# PRESENTATION V. ANOTA, COMPLAINANT, VS. AGERICO P. BALLES, CLERK OF COURT IV, OFFICE OF THE CLERK OF COURT, MTCC, TACLOBAN CITY, LEYTE, RESPONDENT.

*A.M. No. P-06-2132. August 25, 2010*

Ponente: BRION, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/b64395ba998c/

**BRION, J.:**

This administrative matter arose from a letter complaint[1] of Presentation V. Anota, dated June 23, 2004, addressed to Chief Justice Hilario G. Davide, Jr.

In her letter, Mrs. Anota stated that her husband, Felicisimo G. Anota, Municipal Trial Court in Cities (MTCC)-Branch I Clerk of Court, Tacloban City, died without enjoying his retirement benefits because Atty. Agerico P. Balles, Clerk of Court IV of the Tacloban City MTCC, unjustly refused to issue the clearance necessary for the release of her husband's retirement benefits. She alleged that her husband was forced to retire from the government at 63 years of age because of kidney problems traceable to diabetes; that he had to undergo amputation and had dialysis twice a week for 19 months, before he died on June 21, 2004; and that he filed all the necessary documents for his retirement, and the only missing document was the clearance from Atty. Balles. Atty. Balles refused to issue the clearance despite his knowledge that Mr. Anota had been cleared of money and property accountability and had no administrative case pending against him.

In his comment[2] to the 1[st] Endorsement of Mrs. Anota's complaint, Atty. Balles asserted that he could not issue the clearance because Presiding Judge Marino Buban believed that Mr. Anota still had to answer for some missing court records, among others.

We referred the matter to the Tacloban City Regional Trial Court executive judge for investigation, report and recommendation, upon the recommendation of the Office of the Court Administrator (OCA).[3] The investigating judge conducted several hearings, and based on his conclusion, the OCA, in its Memorandum,[4] ruled that Atty. Balles' acts amounted to oppression. There was no missing court record in Tacloban City MTCC-Branch 1 according to the Court Management Office-OCA's judicial audits in June 2000 and August 2003, and the incumbent MTCC Clerk of Court testified that Mr. Anota had fully accounted for all the money and property under his custody. Thus, the OCA found Atty. Balles' refusal to issue the clearance grossly unjust because Mr. Anota could have used his retirement benefits for his medicine and hospital expenses during his confinement.

We concur with the OCA's findings, and would have fully concurred with its recommended sanctions against Atty. Balles, except that:

First, on March 28, 2006, Atty. Balles submitted to us a certification that Felicisimo Anota had been cleared of money and property accountabilities;[5] and

Second, in 2009, we dismissed Atty. Balles from the service in A.M. No. P-05-2065, entitled "Report on the Financial Audit Conducted on the Books of Accounts of Mr. Agerico P. Balles, MTCC-OCC, Tacloban City."[6]

Our Decision in this administrative matter partly reads:

> Hence, for the delay in the remittance of cash collections in violation of Supreme Court Circulars No. 5-93 and No. 13-92 and for his failure to keep proper records of all collections and remittances, Balles is found guilty of Gross Neglect of Duty punishable, even for the first offense, by dismissal.
>
> WHEREFORE, Agerico P. Balles is hereby found GUILTY of gross neglect of duty and is ordered DISMISSED from the service. Except for leave credits already earned, his retirement benefits are FORFEITED, with prejudice to reemployment in any government agency, including government-owned and controlled corporations. The Civil Service Commission is ordered to cancel his civil service eligibility, if any, in accordance with Section 9, Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292.[7]

Atty. Balles' dismissal from the service has now been implemented, thus rendering the adjudication of the present administrative matter an exercise in futility; no administrative penalty can be imposed after his dismissal from the service, the forfeiture of all his employment benefits except for accrued leave credits, and his disqualification from future employment with any government agency. We thus have no option left but to dismiss the present administrative matter for being moot and academic.

WHEREFORE, we hereby ORDER the dismissal of the present administrative matter for being moot and academic.

**SO ORDERED.**

Carpio Morales, (Chairperson), Bersamin, Villarama, Jr., and Sereno, JJ., concur.

---

[1] Rollo, Vol. I, pp. 4-5.

[2] Id. at 69-71.

[3] January 12, 2005 Report to this Court; id. at 102-104.

[4] Dated December 12, 2005; id. at 309-312.

[5] Id. at 330.

[6] April 2, 2009, 583 SCRA 50.

[7] Id. at 62.


*Bar review courses, mock exams and a study planner that keeps you on pace - batas.org*

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.