



Republic of the Philippines
Supreme Court
Manila

EN BANC

EUGENIO STO. TOMAS,
Complainant,

A.M. No. MTJ-01-1385

- versus -

JUDGE ZENAIDA L. GALVEZ,
MUNICIPAL TRIAL COURT,
CABUYAO, LAGUNA,
Respondent.

X-----X

VICTORIA BENIGNO,
Complainant,

A.M. No. P-17-3704
[Formerly OCA IPI No. 03-1758-P]

- versus -

EUGENIO STO. TOMAS, CLERK
OF COURT, MUNICIPAL TRIAL
COURT, CABUYAO, LAGUNA,
Respondent.

X-----X

**OFFICE OF THE COURT
ADMINISTRATOR,**

Complainant,

A.M. No. MTJ-03-1472

[Formerly A.M. No. 02-10-271-MTC]

Present:

BERSAMIN, C.J.,*
CARPIO,**
PERALTA,
DEL CASTILLO,
PERLAS-BERNABE,
LEONEN,
JARDELEZA,
CAGUIOA,
A. REYES, JR.,
GISMUNDO,
J. REYES, JR.,
HERNANDO,**
CARANDANG, and
LAZARO-JAVIER, JJ.

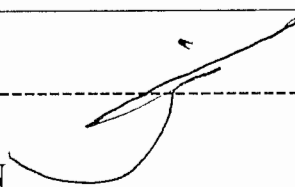
- versus -

**JUDGE ZENAIDA L. GALVEZ
AND CLERK OF COURT
EUGENIO STO. TOMAS,
MUNICIPAL TRIAL COURT,
CABUYAO, LAGUNA,**

Respondents.

Promulgated:

March 19, 2019

X-----X
DECISION 

PER CURIAM:

This consolidated administrative cases stemmed from A.M. No. 01-4-133-MTC¹ entitled “*Re: Administrative Matter Withholding of Other Emoluments, etc. of the Clerk of Court Elsie C. Remoroza, et al.*,” imputing neglect of duty to several clerks of court, including Clerk of Court Eugenio Sto. Tomas (Sto. Tomas) of the Municipal Trial Court (MTC) of Cabuyao, Laguna, for their failure to submit reports of monthly collections for the

* On official business.

** Designated Acting Chief Justice per Special Order No. 2644 dated March 15, 2019.

*** On leave.

¹ Re: Withholding of Other Emoluments of the following Clerks of Court: Elsie C. Remoroza of the Municipal Trial Court (MTC) of Mauban, Quezon; Elena P. Reformado of the MTC of Guinayangan, Quezon; Eugenio Sto. Tomas of the MTC of Cabuyao, Laguna; Maura D. Campaño of the MTC of San Jose, Occidental Mindoro; Eleanor D. Flores of the Municipal Circuit Trial Court (MCTC) of Taytay, Palawan; and Jesusa P. Benipayo of the MCTC of Ligao, Albay, August 26, 2003, A.M. No. 01-4-133-MTC, pp. 1-2.

judiciary funds pursuant to Section 122² of Presidential Decree No. 1445³ and Supreme Court (SC) Circular No. 32-93.⁴

In a Resolution⁵ dated May 4, 2001, the Court resolved, among others, to direct the Office of the Court Administrator (OCA) to conduct an immediate audit of the cases and accounts of these court officers; to withhold further emoluments due them; and to impose administrative sanctions on them for their continued defiance of SC Circular No. 32-93. Upon the recommendation of the OCA, the Court suspended the erring clerks of court without pay, including Sto. Tomas, until full compliance with the Court's directives.⁶

The Case and the Facts

A.M. No. MTJ-01-1385

During the pendency of A.M. No. 01-4-133-MTC, Sto. Tomas filed a motion to implead⁷ Judge Zenaida L. Galvez (Judge Galvez), as the Presiding Judge of MTC, Cabuyao, Laguna, in the said administrative case; thus, the Court required Judge Galvez to file her comment and also placed her under preventive suspension.⁸

In the Court's Resolution⁹ dated December 11, 2001, the Court resolved, among others, to docket the complaint¹⁰ of Sto. Tomas against Judge Galvez and the latter's comment thereon as A.M. No. MTJ-01-1385. The Court also lifted the suspension of Judge Galvez and directed the OCA to detail the latter to another court; hence, she was detailed as Acting Presiding Judge in the MTC of Biñan and Alaminos, Laguna.¹¹

² Section 122. Submission of reports. Whenever deemed necessary in the exigencies of the servicen the Commission may under regulations issued by it require the agency heads, chief accountants, budget officers, administrative or personnel officers, and other responsible officials of the various agencies to submit trial balances, physical inventory reports, current plantilla of personnel, and such other reports as may be necessary for the exercise of its functions.

(2) Failure on the part of the officials concerned to submit the documents and reports mentioned herein shall automatically cause the suspension of payment of their salaries until they shall have complied with the requirements of the Commission.

(3) No appropriation authorized in the General Appropriations Act shall be available to pay the salary of any official or employee who violates the provisions of this section, without prejudice to any disciplinary action that may be instituted against such official or employee.

³ Government Auditing Code of the Philippines.

⁴ Collection of Legal Fees and Submission of Monthly Report of Collections.

⁵ *Rollo* (A.M. No. 01-4-133-MTC), pp. 6-7.

⁶ *Id.* at 9. Resolution dated August 7, 2001.

⁷ *Rollo* (A.M. No. MTJ-01-1385), pp. 1-6.

⁸ *Rollo* (A.M. No. 01-4-133-MTC), p. 52.

⁹ *Id.* at 254-255.

¹⁰ *Rollo* (A.M. No. MTJ-01-1385), pp. 29-31.

¹¹ *Rollo* (A.M. No. 01-4-133-MTC), p. 275.

A.M. No. MTJ-03-1472

On account of Sto. Tomas' failure to submit the required reports despite several directives, the Court sent judicial and financial audit teams from the OCA to the MTC of Cabuyao, Laguna. In its report dated July 5, 2002¹² and August 30, 2002,¹³ the Audit Teams discovered the following:

A. Judge Zenaida L. Galvez

- (a) failed to decide some 31 criminal cases and 66 civil cases despite the lapse of the reglementary period;¹⁴
- (b) failed to resolve motions/incidents in some criminal and civil cases within the prescribed period;¹⁵
- (c) failed to take further appropriate action on cases under preliminary investigation which offenses are cognizable by the Regional Trial Court (RTC) as well as by the MTC for an unreasonable length of time some of which have been pending for several years already;¹⁶
- (d) failed to set for arraignment after the accused posted his bail bond for quite a long time;¹⁷
- (e) failed to take initial action such as issuance of subpoenas and summonses;¹⁸

¹² *Rollo* (A.M. No. MTJ-03-1472), pp. 9-33.

¹³ *Id.* at 34-41.

¹⁴ In Criminal Case Nos. 5257, 5318, 4303 to 4311, 5075, 5276 to 5287, 5049, 4333, 4334, 5498, 4727, 5085 and 5338; and Civil Case Nos. 653 to 655, 648, 427, 413, 517, 718, 642 to 646, 634, 611, 539, 394, 481, 522, 747, 581, 489, 490, 514, 660, 662, 651, 665 and 631 including the following ejectment cases, to wit: Civil Case Nos. 712, 717, 711, 627, 628, 629, 530, 792, 760, 762, 765, 782, 785, 771, 772, 773, 774, 753, 332, 351, 354, 355, 392, 406, 482, 241, 249, 251, 421, 713, 714, 716, 710, 709, 708 and 666 which are governed by the rules on summary procedure.

¹⁵ In Criminal Case Nos. 6426, 6427 and 6428 (Motion to Quash), 4084 (Accused's Formal Offer of Exhibits), 4832 and 4923 (Complainant's Formal Offer of Evidence), 4597 (Motion For Reconsideration/Motion to Quash), 7006 (Motion for Reconsideration with Prayer to Lift Order of Arrest), 6113 (Motion to Admit Pre-Trial Order), 7378 (Motion to Withdraw Exhibits) and 7011 (Motion to Quash); and Civil Case Nos. 761 (Urgent Motion to Withdraw Complaint) and 714 (Motion for Reconsideration of Orders denying Motion to Dismiss).

¹⁶ In Case Nos. 3839, 6474, 6669, 6884, 6779, 5978, 5533, 6899, 7018, 6997, 3982, 7003, 6906, 7206, 6816, 6817, 6826, 6808, 6914, 6885, 6913, 5929, 5014, 7227, 7087, 7088, 7089, 7027, 7020, 6993, 6953, 6942, 7099, 7098, 6911, 6905, 6897, 6824, 6850, 6833, 7090, 7091, 6267, 6264, 6231, 4593, 6590, 6226, 6225, 6241, 6746, 4003, 6591, 4088, 4089, 5314, 5268, 4046, 6035, 6105, 5738, 6420, 6543, 6108, 6066, 6419, 6524, 6525, 6351, 6299, 6185, 6002, 7203, 7306, 6071, 6675, 6561, 6500, 6707, 6917, 6918, 4855, 6676, 6568, 6570, 6528, 7009, 7190, 6838, 7031, 7019, 6269, 5181, 5539, 5148, 4005, 4394 and 6641 (offenses cognizable by the RTC); and 4394, 5181, 5148, 5539, 6269, 6641 and 6737 (offenses cognizable by the MTC).

¹⁷ In Criminal Case Nos. 7055, 6984, 7210, 6985, 7224, 7008, 4708, 6823, 7142, 7444, 7445, 7398, 7195, 7196, 7239, 7499, 7523, 7249, 7248, 7284, 6852, 6833, 6899, 6939, 6242, 6710, 6728, 7149, 7197, 7199, 7207, 7209, 7219, 3581, 3923 and 6732 and in Criminal Case Nos. 6591, 6049, 6050, 6051, 6052 and 6953 where Judge Galvez had not acted on the Affidavit of Desistance filed by the private complainant.

¹⁸ In Criminal Case Nos. 7428, 5966, 4951, 4833, 6080, 5951, 5465, 7396, 7397, 6588, 4297, 6899, 6137, (Pp v. Alcantara, Less Serious Physical Injuries), 6137 (Pp. v. Orbina, Viol. of PD 1602), 6680, 6731 (Pp v. Galinao, Viol. of PD 1602), 6732, 6733 (Pp v. Ilag, Viol. of PD 1602), 6733 (Pp v. Palmores, Viol. of PD 1602), 6734 (Pp v. Capuchino, Viol. of PD 1602), 6734 (Pp v. Mantis, Viol. of PD 1602), 6747, 6829, 6834, 6981 (Pp v. Bernardo, Serious Physical Injuries), 6981 (Pp v. Galang, Viol. of PD 1602), 6510, 6511, 7108, 7024 and 7032 and issuance of summonses in Civil Case Nos. 686, 487 and 291 since these cases were filed.

- (f) failed to take action in several motions;¹⁹
- (g) purportedly dismissed cases which actually are still going on trial and ordered the irregular withdrawals of cash bonds;²⁰
- (h) used the alleged amounts withdrawn to her personal use for the construction of her house and purchased a new Honda Civic car;
- (i) acted on undocketed and unsubscribed criminal complaints,²¹ and 76 unsubstantiated criminal complaints.²²

B. Eugenio Sto. Tomas

- (a) failed to transmit all the records of several criminal cases to the Office of the Provincial Prosecutor of Biñan, Laguna, despite the orders of Judge Galvez to forward the same;²³
- (b) failed to docket several criminal cases;²⁴
- (c) failed to take initial action such as issuances of summonses in Civil Cases Nos. 686, 487 and 291 since these cases were filed;
- (d) assigned cases with double/triple identical docket numbers and for collecting docket fees therefore;²⁵
- (e) issued temporary receipts for filing fees collected in criminal cases and in civil cases in violation of existing circulars and the rules and regulations on auditing manual;²⁶
- (f) participated in the double dismissal/issuance of fake orders of dismissal of cases and irregular withdrawal of cash bonds in criminal cases;²⁷
- (g) irregularities in the handling of the financial transactions of the court as well as shortages in its financial accountabilities.

The audit team also discovered the accountability of Sto. Tomas for the various court funds during the following periods listed as follows:

¹⁹ In Civil Case Nos. 610, 607, 542, 715, 458, 431, 412, 437 and 417.

²⁰ In Criminal Case Nos. 3693, 4059, 4139 to 4141, 4150, 4279, 4479, 4597, 4708, 5611, 5689, 5624, 5723, 5852, 5957, 5945, 5946 and 5897.

²¹ *People v. Agapay* (Violation of BP 22), *People v. Rolanda Reyes* (Slight physical injuries), *People v. Jun Encarnacion* (attempted homicide), *People v. Millie Cruz* (Viol. of BP 22), and *People v. Ires Camada* (Viol. of BP 22)

²² In Criminal Case Nos. 7263, 6882, 6934 to 6937, 7393, 7137 to 7140, 7112, 6631 to 6634, 7216, 7173, 5180, 6364, 6771, 3972, 3981, 6348, 6671, 6349, 5936, 7500, 7398, 7438, 4059, 7489, 7379, 7218, 7105, 7106, 7383, 7384, 7390, 7497, 7235, 7114, 7277, 5629, 6742, 7450, 6925 to 6930, 5693 to 5703, 7186, 6411 to 6414, 7072 to 7074, 7258, 6893, 7406 to 7409, 7121, 7230, 7037, 7525, 6991, 5951, 5645, 7347, 7348, 7039, 7402, 6893, 7406, 6346 to 6347, 7495, 7405, 6925, 6926 and 6869 to 6878.

²³ Criminal Case Nos. 5234, 5265, 6344, 5842, 6778, 6209, 6198, 6785, 5308, 6039, 6058, 5948, 5819, 6750, 6771, 6668, 4413, 6915, 6916, 6474, 5862, 5864, 6140, 6657, 6828, 6630, 6032 and 5253.

²⁴ *People v. Marivic Agapay*, *People v. Rolando Reyes*, *People v. Jun Encarnacion*, *People v. Willy Cruz*, and *People v. Ires Camada*.

²⁵ Criminal Case Nos. 6733, (Alejandro Wagan), 6733 (Roberto Palmores), 6733 (Elnor Ila), 6734.

²⁶ Criminal Cases Nos. 7004, 7014 to 7017, 7036, 7037, 7131 to 7135, 7130, 7244 and in Civil Cases Nos. 692, 699, 702 and 708.

²⁷ In Criminal Case Nos. 3693, 4059, 4139 to 4141, 4150, 4279, 4479, 4597, 4708, 5611, 5689, 5624, 5723, 5852, 5957, 5945, 5946 and 5897.

- c.1 Judiciary Development Fund –
April 1985 to January 31, 1999 – ₱6,380.66
- c.2 Judiciary Development Fund –
February 1999 to May 30, 2001 – ₱31,817.50
- c.3 Clerk of Court General Fund –
November 1997 to January 31, 1999 – ₱1,207.50
- c.4 Clerk of Court General Fund –
February 1999 to May 30, 2001 – ₱15,703.00
- c.5 Clerk of Court Fiduciary Fund –
June 1997 to May 30, 2001 – ₱10,201.25

Based on these reports, an administrative complaint was filed by the OCA against Judge Galvez and Sto. Tomas docketed as A.M. No. MTJ-03-1472.

The Court issued a Resolution²⁸ dated January 22, 2003, directing then Acting Presiding Judge Alden V. Cervantes (Judge Cervantes) to conduct within 10 days from notice a physical inventory of all cases filed and pending before the subject court and to submit a report thereon within 30 days from notice. Mrs. Elvira B. Manlegro (Manlegro), Acting Clerk of Court, and Mrs. Amelia D. Teñido (Teñido), Clerk II and former Acting Clerk of Court, were subsequently directed by the Court to assist Judge Cervantes in the conduct of the physical inventory of cases and in the preparation of the report. However, despite repeated directives from the Court, Judge Cervantes, Manlegro and Teñido failed to comply.

In a Resolution²⁹ dated May 3, 2005, the Court resolved to: (a) immediately withhold the salaries and allowances of Judge Cervantes, Manlegro and Teñido; (b) direct them to submit the required complete and accurate monthly reports of the cases from October 2001 up to August 2004 and docket inventory reports by semester for the years 2001, 2002 and 2003; and (c) explain in writing why they should not be administratively charged for their failure to religiously comply with the Court's directives.

Consequently, in a Decision³⁰ dated October 17, 2007 in A.M. No. MTJ-03-1472, the Court adopted the evaluation, report and recommendation of the OCA and found Judge Cervantes guilty of gross neglect of judicial duty and inefficiency of official function, to wit:

²⁸ *Rollo* (A.M. No. MTJ-03-1472), pp. 42-51.

²⁹ *Rollo* (A.M. No. MTJ-03-1472), pp. 74-75.

³⁰ *Rollo* (A.M. No. MTJ-03-1472), pp. 207-218.

WHEREFORE, judgment is hereby rendered as follows:

- 1.) Acting Presiding Judge Alden V. Cervantes of the MTC of Cabuyao, Laguna is found guilty of gross neglect of judicial duty, inefficiency in the performance of official functions and gross misconduct, and is hereby ordered to pay a **FINE** of one hundred thousand pesos (₱100,000.00) to be deducted from his retirement benefits.
- 2.) The Resolution dated May 3, 2005 directing Judge Alden V. Cervantes to submit the required complete and accurate monthly reports of cases corresponding to the months from October 1, 2001 to August 2004, and docket inventory reports by semester for years 2001, 2002 and 2003, is **SET ASIDE** it appearing that Judge Conrado L. Zumaraga had already submitted the same.

SO ORDERED.³¹

In the Court's Resolution³² dated April 28, 2009, the Court resolved, among others, to: (a) set aside the Resolution dated May 3, 2005 which ordered Teñido and Manlegro to submit the required complete and accurate Monthly Report of Cases corresponding to the months from October 2001 up to August 2004 and Docket Inventory Reports by semester for the years 2001, 2002 and 2003; it appearing the Judge Conrado L. Zumaraga had already submitted the same; and (b) impose upon Teñido and Manlegro a fine of ₱1,000.00 each for the undue delay in the submission of their respective explanation.

In a Resolution³³ dated July 7, 2009, the Court noted the payment of fine of Teñido and Manlegro evidenced by Official Receipt Nos. 5279659 and 5279660, respectively.

Citing their compliance, Teñido and Manlegro filed separate letters asking for clarification of the Court's orders and the immediate release of their benefits since they have already retired from service.

A.M. No. P-17-3704

This administrative complaint arose from the "*Reklamong Salaysay*"³⁴ dated September 3, 2003 of Ms. Victoria V. Benigno (Benigno) charging Sto. Tomas with gross misconduct. Benigno claimed that she gave the amounts of ₱1,500.00 and ₱3,500.00 to Sto. Tomas on the pretext that the same were needed to facilitate the court's approval of her complaint. She further alleged

³¹ Id. at 216-217.

³² Id. at 240-241.

³³ Id. at 243-244.

³⁴ *Rollo* (A.M. No. P-17-3704), pp. 3-5.

that Sto. Tomas pocketed the cash bail of ₱2,000.00 that she gave to the latter to avoid arrest in connection with a criminal case against her for malicious mischief. Nonetheless, Benigno failed to appear and adduce evidence to substantiate her accusations.

Meanwhile, the Court directed the Executive Judge of the RTC of Biñan, Laguna to conduct an investigation on these administrative cases and to submit a report and recommendation.

In compliance with the Court's order, Judge Marino E. Rubia submitted a Resolution³⁵ dated September 4, 2009 and a report and recommendation³⁶ dated July 6, 2010, finding that: (a) Judge Galvez is not guilty of any serious administrative infraction, and at the most, her administrative liability would only be limited to simple negligence in the performance of her administrative functions as Presiding Judge because of her inability to effectively control and supervise the doings of her Clerk of Court with whom she accorded full trust and confidence; and (b) Sto. Tomas is guilty beyond reasonable doubt of using, converting and manipulating judiciary funds and court records for his personal use and benefit, apart from his being guilty of dishonesty, gross neglect of his duties and responsibilities; thus, the extreme penalty of dismissal and loss of retirement benefits are strongly recommended.

The Report and Recommendation of the OCA

In its Memorandum³⁷ dated November 24, 2009, the OCA finds the conclusion of fact and the recommendation of Judge Rubia to be fully supported by the evidence on record and adopts the same with an additional recommendation that Judge Galvez be sanctioned for her failure to resolve her cases and motions within the reglementary period. The OCA found Judge Galvez administratively liable for undue delay in rendering an order or decision because she did not refute the findings of the audit team regarding her non-action on numerous cases.

With regard to Sto. Tomas, the OCA sustained the findings of Judge Rubia since the investigation clearly established that he used, converted and manipulated the judiciary funds and court records of MTC, Cabuyao, Laguna.

On the basis of the foregoing findings, the OCA recommended, on November 24, 2009, that:

³⁵ *Rollo* (A.M. No. MTJ-01-1385), pp. 64-104.

³⁶ *Rollo* (A.M. No. P-17-3704), pp. 88-92.

³⁷ *Rollo* (A.M. No. MTJ-01-1385), pp. 151-161.

1. respondent Judge Zenaida L. Galvez, MTC, Cabuyao, Laguna, be found **GUILTY** of undue delay in rendering a decision or order and be **FINED** in the maximum amount of Twenty Thousand Pesos (P20,000.00) with a **STERN WARNING** that repetition of the same or similar acts in the future shall be dealt with more severely; and that the other charges against her be **DISMISSED** for insufficiency of evidence and lack of merit;
2. respondent Clerk of Court Eugenio Sto. Tomas be found **GUILTY** of dishonesty and gross misconduct, and his retirement and all other benefits be ordered forfeited, except accrued leave credits, with prejudice to reemployment in any government agency, including government-owned and controlled corporations;
3. respondent Eugenio Sto. Tomas be **ORDERED** to restitute within fifteen (15) days from receipt of this resolution the amount of P55,108.66 representing his shortage as follows: Judiciary Development Fund amounting to Thirty[-]Eight Thousand One Hundred Ninety[-]Eight and (P38,198.16) Pesos and Sixteen Centavos and Clerk of Court General Fund amounting to Sixteen Thousand Nine Hundred Ten pesos and Fifty Centavos (P16,910.50);
4. the Employees Leave Division, Office of Administrative Services, OCA be **DIRECTED** to compute the balance of respondent Eugenio Sto. Tomas's earned leave credits and forward the same to the Finance Division, Financial Management Office-OCA which shall compute its monetary value. Whatever amount he may still be entitled to shall be applied as part of the restitution of the shortage;
5. the Legal Office, OCA be **DIRECTED** to coordinate with the prosecution arm of the government to ensure the expeditious criminal prosecution of respondent Eugenio Sto. Tomas; and
6. the Bureau of Immigration be **DIRECTED** to issue a hold-departure order against respondent Eugenio Sto. Tomas to prevent him from leaving the country.³⁸

Subsequently, on December 15, 2009, the Court resolved to consolidate these three administrative cases.³⁹

In a Resolution⁴⁰ dated January 25, 2011, the Court issued a hold departure order against Sto. Tomas to prevent him from leaving the country, pending resolution of these administrative cases.

The Issue

The sole issue presented for the Court's resolution is whether Judge Galvez and Sto. Tomas should be held administratively liable.

³⁸ Id. at 160-161.

³⁹ Id. at 164.

⁴⁰ Id. at 166.

The Ruling of the Court

The Court agrees and adopts the findings and recommendation of the OCA.

The record shows that Sto. Tomas started as a clerk-stenographer of the MTC of Cabuyao, Laguna in 1965, and later became the Clerk of Court until the term of Judge Galvez who was appointed as Presiding Judge in 1996. Subsequently, Judge Galvez was designated as Acting Presiding Judge of the MTC of Biñan and Sta. Rosa, Laguna on August 1998 and October 1998, respectively. Given the situation, Sto. Tomas enjoyed the complete control and management of the business affairs of MTC, Cabuyao in his capacity as Clerk of Court and custodian of court records. He took advantage of the busy schedule of Judge Galvez and reveled in the unsuspected and complete trust and confidence of the latter.

There is no question with respect to the guilt of Sto. Tomas. It is apparent from the results of the audit that Sto. Tomas has a poor system of recording both the financial transactions and the case records of the court. The audit teams found that the records of cases were in complete disarray. There was no systematic filing in that cases of archive status were mixed up with cases already decided and dismissed. The audit teams also discovered the various shortages in remittances of funds in different periods, manipulations of entries in ledgers, mixing of receipts, loss of booklets of official receipts, and various irregularities in the handling of finances of the court including unauthorized issuance of provisional or handwritten receipts.

Clearly, Sto. Tomas had been careless and imprudent in discharging his duties. His failure to manage and properly document the cash collections allocated for the various court funds, as well as his action of misappropriating them for his personal use, demonstrated a serious corruption on his integrity. His cavalier attitude disregards the duty of every employee in the judiciary to obey the orders and processes of this Court without delay. He proved himself to be untrustworthy in every aspect of his task and responsibility.

In *Re: Report on the Financial Audit Conducted at the Municipal Trial Court, Baliuag, Bulacan*,⁴¹ the Court stressed the vitality of the role and office of the Clerk of Court in the discharge by the judiciary of its primary responsibility in the administration of justice, to wit:

⁴¹ *Re: Report on the Financial Audit Conducted at the Municipal Trial Court, Baliuag, Bulacan*, A.M. No. P-15-3298, February 4, 2015.

Clerks of Court perform a delicate function as designated custodians of the court's funds, revenues, records, properties, and premises. As such, they are generally regarded as treasurer, accountant, guard, and physical plant manager thereof. It is the duty of the Clerks of Court to faithfully perform their duties and responsibilities. They are the chief administrative officers of their respective courts. It is also their duty to ensure that the proper procedures are followed in the collection of cash bonds. Clerks of Court are officers of the law who perform vital functions in the prompt and sound administration of justice.

As custodians of court funds and revenues, Clerks of Court have the duty to immediately deposit the various funds received by them to the authorized government depositories, for they are not supposed to keep funds in their custody. Such functions are highlighted by OCA Circular Nos. 50-95⁴² and 113-2004⁴³ and Administrative Circular No. 35-2004 which mandate Clerks of Court to timely deposit judiciary collections as well as to submit monthly financial reports on the same.⁴⁴

In the same vein, Administrative Circular No. 3-2000,⁴⁵ commands that all fiduciary collections be deposited immediately by the Clerk of Court concerned, upon receipt thereof, with an authorized government depository bank. SC Circular No. 13-92 directs that all fiduciary collections be deposited immediately by the Clerk of Court concerned, upon receipt thereof, with an authorized depository bank, while SC Circular No. 5-93

⁴² (4) All collections from bail bonds, rental deposits, and other fiduciary funds shall be deposited within twenty-four (24) hours by the Clerk of Court concerned, upon receipt thereof with the Land Bank of the Philippines.

⁴³ The circular prescribes that all monthly reports of collections, deposits and withdrawals shall be submitted not later than the 10th day of each succeeding month to the Chief Accountant of the Supreme Court.

⁴⁴ *Office of the Court Administrator v. Remedios R. Viesca, Clerk of Court II, Municipal Trial Court of San Antonio, Nueva Ecija*, A.M. No. P-12-3092, April 14, 2015.

⁴⁵ II. Procedural Guidelines

A. Judiciary Development Fund

x x x x

3. Systems and Procedures

x x x x

c. In the RTC, MeTC, MTCC, MTC, MCTC, SDC and SCC. – The daily collections for the Fund in these courts shall be deposited everyday with the nearest LBP branch for the account of the Judiciary Development Fund, Supreme Court, Manila – SAVINGS ACCOUNT NO. 0591-0116-34 or if depositing daily is not possible, deposits for the Fund shall be at the end of every month, provided, however, that whenever collections for the Fund reach P500.00, the same shall be deposited immediately even before the period above-indicated.

x x x x

Collections shall not be used for encashment of personal checks, salary checks, etc. x x x

x x x x

B. General Fund (GF)

(1.) Duty of the Clerks of Court, Officers-in-Charge or Accountable Officers.—The Clerks of Court, Officers-in-Charge of the Office of the Clerk of Court, or their accountable duly-authorized representatives designated by them in writing, who must be accountable officers, shall receive the General Fund collections, issue the proper receipt therefor, maintain a separate cash book properly marked CASH BOOK FOR CLERK OF COURT'S GENERAL FUND AND SHERIFF'S GENERAL FUND, deposit such collections in the manner herein prescribed, and render the proper Monthly Report of Collections and Deposits for said Fund.

provides that the Land Bank of the Philippines is designated as the authorized government depository.⁴⁶

These SC Circulars are plain enough to command strict compliance to promote full accountability for government funds and no protestation of good faith can override such mandatory nature.⁴⁷

To escape liability, Sto. Tomas tried to pass on the blame to Judge Galvez regarding the misappropriation of the court's funds contending that the latter took all the money for her personal use to construct her house and to purchase a new car. The records, however, contradict these allegations because it was established by the report of the audit teams that the mismanagement of court records and the embezzlement of the court's funds happened even before Judge Galvez was appointed as the presiding judge. Sto. Tomas had been pilfering from the coffers of the court for his personal use since 1985, and, fearful of being discovered, refused and failed to submit the financial reports despite repeated Court orders. His failure to submit the monthly financial reports despite several directives spawned suspicion on his wrongdoings — and there is no one but himself to blame. Verily, his grave misdemeanors justify his severance from service.

It is important to mention that the anomalies in the handling of cash collections and other judiciary funds discovered in the MTC of Cabuyao, Laguna did not exist at all in both the MTC of Santa Rosa and Biñan where Judge Galvez was concurrently the Acting Presiding Judge.

With regard to Judge Galvez, who failed to negate the findings regarding her inaction on numerous cases as listed by the audit team, the records are bereft of any showing that she requested for extensions of the period within which she can decide or resolve the aforesaid cases and incidents, or that she gave any credible explanation for the delay in their disposition. Hence, the OCA correctly found Judge Galvez administratively liable for undue delay in rendering a decision or order. Considering that Judge Galvez had already resigned from the judiciary in 2001, a fine of ₱20,000.00 is deemed to be reasonable.

As to Teñido and Manlegro, since they have already complied with the Court's resolution of paying the fine of ₱1,000.00, the case against them should be considered closed and terminated; and their withheld salaries and allowances should be released.

⁴⁶ *Office of the Court Administrator v. Atty. Mary Ann Paduganan-Penaranda and Ms. Jocelyn Mediante*, A.M. No. P-07-2355, March 19, 2010.

⁴⁷ *Office of the Court Administrator v. Nelia D.C. Recio, Eralyn S. Cavite, Ruth G. Cabigas and Chona Aurelia R. Reniedo*, A.M. No. P-04-1813, May 31, 2011.

It is best to stress that dishonesty is a malevolent conduct that has no place in the judiciary. We have repeatedly warned that dishonesty, particularly that which amounts to malversation of public funds, will not be countenanced. Otherwise, courts of justice may come to be regarded as mere havens of thievery and corruption.⁴⁸

This is the reason why the Court has emphasized countless times that all persons working in the judiciary, from the presiding judge to the lowliest clerk, are tasked with a heavy burden of responsibility. Their conduct must at all times be characterized by propriety and decorum, and above all beyond suspicion.⁴⁹ The Institution demands the best possible individuals in the service and it has never and will never tolerate nor condone any conduct which would violate the norms of public accountability, and diminish, or even tend to diminish, the faith of the people in the justice system.⁵⁰ For respondent's transgressions and numerous violations of the Court's administrative circulars, the 2002 Revised Manual for Clerks of Courts and the Code of Conduct for Court Personnel, the Court is left with no other recourse but to recommend his dismissal from the service, pursuant to Section 52, A(1)(3), Rule IV of the Revised Uniform Rules on Administrative Cases in the Civil Service.

WHEREFORE, premises considered, the Court finds as follows:

(1) MR. EUGENIO STO. TOMAS, Clerk of Court, Municipal Trial Court, Cabuyao, Laguna, **GUILTY** of serious dishonesty, grave misconduct and gross neglect of duty and is hereby **DISMISSED** from the service with forfeiture of all retirement benefits, excluding accrued leave credits, and with prejudice to re-employment in the government, including government-owned or controlled corporations.

(2) JUDGE ZENAIDA L. GALVEZ, former Presiding Judge of MTC Cabuyao, Laguna, **GUILTY** of undue delay in rendering decisions or orders for which she is **FINED** Twenty Thousand Pesos (₱20,000.00) to be deducted from her accrued leave credits. To effect the penalty imposed, the Employee's Leave Division, Office of Administrative Services-Office of the Court Administrator, is **DIRECTED** to ascertain Judge Galvez's total earned leave credits. Thereafter, the Finance Division, Financial Management Office-OCA, is **DIRECTED**

⁴⁸ *Office of the Court Administrator v. Librada Puno, Cash Clerk III*, A.M. No. P-03-1748 (Formerly A.M. No. 03-8-472-RTC), September 22, 2008.

⁴⁹ *Office of the Court Administrator v. Clerk of Court Ermelina C. Bernardino et al.*, A.M. No. P-97-1258, January 31, 2005.

⁵⁰ *Supra* note 43.

to compute the monetary value of her total accrued leave credits and deduct therefrom the amount of fine herein imposed.

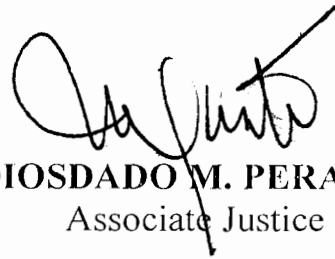
(3) The Finance Division, Financial Management Office-OCA, is directed to **RELEASE** the retirement benefits and the monetary value of the accrued leave credits of MRS. ELVIRA B. MANLEGRO and MRS. AMELIA D. TEÑIDO, which they are entitled to, since they have fully complied with the directives of the Court contained in the Resolution dated May 3, 2005.

SO ORDERED.

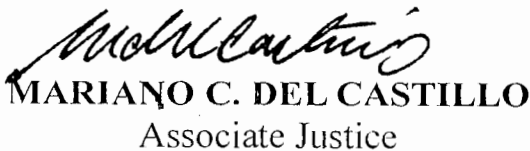
(on official business)
LUCAS P. BERSAMIN
Chief Justice



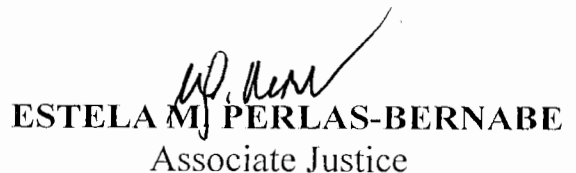
ANTONIO T. CARPIO
Acting Chief Justice



DIOSDADO M. PERALTA
Associate Justice



MARIANO C. DEL CASTILLO
Associate Justice



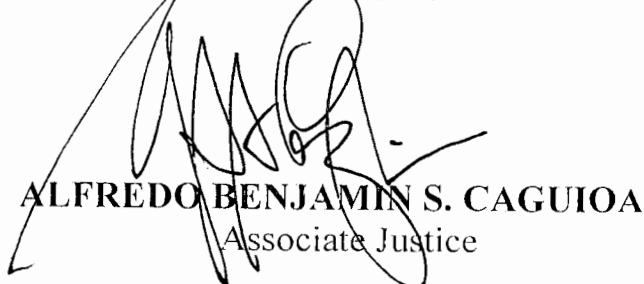
ESTELA M. PERLAS-BERNABE
Associate Justice



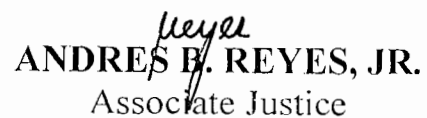
MARVIC M.V.F. LEONEN
Associate Justice



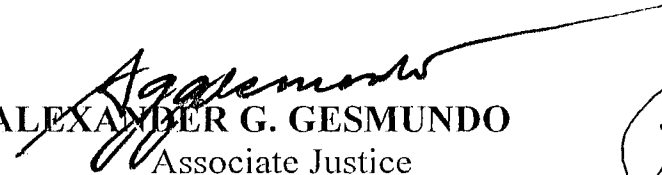
FRANCIS H. JARDELEZA
Associate Justice

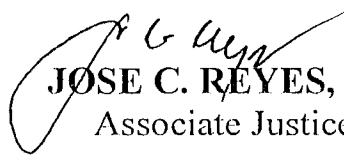


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

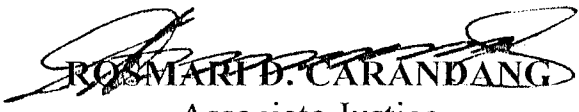


ANDRES B. REYES, JR.
Associate Justice


ALEXANDER G. GESMUNDO
Associate Justice

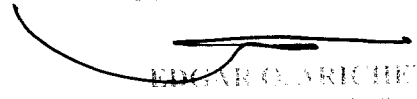

JOSE C. REYES, JR.
Associate Justice

(on leave)
RAMON PAUL L. HERNANDO
Associate Justice


ROSMARI D. CARANDANG
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice

CERTIFIED TRUE COPY


EDGAR O. RICHEYA
Clerk of Court En Banc
Supreme Court