

## EN BANC

**[ A.M. NO. P-06-2158 (Formerly OCA I.P.I No. 01-1036-P), April 25, 2006 ]**

**JUDGE DOMINGO C. SAN JOSE, JR., COMPLAINANT, VS. ROBERT T. CAMURONGAN, RESPONDENT.**

### D E C I S I O N

**PER CURIAM:**

This administrative case originates from a Complaint-Memorandum<sup>[1]</sup> filed by judge Domingo C. San Jose, Jr., charging Robert T. Camurongan, a court aide assigned to the Office of the Clerk of Court (OCC) of the Municipal Trial Court (MTC) of San Fernando, Pampanga, with gross misconduct and conduct prejudicial to the best interest of the service.

The material averments in the Complaint are summarized by the Office of the Court of Administrator (OCA) as follows:

"Complainant alleged that he received a Report dated 28 November 2000 from .Juanita M. Flores, Clerk of Court II, MTC, San Fernando, Pampanga regarding the theft incident allegedly perpetrated by respondent in the [Office of the Clerk of Court], MTC, San Fernando, Pampanga sometime in November 2000 involving jueteng evidence in different cash denominations which were confiscated from the accused on the following cases, to wit:

| Case No.   | Amount          | Pending Before Branch |
|------------|-----------------|-----------------------|
| 1. 00-2160 | P260.00         | III                   |
| 2. 001930  | 399.75          | III                   |
| 3. 00-2035 | undetermined    | IV                    |
| 4. 00-2315 | 3,112.50        | II                    |
| 5. 00-2333 | 375.75          | IV                    |
| 6. 00-1879 | <u>7,835.00</u> | I                     |
|            | P11,983.00      |                       |

"As a result, .complainant alleged that he issued a memorandum to respondent requiring him to comment on the matter and to appear before him for investigation and at the same time issued another memorandum to Clerk of Court Flores directing her to withhold the respondent's salary, benefits or emoluments effective immediately.

"On 08 December 2000, complainant averred that respondent submitted a written explanation admitting the charge against him and sought

humanitarian considerations that he be allowed to remain in the service, obligating himself to return the money taken by him."<sup>[2]</sup>

In his Comment<sup>[3]</sup> dated July 21, 2001, respondent admitted taking the monetary exhibits under the custody of the OCC for his personal use. He explained that he had taken the money without authority from the Clerk of Court "only for safekeeping," because the OCC was flooded at that time.<sup>[4]</sup> However, while the money was under his possession, a family emergency constrained him to use it for his personal benefit.<sup>[5]</sup> He then asked the Court to understand his plight as sole breadwinner and pleaded for leniency in determining the sanction for his transgression.<sup>[6]</sup>

In its October 12, 2001 Report,<sup>[7]</sup> the OCA found respondent guilty of gross misconduct and conduct prejudicial to the best interest of the service. It therefore recommended that respondent be dismissed from the service with forfeiture of all benefits and with prejudice to re-employment in the government or any of its subdivisions, instrumentalities and agencies, including government-owned or -controlled corporations. This Court agrees with these findings and recommendation.<sup>[8]</sup>

The strictest standards have always been valued in judicial service. Verily, everyone involved in the dispensation of justice, from the presiding judge to the lowliest clerk, is expected to live up to the strictest norm of competence, honesty and integrity in the public service.<sup>[9]</sup> This principle echoes what the Constitution enshrines: that a public office is a public trust, and all public officers and employees must at all times be accountable to the people; serve them with utmost responsibility, integrity, loyalty and efficiency; act with patriotism and justice; and lead modest lives.<sup>[10]</sup> Further, the Code of Conduct and Ethical Standards for Public Officials and Employees provides that every public servant shall uphold public interest over and above personal interest at all times.<sup>[11]</sup>

Respondent, in this case, dismally fell short of this standard. As found by the OCA, he readily admitted that he had taken the monetary exhibits, the subject of this Complaint, for his personal use. Further, he asked for forgiveness and promised to replace the amount.<sup>[12]</sup>

The act of taking monetary exhibits without authority from their custodian constitutes theft.<sup>[13]</sup> Thievery, no matter how petty, has no place in the judiciary.<sup>[14]</sup> This unlawful act of taking cannot be justified by an alleged intention to safeguard the money from damage that might be caused by the flood. Neither can this Court sanction the appropriation, even if temporary, of property under *custodia legis* in order to remedy the financial exigency of one's family. Personal problems cannot justify the misuse by any court employee of judiciary funds in their custody.<sup>[15]</sup> We will not countenance such acts, which portray the judiciary as a "haven of corruption, instead of a bastion of justice."<sup>[16]</sup>

Public servants must exhibit the highest sense of honesty and integrity in their performance of official duties and in their personal affairs, so as to preserve the Court's good name and standing.<sup>[17]</sup> The administration of justice is a sacred task. This Court cannot countenance, on the part of court personnel, any act or omission