



Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
MARIA LOURDES P. A. SERENO
CHIEF JUSTICE

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**OFFICE OF THE COURT
ADMINISTRATOR,**

Complainant,

A.M. No. P-10-2872

[Formerly A.M. No. 10-10-118-MTC]

Present:

SERENO, C.J.,
CARPIO,
VELASCO, JR.,
LEONARDO-DE CASTRO,
BRION,*
PERALTA,
BERSAMIN,
DEL CASTILLO,
VILLARAMA, JR.,
PEREZ,
MENDOZA,
REYES,
PERLAS-BERNABE,
LEONEN, and
JARDELEZA,** JJ.

- versus -

**CLERK of COURT
EMMANUELA A. REYES,
Municipal Trial Court, Bani,
Pangasinan,**

Respondent.

Promulgated:

February 24, 2015

X-----X

DECISION

PER CURIAM:

This pertains to the administrative complaint against Emmanuela A. Reyes, Clerk of Court II, Municipal Trial Court (MTC), Bani, Pangasinan for her non-submission of financial reports to the Court, non-reporting and non-deposit of collections, delayed remittance of collections, unauthorized withdrawal, and non-explanation of the incurred shortages and undeposited collections.

* On leave.
** On official leave.

The facts of the present case are as follows:

On June 16, 2009, the Office of the Court Administrator (*OCA*) issued a Memorandum relative to the examination conducted on Reyes's books of accounts covering the period of June 15, 2004 until March 31, 2009. It directed Reyes to explain in writing why she should not be held administratively liable for the delayed remittances of collections of the Judiciary Development Fund (*JDF*), Fiduciary Fund (*FF*), Special Allowance for the Judiciary Fund (*SAJF*), Sheriff's Trust Fund (*STF*), and Mediation Fund (*MF*) for the years 2004 to 2009. Interests earned on Fiduciary deposits which were withdrawn from the Fiduciary Fund Account were likewise not deposited promptly to the proper fund account on the day they were withdrawn. Reyes reasoned out that since no one called her attention, she had presumed that there was nothing wrong as long as the court's collections were intact in her possession. Also, the Landbank branch in Alaminos City is fourteen (14) kilometers away such that she would only go to the bank if she needed to withdraw from the court's Fiduciary Fund Account. As to the interests on Fiduciary deposits, Reyes did not present any explanation.

The audit team then evaluated said explanation and it found that the delayed remittances resulted to loss of interests that should have otherwise been earned had the collections been deposited promptly to their respective fund accounts. Lack of provision for transportation expenses is a lame excuse for non-remittance of collections, since personal money spent for a valid undertaking would be subject to reimbursement. Reyes should also have immediately remitted the aforesaid interests to the proper fund account on the day they were withdrawn. After a thorough review and evaluation of the case, the *OCA* recommended that Reyes be directed to pay a fine of ₱5,000.00 for the interest that should have been earned and deposit the same to the *SAJF* Account. Reyes was likewise sternly warned that a repetition of her failure to promptly remit the court's collections to their respective fund accounts in the future would be dealt with more severely.¹

For failing to submit the court's monthly financial reports to the Revenue Section, Accounting Division, Financial Management Office (*FMO*), *OCA*, Reyes's salaries were withheld in February 2009. These were, however, subsequently released in November 2010 upon her compliance with the directives of said office.

Thereafter, Reyes was directed to comment to another *OCA* Memorandum dated April 16, 2012 with regard to the audit team's

¹ Evaluation and recommendation submitted by Court Administrator Jose Midas P. Marquez and Deputy Court Administrator Raul Bautista Villanueva, dated October 12, 2010.

examination of her books of accounts for April 1, 2009 to October 31, 2011 and December 2, 2011 to January 6, 2012. Reyes was required to explain the shortages she incurred amounting to ₱217,869.40, partial unremitted collections of ₱112,175.00, unauthorized withdrawal of ₱82,755.00 from the Municipal Treasurer's Office (*MTO*) of Bani in May 2005, late issuances of several Official Receipts in December 2011, and delayed remittances of collections of the JDF, FF, SAJF, General Fund (*GF*), STF, and MF for the years 2009 to 2011. She was also directed to deposit the total amount of ₱217,869.40 but she was only able to settle ₱35,110.00, still leaving a deficit of ₱182,759.40. As to the unauthorized withdrawal of ₱82,755.00, Reyes explained that she withdrew the amount upon instruction of Emmanuel R. Odero, former Sheriff IV of the Alaminos RTC and Officer-in-Charge, in order for the latter to remit the same to the SC Account. But when she gave the money to Odero, the official receipt was also left with him. For the late issuances of receipts, Reyes merely blamed this to the confusion and harried minds brought about by the holidays. However, she failed to justify the incurred shortages and delayed remittances of collections.

From the audit report and investigation, the OCA recommended that Reyes be dismissed from the service for gross neglect of duty, dishonesty and grave misconduct, with forfeiture of all benefits except accrued leave credits, and with prejudice to re-employment in the government service, including government-owned and controlled corporations. It also ordered her to deposit any remaining balance of the shortages and penalties within one (1) month from receipt of the Court's Resolution, after the money value of her leave credits shall have been applied to her accountabilities. Further, it imposed a fine of ₱5,000.00 for the non-remittance and delayed deposit of court collections, and a penalty of ₱1,437.28 for the loss of interest that should have been earned had the collections been immediately remitted.²

The Court's Ruling

The Court affirms the findings and recommendations of the OCA. Reyes should thus be held administratively liable for gross neglect of duty, dishonesty, and grave misconduct.

After her salaries were released, Reyes was not only late in her deposits, she had also ceased remitting her collections beginning July 2011 and resumed her non-submission of financial reports to the FMO, OCA. If not for the emergency audit of her accounts at the Bani MTC on January 9, 2012, her continuous abuse of authority as an accountable officer of the court would have gone unnoticed. Reyes also failed to present any proof

² Evaluation and recommendation submitted by Court Administrator Jose Midas P. Marquez and Deputy Court Administrator Raul Bautista Villanueva, dated July 10, 2012.

that the court ordered her to withdraw the amount of ₱82,755.00 from the Bani MTO in May 2005.

The undeposited collections and delayed remittances resulted to loss of interests that should have accrued had the collections been deposited promptly to their respective fund accounts. Under Section 3-C of the JDF and SAJF procedural guidelines in Administrative Circular No. 35-2004, as amended, dated August 20, 2004, the daily remittance of JDF and SAJF collections is required. In relation to this, Section 4 of OCA Circular No. 50-95 provides that all collections from bailbonds, rental deposits and other Fiduciary collections shall be deposited by the Clerk of Court concerned, within twenty-four (24) hours upon receipt thereof with the Landbank of the Philippines. Indubitably, Reyes violated the trust reposed upon her as a collecting officer of the judiciary. The Court cannot tolerate non-submission of financial reports, non-reporting and non-deposit of collections, undue delay in the deposit of collections, unauthorized withdrawal, and non-explanation of incurred shortages and undeposited collections. Reyes failed to fully settle her deficit in the court funds despite the ample time given to her to do so. The request for an extension of time to be able to come up with the amount needed is merely a delaying tactic to evade full responsibility for the violation committed.

Said infractions certainly constitute gross negligence, dishonesty, and grave misconduct which are serious offenses that deserve the penalty of dismissal under Section 52, Rule IV of the Civil Service Uniform Rules on Administrative Cases.³ Failure to completely settle her accountability may likewise give rise to criminal liability.

WHEREFORE, respondent **EMMANUELA A. REYES**, Clerk of Court II, Municipal Trial Court, Bani, Pangasinan, is found **GUILTY** of gross neglect of duty, dishonesty, and grave misconduct. She is hereby **DISMISSED** from service effective immediately, and all benefits, except accrued leave credits that may ordinarily be due her, are **ORDERED** forfeited with prejudice to re-employment in the government service, including government-owned and controlled corporations. She is further **DIRECTED** to pay any remaining balance of the shortages, penalties and fines for the non-remittance and delayed deposit of court collections and for the loss of interest that should have accrued, within a non-extendible period of one (1) month from receipt of the Court's Resolution, after deducting the money value of her leave credits from her accountabilities.

The Legal Office, Office of the Court Administrator is **DIRECTED** to **IMMEDIATELY FILE** civil and criminal cases against Reyes upon

³ *Office of the Court Administrator v. Dion*, 654 Phil. 609, 613 (2011).

receipt of a Report from the Fiscal Monitoring Division, Court Management Office that she failed to reconstitute the portion of her shortages and penalties not covered by the money value of her leave credits.


SO ORDERED.




MARIA LOURDES P. A. SERENO
Chief Justice



ANTONIO T. CARPIO
Associate Justice

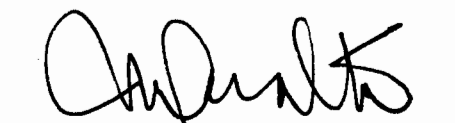


PRESBITERO J. VELASCO, JR.
Associate Justice

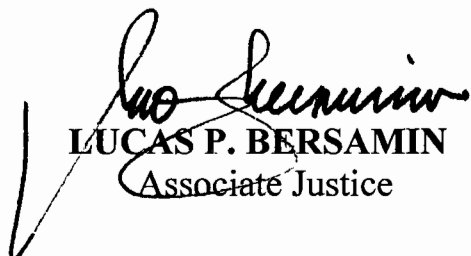


TERESITA J. LEONARDO-DE CASTRO
Associate Justice


On leave
ARTURO D. BRION
Associate Justice



DIOSDADO M. PERALTA
Associate Justice



LUCAS P. BERSAMIN
Associate Justice




MARIANO C. DEL CASTILLO
Associate Justice





MARTIN S. VILLARAMA, JR.
Associate Justice

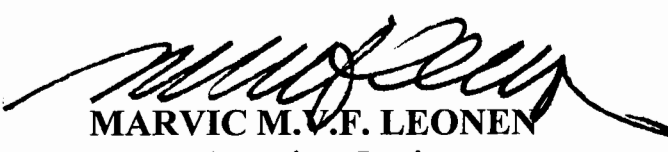



JOSE PORTUGAL PEREZ
Associate Justice


JOSE CATRAL MENDOZA
Associate Justice


BIENVENIDO L. REYES
Associate Justice


ESTELA M. PERLAS-BERNABE
Associate Justice


MARVIC M.V.F. LEONEN
Associate Justice

On official leave
FRANCIS H. JARDELEZA
Associate Justice

