

EN BANC

**[A.M. No. P-06-2190 (Formerly A.M. No. 01-11-291-MTC),
March 25, 2009]**

**ADMINISTRATOR, COMPLAINANT, VS. ARTURO BATONGBACAL, FORMER CLERK
OF COURT AND REMEDIOS I. ROXAS, COURT STENOGRAPHER I, METROPOLITAN
TRIAL COURT, PULILAN, BULACAN, RESPONDENTS.**

RESOLUTION

PER CURIAM:

On August 13-17, 2001, a team from the Court Management Office (CMO) of the Office of the Court Administrator (OCA) conducted an on-the-spot audit of the books of accounts of the Municipal Trial Court (MTC) of Pulilan, Bulacan. The audit team found that former clerk of court Tomas E. Ocampo (Ocampo) and the then incumbent clerk of court, herein respondent, Arturo S. Batongbacal (Batongbacal) incurred shortages in their corresponding accounts.

On January 14, 2002, the Court issued a Resolution directing Ocampo and Batongbacal to remit or reconstitute their respective shortages. Ocampo complied with the Court's directive. Batongbacal did not.^[1]

In its Resolution dated December 9, 2002, the Court, upon recommendation of the OCA, considered the administrative matter involving Ocampo closed and terminated.^[2]

Subsequently, in a Resolution dated July 7, 2004, the Court *en banc* found Batongbacal guilty of gross dishonesty, gross misconduct and malversation of public funds. He was dismissed from the service and his withheld salaries were applied to his accountabilities. He was also disqualified from re-employment in any branch of the government or in any government-owned or controlled corporation.^[3]

On July 30, 2004, Batongbacal filed a Motion for Reconsideration praying that instead of being dismissed from the service, he be admonished and made to pay a fine; that in the event that he is not reinstated to his former position, the penalty of disqualification from re-employment in any branch of government or in any government-owned or controlled corporation be lifted, and that, after applying the proceeds of his withheld salaries and allowances to his accountabilities, the balance thereof be given to him. Batongbacal came up with a computation refuting the findings of the Court that he incurred shortages in the funds in his custody. To support his contentions, he attached documents which he did not previously submit.^[4]

In its Resolution dated August 17, 2004, the Court referred Batongbacal's Motion for Reconsideration to the OCA for evaluation, report and recommendation.^[5]

In a subsequent letter dated August 19, 2004, Batongbacal reiterated his prayer that the portion of the July 7, 2004 Resolution of the Court which disqualifies him from re-employment in the government or in any government-owned and controlled corporation be lifted.^[6] The Court also referred the above-mentioned letter to the OCA for evaluation, report and recommendation.^[7]

In its Memorandum dated October 29, 2004 addressed to then Chief Justice Hilario G. Davide, Jr., the OCA indicated the need to conduct a comprehensive audit of the cash and accounts of Batongbacal in order to assess the validity of the new documents which he attached to his motion for reconsideration. With this end in view, the OCA requested that it be given a chance to complete its audit before submitting its report and recommendation to the Court.^[8] The Court granted the request of the OCA in its Resolution issued on November 23, 2004.^[9]

On April 24, 2006, the audit team from the OCA submitted a Memorandum to then Senior Deputy Court Administrator Zenaida N. Elepaño containing the team's findings and recommendations. As part of the comprehensive audit conducted, a financial audit was also conducted on the books of accounts of herein

respondent Remedios I. Roxas (Roxas), the officer-in-charge who took over when Batongbacal was relieved of his position.

The audit team found that both Batongbacal and Roxas were remiss in the performance of their duties and that there were massive shortages in the court's funds under their custody. The audit team also noted that the salary of Roxas was withheld by the Financial Management Office of the OCA because of her failure to submit her Monthly Reports of Collections and Deposits on time.^[10]

In a Memorandum received by the *En Banc* through the Clerk of Court on May 3, 2006, the OCA adopted the recommendation of the audit team and recommended approval thereof.^[11]

Accordingly, on June 13, 2006, the Court issued a Resolution, pertinent portions of which read as follows:

(a) DIRECT Mr. Arturo S. Batongbacal, former Clerk of Court, MTC, Pulilan, Bulacan, to

(i) **IMMEDIATELY RESTITUTE** his incurred shortages on General Fund, Judiciary Development Fund and Fiduciary Fund amounting to Twenty-Six Thousand Nine Hundred Nineteen Pesos (P26,919.00). Fifty-Seven Thousand Four Hundred Six-Seven Pesos (P57,467.00) and Two Hundred Ninety-Eight Thousand One Hundred Seventy-Nine Pesos (P298,179.00), respectively, in their respective fund bank account, through Ms. Froctosa I. Ceñidoza, the incumbent Clerk of Court, copy furnished the Fiscal Monitoring Division, Court Management Office, with the machine validated deposit slip/s as proof of compliance; and

(ii) **TRANSMIT** to this Court, through the Fiscal Monitoring Division, Court Management Office, all the documents (marked x) to support the validity and authenticity of the withdrawals/refund of the following cashbonds:

| COLLECTIONS | | | | | WITHDRAWALS | |
|---------------------|---------|---------------------|------------------------------|-----------|-------------|----------|
| Date of Collections | OR No. | CASE NO. | NAME OF LITIGANTS | AMOUNTS | CO | AR |
| 7-Jul-97 | 7050572 | 1197-M-97 (97-5913) | JENNY MENDOZA | 20,000.00 | 1/9/98 | X |
| 8-Dec-97 | 7050713 | 97-6308 | RED MENDOZA | 20,000.00 | 1/26/98 | X |
| 16-Dec-97 | 7050715 | 97-6316-20 | JOSE L. TECSON/ R. DE GUZMAN | 6,000.00 | Apr-98 | X |
| 22-Apr-97 | 5383948 | 97-5742 | R. ESTRELLA | 10,000.00 | 5/20/98 | X |
| 16-Feb-98 | 7050713 | 98-6462 | CORNELIO BAUTISTA | 1,200.00 | 6/18/98 | X |
| 4-May-98 | 7050745 | 97-5764 & 68 | SHIRLEY PAGUIO | 20,000.00 | 6/24/98 | X |
| | | 97-5770 & 72 | | | | |
| 15-Jul-98 | 9404013 | 98-6645 | CESAR DIMLA | 2,000.00 | 6/30/98 | X |
| 22-Aug-97 | 7050589 | 97-6019 | T. JAYME | 25,000.00 | 7/9/98 | X |
| 23-Mar-98 | 7050739 | 98-6499 | E. PAVO | 15,000.00 | 7/16/98 | X |
| 21-Apr-98 | 7050742 | 98-6512 | GILBERT MENDOZA/ V. FAVIAN | 6,000.00 | X | 07/18/98 |
| 5-May-98 | 7050746 | 98-6542 | ELISCO MANAHAN | 10,000.00 | 6/3/98 | X |
| 21-May-98 | 7050750 | 98-6516 | CLARITA GOJO CRUZ | 2,000.00 | 7/10/98 | X |
| 27-Jun-97 | 7050568 | 13117 | JOSELITO ROBLES | 6,000.00 | X | 08/06/98 |
| 6-Oct-97 | 7050596 | 487-97 | EDNA BRILLANTE | 11,000.00 | X | 08/11/98 |
| 20-Jan-99 | 9404047 | 98-6764 | SOFRONIO DE JESUS | 1,000.00 | X | 02/18/99 |
| 7-Oct-98 | 9404030 | 12123-98 (12343 W) | MERLYN CAMZA | 2,000.00 | X | X |
| 19-Dec-97 | 7050722 | 97-6323-24 | ALLAN LOMBOSON (L. ARCEO) | 1,000.00 | 7/29/99 | X |
| 8-Mar-99 | 9404460 | 98-6649 | RANDY REYES/ RESURRECION | 5,000.00 | Jul-99 | X |

| | | | | | | |
|-----------|----------|------------|---------------------------------|-----------|----------|----------|
| 21-Jun-99 | 9404473 | 99-7014-15 | JOSE DELA PENA | 7,000.00 | 7/26/99 | X |
| 12-Aug-96 | 5383742 | | L. ALEJO | 5,000.00 | 8/11/99 | X |
| 23-Jan-98 | 7050728 | 98-6362 | ALEXANDER VILLEN0 | 7,000.00 | X | 09/16/99 |
| 9-Jul-98 | 9404009 | 98-6598 | FELICIANO SAMSON | 2,000.00 | 8/18/99 | X |
| 2-Oct-98 | 9404029 | 98-6753-62 | RUEL T. CRUZ | 50,000.00 | X | 09/28/99 |
| 27-May-97 | 7050557 | 97-5820 | TIMOTEO MANUEL PABLO | 10,000.00 | 9/15/99 | X |
| 13-Jan-00 | 9404493 | 00-7290 | ROSALINA SANTIAGO | 1,000.00 | X | 02/09/00 |
| 24-Jan-00 | 9404496 | 00-1306 | ROSALINA SANTIAGO | 2,500.00 | 2/16/00 | X |
| 28-Jan-00 | 9404498 | 00-7307 | ELIZABETH CRUZ | 1,000.00 | 2/16/00 | X |
| 2-Feb-00 | 9404499 | 00-7311 | JULIA C. SANTOS | 12,000.00 | X | 02/07/00 |
| 7-Jul-98 | 9404008 | 98-6635 | ERNESTO LAGSA | 15,000.00 | 3/22/00 | X |
| 2-Feb-00 | 9404500 | 00-7314 | CELSO CRUZ | 2,100.00 | 3/1/00 | X |
| 13-Jan-00 | 9404495 | 00-7291 | JOSEPHINE GINERO | 4,000.00 | 4/12/00 | X |
| 19-Apr-00 | 10969518 | 00-7503 | MARTINIANO SANTOS | 10,000.00 | X | May-00 |
| 22-Sep-99 | 9404478 | 99-7081 | CYNTHIA PADO | 6,000.00 | X | Jun-00 |
| | 10969534 | 00-7666 | REMEDIOS DELA CRUZ | 5,000.00 | 8/23/00 | X |
| | 10969535 | 00-7668 | SANTOS | 5,000.00 | 8/23/00 | X |
| 28-Jan-99 | 9404050 | 99-6891 | AMAD MANGULAGNAN/ S. RIVERA | 30,000.00 | 9/11/00 | X |
| 17-Oct-00 | 10969540 | 00-7721 | PRIMITIVA REYES | 3,000.00 | X | 10/17/00 |
| 22-Jan-98 | 7050727 | 98-6350-54 | SERGIO RODRIGUEZ | 35,000.00 | 12/19/00 | X |
| 12-Dec-00 | 10969555 | 00-7787 | ANTONIO CASAS /EMMANUEL CRUZ | 10,000.00 | 12/13/00 | X |
| 31-Jan-97 | 5383927 | 17661 | NEIL SOYANGCO | 15,000.00 | X | 01/18/01 |
| 1-Sep-00 | 10969534 | 00-7685 | ANTONIO CASAS | 20,000.00 | 1/24/01 | X |
| 15-Jan-01 | 10969558 | 00-7823 | ERIC CAPULONG/ EFREN FELIFE | 10,000.00 | 1/24/01 | X |
| 19-Jan-01 | 10969559 | 00-7825 | ROLANDO T. GOLGOTA/ RAFAEL G. | 10,000.00 | X | 02/05/01 |
| 20-Jan-01 | 10969560 | 00-7831 | GERRY FELIPE | 5,000.00 | 3/14/01 | X |
| 12-Feb-01 | 10969562 | 00-7729 | LEONARDO CRUZ | 5,500.00 | 3/5/01 | X |
| 5-Mar-01 | 10969564 | 2189631 | MARINA SALONGA/ M. LOPEZ | 15,000.00 | 3/7/01 | X |
| 8-Mar-01 | 10969566 | 01-7903 | VICTORIA DALISAY/ W. BULATAO | 4,000.00 | 3/21/01 | X |
| 19-Mar-01 | 10969568 | 01-7863 | MINERVA ORALLIO | 5,000.00 | 4/18/01 | X |
| 15-Mar-99 | 9404461 | 99-6914 | TEOFILO JAYME/ A. JAYME | 20,000.00 | 6/18/01 | X |
| 10-May-01 | 10969574 | 01-7969 | MARIBEL GONZALES | 20,000.00 | X | 06/15/01 |
| 11-Jun-01 | 10969577 | 01-7990 | ANTONIO CASAS/ W. BAYLON | 5,000.00 | 6/13/01 | X |
| 12-Dec-00 | 10969553 | 00-7786 | HERMINIO SALVADOR/ A. RAMIREZ | 3,000.00 | 8/22/01 | X |
| 7-Aug-01 | 10969589 | 01-8048 | ALBERTO CABRAL ET AL./ A. CASAS | 15,000.00 | 8/8/01 | X |
| 5-Jan-00 | 9404491 | 00-7282 | WILFREDO BELONIO | 6,000.00 | 9/19/01 | X |
| 11-Sep-01 | 10969592 | 01-8078 | GERRY SANCHEZ | 10,000.00 | 9/12/01 | X |
| 4-Apr-01 | 10969571 | 01-7919-21 | ZENAIDA SULIT-ALFONSO/ EFREN S. | 6,000.00 | X | 10/04/01 |
| 23-Apr-01 | 10969573 | 01-7821 | DOLORES BERSANO/ F. AUSTIN | 1,500.00 | X | 10/10/01 |
| 18-May-98 | 7050749 | 98-6527 | RUFINO DE JESUS | 10,000.00 | X | 11/19/01 |
| 28-Sep-01 | 10969594 | 01-8029 | RICARDO V. FLORES/ TONY CASAS | 5,000.00 | 11/21/01 | X |
| 27-Oct-01 | 13565003 | 01-8120 | LEONARA MARAGUINOT | 4,000.00 | X | 11/26/01 |

| | | | | | | |
|-------------------------------|----------|---------|---------------|-----------|----------|---|
| | | & 8121 | | | | |
| 28-Nov-01 | 13565010 | 01-8152 | ANTONIO CASAS | 5,000.00 | 12/5/01 | X |
| 10-Dec-01 | 13565012 | 01-8162 | TONY CASAS | 15,000.00 | 12/12/01 | X |
| Grand Total 600,800.00 | | | | | | |

[Should Mr. Batongbacal fail to provide this Court with the documents (marked x) needed to support the withdrawals of the above-presented cashbonds, the same shall be considered outstanding and unwithdrawn, and Mr. Batongbacal should reconstitute the amount of Six Hundred Thousand Eight Hundred Pesos (P600,800.00).];

(b) **DEFER ACTION** on the Motion for Reconsideration of the resolution of July 7, 2004 and Letter dated August 19, 2004, both filed by Mr. Batongbacal, until he complies with the foregoing directives;

(c) **DIRECT** Ms. Remedios I. Roxas, former Officer-in-Charge, to

(i) **EXPLAIN** why she should not be administratively sanctioned for failure to deposit her collections on time and **RESTITUTE** the following shortages to their respective bank accounts, within fifteen (15) days from notice hereof, through Ms. Froctosa I. Ceñidoza, the incumbent Clerk of Court:

(1) Clerk of Court General Fund shortage amounting to Two Thousand Five Hundred Thirty-Three Pesos and 20/100 (P2,533.20);

(2) Philippine Mediation Center Trust shortage amounting to One Thousand Pesos (P1,000.00); and

(3) Fiduciary Fund shortage amounting to Two Hundred Seventy-Six Thousand Pesos (P276,000.00);

(ii) **FURNISH** the Fiscal Monitoring Division, Court Management Office, with the duly validated machine copies of the General Fund, Philippine Mediation Center Trust Fund and Fiduciary Fund deposit slips or clear certified true copy of the validated deposit slips and certified true copy of the Fiduciary Fund LBP Savings Account No. 0101-2064-59 as evidence of compliance;

(iii) **EXPLAIN** the reasons behind the following:

(1) Setting aside of Official Receipts Nos. 16304300 and 16304412 which were allegedly reserved for transactions that did not materialize, and subsequently cancelled only on December 1 and 2, 2004;

(2) Cancellation of Official Receipts Nos. 16304404, 16304447 and 16304522 under dubious circumstances;

(3) Official Receipt No. 16304436 amounting to P6,000.00 which is blank but had corresponding court order and acknowledgment receipt; and

(4) Double use of Official Receipts Nos. 16304252 and 16304432 for different dates/cases/payors/amounts, to wit:

d-1 OR No. 16304252

| DATE | CASE NO | Litigant/Bondsman | AMOUNT |
|---------|---------|------------------------|------------|
| 7May02 | 02-8261 | Yolando Enriquez | P 2,000.00 |
| | | (source OR triplicate) | |
| 22May02 | 02-8329 | Antonio Casas | P15,000.00 |
| | | CO none AR6/29/02 | |
| | | (source AR6/29/02) | |

d-2 OR No. 16304432

| DATE | CASE NO | Litigant/Bondsman | AMOUNT |
|--------|-------------|------------------------|-------------|
| 3Jul03 | 4-9074-9075 | Edilberto Santos | P 30,000.00 |
| | | CO4/29-04 AR5/6/04 | |
| | | (source AR5/6/04) | |
| 3Jul03 | 3-8805 | Edilberto Santos | P 30,000.00 |
| | | CO none AR none | |
| | | (source OR triplicate) | |

(iv) **EXPLAIN** and **ACCOUNT** for the following Official Receipts (Ors) booklets/sheets that have remained unaccounted to date:

| INCLUSIVE SERIAL NUMBERS | QUANTITY BOOKLETS/S | QUANTITY SHET/S |
|-----------------------------|------------------------|--------------------|
| 1356101-135615150 | 1 | |
| 19782401-19782450 | 1 | |
| 19782651-19782700 | | 3 |
| 16304496 | | 1 |

(v) **TRANSMIT** to the Court, through the Fiscal Monitoring Division, Court Management Office, the documents needed to support the validity of the cashbonds withdrawals with lacking/incomplete documents, amounting to Four Hundred Ninety-Nine Thousand Five Hundred Pesos (P499,500.00), as presented below:

| DATE OF COLLECTION | OR NO. | CASE NO. | NAME OF PAYOR | COLLECTIONS | WITHDRAWALS | | AUDIT OBSERVATIONS/ REMARKS |
|-----------------------|----------|------------------|-----------------------|-------------|-------------|----------|-----------------------------------|
| | | | | | CO | AR | |
| 22-Sep-97 | 7050594 | 97-6051/02-1165M | ERLINDA GRANDE | 12,000.00 | 11/20/03 | NO DATE | No Acknowledgment Receipt |
| 13-May-98 | 7050747 | 98-6543 | ALICIA ORBE | 50,000.00 | NONE | 6/25/03 | No Court Order |
| 28-Jun-99 | 10989974 | 03-1157 | PRIMITIVO IGNACIO | 30,000.00 | NONE | 5/7/03 | No Court Order |
| 5-Feb-00 | 13564810 | 7237 | Can not be deciphered | 30,000.00 | NONE | 2/15/02 | No Court Order |
| 7-Mar-00 | 13564812 | 03-1157 | REYNALDO CASTILLO | 50,000.00 | NONE | 5/7/03 | No Court Order |
| 21-Jul-00 | 10969528 | 00-7465 | REGINA REYES GO | 4,000.00 | NONE | 9/19/02 | No Court Order |
| 7-Sep-00 | 10969945 | | REYNALDO CASTILLO | 50,000.00 | NONE | 5/7/03 | No Court Order |
| 18-Jul-01 | 10969583 | 01-7937-38 | FELY V. SAN ANDRES | 3,000.00 | NONE | 9/4/02 | No Court Order |
| 19-Sep-01 | 10969593 | 01-8085 | PAUL TANJUTCO | 15,000.00 | NONE | 1/21/02 | No Court Order |
| No date | 10969596 | 01-8082 | EUGENIO Q. CRUZ | 5,000.00 | NONE | 7/12/02 | No Court Order |
| 8-Oct-01 | 10969597 | 01-8082 | RENATO DE LA CRUZ | 5,000.00 | NONE | 7/12/02 | No Court Order |
| 8-Oct-01 | 10969598 | 01-8082 | SUSANA B. SANTOS | 5,000.00 | NONE | 7/12/02 | No Court Order |
| 13-Oct-01 | 13565001 | 01-8083 | BERNARDO SANTOS | 3,000.00 | NONE | 4/4/02 | No Court Order |
| 13-Oct-01 | 13565001 | 01-8083 | LEOVEGILDO SABANDEJA | 3,000.00 | NONE | 7/12/02 | No Court Order |
| 14-Nov-01 | 13565004 | 01-8139 | TONY CASAS | 5,000.00 | NONE | 3/13/02 | No Court Order |
| 27-Nov-01 | 13565008 | 01-8082 | Can not be deciphered | 5,000.00 | NONE | 7/12/02 | No Court Order |
| 12-Dec-01 | 13565014 | 01-8171 | Can not be deciphered | 15,000.00 | NONE | 11/29/02 | No Court Order |
| 30-Jan-02 | 13565022 | 01-8221 | TERESITA D. | 5,000.00 | NONE | 3/12/02 | No Court Order |