

EN BANC

[A.M. No. P-16-3447 (formerly: OCA I.P.I. No. 08-2915-P), April 19, 2016]

LUALHATI C. GUBATANGA, CLERK OF COURT II, MUNICIPAL TRIAL COURT, BALAGTAS, BULACAN COMPLAINANT, VS. RENATO V. BODOY, UTILITY WORKER I, MUNICIPAL TRIAL COURT, BALAGTAS, BULACAN, RESPONDENT.

DECISION

PER CURIAM:

For our resolution is the administrative complaint filed by Clerk of Court Lualhati C. Gubatanga (COC Gubatanga) against Utility Worker Renato V. Bodoy (Bodoy), both of the Municipal Trial Court (MTC) of Balagtas, Bulacan.

The case stemmed from the Affidavit Complaint^[1] filed by COC Gubatanga charging Bodoy with grave misconduct and falsification of commercial document.

COC Gubatanga alleged that on 14 May 2008, she noticed that their court's savings account reflected an unauthorized withdrawal in the amount of Php60,000.00 on 19 March 2008. She reported that inquiries made with the bank disclosed that the withdrawn amount was received by Bodoy. She was allegedly surprised as she has never ever authorized Bodoy to make any deposit or withdrawal from their court's bank account. Records reveal that COC Gubatanga and then acting presiding judge of MTC Balagtas, Bulacan Luis Enriquez Reyes (Judge Reyes) were the only accountable officer's allowed to withdraw from the MTC's bank account, particularly Saving's Account No. 1301-0172-40, maintained at the Land Bank of the Philippines, Balagtas, Bulacan branch.

COC Gubatanga further alleged that since 24 March 2008, Bodoy has not been reporting for work. On 15 May 2008, however, he reported for duty and sought an audience with Hon. Myrna S. Lagrosa (Judge Lagrosa), then newly appointed judge of MTC Balagtas, Bulacan. Bodoy wished to talk to Judge Lagrosa and tender to her his resignation.

When Judge Lagrosa summoned COC Gubatanga to discuss the clearance requested by Bodoy, COC Gubatanga seized the opportunity to inform Judge Lagrosa regarding the unauthorized withdrawal of Php60,000.00 from their court's savings account.

In the presence of COC Gubatanga, Judge Lagrosa confronted Bodoy on the matter. At first, Bodoy denied the accusation. He eventually admitted committing the offense when he was informed by Judge Lagrosa that his signature appears on the copy of the withdrawal slip left in the possession of the bank as the recipient of the amount withdrawn.

When Judge Lagrosa asked how he was able to withdraw the amount from the court's savings account, Bodoy explained that he inserted an extra withdrawal slip among the other withdrawal slips that are to be signed by COC Gubatanga and Judge Reyes in order to avail of their signatures. He also admitted that he used an ordinary key to open COC Gubatanga's drawer to get the passbook.

COC Gubatanga, however, dismissed Bodoy's explanation and maintained that the latter falsified her signature in the withdrawal slip, as the signature is not the customary way she signs her name. She alleged that the same holds true with respect to the signature of Judge Reyes since the latter meticulously goes over the bunch of papers, including withdrawal slips, one by one before he affixes his signature on them.

Finally, COC Gubatanga informed the Office of the Court Administrator (OCA) that she filed a criminal complaint against Bodoy involving the matter alleged in her administrative complaint and the same is pending preliminary investigation with the Office of the Provincial Prosecutor of Bulacan. COC Gubatanga attached to her affidavit complaint the affidavits of Judges Lagrosa and Reyes.

In his Affidavit dated 5 June 2008,^[2] Judge Reyes denied having signed the withdrawal slip used by Bodoy to withdraw the amount of Php60,000.00 on 19 March 2008. He averred that his supposed signature appearing thereon was forged. He maintained that he never signed documents and duplicate copies thereof using carbon paper and it is more likely that Bodoy imitated his signature in the said withdrawal slip. Judge Reyes also reported that Bodoy has not been reporting for work since 14 March 2008.

Bodoy vehemently denied the allegations in the complaint. He contended that the narrations of facts cited in the complaint are self-serving statements. He further contended that the filing of the instant administrative complaint is pre-mature and has as yet, no basis in fact or law.

He argued that the basis of the administrative case is dependent upon the result of the criminal case. He maintained that giving consideration to the administrative complaint would result in an injustice. He further maintained that the allegations contained in the Complaint-Affidavit filed with the Office of the Prosecutor do not constitute the crime of Qualified Theft and Falsification of Commercial Documents.

On 16 September 2009, Atty. Caridad A. Pabello, Chief of Office, Office of Administrative Services, OCA; issued a Certification stating that no Daily Time Record has been submitted by Bodoy since 2008.

In a Resolution dated 22 June 2011,^[3] this Court referred the administrative complaint to the Executive Judge of the Regional Trial Court (RTC), Malolos, Bulacan for investigation, report and recommendation.

In compliance with the directive, Executive Judge Renato C. Francisco (EJ Francisco), RTC, Malolos, Bulacan submitted his investigation report^[4] dated 4 October 2011. He recommended that respondent Bodoy be found guilty of serious misconduct and be dismissed from the service. Salient portion of his investigation report, reads;

In the hearing conducted by the undersigned Executive Judge, respondent Renato Bodoy openly admitted that he withdrew the amount of Php60,000.00 subject of this present action. He was also confronted with his signature appearing in the withdrawal slip (Annex "B") to which respondent Bodoy admitted to affixing his signature therein.

According to the private complainant, she has already retired since June 2011 and because of this administrative case, her benefits and pension had not been approved and she prays for speedy resolution of this administrative action.

Upon judicious and sedulous examination of the evidence extant in the records, more particularly the passbook and withdrawal slip, substantial evidence point to the respondent Bodoy as having stealthily and clandestinely withdrawn the amount of Php60,000.00 from the passbook of MTC-Balagtas, Bulacan last March 19, 2008. **In fact, in the proceedings before this [c]ourt respondent Bodoy freely and openly admitted his withdrawal of the said amount of Php60,000.00 as he claimed that he was hard-pressed for cash at that time.** His culpability is buttressed by the fact that he has been AWOL or absent without leave since March 14, 2008 and he could not have done so had he not committed the act of withdrawal of the amount of Php60,000.00.

In sum, substantial evidence clearly established the irregular and anomalous withdrawal of the amount of Php60,000.00 from the passbook of the MTC-Balagtas, Bulacan committed by respondent on March 19, 2008, to the damage and prejudice of the government.

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WHEREFORE, it is respectfully recommended to the Supreme Court through the Office of the Court Administrator that respondent Renato Bodoy be dismissed for serious misconduct.^[5] (Emphasis supplied)

In this Court's resolution dated 23 November 2011, the investigation report submitted by EJ Francisco was referred to the OCA for evaluation, report and recommendation within sixty (30) days from receipt of the record.

In its Memorandum dated 6 June 2013,^[6] the OCA recommended that:

- (1) This case be re-docketed as a regular administrative case against Mr. Renato V. Bodoy, Utility Worker I, Municipal Trial Court, Balagtas, Bulacan, for Dishonesty; [and]
- (2) Mr. Renato V. Bodoy, Municipal Trial Court, Balagtas, Bulacan, be **DISMISSED** from the service with forfeiture of retirement benefits except accrued leave credits, with perpetual disqualification for re-employment in government service.

The OCA agreed with the conclusions of fact and recommendation of EJ Francisco.

The OCA, however, found Bodoy not guilty of grave misconduct but of dishonesty. It