

EN BANC

[A.M. No. P-10-2799, January 18, 2011]

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
VICTORIO A. DION, FORMER CLERK OF COURT, MUNICIPAL
CIRCUIT TRIAL COURT, SAN FABIAN-SAN JACINTO,
PANGASINAN, RESPONDENT.**

R E S O L U T I O N

PER CURIAM:

This administrative case arose from a financial audit that the Fiscal Monitoring Division (FMD) of the Court Management Office (CMO) under the Office of the Court Administrator (OCA) conducted on the books of account of the Municipal Circuit Trial Court (MCTC) of San Fabian-San Jacinto, Pangasinan. The audit team^[1] discovered unreported and unremitted collections that respondent Victorio A. Dion (Dion), its former Clerk of Court, made in connection with his duties.

The record shows that on February 22, 1996 plaintiff in Civil Case 832 (SJ-96), *Rhey Osborn P. Columbres v. Gerardo R. Abarcar*, deposited P30,000.00 with Dion as required by the court and for which he issued a mere temporary receipt. Dion explained that the plaintiff pleaded with him not to deposit the money with the court's fiduciary fund anymore since the parties were going to settle the case and he wanted to get his money back immediately.^[2]

Three years later or on January 8, 1999 the plaintiff in Civil Cases 913 and 922, *Letecia N. Herrera v. Perfecto Cerezo*, also deposited P30,000.00 with Dion as required by the court but Dion did not report the collection nor did he deposit the money with the court's fiduciary fund account.^[3] Nine months later on October 8, 1999 Judge Madronio ordered the release of the P30,000.00 to plaintiff Herrera. Dion paid her on October 11, 1999 by withdrawing the amount from the fiduciary fund account.^[4]

When it was discovered in a subsequent in-office audit that Dion withdrew the P30,000.00 from the court's fiduciary fund without previously depositing an equivalent amount, the auditor required him to explain.^[5]

Dion presented a certification that he inadvertently placed the P30,000.00 he got from Herrera into the court's safe but was later on unable to open it.^[6] He said that he was able to have the safe opened only on September 18, 2001 and get the P30,000.00 out because he had been preoccupied with preparing for his transfer to Branch 3 of the MTCC of Dagupan City.^[7] On the following day, September 19, 2001, he claimed to have dutifully issued SC Official Receipt 11477855 in Herrera's name to rectify the unreported P30,000.00 collection and to account for the money that he withdrew from the court's fiduciary fund.^[8] Dion apparently got away with