

**GLORIA G. HALLASGO, MUNICIPAL TREASURER OF DAMULOG,
BUKIDNON, PETITIONER, VS. COMMISSION ON AUDIT (COA)
REGIONAL OFFICE NO. X, ELIEZER ASOMBRADO, THE FORMER
VICE-MAYOR OF THE MU...**

G.R. No. 171340. September 11, 2009*

Ponente: DEL CASTILLO, J.

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DEL CASTILLO, J.:

The oft-repeated phrase, "public office is a public trust"[1] is not - and should not be - mere hortatory cliché. A public servant is expected to exhibit, at all times, the highest degree of honesty and integrity, and is accountable to all those he or she serves. Public officers - particularly those in custody of public funds - are held to the highest standards of ethical behavior in both their public and private conduct, and are expected to uphold the public interest over personal interest at all times. It is in this spirit that we convey our deep disdain for all those whose actions betray the trust and confidence reposed in public officers, and those who attempt to conceal wrongdoing through misdirection and blatantly belated explanations.

This is a Petition for Review on Certiorari filed by petitioner Gloria Hallasgo, Municipal Treasurer of Damulog, Bukidnon, assailing the Decision[2] dated 9 September 2004 of the Court of Appeals (CA) in CA-GR SP No. 77522, affirming the 22 October 2002 Decision[3] of the Deputy Ombudsman for Mindanao. Said Decision of the Ombudsman found petitioner guilty of grave misconduct and ordered her dismissal from the service. Also assailed in this petition is the Resolution[4] dated 19 January 2006 of the CA denying petitioner's Motion for Reconsideration.

Petitioner was the Municipal Treasurer of the Municipality of Damulog, Bukidnon. On 15 June 2001, she was accused before the Office of the Deputy Ombudsman for Mindanao of "unauthorized withdrawal of monies of the public treasury amounting to malversation of public funds" by outgoing and incumbent officials of the municipality, namely, Messrs. Eliezer N. Asombrado, Alejandro S. Berdera, Ulyses T. Tirado, and Armando L. Ayco.[5] Also named in the Affidavit-Complaint were Emma T. Badic and Emitterio D. Luis, the municipality's disbursing officer and municipal mayor from 1980 to 1998, respectively. The case was docketed as Eliezer N. Asombrado, et al. v. Gloria Hallasgo, Emma Badic, and Emitterio Luis, for malversation (OMB-MIN-01-0329) and gross misconduct (OMB-MIN-ADM-01-192).

In brief, the Affidavit-Complaint claimed that petitioner, Badic and Luis were liable for the following acts: (1) making unrecorded withdrawals from the municipality's bank account totaling P360,000.00 without the required supporting documents; and (2) failing to liquidate cash advances despite the lapse of over a year, in the amount of P171,256.00.

On 9 August 2001, petitioner, Badic and Luis filed their Joint Counter-Affidavit[6] alleging that: (1) all disbursements were supported by vouchers and recorded in the Treasurer's Cash Book and Journal of Checks; and (2) all the required documentation to liquidate the cash advances were received by the Municipal Accountant on

26 December 2000. In addition, Luis declared that he had since retired from the service, and that all his accounts were cleared prior to his retirement.

After a preliminary review of the documents, the Office of the Ombudsman for Mindanao determined that it could not make a complete evaluation of the issues without conducting an extensive audit. Thus, it requested the Commission on Audit (COA), Region X, Cagayan de Oro City, to audit the records of the alleged anomalous transactions. On 16 October 2001, in accordance with COA Regional Office Order No. 2001-X-297L, the COA created a Special Audit Team (the audit team) to verify the transactions referred to in the Affidavit-Complaint. The audit team submitted its report to the COA Regional Office on 12 December 2001; said results were then referred to the Office of the Ombudsman for Mindanao on 11 February 2002.

The salient points of the audit team's findings[7] are summarized as follows:

- Alleged Unrecorded Withdrawals of P360,000.00 through three (3) checks made without supporting vouchers.
- Land Bank of the Philippines (LBP) Check No. 15106143 for P100,000.00 dated 2 August 1996 in favor of Emma T. Badic, Disbursing Officer.

The audit team found that this transaction was officially recorded.

- LBP Check No. 15627928 for P250,000.00 dated 15 August 1997 in favor of petitioner.

LBP Check No. 15627928 amounting to P250,000.00 was withdrawn and encashed by the petitioner on 15 August 1997 without the required disbursement voucher. No evidence existed to show that the amount withdrawn was deposited in any of the municipality's depository banks.

Petitioner first claimed that she deposited this amount in the municipality's Philippine National Bank (PNB) account. However, no evidence of a cash deposit in the amount of P250,000.00 could be found. Instead, it appeared that what was actually deposited by the petitioner were checks that were intended to fund separate transactions.

Petitioner later claimed that, after going over her records, the P250,000.00 was kept in her safe as reserve fund, so this amount was included in her accountabilities. The audit team however noted that no evidence was presented to show that the P250,000.00 was really accounted for, aside from petitioner's statement that this was included in the funds under her accountability. Further, a verification of the general ledger account as of 31 December 1997 revealed that the cash in treasury amounted to only P239,741.65.

The audit team recommended that petitioner be made to account for the withdrawal; otherwise, the appropriate action should be instituted against her for failure to account for the amount withdrawn.

- LBP Check No. 26719253 for P10,000.00 dated 27 February 1998 issued to Emitterio D. Luis.

There was no disbursement voucher found on file from the Office of the Provincial Auditor of Bukidnon, nor was there any record of this transaction taken up either in the Treasurer's Journal of Checks, the General Ledger Book, or the Treasurer's Cashbook. Petitioner explained that the check was actually issued as the municipality's contribution to the Department of Education Culture and Sports (DECS) regional competition, but a mistake was made in effecting payment. However, the audit team found that this check was deposited on 17 July 1998 in the LBP-Maramag branch, returned, and then re-deposited in the trust fund account of the municipality. Evidently, it took four months and 16 days for the former Mayor, Luis, to return the check. The audit team also noted that if the check was really intended as contribution to the DECS, then the DECS, not the mayor, would have been the designated signatory.

The audit team recommended that petitioner and Luis should be made to account for the withdrawal of the fund without the appropriate documentation; otherwise, the appropriate action should be instituted against them for failure to account for the amount withdrawn. In addition, they recommended that the municipality should stop the practice of disbursing money of the local treasury without complete documentation.

- Alleged Unliquidated Cash Advances of P171,256.00.

- The COA audit revealed that of the P171,256.00 cash advances listed, the amount of P30,161.90 had already been previously liquidated.

- As for the remaining P141,094.10, these constituted cash advances granted to petitioner which remained unliquidated for over one year. Indeed, a review of the dates showed that the cash advances remained unliquidated for a period ranging from one year and six months to two years and five months.

The audit team recommended that all officials be required to process the liquidation of vouchers of cash advances submitted by the former Municipal Treasurer in accordance with Section 5 of COA Circular No. 97-02 so that unliquidated cash advances could be settled. Otherwise, appropriate administrative actions should be instituted against those who fail to settle their cash advances accordingly.

- Additional cash advances had been granted to petitioner, even if previous cash advances remained unsettled, thus exposing the funds to possible misuse and misappropriation. Consequently, the audit team recommended that the municipality should stop the practice of granting additional cash advances to officials who have not yet liquidated their previous cash advances.

- Cash advances totaling P171,256.00 were granted to the former Municipal Treasurer under her own accountability, in violation of COA-MOF Joint Memorandum Circular No. 02-81 dated 15 November 1981. As such, the audit team recommended that the municipality stop the practice of granting cash advances to the Municipal Treasurer under her own accountability except upon prior approval from the Department of Finance.

- Alleged Unrecorded Withdrawals of P700,000.00 encashed by petitioner on 16 June 1997 under PNB Check No. 586577-W for P350,000.00 and LBP Check No. 15627907 for P350,000.00.

The audit team found that these transactions totaling the amount of P700,000.00 were all recorded in the books of accounts as of June 1997.

Nonetheless, in the course of the audit, the audit team noted that on two separate occasions, the Disbursing Officer failed to timely record the cash advances in her cashbook at the time the transactions were incurred, in violation of Section 19(a) of COA Memorandum 84-373, thus precluding early detection of errors and discrepancies. The delays in recording ranged from 26 - 30 days. The audit team recommended that the municipality direct the Disbursing Officer to record promptly all cash advances received in the cashbook at the time the transaction is incurred, to avoid mishandling of cash and to detect errors and discrepancies without delay.

- Petitioner failed to remit intact and promptly the amounts she received in cash totaling P980,000.00, thus exposing government funds to probable misuse/misapplication.

It was shown that on separate occasions in 1997, petitioner withdrew a total of P980,000.00 from the Municipal Treasury, allegedly for fund transfer to the PNB, as follows:

ate of Check

Payee

Check No.

Amount

Date encashed

15 August 1997

G. Hallasgo

LBP15627928[8]

PhP250,000.00

15 August 1997

16 June 1997

G. Hallasgo

LBP15627907

PhP350,000.00

16 June 1997

29 July 1997

G. Hallasgo

LBP15627921

PhP380,000.00

29 June 1997

Petitioner explained that she had the checks issued in her name, instead of depositing them in the municipality's account, in order to avoid the three or four day clearing period. However, in the course of the audit, it was shown that even the cash was never deposited to the municipality's PNB account. Rather, petitioner deposited different checks to fund the PNB account; stated otherwise, checks were used to cover up cash withdrawals for the same purpose. It was thus unclear what the funds under LBP Check Nos. 15627907 and 15627921 were utilized for.

The audit team recommended that (1) petitioner be required to explain the final status of cash withdrawn totaling P980,000.00; (2) the municipality end the practice of encashing checks for the purpose of withdrawal by the depository for fund transfer to another bank; (3) responsible officers deposit intact and promptly the full amount so received and collected to the treasury and credit it to particular accounts to which said money belongs to avoid misuse/misapplication of the same.

On 12 April 2002, the audit team, composed of State Auditors Concepcion Guanzon and Leonido Pajo, executed a Joint Affidavit summarizing their findings against petitioner and Luis.[9] The case was re-docketed as Commission on Audit (COA) Regional Office No. X v. Gloria Hallasgo & Emiterio D. Luis, but the same docket numbers were retained. Petitioner filed her Counter-Affidavit dated 17 June 2002, essentially reiterating the defenses made before the COA Audit Team.[10] After the parties filed their respective position papers, the case was submitted for resolution.[11]

On 22 October 2002, the Deputy Ombudsman for Mindanao issued a Decision[12] finding petitioner guilty of GRAVE MISCONDUCT. The charge against Luis was dismissed. Pertinent portions thereof read as follows:

This Office finds that there is sufficient evidence to support a finding of grave misconduct against respondent [Hallasgo]. Misconduct in office implies a wrongful intention and not a mere error of judgment. In the instant case, the respondent appears to have used her expertise in financial management to obfuscate the subject transactions for the purposes of concealing financial anomalies. Her acts cannot be considered as done in good faith or constituting only errors of judgment. It is to be emphasized that the tasks and functions of a treasurer is highly fiduciary in nature. Public office is a public trust. In the case of the respondent, a higher degree of standard is expected from her and this Office finds that she has abjectly failed to live up to that standard. In grave misconduct, as distinguished from simple misconduct, the elements of corruption, clear intent to violate the law, or flagrant disregard of established rule must be manifest. All of these are evident in the instant case.

x x x x

WHEREFORE, PREMISES CONSIDERED, this Office finds respondent GLORIA HALLASGO, GUILTY OF GRAVE MISCONDUCT. Pursuant to Resolution No. 991936, otherwise known as the Uniform Rules on Administrative Cases in the Civil Service, the respondent is hereby meted the corresponding penalty of DISMISSAL FROM THE SERVICE, together with all the accessory penalties appurtenant thereto, effective upon the finality hereof. The charge against co-respondent Emeterio D. Luis is hereby DISMISSED.[13]

Petitioner filed a Motion for Reconsideration,[14] which was denied by the Office of the Ombudsman in an Order[15] dated 8 April 2003. Petitioner then appealed the Decision to the CA under Rule 43 of the Rules of Court.

In the herein assailed Decision[16] dated 9 September 2004, the CA dismissed petitioner's appeal for lack of merit. Petitioner's Motion for Reconsideration[17] dated 27 September 2004 was likewise dismissed in a Resolution[18] dated 19 January 2006.

Before this Court, petitioner now claims that:

- The CA did not decide the case in accordance with applicable law and jurisprudence.
- The CA failed to appreciate the conclusions of the COA as found in the audit report, and thus departed from the accepted and usual course of judicial proceedings, that justifies the exercise of supervision by the Supreme Court.
- The CA failed to appreciate that there was no substantial evidence to warrant the meting out of the extreme penalty of dismissal from service.
- The penalty of DISMISSAL from the service imposed by the Ombudsman and affirmed by the CA is not commensurate to their findings since no substantial evidence exists.

In its Comment[19] dated 28 June 2006, the Office of the Solicitor General (OSG), representing the COA, argued that:

- All indispensable parties should have been impleaded in the proceedings before the Ombudsman and made parties to the Petition filed before the CA.
- A Petition for Review under Rule 45 of the 1997 Rules of Civil Procedure must raise only questions of law.
- The totality of the evidence must be considered in determining petitioner's liability for grave misconduct, as what was correctly done by the Ombudsman.
- Petitioner's dismissal from service is warranted by law and the evidence on record.

We affirm the ruling of the CA and DENY the petition for lack of merit.

Procedural Matters

There is no merit in the OSG's claim that private complainants - Eliezer Asombrado, Alejandro Berdera, Ulyses Tirado, and Armando Ayco - were denied due process when petitioner failed to implead them as indispensable parties before the CA.[20]

A review of the records indicates that even during the proceedings before the Office of the Ombudsman, the case was re-docketed as Commission on Audit Regional Office No. X v. Gloria Hallasgo and Emitterio D. Luis, after the COA audit team executed a Complaint-Affidavit against petitioner for gross misconduct. Furthermore, the private complainants cannot be considered indispensable parties,[21] such that the case cannot be resolved without their participation. In administrative cases, the complainant is a mere witness; no private interests are involved as any offense is committed against the government.[22] In any event, the private complainants were not denied due process. Although not named in the petition, the private complainants were furnished copies of the pleadings and did, in fact, participate in the proceedings before the CA, arguing vigorously against the petitioner.[23]

On the other hand, the OSG correctly argues that questions of fact are not proper in a petition brought under Rule 45 of the Rules of Court.[24] Put simply, the Supreme Court is not a trier of facts,[25] and cannot be tasked to analyze, assess, and weigh the facts presented by the parties before the Ombudsman and the CA in order to ascertain if their appreciation of the evidence is correct.[26] Although there are recognized exceptions to this rule,[27] none of them apply to the present case. Nonetheless, in the interest of justice, we have carefully examined all the evidence in this case, but still find that there is no sufficient reason to overturn the findings of the CA and the Office of the Ombudsman.

Our Finding of Gross Misconduct

Misconduct generally means wrongful, improper or unlawful conduct motivated by a premeditated, obstinate or intentional purpose. It is a transgression of some established and definite rule of action, a forbidden act, a dereliction of duty. Qualified by the term "gross," it means conduct that is "out of all measure beyond allowance; flagrant; shameful; such conduct as is not to be excused." [28]

We find that the evidence on record demonstrates a pattern of negligence and gross misconduct on the part of the petitioner that fully satisfies the standard of substantial evidence. Substantial evidence is such amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion.[29]

Petitioner's failure to keep current and accurate records, repeated withdrawal of funds without the appropriate disbursement vouchers, failure to ensure the timely liquidation of her cash advances even after the lapse of over a year, and failure to account for funds in her custody not only constitute violations of applicable laws,[30] but also reflect poorly on the government and provide ripe opportunity for fraud and corruption.

Petitioner presented these arguments to exonerate herself from liability: first, any anomalous transactions are merely the product of human error, and do not constitute misconduct so grave as to warrant dismissal from the service; second, as regards the failure to liquidate cash advances, it is the accountant that failed to obligate all cash advances; thus, petitioner should not be held liable; third, unless a thorough audit is done, she should not have been adjudged to have committed gross misconduct. In particular, she claims that since the audit team could not determine the final status of the cash withdrawn for the purpose of fund transfer to PNB, her dismissal is not warranted until a full-blown audit is conducted.

We are not persuaded.

As treasurer of the municipality, it is petitioner's duty to perform her responsibilities diligently, faithfully, and efficiently. It behooves her to exercise the highest degree of care over the custody, management, and

disbursement of municipal funds.[31] Even if petitioner may have justified some of the transactions, these explanations were belatedly done, effected only after being directed to do so by the audit team. This purported atonement, undertaken as an afterthought accompanied by neither shame nor remorse, cannot exonerate her from liability.[32]

We are not convinced that the anomalies complained of are the result of mere inadvertence, or that responsibility can so easily be shifted by petitioner to her subordinates. On the contrary, her actions demonstrate her wanton and deliberate disregard for the demands of public service. Petitioner's failure to ensure that disbursements are properly documented or that cash advances granted to her are properly and timely liquidated certainly deserves administrative sanction. In particular, we wish to denounce petitioner's practice of having the municipality issue checks in her name, ostensibly to get cash immediately and avoid a three day clearing period, only to discover that petitioner never actually deposited the cash in the municipality's bank account. This is a highly pernicious practice that this Court condemns in the strongest possible terms.

It bears stressing that petitioner never bothered to explain what took place with respect to the funds subject of LBP Check Nos. 15627907 (for P350,000.00) and 15627921 (for P380,000.00). In stark contrast with the staunch defense she launched for other matters, she never thought to account for these checks, whether before the Office of the Ombudsman, the CA, or this Court. She cannot abdicate responsibility for the checks by claiming that it was the audit team's duty to undertake forensic analysis to uncover how these funds were spent. Rather, as treasurer, she should have deposited the funds as she was tasked to do, and subsequently accounted for the use of said funds.

All these collectively constitute gross misconduct. Pursuant to Section 52, Rule IV of the Civil Service Rules, gross misconduct is a grave offense punishable with dismissal for the first offense,[33] without prejudice to the Ombudsman's right to file the appropriate criminal case against the petitioner or other responsible individuals. We are, of course, aware that in several administrative cases, this Court has refrained from strictly imposing the penalties provided by the law, in light of mitigating factors such as the offending employee's length of service, acknowledgment of his or her infractions and feeling of remorse, family circumstances, advanced age, and other equitable considerations.[34] However, we find that petitioner's recalcitrant refusal to explain the use (or misuse) of the more than P700,000.00 in cash placed in her possession makes her unworthy of such humanitarian consideration, and merits the most serious penalty provided by law.

WHEREFORE, the Petition is hereby DENIED for LACK OF MERIT. The Court of Appeals' Decision in CA-GR SP No. 77522 dated 9 September 2004 and Resolution dated 19 January 2006 are AFFIRMED. Petitioner is hereby found GUILTY of GRAVE MISCONDUCT and is ordered DISMISSED from service with forfeiture of all retirement benefits except accrued leave credits, with prejudice to reemployment in any branch or instrumentality of the government, including government-owned and controlled corporations. The Office of the Ombudsman is DIRECTED to take appropriate action against herein petitioner.

SO ORDERED.

Puno, C. J., Ynares-Santiago, Carpio, Corona, Carpio Morales, Chico-Nazario, Velasco, Jr., Nachura, Leonardo-De Castro, Brion, Peralta, Bersamin, and Abad, JJ., concur.
Quisumbing, J., on official leave.

[*] This case was inherited by the ponente from his immediate predecessor, now retired Associate Justice Ma. Alicia Austria-Martinez on 6 August 2009.

[***] The names of respondents in italics are included in the Petition for Review on Certiorari filed before this Court although they are not indispensable parties to this case.

[1] CONSTITUTION, Art. 11, Sec. 1.

[2] Rollo, pp. 8-18; penned by Associate Justice Edgardo A. Camello and concurred in by Associate Justices Estela M. Perlas-Bernabe and Arturo G. Tayag.

[3] Id. at 48-57.

[4] Id. at 19-20; penned by Associate Justice Edgardo A. Camello and concurred in by Associate Justices Normandie B. Pizarro and Ricardo R. Rosario.

[5] Id. at 71-89.

[6] Id. at 90-105.

[7] Id. at 106-147.

[8] As indicated in A2, above, Petitioner alleged that the first check (LBP15627928) was not actually deposited in the municipality's PNB account, but rather, was kept in Petitioner's safe as reserve fund.

[9] Rollo, pp. 150-152.

[10] Id. at 153-156.

[11] Id. at 158-192.

[12] Id. at 48-57.

[13] Id. at 55-56.

[14] Id. at 59-61.

[15] Id. at 68-69.

[16] Supra note 2.

[17] Rollo, pp. 203-205.

[18] Supra note 4.

[19] Rollo, pp. 219-238.

[20] Rule 43 of the Rules of Court provides that a Petition for Review before the Court of Appeals shall state "the full names of the parties to the case, without impleading the courts or agencies either as petitioners or respondents."

[21] Rule 3, Section 7 of the Rules of Court provides:

Section 7. Compulsory joinder of indispensable parties. -- Parties in interest without whom no final determination can be had of an action shall be joined either as plaintiffs or defendants.

[22] *Navarro v. Civil Service Commission*, G.R. Nos. 107370-71, September 16, 1993, 226 SCRA 522, 526, citing *Paredes v. Civil Service Commission*, G.R. Nos. 88177 & 89530, December 4, 1990, 192 SCRA 84.

[23] Rollo, pp. 256 - 266.

[24] Section 1 of Rule 45 is quite clear in that the petition "shall raise only questions of law which must be distinctly set forth."

[25] *Andrada v. National Labor Relations Commission*, G.R. No. 173231, December 28, 2007, 541 SCRA 538.

There is a "question of fact" when the doubt or controversy arises as to the truth or falsity of the alleged facts. This is distinguished from a question of law when the doubt or difference arises as to what the law is on a certain state of facts, and does not call for an examination of the probative value of the evidence presented by the parties-litigants. See *Cucueco v. Court of Appeals*, G.R. No. 139278, October 25, 2004, 441 SCRA 290, 298.

[26] *La Union Cement Workers Union & Almonte v. National Labor Relations Commission*, G.R. No. 174621, January 30, 2009; *JMM Promotions and Management, Inc. v. Court of Appeals*, 439 Phil. 1, 10 (2002).

[27] In *Sampayan v. Court of Appeals*, G.R. No. 156360, January 14, 2005, 448 SCRA 220, 229, this Court held:

"[I]t is a settled rule that in the exercise of the Supreme Court's power of review, the Court is not a trier of facts and does not normally undertake the re-examination of the evidence presented by the contending parties during the trial of the case considering that the findings of facts of the CA are conclusive and binding on the Court. However, the Court had recognized several exceptions to this rule, to wit: (1) when the findings are grounded entirely on speculation, surmises or conjectures; (2) when the inference made is manifestly mistaken, absurd or impossible; (3) when there is grave abuse of discretion; (4) when the judgment is based on a misapprehension of facts; (5) when the findings of facts are conflicting; (6) when in making its findings the Court of Appeals went beyond the issues of the case, or its findings are contrary to the admissions of both the appellant and the appellee; (7) when the findings are contrary to the trial court; (8) when the findings are conclusions without citation of specific evidence on which they are based; (9) when the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondent; (10) when the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record; and (11) when the Court of Appeals manifestly overlooked certain relevant facts not disputed by the parties, which, if properly considered, would justify a different conclusion.

[28] *Rodriguez v. Eugenio*, A.M. No. RTJ-06-2216, April 20, 2007, 521 SCRA 489, 505-506; *Malabanan v. Metrillo*, A.M. No. P-04-1875, February 6, 2008, 544 SCRA 1.

[29] RULES OF COURT, Rule 133, Section 5; *Mendoza v. Buo-Rivera*, A.M. No. P-04-1784, April 28, 2004, 428 SCRA 72, 76. Administrative proceedings are governed by the substantial evidence rule. Stated otherwise, a finding of guilt in an administrative case may be sustained if it is supported by substantial evidence that the respondent has committed acts stated in the complaint. See *Dadulo v. Court of Appeals*, G.R. No. 175451, April 13, 2007, 521 SCRA 357; *Menor v. Guillermo*, A.M. No. P-08-2587, December 18, 2008. The standard of substantial evidence is satisfied when there is a reasonable ground to believe that respondent is responsible for the conduct complained of, even if such evidence is not overwhelming. See *Liquid v. Camano, Jr.*, A.M. No. RTJ-99-1509, August 8, 2002, 387 SCRA 1, 11.

[30] Such laws include:

Section 344 of Republic Act No. 7160, which provides that no money shall be disbursed unless the local budget officer certifies to the existence of the appropriation that has been legally made for the purpose, the local accountant has obligated said appropriation, and the local treasurer certifies to the availability of the funds for the purpose.

Section 69 of Presidential Decree No. 1445, which provides that public officers authorized to receive and collect

money arising from taxes, revenues, or receipts of any kind shall remit intact the full amounts so received and collected by them to the treasurer of the agency concerned and credited to the particular accounts to which the said money belong.

Section 89 of Presidential Decree No. 1445, which provides that no cash advance shall be given unless for a legally authorized public purpose. A cash advance shall be reported on and liquidated as soon as the purpose for which it was given has been served. No additional cash advance shall be allowed to any official or employee unless the previous cash advance given to him is first settled or a proper accounting thereof is made.

COA-MOF Joint Memorandum Circular No. 2-81 dated 15 October 1981 provides that cash advances shall be granted only to duly designated paymaster, property officers, and supply officers of the local government unit concerned, for the payment of salaries and wages and other petty operating expenses, except when the grant of the cash advance is authorized by special law or competent authority, or is extremely necessary as determined by the chief executive and/or the heads of offices of the local government unit, as hereinafter provided. In no case shall the Treasurer or his cashier be granted a cash advance under his own accountability except for his foreign travel or such other official purpose as the ministry of finance may authorize.

[31] LOCAL GOVERNMENT CODE OF THE PHILIPPINES, Section 470.

[32] Judiciary Planning Dev't. and Implementation Office v. Calaguas, A.M. No. P-95-1155, May 15, 1996, 256 SCRA 690, 694.

[33] Under CSC Resolution No. 99-1936 dated 31 August 1999 (the "Uniform Rules in Administrative Cases in the Civil Service"), which took effect on 27 September 1999, the penalty of dismissal shall carry with it the cancellation of eligibility, forfeiture of retirement benefits, and perpetual disqualification from reemployment in the government service. Similarly, Section 10, Rule III of the Rules of Procedure of the Office of the Ombudsman, as amended by Administrative Order No. 17, provides that "the penalty of dismissal from the service shall carry with it that of cancellation of eligibility, forfeiture of retirement benefits, and perpetual disqualification from reemployment in the government service, unless otherwise provided in the decision."

[34] Tan v. Sermonia, A.M. No. P-08-2436, August 4, 2009, citing In Re: Administrative Case for Dishonesty Against Elizabeth Ting, Court Secretary I, and Angelita C. Esmerio, Clerk III, Office of the Division Clerk of Court, Third Division, A.M. No. 2001-7-SC & 2001-8-SC, 22, July 22, 2005, 464 SCRA 1; Concerned Taxpayer v. Doblada, Jr., A.M. No. P-99-1342, September 20, 2005, 470 SCRA 218; Civil Service Commission v. Belagan, G.R. No. 132164, October 19, 2004, 440 SCRA 578; Buntag v. Pana, G.R. No. 145564, March 24, 2006, 485 SCRA 302.

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