

SECOND DIVISION

[G.R. NO. 156311, December 16, 2005]

CENTRAL BANK OF THE PHILIPPINES, PETITIONER, VS. AURORA P. CASTRO, RESPONDENT

D E C I S I O N

PUNO, J.:

The Central Bank of the Philippines seeks to recover in this Petition for Review on Certiorari the sum of P100,000.00 which was allegedly over-transferred to respondent Aurora P. Castro in the course of her employment as Chief of the Tellers Division of the Cash Department. Petitioner alleges that the trial court misapprehended the facts when it dismissed the case for lack of evidence and the appellate court erred when it affirmed the dismissal.

The Central Bank of the Philippines is a government corporate body created under Republic Act No. 2605, as amended. It administers the monetary, banking and credit system of the Philippines.

Aurora P. Castro was the former Chief of the Tellers Division of the bank. She was in charge of servicing the currency requirements of the Tellers Division and the Foreign Currency Division as well as the withdrawals of commercial banks.^[1] She was employed by petitioner in 1950 and was retired from the service effective October 1, 1988, cleared of all money and/or property accountabilities.^[2]

Petitioner alleges that the subject money it seeks to recover was over-transferred to respondent during a cash transfer under the following routine procedure:

An accountable officer sorts the clean notes from the unclean notes. The clean notes – packaged, bundled and tied – are to be transferred to the Chief of the Tellers Division of the Cash Department – the position then held by respondent. It is the duty of the accountable officer to count the clean notes and segregate them into packages. Each package consists of one hundred notes. The packages are thereafter bundled with ten packages per bundle. The bundles are tied at the Toshiba Tying Machine by a currency laborer accompanied by an accountable officer. After the bundles are tied, they are arranged and padlocked inside transport bill carts which are kept at the office of the accountable officer. The accountable officer keeps the keys to the transport bill carts.

On the day of the transfer, the accountable officer is accompanied by a currency laborer. They take the transport bill carts to the compartment of the Chief of the Tellers Division of the Cash Department. Inside this compartment is a cash vault where the transfer takes place. The accountable officer opens the transport bill carts and hands the bundles to the Chief of the Tellers Division for verification. The Chief of the Tellers Division first conducts a per bundle verification and later a per package

verification. Every currency transfer is evidenced by a Cash Transfer Slip prepared by the accountable officer. If the figures stated in the Cash Transfer Slips are verified to be correct, the Chief of the Tellers Division signs the Cash Transfer Slips in triplicate and keeps one of the copies. The accountable officer thereafter leaves the cash vault and takes the emptied transport bill carts back to his office.

Petitioner offered the testimony of Elisa M. de Vera (de Vera), the accountable officer who allegedly over-transferred P100,000.00 to respondent.^[3] As the previous Assistant Chief of the Operating Cash Division B at the Cash Department, de Vera was tasked to process unverified notes, segregate the clean from the unfit notes, and bundle the clean notes for cash transfer to the Chief of the Tellers Division, herein respondent.^[4]

De Vera testified that in the evening of February 23, 1987, she started sorting the clean notes from the unclean notes. She prepared, counted and placed 442 bundles of 100-peso denomination totaling P44,200,000.00 and 108 bundles of 50-peso denomination totaling P5,400,000.00 inside three (3) transport bill carts with properly padlocked lids. At around 6:20 p.m., she was able to complete one (1) more bundle of 100-peso denomination. She placed the extra bundle inside one of the three transport bill carts. The extra bundle was improperly tied, *i.e.*, not tied at the Toshiba Tying Machine. She also allegedly failed to note the extra bundle in her control sheet. Hence, when she prepared the two Cash Transfer Slips, she based the number of the 100-peso and 50-peso bundles on the control sheet. She accomplished the Cash Transfer Slips in triplicate.

In the morning of February 24, 1987, de Vera made a cash transfer to respondent. She was assisted by Antonio Dagot, a Currency Laborer. They went to the vault compartment of respondent to deliver the bundles which were padlocked inside three transport bill carts.

While they were unloading the bundles from the second transport bill cart, they noticed the improperly tied bundle. Dagot picked up the improperly tied bundle to have it tied at the Toshiba Tying Machine but he was stopped by de Vera. Under Central Bank Rules and Regulations, a currency laborer is not allowed to tie bundles at the Toshiba Tying Machine without being accompanied by a supervisor. Dagot returned the improperly tied bundle and placed it inside the first emptied transport bill cart.

After the bundles were unloaded, de Vera and respondent signed Cash Transfer Slip Nos. 206256 and 206258 attesting that all notes listed in the Cash Transfer Slips were counted and received by respondent. Cash Transfer Slip No. 206256 bore that 442 bundles of 100-peso denomination totaling P44,200,000.00 were transferred, while Cash Transfer Slip No. 206258 stated that 108 bundles of 50-peso denomination totaling P5,400,000.00 were transferred. De Vera and Dagot, with the improperly tied bundle inside one of the transport bill carts, left the office of respondent.

At around 6:00 p.m. of the same day, de Vera discovered that she was short of P100,000.00. She asked her bookkeeper to review all her transactions but the shortage remained. She reported the shortage to Milagros Mijares, the Assistant to the Governor of the Central Bank. De Vera also approached respondent and inquired

if her account for the day was balanced. Respondent answered that it was balanced. De Vera informed respondent that she was missing one (1) bundle of 100-peso denomination equivalent to P100,000.00.

Two (2) days after the transfer, de Vera informed Dagot about the shortage. Dagot allegedly told her about the improperly tied bundle which he tied at the Toshiba Tying Machine. Believing that it was part of the cash transfer made that morning, he allegedly immediately brought it to respondent who told him to give it to Librado Flores. Flores was respondent's currency laborer who was then sitting at his office table which was inside the vault of respondent. After Flores verified the contents of the bundle, he placed the bundle in the money shelf. Dagot left thereafter. De Vera stated that she authorized Dagot to tie the improperly tied bundle at the Toshiba Tying Machine but admitted that she forgot to give him further instruction. Hence, the delivery of the extra bundle was allegedly done without her knowledge.

Based on the circumstances, petitioner contends that the cash shortage of de Vera was due to the mistake committed by Dagot. Petitioner however avers that the over-transfer of P100,000.00 made respondent the trustee of an implied trust for its benefit. Respondent cannot therefore unjustly enrich herself as the law requires her to return the subject amount which was delivered to her by mistake.^[5]

Respondent Aurora P. Castro testified^[6] that in the morning of February 24, 1987, de Vera, assisted by Currency Laborer Antonio Dagot, transferred to her 442 bundles of clean 100-peso denomination and 108 bundles of clean 50-peso denomination.^[7] The cash transfer took place inside her cash vault which was located within her compartment.^[8]

The bundles of 50-peso denomination were first unloaded. She verified if there were ten packages per bundle and if each bundle matched the figures in the Cash Transfer Slips. After verification, the bundles were stockpiled in the rack. The bundles of 100-peso denomination were unloaded next. While she was verifying the bundles, respondent allegedly noticed that one bundle was improperly tied. Dagot picked up the improperly tied bundle to tie it at the Toshiba Tying Machine but he was stopped by de Vera. The latter set aside the bundle in one of the emptied carts.

After the transfer, respondent stated that she requested de Vera to have Dagot tie the bundle and return the same to her immediately. Dagot allegedly did as he was told and returned the now properly tied bundle to respondent after approximately two (2) minutes. After verification, respondent requested Dagot to hand the bundle to Flores, her currency laborer, who stockpiled the bundle in the money shelf. Respondent stated that it was only after the subject bundle was delivered that she signed the Cash Transfer Slips. She allegedly asked Teresita Manigque, who was in her cash vault at that time, to deliver the Cash Transfer Slips to de Vera. These Cash Transfer Slip Nos. 206256 and 206258 prove that 442 bundles of clean 100-peso denomination and 108 bundles of clean 50-peso denomination were transferred by de Vera to respondent on February 24, 1987.

At the end of the day, respondent made an inventory of her cash holdings and found her cash accountability balanced.^[9] She submitted her balanced proof sheet to the Accounting Division.^[10]

Respondent agreed with the testimony of de Vera that in the evening of the same day, the latter asked if her account was balanced. She affirmed that it was balanced while de Vera admitted that she was missing one bundle of clean P100-peso denomination equivalent to P100,000.00.^[11]

Respondent maintained that the bundle of clean 100-peso denomination which was separately and belatedly delivered to her by Dagot was part of the cash transfer as reflected in Cash Transfer Slip No. 206256. She was required to submit to a polygraph test conducted by the National Bureau of Investigation. It yielded negative results. Petitioner was also "cleared of all money and/or property accountabilities" when she applied for Optional Retirement as evidenced by her Clearance Certificate dated September 27, 1988.^[12]

Antonio Dagot,^[13] the Currency Laborer who assisted de Vera during the cash transfer, testified that after he and de Vera left the cash vault of respondent, they brought the improperly tied bundle to the Toshiba Tying Machine. After tying, he allegedly returned to the cash vault of respondent despite the lack of instruction from de Vera. Upon delivery, respondent allegedly instructed him to hand the bundle to Flores, respondent's Currency Laborer who was then inside the cash vault. Dagot further testified that he tied the bundle at the Toshiba Tying Machine in the presence of de Vera. He alleged that the subject bundle was part of the 442 bundles of 100-peso denomination transferred on February 24, 1987.^[14]

Librado Flores, another Currency Laborer at Central Bank, testified that at the time of the questioned cash transfer, he was assigned to respondent's compartment. His work area was also located inside respondent's cash vault. He admitted that when Dagot returned to the office of respondent to deliver the subject bundle, respondent told Dagot to hand it to him. After he had verified the contents of the bundle, he allegedly placed the subject bundle in the money shelf. Dagot left respondent's cash vault thereafter.^[15]

The court *a quo* ruled for respondent, *viz.*:

x x x The evidence, as evaluated, has not at all sufficiently convinced the Court of defendant's liability. While the possibility perhaps remains that an [over-transfer] to the defendant was made, no preponderance of evidence has been shown to substantiate plaintiff's claim.^[16]

The Court of Appeals denied petitioner's appeal for lack of merit. Hence, this petition under Rule 45 of the Rules of Court raising the lone issue, *viz.*:

THERE IS A GRAVE MISAPPREHENSION OF FACTS AND ERROR OF LAW ON THE PART OF THE COURT OF APPEALS IN RULING THAT RESPONDENT MS. CASTRO HAS NO LIABILITY OR LEGAL DUTY TO ACCOUNT FOR THE UNTIED BUNDLE OF P100.00[-] BILL DENOMINATION AMOUNTING TO P100,000.00.^[17]

Petitioner contends that respondent, as the former Chief of the Tellers Division, is an accountable officer under Presidential Decree No. 1445, otherwise known as the Government Auditing Code of the Philippines. It invokes the following provisions of the law, *viz.*: