

## EN BANC

**[ A.M. No. P-06-2223 [Formerly A.M. No. 06-7-226-MTC), June 10, 2013 ]**

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.  
LORENZA M. MARTINEZ, CLERK OF COURT, MUNICIPAL TRIAL  
COURT, CANDELARIA, QUEZON. RESPONDENT.**

### DECISION

#### PER CURIAM:

This administrative case arose from the financial audit conducted by the Court Management Office (*CMO*), Office of the Court Administrator (*DCA*), in the Municipal Trial Court of Candelaria, Quezon (*MTC*). The audit covered the accountabilities of Lorenza M. Martinez (Martinez), Clerk of Court, from March 1985 to November 2005.

In September 2004, the salaries of Martinez were withheld. Beginning December 2005, she was excluded from the payroll because of her failure to submit the monthly reports of collections and deposits as required by SC Circular No. 32-93.

The audit disclosed that Martinez incurred cash shortages in the Judicial Development Fund (*JDF*) in the amount of P12,273.33 and in the Fiduciary Fund (*FF*) in the amount of P882,250.00. The breakdown of Martinez' cash accountabilities were as follows:

#### Judiciary Development Fund

Total Collections	P 917,847.69
Less: Total Remittances	905,574.36
Balance of Accountabilities	<u>P 12,273.33</u>

#### Fiduciary Fund

Total Collections	P 4,288,212.50
Less: Total Withdrawals	<u>3,020,712.50</u>
Unwithdrawn Fiduciary Fund as of November 30, 2005	P 1,267,500.00
Less: Bank Balance per LBP SA No. 2611-0011-02 net of unwithdrawn Interest of P816.98, as of November 30, 2005	385,250.00
Balance of Accountabilities	<u>P 882,250.00</u> <sup>[1]</sup>

The audit team discovered that the shortages were due to the following

manipulation of Martinez:

1. There were collections without the date of collection appearing on the face of either the duplicate or triplicate official receipt and were found undeposited, viz:

OR No.	Case No.	Amount
11445587	01-214	P 75,000.00
11445589	01-218	6,000.00
11445590	01-257	2,000.00
11445592	01-245	2,000.00
11445593	01-306	5,000.00
11445594	01-306	5,000.00
11445595	01-306	5,000.00
11445596	01-305	2,000.00
11445597	01-284	10,000.00
11445598	02-16	6,000.00
11445599	02-17	2,000.00
<b>Total</b>		<b>P 120,000.00</b>

There were also collections with different dates appearing on the face of the original and triplicate copies of OR<sup>[2]</sup> (Annexes 1.1 to 1.5), as follows:

OR No.	Date of Original OR	Date of Triplicate OR	Date of Deposit	Case No.	Amount
11445553	12-21-00	1-5-01	1-5-01	00-267	P 5,000.00
11445554	12-21-00	1-29-01	1-30-01	00-268	5,000.00
9972352	6-7-99	7-1-99	7-1-99	99-107	12,000.00
9972357	9-21-99	10-11-99	10-14-99	99-228	10,000.00
9972388	5-10-00	5-20-00	5-25-00	27420 & 27421	4,000.00
<b>Total</b>					<b>P36,000.00</b>

In all cases, the duplicate and triplicate copies of OR will be carbon reproductions in all respects of whatever may have been written on the original. However, this was not observed by Ms. Martinez, instead she issued official receipts for collections received with the date of actual receipt posted on the original OR, while the duplicate and triplicate copies were left undated. She first used the money received as collections and when she regained it, the same was deposited, and that was the time when she posted a date on the duplicate and triplicate OR which is

different from the date of the original OR. This was to cover her practice of delaying the remittance of collections. There were also times that the collections were not remitted at all, and the duplicate and triplicate ORs were remained undated up to date, as what had happened to the above undeposited collections of P120,000.00.

2. Ms. Martinez used a single OR for both JDF and FF collections, the original OR was used for FF and its corresponding duplicate and triplicate copies were used for JDF (Annexes 2.1 to 2.11), viz:

OR No.	JDF		FF		
	Date of Collection	Amount	Date of Collection	Case No.	Amount
9972099	12-10-98	P 10.00	6-6-95	4470	P 6,000.00
14392168	10-17-01	10.00	10-18-01	01-234	5,000.00
11445533	11-9-00	10.00	5-21-99	99-103 to 106	30,000.00
9972266	5-7-99	10.00	2-23-99	99-50	30,000.00
9972267	5-7-99	10.00	2-24-99	99-50	30,000.00
9972789	4-18-00	10.00	11-20-99	99-235	40,000.00
9972410	7-9-99	10.00	5-15-99	99-97	15,000.00
9972265	5-7-99	10.00	1-20-98	5561	10,000.00
9972838	5-24-00	10.00	11-12-96	5098	2,000.00
11445534	11-9-00	10.00	10-7-98	5619	10,000.00
14392156	10-12-01	10.00	6-27-01	01-128	10,000.00
15381554	7-10-02	10.00	6-7-02	02-135	12,000.00
15381257	2-4-02	10.00	2-1-02	01-28	30,000.00
<b>Total</b>		<b>130.00</b>			<b>P 230,000.00</b>

Verification revealed that the P130.00 collections for JDF were reported and deposited. On the other hand, the P230,000.00 collections for FF were unreported and undeposited. This practice was a clear violation of the following provisions of Circular No. 22-94 dated April 8, 1994:

x x x x

3. A total of P90,000.00 were accounted as bonds that were withdrawn twice. Details are as follows:

OR No.	Case No.	Date of 1st Withdrawal	Date of 2nd Withdrawal	Amount
4491458	4320	4-21-95	9-19-02	P 12,000.00
4491470	4290 & 4295	4-28-95	7-16-97	6,000.00
5129970	4557	8-10-00	12-15-00	3,000.00
6419483	5089	6-9-00	2-28-02	12,000.00
9972398	00-88	8-16-00	2-8-01	10,000.00

7557979	5090	8-10-00	9-26-02	12,000.00
7557997	99-97	7-9-99	12-7-99	15,000.00
9972356	99-227	5-25-00	3-14-01	10,000.00
9972357	99-228	5-25-00	3-14-01	10,000.00
<b>Total</b>				<b>P 90,000.00</b>

The above double withdrawals were made possible because only Ms. Martinez signed the withdrawal slips, in violation of Circular No. 50-95 dated October 11, 1995 which requires both the signatures of the Executive Judge/Presiding Judge and the Clerk of Court in making withdrawals of FF. Hon. Felix A. Caraos, Presiding Judge, when informed on this matter, immediately wrote a letter to the manager of LBP, Candelaria Branch (Annex 3), notifying the same that he will be jointly allowed to withdraw from the FF account of the court with Mr. Apolonio M. Sugay, designated Officer-in-Charge on December 6, 2005.

4. The bonds posted in Case Nos. 5528 and 5529 entitled "*PP. vs. Amelita Ramilo for Violation of BP 22*" amounting to P26,000.00 each were reported as withdrawn on November 1999. However, records revealed that there were no court orders that were issued to support the withdrawals. Therefore, the withdrawals made were unauthorized. The signatures of Ms. Ramilo on the herein attached acknowledgement receipt (Annex 4) were clearly forged as these were totally different to her signatures that were retrieved on the casefolders of the above cases (Annex 5.1 to 5.2).

5. The bond posted in Case No. 00-88 under OR No. 9972398 in the amount of P10,000.00 was withdrawn on August 16, 2000. However, through a fictitious court order (Annex 6), the same was again withdrawn on February 8, 2001. Said fictitious court order was accomplished by altering the Case No. from 5662 to 00-88. All the entries in the herein attached court order of Case No. 5662 (Annex 7) were the same with the entries in the fictitious court order except that of the case number. Also, the signature in the acknowledgment receipt of Ms. Lerma M. Mediavillo (Annex 8), the accused of Case No. 00-88 and not Ms. Nila Carreon as appearing in the fictitious court order, was forged because this was entirely unlike her signature that was retrieved on the casefolder of Case No. 00-88 (Annex 9).<sup>[3]</sup>

Acting on the report and recommendation<sup>[4]</sup> of the OCA, the Court, in its Resolution, 5 dated August 2, 2006, directed Martinez to (1) explain her failure 1.a] to collect fees accruing to the General Fund and Mediation Fund, 1.b] to present the JDF official receipts and monthly reports covering the period from March 1985 to December 1995, and 1.3] to deposit her collections on time; (2) explain the discrepancies of the entries in the original and triplicate copies of the official receipts of the FF collections; (3) explain why she used the original OR for the FF collection and its corresponding duplicate or triplicate copies for the JDF collections; (4) explain the double withdrawal of the bonds and their withdrawal without the necessary court orders; and (5) reconstitute her shortages. The Court also ordered her