

EN BANC

[A.M. No. 98-2-30-MCTC, November 24, 1998]

RE: REPORT OF SENIOR CHIEF STAFF OFFICER ANTONINA A. SORIA, ON THE FINANCIAL AUDIT CONDUCTED ON THE ACCOUNTS OF CLERK OF COURT ELENA E. JABAO, MUNICIPAL CIRCUIT TRIAL COURT, JORDAN-BUENAVISTA-NUOVA VALENCIA, GUIMARAS.

RESOLUTION

VITUG, J.:

The instant administrative case before the Court stems from a report, dated 14 March 1996, submitted by Senior Chief Staff Officer Antonina A. Soria to deputy Court Administrator Zenaida N. Elepaño on the judicial audit conducted concerning, among other things, the accounts of Elena E. Jabao, Clerk of Court of the Municipal Circuit Trial Court ("MCTC") of Jordan-Buenavista-Nueva Valencia, Guimaras, covering the period from May 1985 to July 1994. The report revealed that Jabao had failed to timely remit her Judiciary Development Fund ("JDF") collections from July to October 1987 and from January 1988 to November 1993, until the sum thereof, totaling P23,584.00 was finally deposited by her on 03 December 1993.

Jabao explained in her letter, dated 27 February 1996, addressed to Senior Chief Officer Soria that her failure to promptly deposit the JDF collections had been due to her tremendous workload. She claimed that aside from her regular duties at the MCTC, she was also designated to act as Court Stenographer in three municipalities from July 1978 to October 1991 to fill in for the court stenographer, Ma. Luz Ortiz-Tavarrro, who apparently was not yet well-versed in stenography. Compounding the matter, according to Jabao, was the loss of official receipts which he insinuated could have been work of one William C. Seville, a process server, who had earlier been convicted of theft.

Senior Chief Staff Officer Soria recommended that Clerk of Court Jabao be merely admonished for being remiss in the performance of her duties. The Office of the Court Administrator, through Deputy Court Administrator Zenaida N. Elepaño, expressed disagreement and instead recommended that Clerk of Court Jabao be "FINED in the amount of EIGHT THOUSAND PESOS (P8,000.00) for dereliction of duty and serious misconduct prejudicial to the interest of judicial service, with a stern WARNING that a repetition of the same and similar act in the future (would) be dealt with more severely."

The Court adopts the above findings of the OCA and accepts its recommendation.

Administrative Circular 5-93 states:

- "3. Duty of the Clerks of court, Officers-in-Charge or accountable officers.
- The clerks of Court, Officers-in-Charges of the Office of the Clerk of