ms. Froctosa I. Ceñidoza, the incumbent Clerk of Court:

(1) Clerk of Court General Fund shortage amounting to Two Thousand Five Hundred Thirty-Three Pesos and 20/100 (P2,533.20);

(2) Philippine Mediation Center Trust shortage amounting to One Thousand Pesos (P1,000.00); and

(3) Fiduciary Fund shortage amounting to Two Hundred Seventy-Six Thousand Pesos (P276,000.00);

(ii) FURNISH the Fiscal Monitoring Division, Court Management Office, with the duly validated machine copies

of the General Fund, Philippine Mediation Center Trust Fund and Fiduciary Fund deposit slips or clear certified true copy of the validated deposit slips and certified true copy of the Fiduciary Fund LBP Savings Account No. 0101-2064-59 as evidence of compliance;

(iii) EXPLAIN the reasons behind the following:

(1) Setting aside of Official Receipts Nos. 16304300 and 16304412 which were allegedly reserved for transactions that did not materialize, and subsequently cancelled only on December 1 and 2, 2004;

(2) Cancellation of Official Receipts Nos. 16304404, 16304447 and 16304522 under dubious circumstances;

(3) Official Receipt No. 16304436 amounting to P6,000.00 which is blank but had corresponding court order and acknowledgment receipt; and

(4) Double use of Official Receipts Nos. 16304252 and 16304432 for different dates/cases/payors/amounts, to wit:

d-1 OR No. 16304252

DATE

CASE NO

Litigant/Bondsman

AMOUNT

7May02

02-8261

Yolando Enriquez

P 2,000.00

(source OR triplicate)

22May02

02-8329

Antonio Casas

P15,000.00

CO none AR6/29/02

(source AR6/29/02)

d-2 OR No. 16304432

DATE

CASE NO

Litigant/Bondsman

AMOUNT

3Jul03

4-9074-9075

Edilberto Santos

P 30,000.00**CO4/29-04 AR5/6/04**

(source AR5/6/04)

3Jul03

3-8805

Edilberto Santos

P 30,000.00

CO none AR none

(source OR triplicate)

(iv) EXPLAIN and ACCOUNT for the following Official Receipts (Ors) booklets/sheets that have remained unaccounted to date:

INCLUSIVE
SERIAL NUMBERS

QUANTITY
BOOKLETS/S

QUANTITY
SHET/S

1356101-135615150

1

19782401-19782450

1

19782651-19782700

3

16304496

1

(v) TRANSMIT to the Court, through the Fiscal Monitoring Division, Court Management Office, the documents needed to support the validity of the cashbonds withdrawals with lacking/incomplete documents, amounting to Four Hundred Ninety-Nine Thousand Five Hundred Pesos (P499,500.00), as presented below:

DATE OF
COLLECTION

OR NO.

CASE NO.

NAME OF PAYOR

COLLECTIONS

WITHDRAWALS

AUDIT
OBSERVATIONS/
REMARKS

CO

AR

22-Sep-97

7050594

97-6051/02-1165M

ERLINDA GRANDE

12,000.00

11/20/03

NO DATE

No Acknowledgment Receipt

13-May-98

7050747

98-6543

ALICIA ORBE

50,000.00

NONE

6/25/03

No Court Order

28-Jun-99

10989974

03-1157

PRIMITIVO IGNACIO

30,000.00

NONE

5/7/03

No Court Order

5-Feb-00

13564810

7237

Can not be deciphered

30,000.00

NONE

2/15/02

No Court Order

7-Mar-00

13564812

03-1157

REYNALDO CASTILLO

50,000.00

NONE

5/7/03

No Court Order

21-Jul-00

10969528

00-7465

REGINA REYES GO

4,000.00

NONE

9/19/02

No Court Order

7-Sep-00

10969945

REYNALDO CASTILLO

50,000.00

NONE

5/7/03

No Court Order

18-Jul-01

10969583

01-7937-38

FELY V. SAN ANDRES

3,000.00

NONE

9/4/02

No Court Order

19-Sep-01

10969593

01-8085

PAUL TANJUTCO

15,000.00

NONE

1/21/02

No Court Order

No date

10969596

01-8082

EUGENIO Q. CRUZ

5,000.00

NONE

7/12/02

No Court Order

8-Oct-01

10969597

01-8082

RENATO DE LA CRUZ

5,000.00

NONE

7/12/02

No Court Order

8-Oct-01

10969598

01-8082

SUSANA B. SANTOS

5,000.00

NONE

7/12/02

No Court Order

13-Oct-01

13565001

01-8083

BERNARDO SANTOS

3,000.00

NONE

4/4/02

No Court Order

13-Oct-01

13565001

01-8083

LEOVEGILDO SABANDEJA

3,000.00

NONE

7/12/02

No Court Order

14-Nov-01

13565004

01-8139

TONY CASAS

5,000.00

NONE

3/13/02

No Court Order

27-Nov-01

13565008

01-8082

Can not be deciphered

5,000.00

NONE

7/12/02

No Court Order

12-Dec-01

13565014

01-8171

Can not be deciphered

15,000.00

NONE

11/29/02

No Court Order

30-Jan-02

13565022

01-8221

TERESITA D. REYES

5,000.00

NONE

3/12/02

No Court Order

31-Jan-02

13565023

02-88825

D.L. SANTOS

5,000.00

NONE

2/15/02

No Court Order

4-Feb-02

13565024B

02-8228-29

VICENTE B. ESGUERRA

12,000.00

NONE

11/20/02

No Court Order

15-Feb-02

13565029

02-8237

RENATO V. PERALTA

10,000.00

NONE

03/18/02

No Court Order

1-Apr-02

13565035

02-8282

ALEJANDRO FELIPE

6,000.00

NONE

07/12/02

No Court Order

22-Apr-02

13565047

02/8280

SUSANA B. SANTOS

5,000.00

NONE

07/31/02

No Court Order

29-Apr-02

13565049

02/8312

TONY CASAS

10,000.00

NONE

05/08/02

No Court Order

10-Jun-02

16304256

02/8349

ROBERTO SEGUNDA M. FERRIOLS

15,000.00

NONE

07/12/02

No Court Order

19-Jun-02

16304257

02-8322

ARIS T. ABANTE

15,000.00

10/6/03

NONE

No Acknowledgment Receipt

1-Jul-02

16304259

02-8380

JOEL ROMERO

5,000.00

NONE

05/03/03

No Court Order

2-Sep-02

16304263

02-8440

TONY CASAS

8,000.00

NONE

09/18/02

No Court Order

2-Jan-03

16304286

03-8586

JESUS BUENCAMINO

28,000.00

NONE

06/08/03

No Court Order

17-Feb-03

16304296

03-8624

PAUL MADRIGAL

8,000.00

2/26/03

02/26/06

EXPLAIN CO Crim03-8624 AR Crim03-8634

5-Mar-03

16304401

03-8655

ANTONIO CASAS (jueteng)

24,000.00

NONE

03/25/03

No Court Order

25-Mar-03

16304406

03-8692

MANUEL RONO (jueteng)

4,000.00

NONE

06/18/03

No Court Order

7-May-03

16304416

03-8757

ANTONIO CASAS

12,000.00

NONE

05/20/03

No Court Order

11-Jul-03

16304434

02-8294

YOLANDA BALONZO

2,000.00

NONE

11/03/04

No Court Order

30-Jul-03

16304436

03-8830

TEODORO SANTOS

6,000.00

7/30/03

NONE

No Acknowledgment Receipt

7-Aug-03

16304438

02-8206

THERESA CAYASAO

5,000.00

NONE

09/30/03

No Court Order

15-Aug-03

16304440

02-8397

CRISPIN DALANGIN

4,000.00

9/10/03

NONE

No Acknowledgment Receipt

15-Aug-03

16304441

02-8396

CRISPIN DALANGIN

3,000.00

9/10/03

NONE

No Acknowledgment Receipt

13-Nov-03

16304504

03-8960

ROLANDO M. SANTOS

5,000.00

11/20/04

NONE

No Acknowledgment Receipt

13-Nov-03

16304505

03-8960

ROLANDO M. SANTOS

10,000.00

11/20/04

NONE

No Acknowledgment Receipt

12-Feb-04

16304509

04-9029

MILYN MARCELO

2,500.00

3/11/04

NO DATE

No Acknowledgment Receipt

TOTAL Php 499,500.00

[Should Ms. Roxas fail to provide this Court with the lacking documents needed to support the withdrawals of the above-presented cashbonds, the same shall be considered outstanding and unwithdrawn, and Ms. Roxas should restitute the amount of Four Hundred Ninety-Nine Thousand Five Hundred Pesos (P499,500.00).];

(d) DOCKET the subject report as a regular administrative complaint and include Ms. Remedios I. Roxas as a respondent therein, thus: A.M. No. P-06-2190 (Office of the Court Administrator vs. Arturo S. Batongbacal, former Clerk of Court, and Remedios I. Roxas, Court Stenographer I, MTC, Pulilan, Bulacan).[12]

Batongbacal did not comply with the directives of the above-mentioned Resolution.

On the other hand, in Compliance with the same Resolution, Roxas submitted letters dated October 5, 2006[13] and November 2, 2006,[14] a sworn statement[15] and various documents. Roxas denied liability contending that she was just a victim of circumstances and that it was then Presiding Judge Horacio T. Viola and Batongbacal who were the ones who appropriated the missing court funds. In her letter of November 2, 2006, Roxas requested that her salaries and other allowances which were withheld be released in her favor so that she could use the same to answer for her shortages. She also claimed that she could not file her monthly report of collections because the documents to prove the collections and deposits she made were missing and that she is still in the process of looking for them. Moreover, she requested that she be given clearance to enable her to obtain loans from the Supreme Court Savings and Loan Association (SCSLA), the Government Service and Insurance System (GSIS) and the PAG-IBIG to further enable her to answer for her accountabilities. These were all referred by the Court to the OCA in a Resolution dated November 21, 2006.[16]

In the meantime, the OCA submitted a Memorandum to former Chief Justice Panganiban dated August 22, 2006, indicating that it could not yet submit a report and recommendation on Batongbacal's Motion for Reconsideration in view of the fact that he had not yet complied with the directives of the Court contained in the Resolution of June 13, 2006.[17]

On June 5, 2007, the Court issued a Resolution denying Roxas's requests, as contained in her letter of November 2, 2006, pending full compliance with the directives of the Court in its Resolution dated June 13, 2006.[18]

On September 26, 2007, Roxas filed a Motion for Reconsideration of the June 5, 2007 Resolution of the Court.[19] The Court referred the said Motion to the OCA for evaluation, report and recommendation.[20]

On November 22, 2007, Roxas filed a Motion for the Release of Salaries for

More Than Three Years reiterating that she was not responsible for the shortages of court funds in her custody but that, in any case, she be allowed to receive her withheld salaries to enable her to comply with the Court's directive for her to restitute said shortages.[21] In subsequent letters dated December 14, 2007,[22] and July 8, 2008[23] and motions dated January 13, 2008,[24] February 8, 2008,[25] and August 1, 2008,[26] Roxas reiterated her contentions in her previous motions, specially her request that her withheld salaries be released to answer for the

shortages of court funds in her custody. She also filed a Motion to Accept Documentary Evidence dated October 8, 2007.[27] All these letters and motions were also referred to the OCA.

On February 9, 2009, the OCA submitted a Memorandum addressed to Chief Justice Reynato S. Puno with the finding that Roxas failed to reconstitute or account for the shortage of court funds in her custody amounting to a total of P768,500.00 broken down as follows: (1) Philippine Mediation Center Trust Fund shortage amounting to P1,000.00; (2) undeposited Fiduciary Fund collections and undocumented bank withdrawals amounting to P276,000.00; and, (3) Fiduciary Fund shortage amounting to P491,500.00 brought about by unauthorized withdrawals of cash bonds due to insufficient supporting documents. The OCA also found that Roxas failed to transmit to the Court the documents needed to support the validity of the cash bond withdrawals which were made during her term. Accordingly, the OCA made the following recommendations:

- The Motion for Reconsideration [filed on September 26, 2007] of respondent Remedios I. Roxas, Court Stenographer I, MTC-Pulilan, Bulacan BE DENIED for lack of merit;
- Respondent Roxas BE DISMISSED from the service for Malversation of Funds, with forfeiture of her entire retirement benefits including her withheld salaries and the monetary value of her earned leave credits as well as disqualification from re-employment in any branch of the government or in any government-owned or controlled corporation; and the OCA BE DIRECTED to file the corresponding criminal case against her before the appropriate prosecution office and court;
- Respondent Roxas' withheld salaries from September 2004 to August 2008 amounting to P164,609.64 and her earned leave credits with the money value of P202,073.08 as of June 30, 2008 BE FORFEITED and REMITTED to the Fiduciary Account of the MTC-Pulilan, Bulacan;
- Respondent Roxas BE DIRECTED to RESTITUTE the balance of P401,817.28. Of this amount, P400,817.28 shall be deposited to the Fiduciary Fund of MTC-Pulilan, Bulacan and the remaining amount to the Philippine Mediation Trust Fund of MTC-Pulilan, Bulacan and to SUBMIT PROOF of such remittance to the FMD, CMO, OCA; and
- The Financial Management Office, OCA BE DIRECTED to facilitate the remittance of the withheld salaries of respondent Roxas covering the period September 2004 to August 2008 amounting to P164,609.64 and her earned leave credits with the money value of P202,073.08 as of June 30, 2008 to the Fiduciary Account of the MTC-Pulilan, Bulacan; and the FMO, OCA BE FURTHER DIRECTED to FURNISH the Fiscal Monitoring Division, CMO, OCA of the machine-validated deposit slip as proof of such remittance.[28]

The Court adopts with modifications the recommendations of the OCA.

While the OCA found that Roxas was able to account for the official receipts enumerated in the June 13, 2006 Resolution of this Court and to satisfactorily explain the setting aside and cancellation of some official receipts in her custody, it nonetheless established that Roxas failed to reconstitute her shortages in the Philippine Mediation Center Trust Fund and the Fiduciary Fund, as well as to transmit to the Court the documents needed to support the validity of the cash bond withdrawals which were made during her term.

As custodian of court funds and revenues, Roxas's duties have been defined by circulars issued by this Court.

Supreme Court (SC) Circular Nos. 13-92 and 50-95 furnish the guidelines for the proper administration of the court's fiduciary funds.

The third paragraph of SC Circular No. 13-92 commands that all fiduciary collections shall be deposited immediately by the Clerk of Court concerned, upon receipt thereof, with an authorized government depository bank. Section B(4) of SC Circular No. 50-95 is more emphatic and particular as it requires that the deposit be

made, within 24 hours upon receipt thereof, with the Land Bank of the Philippines.

Section B(2) of SC Circular No. 50-95 also provides that no withdrawals from the court's fiduciary funds shall be allowed unless there is a lawful order from the Court that has jurisdiction over the subject matter involved. The fifth paragraph of SC Circular No. 13-92 contains substantially the same provisions.

In addition, SC Circular No. 32-93 provides that all clerks of court or accountable officers are required to submit to the Supreme Court not later than the 10[th] day of each succeeding month a monthly report of collection for all funds. With respect to Judiciary Development Funds (JDF) in particular, Section 3, in relation to Section 5, of Administrative Circular No. 5-93 requires that clerks of court, officers-in-charge or their duly authorized representatives shall receive the JDF collections, issue the proper receipt therefor, deposit such collections and render the proper Monthly Report of Collections for said Fund.

In the instant case, Roxas failed to deposit her collections on time. The audit team found that as early as October 2002 she incurred delay in depositing most of her collections, without any excuse. Moreover, from August 2004 until November of the same year, Roxas failed to deposit all of her Fiduciary Fund collections without any justifiable cause. As of July 2004, Roxas had undeposited collections of P168,5000.00 for the court's Fiduciary Fund. For the succeeding four months, she collected an additional sum of P129,000.00, but she also failed to deposit these amounts. For failure to deposit her collections on time, Roxas violated the provisions of SC Circular No. 13-92 and Section B(4) of SC Circular No. 50-95.

Roxas also withdrew cash bonds, which form part of the court's fiduciary funds, without the necessary court orders and/or acknowledgment receipts. This is again a gross violation of SC Circular No. 50-95.

Worse, Roxas failed to turn over funds in her custody upon the Court's demand as well as to justify her withdrawals of cash bonds. This constitutes malversation. Indeed, failure of a public officer to remit funds upon demand by an authorized officer constitutes prima facie evidence that the public officer has put such missing funds or property to personal use.[29] All that is necessary to prove malversation are the following: (a) that the defendant received in his possession public funds or property; (b) that he could not account for them and did not have them in his possession when audited; and (c) that he could not give a satisfactory or reasonable excuse for the disappearance of said funds or property.[30] All of these elements are present in the instant case.

Furthermore, Roxas herself admitted that she failed to file the required monthly report of collections and deposits she made. She justified such failure by contending that the records necessary in filing such reports went missing. In fact she presented, as evidence, a Police Report indicating therein that on January 3, 2005 she reported to the police authorities that important court documents and records could not be found on the table where they were supposed to be.[31] However, the audit team indicated in its memorandum dated April 24, 2006 that the following were the latest monthly reports filed by Roxas and received by the Financial Management Office-Accounting Division of the OCA with respect to her collections and deposits:

Clerk of Court General Fund

- September 2003

Fiduciary Fund

- May 2002

Sheriffs' Trust Fund

- None

Judiciary Development Fund

- November 2004

Philippine Mediation Center Trust Fund

- None

Per report of the OCA, Roxas became the officer-in-charge on February 11, 2002. Hence, it is clear from the foregoing that Roxas's excuse is untenable because for almost three years, even before the alleged loss of records, she was already greatly remiss in the filing of the required monthly reports of her collections. This is a gross violation of SC Circular No. 32-93 and Administrative Circular No. 5-93.

Thus, the Court finds that Roxas's failure to comply with the Court's circulars, rules and directives which are designed to promote full accountability for public funds, more particularly her failure to turn over money deposited with her, to account for the shortage in the funds she was handling, to explain and present evidence to support the validity and authenticity of the withdrawals she made as well as her failure to deposit her collections on time and to file a monthly report thereon for a period spanning over two years constitute gross neglect of duty, dishonesty, grave misconduct and malversation.[32] These offenses all carry the penalty of dismissal even for the first offense.[33]

In Re: Report on the Financial Audit Conducted in the MTCC-OCC, Angeles City,[34] this Court held:

Those who work in the judiciary must adhere to high ethical standards to preserve the court's good name and standing. They should be examples of responsibility, competence and efficiency, and they must discharge their duties with due care and utmost diligence since they are officers of the court and agents of law. Indeed, any conduct, act or omission on the part of those who would violate the norm of public accountability and diminish or even just tend to diminish the faith of the people in the judiciary shall not be countenanced.

The conduct required of court personnel, from the presiding judge to the lowliest clerk, must always be beyond reproach and circumscribed with a heavy burden of responsibility. As forerunners in the administration of justice, they ought to live up to the strictest standards of honesty and integrity, considering that their positions primarily involve service to the public.[35]

While Roxas performed her functions as an officer-in-charge only in an acting capacity, still the expectation for her to perform all the duties and responsibilities of an accountable officer is not diminished. The fact that she performed her functions in a temporary capacity will not absolve her from liability.[36]

Thus, the Court finds Roxas guilty of gross neglect of duty, dishonesty, grave misconduct and malversation, for which she should be dismissed from the service.

With respect to Batongbacal, the OCA reported that he received a copy of the June 13, 2006 Resolution of the Court on July 21, 2006. Subsequently, the Court issued another Resolution dated September 19, 2006 which noted the Memorandum filed by the OCA informing the Court that no report and recommendation on Batongbacal's Motion for Reconsideration could as yet be submitted "in view of the fact that they are still waiting for [Batongbacal] to reconstitute the amounts of P26,919.00, P57,467.00 and P298,179.00 and to transmit to the Fiscal Monitoring Division (FMD), CMO, OCA, all the documents to support the validity and authenticity of the withdrawals of certain cash." [37] Batongbacal received a copy of this Resolution on November 16, 2006 as evidenced by Registry Return Receipt No. 46067.[38] Despite due notices, Batongbacal never complied with the above-mentioned directives of the Court. Hence, he is deemed to have waived his right to present any evidence in his defense. The OCA should, therefore, proceed to determine the merits of his Motion for Reconsideration which has been pending since August 2004.

WHEREFORE, the Court resolves to:

- DENY the early letter requests of respondent Remedios I. Roxas, Court Stenographer I and former Officer-in-Charge of the Municipal Trial Court (MTC), Pulilan, Bulacan, that her salaries and other allowances be made to answer for her shortages, and that she be given clearance to enable her to obtain loans from SCSLA, GSIS and PAG-IBIG to answer for her accountabilities;|
- FIND respondent Roxas guilty of gross neglect of duty, dishonesty, grave misconduct and malversation of public funds. She is DISMISSED from the service with forfeiture of all her retirement benefits with prejudice to re-employment in any branch of the government or in any government-owned or controlled corporation.
- DIRECT respondent Roxas to RESTITUTE within thirty days from notice hereof the balance of her shortage amounting to P401,817.28. Of this amount, P400,817.28 shall be deposited to the Fiduciary Fund of MTC, Pulilan, Bulacan and the remaining amount of P1,000.00 to the Philippine Mediation Trust Fund of the same court; and to SUBMIT PROOF of such restitution to the Fiscal Monitoring Division, Court Management Office of the Office of the Court Administration.
- DIRECT the OCA to file the corresponding criminal case against Roxas.
- DIRECT the Financial Management Office of the OCA to REMIT the unpaid salaries of Roxas from September 2004 to August 2008 amounting to P164,609.64 and her earned leave credits with the monetary value of P202,073.08 as of June 30, 2008 to the Fiduciary Account of the MTC, Pulilan, Bulacan as part of the restitution of her shortages and to furnish the FMD, CMO of the OCA with the machine-validated deposit slip as proof of such remittance.
- DIRECT the OCA to SUBMIT its evaluation, report and recommendation on Arturo S. Batongbacal's Motion for Reconsideration, within ten (10) days from receipt of herein Resolution.

SO ORDERED.

Puno, C.J., Carpio, Austria-Martinez, Corona, Tinga, Velasco, Jr., Nachura, Brion, and Peralta, JJ., concur.
Quisumbing, Ynares-Santiago, Carpio Morales, Chico- Nazario, and Leonardo-De Castro, JJ., on official leave.

[1] Rollo, p. 10.

[2] Id. at 58.

[3] Id. at 66-77.

[4] Id. at 80.

[5] Id. at 207.

[6] Rollo, p. 211.

[7] Id. at 213.

[8] Id. at 214.

[9] Id. at. 217.

[10] Id. at 233.

[11] Rollo, p. 227.

- [12] Rollo, pp. 232-C to 232-G.
- [13] Id. at 299.
- [14] Id. at 301.
- [15] Id. at 302.
- [16] Rollo, p. 507.
- [17] Id. at 296.
- [18] Id. at 519.
- [19] Id. at 523.
- [20] Id. at 527.
- [21] Rollo, p. 583.
- [22] Id. at 614.
- [23] Id. at 704.
- [24] Id. at 689.
- [25] Id. at 652.
- [26] Id. at 709.
- [27] Id. at 529.
- [28] Rollo, pp. 724-725.
- [29] Vilar v. Angeles, A.M. No. P-06-2276, February 5, 2007, 514 SCRA 147.
- [30] Concerned Citizen v. Gabral, Jr., A. M. No. P-05-2098, December 15, 2005, 478 SCRA 13.
- [31] Rollo, p. 350.
- [32] Office of the Court Administrator v. Fueconcillo, A.M. No. P-06-2208, August 26, 2008, 563 SCRA 276; Office of the Court Administrator v. Varela, A.M. No. P-06-2113, February 6, 2008, 544 SCRA 10, 21.
- [33] Id.
- [34] A.M. No. P-06-2140, June 26, 2006, 492 SCRA 469.
- [35] Id. at 482-483.
- [36] Office of the Court Administrator v. Varela, *supra* note 32.
- [37] Rollo, p. 298.
- [38] See reverse side of rollo, p. 298.

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