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[A.M. No. P-12-3091; January 4, 2022]
(Formerly OCA IPI No. 10-3426-P)

CLERK OF COURT YVONNE Q. RIVERA, *Complainant*, *v.* **REX J. GEROCHE, Cash Clerk III, Municipal Trial Court in Cities, Kabankalan City, Negros Occidental,** *Respondent*.

D E C I S I O N

PER CURIAM:

Court personnel who fail to safeguard court funds and collections, either through their willful conduct or negligence, shall be held accountable.

The Constitution mandates that a public office is a public trust and that all public officers must be accountable to the people and must serve them with responsibility, integrity, loyalty, and efficiency. The demand for moral uprightness is more pronounced for members and personnel of the Judiciary who are involved in the dispensation of justice. As frontliners in the administration of justice, court personnel should live up to the strictest standards of honesty and integrity in the public service and, in this light, are always expected to act in a manner free from reproach. Thus, any conduct, act, or omission that may diminish the people's faith in the Judiciary should not be tolerated.[1]

This administrative case stemmed from the Complaint-Affidavit[2] filed before the Office of the Court Administrator *(OCA)* on June 28, 2010, by Yvonne Q. Rivera *(complainant)*, Clerk of Court IV, Municipal Trial Court in Cities *(MTCC)*, Kabankalan City, Negros Occidental, against Rex J. Geroche *(respondent)*, Cash Clerk III

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[1] *Office of the Court Administrator v. Dequito*, 799 Phil. 607, 620 (2016); citations omitted.

[2] *Rollo*, pp. 1-4.

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of the same MTCC, for malversation, falsification of documents, and gross dishonesty committed in the performance of his duties.

In the complaint-affidavit, complainant alleged that respondent was appointed to his position on December 15, 2006. His duties included the issuance of official receipts, deposit of collections, deposit and withdrawal of cash bonds, maintenance of books of accounts, and preparation and transmittal of monthly reports concerning the Judiciary Development Fund *(JDF)*, Legal Research Fund *(LRF)*, and Fiduciary Fund *(FF)*. According to complainant, respondent competently performed his duties during the first few years of his service, and the audits conducted found the transactions in the books of accounts to be in order.

However, in February 2010, respondent stopped reporting for work after being instructed by complainant to submit the reports for the JDF, Special Allowance for the Judiciary *(SAJ)*, Mediation Fund, LRF, and FF to the State Auditor, who had requested said reports for verification. Complainant examined respondent's files, and found out that reports and documents were missing, including those for submission to the Chief Accountant of the Court which she had already signed.

On March 8, 2010, the State Auditor conducted an audit, but the reconciliation of records proved impossible due to the missing documents which respondent had custody of. The Presiding Judge of the MTCC, Cyclamen J. Fernandez *(Judge Fernandez)*, issued two (2) memos consecutively, ordering respondent to report for work and to explain why he was not able to do so, which respondent both disregarded. Later, respondent presented himself and admitted to complainant and the Presiding Judge that he had misappropriated office funds.

Sometime thereafter, complainant received a letter from the Court directing her to explain the failure to submit monthly reports for the JDF, SAJ, FF, and General Fund from August 2009 to June 2010. Complainant was surprised to receive such letter considering that she had already signed the reports and believed that these had already been transmitted to Manila, as respondent had even showed her the receipts for their transmittal. When complainant confronted respondent, the latter explained

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that the failure to transmit the reports were due to inadvertence. However, upon further investigation, complainant discovered that the collections covered by the reports were actually not deposited. After several demands by complainant, respondent turned over the savings account passbook of the MTCC. An examination of the passbook revealed irregularities in the deposits and withdrawals, which led complainant to write a letter to the Land Bank of the Philippines *(LBP)* to inform them of the fraudulent transactions. Complainant also reported the incident to the Philippine National Police. The LBP launched an investigation on the matter.[3]

The OCA directed respondent to comment on the complaint, but instead of filing his comment, respondent informed the OCA that he had already resigned effective August 23, 2010, and that he would no longer submit a comment.[4]

On September 3, 2012, the OCA submitted its report recommending respondent's dismissal from the service with forfeiture of all retirement benefits except accrued leave credits for gross dishonesty.[5]

On February 20, 2013, the Court directed the OCA to conduct a financial audit of the books of accounts of complainant and to withhold all cash benefits due her, pending financial audit. The Court found both complainant and respondent remiss in their duty to remit collections within the prescribed period, given that complainant was responsible for monitoring the MTCC's financial transactions and ensuring that respondent properly performed his functions.[6]

On June 1, 2016, the Court, acting on the Financial Audit Report[7] by the OCA on the books of accounts of complainant wherein she was found to have failed to "exercise close supervision" over respondent, directed complainant to explain why

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[3] Id. at 25-28.

[4] Id. at 28.

[5] Id. at 17-22.

[6] Id. at 28-29.

[7] Id. at 31-34.

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the FF withdrawals amounting to ₱784,477.00 were not supported by documents and why there was failure to deposit collections amounting to ₱76,690.60. Complainant was also directed to submit the missing supporting documents for the withdrawals and to restitute and deposit the amount of ₱76,690.60[8] to the respective depositories to settle undeposited collections. The Court also consolidated the initial audit findings of the OCA with this administrative matter, and directed Judge Fernandez to issue an order for the withdrawal of the STF collections and to open a new account for the STF pursuant to OCA Circular No. 99-2014[9] dated July 31, 2014, using the withdrawn amount.[10]

After the submission of respective compliances by both complainant and Judge Fernandez, the Court referred the matter to the OCA for evaluation, report, and recommendation on September 19, 2016.[11]

Meanwhile, complainant compulsorily retired on November 29, 2016.[12] On August 24, 2020, complainant filed a motion for the early resolution of the administrative matter, praying that judgment be rendered absolving her of any liability so she could process the release of her retirement benefits. She also alleged that upon learning of the remaining undocumented withdrawals of respondent, she immediately made deposits in the total amount of ₱263,650.00 for the purpose of having her retirement benefits processed and her administrative liability cleared, and for not having to admit "any irregularity on her part." Complainant also manifested that she would personally "go after respondent" for all

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[8] Id. at 33; the undeposited collections are: ₱58,043.00 for the Fiduciary Fund; ₱6,600.00 for the Sheriff's Trust Fund; ₱8,150.60 for the Judiciary Development Fund; and ₱3,897.00 for the General Fund (Old).

[9] Reduction of Initial/Opening Deposit Balance and Maintaining of Regular Savings Account from ₱10,000.00 to ₱1,000.00 for the Fiduciary and Sheriff's Trust Fund Accounts; Waiver of Certification Fee on Bank Balances; and Waiver of Fee on Requests for Snapshots and Re-Printing of Bank Statements.

[10] Id. at 122-124.

[11] Id. at 136.

[12] Id. at 140.

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the payments she made due to respondent's misappropriation and for the immense inconvenience it had caused her.[13]

On October 16, 2020, the OCA reported to the Court that:[14]

> In her letter dated [August 3,] 2016, [complainant] submitted her compliance stating that: (a) the supporting documents, order authorizing withdrawal, Cash Voucher, Monthly Report and Withdrawal Slips for the Fiduciary withdrawals amounting to PHP[606,327.00] were already submitted to the Fiscal Monitoring Division (FMD), Court Management Office (CMO), OCA; (b) the FF withdrawals amounting to PHP178,150.00 have incomplete or no supporting documents and that some unauthorized withdrawals were made by respondent x x x by forging her signature and that of then Presiding Judge Fernandez; (c) the amount of the PHP76,690.60 was deposited to the FF, JDF[,] and GF accounts of the court, however, the PHP6,600.00 for the STF was deposited to the FF account considering that Acting Presiding Judge Dialinda S. Dominguez did not sign the Application for the Opening of the STF account because it was Judge Fernandez who was directed by the Court; and (d) she cannot comply with the directive to open an account for the STF collections and to transfer the STF collections which were deposited in the FF as this directive was addressed to Judge Fernandez and she therefore prayed for the issuance of an order directing Acting Presiding Judge Dominguez to comply with the Court's directive.
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> On the other hand, Judge Fernandez, in her letter dated [July 26,] 2016, informed the Court that she [had] been appointed to Branch 63, [Regional Trial Court of] La Carlota City, Negros Occidental, and therefore cannot comply with the [June 1,] 2016 Resolution to issue an Order for the withdrawal of the STF collections deposited with the FF and to open an account for the STF pursuant to OCA Circular No. 49-2014 dated [July 13,] 2014.
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> x x x x
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> A review of the documents shows that respondent x x x, who was in charge of the collections and deposits of the judiciary funds, incurred the following shortages which were restituted by [complainant]:

Type of Fund	Amount	Date Deposited
Fiduciary Fund	PHP263,650.00	08/21/2020

[13] Id. at 140-141.

[14] Id.

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Fiduciary Fund	58,043.00	07/29/2016
Sheriff's Trust Fund	6,600.00	08/01/2016
Judiciary Dev. Fund	8,150.60	07/29/2016
General Fund	3,897.00	08/01/2016
Total	PHP340,340.00	

The OCA reiterated its initial finding that respondent's actions placed his honesty and integrity in serious doubt and that his resignation did not render the administrative case moot and academic.[15]

As to complainant, the OCA observed that although she had no participation in the unauthorized withdrawals of the MTCC's funds, she was remiss in the discharge of her functions as Clerk of Court when she failed to closely supervise the financial transactions of the court and to personally monitor the collection of fees, the safekeeping of the collections, the proper recording of the transactions in the corresponding book of accounts, and the submission of the monthly financial reports. The OCA further remarked that had complainant been more assiduous in the discharge of her duties, the missing funds could have been discovered sooner or altogether prevented. As such, the OCA found complainant guilty of simple neglect of duty and recommended the penalty of fine in the amount of ₱10,000.00, in lieu of suspension, after considering that she had not been charged of any offense in her 30 years of service and, further, since the shortages had already been restituted.[16]

On the failure to withdraw the STF collections and to open a new account for the same due to Judge Fernandez's appointment to a different court, the OCA recommended the issuance of a directive to current Presiding Judge Jose A. Lopez of the MTCC,

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[15] Id. at 141, citing *Pagano v. Nazarro, Jr.*, 560 Phil. 96, 105 (2007).

[16] Id. at 142-143.

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Kabankalan City, Negros Occidental, to issue an order to facilitate its processing.[17]

The Court notes that respondent opted not to file a comment to the charges against him. Given that respondent has waived his right to defend himself, the Court shall resolve the matter on the basis of the facts and circumstances set forth in the records.[18]

Ruling of the Court

The Court is in accord with the findings and recommendations of the OCA as regards complainant, and also finds respondent guilty of grave misconduct pursuant to prevailing jurisprudence.

Both respondent and complainant are administratively liable for the missing court funds.

The Court has always reminded clerks of courts, cash clerks, and all court personnel entrusted with the collections of court funds, to deposit immediately with authorized government depositories the various funds they have collected because they are not authorized to keep them in their custody. The failure to deposit these judiciary collections on time deprives the court of the interest that may be earned if the amounts were deposited in a bank. The unwarranted failure to fulfill these responsibilities deserves administrative sanction and not even the full payment of the collection shortages will exempt the accountable officer from liability.[19]

In here, both respondent and complainant, in their capacities as cash clerk and clerk of court, respectively, had been remiss in their duties in handling and securing the funds of the MTCC of Kabankalan, Negros Occidental.

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[17] Id. at 143.

[18] See *Office of the Court Administrator v. Atty. Dureza-Aldevera*, 534 Phil. 102, 134 (2006); see *Office of the Court Administrator v. Espineda*, 614 Phil. 359, 373 (2009) and *Office of the Court Administrator v. Laya*, 550 Phil. 432, 444 (2007).

[19] *Office of the Court Administrator v. Judge Buyucan*, 813 Phil. 519, 540 (2017).

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A. Respondent is guilty of serious dishonesty and grave misconduct.

The Court has regarded the misappropriation of judicial funds not only as a form of dishonesty, but also of grave misconduct.[20] Dishonesty is defined as: the disposition to lie, cheat, deceive or defraud; untrustworthiness; lack of integrity; lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray.[21] It is a malevolent conduct that has no place in the judiciary.[22] On the other hand, misconduct refers to a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by a public officer. The misconduct is grave if it is accompanied by the elements of corruption, clear intent to violate the law, or flagrant disregard of established rule.[23]

Based on the preceding legal precepts, respondent's acts constituted serious dishonesty and grave misconduct. Respondent's dishonest ways were manifested by his failure to deposit the MTCC's collections and to transmit the monthly reports to the Court[24] and, worse, by misrepresenting that the same had been deposited to the appropriate accounts. He even prepared the corresponding reports for these transactions to cover up his mishandling of the funds.

He likewise admitted to have misappropriated the said funds when confronted by complainant and Judge Fernandez,[25] and had opted not to file a comment to the complaint in view of his resignation.[26] Such admission notwithstanding, his mere failure

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[20] *Office of the Court Administrator v. Dequito*, supra note 1, at 616-617 (2016).

[21] Id. at 615.

[22] *Office of the Court Administrator v. Puno*, 587 Phil. 549, 556 (2008).

[23] *Office of the Court Administrator v. Dequito*, supra note 1, at 617.

[24] *Rollo*, p. 141.

[25] Id. at 27.

[26] Id. at 12.

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to account for and explain the discrepancies in the reports and the missing funds, already gave rise to the presumption that he had misappropriated the funds for personal use. Based on his overall conduct, respondent is liable for grave misconduct, dishonesty, and malversation.[27]

As a cash clerk, respondent is an accountable officer entrusted with the delicate task of collecting money for the court. This proprietary function imbues his position with trust and confidence. His acts of misappropriation clearly betrayed his integrity, and much more evinced his disposition to defraud the court.[28]

B. Complainant is liable for simple neglect of duty.

Anent the liability of complainant, it must be emphasized that clerks of court are primarily accountable for all funds that are collected for the court, whether personally received by them or by a duly appointed cashier who is under their supervision and control.[29] Complainant, therefore, had the primary duty to ensure that respondent performed his duties and responsibilities in accordance with the circulars on deposits and collections so that all court funds were properly accounted for.[30] As the custodian of court funds, revenues, records, properties and premises, she is liable for any loss, shortage, destruction, or impairment of said funds and properties.[31]

A clerk of court found short of money accountabilities may be dismissed from the service on the ground of gross neglect of duty, among others.[32] As such, the Court will not hesitate to impose the

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[27] See *Office of the Court Administrator v. Villanueva*, 630 Phil. 248, 257 (2010).

[28] *Office of the Court Administrator v. Dequito*, supra note 1, at 615-616.

[29] *Office of the Court Administrator v. Villanueva*, supra note 27.

[30] *Office of the Court Administrator v. Atty. Dureza-Aldevera*, supra note 18, at 132.

[31] *Office of the Court Administrator v. Villanueva*, *supra* note 27.

[32] Id.

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ultimate penalty of dismissal for even the slightest breach of duty by, and the slightest irregularity in the conduct of, officers and employees, if so warranted.[33] In other instances, the Court had only found the clerk of court liable for simple neglect of duty for failing to supervise and properly manage the financial transactions of the court.[34] Verily, the Court has the discretion to take into account the attendant circumstances in determining the extent of the clerk of court's administrative liability in connection with the duty to handle the court's funds.

In here, respondent may only be liable for simple neglect of duty on account of her failure to give attention to a task, or in the disregard of a duty due to carelessness or indifference.[35] Apparent from the records, complainant had been remiss in performing her functions when she failed to closely supervise respondent in the management of the MTCC's funds, thus resulting in the failure to submit the financial reports on time and the misappropriation of the funds by respondent.[36] As the primary accountable officer of the MTCC, she should have verified with accuracy the proper recording of the financial transactions and should not have solely relied on respondent's representations.

Proper Penalties

In imposing the appropriate penalties against respondent and complainant, the Court takes into account the recent amendments to, and the application of, Rule 140 of the Rules of Court regarding disciplinary proceedings of lower court personnel.

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[33] See *Re: Administrative Case for Dishonesty Against Elizabeth Ting and Angelita C. Esmerio*, 502 Phil. 264, 277 (2005).

[34] See *Office of the Court Administrator v. Atty. Buencamino*, 725 Phil. 110, 121 (2014) and *Report on the Financial Audit Conducted on the Books of Account of Dy and Atty. Cuanico, Jr., RTC Catarman, Northern Samar*, 655 Phil. 367, 380 (2011).

[35] *Jomadiao v. Pastor*, G.R. No. 230322, February 19, 2020; *Re: Report on the Financial Audit Conducted at the Municipal Trial Court in Cities, Cebu City*, A.M. No. P-17-3746, August 28, 2019, 915 SCRA 241, 252; *Office of the Court Administrator v. Inmenzo*, 832 Phil. 143, 150 (2018).

[36] See *Office of the Court Administrator v. Dequito*, supra note 1, at 619.

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On October 2, 2018, the Court issued A.M. No. 18-01-05-SC creating the Judicial Integrity Board *(JIB)* and the Corruption Prevention and Investigation Office *(CPIO)*. In strengthening the powers and authority of the JIB, the Court expanded the coverage of Rule 140, to include not only the discipline of judges of regular courts and justices of the Court of Appeals and the *Sandiganbayan*, but also administrative complaints against justices of the Court of Tax Appeals, as well as the personnel of the lower courts and other offices in the Supreme Court.[37]

Consequently, the Court amended A.M. No. 18-01-05-SC on July 7, 2020, and further enlarged the scope of Rule 140 to include disciplinary proceedings against officials and employees of the Judiciary,[38] among others. In the same amendment, violations of the Code of Conduct for Court Personnel and the offenses under Civil Service Laws and Rules, were integrated into Sections 22, 23, and 24 and were properly classified as either Serious, Less Serious, or Light Charges. The incorporation of the offenses under Civil Service Laws and Rules finds significance in the present case because the offense of simple neglect of duty, which is classified as a less grave offense under Civil Service rules, is now treated as a less serious charge under Sec. 23 of Rule 140.

The Court made recent amendments again to Rule 140 when, on March 16, 2021, it increased the fines provided under Sec. 25, commensurate to the prevailing salaries of judges and personnel of the Judiciary.[39] Thus, Sec. 25 now provides for the following penalties:

Sec. 25. *Sanctions*.

A. If the respondent is guilty of a serious charge, any of the following sanctions may be imposed:

    1. Dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including

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[37] A.M. No. 18-01-05-SC (October 2, 2018).

[38] Section 1, Rule 140.

[39] A.M. No. 21-03-17-SC (March 16, 2021).

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government-owned or controlled corporations. *Provided, however*, that the forfeiture of benefits shall in no case include accrued leave credit;

2. Suspension from office without salary and other benefits for more than three (3) but not exceeding six (6) months; or
3. A fine of more than **₱100,000.00 but not exceeding ₱200,000.00**.

B. If the respondent is guilty of a less serious charge, any of the following sanctions shall be imposed:

1. Suspension from office without salary and other benefits for not less than one (1) month nor more than three (3) months; or
2. A fine of not **less than ₱35,000.00 but not exceeding ₱100,000.00**.

C. If the respondent is guilty of a light charge, any of the following sanctions shall be imposed:

1. A fine of not less than ₱1,000.00 but not exceeding **₱35,000.00**; and/or
2. Censure;
3. Reprimand;
4. Admonition with warning. (emphases in the original)

Prior to increasing the fines under Sec. 25, the Court laid down the rule in *Dela Rama v. De Leon*[40] that, since the amended Rule 140 is the prevailing rule, it shall be uniformly applied in administrative cases involving Judiciary personnel, unless its retroactive application will not be favorable to the employee. This rule was also observed in the succeeding cases of *Flores v. Hipolito*,[41] *Brasales v. Borja*,[42] *OCA v. Lazaro*,[43] and *Rodil v. Posadas*,[44] among others.

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[40] A.M. No. P-14-3240 (Formerly OCA IPI No. 12-3835-P), March 2, 2021.

[41] A.M. No. OCA IPI No. 10-3450-P, approved by the Court on May 11, 2021.

[42] A.M. No. P-21-024 (Formerly OCA IPI No. 18-4815-P), June 16, 2021.

[43] A.M. No. P-21-020 (Formerly A.M. No. 20-01-09-MeTC), June 21, 2021.

[44] A.M. No. CA-20-36-P, August 3, 2021.

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A. The penalty to be imposed against respondent is based on the URACCS; a claim of resignation will not prevent the imposition of appropriate penalty.

As previously discussed, respondent is guilty of two (2) offenses, namely, serious dishonesty and grave misconduct. Under the amended Rule 140, both offenses are classified as serious charges, with the following penalties: dismissal from the service with forfeiture of benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations; suspension from office without salary and other benefits for more than three (3) but not exceeding six (6) months; or a fine of more than ₱100,000.00 but not exceeding ₱200,000.00.[45]

On the other hand, the Uniform Rules on Administrative Cases in the Civil Service *(URACCS)*,[46] which is the applicable rule at the time respondent committed the offenses, classifies dishonesty and grave misconduct as grave offenses punishable by dismissal from the service at the first instance, with cancellation of eligibility, forfeiture of retirement benefits, disqualification for reinstatement or reemployment, disqualification for promotion, and bar from taking civil service examinations.[47]

At this juncture, reference shall be made to *Flores v. Hipolito*,[48] wherein the Court explained that in case of multiple offenses under the amended Rule 140, separate penalties shall be imposed against the errant court personnel following the ruling in *Boston Finance and Investment Corp. v. Gonzalez*.[49] However, instead of applying Rule 140, the Court referred to

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[45] Sec. 25(A)(3), Rule 140, as amended by A.M. No. 21-03-17-SC.

[46] CSC Resolution No. 991936, September 14, 1999.

[47] Secs. 52(A) and 57, CSC Resolution No. 991936, September 14, 1999.

[48] Supra note 41.

[49] A.M. No. RTJ-18-2520, October 9, 2018, 883 SCRA 17.

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the URACCS in penalizing the errant court employee, because the URACCS only considers the most serious offense in prescribing the penalty, while the other offenses shall be treated as aggravating circumstances,[50] *viz.*:

> If the Court applies Rule 140 to the present case, Flores would be charged and penalized with two separate offenses in line with the ruling in *Boston Finance and Investment Corp. v. Gonzalez*, where the Court held that in administrative cases under Rule 140, separate penalties shall be imposed for every offense. In contrast, only the penalty for the most serious charge shall be imposed if the URACCS is to be applied, thus:
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> > SECTION 55. *Penalty for the Most Serious Offense*. – If the respondent is found guilty of two or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge or count and the rest shall be considered as aggravating circumstances.
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> Considering that the penalty under the URACCS is more favorable to Flores, the Court deems it best to apply the said rule and hold Flores guilty of grave misconduct, which is the more serious offense, aggravated by insubordination. Since this is not Flores' first administrative infraction – the first being an administrative complaint where she was found guilty of serious dishonesty and was suspended instead of being dismissed – the penalty of dismissal in the present case is more than proper.

Similar with *Flores*, the application of Rule 140 will be more prejudicial to herein respondent as he will be meted with separate penalties for the two administrative offenses. Accordingly, for his dishonesty and serious misconduct, respondent shall suffer the penalty of dismissal with the corresponding accessory penalties under the URACCS.

The Court is aware that respondent submitted his resignation letter to the OCA immediately after the institution of the complaint against him. The records further show that his resignation remained unacted upon due to the present administrative matter.[51] Despite submitting his resignation, the Court still deems it proper to impose the penalty of dismissal against him. It bears emphasis that the

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[50] Sec. 55, CSC Resolution No. 991936, September 14, 1999.

[51] *Rollo*, p. 21.

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precipitate resignation of a government employee shall not render moot the administrative case against him, and will not preclude the finding of any administrative liability to which he shall be answerable.[52] In several cases,[53] the Court still meted the penalty of dismissal from the service against a court employee when the latter's resignation was filed during a pending administrative complaint, and remained unacted upon. Verily, resignation "is not a way out for a court personnel who is facing administrative sanction to evade administrative liability."[54]

Moreover, in the fairly recent case of *OCA v. Bravo*,[55] the Court agreed with the OCA's observation that the employee's resignation was made to preserve an opportunity for re-employment in the Judiciary. However, this scheme, designed to evade the consequences of the offenses he committed, should not be allowed to prosper. Resignation should not be used as a device to circumvent administrative liability.

In view of the rules discussed above and with the intention of having a uniform imposition of penalties against judiciary personnel, the Court holds that dismissal from the service is the appropriate penalty that should be meted against respondent. The accessory penalties attached to dismissal, especially that of perpetual disqualification from government service, fittingly applies to respondent, in order to deny him the opportunity to commit any similar misbehavior to the prejudice of public service.

In line with this pronouncement, the Court resolves to enjoin the heads of offices to withhold any action on resignations *pending the resolution* of administrative complaints against their respective

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[52] See *Judaya v. Balbona*, 810 Phil. 375, 380 (2017), citing *Pagano v. Nazarro, Jr.*, supra note 15.

[53] See the cases of *Dizon v. Bawalan*, 453 Phil. 125 (2003); *Faelden v. Lagura*, 561 Phil. 368 (2007); and *Office of the Court Administrator v. Bravo*, 827 Phil. 673 (2018).

[54] *Faelden v. Lagura*, supra, at 374-375, citing *Re: (1) Lost Checks Issued to the Late Melliza, Former Clerk II, MCTC, Zaragga, Iloilo; and (2) Dropping from the Rolls of Ms. Andres*, 537 Phil. 634, 646 (2006).

[55] Supra note 53.

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personnel. This includes the period of investigation, *i.e.*, judicial audits, among other similar administrative proceedings, prior to the filing of the appropriate complaint. More importantly, the OCA and the JIB, as the case may be, are likewise enjoined to indicate the fact of the involved personnel's resignation, if there be any, and its status in their reports. This action will facilitate the standardization of the procedure in disciplining judiciary personnel and the imposition of appropriate penalties.

B. The penalty of fine against complainant is based on Rule 140.

Simple neglect of duty under Rule 140 is classified as a less serious charge punishable with suspension from office without salary and other benefits for not less than one (1) month nor more than three (3) months, or a fine of not less than ₱35,000.00 but not exceeding ₱100,000.00. Under the URACCS, it is categorized as a less grave offense, punishable for a period of one (1) month and one (1) day to six (6) months on the first offense, and dismissal on the second offense.[56]

In previous cases, the Court imposed fines on erring court employees when the penalty of dismissal can no longer be imposed due to the latter's retirement or separation from the service.[57] In view of complainant's compulsory retirement, a fine will be the appropriate penalty.

In fixing the amount of fine that shall be meted against complainant, the Court takes into consideration the recent case of *Quitlong v. Padlan*[58] which involved a court employee who was found liable for simple neglect of duty. In deciding which between

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[56] Sec. 52(B)(1), CSC Resolution No. 991936, September 14, 1999.

[57] See *Office of the Court Administrator v. Salunoy*, A.M. No. P-07-2354 [Formerly A.M. No. 07-5-140-MTC], February 4, 2020; *Re: Non-Submission of Monthly Financial Reports of Ms. Erlinda P. Patiag, Clerk of Court, Municipal Trial Court in Cities, Gapan City, Nueva Ecija*, A.M. No. 11-6-60-MTCC, June 18, 2019; and *Office of the Court Administrator v. Judge Chavez*, 815 Phil. 41, 48 (2017).

[58] A.M. No. P-14-3185 (Formerly OCA IPI No. 11-3740-P), June 16, 2021.

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Rule 140 and the URACCS will be applied, the Court held that the fine prescribed under Rule 140 will not prejudice the complainant, thus:

> The 1999 URACCS states that: "*the penalty of fine shall be in an amount not exceeding six (6) months salary of respondent and the computation thereof shall be based on the salary rate of the respondent when the decision becomes final and executory*." On the other hand, the amount of fine prescribed under Rule 140, as amended by A.M. No. 21-03-17-SC for a less grave offense under Civil Service Rules such as simple neglect of duty should not be less than ₱35,000.00 but not exceeding ₱100,000.00.
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> Notably, respondent occupies the position of Clerk of Court II with Salary Grade 18. For Salary Step 1 alone under SG 18, the Basic Monthly Salary is already at ₱43,681.00. Verily, therefore, Rule 140 should apply to respondent as it would be less prejudicial to him.[59]

Similarly, the Court will impose the fine against complainant based on Rule 140, as amended. Complainant had occupied the position of Clerk of Court IV with a Salary Grade of 23. At the time of her retirement in 2016, the basic salary for SG 23 Step 1 was at ₱51,826.00. Clearly, the fine that may be imposed against complainant based on Rule 140 will be lower than the equivalent monetary value of one (1) month and one (1) day suspension under the URACCS. However, the Court may still exercise its sound discretion[60] and consider attendant circumstances in fixing the amount of fine that complainant will be ordered to pay.

In previous cases, the Court imposed a ₱10,000.00 fine against court personnel found liable for simple neglect of duty as an alternative penalty to suspension.[61] The Court also takes into consideration the fact that complainant had immediately filed the

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[59] Id.

[60] See *Dela Rama v. De Leon*, supra note 40; see also *Re: Non-Submission of Monthly Financial Reports of Ms. Erlinda P. Patiag, Clerk of Court, Municipal Trial Court in Cities, Gapan City, Nueva Ecija*, supra note 57.

[61] See *Olympia-Geronilla v. Montemayor, Jr.*, 810 Phil. 1, 11 (2017); *Mendoza v. Esguerra*, 703 Phil. 435, 440 (2013); and *Zamudio v. Auro*, 593 Phil. 575, 584 (2008).

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present administrative complaint upon discovering respondent's infractions, and had willingly complied with the Court's directives related to this matter. Thus, a fine of ₱10,000.00 against complainant, as recommended by the OCA, will be appropriate and likewise commensurate to the clean record that she had in her 30 years of service.[62]

Indeed, the safeguarding of funds and collections, the submission to this Court of a monthly report of collections for all funds, and the proper issuance of official receipts for collections are essential to an orderly administration of justice. We emphasize that all court employees must adhere to high ethical standards to preserve the court's good name and standing. They should be examples of responsibility, competence and efficiency, and they must discharge their duties with due care and utmost diligence since they are officers of the court and agents of the law. They must bear in mind that the image of a court of justice is necessarily mirrored in the conduct, official or otherwise, of the men and women who work there.[63]

WHEREFORE, the Court finds respondent Rex J. Geroche, former Cash Clerk III, Municipal Trial Court in Cities, Kabankalan City, Negros Occidental, **GUILTY** of Serious Dishonesty and Grave Misconduct. He is hereby **DISMISSED** from the service, with forfeiture of retirement benefits, cancellation of eligibility, perpetual disqualification from holding public office, and barred from taking civil service examinations. The monetary value of his earned leave credits, withheld salaries, bonuses and allowances, if any, shall be applied to the total amount of his shortages paid by Yvonne Q. Rivera, former Clerk of Court IV, Municipal Trial Court in Cities, Kabankalan City, Negros Occidental, which is ₱340,340.00. Let a Hold Departure Order be **ISSUED** against respondent Geroche.

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[62] *Rollo*, p. 143.

[63] *Re: Non-Submission of Monthly Financial Reports of Ms. Erlinda P. Patiag, Clerk of Court, Municipal Trial Court in Cities, Gapan City, Nueva Ecija*, supra note 57.

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Yvonne Q. Rivera, former Clerk of Court IV, Municipal Trial Court in Cities, Kabankalan City, Negros Occidental, is found **GUILTY** of Simple Neglect of Duty and is hereby **FINED** in the amount of ₱10,000.00 to be paid to the Court within 30 days from notice. She is cleared from her financial accountabilities considering that all the shortages incurred in the handling of the judiciary funds as far as the subject court is concerned have been fully restituted, subject to the condition of the General Auditing Office General Circular No. 52, dated December 23, 1957, that "if later on an official or employee who had been cleared is later discovered still accountable for cash and/or property, the clearance thus previously issued shall not relieve him/her of said accountability." In the light of this pronouncement, she is now **ALLOWED** to process her retirement papers.

The Clerk of Court of the Municipal Trial Court in Cities, Kabankalan City, Negros Occidental, is hereby **DIRECTED** to: **REFUND** complainant Rivera the amount of ₱263,650.00, representing the amount she paid for the undocumented withdrawals if the same be later found to have been returned to their claimants/bondsmen; **OPEN** an account for the Sheriff's Trust Fund collections of the Municipal Trial Court in Cities, Kabankalan City, Negros Occidental in consonance with OCA Circular No. 99-2014 dated July 31, 2014; and **WITHDRAW** the Sheriff's Trust Fund collections deposited to the Fiduciary Fund LBP SA No. 1171-0001-53 and **TRANSFER** them to the account to be opened for the Sheriff's Trust Fund.

The Presiding Judge of the Municipal Trial Court in Cities, Kabankalan City, Negros Occidental, is **AUTHORIZED** to withdraw the Sheriff's Trust Fund pursuant to OCA Circular No. 99-2014 dated July 31, 2014, and is further **DIRECTED** to **MONITOR** all financial transactions of the court in strict adherence to the issuances of this Court on the proper handling of all Judiciary funds.

The Office of Administrative Services, Office of the Court Administrator, is **DIRECTED** to: **COMPUTE** the balance of earned leave credits of respondent Geroche within thirty (30) days upon receipt of notice; and **FORWARD** the same to the Finance

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Division, Financial Management Office, Office of the Court Administrator, together with his Certificate of Leave Credits, Computerized Service Record, Notice of Salary Adjustment, and Notice of Step Increment.

The Finance Division, Financial Management Office, Office of the Court Administrator, is **DIRECTED** to: **COMPUTE** the monetary value of the earned leave credits and unpaid salaries and bonuses, if any, of respondent Geroche within 30 days upon receipt of all the documents required from the Office of Administrative Services; **APPLY** the proceeds to the cash accountabilities incurred by respondent Geroche in the Fiduciary Fund of the Municipal Trial Court in Cities, Kabankalan City, Negros Occidental, amounting to ₱321,693.00; **FORWARD** the check to the Fiscal Monitoring Division, Court Management Office, Office of the Court Administrator, for transmittal to the Municipal Trial Court in Cities, Kabankalan City, Negros Occidental. In the event that the said proceeds are insufficient to cover cash accountabilities, respondent Geroche is **ORDERED** to **RESTITUTE** the remaining balance within 30 days upon receipt of notice.

The Legal Office, Office of the Court Administrator, is hereby **DIRECTED** to **FILE** the appropriate criminal and civil actions against respondent Geroche.

SO ORDERED.

Gesmundo, C.J., Perlas-Bernabe, Leonen, Caguioa, Hernando, Carandang, Lazaro-Javier, Inting, Zalameda, M. Lopez, Gaerlan, Rosario, J. Lopez, and *Dimaampao, JJ.*, concur.

Marquez, J., no part, submitted OCA Report.