

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
VICTORIO A. DION, FORMER CLERK OF COURT, MUNICIPAL
CIRCUIT TRIAL COURT, SAN FABIAN-SAN JACINTO, PANGASINAN,
RESPONDENT.**

A.M. No. P-10-2799. January 18, 2011

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/e6820512a370/>

PER CURIAM:

This administrative case arose from a financial audit that the Fiscal Monitoring Division (FMD) of the Court Management Office (CMO) under the Office of the Court Administrator (OCA) conducted on the books of account of the Municipal Circuit Trial Court (MCTC) of San Fabian-San Jacinto, Pangasinan. The audit team[1] discovered unreported and unremitted collections that respondent Victorio A. Dion (Dion), its former Clerk of Court, made in connection with his duties.

The record shows that on February 22, 1996 plaintiff in Civil Case 832 (SJ-96), Rhey Osborn P. Columbres v. Gerardo R. Abarcar, deposited P30,000.00 with Dion as required by the court and for which he issued a mere temporary receipt. Dion explained that the plaintiff pleaded with him not to deposit the money with the court's fiduciary fund anymore since the parties were going to settle the case and he wanted to get his money back immediately.[2]

Three years later or on January 8, 1999 the plaintiff in Civil Cases 913 and 922, Letecia N. Herrera v. Perfecto Cerezo, also deposited P30,000.00 with Dion as required by the court but Dion did not report the collection nor did he deposit the money with the court's fiduciary fund account.[3] Nine months later on October 8, 1999 Judge Madronio ordered the release of the P30,000.00 to plaintiff Herrera. Dion paid her on October 11, 1999 by withdrawing the amount from the fiduciary fund account.[4]

When it was discovered in a subsequent in-office audit that Dion withdrew the P30,000.00 from the court's fiduciary fund without previously depositing an equivalent amount, the auditor required him to explain.[5]

Dion presented a certification that he inadvertently placed the P30,000.00 he got from Herrera into the court's safe but was later on unable to open it.[6] He said that he was able to have the safe opened only on September 18, 2001 and get the P30,000.00 out because he had been preoccupied with preparing for his transfer to Branch 3 of the MTCC of Dagupan City.[7] On the following day, September 19, 2001, he claimed to have dutifully issued SC Official Receipt 11477855 in Herrera's name to rectify the unreported P30,000.00 collection and to account for the money that he withdrew from the court's fiduciary fund.[8] Dion apparently got away with this explanation.

But later, instead of canceling and discarding the official receipt he issued in Herrera's name, the matter having been already taken up in the previous audit, Dion erased Herrera's name on it, including the case title and number. He then replaced these with details from Civil Case 832 (SJ-96), the case of Rhey Osborn P. Columbres and Gerardo R. Abarcar, to cover up for the P30,000.00 that he received on February 22, 1996 from the plaintiff in that case and remedy another deficiency in the court's fiduciary fund. The new entries made it appear, however,

that he officially reported the collection on September 19, 2001 when he had by then long moved to his new assignment as Clerk of Court of the MTCC Dagupan City.[9]

On July 30, 2007 the audit team leader had a dialogue with Dion. He tried to refute the evidence presented against him, but in the end he admitted the misdeed. Later, he settled his accountability.[10]

The OCA recommended Dion's dismissal for dishonesty and grave misconduct and forfeiture of all benefits that may be due him, except accrued leave credits, with prejudice to re-employment in the government service including government-owned and controlled corporations.[11]

The Court is inclined to adopt the findings of the audit team and the recommendation of the OCA. He violated OCA Circular 50-95,[12] which states that "all collections from bailbonds, rental deposits, and other fiduciary collections shall be deposited within 24 hours by the Clerk of Court concerned, upon receipt thereof, with the Landbank of the Philippines." Likewise, he violated OCA Circular 26-97,[13] which directed judges and clerks of court to compel collecting officials to strictly comply with the provisions of the Auditing and Accounting Manual citing Article VI, Sections 61 and 113 which required collecting officers to promptly issue official receipts for all money received by them.

It is evident that Dion willfully betrayed the trust placed by the Court in him as Clerk of Court of the MCTC of San Fabian-San Jacinto, Pangasinan. Following the rulings in *OCA v. Nacuray*[14] and in *Re: Report on the Financial Audit Conducted in the MTC of Bucay, Abra*,[15] the Court has no alternative but to impose the penalty of dismissal on him.

WHEREFORE, the Court FINDS Victorio A. Dion guilty of dishonesty and grave misconduct and DISMISSES him from the service effective immediately. All benefits except accrued leave credits that may ordinarily be due him are ORDERED forfeited with prejudice to re-employment in the government service including government-owned and controlled corporations.

SO ORDERED.

Corona, C.J., Carpio, Carpio Morales, Velasco, Jr., Nachura, Leonardo De Castro, Brion, Peralta, Bersamin, Del Castillo, Abad, Villarama, Jr., Perez, Mendoza, and Sereno, JJ., concur.

[1] Composed of Nathaniel M. Sevilla, Eduardo G. Tesea, Dennis B. Cantano, and Allan B. Carreon; See Annex "A," Report on the Financial Audit Conducted at the Municipal Circuit Trial Court, San Fabian/San Jacinto, Pangasinan.

[2] OCA Report, p. 2.

[3] *Id.*; see also Annex "A," Report of the Audit Team dated May 19, 2008, p. 6.

[4] *Id.*

[5] *Id.*

[6] *Id.*

[7] OCA Report, p. 3; see also Annex "A," Report of the Audit Team dated May 19, 2008, p. 6.

[8] *Id.* at 4; *id.* at 6-7.

[9] *Id.* at 4-5; *id.*

[10] Id. at 5; id. at 7.

[11] Id. at 5-6.

[12] OCA Circular 50-95 took effect on November 1, 1995.

[13] OCA Circular 26-97 took effect on May 5, 1997.

[14] A.M. No. P-03-1739, April 7, 2006, 486 SCRA 532.

[15] A.M. No. P-06-2236, September 20, 2006, 502 SCRA 437.

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.