

EN BANC

[A.M. No. MTJ-01-1385, March 19, 2019]

EUGENIO STO. TOMAS, COMPLAINANT, VS. JUDGE ZENAIDA L. GALVEZ, MUNICIPAL TRIAL COURT, CABUYAO, LAGUNA, RESPONDENT.

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

VICTORIA BENIGNO, COMPLAINANT, VS. EUGENIO STO. TOMAS, CLERK OF COURT, MUNICIPAL TRIAL COURT, CABUYAO, LAGUNA, RESPONDENT.

[A.M. No. MTJ-03-1472 [Formerly A.M. No. 02-10-271-MTC]]

OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. JUDGE ZENAIDA L. GALVEZ AND CLERK OF COURT EUGENIO STO. TOMAS, MUNICIPAL TRIAL COURT, CABUYAO, LAGUNA, RESPONDENTS.

DECISION

PER CURIAM:

This consolidated administrative cases stemmed from A.M. No. 01-4-133-MTC^[1] 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 judiciary funds pursuant to Section 122^[2] of Presidential Decree No. 1445^[3] and Supreme Court (SC) Circular No. 32-93.^[4]

In a Resolution^[5] 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 implead^[7] 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 Resolution^[9] dated December 11, 2001, the Court resolved, among others, to docket the complaint^[10] 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]

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, 2002^[12] 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]
- (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:

- c.1 Judiciary Development Fund -
April 1985 to January 31, 1999 - P6,380.66
- c.2 Judiciary Development Fund -
February 1999 to May 30, 2001 - P31,817.50
- c.3 Clerk of Court General Fund -
November 1997 to January 31, 1999 - P1,207.50
- c.4 Clerk of Court General Fund -
February 1999 to May 30, 2001 - P15,703.00
- c.5 Clerk of Court Fiduciary Fund -
June 1997 to May 30, 2001 - P10,201.25

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 Resolution^[28] 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 Resolution^[29] 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 Decision^[30] 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:

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 (P100,000.00) 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 Resolution^[32] 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 P1,000.00 each for the undue delay in the submission of their respective explanation.

In a Resolution^[33] 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 P1,500.00 and P3,500.00 to Sto. Tomas on the pretext that the same were needed to facilitate the court's approval of her complaint. She further alleged that Sto. Tomas pocketed the cash bail of P2,000.00 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 Resolution^[35] dated September 4, 2009 and a report and recommendation^[36] 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 Memorandum^[37] 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:

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