

EN BANC

[A.M. NO. P-04-1894, August 09, 2005]

RE: REPORT ON THE FINANCIAL AUDIT ON THE BOOKS OF ACCOUNTS OF MS. ADELINA R. GARROVILLAS, FORMER CLERK OF COURT, MUNICIPAL CIRCUIT TRIAL COURT, TERESA-BARAS, RIZAL.

D E C I S I O N**SANDOVAL-GUTIERREZ, J.:**

This involves an audit by the Office of the Court Administrator (OCA) on the books of accounts of Adelina R. Garrovillas, former Clerk of Court, Municipal Circuit Trial Court, Teresa-Baras, Rizal.

On July 1, 2003, Garrovillas compulsorily retired from the service. Upon an audit examination of her books of accounts by the Accounting Division, Financial Management Office, OCA, the following shortages were found:

CLERK OF COURT GENERAL FUND

Total collections for the period July 1994 to May 31, 2003	P235,443.40
Less: Total deposits for the same period	P233,708.00
SHORTAGE	P1,735.40

JUDICIARY DEVELOPMENT FUND

Total collections for the period March 1985 to May 31, 2003	P341,240.20
Less: Total deposits for the same period P338,790.58	P338,708.14
Less: Over-remittance of interest P82.44	P338,708.14
SHORTAGE	P2,532.06

FIDUCIARY FUND

Total collections for the period August 1993 to May 31, 2003	P941,561.00
Less: Total withdrawals for the same period	P628,200.00
Total	P313,361.00
Less: Balance per bank as of May 26, 2003	P277,034.04

BALANCE OF ACCOUNTABILITY	P36,326.96
	1,735.40
	<u>2,532.06</u>
	P40,594.42

In a Memorandum^[1] dated June 9, 2004, Deputy Court Administrator Jose P. Perez

directed Garrovillas to explain why she is using government funds in encashing the checks of her co-employees. She was also directed to reconstitute the shortages within ten (10) days from notice.

In her letter-explanation^[2] dated June 23, 2004, Garrovillas admitted encashing the checks of her co-employees from the court's collections in order that they will be able to save rediscounting fees whenever their checks were encashed outside. She acted in good faith and not for profit. She requested that the amount of P40,594.42 (corresponding to the total shortages) be deducted from her retirement benefits so she can secure the necessary clearances from the different Offices of this Court relative to her retirement.

On August 9, 2004,^[3] OCA submitted to Chief Justice Hilario G. Davide, Jr. a Report on the Financial Audit on the Books of Accounts of Garrovillas. The OCA found that Garrovillas' use of the court's collections to encash the salary checks of her co-employees resulted, not only in the delay of remittances, but also in her inability to remit some collections. Thus, the above shortages in the total sum of P40,594.42.

In our resolution dated September 21, 2004, we adopted the OCA's recommendation, quoted as follows;

(a) **DIRECT** the Financial Management Office, OCA to

(i) **DEDUCT** from the terminal leave pay of Mrs. Adelina R. Garrovillas, Former Clerk of Court, MCTC, Teresa-Baras, Rizal, the amount of Forty thousand Five hundred Ninety-four Pesos and Forty-two Centavos (P40,594.42) from the money value of her terminal leave, subject to refund upon the proper presentation of the documents to the Fiscal Monitoring Division (FMD), OCA, that the said amount has been remitted;

(ii) **DEPOSIT** the said amount to the following accounts:

Fiduciary Fund	P36,326.96
Judiciary Development Fund	P 2,532.06
Clerk of Court General Fund	<u>P 1,735.40</u>
Total	<u>P40,594.42</u>

and (iii) **COORDINATE** with the Fiscal Monitoring Division, Court Management Office, OCA, before releasing the checks to the acting Clerk of Court of MCTC, Teresa-Baras, Rizal, so that the latter could make the corresponding communication to the said Clerk of Court;

(b) **DIRECT** THE Clerk of Court/Officer-in-Charge of MCTC, Teresa-Baras, Rizal to furnish the FMD-CMO-OCA with machine validated deposit slips as proof that the amount deducted from the terminal leave pay of Mrs. Garrovillas was transferred to the respective accounts with five (5) days after receipt of the checks from the Checks Disbursement Division-FMO-OCA;

(c) Impose upon Mrs. Garovillas a **FINE** of Five Thousand Pesos (P5,000.00) for the delayed remittance of her collections depriving the government of interest earned if the same were deposited on time, and direct the Financial Management Office, OCA, to **DEDUCT** the said amount from her terminal leave pay;

(d) **DOCKET** the report on the financial audit on the books of accounts Ms. Adelina R. Garovillas, Former Clerk of Court, MCTC, Teresa-Baras, Rizal, as a regular administrative matter, A.M. No. P-04-1894 (Office of the Court Administrator vs. Ms. Adelina R. Garovillas, former Clerk of Court, MCTC, Teresa-Baras, Rizal; and

(e) require Ms. Adelina R. Garovillas, Former Clerk of Court, MCTC, Teresa-Baras, Rizal, to COMMENT on the aforesaid report within ten (10) days from notice hereof."

In her comment^[4] dated October 7, 2004, Garrovillas requested that her accountabilities in the total amount of P40,592.42, as well as the P5,000.00 fine imposed upon her, be deducted from her terminal leave benefit.

In a Resolution^[5] dated November 9, 2004, we referred the comment of Garrovillas to the OCA for evaluation, report and recommendation.

In his Memorandum^[6] of December 14, 2004, Court Administrator Presbitero J. Velasco, Jr. found Garrovillas guilty of serious misconduct and recommended that she be fined P5,000.00 to be deducted from her terminal leave benefit, thus:

"Ms. Garrovillas violated Administrative Circular No. 3-2000 (Guidelines in the Allocation of the Legal fees Collected Under Rule 141 of the Rules of Court, As Amended, Between the General Fund and the Judiciary Development Fund) which provides:

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"3. 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 Courts, or their accountable duly authorized representatives designated by them in writing, who must be accountable officers, shall receive the Judiciary Development Fund collections, issue the proper receipt therefore, maintain a separate cash book properly marked CASH BOOK FOR JUDICIARY DEVELOPMENT FUND, deposit such collections in the manner herein prescribed, and render the proper Monthly Report of Collections for said fund.

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3. Systems and Procedures:

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