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**EN BANC**

[A.M. No. P-05-2051. January 21, 2014]

**OFFICE OF THE COURT ADMINISTRATOR,** *complainant, vs.* **ATTY. MONA LISA A. BUENCAMINO, Clerk of Court IV, DAVID E. MANIQUIS, Clerk of Court III, and CIELITO M. MAPUE, Sheriff III, all of the Office of the Clerk of Court, Metropolitan Trial Court, Caloocan City,** *respondents.*

[A.M. No. 05-4-118-MeTC. January 21, 2014]

**RE: REPORT ON THE FINANCIAL AUDIT CONDUCTED IN THE METROPOLITAN TRIAL COURT, OFFICE OF THE CLERK OF COURT, CALOOCAN CITY**

**SYLLABUS**

**1. POLITICAL LAW; ADMINISTRATIVE LAW; COURT PERSONNEL; AS FRONT LINERS IN THE ADMINISTRATION OF JUSTICE, COURT PERSONNEL SHOULD LIVE UP TO THE STRICTEST STANDARDS OF HONESTY AND INTEGRITY IN THE PUBLIC SERVICE.—** The Constitution mandates that a public office is a public trust and that all public officers must be accountable to the people, and 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 front liners in the administration of justice, court personnel should live up to the strictest standards of honesty and integrity in the public service.

**2. ID.; ID.; ID.; MISAPPROPRIATION OF THE COURT FUNDS FOR PERSONAL USE CONSTITUTES GROSS DISHONESTY WHICH MERITS THE PENALTY OF DISMISSAL EVEN FOR THE FIRST OFFENSE.—** In the present case, Mapue's admission, in her sworn statement, of misappropriating court funds shows her blatant disregard of the principles of public office she had sworn to uphold. As

Supreme Court E-Library



found by the OCA, her restitution of the total amount did not exonerate or mitigate her liability, as this was done after the discovery of the misappropriation. Furthermore, Mapue already deprived the Court of the interest otherwise earned had the confiscated bonds been deposited in the GF or JDF. In *Office of the Court Administrator v. Besa*, the Court found respondent therein liable for dishonesty and dismissed her from the service due to her own admission that she misappropriated the fiduciary funds for her personal use. Gross dishonesty is a grave offense and merits the penalty of dismissal even for the first offense.

3. **ID.; ID.; ID.; CLERK OF COURT; FAILURE TO PROPERLY SUPERVISE AND MANAGE THE FINANCIAL TRANSACTIONS IN HER COURT CONSTITUTES SIMPLE NEGLECT OF DUTY PUNISHABLE BY SUSPENSION.—** Mapue's admission of liability, however, does not exculpate Atty. Buencamino from her own negligence. A clerk of court has general administrative supervision over all the personnel of the court. The administrative functions of a clerk of court are as vital to the prompt and proper administration of justice as his judicial duties. As custodian of court funds and revenues, the clerk of court is primarily accountable for all funds that are collected for the court, whether personally received by him or by a duly appointed cashier who is under his supervision and control. In the present case, we find Atty. Buencamino remiss in the performance of her duties as clerk of court. Atty. Buencamino failed to supervise Mapue and to properly manage the court funds entrusted to her, enabling Mapue to misappropriate part of the funds. Atty. Buencamino's attempt to pass on the responsibility to her subordinate, Sabater, is misplaced. As found by the OCA, Atty. Buencamino cannot wash her hands of Mapue's misappropriation as she even recommended Mapue for promotion to Sheriff III after Mapue's admission. Neither can she blame the Court for her lack of knowledge of the financial duties of a clerk of court. It is incumbent upon Atty. Buencamino, as clerk of court, to be diligent and competent in the performance of her duties, including the safekeeping of funds and collections because that is essential to an orderly administration of justice. Accordingly, Atty. Buencamino's failure to properly supervise and manage the financial transactions in her court constitutes simple neglect of duty. Simple neglect of duty is the failure to give attention to a task, or the disregard of a duty due to

Supreme Court E-Library



carelessness or indifference. It is a less grave offense punishable by suspension for one month and one day to six months for the first offense. In *Report on the Financial Audit Conducted on the Books of Account of Sonia L. Dy and Atty. Graciano D. Cuanico, Jr., RTC, Catarman, Northern Samar*, a six-month suspension was imposed for neglect of duty leading to the defalcation of court funds and the consequent loss of income from the interest of such funds. Hence, we adopt the same penalty in this case.

**4. ID.; ID.; ID.; AN OFFICER-IN-CHARGE (OIC) BEARS THE SAME RESPONSIBILITIES AND IS EXPECTED TO SERVE WITH THE SAME COMMITMENT AND EFFICIENCY AS A DULY-APPOINTED CLERK OF COURT; THE COURT WILL NOT COUNTENANCE ANY CONDUCT, ACT OR OMISSION ON THE PART OF THOSE INVOLVED IN THE ADMINISTRATION OF JUSTICE WHICH VIOLATES THE NORM OF PUBLIC ACCOUNTABILITY AND DIMINISHES THE FAITH OF THE PEOPLE IN THE JUDICIARY.—** As to Maniquis, being the former Officer-in-Charge of the Office of the Clerk of Court, he bore the same responsibilities and was expected to serve with the same commitment and efficiency as a duly-appointed Clerk of Court. Thus, like Atty. Buencamino, he must be held liable for any loss or shortage of the funds entrusted to him by virtue of his office. Considering that this is Maniquis' first offense, we adopt the recommendation of the OCA as to the penalty. We reiterate that the conduct of all court personnel is circumscribed with the heavy burden of responsibility. The Court will not countenance any conduct, act or omission on the part of those involved in the administration of justice which violates the norm of public accountability and diminishes the faith of the people in the Judiciary.

## D E C I S I O N

***PER CURIAM*:**

This administrative matter originated from the financial audit conducted by the Office of the Court Administrator (OCA) on the books of accounts of the Metropolitan Trial Court of Caloocan City (MeTC Caloocan City). The audit covered the financial

Supreme Court E-Library



transactions of David E. Maniquis (Maniquis), former Officer-in-Charge, Clerk of Court III, from January 1993 to 4 June 1996, and that of his successor Atty. Mona Lisa A. Buencamino (Atty. Buencamino), Clerk of Court IV, from 5 June 1996 up to the audit dates.

The findings of the audit team are summarized as follows:

1) As of 31 December 2003 (cut-off date), the Judiciary Development Fund (JDF) had a cash shortage of ₱20,917.93, the Clerk of Court General Fund (GF) had a shortage of ₱1,574.30, and the Special Allowance for the Judiciary Fund (SAJ) had a shortage of ₱238.00. Of these cash shortages, Maniquis was accountable for ₱9,425.93 in the JDF and ₱352.50 in the GF, while Atty. Buencamino was accountable for ₱11,492.00 in the JDF, ₱1,221.80 in the GF and ₱238.00 in the SAJ. In January 2004, Atty. Buencamino settled her accountabilities in the JDF and SAJ, leaving a balance of ₱1,221.80 in the GF.

2) The MeTC Caloocan City had unwithdrawn fiduciary funds deposited with the Caloocan City Treasurer's Office (CCTO) amounting to ₱858,666.97 as of May 1992. Prior to May 1992, there was no fiduciary fund account with the Land Bank of the Philippines (LBP) and the depository agency was the CCTO.

3) There were undocumented fiduciary fund withdrawals in the amount of ₱492,220.00,[1] broken down as follows: a) ₱90,500.00 was due to lack of documents; b) ₱202,720.00 as Atty. Buencamino's undocumented withdrawals; and c) ₱289,500.00 as Maniquis' undocumented withdrawals.

4) Cielito M. Mapue (Mapue), then Clerk III, withdrew several confiscated bonds amounting to ₱10,100.00, which she converted to her personal use. Also, Mapue intentionally withdrew confiscated bonds twice. The first withdrawal, amounting to ₱48,000.00, was converted to her personal use, while the second withdrawal was deposited to the JDF account. Upon order by

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[1] *Rollo*, p. 45. However, if the amounts were added the total should be ₱582,720.00.

Supreme Court E-Library



the audit team, Mapue restituted a total of ₱58,100.00 on 30 January 2004 and 11 February 2004.

In her letter dated 10 March 2004,[2] Mapue admitted that she misappropriated the amount of ₱58,100.00 to defray her personal expenses. She further admitted that she started to misuse judicial funds from November 1996 until 2000, during Atty. Buencamino's term.

5) There was neither a list or summary of confiscated bonds with deposit slips nor proof of remittance and official receipts presented for audit, as required under the check list of documents and reports for audit. Upon being directed by the audit team, Atty. Buencamino submitted a report, albeit incomplete.

6) Official receipts were not issued for the withdrawn interest amounting to ₱769,316.84 from October 1992 to December 2000, although this amount was remitted to the GF and JDF. Furthermore, the audit team also noted an unauthorized or overdrawn amount of interest collection amounting to ₱6,598.53.

In a Resolution dated 3 August 2005, the Court, upon recommendation of the audit team and the OCA, resolved to:

(a) ***DIRECT*** Atty. Mona Lisa A. Buencamino within ten (10) days from notice to: (1) ***RESTITUTE*** the shortages incurred in the Clerk of Court General Fund amounting to ₱1,221.80; (2) ***SUBMIT*** documents relative to undocumented fiduciary fund withdrawals in the amount of ₱202,720.00, and in case of her failure to do so, she should restitute the said amount; (3) ***EXPLAIN*** why no administrative sanction shall be imposed upon her for her failure to exercise close supervision over Ms. Cielito M. Mapue which resulted in the misappropriation of judiciary funds amounting to ₱58,100.00; and (4) ***WITHDRAW*** all fiduciary fund deposits with the City Treasurer's Office and ***DEPOSIT*** the same to the Court's fiduciary fund account with the Land Bank of the Philippines;

(b) ***DIRECT*** former Officer-in-Charge Mr. David E. Maniqui[s] within ten (10) days from notice to: (1) ***RESTITUTE*** the shortages incurred in the Judiciary Development Fund and the Clerk of Court

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[2] *Id.* at 115-119.

Supreme Court E-Library



General Fund in the amounts of ₱9,425.93 and ₱352.50, respectively, or a total of ₱9,778.43; and (2) ***SUBMIT*** documents relative to undocumented fiduciary fund withdrawals in the amount of ₱289,500.00, and in case of his failure to do so, he should restitute the said amount;

(c) ***DOCKET*** the subject report of the Financial Audit conducted in the Metropolitan Trial Court-OCC, Caloocan City as a regular administrative matter against Clerk III Ms. Cielito M. Mapue and that appropriate administrative disciplinary proceedings be instituted against her immediately;

**(d)** ***DIRECT*** the Legal Office to file appropriate criminal charges against Cielito M. Mapue; and

(e) ***ISSUE*** a Hold Departure Order, effective immediately, against Clerk III Cielito M. Mapue to prevent her from leaving the country.[3] (Boldfacing and italicization in the original)

In her letter-compliance dated 8 August 2006,[4] Atty. Buencamino denied the shortage of ₱1,221.80 in the GF. Atty. Buencamino attached the letter of Cashier I Rowena Ruiz (Ruiz) explaining that the alleged shortage was due to the erroneous posting by Ruiz and the clerk in the OCA. Nevertheless, the amount of ₱1,221.80 was deposited in the LBP. Regarding the undocumented fiduciary fund withdrawals, Atty. Buencamino submitted the documents relating to them. On her failure to supervise Mapue, Atty. Buencamino explained that Administrative Officer II Aida Sabater (Sabater) was assigned to audit, monitor and supervise the Administrative Support Unit, which included Mapue. Mapue was assigned to prepare checks relative to the withdrawal of bonds and rental deposits, and to release the checks to the claimants. Atty. Buencamino alleged that she instructed Sabater to maintain a separate book on withdrawals of fiduciary fund to monitor withdrawals of bonds and to prevent double claims by claimants. Later on, she discovered that Sabater delegated the said task to Mapue. Atty. Buencamino claimed that as a newly appointed clerk of court, she had little knowledge

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[3] *Id.* at 50-51.

[4] *Id.* at 132-154.

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of the Administrative or Collection Unit. She explained that the Manual for Clerks of Court is insufficient and she blamed the Court for the lack of an orientation seminar to newly appointed clerks of court. Finally, Atty. Buencamino insisted that she did not touch a single cent in the collections of fiduciary funds, and Mapue was able to encash the checks on her own.

As for the fiduciary fund deposits with the CCTO, Atty. Buencamino alleged that she demanded a refund of the amount, but City Accountant Edna Centeno required her to submit the official receipts indicated in the List of Unwithdrawn Fiduciary Fund for the period August 1988 to May 1992.

In his letter-compliance dated 8 August 2006,[5] Maniquis alleged that Ofelia Camara (Camara), the retired Officer-in-Charge in the Accounting Section, was responsible for the shortages in the JDF and the GF. Maniquis demanded restitution from Camara, but she did not reply. Maniquis also submitted the documents relative to the fiduciary fund withdrawals, but he stated that he could no longer find the documents for the amount of ₱3,000.00 despite due efforts. Thus, Maniquis requested the Court to deduct the shortages amounting to a total of ₱12,778.23[6] from his monthly salary. In his letter dated 18 January 2007,[7] Maniquis alleged that he already paid ₱12,862.43[8] for the shortages, despite the fact that the person primarily accountable was Camara.

In a Resolution dated 19 November 2007, the Court resolved to:

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[5] *Id.* at 96-97.

[6] Broken down as follows: a) ₱9,425.93 in the JDF; b) ₱352.30 in the GF; and c) ₱3,000.00 for the undocumented fiduciary fund withdrawals.

[7] *Rollo,* p. 120.

[8] Broken down as follows: a) ₱9,425.93 in the JDF; b) ₱352.30, which was increased to ₱436.50, in the GF; and c) ₱3,000.00 for the undocumented fiduciary fund withdrawals. The OCA found that the documents submitted by Atty. Buencamino negated her accountability in the GF, but Maniquis' accountability increased from ₱352.30 to ₱436.50.

Supreme Court E-Library



1. **CONVERT** the report on the financial audit in OCC, MeTC, Caloocan City, into an administrative matter against Atty. Mona Lisa A. Buencamino, Clerk of Court IV, and Mr. David E. Maniquis, Clerk of Court III, and **INCLUDE** Atty. Buencamino and Mr. Maniquis as respondents in the docketed administrative matter against Cielito Mapue, **A. M. No. P-05-2051**;

2. **DIRECT** Atty. Buencamino to (a) **SUBMIT** to the City Treasurer's Office of Caloocan City, the official receipts indicated in the [L]ist of Unwithdrawn Fiduciary Funds for the period August 1988 to May 1992 in order that the fiduciary funds still deposited with the said office could be withdrawn and deposited to the Land Bank of the Philippines, and (b) properly **MONITOR** the collection, deposit and withdrawal of judiciary funds to prevent commission of similar irregularities in the future; and

3. **REQUIRE** respondents Cielito del Mundo Mapue, Atty. Mona Lisa A. Buencamino and David E. Maniquis to **MANIFEST** to this Court whether they are willing to submit this matter for resolution on the basis of the pleadings on record, within ten (10) days from notice.[9] (Boldfacing in the original)

On 9 January 2008, Mapue manifested her willingness to submit the administrative matter for resolution; emphasized that she already restituted the amount of ₱58,100.00; and asked for forgiveness for her wrongdoings. On 11 January 2008, Maniquis likewise manifested his willingness to submit the matter for resolution.

In an Addendum dated 14 January 2008,[10] Atty. Buencamino reiterated her explanation in her letter-compliance. Regarding the fiduciary fund deposits with the CCTO, she alleged that she partially submitted the official receipts enabling her to withdraw a total of ₱362,750.84 fiduciary funds from the CCTO. On 8 September 2009, Atty. Buencamino submitted the lists of official receipts and the Certification issued by the City Accountant that the amount of ₱369,702.84 was already

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[9] *Rollo,* pp. 314-315.

[10] *Id.* at 318-333.

Supreme Court E-Library



withdrawn from the CCTO.[11] In a letter dated 8 March 2011,[12] Atty. Buencamino stated that a total of ₱448,785.79 was already deposited to the LBP fiduciary fund account. She further alleged that her office was still exerting efforts to locate other official receipts from the five branches of the MeTC Caloocan City. In another letter dated 16 May 2012,[13] Atty. Buencamino informed the Court that: (a) an amount of ₱323,489.60 was refunded by the CCTO; (b) another amount of ₱64,195.44 was withdrawn, but still waiting for CCTO Certification; and (c) out of the ₱858,666.97 initial fiduciary funds deposited with the CCTO, a total of ₱836,470.83 was already withdrawn from the CCTO and deposited with the LBP fiduciary fund account.

In its Memorandum dated 18 February 2013, the OCA recommended that:

a) **ATTY. MONA LISA A. BUENCAMINO**, Clerk of Court IV, Office of the Clerk of Court be found liable for **Simple Neglect of Duty** and be **SUSPENDED** from office for six (6) months effective immediately, with a **STERN WARNING** that a repetition of the same or similar offense shall be dealt with more severely; and she be **REQUIRED** to inform the Court whether she has fully complied with its directive to withdraw all fiduciary fund deposits with the City Treasurer's Office and deposit the same to the Court's fiduciary fund account with the Land Bank of the Philippines and to submit the necessary documents in relation thereto;

b) **DAVID E. MANIQUIS**, Clerk of Court III, Office of the Clerk of Court, be found liable for **Simple Neglect of Duty**; however, considering that this is his first offense, that he be **SUSPENDED** from office for one (1) month and 1 day effective immediately, with a **STERN WARNING** that a repetition of the same or similar offense shall be dealt with more severely;

c) **CIELITO DEL MUNDO MAPUE**, Sheriff III, Office of the Clerk of Court, be found **Guilty of Serious Dishonesty** and be meted the penalty of **DISMISSAL** from the service with forfeiture of all

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[11] *Id.* at 527.

[12] *Id.* at 514.

[13] *Id.* at 576.

Supreme Court E-Library



retirement benefits except leave credits and disqualification for re-employment in any government office including government-owned or controlled corporations; and

d) The **Office of the Court Administrator** be **DIRECTED** to file the appropriate criminal action against respondent **CIELITO DEL MUNDO MAPUE**, Sheriff III, Office of the Clerk of Court.[14] (Boldfacing in the original)

The Court adopts the findings and recommendations of the OCA.

The Constitution mandates that a public office is a public trust and that all public officers must be accountable to the people, and serve them with responsibility, integrity, loyalty and efficiency.[15] The demand for moral uprightness is more pronounced for members and personnel of the judiciary who are involved in the dispensation of justice.[16] As front liners in the administration of justice, court personnel should live up to the strictest standards of honesty and integrity in the public service.[17]

In the present case, Mapue's admission, in her sworn statement, of misappropriating court funds shows her blatant disregard of the principles of public office she had sworn to uphold. As found by the OCA, her restitution of the total amount did not exonerate or mitigate her liability, as this was done after the discovery of the misappropriation. Furthermore, Mapue already deprived the Court of the interest otherwise earned had the confiscated bonds

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[14] *Id.* at 612.

[15] Section 1, Article XI of the 1987 Constitution provides: "Public office is a public trust. Public officers and employees must, at all times, be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency; act with patriotism and justice, and lead modest lives."

[16] *Office of the Court Administrator v. Peradilla,* A.M. No. P-09-2647, 17 July 2012, 676 SCRA 509.

[17] *Id.*; *Office of the Court Administrator v. Savadera,* A.M. No. P-04-1903, 10 September 2013.

Supreme Court E-Library



been deposited in the GF or JDF. In *Office of the Court Administrator v. Besa*,[18] the Court found respondent therein liable for dishonesty and dismissed her from the service due to her own admission that she misappropriated the fiduciary funds for her personal use. Gross dishonesty is a grave offense and merits the penalty of dismissal even for the first offense.[19]

Mapue's admission of liability, however, does not exculpate Atty. Buencamino from her own negligence.

A clerk of court has general administrative supervision over all the personnel of the court.[20] The administrative functions of a clerk of court are as vital to the prompt and proper administration of justice as his judicial duties.[21] As custodian of court funds and revenues, the clerk of court is primarily accountable for all funds that are collected for the court, whether personally received by him or by a duly appointed cashier who is under his supervision and control.[22]

In the present case, we find Atty. Buencamino remiss in the performance of her duties as clerk of court. Atty. Buencamino failed to supervise Mapue and to properly manage the court funds entrusted to her, enabling Mapue to misappropriate part of the funds. Atty. Buencamino's attempt to pass on the responsibility to her subordinate, Sabater, is misplaced. As found by the OCA, Atty. Buencamino cannot wash her hands of Mapue's misappropriation as she even recommended Mapue for promotion

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[18] 437 Phil. 372 (2002).

[19] Uniform Rules on Administrative Cases in the Civil Service, Rule IV, Section 52(A)(1).

[20] Revised Manual for Clerks of Court.

[21] *Office of the Court Administrator v. Banag,* A.M. No. P-09-2638, 7 December 2010, 637 SCRA 18, citing *Re: Report on the Financial Audit Conducted in the RTC, Br. 34, Balaoan, La Union,* 480 Phil. 484 (2004); *Office of the Court Administrator v. Ganzan,* A.M. No. P-05-2046, 17 September 2009, 600 SCRA 17.

[22] *Office of the Court Administrator v. Ofilas,* A.M. No. P-05-1935, 23 April 2010, 619 SCRA 13.

Supreme Court E-Library



to Sheriff III after Mapue's admission.[23] Neither can she blame the Court for her lack of knowledge of the financial duties of a clerk of court. It is incumbent upon Atty. Buencamino, as clerk of court, to be diligent and competent in the performance of her duties, including the safekeeping of funds and collections because that is essential to an orderly administration of justice.

Accordingly, Atty. Buencamino's failure to properly supervise and manage the financial transactions in her court constitutes simple neglect of duty.[24] Simple neglect of duty is the failure to give attention to a task, or the disregard of a duty due to carelessness or indifference.[25] It is a less grave offense punishable by suspension for one month and one day to six months for the first offense.[26] *In Report on the Financial Audit Conducted on the Books of Account of Sonia L. Dy and Atty. Graciano D. Cuanico, Jr., RTC, Catarman, Northern Samar*,[27] a six-month suspension was imposed for neglect of duty leading to the defalcation of court funds and the consequent loss of income from the interest of such funds. Hence, we adopt the same penalty in this case.

As to Maniquis, being the former Officer-in-Charge of the Office of the Clerk of Court, he bore the same responsibilities and was expected to serve with the same commitment and efficiency as a duly-appointed Clerk of Court. Thus, like Atty. Buencamino, he must be held liable for any loss or shortage of the funds entrusted to him by virtue of his office. Considering

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[23] *Rollo*, p. 113. 1st Indorsement dated 30 September 2004.

[24] *Report on the Financial Audit Conducted on the Books of Account of Sonia L. Dy and Atty. Graciano D. Cuanico, Jr., RTC, Catarman, Northern Samar*, A.M. No. P-07-2364, 25 January 2011, 640 SCRA 376, citing *Office of the Court Administrator v. Paredes*, 549 Phil. 879 (2007).

[25] *Id.* citing *Office of the Court Administrator v. Garcia-Rañoco*, 571 Phil. 386 (2008).

[26] Uniform Rules on Administrative Cases in the Civil Service, Rule IV, Section 52(B)(1).

[27] *Supra* note 24.

Supreme Court E-Library



that this is Maniquis' first offense, we adopt the recommendation of the OCA as to the penalty.

We reiterate that the conduct of all court personnel is circumscribed with the heavy burden of responsibility.[28] The Court will not countenance any conduct, act or omission on the part of those involved in the administration of justice which violates the norm of public accountability and diminishes the faith of the people in the Judiciary.[29]

**WHEREFORE,** we find respondent Atty. Mona Lisa A. Buencamino, Clerk of Court IV, Metropolitan Trial Court of Caloocan City, **GUILTY** of simple neglect of duty, and **SUSPEND** her from office for six (6) months effective upon finality of this Decision. She is **STERNLY WARNED** that a repetition of the same or a similar offense shall be dealt with more severely. Atty. Buencamino is further required to inform the Court whether she has fully complied with its directive to withdraw all fiduciary fund deposits with the City Treasurer's Office and to deposit the same to the Court's fiduciary fund account with the Land Bank of the Philippines.

We also find respondent David E. Maniquis, Clerk of Court III, Metropolitan Trial Court of Caloocan City, **GUILTY** of simple neglect of duty, and **SUSPEND** him from office for one (1) month and one (1) day effective upon finality of this Decision. He is **STERNLY WARNED** that a repetition of the same or a similar offense shall be dealt with more severely.

We further find respondent Cielito M. Mapue, Sheriff III, Metropolitan Trial Court of Caloocan City, **GUILTY** of serious dishonesty, and **DISMISS** her from the service effective upon finality of this Decision, with forfeiture of all benefits due her, except accrued leave credits, and disqualification from appointment to any public office including government-owned or controlled corporations.

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[28] *Office of the Court Administrator v. Ganzan, supra* note 21.

[29] *Office of the Court Administrator v. Besa, supra* note 18.

Supreme Court E-Library



The Office of the Court Administrator is further **DIRECTED** to file the appropriate criminal action against Cielito M. Mapue and to update its audit until the present.

**SO ORDERED.**

*Sereno, C.J., Carpio, Leonardo-de Castro, Brion, Peralta, Bersamin, del Castillo, Villarama, Jr., Perez, Mendoza, Reyes, Perlas-Bernabe,* and *Leonen, JJ.,* concur.

*Velasco, Jr., J.,* no part due to relationship to a party.

*Abad, J.,* no part.

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**EN BANC**

[A.M. No. P-13-3141. January 21, 2014]
(Formerly OCA I.P.I. No. 08-2875-P)

**ATTY. RHEA R. ALCANTARA-AQUINO,** *complainant, vs.* **MYLENE H. DELA CRUZ, Clerk III, Office of the Clerk of Court, Regional Trial Court, Santa Cruz, Laguna,** *respondent.*

**SYLLABUS**

**1. POLITICAL LAW; ADMINISTRATIVE LAW; COURT PERSONNEL; THE CONDUCT OF COURT PERSONNEL, FROM THE PRESIDING JUDGE TO THE LOWLIEST CLERK, MUST ALWAYS BE BEYOND REPROACH AND MUST BE CIRCUMSCRIBED WITH THE HEAVY BURDEN OF RESPONSIBILITY AS TO LET THEM BE FREE FROM ANY SUSPICION THAT MAY TAINT THE JUDICIARY.—** The Code of Conduct and Ethical Standards for Public Officials and Employees, Republic Act 6713, enunciates the State's policy of promoting a high standard of ethics and utmost responsibility in the public service. And no