

OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. LIBRADA PUNO, CASH CLERK III, RESPONDENT.

A.M. No. P-03-1748 (Formerly A.M. No. 03-8-472-RTC). September 22, 2008

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PER CURIAM:

This is an administrative complaint against respondent Librada Puno, Cash Clerk III of the Office of the Clerk of Court, Regional Trial Court (RTC) of Cabanatuan City, for dishonesty and grave misconduct.

The case stemmed from the formal complaint submitted by Executive Judge Rodrigo S. Caspillo of the RTC of Cabanatuan City. Judge Caspillo averred that Atty. Numeriano Galang, Clerk of Court of the Office of the Clerk of Court- RTC of Cabanatuan City, had reported apparent discrepancies between the original and the duplicate copies of the Judiciary Development Fund (JDF) and the Clerk of Court General Fund (COCGF) official receipts issued by respondent relative to payments of sheriff's commissions and notarial commission fees. Thereafter, an audit investigation of the accountabilities of respondent was conducted in which tampering of receipts was discovered, resulting to a partial shortage of P354,572.23. Respondent admitted sole responsibility for the alterations which involved the sum of more or less P385,000.00.[1]

Subsequently, the Financial Audit Team of the Court Management Office submitted an initial report recommending, among others, that respondent be directed to reconstitute the partial shortage of P354,572.23 and to explain why she should not be criminally charged with falsification of public documents and malversation of public funds; that Atty. Numeriano Galang be directed to produce all the records and documents to determine once and for all the financial accountability of respondent; and for the Team to be directed to conduct a comprehensive detailed audit. The Court adopted the Team's recommendations in a Resolution[2] dated 10 September 2003.

In the intervening time, the resolution of the Office of the City Prosecutor of Cabanatuan City recommending the filing of informations for Malversation of Public Funds thru Falsification of Official and Public Documents[3] against respondent was referred for appropriate action to the Office of the Court Administrator (OCA) per the action dated 9 January 2004 of the Office of the Deputy Ombudsman for Luzon.[4]

Then, in a Letter dated 9 July 2004, Atty. Galang detailed the steps he had taken to trace the shortage and therewith submitted the photocopies of pertinent receipts.[5]

In her Comment/Explanation[6] dated 5 January 2005, respondent asserted that since she was able to immediately reconstitute to the JDF and the General Fund the amounts demanded, she could not be held liable for misappropriation of court funds.[7]

The Court in a Resolution[8] dated 10 January 2005 adopted the recommendations submitted by the Financial Audit Team of the Court Management Office in its Memorandum dated 19 October 2004, as follows:

1. That Ms. LIBRADA S. PUNO be DIRECTED to PAY the amount of P600,051.81 (net amount reconstituted) pertaining to the Sheriff Judiciary Development Fund (SJDF) and P1,000.00 pertaining to the Sheriff General

Fund (SGF) now to the Special Allowance of the Judiciary (SAJ) the total amount of shortages incurred by tampering official receipts issued in collecting extra-judicial foreclosures:

2. That Atty. NUMERIANO GALANG be DIRECTED to:

- a) PRACTICE the "No receipt, no solemnization" policy holding marriage solemnization. This is to avoid fixers and eliminate irregularity in the proper collection of solemnization fees;
- b) PURSUE the submission and compliance of the copies of original official receipts to all parties concerned which were altered by Ms. Puno, to strengthen the case against the latter both administrative and criminal;
- c) STRICTLY ADHERE to the implementation of directives and circulars issued by the Court;
- d) Explain within five (5) days from notice, the following SHORTAGES in this collections amounting to Four Hundred Thirty Eight Thousand Four Hundred Thirteen Pesos and Twenty Four Centavos (P438,413.24)

Name of Fund Amount

G.F.

P 21.45

S.G.F.

400,880.04

J.D.F.

32,334.75

Fiduciary Fund

4,677.00

S.T.F.

500.00

TOTAL

438,413.24

and to pay the said amount by depositing to their respective accounts and SUBMIT to the Fiscal Monitoring Division the machine validated deposits slips as proof of compliance with the above directive;

- e) SUBMIT within five (5) days from notice the validated deposit slip in the account of the Judiciary Development Fund the balance of forfeited bond amounting to P28,200.00 in Criminal Case No. 7785 and the action taken by the Sheriff of Branch 30 regarding the writ of execution the branch issued on June 15, 2004; and
- f) EXPLAIN within five (5) days from notice his failure to withdraw and deposit to their respective accounts the unwithdrawn confiscated bonds amounting to P256,780.00;

That the Legal Office, OCA be DIRECTED:

- (a) To FILE the appropriate criminal charges against Librada C. Puno, Cash Clerk III; and

(b) To make a study and submit guidelines in the proper management of demonetized exhibit monies.[9]

On 16 May 2005, the Court issued a Resolution[10] directing respondent to comment/explain why she should not be held administratively and criminally liable for misappropriating court funds.

In a Resolution[11] dated 22 March 2006, the Court noted the explanation dated 5 January 2006 of Atty. Galang (submitted in compliance with the Resolution dated 10 January 2005) stating, among others, that he had already deposited to the respective accounts the unwithdrawn confiscated bonds amounting to P256,780.00.

On 30 May 2007, respondent filed her Manifestation with Compliance praying, among others, that she be allowed to restitute the amount of P600,051.81 due to the Sheriff Judiciary Development Fund (SJDF) in thirty-six (36) equal monthly installments starting 30 May 2007 or until 30 April 2008 and the amount of P1,000.00 due to the Sheriff General Fund (SGF, now Special Allowance for the Judiciary) in one payment.[12]

On 25 June 2007, the Court denied respondent's Manifestation with Compliance and reiterated its directive that she submit her Comment pursuant to the Resolution dated 28 February 2007.[13]

In her Comment/Explanation[14] dated 10 August 2007, respondent admitted her mistakes and assumed full responsibility for the restitution of the amount of P600,051.81. She offered no excuses for her acts and hoped that with her admission of guilt, the Court would extend its compassion and clemency to her. She sought an additional time of thirty (30) days to finally restitute the amount she had misappropriated. Respondent claimed that she was constrained to commit the misappropriation in order to finance the medical bills of her ailing sister who had been suffering from and eventually died of lung cancer.

On 8 January 2008, Atty. Galang filed with the Office of the Clerk of Court-2nd Division a letter addressed to the Chief Justice requesting that the former be cleared of money accountability to enable him to receive the salaries and benefits due him as Presiding Judge.

In a Memorandum[15] dated 22 May 2008, the OCA found respondent guilty of Dishonesty and Grave Misconduct and recommended that the penalty of dismissal with forfeiture of all benefits be meted out to her, with the application of any amount due her to the payment of the shortage. The OCA likewise recommended that: (1) respondent be directed to restitute the amounts of P600,051.81 (net of amount restituted) pertaining to the SJDF and P1,000.00 pertaining to the SGF per the Court's Resolution dated 10 January 2005; (2) the Financial Management Office, Office of the Court Administrator, be directed to compute all the benefits to which respondent is entitled and apply the same to the computed shortage; (3) the Legal Office, OCA, be directed to file the appropriate criminal charges against respondent; and 4) the request of Presiding Judge Numeriano Y. Galang of the Municipal Trial Court of Aliaga, Nueva Ecija that he be cleared of money accountability be denied pending the submission of his explanation for the shortage and the required proof of remittance/s.[16]

The Court agrees with the OCA that respondent should be dismissed from the service.

There is no question with respect to the guilt of respondent as she herself admitted that she had misappropriated the amount of P600,051.81. To explain her misconduct, respondent reasoned that she was constrained to siphon off the amount to help her ailing sister.

The Court finds this proffered excuse unsatisfactory. Public servants are mandated to uphold public interest over personal needs.[17] Certainly, no less can be expected from those involved in the administration of justice. Everyone, from the highest official to the lowest rank employee must live up to the strictest norms of probity and integrity in the public service. Safekeeping of public and trust funds is essential to an orderly administration of justice.[18] Personal problems cannot justify the misuse by any court employee of judiciary funds in their

custody.[19] Such are government funds, and public servants have absolutely no right to use them for their own purposes.

There is no doubt that respondent violated the trust reposed in her as a collecting officer of the judiciary. The fact that respondent is willing to pay her shortages does not free her from the consequences of her wrongdoing. The act of misappropriation of judiciary funds constitutes dishonesty and grave misconduct, which are grave offenses punishable by dismissal under Section 52, Rule IV of the Uniform Rules on Administrative Cases in the Civil Service. Her acts may, moreover, subject her to criminal liability. Verily, her grave misdemeanor justifies her severance from the service,[20] with forfeiture of all retirement benefits, excluding accrued leave credits pursuant to current jurisprudence.[21]

It is best to stress that dishonesty is a malevolent conduct that has no place in the judiciary. The Court has repeatedly warned that dishonesty, particularly that which amounts to malversation of public funds, will not be countenanced; or else, courts of justice may come to be regarded as mere havens of thievery and corruption.[22]

WHEREFORE, in view of the foregoing, respondent Librada S. Puno, Cash Clerk III of the Office of the Clerk of Court-Regional Trial Court of Cabanatuan City is found GUILTY of DISHONESTY and GRAVE MISCONDUCT. She is DISMISSED from the service with forfeiture of all retirement benefits, excluding accrued leave credits, and with prejudice to reemployment in the Government or any subdivision, agency, or instrumentality thereof, including government-owned or controlled corporations. She is further ORDERED to restitute the amounts of P600,051.81 (net of amount restituted) pertaining to the Sheriff Judiciary Development Fund (SJDF) and P1,000.00 pertaining to the Sheriff General Fund (SGF) (now the Special Allowance for the Judiciary), per Resolution of the Court dated 10 January 2005.

The Financial Management Office, Office of the Court Administrator, is DIRECTED to compute all the benefits to which respondent Puno is entitled to be included in the restitution of the computed shortages.

The OCA is also ORDERED to coordinate with the prosecution arm of the government to ensure the expeditious prosecution of respondent Puno for her criminal liability.

Finally, the request of Presiding Judge Numeriano Y. Galang of the Municipal Trial Court of Aliaga, Nueva Ecija that he be cleared of money accountability is DENIED pending the submission of his explanation for the shortage and the required proof of remittance/s.

SO ORDERED.

Quisumbing, Ynares-Santiago, Carpio, Austria-Martinez, Corona, Carpio-Morales, Azcuna, Tinga, Chico-Nazario, Velasco, Jr., Nachura, Reyes, Leonardo-De Castro, and Brion, JJ., concur.
Puno, C.J., no part.

[1] Rollo, p. 8-9.

[2] Id. at 36-37.

[3] Id. at 51.

[4] Id. at 235.

[5] Id. at 280-281.

[6] Id. at 443-448.

[7] Id. at 445.

[8] Id. at 437-439.

[9] Id. at 437-438.

[10] Id. at 460.

[11] Id. at 466.

[12] Id. at 476-478.

[13] Id. at 481-482.

[14] Id. at 516-521.

[15] Id. at 538-542.

[16] Id. at 542.

[17] The Code of Conduct and Ethical Standards for Public Officials and Employees provides thus: Public officials and employees shall always uphold the public interest over and above personal interest. See Judge Dondiego v. Cuevas, Jr., 446 Phil. 514, 522 (2003); Marasigan v. Buena, 348 Phil. 1, 9 (1998).

[18] Re: Financial Audit on the Accountabilities of Mr. Restituto A. Tabucon, Jr., Former Clerk of Court II of the MCTC, Ilog, Candoni, Negros Occidental, A.M. No. 04-8-195-MCTC, 18 August 2005, 467 SCRA 246, 250; Re: Misappropriation of the Judiciary Fund Collections by Ms. Juliet C. Banag, Clerk of Court, MTC, Plaridel, Bulacan, 465 Phil. 24, 37-38 (2004).

[19] 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, 448 Phil. 464, 467 (2003).

[20] 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, supra note 19, at 468 citing Rule IV of the Uniform Rules on Administrative Cases in the Civil Service (Resolution No. 99-1936, which took effect on 27 September 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

[21] Office of the Court Administrator v. Nacuray, A.M. No. 03-1739, 7 April 2006; 486 SCRA 532, 543; Office of the Court Administrator v. Bernardino, A.M. No. P-97-12581, 31 January 2005, 450 SCRA 88, 120.

[22] Concerned Citizen v. Gabral, Jr., A.M. No. P-05-2098, 15 December 2005, 478 SCRA 13, 25.

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