

## EN BANC

[ A.M. No. 01-4-133-MTC, August 26, 2003 ]

**RE: WITHHOLDING OF OTHER EMOLUMENTS OF THE FOLLOWING CLERKS OF COURT: ELSIE C. REMOROZA OF THE MUNICIPAL TRIAL COURT (MTC) OF MAUBAN, QUEZON; ELENA P. REFORMADO OF THE MTC OF GUINAYANGAN, QUEZON; EUGENIO STO. TOMAS OF THE MTC OF CABUYAO, LAGUNA; MAURA D. CAMPAÑO OF THE MTC OF SAN JOSE, OCCIDENTAL MINDORO; ELEANOR D. FLORES OF THE MUNICIPAL CIRCUIT TRIAL COURT (MCTC) OF TAYTAY, PALAWAN; AND JESUSA P. BENIPAYO OF THE MCTC OF LIGAO, ALBAY.**

### D E C I S I O N

**PANGANIBAN, J.:**

Illness may impair the ability to perform official functions. It will not, however, completely exonerate the present respondent from administrative liability for her continuous violations of rules and regulations over a long period of time. Being aware of her serious health condition, she should have reported it to higher authorities and asked for relief from responsibilities she could not discharge by reason thereof.

#### The Case and the Facts

This administrative case is rooted in acting Court Administrator Zenaida N. Elepaño's written Memorandum,<sup>[1]</sup> which imputes neglect of duty to the following clerks of courts: Elsie C. Remoroza of the Municipal Trial Court (MTC) of Mauban, Quezon; Elena P. Reformado of the MTC of Guinayangan, Quezon; Eugenio Sto. Tomas of the MTC of Cabuyao, Laguna; Maura D. Campaño of the MTC of San Jose, Occidental Mindoro; Eleanor D. Flores of the Municipal Circuit Trial Court (MCTC) of Taytay, Palawan; and Jesusa P. Benipayo of the MCTC of Ligao, Albay.

It was Mrs. Antonina Soria, officer-in-charge of the Financial Management Office of the Office of the Court Administrator (OCA), who discovered the failure of the aforementioned court officers to submit their required monthly reports on time. These were reports of monthly collections for the judiciary development fund, the fiduciary fund and the general fund, pursuant to Section 122 of Presidential Decree No. 1445 and Supreme Court (SC) Circular No. 32-93.<sup>[2]</sup> While the OCA had already withheld the salaries of these officers, it requested authority to withhold other emoluments due them, pending their full compliance with SC Circular No. 32-93.

In a Resolution<sup>[3]</sup> dated May 4, 2001, the Court en banc resolved, among other courses of action, to direct the OCA to conduct an immediate audit of the cash and accounts of these court officers; to withhold further emoluments due them; and to impose administrative sanctions on them for their continued defiance of SC Circular

No. 32-93.

In a subsequent Resolution<sup>[4]</sup> dated August 7, 2001, upon the recommendation of the OCA, the Court suspended the erring clerks of court without pay, until they would have fully complied with SC Circular No. 32-93.

On September 28, 2001, Elsie C. Remoroza, clerk of court of the MTC of Mauban, Quezon, moved for a reconsideration of the Court's August 7, 2001 Resolution by filing a Motion to Lift Suspension and Withholding of Other Emoluments.<sup>[5]</sup> She explained that her failure to submit her reports on time was due to her poor health. She averred that at the time of the filing of her Motion, she had already submitted the required monthly reports. In an en banc Resolution<sup>[6]</sup> dated December 11, 2001, the Court noted her Motion, pending her full compliance with SC Circular No. 32-93.

In a Memorandum<sup>[7]</sup> dated March 14, 2002, Deputy Court Administrator Jose P. Perez submitted a summary of the audit findings on the accounts of Clerk of Court Remoroza as follows:

"A. JUDICIARY DEVELOPMENT FUND (JDF).  
(Period covered: March 1985-August 31, 2001)

Total Collections	P125,363.10
Less: Total Remittances	66,065.10
Balance of Accountabilities as of 8/31/01	59,298.00
Restitute on 11/20/01 under LBP SA #0591-0116-34	65,664.00
Over remittance	P(6,366.00)

"As per entries reflected on the Subsidiary Ledger of the Accounting Division, FMO-OCA, the last Monthly Report of Collections and Deposits submitted for JDF was for the month of November 1998. Collections for 2000 and 2001 were remitted thru Manager's Checks only on November 20, 2001 in the amount of SIXTY FIVE THOUSAND SIX HUNDRED SIXTY FOUR PESOS (P65,664.00).

"B. CLERK OF COURT GENERAL FUND (CCGF).  
(Period Covered: May 1997-August 31, 2001)

Total Collections	P190,200.00
Less: Total Remittances	0
Balance of Accountabilities	190,200.00
Paid under LBP SA #0012-2222-20 dated 11/20/01	183,630.00

Paid under LBP SA #0012-2222-20 dated 1/15/02	200.00	
Paid under SC OR No. 12513751 dated 1/22/02	6,370.00	190,200.00
Final Accountability		P 0 =====

"As per entries reflected on the Subsidiary Ledger of the Accounting Division, FMO-OCA, she never submitted her Monthly Report of Collections and Deposits for Clerk of Court General Fund from May 1997 up to August 31, 2001. Collections for these periods were remitted on a staggered basis only on November 20, 2001 @ P183,630; January 22, 2002 @ P200.00; and January 22, 2002 @ P6,370.00 a total of ONE HUNDRED NINETY THOUSAND AND TWO HUNDRED PESOS (P190,200.00) thereby showing no accountabilities for this fund.

"C. CLERK OF COURT FIDUCIARY FUND (CCFF)  
(Period Covered: August 1997-August 31, 2001)

Total Collections from August 1997 to June 29, 1998 covered by Official Receipts of MTC, Mauban, Quezon		P 298,000.00
Less: Total Withdrawals		168,500.00
Total Unwithdrawn Fiduciary Fund receipted by MTC, Mauban, Quezon		P 129,500.00
Less: Deposits made to MTO from August 1997 to June 29, 1998		0
Shortage as of 8/31/2001		P 129,500.00
Restitution of shortage deposited to MTO on 9/20/01		129,500.00*
Balance of Accountability		P 0 =====

Total Unwithdrawn  
Fiduciary Funds

as of August 31, 2001

P 234,800.00

Less: Fiduciary Fund  
Collections  
directly deposited with  
MTO  
from September 14,  
1994 to  
July 1997 and July  
1998 to  
August 31, 2001

P105,300.00

Fiduciary Fund  
Collections  
received by MTC,  
Mauban, Quezon and  
Restituted on Sept 30,  
2001

P129,500.00\*

P234,800.00

Balance of  
Accountability

P 0

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"There were no entries reflected on the Subsidiary Ledger of the Accounting Division showing that she never submitted her Monthly Report of Collections and Withdrawals from August 1997 to August 31, 2001.

"The above-cited presentation shows that guidelines set forth in the administration of these funds were clearly violated."<sup>[8]</sup>

On April 10, 2002, the Court issued another Resolution<sup>[9]</sup> directing Remoroza to explain in writing why she should not be charged administratively for her failure to remit collections on time. These collections amounting to P385,364 were for the judiciary development fund, the general fund and the fiduciary fund. She was also relieved of her duties and responsibilities as accountable officer.

In her Explanation dated May 22, 2002,<sup>[10]</sup> she averred that her failure to remit the collections promptly was due to "factors beyond her control." She reasoned thus:

"Her failure to function efficiently i.e. erratically and below par in her duties and responsibilities as Accountable Officer from the middle of 1999 and onward was attributable mainly and unmistakably to no other but her gastric lymphoma (cancer of the stomach). The coincidence of her service faltering and her medication especially her surgery and chemotherapy x x x can be proved by documents x x x.

x x x            x x x            x x x

"x x x [I]n spite of [the hassle of medication and surgery and lingering after-effects of chemotherapy], she still tried very hard to keep her [act] together to at least [discharge] her administrative duties even if below par, aware of her responsibilities as Accountable Officer.

"Such that even if she was supposed to be still on leave by doctor's order until March 2000 and better still until 2001 because of continuing treatment, she acceded to the request of the Presiding Judge to report for work already in April 2000 to at least arrest the worsening mess which was not remedied with his designation of Clerk of Court Edwin Romero on 28 January 2000 as he was still a neophyte and could find nobody to do the work of undersigned. And work she did even with difficulty for the sake of the service until she was suspended on 7 July 2001.

"At this point in time, all the delayed required reports have been submitted, likewise the amount of P385,364.50 representing collections for the Judiciary Development Fund, General Fund and Fiduciary Fund have been accounted for."<sup>[11]</sup>

Meanwhile, acting Judge Rodolfo D. Obnamia Jr. of the MTC of Mauban, Quezon, designated Stenographer Josefina Neri N. Alpajora as officer-in-charge (accountable officer) in place of respondent.<sup>[12]</sup> This designation was later confirmed by the Court in a Resolution<sup>[13]</sup> dated April 22, 2003.

### **Report and Recommendation of the OCA**

In its December 5, 2002 Memorandum,<sup>[14]</sup> the OCA found respondent guilty of misfeasance. It observed:

"While Ms. Remoroza has fully settled her accountability, the non-remittance thereof on time deprived the Court of the interest that may be earned if the said amounts were deposited in bank, as prudently required. She has the duty, being the Clerk of Court, to remit the collections within a prescribed period. x x x.

"It is the Clerk of Court's duty to faithfully perform her duties and responsibilities as such `to the end that there was full compliance with circulars on deposits of collections.' Shortages in the amounts to be remitted and the years of delay in the actual remittance constitute neglect of duty for which she shall be administratively liable."<sup>[15]</sup>

The OCA recommended that respondent be fined in the amount of P10,000, with a warning that a repetition of the same or a similar act in the future would be dealt with more severely. Further, it recommended that she be directed to submit herself to medical examination in the SC Clinic to determine if she was still physically fit to perform her functions as clerk of court.

### **The Court's Ruling**

The Court agrees with the findings and recommendations of the OCA.

### **Administrative Liability of Respondent**

The administration of justice is circumscribed with a heavy burden of responsibility. It requires that everyone involved in its dispensation -- from the presiding judge to