

RE: NON-SUBMISSION OF JUDGE DEMASIRA M. BAUTE, (FORMER CLERK OF COURT) SHARI'A CIRCUIT COURT, KAPATAGAN, LANA DEL NORTE, OF THE OFFICIAL CASHBOOKS FOR FIDUCIARY FUND, JUDICIARY...

A.M. No. 95-10-06-SCC. March 27, 1996

Ponente: ROMERO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-95-10-06/>

ROMERO, J.:

Under consideration are the Memorandum Report dated January 26, 1996 and the Supplemental Memorandum dated February 22, 1996 of the Senior Chief Staff Officer of this Court. The Memorandum Report informed this Court that an audit had already been conducted on the book of accounts of former Clerk of Court Demasira M. Baute. The audit revealed that most of the collections were made from December 1992 to February 1994 but were remitted only on January 17, 1996. Likewise, no breakdown of official receipts were turned-over to the designated officer-in-charge, Mr. Abubakar Mohammad.

The Supplemental Memorandum informed this Court that respondent Judge Baute has already submitted a Certification dated February 14, 1996, relative to the properties, books of accounts and breakdown of receipts which he turned over to the Officer-in-Charge, Clerk of Court of the Shari'a District Court, Bongao, Tawi-Tawi.

A perusal of the records reveal that respondent Judge violated the guideline as provided in Circular No. 50-95 dated October 11, 1995 which states that "all 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." Additional guidelines as provided in No. 5, paragraph c of Administrative Circular No. 5-93 dated April 30, 1993 states, thus:

"The daily collections for the Fund in these courts shall be deposited everyday with the local or nearest LBP branch. "For the account of the Judiciary Development Fund, Supreme Court, Manila - SAVINGS ACCOUNT No. 159-01163-1; or if depositing daily is not possible, deposits for the Fund shall be every second and third Fridays and 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 days above indicated.

Where there is no LBP branch at the station of the judge concerned, the collections shall be sent by postal money order payable to the Chief Accountant of the Supreme Court, at the latest before 3:00 P.M. of that particular week."

Clearly, the aforementioned circulars were not complied with. In fact, it took respondent Judge about four (4) years before remitting to this Court his cash collections, without a single explanation for the delay. Were it not for this Court's resolution dated November 19, 1995 which directed him to comply with the directive of the Fiscal Audit Office, to date perhaps no remittance would have ever been made by respondent Judge. Worst, there was no breakdown of the official receipts which he turned over to the present OIC Clerk of Court of Bongao, Tawi-Tawi. In view of the premises, this Court concludes that respondent Judge is liable for gross neglect of duty.

WHEREFORE, Respondent Judge Demasira Baute is FINED Twenty Thousand Pesos (P20,000.00) with a WARNING that a repetition of the same or similar act in the future will be dealt with more severely. The fine will be automatically deducted from his uncollected salaries and the remainder released to him.

SO ORDERED.

Narvasa, C.J., Padilla, Regalado, Davide, Jr., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Francisco, Hermosissima, Jr., and Panganiban, JJ., concur.
Torres, J., on leave.

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.