

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
PEARL JOY D. ZORILLA, CASH CLERK III, OFFICE OF THE CLERK OF
COURT, REGIONAL TRIAL COURT, DIGOS CITY, DAVAO DEL SUR,
RESPONDENT.**

A.M. No. P-10-2790 [Formerly A.M. No. 10-3-55-RTC]. July 30, 2019

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-10-3-55/>

PER CURIAM:

This is an administrative complaint against Pearl Joy D. Zorilla, Cash Clerk III, Office of the Clerk of Court, Regional Trial Court (OCC-RTC), Digos City, Davao del Sur, for gross dishonesty and falsification/tampering of official documents relative to the financial audit conducted by the Audit Team of the Court Management Office (team) on November 17-24, 2009.

The facts are as follows:

Prompted by the Indorsement[1] dated July 20, 2009 of Executive Judge Carmelita Sarno Davin, RTC, Digos City, Davao del Sur, a financial audit was conducted on the financial transactions of the OCC-RTC, Digos City, Davao del Sur. The audit covered the financial transactions of the court under Atty. Nelia Q. Tancio-Sedillo from October 1, 2008 to October 31, 2009.[2]

In the said Indorsement, Judge Davin requested for an immediate action on the "Comprehensive Report of Used Official Receipts from October 2008 to May 8, 2009 for Fiduciary Fund" which was prepared by Atty. Sedillo, Clerk of Court VI, OCC-RTC, Digos City, Davao del Sur, in connection with the alleged fraudulent acts committed by Zorilla.[3] Allegedly, Zorilla acted as cashier of the OCC-RTC when she was appointed Cash Clerk III of the OCC-RTC on February 21, 2006 until May 8, 2009 when Atty. Sedillo was ordered to assume as cashier-designate in addition to her regular duties and responsibilities as Clerk of Court VI per Memorandum dated May 8, 2009 of Judge Davin. Thus, the team scrutinized the court's transactions from October 1, 2008 to May 8, 2009 when Zorilla acted as cashier.

Based on the comprehensive report submitted by Atty. Sedillo pursuant to the Commission on Audit's Audit Query dated March 10, 2009, she accused Zorilla of allegedly tampering the dates appearing on the triplicate copies of the Fiduciary Fund official receipts to show that the amounts of cash bonds collected were duly deposited within the reglementary period as prescribed by the Court.

On the basis of the records presented for examination and actually audited by the team, the following are the team's findings and observation, to wit:

II. Cash Examination

The cash examination conducted on November 12, 2009 resulted to neither shortage nor overage, details are as follows:

Total cash-on-hand presented

P

900.00

Total amount of SC-OR Issued/Unremitted

Collections

900.00

Balance of Accountability

P

0.00

==

=====

Total Cash-on-Hand Presented for Examination:

Denomination

No. of Pieces

Amount

P 500.00

1

P

500.00

100.00

4

400.00

TOTAL

P

900.00

Total Amount of SC-OR Issued / Unremitted Collections:

Fund

OR Issued

Amount

JDF

4357327 - 43[5]7330

P

718.00

SAJF

4356496 - 4356498

182.00

TOTAL

P

900.00

The P900.00 cash examined refers to the court's collections for October 12, 2008 and the same were deposited to their respective accounts on October 12, 2008, per attached deposit slips.

Also, the team learned that Atty. Tancio-Sedillo had concluded an Agreement with the LBP-Digos City Branch wherein the latter undertakes to pick-up, through a roving teller, every day all cash collections of the court for deposits. The team welcomed the said procedures and advised Atty. Tancio-Sedillo to examine thoroughly the machine validation of every deposit slips submitted by the roving teller of the LBP to confirm that the correct amount received by the latter is indeed credited with the court's judiciary fund accounts.

III. Inventory of Accountable Forms

As of the audit cut-off date, October 31, 2009, the following accountable forms (official receipts) issued by the Property Division, OCA were found to be unused:

Official Receipts (OR) Series

No. of Pieces

4357331 - 4357350 (JDF)

20 pieces

4356498 - 4356500 (SAJF)

3 pieces

2645910 - 2645950 (GF)

41 pieces

4050543 - 4050550 (STF)

8 pieces

4357958 - 4358000 (FF)

43 pieces

2646897 - 2646900 (MF)

4 pieces

4050401 - 4050500

2 booklets

4050551 - 4050600

1 booklet

4356551 - 4357000

9 booklets

4357351 - 4357950

12 booklets

Total

24 booklets & 119 pieces

Likewise, the following Official Receipts issued by other government agencies remained unused as of the audit cut-off date, to wit:

UP Law Center

0654127 - 0654150

0654151 - 0654500

24 pieces

7 booklets

LRA

8314983 - 8315000

8315001 - 8315500

18 pieces

10 booklets

DOJ

1365912 - 1365950

1365951 - 1366900

39 pieces

19 booklets

x x x x

IV. For the Special Allowance for the Judiciary Fund (SAJF)

The examination of the above fund covering the period October 1, 2008 to October 31, 2009, disclosed neither shortage nor overage. Detailed breakdown is as follows:

Total Collections

P

1,469,983.33

Total Remittances

1,469,983.33

Balance of Accountability

P

0.00

=====

V. For the General Fund (GF)

Total Collections

P

140,708.99

Total Remittances

140,708.99

Balance of Accountability

P

0.00

=====

Pursuant to OCA Circular No. 23-2009 in relation to OCA Circular No. 116-2008 and A.M. No. 05-3-35-SC, all interest earned from the Fiduciary Fund as well as forfeited/confiscated bonds beginning January 2009, shall be deposited to the account of the Bureau of Treasury at the end of each quarter.

However, all unwithdrawn interest earned from the Fiduciary Fund Savings Account and High Yield Savings Account from June 2008 to December 31, 2008 of the OCC-RTC, Digos City were withdrawn and deposited with the Bureau of Treasury.

VI. For the Judiciary Development Fund (JDF)

The audit of the Judiciary Development Fund (JDF) showed neither shortage nor overage, detailed breakdown is presented below:

Total Collections

P

1,261,179.39

Total Remittances

1,261.359.39

Balance of Accountability

P

(180.00)

=====

VII. For the Mediation Fund (MF)

Total Collections

P

165,500.00

Total Remittances

165,500.00

Balance of Accountability

P

0.00

=====

VIII. For the Trust Fund Deposits

A. For Sheriffs Trust Fund (STF)

The examination of court's Sheriffs Trust Fund covering the period October 1, 2008 to October 31, 2009 disclosed an overage of One Hundred Seventy Seven Pesos (177.00) and an outstanding balance of Seven Hundred Nineteen Thousand Three Hundred Twenty Pesos and 06/100 (P719,320.06) deposited under LBP S/A No. 0331-2811-82. Detailed breakdown is presented below:

Unwithdrawn Sheriffs Trust Fund as of October 31, 2009

P

719,320.06

Adjusted Bank Balance as of October 31, 2009

719,497.06

Balance of Accountability - overage

P

(177.00)

=====

Beginning Balance as of September 30, 2008

P

650,463.54

Total Collections (Oct. 1, 2008 - Oct. 31, 2009)

387,858.18

Total Withdrawals (same period)

(319,001.66)

Unwithdrawn Sheriffs Trust Fund as of October 31, 2009

P

719,320.06

Adjusted Bank Balance as of October 31, 2009

LBP S/A No. 0331-2811-82

Bank Balance as of October 31, 2009

P

719,497.06

Less: Unwithdrawn Interest

0.00

Adjusted Bank Balance

P

719,497.06

The balance of accountability (overage) of P177.00 refers to the excess amount of cash advances in Civil Case No. 712 returned by former Sheriff IV Clifford Alterado per his liquidation dated October 20, 2008.

B. For the Fiduciary Fund (FF)

The audit of the Fiduciary Fund reveals an outstanding balance of Ten Million Two Hundred Fifty Nine Thousand Three Hundred Eighty Eight Pesos and 15/100 (P10,259,388.15) deposited with the LBP Savings Account No. 0331-0745-78 and resulted to a shortage of Fifty Nine Thousand Nine Hundred Ninety Seven Pesos and 99/100 (P59,997.99). A detailed breakdown is presented below:

Unwithdrawn Sheriffs Trust Fund as of October 31, 2009

P

10,259,388.15

Adjusted Bank Balance as of October 31, 2009

10,199,390.16

LBP S/A No. 0331-0745-78

Balance of Accountability - shortage

P

59,997.99

=====

Beginning Balance as of September 30, 2008

P

8,761,984.65

Add: Total Collections (10/01/08 - 10/31/09)

3,694,141.24

Undeposited Collection -OR#7663450

60,000.00)

Less: Total Withdrawals (same period)

P

(2,256,737.74)

Unwithdrawn Sheriffs Trust Fund as of October 31, 2009

P

10,259,388.15

=====

Adjusted Bank Balance as of October 31, 2009

LBP S/A No. 0331-0745-78

Bank Balance as of October 31, 2009

P

10,199,390.16

Less: Unwithdrawn Interest

0.00

Adjusted Bank Balance

P

10,199,390.16

The computed shortage of P59,337.99 resulted from the following:

Accumulated Over-Deposits

P

(2.01)

Undeposited and Cancelled Collection - OR# 7663450

60,000.00

TOTAL SHORTAGE

P

59,997.99

=====

IX. ALLEGED ANOMALY IN THE HANDLING OF THE FIDUCIARY FUND

Atty. Tancio-Sedillo accuses Cash Clerk Ms. Zorilla for committing the following fraudulent acts appropriating court's funds for her personal use which would warrant Ms. Zorilla's dismissal from the service.

A. Double Withdrawals of OR # 19382753, Cash Bond in Crim. Case No. 119 (96) People vs. Rodolfo Cruda

Accused Rodolfo Cruda posted his cash bond for Criminal Case No. 119 (06) for Violation of PD 1866 on June 23, 2004 per Official Receipt No. 19382753 dated June 23, 2004 and the same was deposited on June 24, 2004. Pursuant to an order dated January 31, 2006 issued by Judge Marivic Trabajo-Daray, Presiding Judge, RTC, Branch 18, Digos City, the said cash bond was ordered released to accused Cruda upon presentation of the original receipt.

In connection with said court order, Judge Albert Axalan and Judge Ray Andres, former Executive Judge and Clerk of Court VI, respectively, authorized Ms. Zorilla, thru a withdrawal slip, to withdraw the amount of P60,000.00 from the court's fiduciary fund account with the Landbank on February 6, 2006 and to release the same to accused Cruda. On the same day, February 6, 2006, accused Cruda duly acknowledged the receipt of the P60,000.00 cash bond per acknowledgment receipt dated February 6, 2006 which he duly signed.

Thirty (30) months later, on August 6, 2008, the same OR # 19382753 was again withdrawn from the court's fiduciary fund savings account per withdrawal slip signed by Judge Albert Axalan and Atty. Tancio-Sedillo and the same was received by certain Ronald Cruda per acknowledgment receipt dated August 6, 2008.

However, the audit team observed that the acknowledgment receipt dated August 6, 2008 signed by one Ronald Cruda appeared to be altered, as to the true name of the person who allegedly received the P60,000.00 cash bond. It seems that the one who received the P60,000.00 cash bond, signed the acknowledgment receipt before it was completed and with only the amount indicated therewith. Then, his name was stricken out and replaced by the name "Ronald Cruda" and all the other information on the acknowledgment receipt, i.e., court order date, official receipt number, case number and title of the case, were thereafter supplied. The alteration is noticeable or visible because the amount in words and figures indicated in the acknowledgment receipt was computerized while the other data were typewritten and added only after the same was signed by the recipient of the cash bond. Atty. Tancio-Sedillo explained that the second withdrawal might refer to the cash bond of accused Rafaelito Cawas in Criminal Case No. FC-36-08. The alleged signature of Ronald Cruda in the acknowledgment receipt documenting the receipt of the P60,000.00 is somewhat akin to Mr. Cawas' signature per his Undertaking for Deposit of Cash as Bail dated May 20, 2008.

Ms. Zorilla already restituted the unauthorized second withdrawal of OR No. 19382753 amounting to P60,000.00 by depositing with the court's fiduciary fund savings account the amount of P57 000 00 and P3,000.00 on October 9, 2009.

B. Cancelled and undeposited OR # 7663450, Cash Bond in Crim. Case No. FC-36-08 People vs. Rafaelito Cawas

Inspection of the Official Receipt Booklet containing OR No. 7663450A revealed that the said OR was issued to Rafaelito Cawas for his cash bond amounting to P60,000.00 in Crim. Case No. FC-36 (08) on May 20, 2008

but the same was stamped cancelled, both original and triplicate copy of the OR. In addition, the RTC, Digos City's Monthly Report of Collections, Deposits and Withdrawals for Fiduciary Fund for the Month of May 2008 as well as the Official Cashbook for Fiduciary Fund also disclosed that the same Official Receipt No. 7663450A was indeed cancelled.

However, records of Criminal Case No. FC-36-08 People vs. Rafaelito Cawas, disclosed that accused Cawas posted the amount of P60,000.00 as evidenced by Official Receipt No. 7663450A dated May 20, 2008 as bail bond in accordance with his Undertaking for Deposit of Cash as Bail (Annex "L") approved by Judge Carmelita Sarno Davin. Furthermore, on August 1, 2008, Judge Marivic Trabajo-Daray issued an order directing the OCC, RTC, Digos City to release the cash bond of accused Cawas upon presentation of the original receipt.

These circumstances proved that accused Cawas indeed deposited with the OCC, RTC, Digos City a cash bond amounting to P60,000.00 and the questioned official receipt in truth and in fact was not cancelled. Atty. Tancio-Sedillo opined that Ms. Zorilla might have appropriated the cash deposited by accused Cawas for her personal use. The audit team supports Atty. Tancio-Sedillo's assumption that OR No. 7663450A is indeed not cancelled and when accused Cawas caused the withdrawals of his cash bond pursuant to Judge Daray's order dated August 1, 2008, Ms. Zorilla prepared the withdrawal slip dated August 6, 2008 (see Annex "J") and made it appear that the cash bond to be withdrawn and to be refunded is the cash bond of accused Cruda which is the same amount as with Cawas' cash bond and that was already withdrawn on February 6, 2006. In addition, in order to conceal the withdrawal of a cancelled Official Receipt, Ms. Zorilla caused accused Cawas to sign an acknowledgment receipt (Annex "K") with only the amount appearing thereon and later on replaced his name with "Ronald Cruda" and supplied the remaining information in the acknowledgment receipt. Thus, Ms. Zorilla made it appear that the August 6, 2008 is a valid withdrawal where in fact is an unauthorized one.

At present, accused Cawas still did not withdraw his cash bond despite the August 1, 2008 order of Judge Daray. With this, Atty. Tancio-Sedillo deemed it necessary for that the amount of P60,000.00 representing accused Cawas cash bond be restituted for future withdrawals.

C. Tampering of the Date and Amount of Official Receipt No. 2645216

As to the tampering of Official Receipt No. 2645216A, the triplicate copy of the Fiduciary Fund Official Receipt No. 2645216A found in the court's file disclosed that it was issued on April 8, 2009 for payor Virginia Dodoso as consignment deposit per letter of Spouses Rustom Dodoso and Virgie Dodoso in Civil Case No. 4899 amounting to One Hundred Forty Thousand Pesos (P140,000.00). The triplicate copy of the OR No. 2645216A also shows that the amount appearing therein contains some alterations and the same was written in ink where in fact it should be written in carbon.

Furthermore, the examination of the original copy of OR No. 2645216A obtained by Atty. Tancio-Sedillo from Atty. Gina Pocot, counsel of Ms. Virginia Dodoso, disclosed that it was issued on April 1, 2009 for P340,000.00. With this, comparison of the original copy of the questioned OR with the triplicate copy found in the court's file reveals the following conflicting data, to wit:

Original Copy of
OR # 2645216A
(copy from Atty. Pocot)

Triplicate Copy of
OR # 2645216A
(from RTC file)

Date of Official Receipt

April 1, 2009

April 8, 2009

Amount Collected

P340,000.00

P140,000.00

In addition, in order to conceal the true amount deposited by plaintiff Virginia Dodoso, Ms. Zorilla prepared another consignment letter wherein Spouses Rustom Dodoso and Virgie Dodoso deposited by way of consignment the amount of P140,000.00 only. Ms. Zorilla even forged the signature[s] of Spouses Rustom Dodoso and Virgie Dodoso in the said consignment letter. The said sham consignment letter is much different from the original consignment obtained by Atty. Tancio-Sedillo from Atty. Pocot as to the amount consigned by spouses Dodoso to the OCC, RTC, Digos City.

In a Memorandum dated July 14, 2009 of Judge Carmelita Sarno-Davin, Executive Judge, RTC, Digos City, Davao del Sur, Ms. Zorilla was ordered to immediately restitute the shortage of P200,000.00 consignment deposits in Civil Case No. 4899 and to submit her written explanation why no disciplinary action should be taken against her relative thereto.

Ms. Zorilla failed to tender her written explanation to Judge Sarno-Davin's memorandum, however, she restituted the shortage amounting to P200,000.00 on July 16, 2009 as evidenced by acknowledgment receipt duly signed by Atty. Tancio-Sedillo and the same was deposited on the court's Fiduciary Fund savings account on July 17, 2009.

The restitution by Ms. Zorilla of the consignment deposit shortage amounting to P200,000.00, despite her failure to provide any explanation to the contrary, is a prima facie evidence that she appropriated the same for her personal benefits.

x x x x

D. Tampering of Issued Official Receipts for Fiduciary Fund

The audit team thoroughly examined the 97 Official Receipts issued by Ms. Zorilla for the Fiduciary Fund covering the period October 1, 2008 to May 15, 2009 and discovered the following:

Total Number of ORs Tampered as to Date

41

Total Number of ORs Tampered as to Date and Amount

1

Total Number of ORs Without Alteration

10

Total Number of ORs with No Documents to Compare With

18

Cancelled [ORs]

7

TOTAL OR ISSUED

97

The audit team noted that the forty-one (41) Official Receipts apparently tampered as to the date appearing in the triplicate copies of the OR against the original copies that were issued by Ms. Zorilla were intentionally done to show that the collected cash bonds were deposited on time and within the reglementary period as prescribed in Court issued Circulars and Government Accounting and Auditing Manuals.

The comparison of the original official receipts found in the case records against the triplicate copies of the ORs in OCC-RTC's custody reveals the following:

Table 1. Comparison of the Issued Fiduciary Fund Original Official Receipts Against the Triplicate Official Receipts Issued by Ms. Pearl Joy D. Zorilla, Cash Clerk/Acting Cashier from October 1, 2008 to May 8, 2009

Date of
Collections
(per
ORIGINAL
OR)

Date of
Collections
(per
TRIPLICATE
OR)

OR
Number

Case No.

Amount

Actual
Date of
Deposit

No. of
Days
Delay
from
Original
Date of
Collection
actual
date of
Deposit

01

09/19/08

10/08/08

1128537

CV 8418

12,000.00

10/08/08

19

02

10/06/08

10/09/08

1128542

CR 118 (08)

80,000.00

10/09/08

3

03

11/18/08

11/27/08

6090564

CR 253

40,000.00

11/28/08

10

04

11/19/08

11/25/08

6090565

CR 89-08

20,000.00

11/28/08

9

05

11/25/08

12/16/08

6090568

CR 139-140

24,000.00

12/16/08

21

06

11/26/08

12/17/08

6090569

CR 16 9(08)

12,000.00

12/17/08

21

07

11/28/08

12/19/08

6090570

CR 4779

6,000.00

12/23/08

25

08

11/28/08

12/19/08

6090571

CR296

24,000.00

12/23/08

25

09

12/03/08

12/22/08

6090572

CR172

12,000.00

12/23/08

20

10

12/16/08

12/22/08

6090573

CR 2008-L-311

24,000.00

12/23/08

7

11

12/17/08

12/23/08

6090574

CR 268

14,000.00

12/23/08

6

12

12/22/08

01/09/09

6090575

CR 236

100,000.00

01/12/09

21

13

12/24/08

01/12/09

6090576

CR 155

5,000.00

01/13/09

20

14

12/23/08

01/13/09

6090577

CR 786 (08)

40,000.00

01/14/09

22

15

01/09/09

01/13/09

6090580

Consignation

120.00

01/14/09

5

16

01/12/09

01/14/09

6090584

CR 01-09

24,000.00

01/15/09

3

17

01/15/09

02/13/09

6090591

CR 170 (08)

15,000.00

02/16/09

32

18

01/23/09

02/18/09

6090593

CR 10 (09)

20,000.00

02/20/09

28

19

02/02/09

02/20/09

6090594

INQ-09A-0007

30,000.00

02/24/09

22

20

02/03/09

02/24/09

6090595

CR 57-08

12,000.00

02/25/09

22

21

02/03/09

02/24/09

6090596

CR 101486-87

4[,]000.00

02/25/09

22

22

01/28/09

02/02/09

6091801

CR 100275-78

2,000.00

02/12/09

15

23

01/28/09

02/02/09

6091802

CR 100275-78

2[,]000.00

02/12/09

15

24

01/28/09

02/02/09

6091803

CR 100275-76

2,000.00

02/12/09

15

25

01/28/09

02/02/09

6091804

CR 100275-77

2[,]000.00

02/12/09

15

26

02/13/09

03/13/09

6090597

CR 18 (09)

30,000.00

03/18/09

15

27

02/13/09

03/13/09

6090598

CR19 (09)

30,000.00

03/18/09

33

28

02/13/09

03/13/09

6090599

CR 20 (09)

30,000.00

03/18/09

33

29

02/13/09

03/13/09

6090600

CR 21 (09)

30,000.00

03/18/09

33

30

02/18/09

03/16/09

2645201

CR 213 (01) 20

12,000.00

03/19/09

29

31

02/25/09

03/16/09

2645202

CR 177-08

12,000.00

03/19/09

22

32

02/25/09

3/17/09

2645203

INQ-09B-0014

12,000.00

03/19/09

22

33

02/26/09

3/17/09

2645204

CR 3819

10,000.00

03/19/09

21

34

03/02/09

3/17/09

2645205

Consignation

2,000.00

03/19/09

17

35

03/09/09

03/18/09

2645207

INQ-096-0016

24,000.00

04/02/09

24

36

03/09/09

04/01/09

2645208

CR 185 (08)

8,000.00

04/02/09

24

33

02/26/09

3/17/09

2645204

CR 3819

10,000.00

03/19/09

21

37

03/13/09

04/01/09

2645209

CR 11 (08)

12,000.00

04/02/09

20

38

03/16/09

04/01/09

2645210

CR 28 (09)

24,000.00

03/19/09

3

39

03/19/09

04/03/09

2645214

INQ-09C-0025

2,000.00

04/08/09

20

40

03/30/09

04/07/09

2645215

Consignation

5,000.00

04/08/09

19

41

04/01/09

04/13/09

2645217

INQ-09C-0024

40,000.00

04/14/09

13

The alleged tampered ORs were not discernible at the face of the triplicate official receipts because the date appearing in the questioned official receipts has no indication of any alteration or superimposition. Comparison of triplicate official receipt as against the original official receipt is needed, to show that the alteration and/or superimposition was indeed present. However, some of the dates appearing in the triplicate official receipts are written in ink, not in carbon, which indicate a clear alteration or tampering. The audit team noted that Ms. Zorilla intentionally did not insert the carbon paper to the triplicate copy when she issued the original copy of official receipt to the bondsman to conceal the true date of collection.

In addition, the said allegation of tampering of official receipts can also be corroborated where the date of the official receipts 6091801, 6091802, 6091803, and 6091804 originally issued by Atty. Tancio-Sedillo on January 28, 2009 were altered to February 2, 2009. Atty. Tancio-Sedillo explained that the alteration came to her attention only when she was required to comment on the COA's Audit Query on the post audit of her

February 2009 Report of Collections and Deposits for Fiduciary Fund. Acting on the COA's Audit Query, she issued a Memorandum dated April 27, 2009 to Ms. Zorilla to explain the alteration and/or superimposition.

On her part, Ms. Zorilla in her letter dated April 28, 2009 explained that the erasures/[superimpositions] made on the ORs were made to correct some clerical errors she made. She accepts that sometimes she erroneously enter[s] the wrong facts and later correct it immediately. She also said that the superimpositions on the ORs were honestly made only to correct the wrong entry made by her in the daily transactions and to be sure that it is clearly written in the duplicate/triplicate copies of the ORs.

Furthermore, OR Nos. 6090566 and 6090567 originally issued on November 19 and November 24, 2008, respectively were altered to December 19 and 16, 2008, respectively and then later on cancelled by Ms. Zorilla without prior approval or notice to Atty. Tancio-Sedillo. The examination of the cash records pertaining to such OR disclosed that the cash bonds for OR 6090566 is still outstanding while the cash bonds for OR 6090567 was ordered released on February 24, 2009, however, Ms. Zorilla did not process the release of the latter cash bond but Atty. Baisy Mabuti, Clerk of Court VI, RTC, Branch 20, Digos City, informed Atty. Sedillo and the audit team that the bondsman already received the cash bond pertaining to OR No. 6090567. The cash bond for OR No. 6090566 was already restituted by Ms. Zorilla on May 15, 2009 and Atty. Tancio-Sedillo issued OR No. 2645231 dated May 15, 2009 in lieu of the cancelled OR No 6090566.

Moreover, the date of OR Nos. 2645212 and 2645213 for Criminal Case No. 39 (2007) were also altered from March 8, 2009 to March 18, 2009 before Ms. Zorilla cancelled the said ORs for reason that a court order was issued to reduce the cash bond from P24,000.00 to P12,000.00 each. The release of the excess cash bonds of P24,000.00 (P12,000.00 each) [was] received by Ms. Annabelle Arcillas and the same was duly substantiated by an acknowledgment receipt duly signed by the latter. However, the cash bond of P24,000.00 (P12,000.00 each) remained undeposited until Ms. Zorilla turned-over the amount to Atty. Tancio-Sedillo on May 8, 2009. Atty. Tancio-Sedillo issued OR Nos. 2645232 and 2645233 dated May 15, 2009 in lieu of the cancelled OR Nos. 2645212 and 2645213.

x x x x

Ms. Zorilla failed to deposit the cash bonds she collected as evidenced by OR Nos. 6090566, 6090567, 2645212 and 2645213 within the time required by OCA Circular No. 50-95 and also violated the said circular when she refunded the cash bonds in OR Nos. 2645212 and 2645213 without the necessary withdrawal slip and court order. She released the bond without first obtaining the required court order and merely relied upon the manifestation of the bondsman that an order was issued reducing the bond as evidenced by absence of court order date in the acknowledgment receipt signed by the bondsman. The same is still an infraction of the Circular 50-95 even though a subsequent order to release the cash bond was obtained because it is a standard operating procedures (sic) in the court in the withdrawal of bonds that before the same shall be refunded, a court order should be presented first and a withdrawal slip which must be signed by the authorized bank signatories is necessary because it is prohibited to refund cash bond from cash on hand or from undeposited cash bond collections.[4] (Citations omitted; emphases in the original.)

Thus, in a Memorandum[5] dated February 17, 2010, the team recommended that their report be docketed as a regular administrative complaint against Zorilla for gross dishonesty and falsification/tampering of official documents. The team further recommended that Zorilla be suspended from office pending the resolution of the instant administrative matter.

Acting on the audit report by the Financial Audit Team, Office of the Court Administrator, in a Resolution[6] dated April 7, 2010, the Court resolved to:

1.)

RE-DOCKET the report as a regular administrative complaint against Ms. Pearl Joy D. Zorilla, Cash Clerk III, OCC-RTC, Digos City, Davao del Sur, for gross dishonesty, and falsification/tampering of official documents;

2.)

SUSPEND Ms. Zorilla from office pending resolution of this administrative matter;

3.)

DIRECT Ms. Zorilla, to:

a.

EXPLAIN within fifteen (15) days from notice hereof why no administrative case should be filed against her for:

a. 1

Tampering the dates of collections of the following official receipts to show that the same were deposited on time and within the reglementary period as prescribed by Court issued circular, to wit:

Date of
Collections
(per
ORIGINAL)

Date of
Collections
(per
TRIPLICATE)

OR
Number

Case No.

Amount

Actual
Date of
Deposits

No. of
Days
Delay
From
Original

Date of
Collection
to Date of
Actual
Deposit

1

09/19/08

10/08/08

1128537

CV 8418

12,000.00

10/08/08

19

2

10/06/08

10/09/08

1128542

CR 118 (08)

80,000.00

10/09/08

3

3

11/18/08

11/27/08

6090564

CR 253

40,000.00

11/28/08

10

4

11/19/08

11/25/08

6090565

CR 89-08

20,000.00

11/28/08

9

5

11/25/08

12/16/08

6090568

CR 139-140

24,000.00

12/16/08

21

6

11/26/08

12/17/08

6090569

CR 169 (08)

12,000.00

12/17/08

21

7

11/28/08

12/19/08

6090570

CR 4779

6,000.00

12/23/08

25

8

11/28/08

12/19/08

6090571

CR 296

24,000.00

12/23/08

25

9

12/03/08

12/22/08

6090572

CR 172

12,000.00

12/23/08

25

10

12/16/08

12/22/08

6090573

CR 2008-L-311

24,000.00

12/23/08

20

11

12/17/08

12/23/08

6090574

CR 268

14,000.00

12/23/08

7

12

12/22/08

1/09/09

6090575

CR 236

100,000.00

01/12/09

6

13

12/24/08

1/12/09

6090576

CR 155

5,000.00

01/13/09

21

14

12/23/08

1/13/09

6090577

CR 786 (08)

40,000.00

01/14/09

5

15

1/09/09

1/13/09

6090580

Consignation

120.00

01/14/09

3

16

1/12/09

1/14/09

6090584

CR 01-09

24,000.00

01/16/09

32

17

1/15/09

02/13/09

6090591

CR 170 (08)

15,000.00

2/16/09

28

18

1/23/09

02/18/09

6090593

CR 1 0(09)

20,000.00

02/20/09

22

19

02/02/09

02/20/09

6090594

INQ-09A-0007

30,000.00

02/24/09

22

20

02/03/09

02/24/09

6090595

CR 57-08

12,000.00

02/25/09

22

21

1/13/09

02/24/09

6090596

CR 101486-87

4,000.00

02/25/09

22

22

1/13/09

02/02/09

6091801

CR 100275-78

2,000.00

02/12/09

15

23

1/13/09

02/02/09

6091802

CR 100275-78

2,000.00

02/12/09

15

24

1/13/09

02/02/09

6091803

CR 100275-76

2,000.00

02/12/09

15

25

1/13/09

02/02/09

6091804

CR 100275-77

2,000.00

02/12/09

15

26

02/13/09

03/13/09

6090597

CR 18 (09)

30,000.00

03/18/09

33

27

02/13/09

03/13/09

6090598

CR 19 (09)

30,000.00

03/18/09

33

28

02/13/09

03/13/09

6090599

CR 20 (09)

30,000.00

03/18/09

33

29

02/18/09

03/13/09

6090600

CR 21 (09)

30,000.00

03/18/09

33

30

02/18/09

03/16/09

2645201

CR 213 (01) 20

12,000.00

03/19/09

29

31

02/25/09

03/16/09

2645202

CR 177-08

12,000.00

03/19/09

22

32

02/25/09

03/17/09

2645203

INQ-09B-0014

12,000.00

03/19/09

22

33

02/26/09

3/17/09

2645204

CR 3819

10,000.00

03/19/09

21

34

03/02/09

3/17/09

2645205

Consignation

2,000.00

03/19/09

17

35

03/09/09

03/18/09

2645207

INQ-096 -0016

24,000.00

04/02/09

24

36

03/09/09

04/01/09

2645208

CR 185 (08)

8,000.00

04/02/09

24

37

03/13/09

04/01/09

2645209

CR 11 (08)

12,000.00

04/02/09

20

38

03/16/09

04/01/09

2645210

CR 28 (09)

24,000.00

04/19/09

3

39

03/19/09

04/03/09

2645214

INQ-09C-0025

2,000.00

04/08/09

20

40

03/30/09

04/07/09

2645215

Consignation

5,000.00

04/08/09

19

41

04/01/09

04/13/09

2645217

INQ-09C-0024

40,000.00

04/14/09

1

a.2

Cancelling the Official Receipts Numbers 7663450, 6090566, 6090567, 2645212 and 2645213 when, in truth and in fact, the cash bond corresponding to said official receipts were still outstanding and for failure to deposit the amount collected; and

a. 3

Altering the true date of collection and the amount collected in Official Receipt No. 2645216, consignment deposits for Civil Case No. 4899; and

b.

RESTITUTE immediately the amount of Sixty Thousand Pesos (P60,000.00) representing the cash bond of accused Rafaelito Cawas in Criminal Case No. FC-36-08;

4.)

DIRECT Atty. Nelia Q. Tancio-Sedillo, Clerk of Court VI of RTC, Digos City, Davao del Sur, to immediately:

a.

COLLECT from Ms. Zorilla the amount of Sixty Thousand Pesos (P60,000.00) representing the cash bond of accused Rafaelito Cawas in Criminal Case No. FC-36-08 and SUBMIT to the Fiscal Monitoring Division, CMO, OCA certified machine copy of the official receipt issued as proof of such restitution;

b.

STUDY and IMPLEMENT an effective control to safeguard and handle effectively the financial transactions of the court; and

c.

STRICTLY ADHERE to the provisions of Amended Administrative Circular No. 35-2004, Section 10, with regard to the proper handling of the Sheriffs Trust Fund and all Circulars issued by the Court;

5.)

DIRECT Hon. Carmelita Sarno-Davin, Executive Judge, Regional Trial Court, Digos City, Davao del Sur, to:

a.

MONITOR immediately all financial transactions of the court in strict adherence to the issuances of the Court in the proper handling of all judiciary funds; [and]

b.

DESIGNATE immediately a competent and honest Acting Cash Clerk to handle effectively the collections of filing fees of the court and issuance of official receipts to avoid repetition of dissipation of the Court funds, otherwise failure to do so would mean that she will be held equally liable for the infractions committed by the employee/s under her command[.][7]

In her Manifestation[8] dated May 21, 2010, Zorilla stated, among others, that: (1) she had received the Resolution dated April 7, 2010 of the Court; (2) she had restituted the amount of P60,000.00, representing the cash bond of accused Rafaelito Cawas in Criminal Case No. FC 36-08 on November 27, 2010; and (3) Rafaelito Cawas executed an Affidavit dated January 11, 2010 and acknowledged therein that he had duly received the amount of P60,000.00, representing the cash bond for the said case per Order dated August 1, 2008.[9]

Due to Zorilla's failure to give an explanation, as directed by the Court in a Resolution[10] dated April 7, 2010, the Court issued a new Resolution,[11] dated October 20, 2010, which reiterated the directive to require Zorilla to give her explanation as to the allegations/charges against her.

In another Resolution[12] dated October 20, 2010, the Court resolved to refer the matter to the Office of the Court Administrator for evaluation, report and recommendation.

In a Resolution[13] dated June 22, 2011, the Court resolved to consider as insufficient the Manifestation dated May 21, 2010 of Zorilla and directed her for the last time to comply with the Court's Resolution, dated April 7, 2010, by filing the explanation required therein, particularly item no. 3 (a), (a.1), (a.2) and (a.3).

In her Compliance,[14] Zorilla averred that she had already partially complied with the directives in the Court's Resolution dated April 7, 2010 with regards to the restitution of the amount of P60,000.00 in Criminal Case No. FC 36-08. She also admitted and conveyed her apology for having tampered with the dates of collections of certain official receipts and the actual dates of deposit, and for the cancellation of certain official receipts. She explained that she was tempted to use the monies due to financial difficulties and urgent necessities of her family. Zorilla averred that she did not intend to defraud the Court and that she exerted all efforts to reconstitute the amount she has misappropriated. Finally, Zorilla implored the Court's compassion to mitigate the penalty to be imposed on her as this is the first and only administrative complaint against her.

On January 7, 2019, the Court resolved to refer the matter to the OCA for evaluation, report and

recommendation.[15]

In its Report[16] dated April 8, 2019, the Office of the Court Administrator found Zorilla guilty of gross neglect of duty for tampering the court's financial documents in order to appropriate the court's collections for her personal use. It, thus, recommended that Zorilla be dismissed from the service with forfeiture of all her retirement benefits, except accrued leave credits, and disqualification from re-employment in any government agency, including government-owned and controlled corporations.

RULING

Time and time again, this Court has stressed that those charged with the dispensation of justice – from the presiding judge to the lowliest clerk – are circumscribed with a heavy burden of responsibility. Their conduct, at all times, must not only be characterized by propriety and decorum but, above all else, must be beyond suspicion. Every employee should be an example of integrity, uprightness and honesty.[17]

In the instant case, there is no question with respect to Zorilla's guilt as she herself voluntarily admitted that: (1) she had tampered the true dates of certain official receipts of the Fiduciary Fund collections to show that the same were deposited on time and within the reglementary period; (2) she had cancelled Official Receipt Nos. 7663450, 6090566, 6090567, 2645212 and 2645213 when, in truth and in fact, the cash bonds corresponding to said official receipts were still outstanding; and (3) she had altered the true date of collection and the amount collected in Official Receipt No. 2645216, consignment deposit for Civil Case No. 4899, amounting to Three Hundred Forty Thousand Pesos (P340,000.00). She also admitted having incurred the shortages because she was tempted to use the monies in her custody due to financial difficulties and urgent necessities of her family, albeit she had exerted efforts to reconstitute her cash shortages.

Clearly, Zorilla has been remiss in her duties as she failed to perform her duties faithfully and with competence. But what is more aggravating is Zorilla's act of tampering with court records which is patent dishonesty as it was committed with bad intention and not by mere inadvertence. The fact that she tampered with several official receipts of the court's collections, even devising a way to further conceal her misdeed, demonstrated a serious depravity on her integrity. It exemplified gross dishonesty, which undermines the public's faith in courts and in the administration of justice as a whole.[18]

Further, for the failure to remit the collections on time, Zorilla committed a gross violation of Supreme Court Circular No. 13-92[19] which commands that all fiduciary collections "shall be deposited immediately by the Clerk of Court concerned, upon receipt thereof, with an authorized depository bank."

Court personnel tasked with collections of court funds, such as clerks of court and cash clerks, should deposit immediately with the authorized government depositories the various funds they have collected. Being the custodian of court funds and revenues, it was Zorilla's primary responsibility to immediately deposit the funds received by her office with the Land Bank of the Philippines (LBP).

Thus, Zorilla's failure to deposit the court's collections within the reglementary period was in complete violation of Administrative Circular No. 3-2000 which mandates that all fiduciary collections shall be deposited immediately by the Clerk of Court concerned, upon receipt thereof, with the LBP, the authorized government depository bank. The Circular provides:

II. Procedural Guidelines

A. Judiciary Development Fund

x x x x

3. Systems and Procedures.

x x x x

c. In the RTC, MeTC, MTCC, MTC, MCTC, SDC and SCC. – The daily collections for the Fund in these courts shall be deposited everyday with the nearest LBP branch for the account of the Judiciary Development Fund, Supreme Court, Manila – SAVINGS ACCOUNT No. 0591-0116-34 or if depositing daily is not possible, deposits for the Fund shall be at the end of every month, provided, however, that whenever collections for the Fund reach P500.00, the same shall, be deposited immediately even before / the period above-indicated.

x x x x

Collections shall not be used for encashment of personal checks, salary checks, etc. x x x.

x x x x

B. General Fund (GF)

(1) Duty of the Clerks of Court, Officer-in-Charge or Accountable Officers. — The Clerks of Court, Officers-in-Charge of the office of the Clerk of Court, or their accountable duly authorized representatives designated by them in writing, who must be accountable officers, shall receive the General [F]und collections, issue the proper receipt therefor, maintain a separate cash book properly marked CASH BOOK FOR CLERK OF COURT'S GENERAL FUND AND SHERIFF'S GENERAL FUND, deposit such collections in the manner herein prescribed, and render the proper Monthly Report of Collections and Deposits for said Fund.

Furthermore, Section B (4) of Supreme Court Circular No. 50-95[20] directs that "[a]ll collections from bailbonds, rental deposits, and other fiduciary collections shall be deposited within twenty four (24) hours by the Clerk of court concerned, upon receipt thereof, with the Land Bank of the Philippines[.]" in the name of the court as instructed in Supreme Court Circular No. 13-92.[21]

These circulars are mandatory in nature, designed to promote full accountability for government funds.[22] Safekeeping of public and trust funds is essential to an orderly administration of justice.[23] No protestation of good faith can override the mandatory nature of the circulars designed to promote full accountability of government funds.[24] Personal problems should never justify the incurring of shortages and the delay in remitting cash collections for the judiciary.[25] Thus, failure to observe these circulars, resulting to loss, shortage, destruction or impairment of court funds and properties, makes Zorilla liable thereto.[26]

In Audit Report, RTC-4, Davao del Norte[27] and Office of the Court Administrator v. Redo, et al.,[28] the Court held that failure to remit the court funds is tantamount to gross neglect of duty, dishonesty and grave misconduct prejudicial to the best interest of the service. Delayed remittance of cash collections constitutes gross neglect of duty because this omission deprives the court of interest that could have been earned if the amounts were deposited in the authorized depository bank.[29] Even the restitution of the whole amount cannot erase her administrative liability.[30]

PENALTY

Under Section 22(a), (b) and (c), Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292 and Other Pertinent Civil Service Laws, Gross Neglect of Duty, Dishonesty and Grave Misconduct are classified as grave offenses. The penalty for each of these offenses is dismissal even for the first offense.

In the instant case, there is no doubt that Zorilla violated the trust reposed in her as a collecting officer of the judiciary. Her acts of tampering and unwarranted cancellation of certain official receipts, misappropriation of the

court's collections for personal use, and blatant violations of the aforementioned Court circulars designed to promote full accountability for public funds do not only amount to gross neglect, they also constitute grave misconduct. Indeed, Zorilla's grave transgressions justify her severance from the service.

We will reiterate anew that this Court has not hesitated to impose the ultimate penalty on those who have fallen short of their accountabilities. No less than the Constitution enshrines the principle that a public office is a public trust.[31] The supreme law of the land commands all public officers and employees to be, at all times, accountable to the people;[32] and to serve them with utmost dedication, honesty and loyalty ("DHL").[33] Thus, the Court "condemns and would never countenance any conduct, act or omission on the part of all those involved in the administration of justice which would violate the norm of public accountability and would diminish[,] or even just tend to diminish[,] the faith of the people in the Judiciary." [34]

WHEREFORE, respondent Pearl Joy D. Zorilla, Cash Clerk III, Office of the Clerk of Court, Regional Trial Court, Digos City, Davao del Sur, is found GUILTY of gross neglect of duty, gross dishonesty and grave misconduct. She is ordered DISMISSED from the service with forfeiture of all retirement benefits, except accrued leave credits, and with prejudice to re-employment in the government, including government-owned or controlled corporations.

SO ORDERED.

Bersamin, C.J., Carpio, Peralta, Perlas-Bernabe, Leonen, Jardeleza, Caguioa, Gesmundo, J. Reyes, Jr., Hernando, Carandang, Lazaro-Javier, and Inting, JJ., concur.

A. Reyes, Jr., on official leave.

[1] Rollo, p. 4.

[2] Id. at 52.

[3] Id at 66-69.

[4] Id. at 52-62.

[5] Id. at 1-3.

[6] Id. at 119-123.

[7] Id. at 119-122.

[8] Id. at 133-134.

[9] Id. at 133.

[10] Supra note 6.

[11] Rollo, pp. 195-196.

[12] Id. at 197.

[13] Id. at 205-206.

[14] Id. at 262-266.

[15] Id. at 310-312.

[16] Id. at 317-320.

[17] In Re: Delayed Remittance of Collections of Odtuhan, 445 Phil. 220, 224 (2003); Office of the Court Administrator v. Galo, 373 Phil. 483, 490-491 (1999); and Cosca v. Palaypayon, Jr., 307 Phil. 261, 286 (1994).

[18] See Office of the Court Administrator v. Atty. Melchor, Jr., 741 Phil. 433, 445 (2014).

[19] Dated March 1, 1992.

[20] Dated October 11, 1995.

[21] Supra note 19.

[22] Office of the Court Administrator v. Atty. Bantiyan, et al., 811 Phil. 644, 656 (2017).

[23] Office of the Court Administrator v. Redoña, 752 Phil. 83, 94 (2015).

[24] Re: Financial Audit on the Accountabilities of Mr. Restituto A. Tabucon, Jr., 504 Phil. 512, 515 (2005).

[25] Office of the Court Administrator v. Egipto, Jr., A.M. No. P-05-1938, November 7, 2017, 844 SCRA 131, 138.

[26] Office of the Court Administrator v. Atty. Bantiyan, et al., supra note 22, at 656.

[27] 351 Phil. 1, 21-22 (1998).

[28] 665 Phil. 13, 29 (2011).

[29] See Office of the Court Administrator v. Atty. Melchor, Jr., supra note 18, at 443-444.

[30] Office of the Court Administrator v. Recio, et al., supra note 28, at 33.

[31] CONSTITUTION, Art. XI, Sec. 1.

[32] Id.

[33] "DHL" refers to the code expounded upon by Chief Justice Artemio V. Panganiban in his address to the Supreme Court employees during their flag-raising ceremony on January 2 and 9, 2006.

[34] Mendoza v. Judge Mabutas, 295 Phil. 438, 447 (1993).

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