

**RE: REPORT OF SENIOR CHIEF STAFF OFFICER ANTONINA A. SORIA,
ON THE FINANCIAL AUDIT CONDUCTED ON THE ACCOUNTS OF
CLERK OF COURT ELENA E. JABAO, MUNICIPAL CIRCUIT TRIAL
COURT, JOR...***A.M. No. 98-2-30-MCTC. November 24, 1998*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-98-2-30/>**VITUG, J.:**

The instant administrative case before the Court stems from a report, dated 14 March 1996, submitted by Senior Chief Staff Officer Antonina A. Soria to deputy Court Administrator Zenaida N. Elepaño on the judicial audit conducted concerning, among other things, the accounts of Elena E. Jabao, Clerk of Court of the Municipal Circuit Trial Court ("MCTC") of Jordan-Buenavista-Nueva Valencia, Guimaras, covering the period from May 1985 to July 1994. The report revealed that Jabao had failed to timely remit her Judiciary Development Fund ("JDF") collections from July to October 1987 and from January 1988 to November 1993, until the sum thereof, totaling P23,584.00 was finally deposited by her on 03 December 1993.

Jabao explained in her letter, dated 27 February 1996, addressed to Senior Chief Officer Soria that her failure to promptly deposit the JDF collections had been due to her tremendous workload. She claimed that aside from her regular duties at the MCTC, she was also designated to act as Court Stenographer in three municipalities from July 1978 to October 1991 to fill in for the court stenographer, Ma. Luz Ortiz-Tavarro, who apparently was not yet well-versed in stenography. Compounding the matter, according to Jabao, was the loss of official receipts which he insinuated could have been work of one William C. Sevillo, a process server, who had earlier been convicted of theft.

Senior Chief Staff Officer Soria recommended that Clerk of Court Jabao be merely admonished for being remiss in the performance of her duties. The Office of the Court Administrator, through Deputy Court Administrator Zenaida N. Elepaño, expressed disagreement and instead recommended that Clerk of Court Jabao be "FINED in the amount of EIGHT THOUSAND PESOS (P8,000.00) for dereliction of duty and serious misconduct prejudicial to the interest of judicial service, with a stern WARNING that a repetition of the same and similar act in the future (would) be dealt with more severely."

The Court adopts the above findings of the OCA and accepts its recommendation.

Administrative Circular 5-93 states:

"3. Duty of the Clerks of court, Officers-in-Charge or accountable officers. - The clerks of Court, Officers-in-Charges 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 Judiciary Development fund collections, issue the proper receipt therefor, maintain a separate cash book properly marked CASH BOOK FOR JUDICIARY DEVELOPMENT FUND, deposit such collections in the manner herein prescribed, and render the proper Monthly report of collections for said fund.

"x x x x x x x x

"5. System and Procedures:

"x x x x x x x x

"c. In the RTC, SDC, MetTC, MTCC, MTC, MCTC and SCC. - The daily collections for the fund in these courts shall be deposited every day with the local or nearest LBP branch 'For the account of the Judiciary Development Fund, Supreme Court, Manila - SAVINGS ACCOUNTS NO. 159-01163-1; or if depositing daily is 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 before 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.

"x x x x x x x x

"7. Strict observance of these rules and regulation is hereby enjoined. The clerks of Court, Officers-in-charge shall exercise close supervision over their respective duly authorized representatives to ensure strict compliance herewith and shall be held administratively accountable for failure to do so. Failure to comply with any of these rules and regulations shall mean the withholding of the salaries and allowances of those concerned until compliance therewith is duly effected, pursuant to Section 122 of P.D. No. 1445 dated June 11, 1978, without prejudice to such further disciplinary action the Court may take against them."

The Court finds it inexcusable that Clerk of Court Jabao has made the required remittance of JDF collections only on 03 December 1993 or about five years from the time of initial fund receipts in 1987. Her explanation of having been too busy with her workload is simply unacceptable.

It would appear that Jabao deposited the JDF collections two years after she had ceased doubling as a court stenographer. Relative to the theft committed by Seville at the postal office, nothing has been presented, except for the bare fact that the postal office was located next to the courthouse, to indicate any connections between the burglary and the alleged lost of receipts of JDF collections. The lack of receipts, even then, would not have prevented her from making the required deposit-remittance.

It bears to stress, once again, that public service requires utmost integrity and the strictest discipline possible on every public servant. A public office is a public trust that enjoins all public officers and employees, particularly those serving in the judiciary, to respond with the highest degree of dedication often even beyond personal interest.[1]

WHEREFORE, the Court, finding Clerk of Court Elena E. Jabao guilty of dereliction of duty and serious misconduct prejudicial to the interest of judicial service, hereby imposes upon her a FINE of Eight Thousand (P8,00.00) Pesos. Clerk of Court Jabao is further warned that a repetition of the same or similar act in the future will be dealt with most severely.

SO ORDERED

Narvasa, C.J., Davide, Jr., Romero, Bellosillo, Melo, Puno, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, and Pardo JJ., concur
Martinez, J., on leave.

[1] See Code of conduct and Ethical Standards for Public Officials and Employees; report on Audit and Physical Inventory of the records of Cases in MTC of Peñaranda, Nueva Ecija, 276 SCRA 257, reiterating JDF anomaly in the RTC of Ligao, Albay, 255 SCRA 221 and Gano vs. Leonen, 232 SCRA 98.

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