

ATTY. BENJAMIN RELOVA, COMPLAINANT, VS. JUDGE ANTONIO M. ROSALES, REGIONAL TRIAL COURT, ROXAS, ORIENTAL MINDORO, BRANCH 43, RESPONDENT.

A.M. No. RTJ-02-1711. November 26, 2002

Ponente: PANGANIBAN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/f71f72da4ad0/>

PANGANIBAN, J.:

Under Circular No. 13-92, clerks of court are mandated to deposit fiduciary funds immediately with authorized government depository banks. Their failure to do so cannot directly be blamed on the judges concerned, absent any showing of bad faith, malice, dishonesty, arbitrariness or rank failure/negligence to supervise the clerks of court. This Court is determined to implement its judicial reform program and will not hesitate to discipline and sanction erring members of the judiciary. However, it is also duty-bound to protect the innocent from baseless or unreasonable charges. While it favors cleansing its ranks of the inept, the incompetent and the corrupt, it must at the same time attract the competent and ethical to join the judiciary and to remain there, so as to be able to dispense speedy quality justice for all.

The Case and the Facts

In a letter dated January 30, 2001 addressed to the Office of the Court Administrator (OCA), Atty. Benjamin Relova charged Judge Antonio M. Rosales of the Regional Trial Court (RTC) of Roxas, Oriental Mindoro (Branch 43), with violation of Supreme Court Circular No. 13-92. The letter-complaint states:

“This pertains to Security Bank Manager’s Check No. 0000019511 dated May 24, 1999 in the amount of THREE HUNDRED THOUSAND (P300,000.00) PESOS which our client, MR. EUGENIO C. GONZALES deposited for consignment before the Regional Trial Court of Roxas, Oriental Mindoro, Branch 43 in Civil Case No. C-351 entitled: DIANA GONZALES & EUGENIO C. GONZALES vs. MRS. VERA P. QUIANZON, ET AL. A photocopy of the motion to deposit and the Manager’s Check above-mentioned are hereto attached as ANNEXES ‘A’ and ‘B’ hereof, respectively for ready reference.

“Since the time the said check was deposited with said court up to the present time, the said check ha[s] not been acted upon since the court neither approved nor disapproved the deposit, nor has it ordered the deposit of the said check before a government depository bank as mandated by Supreme Court Circular No. 13-92, dated March 1, 1992, so that the court’s inaction has not only deprived the National Treasury of interest which the above-mentioned check should have earned had the same been deposited, but also caused prejudice to our client in terms of interest had the deposit been disapproved, more importantly because the check has now become stale (per certification of the issuing bank).

“In view of the trial court’s failure to observe Circular No. 13-92 aforesaid, we are, for and in behalf of our client, most respectfully call[ing] the attention of your Honorable Office so that appropriate action in the premises against the Presiding Judge of the Regional Trial Court of Roxas, Oriental Mindoro, Branch 43, for violation of Circular No. 13-92. The Judge is the Hon. Antonio M. Rosales.”[1]

Respondent judge regarded the instant case as harassment, as indicated in his Comment[2] dated March 28, 2001:

“x x x. It seems clear from the foregoing baseless charge that Atty. Benjamin Relova would like to picture the undersigned as to be so remiss even in the performance of a simple administrative function of instructing his Clerk of Court to deposit the check in question with the depository bank – the Land Bank branch here in Roxas, this province. It is not that simple. As the succeeding paragraphs will show the decision of the court regarding the said check has been interwoven with the undersigned’s exercise of judicial function which has been hampered by the series of actions taken by the complainant’s law office like the filing of a petition [for] certiorari (CA G.R. No. SP – 57597) assailing the twin orders of this court denying the plaintiff’s Application For Injunction With Temporary Restraining Order in the Court of Appeals, and then by filing an appeal by certiorari (G.R. No. 145914), before the Honorable Supreme Court from the decision of the Honorable Court of Appeals which sustained the twin orders of this court, and then by filing numerous motions for postponements invoking various reasons, the last of which pertains to the scheduled hearing on March 30, 2001. Thus, for reasons attributable to the complainant the court has yet to rule on the propriety of the petition/complaint for consignment filed by their clients.

x x x x x x x x

‘It will be noted that on page 3 of the pre-trial order, plaintiffs marked as their Exhibit ‘N’, the Manager’s Check in question and that defendants are not willing to accept the unpaid balance of the purchase price for reasons advanced by them. x x x.

x x x x x x x x

‘3.13 Under date of September 18, 2000, plaintiffs filed a Motion For Reconsideration of the decision of the Court of Appeals and this time they changed their theory by arguing that the circumstances obtaining in this case could justify the grant of preliminary mandatory injunction when their application before this court is one for preliminary prohibitory injunction.

‘And as an afterthought, plaintiffs assailed the failure of the Branch Clerk of Court, Atty. Mariano S. Familiar III, of this court to exercise simple administrative function of depositing the Manager’s Check, (plaintiffs’s Exhibit ‘N’) in question which is payable to defendants and/or the RTC in compliance with Supreme Court Circular No. 13-92, the pertinent portion of which states:

‘All collections from bailbonds, 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.’

‘3.14 Again, the Court of Appeals denied the Motion For Reconsideration in a resolution handed down on November 13, 2000.

‘Concerning the check in question, the Honorable Court of Appeals made the following pronouncement:

‘As to petitioners’ claim for interest which the check they had consigned may have earned if deposited with an authorized government depository bank in accordance with Supreme Court Circular No. 13-92 which took effect March 1, 1992 (p. 9, Motion for Reconsideration, p. 202, Rollo), it is premature in the present petition for certiorari to claim any contingent interest which may accrue by reason of the consignment of the check for the reason that petitioners’ main case below is for consignment, the propriety of which is yet to be determined on the merits by the court a quo.’

‘A photocopy of the said resolution is hereto attached as Annex ‘E’.

‘3.15 From the adverse resolution of the Court of Appeals, plaintiffs filed before the Honorable Supreme Court an appeal by way of petition for certiorari under Rule 45 of the 1997 Rules of Civil Procedure where the said petition is now pending.

‘3.16 Instead of filing with this court a motion to cancel and/or consider their obligation as extinguished so that the court could immediately rule on the propriety of the consignment, plaintiffs through the law office of the complainant here, Atty. Benjamin Relova filed numerous postpon[e]ments citing various reasons and had they x x the courage to pursue the case on the merits before this court, the check in question could not have been rendered stale.

‘3.17 In fact, the case is set for hearing before this court on March 30, 2001 at 8:30 a.m. and plaintiffs have again filed a very Urgent Motion To Defer/Suspend Proceedings. A photocopy of plaintiff’s Very Urgent Motion is hereto attached as Annex ‘F’.

“4. From the foregoing discussion, it can easily be deduced that complainant has turned his ire on the undersigned for the purpose of taking him out of the case. On the other hand, the undersigned did not instruct his Clerk of Court to deposit the check in the depository bank because of his honest impression that this court has to rule first on the propriety or impropriety of consignment. This impression was further bolstered by the fact that plaintiffs have even adopted and marked the check as one of their documentary evidence. Thus, the decision to deposit the said check or not does not involve a mere routinary exercise of administrative function. It has been interwoven with the exercise of judicial function which cannot be interfered with unless done in bad faith and/or patently erroneous.”[3]

In short, respondent argues that the present case is designed to force him to inhibit himself from hearing the aforesaid civil case. He also points out that the check would not have become stale were it not for the numerous hearing postponements requested by complainant, as well as the review Petitions the latter had filed with the Court of Appeals and the Supreme Court.

OCA’s Evaluation and Recommendation

The OCA found that respondent judge had violated Supreme Court Circular No. 13-92, mandating the immediate deposit of all fiduciary collections with the authorized government depository bank.[4] The OCA then recommended the imposition of a fine of P10,000.[5]

This Court’s Ruling

We disagree with the OCA that SC Circular No. 13-92 was violated by respondent.

Administrative Liability

Respondent judge has been charged with violating SC Circular No. 13-92, the full text of which reads:

“Our attention has been called by the Treasurer of the Philippines that collections from bailbonds, rental deposits and other fiduciary collections are being deposited with the Provincial, City and Municipal Treasurers in compliance with Circular No. 5 dated November 25, 1982, issued by then Chief Justice Enrique M. Fernando, which procedure runs counter to the provisions embodied in the General Appropriations Act for Fiscal Year 1992, specifically Sections 4 and 12 of its General Provisions, to wit:

‘1) Section 4 provides that trust receipts shall be treated as a trust liability of the agency concerned and deposited in an authorized government depository bank or in the National Treasury as the case may be x x x; Provided, x x x, that if the amount is deposited in a savings account, the interest shall accrue to the General Fund and shall be remitted to the National Treasury at the end of each quarter.

‘2) Section 12 provides that performance bonds and deposits filed or posted by private entities with agencies of the government shall be deposited in an authorized government depository bank as trust liabilities under the name of the agency concerned, the interests thereon and any forfeited amounts to be recorded as income of the General Fund and remitted to the National Treasury.

“Conformably herewith, Circular No. 5, dated November 25, 1982, is hereby revoked and declared of no further force or effect. The following procedure is therefore prescribed in the administration of Court Fiduciary Funds:

Guidelines in Making Deposits

- 1) Deposits shall be made under a savings account. Current account can also be maintained provided that it is on an automatic transfer of current account from savings.
- 2) Deposits shall be made in the name of the Court.
- 3) The Clerk of Court shall be custodian of the Passbook to be issued by the depository bank and shall advise the Executive Judge of the bank’s name, branch and savings/current account number.

Guidelines in Making Withdrawals

- 1) Withdrawal slips shall be signed by the Executive Judge and countersigned by the Clerk of Court.
- 2) If maintaining a current account, withdrawals shall be made by checks. Signatories on the check shall likewise be the Executive Judge and the Clerk of Court.

“All collections from bailbonds, 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.

“Interests earned on these deposits and any forfeited amounts shall accrue to the General Fund of the government. Within two (2) weeks after the end of each quarter, the Clerk of Court shall withdraw such interests and forfeited amounts and shall remit the same to the National Treasury under a separate Remittance Advice, duplicate copy thereof to be furnished the Chief Accountant of the Supreme Court for record and control purposes.

“No withdrawals, except as specifically provided in the immediately preceeding paragraph, shall be allowed unless there is a lawful order from the Court that has jurisdiction over the subject matter involved.

“Only one depository bank shall be maintained and said bank must be formally informed by the Executive Judge as to who are the authorized signatories to the withdrawal slips.

“Except in instances specifically mentioned in the immediately succeeding paragraph, all fiduciary collections currently deposited with the local treasurers shall be withdrawn therefrom and deposited with the savings/current accounts maintained by the courts for these collections.

“In localities where there are no branches of authorized government depository banks or, even if there be a branch but it is impractical, for justifiable reasons, to maintain deposits therein, all fiduciary fund collections shall be deposited by the Clerk of Court with the Provincial, City or Municipal Treasurer. In either case, the Clerk of Court must first seek a favorable recommendation from the Executive Judge.

“Within two (2) weeks after the end of each quarter, all Clerks of Court are hereby required to submit to the Chief Accountant of the Supreme Court a quarterly report indicating the outstanding balance maintained with the depository bank or local treasurer, and the date, nature and amount of all deposits and withdrawals made within such period.” (Emphasis and underscoring supplied)

As can be gleaned from the above-quoted Circular, clerks of court are the custodians of all bail bonds, rental deposits and other fiduciary collections. In the ordinary course of proceedings, judges have nothing to do with the collections, because clerks of court are the officers mandated to deposit them with an authorized government depository bank. Hence, judges cannot be directly faulted if these funds are not immediately deposited, especially since they would not normally know exactly when the clerks of court received them. To repeat, the clerks of court

are the ones responsible for such matters.[6]

Hence, by singling out the judge and sparing the clerk of court from administrative liability, complainant has demonstrated partiality. On the other hand, complainant alludes to respondent's administrative nonfeasance by harping on his failure to instruct the clerk of court to deposit the subject check.

Such failure does not make respondent directly liable for violating the subject Circular. First, he is not required to give such instructions. From the tenor of the Circular, it is evident that the clerk of court is expected to deposit fiduciary collections automatically without waiting for instructions from the judge.

Second, complainant has failed to prove to the satisfaction of the Court that the subject manager's check had been received by the clerk of court as a cash equivalent to be deposited, and not as a document or annex of the Complaint/Petition for consignment. Conspicuously absent from the records is a copy of an official receipt showing that the lower court indeed received the manager's check. Neither was there any allegation of the existence of such receipt to show that the check was received by the court as a cash equivalent.

On the other hand, we have on record the fact that the check was presented as a document and marked as Exhibit "N" by complainant's client, the plaintiff in Civil Case No. C-351.[7] Since the check was not received directly as a fiduciary collection, we cannot expect the clerk of court to deposit the check immediately, as the situation did not squarely and strictly fall -- for purposes of administrative penalty -- under SC Circular No. 13-92.

Third, it is clear from respondent's Comment that after the non-deposit of the check was brought to his attention, respondent judge studied the matter. Exercising his supervisory duties, he determined that the check should not be deposited immediately, since the consignment case was still undecided and the check had been marked in evidence. He believed that the decision to deposit it was "interwoven with the exercise of judicial function." Thus, his decision not to deposit it was not arbitrarily arrived at. Neither was it patently erroneous, facetious or unreasonable.

Even granting for the sake of argument that complainant's client intended to give the check to the court as a cash equivalent, and that it should have been duly receipted and deposited by the clerk of court with the court's depositary bank, still we cannot directly fault respondent with its non-deposit. He may have erred by not instructing his clerk of court to deposit it, but in the absence of bad faith, we cannot penalize him for such inaction. Judges are, after all, mortals and are thus prone to make simple mistakes once in a while.

"x x x [J]udges may not be held administratively responsible for every error or mistake in the performance of their duties; otherwise, that would make their position unbearable. To merit disciplinary sanction, the error or mistake must be gross or patent, malicious, deliberate, or in bad faith. In the absence of proof to the contrary, defective or erroneous decision or order is presumed to have been issued in good faith.[8]

"x x x. As a matter of public policy, not every error or mistake of a judge in the performance of his official duties make him liable therefor. In the absence of fraud, dishonesty or corruption, the acts of a judge in his official capacity does not always amount to misconduct although such acts may be erroneous. A judge may not be disciplined for error of judgment unless there is proof that the error was made with a conscious and deliberate intent to do an injustice. Nevertheless, this is not to say that a judge need not observe due care in the performance of his functions."[9]

In determining whether to impose any sanction on respondent judge, we take into consideration the fact that the alleged error he committed was not gross or patent. Also, no malice, corrupt motive or improper consideration on his part was shown. Neither has he heretofore been found guilty of any administrative offense.

The most that can be said in this situation is that respondent should merely be advised to be more careful and

diligent in supervising the administrative acts of the court personnel. Judges presiding over branches of a court are, in legal contemplation, the heads thereof since they have effective control and authority over all employees in those branches.[10] More specifically, in the performance of their duties judges have supervisory powers over clerks of court and employees under them.[11]

WHEREFORE, Judge Antonio M. Rosales is ACQUITTED of any administrative violation of Circular 13-92. However, he is ADVISED to be more careful and diligent in the performance of his supervisory functions over his court personnel.

SO ORDERED.

Sandoval-Gutierrez, Corona, and Carpio-Morales, JJ., concur
Puno, J., (Chairman), Abroad on official business.

[1] Rollo, p. 1.

[2] Id., pp. 12-22.

[3] Comment, pp. 2-10; rollo, pp. 13-21.

[4] Report of the Office of the Court Administrator, p. 2; rollo, p. 76.

[5] Id., pp. 3 & 77.

[6] Manual for Clerks of Court, 1991, pp. 123-128.

[7] Pre-trial Order, p. 3; rollo, p. 106.

[8] Del Callar v. Salvador, 268 SCRA 320, 330, February 17, 1997, per Davide Jr., J. (now CJ).

[9] Riego v.[.] Leachon Jr., 268 SCRA 777, 784, February 27, 1997, per Puno, J.

[10] Poco-Deslate v. Mendoza-Arce, 318 SCRA 465, 489-490, November 19, 1999.

[11] Section F, Chapter I, Manual for Clerks of Court, 1991, p. 9.

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.