

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
FORMER CLERK OF COURT ANGELITA A. JAMORA AND STAFF
ASSISTANT II MA. LUISA B. GERONIMO, BOTH OF THE MUNICIPAL
TRIAL COURT, CAI...**

A.M. No. P-08-2441 [Formerly A.M. No. 08-2-53-MTC]. November 14, 2012

Ponente: MENDOZA, J.

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MENDOZA, J.:

This case arose from the financial audit conducted by the Office of the Court Administrator (OCA) on the books of accounts of former Clerk of Court Angelita A. Jamora (Jamora) and Officer-in-charge (OIC) Leticia C. Perez (Perez), both of the Municipal Trial Court, Cainta, Rizal. Based on the findings of the audit team stated in a report, dated February 19, 2008,[1] the Court, in a resolution, dated March 12, 2008,[2] resolved to, among others:

- DOCKET this case as an administrative complaint against former Clerk of Court Angelita A. Jamora and Staff Assistant II Ma. Luisa B. Geronimo;

- DIRECT former Clerk of Court Angelita A. Jamora and Staff Assistant II Ma. Luisa B. Geronimo to EXPLAIN why no administrative sanction shall be imposed on them for their non-remittance of the subject collections;

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- DIRECT Staff Assistant II Ma. Luisa B. Geronimo to:

- RESTITUTE the amounts of P109,000.00, P1,507.60 and P13,760.00 representing her shortages for Mediation Fund, General Fund, and Legal research Fund, respectively, and FURNISH the Fiscal Monitoring Division, Court Management Office, OCA, with copies of the machine validated deposit slips as proof of compliance; and

- ASSIST Ms. Leticia C. Perez in collecting the uncollected solemnization fees amounting to P43,300.00, otherwise PAY FOR the same jointly with Ms. Jamora.

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On February 7, 2008, respondent Ma. Luisa B. Geronimo (Geronimo) restituted the amount of P13,760.00 representing her shortage in the Legal Research Fund. A copy of the machine-validated deposit slip was submitted in a letter, dated February 8, 2008.[3]

In a manifestation and motion, dated November 13, 2009,[4] Geronimo submitted a photocopy of the Land Bank of the Philippines (LBP) deposit slip, dated March 31, 2006, as payment for the shortages in the Mediation Fund. As of November 30, 2007, however, the said deposit slip was already considered and included in her deposits, per the Audit Reconciliation Statement of Mediation Fund. Hence, the same was not considered as restitution of her

cash shortages in the Mediation Fund Account. Geronimo manifested that she was not yet submitting this case for resolution because she was still in the process of gathering documents that would prove her remittance to the Mediation Fund.

In a resolution, dated January 27, 2010,[5] the Court noted her manifestation and granted her request that she be given ninety (90) days from November 13, 2009, within which to liquidate her accountabilities.

Geronimo, however, failed to liquidate her accountabilities within the period granted her by the Court. In a letter, dated June 4, 2012, Geronimo submitted an undated Manifestation with Motion to Admit/Accept Payment.[6] She explained that the delay in the restitution of her shortages was caused by financial difficulties. She was the sole income earner in the family as her husband had a disability and they had four (4) children still studying. With the help of friends and relatives, she was able to raise the amount to settle, in full, the balance of her cash shortage.

On June 1, 2012, Geronimo restituted the amount of P109,100.00 representing her shortage in the Mediation Fund,[7] and on June 4, 2012, the amount of P22,650.00 representing half of the unaccounted solemnization fees totalling P45,300.00 per attached deposit slips.[8] The other half of the unaccounted solemnization fees was already paid by Jamora on September 1, 2008.

Anent her shortages in the General Fund, Geronimo deposited the amount of P13,760.00.[9] Finally, on June 16, 2012, she restituted the only remaining accountability of P1,507.00 representing the shortage in the Legal Research Fund per attached deposit slip.

Although Geronimo subsequently restored the cash shortages in full, this constitutes neglect of duty and a violation of the guidelines on the collection and deposit of judiciary funds. Delayed remittance of cash collections deprives the court of interest that may be earned if the amounts were deposited in a bank.

In several decisions, the Court ruled that the “failure of a public officer to remit funds upon demand by an authorized officer constitutes prima facie evidence that the public officer has put such missing funds or property to personal use.”[10] Hence, even when there is restitution of funds, “unwarranted failure to fulfill these responsibilities deserves administrative sanction and not even the full payment of the collection shortages will exempt the accountable officer from liability.”[11]

In determining the applicable penalty, the Court had, in the past, mitigated the administrative penalties imposed on erring judicial officers and employees.[12] In this case, the Court takes into consideration the full remittance of the collection, and the fact that Geronimo holds the position of a Staff Assistant II and yet she also performs other important functions in court, like the collection of judiciary funds. Further, this is her first offense.

WHEREFORE, the Court RESOLVES to ADOPT and APPROVE the findings of fact, conclusions of law and recommendation of the Office of the Court Administrator. Accordingly, a FINE of Ten Thousand Pesos (P10,000.00) is imposed on Staff Assistant II Ma. Luisa B. Geronimo, Municipal Trial Court, Cainta, Rizal, with a STERN WARNING that a repetition of the same or similar acts shall be dealt with more severely.

Hon. Gwyn P. Calina, Presiding Judge of the Municipal Trial Court, Cainta, Rizal, is DIRECTED to strictly supervise the accountable officer of the court in the proper handling of the judiciary funds pursuant to court circulars and issuances.

SO ORDERED.

Velasco, Jr., (Chairperson), Peralta, Abad, and Villarama, Jr.,[*] JJ., concur.

[*] Designated acting member, per Special Order No. 1299-H, dated August 28, 2012.

[1] Rollo, pp. 3-10.

[2] Id. at 32-34.

[3] Id. at 78.

[4] Id. at 108.

[5] Id. at 114-115.

[6] Id. at 169-171.

[7] Id. at 173-176.

[8] Id. at 175.

[9] Id. at 78-79, Letter dated February 8, 2008.

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

[11] Judge Misajon, MTC San Jose, Antique v. Clerk of Court Lagrimas A. Feranil, 483 Phil. 340 (2004).

[12] Re: Misappropriation of the Judiciary Fund Collections by Ms. Juliet C. Banag, Clerk of Court, MTC, Plaridel, Bulacan, 465 Phil. 24 (2004); In re: Delayed Remittance of Collections of Teresita R. Odtuhan, Officer-in-Charge, Regional Trial Court, Branch 117, Pasay City, 445 Phil. 220 (2003).

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