

THIRD DIVISION

[A.M. No. 02-10-598-RTC, February 11, 2003]

**IN RE: DELAYED REMITTANCE OF COLLECTIONS OF TERESITA
LYDIA R ODTUHAN, OFFICER-IN-CHARGE, REGIONAL TRIAL
COURT, BRANCH 117, PASAY CITY.**

R E S O L U T I O N

PANGANIBAN, J.:

Employees and officials involved in the administration of justice should always conduct themselves in an honorable manner. Unreasonable delay in the remittance of fiduciary collections constitutes grave misconduct that warrants sanction from this Court.

The Case

Before us is an administrative case that arose from the July 19, 2001 Memorandum^[1] issued by Atty. Dolores D. Rillera, branch clerk of court of the Regional Trial Court (RTC), Branch 117, Pasay City, charging Teresita Lydia R. Odtuhan with delay in the remittance of her fund collection to the Land Bank of the Philippines, in violation of Circular No. 50-95.

The Facts

On September 22, 1998, Presiding Judge Henrick F. Gingoyon of the RTC, Branch 117, Pasay City, issued an Order to sell by public auction all the properties that were the subject of Special Proceedings No. 98-4297 entitled "In the Matter of Petition for Voluntary Insolvency of Heraldina C. Lee, doing business under the name and style of HCL Collection." By December 1998, the series of sales summed up to P12,705.

On January 1, 1999, Odtuhan, who was officer-in-charge (OIC) of the Office of the Branch Clerk of Court, took custody of the collection. Because she had not accomplished the required deposit form, she failed to deposit the fiduciary funds with the Land Bank of the Philippines, the authorized bank.

As a result, Dolores P. Rillera, branch clerk of court, RTC, Pasay City, issued a Memorandum^[2] dated July 19, 2001, requiring Odtuhan to explain why no administrative and criminal charges should be filed against the latter for failure to deposit the fiduciary collection within 24 hours from receipt thereof. Her failure to do so was a violation of Circular No. 50-95 dated October 11, 1995.

In her August 3, 2001 letter,^[3] Odtuhan explained the reason for the delay. She said that, as instructed by the former OIC of the Office of the Branch Clerk of Court, she waited to collect other receivables until she took a leave of absence for the 2000 bar examinations. She added that although the collection had always been in her

possession, she had no intention to keep it for herself and would gladly turn it over immediately.

After more than eight months, her immediate remittance of the collection was again demanded in a letter^[4] dated April 17, 2002, sent by Pepito S. Celestino, Clerk of Court VI of the Office of the Clerk of Court, RTC, Pasay City. Upon receipt of this letter, she finally remitted the full amount.

Thereafter, in a Memorandum^[5] dated May 2, 2002, Deputy Court Administrator Christopher O. Lock directed Odtuhan to explain why no administrative sanction should be imposed upon her for her long delay in turning over the collection. In her June 25, 2002 letter,^[6] she explained that on March 4 & 11, 2002, she had been diagnosed with ovarian cancer, for which she began undergoing treatment starting April 2002. Furthermore, she was allegedly having a difficult relationship with her presiding judge, who had charged her with accumulating millions of pesos at his expense.

Report and Recommendation of the Court Administrator

In its August 26, 2002 Report,^[7] the Office of the Court Administrator (OCA) found Odtuhan remiss in her duty of promptly remitting the P12,705 collection to the proper custodian, in violation of Circular No. 50-95. She remitted the amount only after a lapse of about three years from the date of collection and only after several demands or directives from the clerks of court and from the OCA.

Her reasons for the delayed remittance were found to be unsatisfactory. Accordingly, the OCA recommended that she suffer the penalty of one-month suspension without pay, with a stern warning that a repetition of the same or a similar act in the future would be dealt with more severely.^[8]

This Court's Ruling

We agree with the OCA's findings but modify the penalty, consistent with jurisprudence.

Administrative Liability of Respondent

Time and time again, we have stressed that the behavior of all employees and officials involved in the administration of justice, from the judge to the most junior clerk, is circumscribed with a heavy responsibility.^[9] Their conduct must be guided by strict propriety and decorum at all times, in order to merit and maintain the public's respect for and trust in the judiciary.^[10]

The failure of Odtuhan to remit her collection within 24 hours from receipt thereof was unjustifiable. In her August 3, 2001 reply^[11] to Atty. Rillera's letter, she admitted that she had kept the collection inadvertently. She added that she had no intention of keeping it for herself and was ready to remit it immediately. Yet, after taking custody of the collection on January 1, 1999, she let more than three years elapse before finally remitting it, and only after she had received two Notices^[12] from the clerks of court of the RTC of Pasay City.