

THIRD DIVISION

[A.M. No. P-11-2988 (Formerly A.M. No. 11-8-154-RTC), December 12, 2011]

**OFFICE OF THE COURT ADMINISTRATOR (OCA), COMPLAINANT,
VS. ATTY. TEOTIMO D. CRUZ, FORMER OFFICER-IN-CHARGE,
OFFICE OF THE CLERK OF COURT, REGIONAL TRIAL COURT, SAN
MATEO, RIZAL, RESPONDENT.**

R E S O L U T I O N

MENDOZA, J.:

This administrative case arose from the financial audit conducted by the Court Management Office (CMO) of the books of account of Atty. Teotimo D. Cruz (*Atty. Cruz*), former Officer-in-Charge of the Office of the Clerk of Court, Regional Trial Court, San Mateo, Rizal (*RTC*), covering the period from August 21, 2007 to August 31, 2010. Atty. Cruz compulsorily retired on April 15, 2011.

Atty. Cruz succeeded Atty. Fermin M. Ofilas (*Atty. Ofilas*) who compulsorily retired on August 17, 2007. Atty. Cruz's term ended when Atty. Aris Z. Bautista was designated as Officer-in-Charge by Executive Judge Josephine Zarate-Fernandez effective September 1, 2010.

The audit conducted by the CMO disclosed that there was a cash shortage in the amount of P928,534.24. Of the said amount, P12,000.00 was incurred during the term of Atty. Cruz while P916,534.24 was carried over from the term of Atty. Ofilas and which formed part of the financial accountability of former Clerk IV Aranzazu V. Baltazar per Decision^[1] of the Court in A.M. No. P-05-1935 dated April 23, 2010.

The audit team found out that the cash shortage of P12,000.00 was the result of a double withdrawal of cash bond posted in Criminal Case Nos. 6182 and 6183 under Official Receipt No. 13480917 dated July 21, 2002, which was previously withdrawn and confiscated during the term of Atty. Ofilas but was again withdrawn during Atty. Cruz' term.

The records likewise revealed that Atty. Cruz incurred a delay in the remittances of his collections in violation of Administrative Circular No. 5-93. Per computation, the non-remittances of court collections deprived the Court of the interest in the amount of P34,578.17 had the collections been deposited on time.^[2]

In its report, the Office of the Court Administrator (*OCA*) adopted the recommendations of the Audit Team, to wit:

1. This report be DOCKETED as a regular administrative matter against ATTY. TEOTIMO D. CRUZ, former Officer-in-Charge, Office of

the Clerk of Court, Regional Trial Court, San Mateo, Rizal;

2. A FINE of P5,000.00 be IMPOSED upon Atty. Teotimo D. Cruz for not depositing his collections within the prescribed period;
3. The Finance Division, FMO, OCA, be DIRECTED to process the money value of terminal leave benefits of Atty. Teotimo D. Cruz subject to the submission of the documentary requirements and to DEDUCT there from the cash shortage of P12,000.00 in the Fiduciary Fund, the FINE of P5,000.00 and the amount of P34,578.17 representing interests that could have been earned had the collections [been] deposited within the prescribed period;
4. The Cashier Division, FMO, OCA be DIRECTED to DEPOSIT the amount of P5,000.00 to the account of the Special Allowance for the Judiciary Fund and the P34,578.17 to the Judiciary Development Fund and FURNISH the Fiscal Monitoring Division, CMO, OCA with copies of machine validated deposit slips as proof of compliance thereof;
5. Atty. Aris Z. Baustista, Officer-in-Charge, Office of the Clerk of Court, RTC, San Mateo, Rizal be DIRECTED to DEPOSIT the amount of P12,000.00 to the Fiduciary Fund account within five (5) days from receipt of the check from the Checks Disbursement Division, FMO, OCA and FURNISH immediately the FMD, CMO, OCA with machine validated deposit slip as proof that the amount of P12,000.00 was deposited to the fiduciary fund account; and
6. Hon. Executive Judge Josephine Zarate-Fernandez be DIRECTED to STRICTLY MONITOR the incumbent Officer-in-Charge in the strict compliance with the circulars and issuances of the Court particularly in the handling of judiciary funds, otherwise she shall be held equally liable for the infraction committed by the employee under her command/supervision.^[3]

The Court agrees with the OCA and adopts its recommendations.

Clerks of Court are officers of the law who perform vital functions in the prompt and sound administration of justice.^[4] They are the courts' treasurers, accountants, guards and physical plant managers.^[5] As custodian of court funds and revenues, it is their 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.^[6]

Atty. Cruz' belated turnover of cash deposited with him is inexcusable and will not exonerate him from liability. His failure to remit his cash collections on time is violative of Administrative Circular No. 3-2000 which mandates that all fiduciary collections shall be deposited immediately by the Clerk of Court concerned, upon receipt thereof, with the Land Bank of the Philippines, the authorized government