

OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. MS. ROSEBUEN B. VILLETA, CLERK OF COURT II, MUNICIPAL TRIAL COURT, OTON, ILOILO, RESPONDENT.

A.M. No. P-06-2211 (Formerly A.M. No. 06-5-175-MTC). November 23, 2010

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-06-5-175/>

PER CURIAM:

We resolve the present administrative matter that traces its roots to the financial audit conducted on the books of account of the Municipal Trial Court (MTC) of Oton, Iloilo, for the period November 1, 1993 to August 31, 2005. Ms. Rosebuen B. Villeta, Clerk of Court II of the court, is the accountable officer.

The Antecedents

The relevant facts are set out in the Memorandum/Report of the Office of the Court Administrator (OCA) dated July 28, 2008,[1] and are summarized below.

The OCA conducted the audit in 2006, due to the non-submission of financial reports to the OCA Financial Management Office.

The audit team made the following findings:[2]

- An over-remittance of P1,050.50 in the General Fund (GF) due to Villeta's practice of not regularly depositing her collections.
- A shortage of P805.60 in the collections for the Special Allowance for the Judiciary Fund (SAJF) for the period November 11, 2003 to August 31, 2005.
- A shortage of P1,672.80 in the collections for the Judiciary Development Fund (JDF) for November 11, 2003 to August 31, 2005.
- A shortage of P229,300.00 in the collections for the Fiduciary Fund (FF) coming from rental deposits and cash bonds; withdrawals of cash bonds must be supported by a court order and an acknowledgment receipt from the accused; withdrawals are disallowed without these supporting documents. The amount of P125,000.00 was temporarily credited in favor of Villeta pending her submission of copies of the court orders and acknowledgment receipts; otherwise, the amount shall be added to her accountability that would then amount to P354,400.00.
- Tampering of official receipts involving several criminal cases where the accused's cash bonds were misrepresented as collections either in the JDF or GF account instead of the FF account; worse, the amounts in the original copies of receipts were understated in the triplicate copies of the receipts.

The audit team reported that when it confronted Villeta with its findings, she admitted using the undeposited/unremitted collections for her personal gain.[3]

In a Resolution dated July 26, 2006,[4] the Court directed Villeta to restitute, within 15 days, her shortages in the SAJF (P805.60), JDF (P1,672.80), and FF (P229,300.00) collections, for a total of P231,778.40; to furnish the

Fiscal Management Division, Court Management Office with machine-validated deposit slips; and to submit the supporting documents for disallowed withdrawals and to explain why she should not be administratively sanctioned for her shortages and for tampering with the official receipts of cash bond deposits. The Court re-docketed the report as a regular administrative matter and suspended Villeta during the pendency of the case.

The OCA referred the matter to Presiding Judge Ernesto H. Mediodia, MTC, Oton, Iloilo, particularly the reported tampering of official receipts for the FF "to determine the extent of the responsibility of the respondent in the anomaly." [5]

Judge Mediodia, in his report dated August 22, 2006, [6] confirmed the OCA audit team's initial findings on the tampering of the official receipts of the accused's cash bonds in the criminal cases cited in the report. The judge recommended that Villeta be charged with dishonesty and gross misconduct, without prejudice to the filing of appropriate criminal charges against her.

The OCA's Evaluation of Villeta's Explanation

In her letter dated April 10, 2007, [7] Villeta explained that her shortage for the SAJF is only P18.80 and not P805.60 as reported by the audit team. She presented the following computation:

Beginning balance (end of July 2005)

P 57.20

August 2005 collections

2,115.40

September 2005 collections

1,408.00

Undeposited collections

3,580.60

Less: August deposit P2,000.00

September deposit 1,561.80

3, 106.40

Total undeposited collections

P 18.80

=====

The OCA found Villeta's explanation unacceptable, clarifying that the deposit for September 2005 exceeded the collections by P153.80 (P1,561.80 less P1,408.00); the excess may be part of the collections for August 2005, but Villeta never presented the September 2005 collections to the audit team; hence, there was no way of determining if the excess was part of the undeposited collections for August 2005; Villeta's computation was limited only to the computation for August to September 2005, while the audit covered the period from November 2003 to August 2005.

The OCA made the same observation regarding Villeta's shortage for the JDF, which she claimed to be only P81.20 and not P1,672.80. Likewise, she presented the following computation:

Beginning balance (end of July 2005)

P 442.80

August 2005 collections

5,702.80

September 2005 collections

_6,042.00

Undeposited collections

12,187.60

Less: August deposit P5,400.00

September deposit 6,706.40

12, 106.40

Total undeposited collections

P 81.20

=====

The OCA noted that the deposit for September 2005 exceeded the collections by P664.40 (P6,706.40 less

P6,042.00); the difference may be part of the undeposited collections for August 2005 but again, Villeta did not present the September 2005 collections.

With respect to the FF account, Villeta presented documents that considerably reduced her shortage for the account, with the following computation:

Collections (October, 1995 to August, 2005)

P 1,572,500.00

ADD: collections with tampered receipts (not presented during the audit)

___37,000.00

Total

P 1,609,500.00

LESS: Withdrawals (with valid documents during the audit)

P830,100.00

Additional withdrawals (with valid

documents not presented during the

audit but only on April 10, 2007)

P208,300.00

Withdrawals with valid documents

(compliance with this Court's resolution)

P125,100.00

1,163,500.00

Total: Unwithdrawn Fiduciary Fund

P 446,000.00

Less: Deposits with the Municipal

Treasurer's Office

P 94,000.00

Additional deposits with the MTO

(not presented during the audit)

19,100.00

Deposits with Land Bank of the net

of unwithdrawn interest

194,000.00

307,100.00

Balance of Accountability as of August 31, 2005

P 138,000.00

Less: Restitution (September 27, 2005)

100,000.00

Balance of Shortage

P 38,900.00

=====

The P37,000.00 addition to Villeta's total collections arose from the report of Ms. Ivy Britanico, Officer-in-Charge, Office of the Clerk of Court. Britanico disclosed that two litigants went to her office asking for the refund of their cash bonds; they showed original copies of official receipts for the bond, as follows: OR No. 1502874 for P27,000.00 issued on July 15, 2003 and OR No. 15026397 for P10,000.00 issued on January 9, 2004. Britanico discovered that these collections were not reported to the Court and the triplicate copies had been tampered with to reflect a different transaction and a smaller amount.

Villeta admitted that she tampered with the triplicate copies of the official receipts of the cash bonds, but denied doing it for personal gain, claiming that she did it to help poor litigants. The litigants, according to her, were accused of violating Presidential Decree No. 1602 (Illegal Possession of Gambling Paraphernalia), and the cases were set for arraignment immediately after they posted their cash bonds, with most of them pleading guilty; to ease the burden of the accused in following up the release of their bonds (the bank required two identification papers for the encashment checks), she came up with the scheme which gave rise to her present predicament. Under the scheme, she immediately refunded to the litigants their cash bonds as soon as the case was disposed of, an order for the release of the bond was issued, and upon presentment of the original copy of the receipt. She claimed that she had no malicious intent in tampering with the receipts and proof of this is the fact that she did not destroy said receipts, which she could have easily done.

The OCA saw no merit in Villeta's submissions and recommended her dismissal from the service.

The Court's Ruling

We find the recommendations of Judge Mediodia and of the OCA to be in order. Villeta deserves to be separated from the service, for the following reasons:

First. She failed to observe the rules in making deposits of court funds, particularly the requirement of regularity and frequency of putting the funds in the bank. The shortages Villeta incurred in the JDF and SAJF and the over-remittances in the GF, as noted by the audit team, were mainly due to her failure to deposit or remit her collections. SC Administrative Circular No. 3-2000[8] requires that the collections for the JDF must be deposited daily and, if this is not possible, at the end of the month, provided that whenever the collection exceeds P500.00, it shall be deposited immediately even before the end of the month. Further, Amended Administrative Circular No. 35-2004[9] provides that collections for the SAJF shall be deposited daily.

Clerks of court are not supposed to keep funds in their custody. They have the duty to immediately deposit their collections in authorized government depositories and failure in this regard constitutes gross neglect of duty. Moreover, failure to comply with pertinent Court circulars designed to promote full accountability for public funds is not only gross neglect; it also constitutes grave misconduct.[10]

Second. Villeta failed to render a satisfactory accounting of the shortages for the SAJF and JDF collections. Instead, she made a crude attempt to avoid liability by presenting computations showing smaller shortages in collections for a two-month period (August to September 2005) when the audit covered the period November 1993 to August 2005; worse, the collections for September were not covered and the records of transactions for the month were not shown to the audit team.

Third. Although the shortage in the FF collections was substantially reduced, there still remains P38,000.00 to account for. The reduction was mainly due to the discovery, after the audit, of the tampered receipts showing that the accused withdrew their cash bonds, one for P27,000.00 and the other for P10,000.00. The tampering of the receipts highlighted, rather than erased, Villeta's culpability, for it left unanswered the question of how many more receipts Villeta issued and tampered. Then there was Villeta's restitution of P100,000.00 after the audit, but she failed to explain the shortage supposed to be covered by the restitution and where the P100,000.00 came from.

Without doubt, Villeta's infractions - the shortages she incurred in her collections and the tampering of cash bond receipts - constitute grave misconduct and dishonesty, and even malversation of public funds. As the OCA noted, Article 217 of the Revised Penal Code penalizes any public officer who, being accountable for public funds, shall appropriate the funds. To justify conviction for malversation of public funds, the prosecution has only to prove that the accused receive public funds which he cannot account for or did not have in his possession and could not give a reasonable excuse for the disappearance of the funds.[11]

Villeta cannot escape liability for the tampered receipts and for appropriating the funds derived from the cash bond deposits, although she claimed that she did these to ease the burden of the litigants in withdrawing their deposits. We cannot accept these belated manifestations of good intentions as we are convinced that she took the deposits and made use of the funds for her personal gain. The facts whose consequences we now decide show that she was audited; she came short of her collections; and she failed to account for the missing funds. On the basis of these facts, we find her liable for gross misconduct.

For her failure to live up to the high ethical standards expected of court employees, Villeta should be dismissed[12] and be made to retribute the amounts covered by her shortages. Significantly, the restitution can

very well be covered by Villeta's leave credits, based on the OCA's inquiry.

WHEREFORE, premises considered, Ms. Rosebuen B. Villeta, Clerk of Court II, Municipal Trial Court, Oton, Iloilo, is declared GUILTY of grave misconduct and dishonesty and is DISMISSED from the service effective immediately, with forfeiture of her salaries, allowances, as well as retirement benefits, except for accrued credits for her earned leaves. She is likewise ordered BARRED from re-employment in all branches of the government, including government-owned and controlled corporations. The Financial Management Office of the Office of the Court Administrator is DIRECTED to process Villeta's terminal leave pay, dispensing with the usual documentary requirements, to answer for the following:

- P1,672.80 - Judiciary Development Fund;
- P805.60 - Special Allowance for the Judiciary Fund; and
- P38,900.00 - Fiduciary Fund; and the balance to be released to Villeta.

The OCA's Legal Office is DIRECTED to file the appropriate criminal complaint against Villeta with the Office of the Ombudsman.

SO ORDERED.

Corona, C.J., Carpio, Carpio Morales, Nachura, Leonardo-De Castro, Brion, Peralta, Bersamin, Abad, Villarama, Jr., Mendoza, and Sereno, JJ., concur.

Velasco, Jr., J., no part due to prior action.

Del Castillo, J., on wellness leave.

Perez, J., no part. acted on the matter as Court Administrator.

[1] Rollo, pp. 664-671.

[2] Id. at 4-10; Audit Team Report to Court Administrator Christopher Lock.

[3] Id. at 7.

[4] Id. at 34-35.

[5] Id. at 41.

[6] Id. at 42-47.

[7] Id. at 248-250.

[8] Took effect on June 15, 2000.

[9] Took effect on August 20, 2004.

[10] Re: Report on the Audit Conducted in MTC, Apalit-San Simon, Pampanga, A.M. No. 08-1-30-MCTC, April 20, 2008, 551 SCRA 58.

[11] People of the Philippines v. Pepito, G.R. Nos. 112761-65, February 3, 1997, 267 SCRA 358.

[12] Supra note 10.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.