

OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. MS. ESTRELLA NINI, CLERK OF COURT II, MUNICIPAL TRIAL COURT IN CITIES-BOGO, CITY OF CEBU, RESPONDENT.

A.M. No. P-11-3002 (Formerly A.M. No. 11-9-96-MTCC). April 11, 2012

Ponente: MENDOZA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-11-9-96/>

MENDOZA, J.:

This administrative matter originated from a financial audit conducted by the Office of the Court Administrator (OCA) on the books of accounts of the Municipal Trial Court in Cities, Bogo City, Cebu [formerly Municipal Circuit Trial Court Bogo-San Remigio, Cebu] (MTCC) pursuant to Travel Order No. 37-2011 dated February 17, 2011.

The books of accounts of the MTCC were last audited in September 1995 in view of the retirement of former Clerk of Court, Rosela M. Condor. The audit noted an under-remittance of P367.80 for the Judiciary Development Fund (JDF) account which was already restituted on December 14, 1995.

In this case, the financial audit examination covered the accountability of Estrella Y. Nini (Nini) who was appointed as permanent Clerk of Court on February 6, 1996. In a previous audit conducted by the Regional Commission on Audit (RCOA), it appeared that Nini disclosed cash shortages amounting to P125,050.20 for the Fiduciary Fund. The said amount was deposited the next day.

Covering the period from October 1, 1995 to March 31, 2011, the OCA financial audit yielded the following results:[1]

- a. The cash examination conducted on April 4, 2011 disclosed a shortage of P1,400.00, while undeposited collections of P153,750.00 were deposited to their respective accounts immediately after the cash count.[2]
- b. All Supreme Court official receipts requisitioned from the Property Division, Office of Administrative Services (OAS) - Office of the Court Administrator were duly accounted for.[3]
- c. Anent the Fiduciary Fund, the books of the Clerk of Court revealed an over withdrawal of the cashbond posted in Criminal Case No. 8664 amounting to P30,000.00. When confronted by the audit team, Nini admitted that she inadvertently released the said amount to the bondsman on June 11, 2009. She explained that she immediately called the attention of the latter, asking that the amount be returned, but the amount was returned on installment. Hence, the amount was fully returned only in March 2011. The full amount, however, was kept inside her vault and was only deposited on April 12, 2011, upon the instruction of the audit team.[4]
- d. Nini likewise withdrew several forfeited bailbonds including interests from the fiduciary funds during the period of March 31, 2008 to September 30, 2010 amounting to P52,000.00 and P35,665.00, respectively. These were not immediately deposited to the GF-New Account, but rather kept inside the vault. According to Nini, she completely forgot about the envelopes kept inside the vault because of her voluminous office tasks and duties. She also admitted that she did not know to what account she should deposit the same. Again, upon the directive of the audit team, the forfeited bailbonds plus interests were deposited only on April 13, 2011.[5]

e. Collections made from February 4, 2011 to March 23, 2011 were only deposited by the Clerk of Court on April 3 and 4, 2011. Nini incurred late deposits for the Fiduciary Fund since 1997 up to present.[6]

f. With regard to the Sheriff's Trust Fund (STF), the audit team discovered that Nini failed to collect the mandatory P1,000.00 STF for every civil case filed in court to defray the expenses incurred in the service of summons and other court processes. Nini admitted this and reasoned that no guidelines were issued regarding the said fund.[7]

g. The court's file copies of financial reports were organized, orderly and complete, thus, the team had no difficulty in verifying the accuracy and correctness of the court's financial reports. Moreover, all transactions affecting the collections, deposits and withdrawals of the funds maintained by the court were properly recorded in their respective Official Cashbooks.[8]

h. Certain overages and shortages were noted in the various court funds, as follows:

A) Judiciary Development Fund (JDF)

Total Collections, from 6/1/96 to 3/31/11

P978,433.45

Less: Total Deposits, same period

978,483.45

Balance of Accountability/ Shortage

(P 50.00)

The overage of P50.00 was due to the over deposit of collections for the month of March 2011.

B) Special Allowance for the Judiciary Fund (SAJF)

Total Collections, from 11/11/03 to 3/31/11

P 568,213.00

Less: Total Deposits, same period

562,498.80

Balance of Accountability/ Over Remittance

P 5,714.20

The shortage of P5,714.20 resulted from the following:

Erroneous deposits of SAJF collections to:

GF- New Account

P 2,200.00

GF- Old Account

2,370.00

Undeposited collections (March 2011)

1,175.20

Over-remittances:

June 20, 2008

(30.80)

Nov. 2010

(0.20)

Total

P 5,714.20

The undeposited SAJF collections over P1,175.00 for March 18-30, 2011 were included in the cash examination and were deposited on April 4, 2011.

C) General Fund (GF)

A. New

Total Collections, from 10/14/09 to 3/31/11

P 00.00

Less: Total Deposits, same period

2,200.00

Balance of Accountability/ Overage

(P 2,200.00)

The overage of P2,200.00 is comprised of SAJF collections erroneously receipted and deposited to this fund. The General Fund-New comprises all confiscated bailbonds and earned net interest withdrawn from the Fiduciary Fund account.

B. Old

Total Collections, from 7/1/97 to 3/31/11

P 117,264.80

Less: Total Deposits, same period

119,634.80

Balance of Accountability/Shortage

P (2,370.00)

The overage of P2,370.00 was due to the erroneous remittance of collections to General Fund account instead of remitting the same to the Special Allowance for the Judiciary Fund Account.

D) Mediation Fund

Total Collections, from 7/1/05 to 3/31/11

P 251,500.00

Less: Total Deposits, same period

246,000.00

Balance of Accountability/Shortage

P 5,500.00

The shortage of P5,500.00 pertains to March 2011 collections which was deposited on April 5, 2011.

i. The shortages/accountability of Nini was summarized by the audit team in this wise:

Fund

Accountability

Remarks

FF

P 204,000.00

Deposited on 3,4,12 & 15, 2011

STF

0.00

No collection

JDF

(50.00)

Over-remittance

SAJ

5,714.00

Erroneous deposit of SAJ collections

GF-New

(2,000.00)

Erroneous Deposit to GF account

GF-Old

(2,370.00)

Erroneous Deposit to GF account

Mediation

5,500.00

Deposited on April 4, 2011

Total

P 210,794.00

Recommendation of the OCA

In a memorandum dated September 2, 2011,[9] the OCA recommended that Nini be:

- SUSPENDED for SIX (6) Months, for incurring cash shortages material in amount;
- FINED in the amount of Five Thousand Pesos (P5,000.00) for delayed remittances of Fiduciary Fund collections which deprived the Court of the possible interest income if the collections were deposited on time; and
- STERLY WARNED that a repetition of the same or similar offense shall be dealt with more severely.

With respect to Presiding Judge Dante R. Manreal (Judge Manreal), the OCA recommended that he be:

- DIRECTED to DESIGNATE an Acting Clerk of Court and he/she be DIRECTED to COLLECT the mandatory One Thousand Pesos (P 1,000.00) for every case filed in court pursuant to paragraph 2, Section 10 of the Amended Administrative Circular No. 35-2004 and OPEN a new account for Sheriff's Trust Fund (STF) transactions with the Land Bank of the Philippines (LBP) under the name of the court, with the Executive/Presiding Judge and OIC/Clerk of Court as authorized signatories.
- ADVISED to STRICTLY MONITOR the financial transactions of MTCC, Bogo City, Cebu, in strict adherence to the issuances of the Court and STUDY and IMPLEMENT procedures that would strengthen internal control over financial transactions.

The Court's Ruling

Public office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives.[10] Those charged with the dispensation of justice, from the justices and judges to the lowliest clerks, should be circumscribed with the heavy burden of responsibility. Not only must their conduct at all times be characterized by propriety and decorum but, above all else, it must be beyond suspicion.[11] Thus, the Court does not hesitate to condemn and sanction such improper conduct, act or omission of those involved in the administration of justice that violates the norm of public accountability and diminishes or tends to diminish the faith of the public in the Judiciary.[12]

It is clear in the findings of the audit team, as bolstered by Nini's admission, that irregularities in the administration of court funds were indeed committed. In her explanation,[13] Nini chiefly blamed her heavy workload for the lapses discovered by the audit team. She attributed her shortcomings to the heavy weight of her responsibilities as an accountable officer and an officer of the court performing the tasks of an administrative officer, liaison officer and supply and property custodian. Due to this, she would often deposit funds beyond the time allowed, resulting in unremitted interest and forfeited cashbonds. Everytime she would cause the withdrawal of interest of fiduciary funds, her practice was to place the amount inside an envelope to be locked inside her vault together with other envelopes containing collections from different funds, decisions of cases due for promulgation, unused official receipts, and marked money used as evidence in criminal cases.

Undoubtedly, Nini failed to perform her duty to the degree expected of her office. Settled is the role of clerks of court as judicial officers entrusted with the delicate function with regard to collection of legal fees. They are expected to correctly and effectively implement regulations relating to proper administration of court funds. 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 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. Their office is the hub of adjudicative and administrative orders, processes and concerns.[14] Hence, in case of a lapse in the performance of their sworn duties, the Court finds no room for tolerance and is then constrained to impose the necessary penalty to the erring officer. Surely, Nini must have been acquainted with the tasks of her office. She is expected to have assumed her office with a degree of competence and alacrity worthy of this esteemed position in the Judiciary. Hence, she should have been ready to discharge her sworn duties with the conviction to do away with whining and nitpicking. The Court cannot countenance this attitude, lest pardons for ineptitude become the practice in its ranks. Indeed, the Court zealously aims to safeguard the people's faith in the Judiciary by improving the route by which justice is served. Certainly, an officer who constantly bleats about the complexity of his responsibilities resultantly neglects his duties. Such an officer does not aid in the Judiciary's goal and must then bear the appropriate penalty.

It is hereby emphasized that it is the duty of clerks of court to perform their responsibilities faithfully, so that they can fully comply with the circulars on deposits of collections. They are reminded to deposit immediately with authorized government depositaries the various funds they have collected because they are not authorized to keep those funds in their custody.[15] The fact that the collected amounts were kept in the safety vault does not reduce the degree of defiance of the rules.

Records show that SC Circular Nos. 13-92 and 5-93 were not followed by Nini. These issuances provide the guidelines for the proper administration of court funds. The former orders that all fiduciary collections "shall be deposited immediately by the Clerk of Court concerned upon receipt thereof, with an authorized government depositary bank," while the latter designates the Landbank of the Philippines, as such. Further, the irregularities found by the audit team point to Nini's ignorance of Circular No. 50-95, which mandates that all collections from bail bonds, rental deposits, and other fiduciary collections should be deposited with the Land Bank of the Philippines (LBP) upon receipt by the Clerk of Court within twenty-four (24) hours.

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.[16] Nini's unwarranted failure to fulfill these responsibilities deserves administrative sanction.

Delay in the remittance of collection constitutes neglect of duty.[17] Further, the Court has stated that the failure to remit judiciary collections on time deprives the court of the interest that may be earned if the amounts are deposited in a bank.[18] Under the Civil Service Rules and Omnibus Rules Implementing it, simple neglect of duty is a less grave offense penalized with suspension for one month and one day to six months for the first offense, and dismissal for the second offense.[19]

It bears stressing that Clerks of Court are the chief administrative officers of their respective courts, and, with regard to the collection of legal fees, they perform a delicate function as judicial officers entrusted with the correct and effective implementation of regulations thereon. Even the undue delay in the remittances of amounts collected by them at the very least constitutes misfeasance. On the other hand, a vital administrative function of a judge is the effective management of his court and this includes control of the conduct of the court's ministerial officers. It should be brought home to both that the safekeeping of funds and collections is essential to the goal of 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.[20]

With this in mind, the Court agrees with the recommendation of the OCA that Presiding Judge Manreal should be reminded to exercise his administrative duty and strictly monitor the financial transactions of MTCC, Bogo City, Cebu, in strict compliance with the issuances of the Court.

The Court is also in accord with the recommendation of the OCA that since the Audit Team found that Nini failed

to collect the mandatory One Thousand Pesos (P1,000.00) for the STF, Judge Manreal should be directed to designate an Acting Clerk of Court to collect the same every case filed in court pursuant to paragraph 2, Section 10 of the Administrative Circular No. 35-2004.

WHEREFORE, the Court resolves to declare Estrella Y. Nini, Clerk of Court, Municipal Trial Court in Cities, Bogo City, Cebu, GUILTY of Gross Neglect of Duty for which she is ordered SUSPENDED for six (6) months from service, FINED Five Thousand (P5,000.00) Pesos for delayed remittances of Fiduciary Fund collections and failure to collect the required STF for Civil Cases, and WARNED that a repetition of the same or similar offense shall be dealt with more severely.

Presiding Judge Dante R. Manreal is hereby directed to DESIGNATE an Acting Clerk of Court to collect the mandatory One Thousand Pesos (P1,000.00) for every case filed in court pursuant to paragraph 2, Section 10 of the Amended Administrative Circular No. 35-2004 and OPEN a new account for Sheriff's Trust Fund (STF) transactions with the Land Bank of the Philippines (LBP) under the name of the court, with the Executive/Presiding Judge and OIC/Clerk of Court as authorized signatories. Presiding Judge Manreal is also advised to STRICTLY MONITOR the financial transactions of MTCC, Bogo City, Cebu, in strict compliance with the issuances of the Court.

SO ORDERED.

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

[*] Designated as additional member of the Third Division in lieu of Associate Justice Estela M. Perlas-Bernabe, per Special Order No. 1210 dated March 23, 2012.

[1] Reported in OCA Memorandum dated September 1, 2011, rollo, pp. 3-10.

[2] Id. at 4.

[3] Id.

[4] Id. at 5.

[5] Id. at 6.

[6] Id.

[7] Id.

[8] Id. at 9.

[9] Id. at 1-2.

[10] Sec. 1 of Article XI of the 1987 Constitution.

[11] Re: Financial Audit on the Books of Account of Ms. Laura D. Delantar, Clerk of Court, MTC, Leyte, Leyte, 520 Phil. 434 (2006).

[12] *Mendoza v. Mabutas*, A.M. No. MTJ-88-142, June 17, 1993, 223 SCRA 411, 419.

[13] Rollo, pp. 104-105.

[14] *OCA v. Nelia D.C. Recio, Eralyn S. Cavite, Ruth G. Cabigas and Chona Aurelia R. Reniedo*, all of the Metropolitan Trial Court, San Juan, Metro Manila, A.M. No. P-04-1813 (Formerly A.M. No. 04-5-119-MeTC),

May 31, 2011, 649 SCRA 552, 568.

[15] OCA v. Atty. Mary Ann Paduganan-Peñaranda, Office of the Clerk of Court, Municipal Trial Court in Cities (MTCC) Cagayan de Oro, Misamis Oriental; and Mr. Jocelyn Meidante, A.M. No. P-07-2355, March 19, 2010, 616 SCRA 178, 179.

[16] OCA v. Atty. Mary Ann Paduganan-Penaranda, Office of the Clerk of Court, Municipal Trial Court in Cities (MTCC) Cagayan de Oro, Misamis Oriental; and Ms. Jocelyn Meidante, supra note 15 at 188.

[17] In House Financial Audit, Conducted on the Books of Accounts of Khalil B. Dipatuan, RTC-Malbang, Lanao Del Sur, A.M. No. P-06-2121, June 26, 2008, 555 SCRA 417, 423.

[18] Id.

[19] Id.

[20] Office of the Court Administrator v. Fortaleza, 434 Phil. 511, 522 (2002), citing Office of the Court Administrator v. Bawalan, A.M. No. P-93-945, March 24, 1994, 231 SCRA 408, 411.

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.