

THIRD DIVISION

[A.M. NO. RTJ-05-1907 (FORMERLY A.M. NO. OCA IPI NO. 04-9-510-RTC*), December 06, 2006]

**EXECUTIVE JUDGE EDWIN A. VILLASOR, COMPLAINANT, VS.
JUDGE RODOLFO R. BONIFACIO, REGIONAL TRIAL COURT,
BRANCH 159, MS. ROSALIE G. SAN JUAN, CLERK IV AND MR.
ARNEL D. LEYNES, CLERK III, REGIONAL TRIAL COURT-OFFICE
OF THE CLERK OF COURT, PASIG CITY, RESPONDENTS.**

DECISION

CARPIO MORALES, J.:

This administrative case against respondents stemmed from the Letter-Report^[1] dated August 2, 2004 of Atty. Grace S. Belvis (Atty. Belvis), Clerk of Court of the Pasig City Regional Trial Court, to the Executive Judge, Edwin A. Villasor, who in turn submitted a Report^[2] dated August 18, 2004 to this Court.

From the records of this case, the following facts are culled:

On July 22, 2004, at about 4:25 in the afternoon, Atty. Belvis was approached by City Prosecutor Dennis Pastrana regarding the posting of a cash bond by a certain Rodolfo "Rudy" Lantano. No Information having been filed against Lantano, Atty. Belvis gave the prosecution time to file it. She waited until 4:40 p.m. of that day but as no information was filed, she instructed Cash Clerk III Edna Samar (Edna) to close the Cashier's Office and left.

The next day, July 23, 2004, before 8:00 a.m., she was informed by Administrative Officer II Teresita Wanason (Teresita) and Edna that 3 sets of official receipts corresponding to Fiduciary, Judiciary Development Fund, and SAJJ-Court were missing. After a fruitless search in the Cashier's Office, a call was made to respondent Clerk IV Rosalie San Juan (Rosalie) to ask her if somebody had posted a cash bond the day before. Rosalie answered in the affirmative. At around 8:25 a.m. of the same day Rosalie brought to the cashier 3 sets of receipts and the P81,200 bond she had received.

In her undated letter to Atty. Belvis, respondent Rosalie gave an account of the circumstances behind her receipt of the cash bond:

On or about 6:00 p.m., Thursday, July 22, 2004, while I was resting in Branch 68 after playing badminton, Mr. Arnel Leynes, Clerk III, office of the Clerk of Court together with a certain Atty. Art Naciongaling, lawyer of the detained accused Mr. Rodolfo Lantano approached me to issue a receipt on a cash bond for the release of the abovementioned accused but I refused to do so since it was past working hours. After about 30 minutes, the daughter of the accused came and pleaded that her father

is very old and very sick and needs to be brought to the hospital as soon as possible. I was so touched and with compassion I reluctantly made a receipt on the cash bond.

I admit that we (with the help of my friends) entered the Cashier's Office to be able to get the [o]fficial receipts and issue the corresponding receipt but not after Mr. Arnel Leynes gave me the corresponding criminal case number since I could not issue a receipt without the said docket number.

I also admit that we went to the Prosecutor's Office where I received the payment personally from the daughter of the accused, who could not come to the RTC Office because she fell from the stairs of the Office of the Prosecutor and she sprained her right leg.

As a sign of good faith, I brought the payment and receipts to the Cashier's Office early in the morning the following day, Friday, July 23, 2004.

x x x x^[3] (Underscoring supplied)

For his part, respondent Clerk III Arnel Leynes (Leynes) submitted his Incident Report dated July 23, 2004 to Atty. Belvis.

. . . Habang ako ay naglalaro ng badminton . . . sa quadrangle ng RTC, Pasig City ay may lumapit sa akin na isang taong nagpakilalang Atty. Art. Humihingi siya ng tulong sa akin para sa kaso ng kliyente nyang si RODOLFO "Rudy" LANTANO na mag-ca-cash bond daw. Ang sagot ko po sa kanya ay wala ng magresibo at wala ng pipirma ng release order kaya sabi niya ay may kakausapin daw silang judge. Kaya ang sabi ko sige po kausapin na muna ninyo yung sinasabi nyong judge. After 30 minutes bumalik si Atty. Art kasama yung anak ng akusado sinasabing meron daw taga Cashier's Office. Pero ang sabi ko ang alam ko ay naka lock na ang Cashier's office. Tapos pinakilala ko sila kay Rosalie San Juan. Tapos iniwan ko na sila sa kanilang pag-uusap. Pagkatapos mayamaya ay nakita kong umalis na si Atty. Art. Makalipas ang ilang minuto ay umalis din si Rosalie. After 30 minutes, bumalik si Rosalie at tinawag ako at nagpasama sa Rizal Prosecutor's Office. Pagdating naming doon nakita ko si Judge Bonifacio at Fiscal Yson na magkausap kasama ang ibang staff ng piskalya. Tapos isang staff ang lumapit sa akin at iniabot ang information ng kaso. Tapos sinabi ko kay Judge Bonifacio na wala pa sa jurisdiction po natin ang kasong iyan. Ang sagot nya kaya nga iyan inabot na sa iyo ang information bukas na lang papapirmahan sa logbook kase wala na daw yung in-charge kaya gawin mo na kung ano ang trabaho mo. Kaya bumalik po ako sa RTC-Office at tiningnan ko sa docket book kung ano ang ilalagay kong case number. Tapos bumalik po ako sa prosecutor's office para sabihin kung anong case number ang ilalagay at pagkatapos ay gumawa na nang resibo si Rosalie. Pagkagawa ng resibo pinirmahan na ni Judge Bonifacio yung release order at naghiwahiwalay na kami.

Kinabukasan ng July 23, 2004 pumunta sa Criminal Docket ang isa sa

staff ng piskalya dala ang logbook at ibang attachments para sa kaso ni Rodolfo "Rudy" Lantano para papirmahan sa akin ung na-receive kong kopya ng information nung July 22, 2004.^[4] (Emphasis and underscoring supplied)

By Agenda Report^[5] dated January 17, 2005, the Office of the Court Administrator (OCA) made the following Evaluation of and Recommendations on the case as follows:

EVALUATION: This Office finds as patently highly irregular and anomalous the processing of the application for bail – the receipt of the cash bond and the issuance of the release order – on 22 July 2004 at the Pasig City RTC. Applying for bail requires compliance with a procedure intended to prevent abuses or irregularities from being committed. A case must be duly filed before the court, properly docketed thereat and the legal fees paid. If the bail is granted, certain documents and other attachments need to be appended to the records of the case before an accused may be released from custody.

After a careful study of the reports submitted by the personnel of the Pasig City RTC-OCC involved in the incident, we deem Ms Rosalie G. San Juan and Mr. Arnel D. Leynes, in view of their admissions, liable for violation of procedural rules as well as office rules and regulations relating to the acceptance of a cash bond and the issuance of official receipts therefor.

Ms. San Juan contends that she acted in good faith and in the honest belief that she was merely doing her job as a public servant. We believe that in the instant case, however, she has outdone herself by going beyond the scope of her duties and responsibilities. The fact that she had to climb over the room divider separating the cash section from the other sections of the OCC, and not enter[ed] the said premises through its locked door, shows that she had no business being within the confines of the cash section. She was not the person assigned by the office to issue the official receipts for legal fees or any kind of payment. Since she was not the designated personnel with authority to receive payment, she was not a bonded official. She should answer for the improper and irregular acceptance of a cash bond and the issuance of the official receipts therefor. Her desire to help the accused does not justify non-compliance with legal procedures.

Mr. Leynes should be held liable for giving the case number for an information yet to be filed and docketed in order to facilitate and render regular the issuance of the official receipts by Ms. San Juan. In the matter at hand, the release of accused Rodolfo Lantano was effected without the proper filing of the information and other documentary attachments required in posting bail under the Rules of Court. The submission of the requirements the following day did not remedy the flaw in the processing of the bail application owing to Mr. Leynes' non-compliance with procedural rules.

The participation of **Judge Rodolfo R. Bonifacio**, presiding judge of the