

IN RE: REPORT ON THE JUDICIAL AND FINANCIAL AUDIT CONDUCTED IN THE MUNICIPAL TRIAL COURT IN CITIES, KORONADAL CITY

A.M. NO. 02-9-233-MTCC. April 27, 2005

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

The administration of justice is circumscribed with a heavy burden of responsibility. It requires everyone involved in its dispensation --from the justices and judges to the lowliest clerks -- to live up to the strictest standards of competence, integrity and diligence in the public service.[1]

The Case and the Facts

This administrative case stems from the Judicial and Financial Audit conducted in the Municipal Trial Court in Cities (MTCC) of Koronadal City from August 5 to August 9, 2002, by an audit team from the Office of the Court Administrator (OCA).

Judge Agustin T. Sardido, who presided over the MTCC of Koronadal City, assumed office sometime in May 1988; and Clerk of Court Maxima Borja, on February 18, 2002. The latter, however, had been employed therein since 1987, serving as clerk II and stenographer until she was appointed clerk of court. Prior to Borja's assumption, the clerk of court was Normandie A. Ines, who compulsorily retired on October 9, 2001.

The audit team found that Judge Sardido usually arrived late for work. On Mondays, he would report only in the afternoons. Due to his habitual tardiness, court sessions were usually scheduled only in the afternoons.

The audit team also found that Judge Sardido had allowed Rufino Vargas, a non-employee of the court, to discharge the duties and functions of a court interpreter without the prior approval of the OCA.

Judicial Audit

The audit team's physical inventory of pending cases revealed these findings:

- Thirty-two (32) civil cases[2] remained undecided beyond the reglementary period of 90 days (or 30 days for those falling under the Rules on Summary Procedure.
- Forty-three (43) criminal cases[3] were likewise undecided beyond the 90-day reglementary period.
- The court was highly disorganized in its custody of exhibits. Those turned over to Borja, the clerk of court, were merely kept inside her table drawers without being inventoried, making it impossible to keep track of all the exhibits in custody. Worse, persons unauthorized to receive exhibits had been allowed to do so, enabling some of them to use the items.
 - In Criminal Case No. 4311-24, *People v. Vicente Seromines*, Judge Sardido admitted having personally received from the Philippine National Police (PNP) a .45-caliber pistol, which he did not turn over to Borja.

The judge took possession of the gun and carried it around, allegedly because of threats on his life. When its safety pin malfunctioned, he supposedly gave it to a member of the PNP for repair. The judge was later informed that it had been taken by another PNP member, who allegedly recognized it as the gun that had been stolen from the latter. As of the audit date, it remained unaccounted for.

- In *People v. Gerardo Pala* -- another case for illegal possession of firearm and ammunition, docketed as Criminal Case No. 21643 -- a .45-caliber pistol with Serial No. BL30120 plus two magazines and thirty-two (32) live ammunitions were confiscated from the accused. Rufino Vargas, without having been appointed as an employee of the court, received the said items on April 20, 2002. Judge Sardido confirmed that he had allowed the former to do so, because the items had allegedly been brought to the court after office hours, and the only ones left in the court at the time were the two of them. However, it was only on the fourth day of the audit, August 8, 2002, that Vargas turned the gun over to the clerk of court.

- Likewise, in *People v. Centeno*, docketed as Criminal Case No. 21550, Pablito Pendilla -- a court stenographer -- personally received and took custody of a 9-mm caliber gun on May 27, 2002. He turned it over to Borja only on the fourth day of the audit.

- Contrary to Section 5 of Rule 112 of the Revised Rules on Criminal Procedure[4] regulating preliminary investigations, Judge Sardido did not transmit to the provincial or city prosecutor the resolutions and the records of cases[5] that he had dismissed.

- Instead of resolving cases as provided under Section 3(d) of Rule 112 of the Revised Rules on Criminal Procedure,[6] the judge archived criminal cases[7] that were under preliminary investigation.

Financial Audit

The financial audit revealed the following findings:

- Contrary to the mandate of Section 20 of Rule 141 of the Rules of Court, the court failed to collect filing fees in estafa and BP 22 cases.

- An examination of the case records showed that from September 1993 to February 2001, during the incumbency of Ines -- the clerk of court then -- a number of cash bonds amounting to P460,200 were posted with the court without being officially receipted.

- After Ines retired, three (3) cash bonds amounting to P15,000 were posted but not officially receipted. The audit team, however, found Borja's entries in the cashbook for the Clerk of Court Fiduciary Fund (CCFF) to be in order.

- The practice of not issuing official receipts allowed Ines to appropriate the funds for unauthorized purposes. The funds were lent to court personnel, including Judge Sardido. In fact, the judge himself admitted that on at least four occasions sometime in 1996, he had borrowed one hundred thirty thousand pesos (P130,000), which he used to buy a car.

- As a result of the misappropriation of the funds, the cash bonds of P40,000 in Criminal Case No. 4818 (*People v. Ortiz*) and P32,000 in Criminal Case No. 3891-25 (*People v. Santos*) could not be released despite orders by the regional trial courts.

- Records of the Office of the Municipal Treasurer of Koronadal show that the CCFF in the amount of P495,527 had apparently been turned over by the municipal treasurer to the Office of Municipal Judge Sardido. The amount, however, remained unaccounted for.

- For the period April 3, 1996 to September 20, 2001, Ines received cash bonds amounting to P494,836, for which

official receipts were issued. On the other hand, he apparently received unreceipted cash bonds amounting to P460,200 from September 21, 1993 to September 30, 2001. As of the audit date, the total funds amounting to P955,036 -- presumably collected remained unaccounted for.

- No collections for the Judiciary Development Fund (JDF) were recorded in the court's cashbook from July 1989 to January 1991.

- For the period February 1985 to September 2001, Ines incurred a shortage of P31,366.42 in JDF remittances.

- On the other hand, for the period October 2001 to July 2002, Borja over-remitted the amount of P15,630.57 to the JDF.

- For the period October 1997 to September 2001, Ines incurred a shortage of P89,412.90 in the Clerk of Court General Fund (CCGF) remittances.

- For the period October 2001 to July 2002, however, Borja over-remitted the amount of P2,365.50 to the general fund.

- Almost all of the deposit slips for the JDF and the CCGF remittances were not machine-validated. And upon request for confirmation of deposits from the Land Bank in Koronadal City, the amount of P25,845 -- despite its entry in the court's cashbook under "JDF Deposits" -- was not confirmed by the bank.

- During the incumbency of Ines, collections for the JDF, the CCGF and the CCFF would sometimes be accumulated for six (6) months before being deposited with the Treasurer's Office or the Land Bank.

In a Resolution dated October 2, 2002, this Court (Third Division) resolved, among other courses of action, to suspend Judge Sardido; to treat the Judicial and Financial Audit Report as an administrative matter against respondents; to withhold further emoluments due them; and to require them to explain the charges against them. It also required Ines to transmit to this Court all documents pertaining to his collections for the CCGF, the CCFF and the JDF and to restitute the amounts of P31,366.42 and P89,412.90, representing the shortages in the remittances of the JDF and the CCGF collections during his incumbency.

On November 14, 2002, Ines filed his explanation, the cashbooks of the MTCC of Koronadal City, as well as the acknowledgements and vale receipts allegedly signed by Judge Sardido and other court personnel who had accountabilities against court funds.

In his explanation, Ines denied using court funds for the benefit of his colleagues. Allegedly, because the funds were not in his possession, he could not possibly be guilty of the charges against him. He also denied failing to issue receipts for cash bonds, claiming that, being on leave at the time, he could not have received them. He justified his failure to enforce collections for the JDF from July 1989 to January 1991 by saying that no such funds accrued during that period. As to the alleged fund shortages and erroneous entries in the cashbook, he also denied the charges, saying that the audit reports conducted by the Commission on Audit in South Cotabato had proved the regularity of the court finances.

With respect to the charges of receiving an exhibit without authority and of being included among Ines' list of court personnel with outstanding accountabilities against court funds, Pablito W. Pendilla filed his explanation dated November 6, 2002. He claimed that he had received the exhibit under instruction from Judge Sardido. And while Pendilla admitted to having borrowed money from Ines, the former denied knowing that it had come from court funds and averred that the sums due had already been repaid .

Maxima Z. Borja filed a letter dated November 29, 2002, explaining the charges against her. Supposedly unaware of the new filing fee rates, she used the old ones. She pointed out, however, that she could not fully monitor the

payment of the required fees, since complainants would often proceed directly to Judge Sardido.

She admitted her failure to discover the irregularities in the custody of exhibits. As to the .45-caliber pistol, Rufino Vargas allegedly received it upon instruction of Judge Sardido, according to the information the latter conveyed to her. She denied knowing that Pablito Pendilla had taken custody of the gun, because she was attending a convention at the time.

The failure to issue official receipts for two cash bonds, she explained, had been done before she assumed the position of clerk of court. Lastly, she sought this Court's understanding of her over-remittance of some amounts to the CCGF and the JDF. She averred that she had no background in accounting and had to make do with whatever books, records and documents her predecessor had turned over to her.

Judge Sardido filed his own explanation dated December 6, 2002. Except for the charge of being habitually tardy, which he said was due to his designation as presiding judge in four other courts, he substantially admitted the material averments in all the other charges against him.

Report and Recommendation of the OCA

In its June 16, 2003 Memorandum, the OCA submitted the following recommendations:

“b) Judge Agustin T. Sardido be fined in the amount of P40,000.00 the same to be deducted from his leave credits;

“c) Judge Sardido be directed to return the amount of P582,500.00 he borrowed from the Fiduciary Fund, the same to be deducted from his leave credits;

“d) Mr. Normandie A. Ines be fined in an amount equivalent to his salary for six (6) months, the same to be deducted from his leave credits;

“e) Mr. Ines be ordered to restitute the amount of P593,305.32 representing the shortage in the General Fund, Judiciary Development Fund and Fiduciary Fund, the same to be deducted from his leave credits;

“f) Ms. Borja be fined in the amount of P5,000 and directed to adopt a more efficient system of collecting the docket fees and of taking care of court exhibits;

“g) Mr. Pendilla be fined in the amount of P3,000.00;

“h) The filing of criminal charges against Judge Sardido and Mr. Ines be held in abeyance until after the resolution of this administrative case;”[8]

The Court's Ruling

The Court agrees with the findings and recommendations of the OCA.

Administrative Liability of Respondents

Those charged with the dispensation of justice, from the justices and judges to the lowliest clerks, should be circumscribed with the heavy burden of responsibility. Not only must their conduct at all times be characterized by propriety and decorum but, above all else, it must be beyond suspicion. Every employee should be an example of integrity, uprightness and honesty. Integrity in a judicial office is more than a virtue; it is a necessity. It applies, without qualification as to rank or position, to all officials and employees, all of whom are deemed standard-bearers of the exacting norms of ethics and morality imposed upon courts of justice.[9]

Judge Sardido

In legal contemplation, the judge presiding over a branch of a court is the head of that branch.[10] As such, Judge Sardido should have served as an example to the court employees working under him.

While denying habitual tardiness in reporting for work, he points to the excruciating pain in his lumbar region after a slipped-disc operation as the reason for his occasional tardiness. He also claims that his arrival at the MTCC of Koronadal City only in the afternoons was unavoidable due to his designation as acting judge of four other municipal courts in Tampakan, Banga-tantangan, Suralla-Lake Sebu, and Norala-T'boli-Sto. Niño.

His bare allegations that his habitual tardiness was caused by his designation to other courts is untenable. He should have been more efficient in dividing his time among his assignments, devised a schedule to be followed in all four courts and, more important, informed his staff of that schedule. When questioned by the audit team, his staff said that he would usually come in late without giving a valid explanation. This Court has held that absenteeism and tardiness are impermissible. It has emphasized the need for officials and employees of the judiciary to observe official time strictly, so as to inspire public respect for the justice system.[11]

The inefficiency of Judge Sardido is evident in his failure to decide seventy-five (75) cases within the reglementary period, some of which have been submitted for resolution as early as 1994. This Court has reiterated the need for judges to decide cases promptly and expeditiously. It cannot be gainsaid that justice delayed is justice denied. The failure of judges to decide cases with dispatch constitutes gross inefficiency and warrants the imposition of administrative sanctions.[12]

Judge Sardido showed gross ignorance of the law when he accepted BP 22 cases despite the fact that the corresponding filing fees had yet to be collected. He also admitted his ignorance of the requirement of first seeking OCA approval before allowing Rufino Vargas to assume the vacant position of court stenographer.

By his practice of dismissing criminal cases under preliminary investigation without transmitting the pertinent resolution and records to the prosecutor, Judge Sardido showed either gross ignorance of remedial law or, worse, willful disobedience thereof. Admitting that it was his court's practice to archive cases for preliminary investigation whenever the accused remained at large, he even suggested that Section 3(d) of Rule 112 of the Revised Rules of Court be amended to allow this practice, in order to lighten the load for first-level courts.

He allegedly allowed Rufino Vargas to receive a .45-caliber pistol, two magazines and thirty-two live ammunitions, because these had been brought to the court past 5 p.m. when only the two of them remained there. And to make matters worse, Judge Sardido admitted having instructed Vargas -- a person who had not even been appointed to any position in that court -- to place the items in the latter's drawer, so that the court personnel could use them for their protection.

The judge even admitted to having personally received another exhibit, also a .45-caliber pistol, and kept it for his own protection. While claiming that he never fired the gun, he said that he had taken it home because of his constant fear for his safety.

For misappropriating court funds in concert with Ines, Judge Sardido has been charged with grave misconduct. Admitting that he indeed "borrowed" money from court funds, the latter recounted that on four occasions in 1994, he had borrowed P130,000 to be able to purchase a car and thereafter borrowed intermittently through the years, for reasons ranging from the schooling needs of his children to the illness of his parents. That he intended to repay the amounts "borrowed" is immaterial. These funds should never be used outside of official business.[13] Rule 5.04 of Canon 5 of the Code of Judicial Conduct states:

"A judge or any immediate member of the family shall not accept a gift, bequest, favor or loan from anyone except as may be allowed by law."

Time and time again, this Court has emphasized that “the judge is the visible representation of the law, and more importantly, of justice. It is from him that the people draw their will and awareness to obey the law. For the judge to return that regard, he must be the first to abide by the law and weave an example for others to follow.”[14]

Sadly, the foregoing facts clearly show that Judge Sardido has not only miserably failed to present himself as an example to his staff and to others, but has also shown no compunction in violating the law, as well as the rules and regulations. His dishonesty, gross misconduct, and gross ignorance of the law tarnish the image of the judiciary and would have warranted the maximum penalty of dismissal, were it not for the fact that he had already been dismissed from the service in another administrative case.

Retired Clerk of Court
Normandie A. Ines

The role that clerks of court play in the justice system has repeatedly been stressed by this Court thus:

“[T]he clerk of court is an essential officer in any judicial system. His office is the nucleus of activities, adjudicative and administrative. As such he must be reminded that his administrative functions are just as vital to the prompt and proper administration of justice. He is charged with the efficient recording, filing and management of court records, besides having administrative supervision over court personnel. Clerks of Court play a key role in the complement of the court and cannot be permitted to slacken on their jobs under one pretext or another.”[15]

Ines denies having used and allowed the use of court funds for his benefit and that of his co-workers. Untenable is his claim that he had no custody of those funds. As pointed out by the OCA, the fact that Judge Sardido had to sign receipts for the times he borrowed, or that he issued instructions to accommodate others who wanted to borrow from those funds, means that the money was in the custody of Ines. As the designated custodian of court funds, the clerk of court is responsible for ensuring that these are promptly deposited with an authorized government depository bank.[16]

This Court has categorically stated that the “practice of appropriating trust funds for unauthorized expenses, although replaced when the same is demanded, is fraught with danger, and should not be indulged in by any public officer worthy of the name.”[17] The fiduciary fund is in the nature of a trust fund that should not be withdrawn in the absence of a court order. This Court will not countenance dishonesty and malversation, for these offenses diminish the faith of the people in the judiciary.[18]

Ines also denies having failed to follow a requirement of law to issue official receipts for cash bonds, which he allegedly did not receive. Again, his denials are untenable, as it was his duty to ensure that the proper procedures were followed in the collection of cash bonds.

Finally, the audit team found that he had incurred shortages in his remittance to the JDF and the CCGF. Failing to give a satisfactory explanation, he should be held accountable for the shortages.

Clerks of court perform a delicate function as designated custodians of the court's funds, revenues, records, properties and premises. As such, they are generally regarded as treasurer, accountant, guard and physical plant manager thereof. Thus, they are liable for any loss, shortage, destruction or impairment of such funds and property.[19]

Clerk of Court Maxima Z. Borja

This Court is not unaware of the difficulties that must have faced Borja upon her assumption of the position of clerk of court, considering the utter chaos in the court's records during the incumbency of Ines. Under those

circumstances, she should not be held responsible for the inefficiencies that caused her over-remittance to the JDF and the CCGF.

She is, however, partly responsible for the court's erroneous practice as regards the collection of filing fees. While Judge Sardido admitted that, out of pity, he had allowed complaints to be filed despite the nonpayment of filing fees, Borja -- as the officer primarily responsible for the collection of those fees should have ensured compliance with proper procedure.

Borja was also remiss in the custody of exhibits. Persons not authorized to receive them were found to have done so and, worse, kept those items in their custody.

While she has shown that the cash bond in Criminal Case Nos. 21211-21213 was issued a corresponding Official Receipt, she has failed to explain satisfactorily why no official receipts were issued for cash bonds in Criminal Case No. 17076 and No. 19452. Belied by the records of the case is her averment that the accused in Criminal Case No. 17076 was released without paying the bail bond. Her allegation that the cash bond in Criminal Case No. 19452 had been filed and the case dismissed before she assumed office is likewise unsupported by the case records.

Pablito W. Pendilla

Pendilla should be held liable for taking into his custody a 9-mm caliber gun, which was an exhibit in Criminal Case No. 21550. He claims that he was merely instructed by the judge to get the gun from the Office of the Provincial Police. This assertion, however, does not validly explain (1) why Pendilla did not immediately turn the gun over to Borja, and (2) why it took him four days to surrender it to the audit team.

The dismal state of affairs at the MTCC of Koronadal City during the incumbency of Judge Sardido and Clerk of Court Ines underscores the need for a more effective and systematic management of trial courts. Unless the reins of control and supervision over the administrative aspect of the adjudicatory process are tightened, the swift and efficient delivery of justice would be impeded and rendered illusory.[20]

WHEREFORE, Judge Agustin T. Sardido is found GUILTY of dishonesty, gross misconduct, and gross ignorance of the law, for which he is FINED in the maximum amount of forty thousand pesos (P40,000) to be deducted from his leave credits.[21] He is further DIRECTED to REMIT five hundred eighty-two thousand five hundred pesos (P582,500), representing the amount he borrowed from the CCFF, to be deducted also from his remaining leave benefits, if still adequate.

Retired Clerk of Court Normandie A. Ines is found GUILTY of dishonesty and grave misconduct and is FINED in an amount equivalent to his salary for six (6) months, to be deducted from his retirement benefits. He is further ORDERED to RESTITUTE the amount of five hundred ninety-three thousand three hundred five pesos and thirty-two centavos (P593,305.32), representing the shortages he incurred during his incumbency as determined in the following manner: (a) the amount of four hundred seventy-two thousand five hundred twenty-six pesos (P472,526), which is the difference between the total shortage in the fiduciary fund and the obligation of Judge Sardido [P955,026 less P582,500]; (b) the amount of eighty-nine thousand four hundred twelve pesos and ninety centavos (P89,412.90), representing the shortage in the general fund; and (c) the amount of thirty-one thousand three hundred sixty-six pesos and forty-two centavos (P31,366.42), representing the shortage in the Judiciary Development Fund. All the foregoing shall also be deducted from the retirement benefits of Ines.

Maxima Z. Borja is found GUILTY of simple neglect of duty and FINED five thousand pesos (P5,000). She is directed to adopt a more efficient system of collecting docket fees and of taking custody of court exhibits.

Pablito W. Pendilla is found GUILTY of simple neglect of duty and likewise FINED five thousand pesos (P5,000). Both are warned that a repetition of the same or similar acts shall be dealt with more severely.

SO ORDERED.

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

[1] See Re: Withholding of Other Emoluments of the Following Clerks of Court: Elsie C. Remoroza et al., 409 SCRA 574, August 26, 2003 (citing Santos v. Arlegui-Hernandez, 377 SCRA 516, February 22, 2002).

[2]

Civil Case No. Date Submitted for Decision Due Date of Decision

907 March 6, 2002 August 6, 2002

912 July 2, 1999 August 2, 1999

997 February 26, 1998 May 28, 1998

1006 October 20, 1999 January 20, 1999

1019 June 16, 1999 August 16, 1999

1034 October 28, 1999 January 28, 1999

1088 August 22, 2000 November 22, 2000

1093 June 26, 2000 September 26, 2000

1119 October 17, 2001 January 17, 2002

1122 September 28, 2000 December 28, 2000

1125 July 5, 2000 October 5, 2000

1129 December 7, 2000 March 10, 2001

1135 October 11, 2000 January 11, 2001

1150 December 11, 2001 March 3, 2001

1151 December 1, 1999 March 3, 2000

1170 January 11, 2001 March 13, 2001

1229 May 10, 2001 August 10, 2001

1233 September 27, 2001 December 27, 2001

1259 May 16, 2000 August 16, 2000

1261 May 16, 2000 August 16, 2000

1262 September 13, 2000 December 13, 2000

1263 May 16, 2000 August 16, 2000

1264 August 9, 2001 November 9, 2001

1265 June 29, 2000 September 29, 2000

1266 May 16, 2000 August 16, 2000

1308 November 13, 2001 February 13, 2002

1317 April 29, 2002 May 29, 2002

1330 November 15, 2001 February 15, 2002

1373 April 23, 2002 May 23, 2002

1375 February 7, 2002 March 10, 2002

1399 December 12, 2001 March 4, 2002

1411 October 10, 2001 January 10, 2002

[3]

Civil Case No. Date Submitted for Decision Due Date of Decision

11019 July 24, 1994 October 23, 1994

11818 May 25, 1997 August 24, 1997

10091 January 30, 1994 May 2, 1994

13954 April 16, 2001 July 16, 2001

13436 April 30, 1997 July 30, 1997

13743 June 7, 1997 September 6, 1997

12820 September 30, 1997 December 30, 1997

12894 January 17, 2001 April 18, 2001

19190 to 19192 March 5, 2002 June 5, 2002

12281 November 28, 1996 February 28, 1997

11851 October 17, 1999 January 17, 2000

10279 to 10284 May 15, 1994 August 14, 1994

13070 to 13072 March 23, 2001 June 23, 2001

13319 September 30, 1997 December 30, 1997

19349 October 9, 2001 January 8, 2002

14782 June 8, 2000 September 7, 2000

14175 September 30, 2000 December 30, 2000

13988 to 14001 February 17, 1998 May 19, 1998

13926 February 17, 1998 May 19, 1998

14065 to 14068 February 17, 1998 May 19, 1998

[4] "SEC. 5. Resolution of investigating judge and its review. - Within ten (10) days from the filing of the complaint or information, the judge shall transmit the resolution of the case to the provincial or city prosecutor, or to the Ombudsman or his deputy in cases of offenses cognizable by the Sandiganbayan in the exercise of its original jurisdiction, for appropriate action. The resolution shall state the findings of facts and law supporting his action, together with the record of the case x x x."

[5]

Crim. Case No. . Nature Date Filed Date Dismissed

21289 Qualified Theft February 4, 2002 February 6, 2002

18454 Attempted Murder May 3, 2002 May 16, 2002

10183 Frustrated Murder December 28, 1990 May 30, 2000

10961 violation of RA6425 July 29, 1992 January 4, 1993

16058 Murder June 22, 1998 June 16, 2000

17012 Qualified Theft March 26, 1999 April 9&30, 1999

15034 Qualified Theft September 11, 1997 Dec. 22, 1997

13669 Murder June 27, 1996 January 7, 1997

18782 Frustrated Homicide August 7, 2000 Sept. 13, 2000

18390 violation of PD 1866 April 13, 2000 June 28, 2000

16605 violation of PD 1866 November 3, 1998 October 11, 2000

[6] "SEC. 3. Procedure. - The preliminary investigation shall be conducted in the following manner:

x x x x x x x x

(d) If the respondent cannot be subpoenaed, or if subpoenaed, does not submit counter-affidavits within the ten (10) day period, the investigating officer shall resolve the complaint based on the evidence presented by the complainant."

[7]

Crim. Case No. . Nature Date Filed Date Archived

16608 violation of PD1866 November 4, 1998 April 23, 1999

15056 homicide September 25, 1997 Sept. 30, 1998

11846 to 11850 qualified theft January 14, 1994 March 8, 1996

15922 to 15925 violation of PD 1866 May 5, 1998 March 5, 1999

15928 to 15929 violation of PD 1866 May 5, 1998 March 5, 1999

15931 violation of PD 1866 May 5, 1998 March 5, 1999

16620 attempted rape November 10, 1998 April 29, 1999

15504 qualified theft December 17, 1997 Sept. 30, 1998

18452 acts of lasciviousness May 2, 2000 March 16, 2001

[8] OCA Memorandum dated June 16, 2003, pp. 20-21.

[9] *Cosca v. Palaypayon*, 273 SCRA 249, September 30, 1994.

[10] Re: Report on the Judicial and Financial Audit of RTC-Br. 4, Panabo, Davao del Norte, 351 Phil. 1, March 13, 1998.

[11] Re: Habitual Tardiness Incurred by Gideon M. Alibang, AM No. 2003-11-SC, June 15, 2004.

[12] *Bueno v. Dimangadap*, A.M. No. MTJ-02-1462, August 10, 2004.

[13] Re: Report on the Judicial and Financial Audit of RTC-Br. 4, Panabo, Davao del Norte, *supra*.

[14] *Imbang v. Del Rosario*, 421 SCRA 523, February 3, 2004, per Callejo Sr., J. (citing *Impao v. Makilala*, 178 SCRA 541, October 13, 1989).

[15] Re: Report on the Judicial and Financial Audit of RTC-Br. 4, Panabo, Davao del Norte, *supra*; Re: Withholding of Other Emoluments of the Following Clerks of Court: Elsie C. Remoroza, *supra*, per Panganiban, J.

[16] SC Circular Nos. 50-95, 13-92 and 5-93; *Toribio v. Ofilas*, *infra*.

[17] *Id.* (citing *Dioquino v. Martinez*, 71 SCRA 93, May 10, 1976, per Makasiar, J.)

[18] *Id.*

[19] *Toribio v. Ofilas*, AM No. P-03-1714, 422 SCRA 534, February 13, 2004; Re: Misappropriation of the Judiciary Fund Collections by Juliet C. Banag, Clerk of Court, MTC, Plaridel, Bulacan, AM No. P-02-1641, January 20, 2004.

[20] Re: Report on the Judicial and Financial Audit of RTC-Br. 4, Panabo, Davao del Norte, *supra*.

[21] Had it not been for his previous dismissal from the service, he ought to have been dismissed for these serious administrative infractions.

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