

ROLANDO LIWANAG, COMPLAINANT, VS. FELIXBERTO GOMEZ, RESPONDENT.

A.M. No. 1561-P. January 31, 1979

Ponente: ANTONIO, J.

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ANTONIO, J.:

Respondent Felixberto Gomez, Court Interpreter, Court of Agrarian Relations, Fifth Regional District, Branch I, San Fernando, Pampanga, has been charged by Clerk of Court Rolando Liwanag of the same court with having illegally claimed and collected traveling expenses and per diems in the amount of P265.00 for the period from February 23 to March 31, 1976.

It appears that on November 27, 1975, in CAR Case No. 1453-P'72 entitled "Magno Sunga, et al. vs. Juanito Santos", respondent was designated by the Agrarian Court as its representative and implementing officer to supervise the cutting and hauling of the sugar cane crop (for the year 1975) of the plaintiffs in their respective landholdings, including the milling of said crop and the distribution of plaintiffs' shares in the net proceeds thereof.

On January 22, 1976, the afore-mentioned case was dismissed by the court after the parties had reached an amicable settlement in open court. The dismissal of the case notwithstanding, respondent continued to discharge his duties as implementing officer of the court. On February 25, 1976 to March 31, 1976, respondent went to the landholding in question, and in those occasions the tenants were able to receive their shares from the proceeds of the sugar cane harvested thereon. For the period from February 23 to March 31, 1976, he collected traveling expenses and per diems in the amount of P265.00. Respondent's aforesaid claim was submitted to and passed upon by complainant Clerk of Court and the District Judge, who recommended the approval of the voucher for payment.

The Acting Executive Judge of the Court of Agrarian Relations, to whom this case was referred for investigation, report and recommendation, found respondent to have filed his aforesaid claim for traveling expenses and per diems in good faith as he was apparently not aware that the settlement of CAR Case No. 1453-P'72 on January 22, 1976 terminated his authority. According to the Inquest Judge, respondent believed that he was entitled to his claim as did the Clerk of Court and the Judge, who, despite the termination of the case, recommended approval of respondent's claim. On the basis of said finding, the Inquest Judge recommended the exoneration of the respondent.

We have carefully examined the record and We find the report and recommendation of the Acting Executive Judge of the Court of Agrarian Relations to be in order and amply warranted by the circumstances on record.

WHEREFORE, the instant administrative case is DISMISSED and the respondent exonerated from the charge. However, respondent is hereby directed to refund the amount of P265.00 which was paid to him by mistake, within ten (10) days from receipt of copy of this resolution.

Fernando, (Chairman), Barredo, Aquino, Concepcion, Jr., and Santos, JJ., concur.

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