

FIRST DIVISION

[A.M. No. P-96-1178, February 06, 1996]

JUDGE ANICETO A. LIRIOS, COMPLAINANT, VS. SALVADOR P. OLIVEROS, CLERK OF COURT, MUNICIPAL TRIAL COURT, NAVAL, BILIRAN, RESPONDENT.

D E C I S I O N

BELLOSILLO, J.:

This administrative case arose from a letter of Judge Aniceto A. Lirios, Municipal Trial Court, Naval, Biliran, dated 20 April 1995, addressed to the Chief of the Supreme Court Audit Team reporting that his Clerk of Court Salvador P. Oliveros committed the following irregularities: (1) He failed to account for consignment deposits made with him as Clerk of Court in Civil Case No. 324, *Veneracion v. Yu King Hua*, for illegal detainer, and in Civil Case No. 356, *Veneracion v. Eng Kee Ong*, also for illegal detainer; (2) He came to the Supreme Court and requisitioned one (1) typewriter, two (2) stand fans and other office equipment without the consent of complainant judge and thereafter kept the equipment, except the typewriter, in his house.

As regards the first charge of irregularity, Judge Lirios claims that in Civil Case No. 356 the consignment deposits totalled P49,500.00 covered only by temporary receipts issued by respondent to defendant Eng Kee. Since complainant assumed office as presiding judge only in June 1993, he could only determine the irregularities committed from that time on. Judge Lirios also reports that the Office of the Municipal Treasurer of Naval, Biliran, had issued a certification that no collections or monies in the aforesaid civil cases had been deposited with his office by respondent.

In his Office Order No. 95-1 dated 16 January 1995 Judge Lirios required respondent to turn over to his court within ten (10) days all amounts consigned in connection with Civil Cases Nos. 324 and 356. In his position paper supported by an affidavit, defendant Eng Kee presented machine copies of the temporary receipts issued by respondent from February 1992 to December 1994.

On 18 January 1995 respondent filed with the Regional Trial Court of Biliran his Comment on the Office Order of Judge Lirios. Respondent claims that Judge Lirios verbally instructed him to get office supplies and equipment from the Supreme Court and complying with the instruction he was able to bring home with him one (1) typewriter, two (2) electric fans, two (2) staplers, office supplies and accountable forms all covered by a Memorandum Receipt and a Requisition and Issue Voucher. He further claims that he personally delivered the office supplies and accountable forms on 6 January 1995 and told his OIC Clerk of Court to get the typewriter and electric fans from his house.

Acting on Judge Lirios' letter, Ms. Antonina A. Soria, Director III, Fiscal Audit Division