

EN BANC

[A.M. No. 01-1-13-RTC, April 02, 2003]

RE: REPORT ON THE EXAMINATION OF THE CASH AND ACCOUNTS OF THE CLERKS OF COURT OF THE RTC AND THE MTC OF VIGAN, ILOCOS SUR.

RESOLUTION

AZCUNA, J.:

On September 22, 1999, an anonymous letter was filed before the Office of the Court Administrator charging Atty. Florante R. Rigunay, Clerk of Court of the Regional Trial Court of Vigan, Ilocos Sur, of misappropriating the court's collections for his personal use. Due to the seriousness of the allegation, an audit team was immediately directed to conduct an examination of the cash and accounts of the Regional Trial Court and Municipal Trial Court of Vigan, Ilocos Sur.

The audit team found that Atty. Rigunay had a total collection of P1,332,121.04 for the Judiciary Development Fund covering the period from March 1985 to October 22, 1999, but he failed to remit the sum of P516,578.45. Moreover, Atty. Rigunay did not remit his total collection for the Sheriff General Fund in the amount of P18,976.35. The audit team observed that some collections were not immediately deposited as required by court circulars.

Acting on the findings of the audit team, the Office of the Court Administrator directed Atty. Rigunay to reconstitute the shortages in the Judiciary Development Fund and the Sheriff General Fund in the total sum of P535,554.80. Said Office caused the salary and allowances of Atty. Rigunay to be withheld effective February 2000.

On November 9, 2000, Atty. Alex Requeño, OIC-Clerk of Court of the Regional Trial Court, Vigan, Ilocos Sur, forwarded to the Office of the Court Administrator two LBP-Vigan Branch deposit slips dated October 9, 2000 which covered the amounts of P516,578.50 and P18,976.50 for the Judiciary Development Fund and Sheriff General Fund Accounts, respectively. Said deposit slips evidenced the remittances effected by Atty. Rigunay for the full payment of his shortages.

On January 18, 2001, Atty. Rigunay tendered his irrevocable resignation as Clerk of Court VI in the Regional Trial Court, Branch 20, Vigan, Ilocos Sur, which was accepted by the Court on March 22, 2001.

On September 11, 2001, the Court required Atty. Rigunay to comment on the Report on the Examination of the Cash and Accounts of the Clerk of Court of the Regional Trial Court and Municipal Trial Court of Vigan, Ilocos Sur.

In his letter-explanation, Atty. Rigunay admitted that he misappropriated the unremitted judiciary funds. He explained that he was forced to do so due to personal