

OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. MILA A. SALUNOY, COURT STENOGRAPHER AND CESAR D. UYAN, SR., FORMER CLERK OF COURT, MUNICIPAL TRIAL COURT, MATI, DAVAO ORIENTA...

A.M. No. P-07-2354 (Formerly A.M. No. 07-5-140-MTC). February 04, 2020

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-07-5-140/>

PER CURIAM:

In view of the retirement of Cesar D. Uyan, Sr. (Uyan), Clerk of Court II of the Municipal Trial Court (MTC) of Mati, Davao Oriental, the Fiscal Monitoring Division, Court Management Office (CMO), directed him to submit documents relative to his financial transactions for the period of February 1995 to June 2004.[1]

In compliance thereto, Uyan personally appeared at the CMO, Office of the Court Administrator (OCA) to submit the following documents: (1) Judiciary Development Fund (JDF) Reports for December 1993 to December 2003; (2) Fiduciary Fund Reports for the period December 1995 to December 1998; (3) List of Fiduciary Fund Collections covering the period December 1995 to December 2001; (4) JDF Cashbook for September 1995 to June 2004; (5) General Fund Cashbook for December 1995 to November 2003; (6) Special Allowance for the Judiciary Cashbook for December 2003 to June 2004; and (7) Fiduciary Fund Cashbook for December 1995 to June 2004.[2]

An audit proceeding, thus, ensued. Thelma Bahia, Chief of the CMO-OCA, identified several irregularities and shortages in the accounts of Uyan, to wit:

1. For the [JDF]
Total Collections
Total Deposits
Balance of Accountability - shortage

P800,339.49
[-] 787,565.09
P 12,774.40

2. For the General Fund (GF)
Total Collections
Total Deposits
Balance of Accountability - shortage

203,642.52
[-] 119,578.50
P[8]4,064.02

3. For Special Allowance for the Judiciary Fund (SAJF)
Total Collections
Total Deposits

Balance of Accountability - shortage

3,313.00

[-] 1,453.20

Pp 1,860.60

4. For Fiduciary Fund

Total Collections

Total Withdrawals

Total Unwithdrawn Fiduciary Fund

3,481,865.38

[-] 2,236,026.30

P1,245,839.00

Balance per Bank as of 6/30/04

P 553,403.11

Less: Interest Earned as of June 30, 2004

P57,851.24

Less: Withdrawn Interest

34,372.79

[-] 23,478.45

Bank Balance as of 6/30/04

P 529,924.66

Total Unwithdrawn Fiduciary Fund

Adjusted Bank Balance as of 6/30/04

Balance of Accountability - shortage

P1,245,839.00

[-] 529,924.66

P 715,914.34

The shortage in the Fiduciary Fund resulted from the following:

Undeposited Collections

Withdrawn Cash bonds without Deposits

Unidentified Withdrawals

Over withdrawals of Cash bonds

Bank Debit Memo - Cost of Checks

Total

P669,411.00

170,000.00

(126,217.38)

1,500.00

1,220.72

P 715,914.34[3]

Later on, Uyan appeared at the Fiscal Monitoring Office (FMO) and brought with him an Affidavit[4] of Mila Luna A. Salunoy (Salunoy), Court Stenographer of MTC, Mati, Davao Oriental, admitting that she appropriated some missing funds from the Fiduciary Fund for her personal use.

The records show that Uyan started working with the Judiciary Branch on January 4, 1971 and retired from service on July 21, 2004. As he served for a total of 33 years, 6 months and 18 days, he incurred a terminal leave of 472.816 days with estimated money value of P385,613.89.[5] However, as he was not yet completely cleared from his accountabilities, Uyan has yet to receive his retirement pay.

The OCA issued a Memorandum[6] dated March 30, 2007. Relying on the findings of the CMO, the OCA established that there were shortages in the account of Uyan. The unexplained withdrawals also in the amount of P76,399.00 and P4,455.33 were likewise noted. Although it recognized the admission of Salunoy as the individual who misappropriated the missing funds, the OCA likewise found Uyan to be remiss in his duties as clerk of court, whose responsibility is to supervise the financial transactions of the court. Consequently, the OCA submitted the following recommendations:

Premises considered, we submit the following recommendations for the approval of the Honorable Court, to wit:

1. This report be docketed as a regular administrative complaint against Ms. Mila Luna A. Salunoy, Court Stenographer, Municipal Trial Court, Mati, Davao Oriental.

2. Mr. Cesar Uyan and Ms. Mila Luna A. Salunoy, retired Clerk of Court and Court Stenographer, respectively, of Municipal Trial Court, Mati, Davao Oriental be DIRECTED to:

- RESTITUTE the following amounts representing the shortages in their respective fund, to wit:

General Fund

Special Allowance for Judiciary

Judiciary Development Fund

Fiduciary Fund

Total

P 4,064.02

1,860.60

12,774.40

721,414.78

P 740,113.80

And submit to the Fiscal Monitoring Division, Court Management Office, OCA, the machine validated deposit slip evidencing such restitution;

3. Ms. Mila Luna A. Salunoy be DIRECTED to explain [as to] why no disciplinary action shall be taken against her for the above shortages.

4. Mr. Cesar D. Uyan, Retired Clerk of Court II, MTC, Mati, Davao Oriental, be DIRECTED to:

- EXPLAIN within ten (10) days from notice why no administrative sanction shall be imposed upon him for failure to monitor and properly account the financial transaction of the court.

- PRODUCE the valid and authenticated documents within ten (10) days from notice supporting the unidentified withdrawals and deposits amounting to [P]76,399.00 and [P]4,455.33, respectively.

5. Officer-in-Charge Maturan B. Magdabay be DIRECTED to STRICTLY comply with all court circulars and issuances in the proper handling of Judiciary Fund.

Respectfully submitted.[7]

Such Memorandum was reworded in a Resolution[8] dated July 18, 2007 of this Court.

To this, Uyan filed his letter-response which basically denied his liability alleging that it was Salunoy who misused the court funds.[9]

In a Resolution[10] dated November 28, 2007, this Court noted the letter-explanation of Uyan and likewise referred the same to the OCA for evaluation, report, and recommendation.

In compliance thereto, the OCA issued a Memorandum[11] dated March 5, 2008 which reiterated its directive to Salunoy to file her comment and to Uyan to produce valid and authenticated documents supporting the unidentified withdrawals and deposits.

Salunoy filed her belated Written Comment/Explanation,[12] which essentially averred that: (1) she was not the sole collector of the court funds as Uyan was likewise designated to perform such function in case of her absence; and (2) Uyan started to demand money from her out of the collection which was paid to the court.

Salunoy's letter was noted in a Resolution[13] dated July 23, 2008 and was referred to the OCA for evaluation, report, and recommendation.

The OCA issued a Memorandum[14] dated December 2, 2008, which included Uyan as respondent together with Salunoy in an administrative matter; and referred to Executive Judge Niño A. Batingana the case for investigation, report, and recommendation.

Said Memorandum was reiterated in a Resolution[15] dated January 19, 2009.

Said administrative case was subsequently referred to Executive Judge Loida S. Posadas-Kahulugan.[16] This directive was echoed in a Resolution[17] dated December 7, 2009.

The case, however, was once again transferred to Acting Executive Judge Albert S. Axalan (Investigating Judge Axalan) as investigator. In an Order dated August 5, 2010, Investigating Judge Axalan ordered the parties to appear before the court for preliminary conference.[18]

The OCA presented as witness Romulo Tamanu, Jr., (Tamanu) a Management Audit and Analyst IV of the Supreme Court, who was tasked to conduct an audit as to the financial accounts of Uyan in view of his retirement. Tamanu testified that after the conduct of an audit, he discovered the shortages of unremitted collections from February 1995 to June 2004 in the amount of P740,113.80. In his findings, Tamanu found that such shortages came about mainly from undeposited fiduciary fund collections.[19] Moreover, Tamanu narrated that the cash bond collections especially for the period of January 2002 to June 2004 were not deposited on time and in full-amount.[20]

For her part, Salunoy averred that she is a court stenographer of MTC, Mati City, Davao Oriental; and was

designated as cashier by Uyan on July 1, 2001. As acting cashier, she collected the General Fund, Special Allowance for Judiciary Fund, Judicial Development Fund, and Fiduciary Funds. At first, she deposited all fees collected at the end of the week, but this practice was cut short after Uyan questioned her as to why she would deposit all collections for the week every Friday. Uyan suggested to Salunoy to deposit the collected amounts on some other dates. Complying with the order of Uyan, Salunoy was forced to bring home her collections as she has no vault in the office. Salunoy alleged that some of the undeposited collected fees were placed in the hands of Uyan with a promise that he will return the same the following week. However, Uyan sometimes failed to keep such promise. As the practice continued, the unreturned money relative to the collection of the previous weeks was "covered" by the amount recently collected that will be deposited in the bank, making it appear as if the collection was for the past week. There would be a time, to Salunoy's recollection, that the new collection could no longer cover the previous collection that is now reflected in the corresponding cash book.[21]

Moreover, Salunoy testified that she lent the funds of the court to her other co-employees and that the names of such employee-borrowers were indicated at the back of the receipts which she issued way back in 2001. Such employees included Uyan and late Presiding Judge Isabelo Rabe.[22]

Salunoy denied having voluntarily executed the Affidavit which Uyan presented to the FMO.[23]

On the other hand, Uyan denied Salunoy's allegation that he borrowed money from the collected court fees and reiterated that it was Salunoy who is responsible for the incurred shortages.[24]

In view of Salunoy's admission, Investigating Judge Axalan issued a Partial Report and Recommendation,[25] placing Salunoy under preventive suspension. Moreover, Investigating Judge Axalan ordered the conduct of a separate investigation regarding the undetermined amount of funds which may have been lost because of the unauthorized borrowings.

In a Final Report and Recommendation,[26] Investigating Judge Axalan found both Salunoy and Uyan administratively liable for the shortages. As to Uyan, the Investigating Judge found that he is accountable for such loss being the designated custodian of the court's funds under Section B, Chapter 1[27] of the 1991 Manual for Clerks of Court. The Investigating Judge also took note of Uyan's admission when he stated in the formal offer that he was negligent and lax in the performance of his duty. As to Salunoy, the Investigating Judge operated on her admission in lending court funds to co-employees, which basically highlighted her culpability. The recommendation reads:

FOR ALL THE FOREGOING, and it appearing that Uyan and Salunoy were hand in glove in the defalcation of the funds of the Municipal Trial Court of Mati City, Davao Oriental, without whose separate and individual acts and/or concerted actions, the loss and impairment of court's fund in the total amount of P740,113.80 would not have been made possible, the undersigned investigating judge respectfully recommends that [sic]:

- That both Uyan and Salunoy be found guilty of gross neglect of duty, dishonesty and grave misconduct;
- That both Uyan and Salunoy be ordered to reconstitute the amount of P740,113.80 representing their shortage;
- That Salunoy be dismissed from the service with forfeiture of all retirement benefits excluding earned leave credits, with prejudice to re-employment in any government service; [and]
- That all retirement benefits of Uyan, excluding accrued leave credits, be likewise forfeited with prejudice to re-employment in any government service.

RESPECTFULLY RECOMMENDED.[28]

The earlier Partial Report and Recommendation was set aside in view of the aforementioned.[29]

The OCA, in a Memorandum[30] dated October 22, 2012, likewise found Uyan and Salunoy administratively liable for gross neglect of duty, dishonesty, and grave misconduct. In ruling so, the OCA maintained that Uyan failed to perform his duties with the degree of diligence and competence expected of a clerk of court thereby incurring accountabilities as regards the shortages in the General Fund, Special Allowance for Judiciary Fund, JDF, and Fiduciary Fund; while Salunoy who is a cash clerk failed to keep the funds entrusted in her custody by lending the same to court employees. The OCA's recommendation reads:

IN VIEW OF THE FOREGOING, this Office respectfully recommends for the consideration of the Court that:

1. respondent Cesar D. Uyan, Sr., former Clerk of Court, Municipal Trial Court, Mati, Davao Oriental, be held GUILTY of gross neglect of duty, dishonesty and grave misconduct with forfeiture of all retirement benefits, excluding accrued leave credits with prejudice to re-employment in any government office, including government-owned and controlled corporations;
2. respondent Mila A. Salunoy, Court Stenographer, Municipal Trial Court, Mati, Davao Oriental, be held GUILTY of gross neglect of duty, dishonesty and grave misconduct and be DISMISSED from the service with forfeiture of all retirement benefits, excluding accrued leave credits, with prejudice to re-employment in any government office, including government-owned and controlled corporations;
3. respondent Uyan and respondent Salunoy be ORDERED to jointly and severally RESTITUTE the amount of Seven Hundred Forty Thousand and One Hundred Thirteen Pesos and Eighty Centavos (P740,113.80) representing their shortage in the General Fund, Special Allowance for the Judiciary, Judiciary Development Fund, and Fiduciary Fund; and
4. the Employees Leave Division, Office of the Administrative Services, OCA be DIRECTED to compute the balance of the earned leave credits of respondent Uyan and respondent Salunoy and forward the same to the Finance Division, Fiscal Management Office; OCA, which shall compute their equivalent monetary value. The amount, as well as the other benefits respondents may be entitled to, and their withheld salaries and allowances shall be applied as part of the restitution of the shortage.

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

As laudably depicted in The 2002 Revised Manual for Clerks of Court,[31] a clerk of court is indispensable in any judicial system, to wit:

A Judge alone cannot make the Court function as it should. In the over-all scheme of judicial business, many non-judicial concerns, intricately and inseparably interwoven with the trial and adjudication of cases, must perforce be performed by other individuals that make up the team that complements the Court. Of these individuals, the Clerk of Court eclipses the others in function, responsibilities, importance and prestige.

The Clerk of Court has general administrative supervision over all the personnel of the Court. As regards the Court's funds and revenues, records, properties and premises, said officer is the custodian.

The nature of the work and of the office mandates that the Clerk of Court be an individual of competence, honesty, and integrity.[32]

Among all those duties entrusted to a Clerk of Court is the safekeeping of court funds. Such function of the Clerk of Court as the guardian of such funds was emphasized in the case of *Re: Report on the Financial Audit Conducted at the Municipal Trial Court, Baliuag, Bulacan*,[33] to wit:

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. It is the duty of the Clerks of Court to faithfully perform their duties and responsibilities. They are the chief administrative officers of their respective courts. It is also their duty to

ensure that the proper procedures are followed in the collection of cash bonds. Clerks of Court are officers of the law who perform vital functions in the prompt and sound administration of justice. Thus, an unwarranted failure to [fulfill] these responsibilities deserves administrative sanctions and not even the full payment of the collection shortages will exempt the accountable officer from liability.

For this purpose, various circulars were issued by this Court as guidance as regards the handling and management of court funds: (1) OCA Circular No. 50-95 which provides for guidelines and procedures in the manner of collecting and depositing court funds; (2) OCA Circular No. 113-2004 which orders the submission of Monthly Reports of Collections and Deposits; (3) Administrative Circular No. 35-2004 which states the duty of the Clerk of Court as regards the keeping of a cash book and cash collection to be deposited with the Land Bank of the Philippines; (4) Administrative Circular No. 3-2000 which among others requires the upkeep of a book embodying all the fees received and collected by the court and demands that all fiduciary collection shall be immediately deposited by the clerk of court, upon receipt thereof, with an authorized government depository bank; (5) Supreme Court Circular No. 13-92 which provides for the duty of the clerk of court to make the necessary deposits of the court's collection from bailbonds, rental deposits and other fiduciary collection; (6) Supreme Court Circular No. 5-93 which requires the clerk of court to deposit court collections with Land Bank of the Philippines or with the Municipal, City or Provincial Treasurer as the case may be; and (7) The 2002 Revised Manual for Clerks of Court which states the guidelines for the accounting of court funds.

Sufficiency in number of these issuances seeks to emphasize not only the administration of court funds, but also the accountability of court employees.

However, despite the reiterations, Uyan failed to properly account for the court's funds in his custody which necessarily and consequently resulted in the cash shortages in the General Fund, Special Allowance for the Judiciary, JDF, and Fiduciary Fund amounting to P740,113.20. Moreover, the unaccounted withdrawals nor the delay in the remittance of cash bond collections was neither explained. As the Clerk of Court, Uyan has the responsibility to comply with the rules pertaining to the collection, turnover and safekeeping of such funds; and a violation of which constitutes a dereliction of his duty which amounts not only to dishonesty,[34] but also to gross neglect of duty and grave misconduct, viz.:

Clerks of Court are the custodians of the courts' "funds and revenues, records, properties, and premises." They are "liable for any loss, shortage, destruction or impairment" of those entrusted to them. Any [shortage] in the amounts to be remitted and the delay in the actual remittance "constitute gross neglect of duty for which the clerk of court shall be held administratively liable." [35]

Uyan cannot escape liability by mere invocation of Salunoy's designation as cashier. His responsibility is not, in any way, diminished by mere delegation of his function to collect and remit funds. To stress, the duty to deposit court collections remains with Uyan as the clerk of court. By assigning such function to Salunoy, Uyan has the responsibility to strictly monitor that Salunoy was religiously carrying out her task.[36]

This, Uyan failed to do. In fact, it is apparent that Uyan disregarded his duty in overseeing whether Salunoy is fulfilling her duty when it took him four years before he inquired on the court's monthly bank statements.[37] As it is, he completely surrendered his obligation to the court to Salunoy when he should have been vigilant in the performance of his duties.

Corollary, Salunoy also has the duty and obligation to comply with the rules concerning collection and deposit of court funds. Being the designated cash clerk, she shared accountability with Uyan as regards the management and safekeeping of court funds. However, Salunoy failed to live up to the same when she willfully lent funds in her custody to her fellow court employees.

Moreover, Salunoy's argument that she merely obeyed the orders of Uyan who is her superior in allowing the borrowing of funds is non-acceptable. It must be underscored that Salunoy's responsibility is to the court, and not to the clerk of court. Veritably, it is Uyan who should be considered as paragon of integrity and honesty.

Not only does Salunoy and Uyan's actuation constitute a neglect of duty, dishonesty, and grave misconduct, but a downright violation of the Constitution's mandate of accountability of public funds. No less than the Constitution dictates that public office is a public trust.

Under the Revised Rules on Administrative Cases in the Civil Service (RRACCS), Gross Neglect of Duty, Grave Misconduct, and Serious Dishonesty are grave offenses which are punishable by dismissal from the service.[38] Also, the following administrative disabilities shall be imposed: (1) cancellation of eligibility; (2) forfeiture of retirement and other benefits, except accrued leave credits, if any; (3) perpetual disqualification from holding public office; and (4) bar from taking civil service examinations.[39]

In view of Uyan's retirement, the penalty of dismissal is no longer applicable. However, the imposition of administrative disabilities as accessory penalties subsists.

In addition, the penalty of fine should be imposed; and the amount of which lies within the Sound discretion of the Court.[40]

As a guideline, Section 51(d) of the RRACCS provides that the penalty of fine shall be in an amount not exceeding six months salary of respondent.[41]

Verily, in the exercise of this Court's discretion, we deem it proper to impose the penalty of fine equivalent to Uyan's salary for one month which shall be deducted from his accrued leave benefits in view of the mitigating circumstances of advanced age and his length of service.

While we sympathize with Uyan who is in the autumn of his life after serving the Judiciary for more than three decades, the Court has the duty to impose punishment to those who violate the sanctity of the law:

The Court has to enforce what is mandated by the law, and to impose a reasonable punishment for violations thereof. Aside from being the custodian of the court's funds and revenues, property and premises, a clerk of court is also entrusted with the primary responsibility of correctly and effectively implementing regulations regarding fiduciary funds. Safekeeping of funds and collections is essential to an orderly administration of justice, and no protestation of good faith can override the mandatory nature of the circulars designed to promote full accountability for government funds.[42]

The same should be made applicable to Salunoy who fell short of the expectation required of her as a public officer.

As in *Office of the Court Administrator v. Atty. Lometillo*,[43] the imposition of punishment against the erring officers is deficient. The OCA should conduct a thorough investigation and institute the necessary action against those court employees who borrowed public funds for their personal benefit.

The pillars of the Judiciary necessarily includes court employees who swore to protect the Institution with high standards of rectitude and accountability. Their unswerving obligation must be upheld at all times. Any form of digression which tends to diminish the public's faith in the judicial system exacts elimination of those responsible for such perception.

WHEREFORE, premises considered, judgment is rendered as follows:

- Respondent Cesar D. Uyan, Sr., former Clerk of Court, Municipal Trial Court, Mati, Davao Oriental, is GUILTY of gross neglect of duty, dishonesty and grave misconduct. The accessory penalties of cancellation of

eligibility, forfeiture of retirement and other benefits, except accrued leave credits, if any, perpetual disqualification from holding public office, and bar from taking civil service examinations shall be imposed upon him and he is ORDERED to pay a FINE equivalent to his salary for one month computed at the salary rate of his former position to be deducted from the monetary value of his earned leaves and/or other retirement benefits;

- Respondent Mila A. Salunoy, Court Stenographer, Municipal Trial Court, Mati, Davao Oriental, is GUILTY of gross neglect of duty, dishonesty and grave misconduct. The penalty of DISMISSAL from the service and the accessory penalties of cancellation of eligibility, forfeiture of retirement and other benefits, except accrued leave credits, if any, perpetual disqualification from holding public office, and bar from taking civil service examinations shall be imposed upon her.;

- Respondent Uyan and respondent Salunoy are ORDERED to jointly and severally RESTITUTE the amount of Seven Hundred Forty Thousand and One Hundred Thirteen Pesos and Eighty Centavos (740,113.80) representing their shortage in the General Fund, Special Allowance for the Judiciary, Judiciary Development Fund, and Fiduciary Fund. An interest of 6% per annum is imposed on this amount from finality of the Decision until full payment; and

- The Employees Leave Division, Office of the Administrative Services, OCA, is DIRECTED to compute the balance of the earned leave credits of respondent Uyan and respondent Salunoy and forward the same to the Finance Division, Financial Management Office, OCA, which shall compute their equivalent monetary value. The amount, as well as the other benefits respondents may be entitled to, and their withheld salaries and allowances shall be applied as part of the restitution of the shortage;

- The Office of the Court Administrator is DIRECTED to conduct an investigation as to the practice of borrowing of court funds in the Municipal Trial Court of Mati City, Davao Oriental and institute necessary action against all those responsible; and

- The Judge of the Municipal Trial Court of Mati City, Davao Oriental is DIRECTED to monitor all financial transactions of the court in strict adherence to the issuances of this Court regarding the proper handling of Judiciary funds. He or she shall be equally liable for the infractions committed by the employees under his or her command and supervision.

SO ORDERED.

Peralta (C.J.), Perlas-Bernabe, Leonen, Caguioa, A. Reyes, Jr., Gesmundo, J. Reyes, Jr., Hernando, Carandang, Lazaro-Javier, Inting, Zalameda, Lopez, Delos Santos, and Gaerlan, JJ., concur.

[1] Rollo, Vol. I, p. 1.

[2] Id.

[3] Id. at 44.

[4] Id. at 7-A.

[5] Based on computation of the FMO; id at 37.

[6] Id. at 1-6.

[7] Id. at 5-6.

[8] Id. at 25-27.

[9] Id. at 28-29.

[10] Id. at 31.

[11] Id. at 35-39.

[12] Id. at 50-58.

[13] Id. at 72-73.

[14] Id. at 74-79.

[15] Id. at 80-81.

[16] Id. at 82-83.

[17] Id. at 87-88.

[18] Id. at 90-91.

[19] Rollo, Vol. 2, pp. 35-36.

[20] Rollo, Vol. 1, p. 140.

[21] Rollo, Vol. 2, p. 37.

[22] Id. at 17-19.

[23] Supra note 21.

[24] Rollo, Vol. 2, p. 39.

[25] Id. at 17-20.

[26] Id. at 27-45.

[27] The Clerk of Court has general administrative supervision over all the personnel of the Court. As regards the Court's funds and revenues, records, properties, and premises, said officer is the custodian. Thus, the Clerk of Court is generally all the treasurer, accountant, guard and physical plant manager thereof.

[28] Rollo, Vol. 2, p. 45.

[29] Id. at 46-48.

[30] Id. at 76-93.

[31] Chapter 1(B), p. 4.

[32] Id. at 5.

[33] 753 Phil. 31, 37 (2015).

[34] See Office of the Court Administrator v. Fortaleza, 434 Phil. 511, 523 (2002).

[35] Office of the Court Administrator v. Viesca, 758 Phil. 16, 25 (2015).

[36] See Office of the Court Administrator v. Atty. Paduganan-Peñaranda, 630 Phil. 169, 179 (2010).

[37] Rollo, Vol. 1, p. 8.

[38] Revised Rules on Administrative Cases in the Civil Service, Sec. 46.

[39] Id. at Sec. 52.

[40] See Re: Non-submission of Monthly Financial Reports of Ms. Erlinda P. Patiag, Clerk of Court, Municipal Trial Court in Cities, Gapan City, Nueva Ecija, A.M. No. 11-6-60-MTCC, June 18, 2019, citing Office of the Court Administrator v. Guan, 764 Phil. 1, 12 (2015).

[41] Sec. 51. Duration and Effect of Administrative Penalties. - The following rules shall govern the imposition of administrative penalties:

x x x x

(d) The penalty of fine shall be in an amount not exceeding six (6) months salary of respondent. The computation thereof shall be based on the salary rate of the respondent when the decision becomes final and executory. Fines shall be paid within a period not exceeding one (1) year reckoned also from the date when decision becomes final and executory.

[42] Supra note 36.

[43] 662 Phil. 106 (2011).

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.