

## FIRST DIVISION

**[ A.M. NO. P-06-2103 (FORMERLY A.M. NO. 05-7-430-RTC), April 17, 2007 ]**

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.  
ATTY. ROMULO V. PAREDES, FORMER CLERK OF COURT,  
REGIONAL TRIAL COURT, BANGUED, ABRA, BRANCH 2,  
RESPONDENT.**

### R E S O L U T I O N

#### **CORONA, J.:**

This administrative case is a result of the audit conducted by the Office of the Court Administrator (OCA) of the books of account of Atty. Romulo V. Paredes, former clerk of court of the Regional Trial Court, Bangued, Abra, Branch 2, who compulsorily retired on July 18, 2003. Because of the discrepancies discovered, a financial audit<sup>[1]</sup> was also made on the books of account of Dennis S. Benedito and Samson T. Sanchez, the former and incumbent officers-in-charge/clerks of court, respectively, of the same court.<sup>[2]</sup>

The OCA, in its memorandum dated July 7, 2005, had the following findings: (1) there was a shortage of P34,000 in the fiduciary fund; (2) withdrawal slips bore only the signature of the clerk of court (without the corresponding signature of the Executive Judge Charito B. Gonzales or Presiding Judge Corpus B. Alzate)<sup>[3]</sup> and (3) University of the Philippines Law Center official receipts were issued for the different funds instead of Supreme Court receipts.

The OCA made the following recommendations:

A. The **FINANCIAL MANAGEMENT OFFICE, OCA** be **DIRECTED** to:

1. **DEDUCT** the amount of **P34,000.00** from the retirement benefits of **Atty. ROMULO V. PAREDES** to settle his accountability caused by two (2) double withdrawals in [Land Bank of the Philippines (LBP)] Savings Account No. 1031-0015-32, Bangued, Abra Branch; and
2. **TRANSFER/REMIT** the restituted/deducted amount to RTC-Bangued, Abra under the aforementioned LBP Savings Account;

B. This Report be **DOCKETED** as a regular administrative matter against **Atty. ROMULO V. PAREDES** and a fine of **P5,000.00** be imposed upon him for simple neglect of duty for failure to supervise and manage the financial transactions in his Court;

C. **Mr. SAMSON T. SANCHEZ** be **DIRECTED** to:

1. **EXPLAIN** why he is the lone signatory of Fiduciary Fund Savings Account No. 1031-0015-32 with the LBP-Bangued, Abra Branch;
2. **EXPLAIN** why U.P. Law Center official receipts were utilized for the [Judiciary Development Fund], Fiduciary Fund, General Fund, Sheriff General Fund and the Special Allowance for the Judiciary Fund;
3. **ENSURE** that the overage of **P2,744.05** in the LBP Fiduciary Fund Account is applied on the withdrawn tax of **P7,713.76**<sup>[4]</sup> (on interest earned) before the net amount of **P4,969.71** is deducted from future interest income to replace the shortage in the Fiduciary Account and **SUBMIT** a Report on the matter to the Fiscal Monitoring Division, Court Management Office, OCA; and
4. **RELIGIOUSLY COMPLY** with the Circulars of the Court;

D. **Presiding Judge CORPUS B. ALZATE** be **DIRECTED** to **EXPLAIN** why he allowed Mr. Sanchez to be the lone signatory of Fiduciary Fund Savings Account No. 1031-0015-32 with the LBP-Bangued, Abra Branch when he was the Executive Judge; and

E. **Executive Judge CHARITO B. GONZALES** be **DIRECTED** to:

1. **CLOSELY MONITOR** the financial transactions of the Court; and
2. **STUDY** and **IMPLEMENT** procedures that shall strengthen the internal control over financial transactions.<sup>[5]</sup>

The balance of P34,000 for the fiduciary fund was a result of two instances of double withdrawals of cash bonds in two criminal cases, to wit:

- a. Collection of **P10,000.00** on 12 January 1996 (per O.R. No. 8962146) for Criminal Case No. 1689 [(People) vs. Oandasan] was deposited on January 19, 1996. It was first withdrawn on 6 August 1997 and again on 11 January 2002.

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- b. Collection of **P24,000.00** on 16 December 1998 (per O.R. No. 8051911) for Criminal Case No. 274 [(People) vs. Carlito Purisima] was deposited on the same day. It was withdrawn for the first time on 26 March 2001 and again on 20 December 2002.<sup>[6]</sup>

Regarding the amount of P10,000, Paredes explained that the first withdrawal was made without a court order during the incumbency of former clerk of court Manuel T. Belarmino (who compulsorily retired on January 1, 2002) whom he replaced on

August 27, 1997. The second withdrawal, on the other hand, was supported by a court order dated January 3, 2002 and acknowledgement receipt dated January 11, 2002.

With respect to the amount of P24,000, Paredes stated that he authorized the first withdrawal and it was valid. However, the second withdrawal was caused by his cash clerk at that time, Edgardo Balido (who retired on August 31, 2003), whom he entrusted with money collections, withdrawals and deposits.

The OCA found Paredes liable for simple neglect of duty. It declared that Paredes could have easily discovered the erroneous first withdrawal of P10,000 had he thoroughly checked the supporting documents of the August 1997 fiduciary fund report *which he signed*. According to the OCA, Paredes could not exculpate himself by pointing to his cash clerk and the trust and confidence he reposed on the latter. As the accountable officer and custodian of his court's funds, it was his duty to ensure the legitimacy of every financial transaction within his responsibility.

Thus, the OCA recommended that a fine in the amount of P5,000 be imposed on Paredes for simple neglect of duty and that he be ordered to restitute the total amount of P34,000 to be deducted from his retirement benefits.

We agree with the OCA's recommendations.

Public office is a public trust.<sup>[7]</sup> Those charged with the dispensation of justice, from the justices and judges to the lowliest clerks, should be circumscribed with the heavy burden of responsibility.<sup>[8]</sup> Not only must their conduct at all times be characterized by propriety and decorum but, above all else, it must be beyond suspicion.<sup>[9]</sup>

Clerks of court perform a delicate function as designated custodians of the court's funds, revenues, records, properties and premises.<sup>[10]</sup> As such, they are generally regarded as treasurer, accountant, guard and physical plant manager thereof.<sup>[11]</sup> Thus, they are liable for any loss, shortage, destruction or impairment of such funds and property.<sup>[12]</sup>

Paredes was remiss in the performance of his duties as clerk of court with regard to financial concerns. He should have corrected the mistake of his predecessor but he did not. Likewise, the trust he reposed on his subordinate was not a valid defense. It was his duty to see to it that his subordinates performed their functions properly. These incidents clearly proved his neglect of duty.

His failure to properly supervise and manage the financial transactions in his court constituted simple neglect of duty. Simple neglect of duty has been defined as the failure of an employee to give attention to a task expected of him and signifies a disregard of a duty resulting from carelessness or indifference.<sup>[13]</sup> Under Rule IV, Section 52(B) of the Uniform Rules on Administrative Cases in the Civil Service, it is a less grave offense which carries a penalty of one month and one day to six months suspension for the first offense.<sup>[14]</sup>

Considering that Paredes compulsorily retired from the service on July 18, 2003, his