

RE: REPORT OF REGIONAL COORDINATOR FELIPE KALALO ON ALLEGED ANOMALIES INVOLVING JDF COLLECTIONS IN MTCC, ANGELES CITY AND MCTC, MINALIN, PAMPANGA.*A.M. No.P-95-1155. May 15, 1996*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/fd02d95a1f5b/>**PER CURIAM:**

In a memorandum, dated 26 May 1995, Judiciary Planning Development Implementation Office ("JPDIO") Vice Chairman, Madam Justice Irene R. Cortes, and JPDIO Consultant and National Coordinator, Justice Oscar R. Victoriano, apprised Court Administrator Ernani Cruz-Pano of the urgent report sent by JPDIO Regional Coordinator, Justice Felipe Kalalo, on what had been reported to be serious irregularities in the handling of Judiciary Development Fund ("JDF") collections.

In the Municipal Circuit Trial Court ("MCTC") of Sto. Tomas-Minalin, Pampanga, it was disclosed that former Clerk of Court Rhodora Reyes failed to remit JDF collections during her tenure from 1989 to 1994.

In the Municipal Trial Court in Cities ("MTCC") of Angeles City, Records Officer Josephine Calaguas, then the officer-in-charge of JDF collections, reportedly embezzled the sum of P92,737.00. When, on 23 May 1995, Calaguas was asked by Justice Kalalo to produce the JDF cash book and her collections, she explained that she was still updating the entries at home. The next day, Justice Kalalo found her in the office preparing deposit slips covering the misappropriated amount. Calaguas admitted before Justice Kalalo that she had meanwhile spent the JDF collections.

Alma Mamaril, the incumbent Clerk of Court of MCTC Sto. Tomas-Minalin, and Calaguas were directed to report on 09 June 1995 to the Office of the Court Administrator ("OCA") for a conference. During the meeting, Mamaril submitted her Reports of Collections and Remittances, amounting to P9,370.00 covering the period of August 1994 to May 1995. While Calaguas showed that she already had deposited the sum of P94,709.00 with the Angeles City Branch of Land Bank of the Philippines ("LBP"). The deposit slips covering the sum were all dated 25 May 1995.

In its resolution of 25 July 1995, the Court directed the OCA to Conduct a financial audit. The Court also resolved to treat the report as an administrative complaint against Calaguas who was required to file her answer thereto. Calaguas was preventively suspended pending investigation of the case, and the Fiscal Management and Budget Office was required to withhold in the meanwhile her salaries and other benefits.

The audit examination conducted by the Fiscal Audit Division of the OCA revealed that the total accountability of Reyes amounted to P28,995.00 representing the unremitted collections during her incumbency. Reyes resigned on 15 November 1994; and her whereabouts thereafter remained unknown. The report also showed that after the last audit of the funds in MTCC Angeles City in January 1992, Calaguas started handling the JDF collections and deposits until May of 1995. Apparently, Calaguas always had an unfavorable balance of accountability every year. Substantial amounts of her JDF collections were deposited only following the 23rd May 1995 visit of Justice Kalalo.

In an answer, dated 05 September 1995, Calaguas, among other things, admitted that she had used the JDF collections for the medical treatment of her father who was then suffering from cancer. She pleaded for the dismissal of the complaint against her and sought to assure the Court that she would henceforth "be more true and faithful and honest in the discharge of (her) duties."

In a memorandum addressed to Chief Justice Andres R. Narvasa, dated 06 December 1995, the OCA, through Deputy Court Administrator Reynaldo L. Suarez, recommended:

"WHEREFORE, IN VIEW OF THE FOREGOING, this Office respectfully recommends the following:

"a) that Record Officer Josephine Calaguas of the Office of the Clerk of Court, MTCC, Angeles City, be DISMISSED from the service for gross dishonesty, with forfeiture of all benefits due her and prejudice to re-employment in any government agency including government-owned or controlled corporation;

"b) that Clerk of Court Jesus Miranda of MTCC, Angeles City, be STRONGLY REPRIMANDED, for his negligence to duly supervise his personnel, and further be DIRECTED to be more careful and diligent in the performance of his duty;

"c) that incumbent Clerk of Court Alma Mamaril of MCTC, Sto. Tomas-Minalin, Pampanga, be EXONERATED, for whatever administrative liability relative to JDF collections of her predecessors; and

"d) that the Provincial Prosecutor of Pampanga be INFORMED of the findings and report on the misappropriation of former Clerk of Court Rhodora Reyes, for the filing of any appropriate criminal action against her."

Administrative Circular No. 31-90,[1] dated 15 October 1990 provides that amounts accruing to the JDF shall be deposited daily with an authorized government depository bank, or private bank owned or controlled by the government as so specified by the Chief Justice,[2] "for the account of the Judiciary Development Fund, Supreme Court, Manila." If daily deposit is not possible, deposit for the Fund shall be made every second and third Fridays and at the end of every month; provided, however, that whenever collections for the Fund reach P500.00, the amount should be deposited immediately even before the above-indicated dates. If there is no authorized depository bank at the place where the court is stationed, the collections are to be sent by postal money order payable to the Chief Accountant of the Supreme Court.

Calaguas admittedly has failed to remit her JDF collections on time. The fact that she did ultimately restore the full amount misappropriated certainly cannot in full exonerate her from liability.

The Court must reiterate that a public office is a public trust. A public servant is expected to exhibit, at all times, the highest degree of honesty and integrity[3] and should be made accountable to all those whom he serves.

MTCC Angeles City Clerk of Court Jesus Miranda himself has shown indifference in handling this problem. The fact that he has not been directly tasked with JDF collections does not excuse him from his duty to oversee and supervise court personnel within his area of responsibility.

WHEREFORE, the Court, finding Josephine Calaguas guilty of dishonesty, imposes on her the penalty of DISMISSAL from the service with forfeiture of all her leave credits and retirement benefits, with prejudice to re-employment in any government agency, including government-owned or controlled corporation, thereby cancelling her civil service eligibility, if any, in accordance with Section 9, Rule XIV, of the Omnibus Rules Implementing Book V of Executive Order No. 292.[4]

The Court REPRIMANDS Clerk of Court Jesus Miranda of MTCC, Angeles City, for his failure to properly supervise court personnel under him.

Clerk of Court Alma Mamaril of MCTC Sto. Tomas-Minalin, Pampanga, is EXONERATED from any administrative liability relative to the JDF collections of her predecessors.

Let a copy of this decision be furnished the Department of Justice for its appropriate information and guidance.

SO ORDERED.

Narvasa, C.J., Padilla, Regalado, Davide, Jr., Romero, Bellosillo, Puno, Vitug, Mendoza, Hermosisima, Jr., Panganiban, and Torres, Jr., JJ., concur.

Melo, Kapunan, and Francisco, JJ., on leave.

[1] Guidelines For Allocating The Legal Fees Collected Under Rule. 141, As Revised, Between The General Fund and The Judiciary Development Fund.

[2] Then the Philippine National Bank (PNB) now the Land Bank of the Philippines (LBP) pursuant to Administrative Circular No. 5-93, dated 30 April 1993.

[3] JDF Anomaly in the RTC of Ligao, Albay, A.M. No. 95-1-07-RTC, 21 March 1996.

[4] Administrative Code of 1987. Sec. 9, Rule XIV of the Omnibus Rules Implementing Book V provides that "(t)he penalty of dismissal shall carry with it cancellation of eligibility, forfeiture of leave credits and retirement benefits, and the disqualification for reemployment in the government service. x x x"

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