

EN BANC

[A.M. No. P-03-1748 (Formerly A.M. No. 03-8-472-RTC), September 22, 2008]

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
LIBRADA PUNO, CASH CLERK III, RESPONDENT.**

D E C I S I O N

PER CURIAM:

This is an administrative complaint against respondent Librada Puno, Cash Clerk III of the Office of the Clerk of Court, Regional Trial Court (RTC) of Cabanatuan City, for dishonesty and grave misconduct.

The case stemmed from the formal complaint submitted by Executive Judge Rodrigo S. Caspillo of the RTC of Cabanatuan City. Judge Caspillo averred that Atty. Numeriano Galang, Clerk of Court of the Office of the Clerk of Court- RTC of Cabanatuan City, had reported apparent discrepancies between the original and the duplicate copies of the Judiciary Development Fund (JDF) and the Clerk of Court General Fund (COCGF) official receipts issued by respondent relative to payments of sheriff's commissions and notarial commission fees. Thereafter, an audit investigation of the accountabilities of respondent was conducted in which tampering of receipts was discovered, resulting to a partial shortage of P354,572.23. Respondent admitted sole responsibility for the alterations which involved the sum of more or less P385,000.00.^[1]

Subsequently, the Financial Audit Team of the Court Management Office submitted an initial report recommending, among others, that respondent be directed to reconstitute the partial shortage of P354,572.23 and to explain why she should not be criminally charged with falsification of public documents and malversation of public funds; that Atty. Numeriano Galang be directed to produce all the records and documents to determine once and for all the financial accountability of respondent; and for the Team to be directed to conduct a comprehensive detailed audit. The Court adopted the Team's recommendations in a Resolution^[2] dated 10 September 2003.

In the intervening time, the resolution of the Office of the City Prosecutor of Cabanatuan City recommending the filing of informations for Malversation of Public Funds thru Falsification of Official and Public Documents^[3] against respondent was referred for appropriate action to the Office of the Court Administrator (OCA) per the action dated 9 January 2004 of the Office of the Deputy Ombudsman for Luzon.^[4]

Then, in a Letter dated 9 July 2004, Atty. Galang detailed the steps he had taken to trace the shortage and therewith submitted the photocopies of pertinent receipts.^[5]

In her Comment/Explanation^[6] dated 5 January 2005, respondent asserted that since she was able to immediately reconstitute to the JDF and the General Fund the amounts demanded, she could not be held liable for misappropriation of court funds.
^[7]

The Court in a Resolution^[8] dated 10 January 2005 adopted the recommendations submitted by the Financial Audit Team of the Court Management Office in its Memorandum dated 19 October 2004, as follows:

1. That Ms. LIBRADA S. PUNO be **DIRECTED to PAY** the amount of **P600,051.81** (net amount restituted) pertaining to the Sheriff Judiciary Development Fund (SJDF) and **P1,000.00** pertaining to the Sheriff General Fund (SGF) now to the Special Allowance of the Judiciary (SAJ) the total amount of shortages incurred by tampering official receipts issued in collecting extra-judicial foreclosures:
2. That Atty. NUMERIANO GALANG be **DIRECTED** to:
 - a) **PRACTICE** the "No receipt, no solemnization" policy holding marriage solemnization. This is to avoid fixers and eliminate irregularity in the proper collection of solemnization fees;
 - b) **PURSUE** the submission and compliance of the copies of original official receipts to all parties concerned which were altered by Ms. Puno, to strengthen the case against the latter both administrative and criminal;
 - c) **STRICTLY ADHERE** to the implementation of directives and circulars issued by the Court;
 - d) Explain within five (5) days from notice, the following **SHORTAGES** in this collections amounting to Four Hundred Thirty Eight Thousand Four Hundred Thirteen Pesos and Twenty Four Centavos (**P438,413.24**)

Name of Fund	Amount
G.F.	P 21.45
S.G.F.	400,880.04
J.D.F.	32,334.75
Fiduciary Fund	4,677.00
S.T.F.	500.00
TOTAL	438,413.24

and to pay the said amount by depositing to their respective accounts and **SUBMIT** to the Fiscal Monitoring Division the machine validated deposits slips as proof of compliance with the above directive;

- e) **SUBMIT** within five (5) days from notice the validated deposit slip in the account of the Judiciary Development Fund the balance of forfeited bond amounting to P28,200.00 in Criminal Case No. 7785 and the action taken by the Sheriff of Branch 30 regarding the writ of execution the branch issued on June 15, 2004; and

- f) **EXPLAIN** within five (5) days from notice his failure to withdraw and deposit to their respective accounts the unwithdrawn confiscated bonds amounting to P256,780.00;

That the Legal Office, OCA be **DIRECTED**:

- (a) To **FILE** the appropriate criminal charges against Librada C. Puno, Cash Clerk III; and
- (b) To make a study and submit guidelines in the proper management of demonetized exhibit monies.^[9]

On 16 May 2005, the Court issued a Resolution^[10] directing respondent to comment/explain why she should not be held administratively and criminally liable for misappropriating court funds.

In a Resolution^[11] dated 22 March 2006, the Court noted the explanation dated 5 January 2006 of Atty. Galang (submitted in compliance with the Resolution dated 10 January 2005) stating, among others, that he had already deposited to the respective accounts the unwithdrawn confiscated bonds amounting to P256,780.00.

On 30 May 2007, respondent filed her Manifestation with Compliance praying, among others, that she be allowed to restitute the amount of P600,051.81 due to the Sheriff Judiciary Development Fund (SJDF) in thirty-six (36) equal monthly installments starting 30 May 2007 or until 30 April 2008 and the amount of P1,000.00 due to the Sheriff General Fund (SGF, now Special Allowance for the Judiciary) in one payment.^[12]

On 25 June 2007, the Court denied respondent's Manifestation with Compliance and reiterated its directive that she submit her Comment pursuant to the Resolution dated 28 February 2007.^[13]

In her Comment/Explanation^[14] dated 10 August 2007, respondent admitted her mistakes and assumed full responsibility for the restitution of the amount of P600,051.81. She offered no excuses for her acts and hoped that with her admission of guilt, the Court would extend its compassion and clemency to her. She sought an additional time of thirty (30) days to finally restitute the amount she had misappropriated. Respondent claimed that she was constrained to commit the misappropriation in order to finance the medical bills of her ailing sister who had been suffering from and eventually died of lung cancer.

On 8 January 2008, Atty. Galang filed with the Office of the Clerk of Court-2nd Division a letter addressed to the Chief Justice requesting that the former be cleared of money accountability to enable him to receive the salaries and benefits due him as Presiding Judge.

In a Memorandum^[15] dated 22 May 2008, the OCA found respondent guilty of Dishonesty and Grave Misconduct and recommended that the penalty of dismissal with forfeiture of all benefits be meted out to her, with the application of any amount due her to the payment of the shortage. The OCA likewise recommended that: (1) respondent be directed to restitute the amounts of P600,051.81 (net of amount