

EN BANC

[A.M. No. P-09-2633, January 30, 2018]

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, V.
ROLANDO C. TOMAS AND ANGELINA C. RILLORTA, FORMER
OFFICERS-IN-CHARGE, REGIONAL TRIAL COURT, SANTIAGO
CITY, ISABELA, RESPONDENTS.**

[A.M. No. RTJ-12-2338, January 30, 2018]

**ANGELINA C. RILLORTA, COMPLAINANT, V. JUDGE FE A.
MADRID, REGIONAL TRIAL COURT, BRANCH 21, SANTIAGO CITY,
ISABELA, RESPONDENT.**

D E C I S I O N

PER CURIAM:

A.M. No. P-09-2633 stems from the result of the financial audit conducted in the Regional Trial Court, Santiago City, Isabela while A.M. No. RTJ-12-2338^[1] is an offshoot of A.M. No. P-09-2633. The Financial Audit Team found, among others, shortages in the judiciary funds, tampering of official receipts, and overwithdrawal of cash bonds allegedly committed by Angelina C. Rillorta (Rillorta), Officer-in-Charge (OIC), Regional Trial Court, Santiago City, Isabela (now retired). The administrative complaint in A.M. No. RTJ-12-2338 was filed by Rillorta against Judge Fe Albano Madrid (Judge Madrid), formerly Presiding Judge, Regional Trial Court, Branch 21, Santiago City, Isabela (now retired), for dishonesty, involving the same audit findings in A.M. No. P-09-2633.

The facts, as narrated by the Office of the Court Administrator (OCA), are as follows:

A.M. No. P-09-2633

In OCA Memorandum dated March 12, 2009, the Financial Audit Team reported shortages in the Judiciary Development Fund (JDF), General Fund (GF) and Sheriff's General Fund (SGF) of the former Officers in-Charge as follows:

- a) Rolando C. Tomas – P18,639.50 (JDF) and P14,538.45 (GF)
- b) Angelina Rillorta - P23,839.67 (JDF); P7,884.65 (GF) and P12.00 (SGF)

A review of the court orders and acknowledgment receipts of the withdrawn cashbonds to determine the Fiduciary Funds also revealed a shortage amounting to Six Million Five Hundred Fifty-Seven Thousand Nine Hundred Fifty-Nine Pesos and 70/100 (P6,557,959.70).

Balance per LBP SA# 1361-0025-27 as of 4/30/04	P5,969,511.40
Add: Deposit on 5/26/04 based on the initial findings of the Audit Team	<u>936,000.00</u>
Total	P6,905,511.40
Net Interest	<u>3,566.18</u>
Less: (withdrawn P3,516.18 on 4/26/05	P6,901,945.22
Unwithdrawn interest <u>50.00</u>	
Adjusted Bank Balance as of 4/30/04	
Beginning Balance	P32,539.30
Collections for the period 10/18/91 to 4/30/04	<u>16,419,498.96</u>
Balance	P16,452,038.26
Less: Valid Withdrawals (same period)	<u>2,993,533.34</u>
Unwithdrawn Fiduciary Fund as of 4/30/04	P13,458,504.92
Unwithdrawn Fiduciary Fund	P13,458,504.92
Less: Adjusted Bank Balance as of 4/30/04	<u>6,901,945.22</u>
Balance of Accountabilities/Shortage	P6,556,559.70

The shortage referred to above represents the cash bonds which were withdrawn but with incomplete documents such as court orders and acknowledgment receipts. However, according to the Financial Audit Team, if the supporting documents of the withdrawn cash bonds would be submitted, the shortages would be reduced to One Hundred Thirty-Six Thousand Eight Hundred Eighty-Six Pesos and 16/100 (P136,886.16).

On April 22, 2009, the Court, through the First Division, issued a Resolution, the decretal portion of which reads:

x x x x

(2) to DIRECT Mr. Rolando C. Tomas, former Officer-in-Charge, Regional Trial Court, Santiago City, Isabela to RESTITUTE within fifteen (15) days from receipt of notice, the shortages incurred in the JDF and General Fund Amounting to Eighteen Thousand Six Hundred Thirty-Nine Pesos and 50/100 (P18,639.50) and Fourteen Thousand Five Hundred Thirty-Eight Pesos and 45/100 (P14,538.45) respectively, in order to finalize the audit on said accounts x x x

x x x x

(4) to DIRECT Mrs. Angelina C. Rillorta, Officer-in-Charge, Regional Trial Court, Santiago, Isabela to RESTITUTE within fifteen (15) days from receipt of notice, the shortages incurred

in the JDF, General Fund and Sheriff's General Fund amounting to Twenty-Three Thousand Eight Hundred Thirty-Nine Pesos and 67/100 (P23,839.67), Seven Thousand Eight Hundred Eighty-Four Pesos and 65/100 (P7,884.65) and Twelve Pesos (P12.00), respectively, in order to finalize the audit on the said accounts, x x x

(5) to require Mrs. Rillorta to SUBMIT to the Fiscal Monitoring Division, CMO, OCA the machine-validated deposit slip(s) as proof of compliance;

(6) to require Mrs. Rillorta to SUBMIT to the Fiscal Monitoring Division, Court Management Office, Office of the Court Administrator, the Court orders and acknowledgment receipts of the withdrawn cashbonds (Annexes A, B & C) to finalize the audit on the Fiduciary Fund account within thirty (30) days from receipt of notice with information that non-submission of the supporting documents will incur a shortage amounting to Six Million Five Hundred Fifty-Seven Thousand Nine Hundred Fifty-Nine Pesos and 70/100 (P6,557,959.70) for the Fiduciary Fund, x x x

However, in case the following supporting documents of the cash bonds will be submitted, the shortage shall be reduced to One Hundred Thirteen Thousand Two Hundred Eighty-Six Pesos and 16/100 (P113,286.16) xxx

x x x x

Complying with the above directives, Mrs. Angelina Rillorta, in her undated letter, informed the Court that she has already deposited the shortages incurred in the JDF, GF and the SGF. She argued that she did not misappropriate any money and explained that she committed a mistake in depositing her collections in the proper account for which the Commission o[n] Audit (COA) had called her attention. With regards to the submission of the orders and acknowledgment receipts in support of the withdrawn cash bonds, she claimed that she only secured copies of some orders and acknowledgment receipts because some case records were not made available to her. She also explained that she has submitted her monthly financial report from December 1994 to April 2005 together with copies of the orders and acknowledgment receipts to the Accounting Division, Financial Management Office (FMO), OCA and if there was anything wrong or irregular in her reports, the Accounting Division should have called her attention or asked her to explain. Further, she argued that if the amount of the cash bonds was not given to the persons who requested the withdrawal thereof, a lot of complaints could have been filed against her in Court. She added that in order to comply with the directive of the Court, the Accounting Division, FMO, OCA, be directed to produce the financial reports and that she be given time to follow-up the said records with the said office.

In her Supplemental Explanation dated September 3, 2009, Mrs. Rillorta narrated that when she assumed as Officer-In-Charge, OCC, on March

10, 1995, the court's financial records were not formally turned over to her. She had to figure out by herself what to do. She explained that the monthly financial reports were submitted to Executive Judge Fe Albano Madrid for approval and signature and every time the latter went over the reports, she would change or correct the entries to conform with the entries in the passbook for the fiduciary account. After the corrections were incorporated in the report, Judge Madrid would sign it.

Mrs. Rillorta further narrated that sometime in January 2003, she reviewed the financial records and discovered that the monthly report did not jibe with the bank book entries. Hence, she requested the COA, Tuguegarao City, to audit her books of account and after a preliminary audit, she was instructed to inform Judge Madrid of the discrepancies. She immediately informed Judge Madrid and the latter made some adjustments to the report. She alleged that on May 24, 2004, a team from the OCA came to conduct a financial audit. When the audit was about to be completed, an exit conference was held. She was expecting to be called to attend the conference, hence, she asked the team leaders if her presence was needed and was told "*Di ka naman pinatawag ni Judge.*" She was never required to respond to any findings and was therefore under the impression that Judge Madrid had sufficiently explained the discrepancies. It was only when she was going over the records of the court that she discovered that an Observation Memorandum dated May 17, 2004 prepared by the audit team was given to Judge Madrid. Thus, she requested the Court for a reinvestigation and hearing on the complaint which was referred to the OCA on December 16, 2009.

Complying with the directive of the Court, the OCA, in its Memorandum dated May 20, 2010, recommended that the motion to conduct another investigation be denied because it was no longer necessary considering that Angelina Rillorta has already remitted her shortages and that she was directed to explain in writing why she should not be dismissed from the service for violation of OCA Circular No. 22-94 dated April 8, 1994 (*Re: Guidelines in the Proper Handling and Use of Official Receipts*), it appearing that official receipts were tampered:

x x x x

The OCA added that only the supporting documents such as court orders and acknowledgment receipts of the withdrawn cash bonds with incomplete documents should be submitted in order to finalize the accountabilities of Mrs. Rillorta in the Fiduciary fund.

On June 1, 2011, the Court adopted the OCA's recommendation and noted the Ex Parte Manifestation dated February 22, 2010 of Executive Judge Anastacio D. Anghad and Clerk of Court, Norbert Bong S. Obedoza, both of the RTC Santiago City, praying that respondent Rolando C. Tomas' death on February 10, 2010 be considered with humanitarian consideration in the resolution of this case.

In another Memorandum dated June 13, 2011, the OCA requested that (a) the recommendation in its Memorandum of May 20, 2010 denying the

motion of Mrs. Rillorta for the conduct of another investigation be set aside; (b) the Land Bank of the Philippines, Santiago City, Isabela Branch, be directed to submit a certification as to the authorized signatory from August 1991 to April 30, 2004, for Savings Account No. 1361-0025-27 of the Fiduciary Fund of the RTC, Santiago City; (c) Judge Madrid be required to submit her comments on the unsigned letter and additional Supplement to the Motion for the Conduct of Another and/or Additional Investigation both dated September 28, 2010 filed by Mrs. Rillorta; and (d) the motion to conduct another investigation as well as the manifestation of the heirs of respondent Rolando Tomas be held in abeyance pending the submission of Judge Madrid's comment. OCA's recommendations were adopted by the Court in its Resolution of August 03, 2011.

In compliance with the June 1, 2011 Resolution, Mrs. Rillorta filed her Explanation with Motion for Reconsideration dated July 24, 2011 alleging that she was denied her right to due process when she was not allowed to participate in the exit conference with the Financial Audit Team. She also informed the Court that she filed a Complaint-Affidavit against Judge Madrid before the OCA x x x.

For her part, Judge Madrid, in her undated Compliance which was received by the OCA on October 20, 2011, stated that she was not aware of the unsigned letter dated September 27, 2010 and additional supplement to the motion for the conduct of another and/or additional investigation filed by Mrs. Rillorta. She claimed that the latter executed an Affidavit dated March 3, 2011 and two Supplemental Affidavits which were the basis of OCA IPI No. 11-3614-RTJ pending in the OCA, and requested a copy thereof if the said letter referred to a different matter for her to comment thereon. On the other hand, the Land Bank of the Philippines, Santiago Branch, Isabela, issued a Certification dated October 24, 2011 stating that Account No. 1361-0025-27 RTC, Branch 21 (Fiduciary Fund) was opened on March 29, 1993 by Judge Madrid who was the authorized signatory.

On December 3, 2012, the Court granted the request of Mrs. Rillorta for the conduct of another and/or additional investigation and referred the matter to the Associate Justice of the Court of Appeals who was designated to investigate A.M. OCA IPI No. 11-3614-RT[J] (*Re: Angelina C. Rillorta vs. Honorable Fe A. Madrid, Presiding Judge, Branch 21, RTC, Santiago City*) [now A.M. No. RTJ-12-2338] for a joint investigation. The Court also directed the Financial Management Office, OCA, to deduct the amount of P33,177.95 from the equivalent money value of the total earned leave credits of the late Rolando Tomas who was dismissed from the service pursuant to the Resolution of the Court in A.M. No. P-09-2660 (*Francisco C. Taguinod vs. Deputy Sheriff Rolando Tomas, Branch 21, RTC, Santiago City*).

OCA IPI No. 11-3614-RTJ

This is an offshoot of A.M. No. P-09-2633. On March 3, 2011, Mrs. Rillorta filed the instant administrative complaint against Judge Madrid praying that an investigation be conducted and that Judge Madrid be