

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
JUSTAFINA HOPE T. LAYA, CLERK III, AND BENILDA M. MADDELA,
CLERK IV, RTC-OCC, BAYOMBONG, NUEVA VISCAYA, RESPONDENTS.**

A.M. NO. P-04-1924 (FORMERLY A.M. NO. 04-10-593-RTC AND OCA IPI NO. 04-1890-P). April 27, 2007

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PER CURIAM:

Once more, the Court reiterates its concern

x x x about the propensity of accountable officers in the judiciary to yield to the temptation to use public funds for personal interests. But, as it tries to devise the appropriate action to strengthen the moral fiber and strength of character of the employees and officers that constitute the judiciary, this court shall never be less strict in applying only the highest standards of propriety, decorum, integrity, uprightness and honesty from the highest judicial officer of the land to the humblest court employee, for the ultimate power of this court lies in its incorruptibility.[1]

The factual antecedents of this case are as follows:

A financial audit was conducted by the Court Management Office (CMO), Office of the Court Administrator (OCA) in the Office of the Clerk of Court (OCC), Regional Trial Court (RTC), Bayombong, Nueva Viscaya, in response to a letter from Executive Judge Gil L. Valdez, which was received by this Court on March 21, 2003, stating that there are unaccounted funds in said office.[2] The case is docketed as A.M. No. P-04-1924 (formerly A.M. No. 04-10-593-RTC).

During the pendency of said audit, the Court received a letter dated March 10, 2004 from Prosecutor Emerson Turingan of Bayombong, forwarding the entire records of I.S. No. 2941-K-2002-A, entitled "Flaviano D. Balgos, Jr., et al. v. Benilda Maddela and Justafina Hope T. Laya" for Qualified Theft.[3] In said case, former Clerks of Court of the OCC-RTC Bayombong, Attys. Flaviano D. Balgos, Jr. (Atty. Balgos), Ruby Rosa R. Espino (Atty. Espino), and John D. Balasya (Atty. Balasya), accused Benilda Maddela (Maddela), and Justafina Hope T. Laya (Laya), collecting officers of the OCC, of misappropriating court funds.[4]

Contained in the records are: (1) an Affidavit-Complaint executed by Balgos, et al. dated November 26, 2002, stating that Maddela and Laya admitted shortage in the court funds, which at that time amounted to P800,000.00, with a promise to reconstitute the same;[5] (2) a promissory note signed by Maddela and Laya dated October 4, 1999, promising to jointly and solidarily reconstitute the amount of P800,000.00 which amount may increase or decrease depending on the final outcome of the audit;[6] (3) a joint affidavit signed by Maddela and Laya dated September 26, 2000 acknowledging that they used for personal gain the missing court funds;[7] (4) a letter from Atty. Balgos, et al. dated May 15, 2002, requesting the Provincial Auditor to conduct an audit on the books of accounts of the OCC;[8] and, (5) letters from Josephine Camonayan (Camonayan) of the Commission on Audit (COA) Bayombong, dated June 5, 2002, addressed to Maddela and Laya stating that Maddela incurred a shortage of P2,450,113.90 and Laya, the amount of P53,257.20 which they are required to produce within 72 hours together

with an explanation why such shortages occurred.[9] The case is docketed as OCA I.P.I No. 04-1890-P.

In her Comment, [10] in OCA I.P.I. No. 04-1890-P, Laya claimed that she should not be accused of dishonesty as she was only forced to enter into a compromise agreement and she already remitted a large amount of money since 1998. Specifically, she alleged that: as Clerk III it is not her function to receive collections for the office and she only helped in collecting funds whenever Maddela or Helena Dacayo, Staff Assistant IV,[11] was absent or busy; the Clerks of Court never requested the COA to audit the collections of the office and since it could not be determined who was responsible for the missing amount, she and Maddela were just made to compute their respective collections based on the initials on the receipts; she was pressured to shoulder her collection, whether remitted or not, with the assurance that an audit will be conducted and any payment made will be returned after they find out who is responsible for the missing amount; she was forced by her superiors to sign a promissory note and later an unnotarized document dated September 26, 2000; from November 1998 to December 3, 2002, she gave P232,550.00 under protest to the clerks of court who did not immediately deposit the same, and P73,300.00 to Zosimo Javier (Javier), Cash Clerk of the OCC; later the amount of P373,257.20 was also found to be missing and she (Laya) entered into a compromise agreement where she shouldered P73,257.20; she remitted P20,000.00 on April 23, 2002, another P20,000.00 on August 18, 2002 and P33,270.20 on December 2, 2003 with the assurance from Balasya that if she remitted the said amount her name would be dropped from the complaint; and, Maddela acknowledged that all her (Laya's) collections were already remitted with an excess of P93,191.80.[12]

On September 20, 2004, the Court issued a Resolution consolidating the records of OCA-IPI No. 04-1890-P with P-04-1924.[13]

On September 23, 2004, the Financial Audit Team submitted its report finding Attys. Balgos, Espino and Balasya, as well as herein respondents Maddela and Laya liable, thus:

x x x there is sufficient basis in filing criminal and administrative cases, whenever applicable against the following accountable public

officers who have incurred substantial shortages in their accounts, as shown in these audit findings:

Accountable Officer Fund Name Shortage Amount

- - -

Atty. Balgos JDF[14] P 41,030.94

FF[15] 135,836.10

Total

P376,867.04

Atty. Espino JDF P 24,115.07

FF 716,678.74

Total

P840,793.81

Atty. Balasya JDF P 722,515.18

[CCGF[16]] 27,091.30

SGF[17] 2,634.00

FF 2,039,449.76

Total

P2,791,690.24

Total (Gross Restitutions and Overages)

P4,009,351.09

Clerks of Court Atty. Balgos, Atty. Espino, and Atty. Balasya clearly incurred the above shortages in their accounts during their incumbencies as accountable public officers, hence, the crime of malversation defined under Art. 217 of the Revised Penal Code, whether committed by *dolo* or *culpa*, squarely apply. While the presumption may be disputed that the disappearance of public funds in the hands of accountable public officer[s] is *prima facie* evidence of their conversion, it can not be disputed that it is through their reckless negligence that the funds have been missing. In their joint letter dated May 12, 2003 addressed to the Hon. Chief Justice Hilario G. Davide, they have attributed the mishandling of judiciary funds to Mrs. Benilda M. Maddela, Clerk IV, and Mrs. Justafina Hope T. Laya, Clerk III, who were assigned to receive judiciary collections by the said former Clerks of Court. It is on record that Mrs. Maddela and Mrs. Laya admitted the use of funds in an undetermined amount for their personal use. Therefore, they are considered as principals by direct participation in the crime of malversation defined under Art. 217 of the Revised Penal Code, in relation to Art. 17 of the same Code. While it appears that there was no conspiracy, so that the act of one becomes the act of all, it is clear that both Mrs. Maddela and Mrs. Laya took active participation in the execution of the act of misappropriating judiciary collections entrusted to them.

Moreover, the audit team noted that there were no records/ documents of JDF collections which were submitted by Atty. Balgos from July 1988 to August 1989 or a period of 14 months. Likewise, Atty. R. Espino has not submitted any record/documents of JDF collections from

August 1993 to July 1994, or a period of 12 months. These circumstances fall within the purview of Art. 218 of the Revised Penal Code.

As to the administrative aspect of the case, the concerned Clerks of Court are no longer connected with the Judiciary. However, there are reports that Atty. Espino filed a certificate of candidacy but lost the bid in the May 2004 elections; Atty. Balasya is with the Department of Justice while Atty. Balgos is an incumbent member of the Sangguniang Panlalawigan of Nueva Vizcaya. On the other hand, Mrs. Maddela filed her retirement effective November 12, 2003, but her retirement benefits are being put on hold by Finance Division due to record discrepancy of her birth date while Mrs. Laya is still an incumbent Clerk of RTC Bayombong. Thus, it is respectfully recommended that:

- a) This report be docketed as a regular administrative matter against Mrs. Justafina T. Laya and Mrs. Benilda M. Maddela;
- b) Mrs. Justafina T. Laya, Clerk III of RTC, Bayombong, Nueva Vizcaya, be **SUSPENDED** pending resolution of this administrative matter;
- c) The matter be referred to the Legal Office for the filing of appropriate criminal charges against the following former accountable officers, Atty. Flaviano D. Balgos, Jr., Atty. Ruby Rosa R. Espino and Atty. John D. Balasya, as well as Mrs. Benilda M. Maddela and Mrs. Justafina T. Laya.
- d) The clearance of Mrs. Benilda M. Maddela, retired Clerk IV, be **WITHHELD** during the pendency of this administrative matter.[18]

Attached to said report was the affidavit of Maddela dated August 20, 2003, alleging that: while she was designated by Atty. Balgos to be a collecting officer, any other person may collect whenever Maddela was busy or absent; the affidavit stating that they (Maddela and Laya) were liable for the amount of P2,450,113.00 was a ready-made affidavit which they were forced to sign by their superiors; there were earnest efforts on her part to

pay and she was in fact able to give P266,517.95 to Atty. Balasya and P371,683.00 to Javier, which she gave even though she is not liable for the said amount, because the former clerks of court were always humiliating her in public; the alleged shortage is a result of erroneous withdrawals, and when she (Maddela) was still the collecting officer, a large amount of money was stolen from her; such fact was brought to the attention of Atty. Balgos who even confronted the thief; and, no audit was made in arriving at the amount mentioned in Atty. Balgos, et al.'s complaint and she (Maddela) just saw Atty. Balasya talking to Camonayan of the COA dictating the amount of the shortage, thus two days later, they (Maddela and Laya) received a demand letter from Camonayan asking them to explain the shortage.[19]

Maddela retired effective November 12, 2003.[20]

Also attached to the report was the Counter-Affidavit of Laya dated August 27, 2003 stating that: she signed the promissory note, which was prepared beforehand, to show her sincerity in paying her liability despite knowing that her liability is lesser than what was reflected in said note; and, she restituted the amount of P232,550.00 to Attys. Espino and Balasya and the amount of P73,300.00 to Javier for the total sum of P305,805.00 which is far beyond her collections which only amounted to P179,358.20.[21]

Based on the report and the recommendation of the OCA, the Court, on December 13, 2004, resolved that:

- The report be DOCKETED as administrative matter against Mrs. Justafina T. Laya and Mrs. Benilda M. Maddela;
- Mrs. Justafina T. Laya, Clerk III of RTC, Bayombong, Nueva Vizcaya be SUSPENDED pending resolution of this administrative matter;
- The matter be REFERRED to the Legal Office for the filing of appropriate criminal charges against the following former accountable officers, Flaviano D. Balgos, Jr., Atty. Ruby Rosa R. Espino and Atty. John D. Balasya, as well as Mrs. Benilda M. Maddela and Mrs. Justafina T. Laya;
- The clearance of Mrs. Benilda M. Maddela, retired Clerk IV, be WITHHELD during the pendency of this administrative matter.[22]

Laya filed a Motion for Reconsideration[23] and a Motion to Lift Suspension insisting that there is no truth to the charges against her.[24]

On February 28, 2005, the Court ordered Judge Jose B. Rosales, Vice Executive Judge, RTC of Bayombong, to investigate the matter and submit his report and recommendation thereon.[25] In his report, Judge Rosales concluded:

WHEREFORE, it is respectfully recommended that the said respondents [Maddela and Laya] be found guilty of (1) malversation and (2) gross dishonesty. It is also recommended (1) that Mrs. Maddela who has reached the retirement age, be declared separated from service for being administratively guilty with corresponding forfeiture of her pension and other emoluments yet to be paid to her; and (2) that Mrs. Justafina Hope T. Laya be dismissed from service, with all the accessory penalties attendant thereto.[26]

On July 27, 2005, the case was referred to the OCA for its evaluation, report and recommendation.[27] Thus on February 1, 2006, the OCA through Court Administrator Presbitero J. Velasco, Jr., found and recommended in this wise:

We x x x find respondents Laya and Maddela guilty of Dishonesty and respectfully recommend that:

- (1) Respondent and Justafina T. Laya be DISMISSED from the service with forfeiture of all benefits and privileges with prejudice to re-employment in any branch or instrumentality of the government including

government [owned] or controlled corporations and financial institutions.

(2) Respondent Benilda Maddela who's (sic) retirement clearances were withheld pending the outcome of their administrative case be likewise considered DISMISSED from the services (sic) with forfeiture of all benefits and privileges with prejudice to re-employment in any branch or instrumentality of government including government owned or controlled corporations and financial institutions;

(3) That the Legal office be DIRECTED forthwith to comply with the Courts (sic) resolution dated 13 December 2004 letter "C" which provides.

"The matter be referred to the Legal Office for the filing of appropriate criminal charges against the following former accountable officers, Flaviano D. Balgos, Jr., Atty. Ruby Rosa R. Espino and Atty. John D. Balaysa as well as Mrs. Benilda M. Maddela and Justafina Hope T. Laya." [28]

On August 16, 2006, the Court issued a Resolution directing Atty. Thelma Bahia, Chief of the CMO, to clarify the Partial Report on the Financial Audit conducted in the RTC of Bayombong as to the specific amounts of liabilities of Laya and Maddela and the exact amounts each of them had restituted. [29]

In a Memorandum dated December 28, 2006, Atty. Bahia explained that the exact amount of collections Laya and Maddela separately received could not be ascertained as there are initials in the official receipts which could not be deciphered. [30] The restitutions they made no longer have any bearing on the shortages since they were already considered by the audit team in the computation of the total deposits made to the Fiduciary Fund account. [31]

Without doubt, herein respondents, Maddela and Laya, committed dishonesty and grave misconduct for which they should be dismissed.

Time and again, the Court has stressed that every employee in the judiciary should be an example of integrity, uprightness and honesty. [32] 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 the image of a court of justice is necessarily mirrored in the conduct of the men and women who work thereat. [33] No position demands greater moral righteousness and uprightness from its occupant than a judicial office. [34] Indeed, the nature and responsibilities of public officers enshrined in the Constitution and oft-repeated in our case law are not mere rhetoric to be taken as idealistic sentiments. [35] These are working standards and attainable goals that should be matched with actual deeds. [36]

Maddela and Laya, while not officially designated as cash clerks, handled the cash collections of the OCC. Thus, they cannot escape administrative liability on the ground that it is not their official function to collect court funds. [37] They both admitted having incurred shortages and made partial restitutions on the liability of Maddela.

On the liability of Maddela.

The fact that Maddela had already retired before the financial audit report came out does not divest this Court of the power to administratively discipline her. [38]

Maddela appeared only on the first scheduled hearing of the investigation conducted by Judge Rosales [39] and never returned in the succeeding dates despite the many notices given her. [40] Such refusal on her part to face head-on the charges against her is contrary to the impulse of an innocent person who when accused of wrongdoing is eager to express her innocence at the first opportune time. [41]

Indeed, the natural instinct of a man is to resist an unfounded claim or imputation and defend himself, for it is totally against human nature to remain silent and say nothing in the face of false accusations. Silence in such instances is almost always construed as an implied admission of the truth thereof. Thus, in the absence of any

compelling reason to hold otherwise, respondent's silence can be construed as an acknowledgment of the truthfulness of the charges against her.[42]

For her refusal to make full use of the opportunity given her to explain her side, the Court is left with no choice but to base its conclusions and decision on what is found in the records.[43] In her affidavit dated August 20, 2003, which is attached to the financial audit report, Maddela stated that she did not voluntarily sign the affidavit where she and Laya supposedly admitted liability in the amount of P2,450,113.00.[44] Even if the Court were to disregard such affidavit which she claims she was forced to sign, still the Court is not inclined to free her from administrative liability. In her August 20, 2003 affidavit, all Maddela could offer as explanation for the shortage of the court funds is as follows:

- x x x the alleged shortage is a result of erroneous withdrawals and that when I was still the collecting officer, a large amount of money was stolen from me. Such fact is [sic] even brought to the attention of Atty. Flaviano D. Balgos, Jr. who confronted the thief.[45]

She did not disclose, however, who the thief was, neither did she say if there was any criminal case filed against said thief; or if there was none, why no such case was filed. Such story simply does not inspire belief from this Court and therefore cannot free her from liability. What is undisputed is that she was the collecting officer of the OCC and there were funds received by her that she could not account for.

On the liability of Laya.

Laya also renounces the September 26, 2000 joint affidavit and the October 4, 1999 promissory note, claiming that she and Maddela were only forced by their superiors to sign the same. Granting that such documents are unreliable, still Laya's liability remains. In her counter-affidavit dated August 27, 2003, she stated:

That based on our report, a shortage really existed;

That when our attention was called for the missing funds, I already more or less new (sic) my share of the missing funds;

That I signed the prepared document (Promissory Note) to show my sincerity to pay my liability even if I know very well that my liability is lesser that (sic) what is reflected in the promissory note. Besides, I was confident that sooner or later, an audit would establish the accountability of each of us [sic]; (Emphasis supplied)

That although it does not show in the reports submitted to the Supreme Court that restitutions were made, indeed the amount of

x x x x

GRAND TOTAL — P305,850.00 (was remitted). That this amount is to my knowledge, far beyond my collections which is only more or less P179,358.20.[46]

She also admitted during the investigation conducted by Judge Rosales that she was liable for a certain amount, thus:

HEARING OFFICER:

Q. Since you stated that this is not the total amount that you would have paid for these missing funds, can you tell this Hearing Office how much exactly do you believe should have been paid by you for the missing funds?

A. Which funds, sir?

Q. All the obligations supposed to be paid by you if there was any?

A. I would have to deduct the amount of P73,000.00 more or less plus also P100,000.00 that I had to pay for the JDF, sir.

x x x x

Q. Is that all?

A. Yes, sir.

ATTY. BALASYA:

Q. So, you are saying that you admit that deducting these amounts that you have stated, what is left are the obligations that you have not paid from the missing funds, is that correct?

A. But these funds were already submitted, sir.

x x x x

Q. So how did this shortage come into being? Was it accumulated through the years or was it only accumulated during the time of Fiscal Balgos, during the time of Atty. Espino or during my time, that remaining amount?

A. It happened during the time of Atty. Espino and Atty. Balasya, sir.

Q. Taking from you (sic) statement, a while ago Madam Witness the other missing funds could be attributed to Mrs. Maddela?

A. Yes, sir.[47]

What Laya insists on is that she has remitted more than what she is accountable for. Again, such defense cannot free her from liability.

It is basic that the fact that respondent fully paid her shortages does

not free her from the consequences of her wrongdoing.[48] Restitution of the

missing amount cannot erase administrative liability.[49] This is because by respondent's reprehensible act of gross dishonesty, she has undermined the public's faith in the courts and ultimately, in the administration of justice.[50]

Moreover, the restitutions made by Maddela and Laya have already been considered by the audit team in the computation of the missing funds in the amount of P4,009,351.09.

Maddela's and Laya's acts of misappropriating judiciary funds constitute dishonesty and grave misconduct which are grave offenses punishable by dismissal.[51] Dishonesty being a grave offense, carries the extreme penalty of dismissal even for the first offense.[52] Laya started collecting funds for Maddela since 1987[53]. She testified that she would turn over the funds she collected to Maddela or deposit the same to the bank.[54] When asked, however, if she had evidence to show that she paid Maddela the collections covered by this case, all she could answer was that she has some records at home, and she and Maddela listed them down on pieces of paper which lists were signed or noted by either one of them.[55] Thus, Maddela and Laya are jointly and severally liable for the amount of P4,009,351.09.

The Court, in its Resolution dated December 13, 2004, referred the case to the Legal Office of the OCA for the filing of appropriate criminal charges against Attys. Balgos, Espino, and Balasya as well as Maddela and Laya.

WHEREFORE, the Court RESOLVES:

- Justafina Hope T. Laya, Clerk III of the Office of the Clerk of Court, Regional Trial Court, Bayombong, Nueva Vizcaya, is found GUILTY of dishonesty and grave misconduct and is hereby DISMISSED from the service effective immediately with prejudice to reemployment in any government agency, including government owned and controlled corporations. All her salaries, allowances and retirement benefits, excluding accrued leave of absence that have been withheld, are forfeited in favor of the government.

- Benilda M. Maddela is found GUILTY of dishonesty and grave misconduct. All her retirement benefits, excluding earned leave credits, are ordered forfeited in favor of the government with prejudice to reemployment in any government office, including government owned and controlled corporations.

- Benilda M. Maddela and Justafina Hope T. Laya are ORDERED to jointly and severally restitute within thirty (30) days from notice the amount of P4,009,351.09 representing the shortages in the following funds as follows: Judiciary Development Fund --- P1,087,661.19; Fiduciary Fund --- P2,891,964.60; Clerk of Court General Fund--- P27,091.30; and Sheriff's General Fund --- P2,634.00.

- DIRECT the Legal Office, Office of the Court Administrator, to REPORT to the Court, within ten (10) days from notice hereof, the Status of the charges supposed to have been filed against Atty. Faviano D. Balgos, Atty. Ruby Rosa E. Espino, Atty. John D. Balasya, Mrs. Benilda M. Maddela and Mrs. Justafina Hope T. Laya.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., Azcuna, Tinga, Chico-Nazario, Garcia, and Nachura, JJ., concur.
Velasco, Jr., J., No part due to prior action in OCA.

[1] Sy v. Mongcupa, 335 Phil. 182, 187 (1997).

[2] Rollo (A.M. No. P-04-1924), pp. 21-23.

[3] Rollo (OCA-IPI No. 04-1890-P), p. 4.

[4] Id. at 5-7.

[5] Id.

[6] Id. at 8.

[7] Id. at 9-10.

[8] Id. at 11.

[9] Id. at 12-13.

[10] Id. at 26-31.

[11] Retired in the late 1980s, TSN Justafina Hope T. Laya, June 9, 2005, p. 5.

[12] Rollo (OCA IPI No. 04-1890-P), pp. 26-31.

[13] Id. at 42.

[14] Judiciary Development Fund.

[15] Fiduciary Fund.

[16] Clerk of Court General Fund.

[17] Sheriff's General Fund.

[18] Rollo (A.M. No. P-04-1924), pp. 22-23.

[19] Id. at 35-37.

[20] See Financial Audit Report, id. at 23.

[21] Id. at 43-45.

[22] Id. at 516.

[23] Id. at 520-526.

[24] Id. at 539-540.

[25] Id. at 4-5, 517.

[26] Rollo (OCA IPI No. 04-1890-P), p. 104.

[27] Rollo (A.M. No. P-04-1924), p. 431.

[28] Id. at 554-555.

[29] Id. at 557.

[30] Id. at 560-561.

[31] Id. at 562.

[32] 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, 457 SCRA 356, 369; Mallare v. Ferry, 414 Phil. 286, 294 (2001).

[33] Re: Report on the Financial Audit Conducted in the Municipal Trial Court (MTC), Sta. Cruz, Davao del Sur, A.M. No. 05-2-41, September 30, 2005, 471 SCRA 143, 149; Concerned Citizen v. Gabral, Jr., A.M. No. P-05-2098, December 15, 2005, 478 SCRA 13, 20; Office of the Court Administrator v. Galo, 373 Phil. 483, 490-491 (1991); Marasigan v. Buena, 348 Phil. 1, 11 (1998).

[34] Re: Report on the Financial Audit Conducted in the Municipal Trial Court, Sta. Cruz, Davao del Sur, *supra* note 33, at 149.

[35] Marasigan v. Buena, *supra* note 33, at 10.

[36] Id. at 10.

[37] Judiciary Planning Development and Implementation Office v. Calaguas, 326 Phil. 703, 708-709 (1996).

[38] See Re: Report on the Judicial and Financial Audit Conducted in the Municipal Trial Court in Cities, Koronadal City, *supra* note 32, at 376.

[39] Rollo (OCA IPI No. 04-1890-P), 50.

[40] Id. at 53,56,57,59,63,81,83,85 and 87.

[41] Re: Complaint Against Atty. Wilfredo B. Claveria for Misappropriation of Judiciary Funds, AM No.

P-02-1626, July 7, 2004, 433 SCRA 495, 500; Report on the Financial Audit Conducted at the Municipal Trial Courts of Bani, Alaminos, and Lingayen in Pangasinan, 462 Phil. 535, 543 (2003); Office of the Court Administrator v. Bernardino, A.M. No. P-97-1258, January 31, 2005, 450 SCRA 88, 119.

[42] Re: Complaint Against Atty. Wilfredo B. Claveria for Misappropriation of Judiciary Funds, id. at 543.

[43] Dizon v. Bawalan, 453 Phil. 125, 133 (2003).

[44] Rollo (P-04-1924), pp. 31-32.

[45] Id. at 32.

[46] Id. at 39-40.

[47] TSN, Justafina Hope T. Laya, June 15, 2005, pp. 17-19.

[48] 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, 468 (2003); Report on the Financial Audit Conducted at the Municipal Trial Courts of Bani, Alaminos, and Lingayen in Pangasinan, 462 Phil. 535, 542-543 (2003); Judiciary Planning Development and Implementation Office v. Calaguas, 326 Phil. 703, 708 (1996).

[49] Office of the Court Administrator v. Bernardino, A.M. No. P-97-1258, January 31, 2005, 450 SCRA 88, 111; Sollesta v. Mission, A.M. No. P-03-1755, April 29, 2005, 457 SCRA 519, 532; Re: Report on the Financial Audit Conducted in the MTCC-OCC, Angeles City, A.M. No. P-06-2140, June 26, 2006, 492 SCRA 469, 482.

[50] Re: Report on the Financial Audit Conducted in the MTCC-OCC, Angeles City, id. at 482.

[51] Office of the Court Administrator v. Bernardino, id. at 119-120; 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 48, at 468.

[52] Marasigan v. Buena, supra note 33, at 11; See also Sollesta v. Mission, id. at 532.

[53] TSN, Justafina Hope T. Laya, May 27, 2005, pp. 5-6; rollo (P-04-1924), pp. 303-304; TSN, Laya, June 9, 2005, p. 4, rollo, p. 338; TSN, Laya, June 15, 2005, p. 22, rollo, p. 396.

[54] TSN, Laya, June 9, 2005, pp. 13-14, rollo, pp. 338, 347-348.

[55] TSN, Laya, June 15, 2005, pp. 26-27, rollo, pp. 400-401.

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