



Republic of the Philippines
SUPREME COURT
Manila

EN BANC

**OFFICE OF THE COURT
ADMINISTRATOR,**

Complainant,

- versus -

**CLERK OF COURT II
MICHAEL S. CALIJA,
MUNICIPAL CIRCUIT TRIAL
COURT (MCTC), DINGRAS-
MARCOS, ILOCOS NORTE,**

Respondent.

**A.M. No. P-16-3586 [Formerly
A.M. No. 14-4-43-MCTC]**

Present:

CARPIO, *Acting C.J.*,
VELASCO, JR.,
LEONARDO-DE CASTRO,
PERALTA,*
BERSAMIN,
DEL CASTILLO,
PERLAS-BERNABE,
LEONEN,
JARDELEZA,
CAGUIOA,
MARTIRES,
TIJAM,**
REYES, JR., and
GISMUNDO, *JJ.*

Promulgated:

June 5, 2018

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DECISION

PER CURIAM:

The instant administrative complaint stemmed from the habitual failure of respondent Michael S. Calija, Clerk of Court II of the Municipal Circuit Trial Court (MCTC) of Dingras-Marcos, Ilocos Norte, to submit the Monthly Financial Reports of court funds on several occasions under Office of the Court Administrator (OCA) Circular No. 113-2004.

The factual antecedents, as summarized in the Memorandum Report dated March 14, 2014 of Atty. Lilian Barribal-Co (Atty. Barribal-Co), Chief of Office of the Financial Management Office, OCA, are as follows:

* On official leave.

** On official business.

In May 2006, respondent's salary was withheld for his failure to submit monthly financial reports on the Judiciary Development Fund (JDF), Special Allowance for the Judiciary (SAJ) Fund, and Fiduciary Fund (FF) for the period of July 2005 to May 2006 received by the MCTC. His salary was released in July 2006 upon submitting the required monthly financial reports. In a letter dated June 14, 2006, he explained that the delay was due to missing deposit slips which he only located recently.

Yet again, respondent's salary was withheld in April 2008 for non-submission of financial reports for the years 2005 to 2008. Respondent was eventually able to submit the above-stated reports, and thus, was able to receive his salary starting February 2009. For this infraction, he was admonished and sternly warned by the Court to be more circumspect in the performance of his duties and that a repetition of the same shall be dealt with more severely.

Respondent's salary was again withheld in May 2010 for failing to submit the financial reports for the following periods:

JDF	June 2009 to May 2010
SAF	June 2009 to May 2010
Fiduciary Fund	August 2005, April 2006, January 2008, September 2008, November to December 2008, April 2009, and June 2009 until March 2014
Sheriff's Trust Fund (STF)	March 2009, June 2009 until March 2014
General Fund	1 st quarter of 2009 to 1 st quarter of 2010

Due to respondent's repeated failure to comply with his duties to timely submit the required reports, the Legal Office of the OCA recommended that a financial audit be immediately conducted by the Fiscal Monitoring Division of the Court Management Office to ascertain apparent irregularities and wrongdoings in the course of respondent's duties that would warrant the filing of appropriate civil, criminal, and administrative charges.

After respondent submitted the latest required reports, the OCA, in a Memorandum dated July 12, 2011, recommended the release of respondent's withheld salaries. In a Resolution dated August 2, 2011 in A.M. No. 11-7-83-MCTC (*Re: Withheld Salaries of Mr. Michael S. Calija, Clerk of Court, MCTC, Dingras, Ilocos Norte*), the Court *En Banc* adopted the OCA's recommendation. Respondent, however, was sternly warned once more by this Court that he should be more circumspect in the performance of his obligation and that the further commission of a similar infraction shall be dealt with more severely.

Nevertheless, respondent was notified yet again on July 4, 2013 to submit the financial reports for the following periods:

JDF	March to July 2013
SAJ	May 2011, March to July 2013
Fiduciary Fund	September 2011, August 2012, and March to July 2013
STF	June 2011, March 2012, and March to July 2013
General Fund	4 th quarter of 2012 up to 2 nd quarter of 2013

Thereafter, in a letter dated November 7, 2013, the OCA required the respondent to show cause within a non-extendible period of five days from notice why his salary should not be withheld for failure to submit the monthly financial reports on the JDF, SAJ, FF, and STF for the periods below:

JDF	May 2013 up to present ¹
SAJ	May 2011, and May 2013 up to present
Fiduciary Fund	September 2011, August 2012, and May 2013 to the present
STF	June 2011, May 2012, and May 2013 up to the present

In view of respondent's repeated failure to submit the monthly financial reports of court funds, Atty. Barribal-Co charged the respondent with dereliction of duty in her Memorandum Report.

The OCA twice required respondent to submit his comment on the Memorandum Report: *first*, in an Indorsement dated May 6, 2014, and *second*, through a Tracer letter dated December 5, 2014. Respondent, however, failed to submit his comment thereon. Thus, for the continuous non-compliance of respondent with the directives of the OCA, the Court, in a Resolution dated October 19, 2016 resolved to:

- (1) RE-DOCKET the Report dated March 14, 2014 of Atty. Lilian Barribal-Co, Chief of Office, Financial Management Office, Office of the Court Administrator, as a regular administrative matter against respondent Clerk of Court Michael S. Calija, MCTC, Dingras-Marcos, Ilocos Norte;
- (2) HOLD respondent Calija GUILTY of gross insubordination for his repeated failure to comply with the show cause letter dated May 6, 2014 and tracer letter dated December 5, 2014, all from the OCA, and IMPOSE upon him a FINE in the amount of Ten Thousand Pesos (P10,000.00), with STERN WARNING that a repetition of the same or similar infraction will warrant a more severe penalty; and
- (3) REQUIRE respondent Calija to (a) COMPLY with the show cause letter dated November 7, 2013 for his failure to comply with office rules and regulations on the submission of monthly reports; and (b) SUBMIT the required comment on the Report dated March 14, 2014 of Atty. Barribal-Co, both within a non-extendible period of five (5) days, failing which, the Court shall take the necessary

¹ As of November 7, 2013, the date of the Show Cause Letter.

action against him and decide the matter on the basis of the record at hand.

From the issuance of the adverted Resolution, the records show that respondent has still failed to comply with the above directives of the Court. The Court has given the respondent ample opportunity to explain his side. He, however, has chosen to ignore the numerous orders issued by this Court requiring him to file his comment on the charges against him. We thus have no other option but to base Our decision on what is found in the records.

Ruling of the Court

Clerks of court are important functionaries of the judiciary.² As chief administrative officers of their respective courts,³ they are entrusted to perform delicate functions with regard to the collection of legal fees, and as such, are expected to implement regulations correctly and effectively.⁴ This Court has often reminded clerks of court that they act as custodians of court funds, and as such, they are required to immediately deposit the funds which they receive in their official capacity to the authorized government depositories for they are not supposed to keep such funds in their custody.⁵ For this reason, they are mandated to timely deposit judiciary collections as well as to submit monthly financial reports on the same.⁶

In this regard, OCA Circular No. 113-2004 dated September 16, 2004 outlines the guidelines for the uniform submission of Monthly Reports of Collections and Deposits by clerks of courts, as follows:

OCA CIRCULAR NO. 113-2004

TO: ALL CLERKS OF COURT OF THE REGIONAL TRIAL COURTS (RTC), SHARI'A DISTRICT COURTS (SDC), METROPOLITAN TRIAL COURTS (MeTC), MUNICIPAL TRIAL COURT IN CITIES (MTCC), MUNICIPAL CIRCUIT TRIAL COURTS (MCTC), MUNICIPAL TRIAL COURTS (MTC), AND SHARI'A CIRCUIT COURTS (SCC)

SUBJECT: SUBMISSION OF MONTHLY REPORTS OF COLLECTIONS AND DEPOSITS

² *In Re: Failure of Atty. Jacinto B. Peñaflo, Jr., Clerk of Court VI, Regional Trial Court, San Jose, Camarines Sur, to Submit the Required Monthly Report of Collections, Deposits, and Withdrawals*, A.M. No. P-07-2339, August 20, 2008. (citations omitted)

³ *Office of the Court Administrator v. Fortaleza*, A.M. No. P-01-1524, July 29, 2002, 385 SCRA 293.

⁴ *Id.* at 531-532.

⁵ *Office of the Court Administrator v. Zerrudo*, A.M. No. P-11-3006, October 23, 2013, 708 SCRA 348.

⁶ *Office of the Court Administrator v. Viesca*, A.M. No. P-12-3092, April 14, 2015. (citations omitted)

The following guidelines and procedures are hereby established for purposes of uniformity in the submission of Monthly Reports of Collections and Deposits, to wit:

1. The Monthly Reports of Collections and Deposits for the Judiciary Development Fund (JDF), Special Allowance for the Judiciary (SAJ) and Fiduciary Fund (FF) shall be:

- 1.1 Certified correct by the Clerk of Court
- 1.2 Duly subscribed and sworn to before the Executive/Presiding Judge
- 1.3 **Sent not later than the 10th day of each succeeding month to-**

The Chief Accountant
Accounting Division
Financial Management Office
Office of the Court Administrator
Supreme Court of the Philippines
Taft Avenue, Ermita
Manila

x x x x

3. In case no transaction is made within the month, written notice thereof shall be submitted to the aforesaid Office not later than the 10th day of the succeeding month. (Emphasis supplied)

The directive of OCA Circular No. 113-2004 requiring the submission of monthly reports of collections of court funds and fees is mandatory.⁷ In the present case, it cannot be denied that respondent has been consistently remiss in complying with this mandate. In view thereof, the Court adopts the findings of the OCA and finds respondent guilty of dereliction of duty.

Dereliction of duty may be classified as gross or simple neglect of duty or negligence.⁸ Simple neglect of duty means the failure of an employee or official to give proper attention to a task expected of him or her, signifying a “disregard of a duty resulting from carelessness or indifference.”⁹ In contrast, gross neglect of duty is characterized by want of even the slightest care, or by conscious indifference to the consequences, or by flagrant and palpable breach of duty.¹⁰ **It is such neglect which, from the gravity of the case or the frequency of instances, becomes so serious in its character as to endanger or threaten the public welfare.**¹¹

⁷ *Office of the Court Administrator v. Mendoza*, A.M. No. P-14-3257, July 22, 2015.

⁸ *Re: Complaint of Aero Engr. Darwin A. Reci against Court Administrator Jose Midas P. Marquez and Deputy Court Administrator Thelma C. Bahia relative to Criminal Case No. 05-236956*, A.M. No. 17-01-14-SC, February 7, 2017. (citations omitted)

⁹ *Ombudsman v. De Leon*, G.R. No. 154083, February 27, 2013.

¹⁰ *Office of the Court Administrator v. Viesca*, supra note 6, citing *Court of Appeals v. Manabat, Jr.*, A.M. No. CA-11-24-P, November 16, 2011, 660 SCRA 159.

¹¹ *Office of the Court Administrator v. Mendoza*, supra note 7.

Respondent's attention had been repeatedly called by the OCA for his failure to submit the required monthly financial reports, but he refused to heed the said office's directives on numerous occasions. Worse, his habitual dereliction of his duties had resulted to the withholding of his salaries numerous times. Respondent had been warned and even admonished for his blatant disregard of the Court and OCA directives; yet, no amount of warning nor admonition caused him to be more circumspect in the performance of his duties to seasonably comply with OCA Circular No. 113-2004. His obstinate refusal to promptly perform his tasks even prompted the Court to utilize its resources and form an audit team to look over respondent's accounts. The various violations by respondent, committed with such frequency and without conscientious regard to their consequences, and despite constant reminder from this Court, are testament to his gross negligence in the performance of his duties.

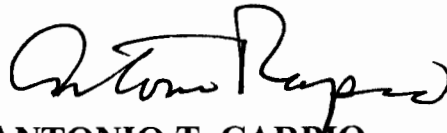
Accordingly, We find respondent to be grossly negligent of his duties as a clerk of court for non-submission of monthly financial reports. Under Sec. 50 (A) of the 2017 Rules of Administrative Cases in the Civil Service,¹² gross neglect of duty is classified as a grave offense, which merits the penalty of dismissal from service even at the first instance.

WHEREFORE, the Court finds respondent Michael S. Calija, Clerk of Court II of the Municipal Circuit Trial Court of Dingras-Marcos, Ilocos Norte, **GUILTY** of Gross Neglect of Duty and hereby **DISMISSES** him from service effectively immediately, with forfeiture of all retirement benefits, except accrued leave benefits, and with prejudice to re-employment in the government, including government-owned or controlled corporations.

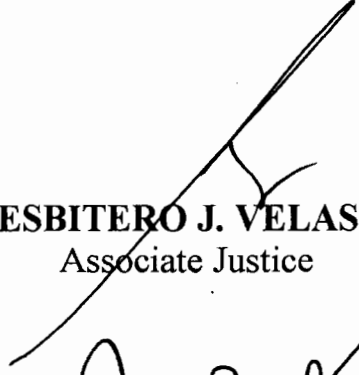
SO ORDERED. 

¹² Section. 50. *Classification of Offenses*. Administrative offenses with corresponding penalties are classified into grave, less grave and light, depending on their gravity or depravity and effects on the government service:


- A. The following grave offenses shall be punishable by dismissal from the service:
1. Serious Dishonesty;
 2. Gross Neglect of Duty.



ANTONIO T. CARPIO
Acting Chief Justice



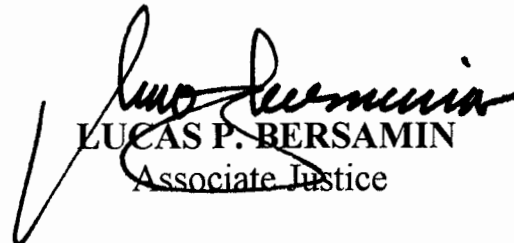
PRESBITERO J. VELASCO, JR.
Associate Justice



TERESITA J. LEONARDO-DE CASTRO
Associate Justice



DIOSDADO M. PERALTA
Associate Justice
(On Official Leave)



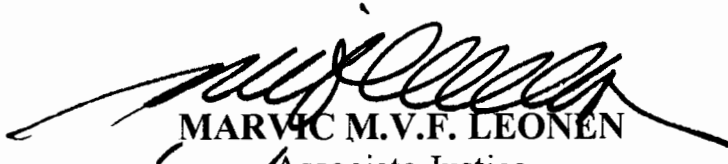
LUCAS P. BERSAMIN
Associate Justice




MARIANO C. DEL CASTILLO
Associate Justice



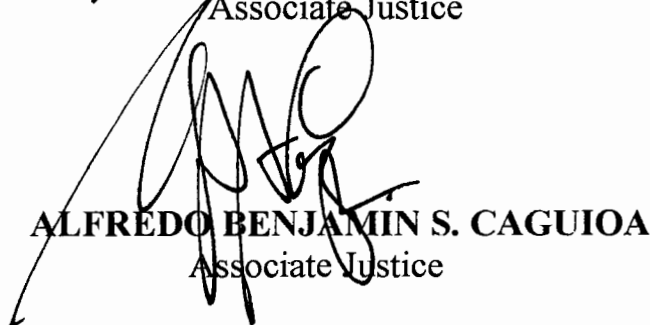
ESTELA M. PERLAS-BERNABE
Associate Justice



MARVIC M.V.F. LEONEN
Associate Justice




FRANCIS H. JARDELEZA
Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



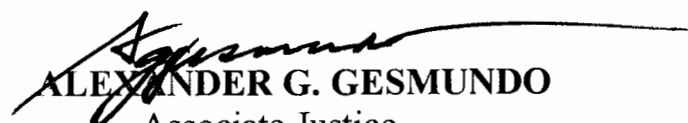
SAMUEL R. MARTIRES
Associate Justice



NOEL GIMENEZ TIJAM
Associate Justice
(On Official Business)



ANDRES B. REYES, JR.
Associate Justice



ALEXANDER G. GESMUNDO
Associate Justice