

**JUANITO AGULAN, JR., COMPLAINANT, VS. TERESITA S. ESTEBAN,
CLERK OF COURT II, MUNICIPAL CIRCUIT TRIAL COURT OF GEN.
NATIVIDAD-LLANERA, NUEVA ECIJA, RESPONDENT.**

A.M. No. P-04-1886 [Formerly AM OCA IPI 99-737-P]. December 09, 2004

Ponente: CARPIO MORALES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/b7770af88c4c/>

CARPIO MORALES, J.:

Juanito Agulan, Jr. (complainant), head of the Llanera, Nueva Ecija Peace and Order Council, by a verified letter-complaint dated September 24, 1999 addressed to the Chief Justice which was received at his office on September 27, 1999, charges Teresita S. Esteban, Clerk of Court II of the 2nd Municipal Circuit Trial Court (MCTC) of General Natividad-Llanera, Nueva Ecija, (respondent), with Grave Misconduct and Dishonesty.

The facts that spawned the filing of the complaint are as follows:

Jesus Agulan was indicted for Frustrated Homicide before the 2nd MCTC of Gen. Natividad-Llanera, Nueva Ecija on complaint of Juanito Agulan, father of herein complainant.

In the early morning of August 8, 1999, Jesus Agulan was arrested by the Llanera police. At about noon of the same day, August 8, 1999, he was released by the Llanera police upon receipt from respondent of a copy of an order bearing the words “Original Signed” printed above the name of the presiding judge of the MCTC, Judge Octavio Fernandez, which copy of order, while stating that Jesus Agulan posted a cash bond, did not indicate the Official Receipt Number covering the receipt of such cash bond.

Alleging that Jesus Agulan was released without him posting a cash bond, the present administrative complaint details the acts complained of as follows:

- . . . issuing the attached order, marked as Annex A, where she made it appear that accused Jesus Agulan posted a cash bond of P12,500.00 in Crim. Case No. 160, when in truth and in fact, said accused has not done so, which is a clear case of dishonesty;
- . . . directing the Station Commander of Llanera, Nueva Ecija to release accused Jesus Agulan, when he has not posted any cash bond and Judge Octavio Fernandez has not issued the attached order and which act is a clear case of Usurpation of Authority and is a Serious Misconduct in Office;
- . . . making it appear that the original of Annex A was signed by Judge Fernandez when there is no such order in the records, which act is another case of Dishonesty and Grave Misconduct.[1] (Underscoring supplied)

The court order[2] referred to in the first act complained of reads:

The accused in the above entitled case having posted his cash bond deposited to this court in the amount of P12,500.00 for his provisional liberty, the same is hereby APPROVED.

The Station Commander of PNP Llanera, Nueva Ecija is hereby directed to release the accused Jesus Agulan

from custody of the law unless he is being held for another legal cause of action.

SO ORDERED.

Respondent, in her Comment,[3] denies the charges which she brands to be malicious, false and unfounded. She asserts “that the Order itself contained the Official Receipt bearing No. 7237611 and dated August 8, 1999.”[4]

By Resolution[5] of March 14, 2001, this Court referred the complaint to Executive Judge Johnson L. Ballutay of the Regional Trial Court, Branch 25, Cabanatuan City, for investigation, report and recommendation.

Upon termination of the investigation, the investigating judge made the following conclusions and recommendation:[6]

CONCLUSIONS OF LAW:

A perusal of the evidence presented by the complainant and respondent yields that there was no clear evidence to support the contention of the complainant that there was no cashbond actually put up by accused Jesus Agulan in Criminal Case No. 160-L before the MCTC of Llanera-Gen. Natividad, Nueva Ecija, when he was released because the respondent was able to refute the same by presenting the cash deposit slip (Exhibit “4”) showing that the P12,500.00 cashbond put up by accused Jesus Agulan was deposited by the respondent Clerk of Court to the Land Bank of the Philippines, Cabanatuan City Branch, together with the Savings Account Withdrawal Slip (Exhibit “9”) showing that the said amount was withdrawn from the Land Bank of the Philippines and refunded to accused Jesus Agulan as shown by certification dated April 25, 2001 (Exhibit “10”) signed by Jesus Agulan by virtue of the order dated April 19, 2001 (Exhibit “8”) issued by Honorable Johnson L. Ballutay, and the undertaking signed by Mr. Agulan dated August 9, 1999 subscribed and sworn to before Judge Fernandez showing that Jesus Agulan was indeed released from custody by virtue of a cashbond posted by him and showing that Judge Fernandez was in Llanera, Nueva Ecija on August 8, 1999 when he signed the original copy of the release order as well as when he made the acknowledgment in the undertaking of Jesus Agulan on August 8, 1999. However, it was established that respondent Clerk of Court Teresita Esteban is remiss of her duty as mandated by the Civil Service Rules to observe efficiency in the performance of her official functions and duties to maintain public trust and confidence.

It is very clear from the testimony of respondent herself having admitted that when she received the cashbond money in the amount of P12,500.00 put up by accused Jesus Agulan on August 8, 1999 in Criminal Case No. 160-L, she did not issue a receipt thereof because the receipt was in their office at Gen. Natividad and that she did not exert effort to look for the holder of the key of their office anymore in order for her to get the receipt because Judge Octavio Fernandez on August 8, 1999 the official receipt number was not yet inserted and it is only on August 9, 1999 when she issued the receipt that she inserted the official receipt number in the original copy of the questioned release order which insertion does not appear in the duplicate copy sent to the Police Department of Llanera, Nueva Ecija, which actuation of the respondent constitutes irregularity in the issuance of receipt and Court orders. The respondent should not have relied on the instruction of Judge Octavio Fernandez because being a public servant she must know her duties and functions as a Clerk of Court, hence, she must be the one responsible for her own misdeeds and misconduct.

RECOMMENDATION:

WHEREFORE, premises considered, and finding the respondent Clerk of Court Teresita Esteban guilty of simple neglect of duty and misconduct under the Civil Service Rules and Regulations, it is but proper that the undersigned hereby recommends the suspension of said respondent for a period of Three (3) Months without salary and emoluments. (Emphasis and underscoring supplied)

In a Memorandum[7] dated July 2, 2002, the Office of the Court Administrator (OCA) adopted the findings of the investigating judge but recommended a modified penalty of fine of One Thousand (P1,000.00) with warning in

light of the following consideration:

Under Civil Service rules and regulations, simple neglect of duty is punishable by suspension of one month and one day on the first offense. However, the penalty of fine, instead of suspension, may also be imposed in the alternative.

From the transcripts of stenographic notes taken during the hearing of the case and as reflected in the earlier-quoted findings of investigating judge, respondent claimed that when she received the cash bond posted by Jesus Agulan on August 8, 1999, she did not issue a receipt therefor because the booklet of official receipts was in the court office at General Natividad, the key to which was in the custody of the court aide. That is why, respondent added, it was only the following day, August 9, 1999, a Monday, that she issued the official receipt the number of which she intercalated in the original copy of the Order of Release promulgated the day before, and that explains why the copy of the order of release furnished the Llanera police on August 8, 1999 did not bear the said official receipt number.

Circular No. 22-94[8] otherwise known as the “GUIDELINES IN THE PROPER HANDLING AND USE OF OFFICIAL RECEIPTS” provides:

9. Official receipts must be kept in safe custody. The Clerk of Court, as the person directly responsible for all court collections, must take all reasonable steps to minimize the risk of losses, defalcations and other types of irregularities. (*Italics in the original; emphasis supplied*)

A clerk of court who is directly responsible for all court collections, should have custody of official receipts or at least have direct access to the place where they are kept. In respondent’s case, she admittedly received the cash bond on a Sunday, August 8, 1999, but that as the key to the office was in the custody of the court aide, she issued the receipt only the following day, August 9, 1999, a Monday.

Why respondent, a clerk of court, did not herself have a key to the court office or exert effort to contact the court aide who, like her, was residing in General Natividad,[9] speaks of her irresponsibility or negligence.

It bears emphasis that the issuance of official receipt for any collections made by any government office, whether fiduciary or accruing to the government, is required to insure that funds are properly accounted for, not to mention that it is necessity in order to avoid the risk of losing or misappropriating them.

That no prejudice was caused to the government or any party due to respondent’s delay in issuing the receipt does not exempt her from administrative liability. The Court does not countenance any conduct, act or omission on the part of all those involved in the administration of justice which violates the norm of public accountability and diminishes or even just tends to diminish the faith of the people in the judiciary.[10]

On top of her irresponsibility or negligence, the Court notes that respondent deposited the cash bond posted on August 8, 1999 only on August 31, 1999, in violation of the following provision of Circular No. 13-92:[11]

All collections from bail bonds, rental deposits and other fiduciary collections shall be deposited immediately by the Clerk of Court concerned, upon receipt thereof, with an authorized government depository bank.

x x x (*Emphasis and underscoring supplied*)

It appearing that this is respondent’s first offense of simple neglect of duty, a less grave offense warranting a penalty of suspension of One (1) Month and One (1) Day to Six (6) Months,[12] a penalty of suspension of One (1) Month and One (1) Day without pay, with warning, is imposed on her.

WHEREFORE, respondent Teresita S. Esteban, Clerk of Court II of the MCTC of General Natividad-Llanera, Nueva Ecija, is hereby found GUILTY of simple neglect of duty and is hereby SUSPENDED for One (1) Month

and One (1) Day without pay, with WARNING that a repetition of the same or similar offense shall be dealt with more severely.

SO ORDERED.

Panganiban, (Chairman), Sandoval-Gutierrez, and Garcia, JJ., concur.
Corona, J., on leave.

[1] Rollo at 2.

[2] Id. at 5.

[3] Id. at 7-11.

[4] Id. at 7.

[5] Id. at 21-22.

[6] Id. at 95-96.

[7] Id. at 234-238.

[8] Vide I The 2002 Revised Manual for Clerks of Court at 401.

[9] Rollo at 171.

[10] Judge Amalia F. Dy v. Atty. Bonifacio S. Pascua, Clerk of Court, and Anita G. Oliveros, Clerk III, Regional Trial Court of Mandaluyong City, Branch 213, A.M. No. P-04-1798, May 27, 2004 citing Madrid v. Quebral, 413 SCRA 1 (2003).

[11] Vide I The 2002 Revised Manual for Clerks of Court at 392.

[12] Supreme Court Memorandum Circular No. 30, July 20, 1989; vide II The 2002 Revised Manual for Clerks of Court at 703.

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.