

## **EIGHTEENTH DIVISION**

**[ CA G.R. CEB SP NO. 03881, February 28, 2014 ]**

**MELBA DAVA, PETITIONER, VS. LAND BANK OF THE  
PHILIPPINES, RESPONDENT.**

### **D E C I S I O N**

**DIY, J.:**

This Petition for Review<sup>[1]</sup> under Rule 43 of the 1997 Rules of Civil Procedure filed by Melba Dava (hereafter, "petitioner") seeks to annul the Resolutions<sup>[2]</sup> dated May 19, 2008 and September 26, 2008 of the Civil Service Commission (hereafter, the "CSC").

The antecedents are as follows:

The instant case originated from a Formal Charge<sup>[3]</sup> for Dishonesty, Grave Misconduct, Committing Acts Punishable under Anti-Graft Laws, Violation of Reasonable Office Regulations, Falsification of Official Documents, Contracting Loans of Money or Other Property from Persons with whom the Office of the Employee Concerned has Business Relations, and Conduct Prejudicial to the Best Interest of the Service filed by Land Bank of the Philippines (hereafter, "LANDBANK") against petitioner before the Board of Directors of LANDBANK.

LANDBANK charged petitioner with the following illegal acts, viz:<sup>[4]</sup>

1. That while being the Chief of Division (COD) of the Cash Department, LANDBANK, Antique Branch, you extended loans of money to branch client Gemma Tating and in the process requiring her to leave with you pre-signed but blank withdrawal slips as a guarantee therefor and that on April 22, 1999, you caused the withdrawal of P19,000.00 from the account of Ms. Tating at LANDBANK Antique Branch using one of the pre-signed withdrawal slips of Ms. Tating by requesting and convincing branch janitor, Ferdinand Marquez, to act as Ms. Tating's representative and that you were the one who actually received the proceeds thereof from him. At the same time, you were the approving officer of the withdrawal transaction and, by your own admission, you had business transactions with Ms. Tating, for and in behalf of your husband, Douglas Dava.
2. That on September 29, 1998 and while being the COD of the Cash Department, LANDBANK Antique Branch, you borrowed P12,000.00 from the PICOS<sup>[5]</sup> of Branch Teller Vinalee Espares without the requisite cash transfer slip and paid the same from the proceeds of the PVAO (Philippine Veterans Administration Office) check of Mr.

Venancio Mostacho, which check was supposed to be for deposit only, the encashment of which was facilitated by you thru the signature endorsement of the Branch Document Examiner, Mr. Victor Vargas, who signed upon your request. Further, you yourself validated the said check and received the proceeds thereof from the paying teller.

That when the above transaction was ordered reversed by the Branch Manager, Ms. Portia Bravo, you caused and facilitated the withdrawal of the P12,000 from the branch deposit account of Ms. Marife Tordesillas, by filling up a withdrawal slip and then ordering and persuading Branch Teller, Vinalee Espares, to take up the withdrawal transaction even without the signature of said depositor on the condition and your promise that the client's signature will follow, after the Document Examiner, Mr. Vargas, earlier refused your request for him to verify the same withdrawal slip without the client's signature. Furthermore, the amount withdrawn was received by you as the depositor's representative and which you used to pay the P12,000.00 you borrowed from Branch Teller Espares earlier in the day.

3. That while being the COD, Cash Department, LANDBANK, Antique Branch, you borrowed the amount of P100,00.00 from Branch client, Ms. Consorcia Villanueva by withdrawing and/or causing the withdrawal of the said amount from her Branch PSP account which withdrawal transaction you approved and the proceeds thereof received by your husband, Mr. Douglas Dava.
4. That on July 16, 1999, while being the COD of the Cash Department, LANDBANK, Antique Branch, and during the turnover of your cashiering functions to Ms. Daryl Gumboc, wherein you concealed the shortage of P500,000.00 by reflecting a total cash beginning balance of P4,138,179.42 when it should have been P4,638,179.42, by understating the beginning balance for the P500.00 and P100.00 bills by P450,000.00 and P50,000.00, respectively, under the column 'BALANCE PREVIOUS DAY' and in the process, also understating the figures for sub-total for bills and grand total also under the column 'BALANCE PREVIOUS DAY', by P500,000.00. At the same time, you also understated the figures pertaining to the P500.00 and P100.00 bills under the columns 'BALANCE' and 'TOTAL' by P450,000.00 and P50,000.00, respectively, and likewise, you understated the figures pertaining to the sub-total for bills and grand total under the columns "BALANCE" and "TOTAL" by P500,000.00. In addition, you reflected in the same CIV<sup>[6]</sup> summary a different composition of the bills actually received as cash assistance from Allied Bank, Antique in the amount of P1.0 Million by understating the P1,000.00 bills by P500,000.00 and overstating the P500.00 and P100.00 bills by P450,000.00 and P50,000.00, respectively.

And after the CIV summary (as you originally prepared and presented) was signed by Ms. Daryl Gumboc, you took custody of the same, caused

the alterations to reflect the true figures to include the shortage of P500,000.00 by altering the entries/figures pertaining to the following:

- 1) Under the column "PREVIOUS DAY BALANCE"
  - a) 2nd line pertaining to the P500.00 bills;
  - b) 2nd line pertaining to the P100.00 bills;
  - c) 8th line pertaining to the sub-total for bills; and
  - d) last line pertaining to the GRAND TOTAL;
- 2) Under the column "BALANCE"
  - a) 2nd line pertaining to the P500.00 bills;
  - b) 2nd line pertaining to the P100.00 bills;
  - c) 8th line pertaining to the sub-total for bills; and
  - d) last line pertaining to the GRAND TOTAL;
- 3) Under the column "TOTAL"
  - a) 2nd line pertaining to the P500.00 bills;
  - b) 2nd line pertaining to the P100.00 bills;
  - c) 8th line pertaining to the sub-total for bills; and
  - d) last line pertaining to the GRAND TOTAL;

and then on July 18, 1999, a Sunday, you went to the residence of Manager Portia Bravo to request her to affix her signature to the "altered" CIV Summary for July 16, 1999 such that the shortage of P500,000.00 was discovered only on July 19, 1999 when the altered CIV Summary was received and seen by Ms. Daryl Gumboc.

Petitioner filed her Answer<sup>[7]</sup> dated May 31, 2000. Petitioner asserted no irregularity with respect to the allegation that she lent money to a friend. Moreover, she contended that withdrawal of the amount of P19,000.00 from the account of Ms. Gemma Tating by Ferdinand Marquez and her act of filling up the pre-signed withdrawal slip of Ms. Tating were with the latter's consent. Besides, petitioner claimed that her approval of the no-book withdrawal transaction respecting Ms. Tating's account was made in her capacity as the next-in-rank officer of the bank in the absence of the branch manager and is a long-practiced policy of the bank. Petitioner further denied having borrowed P12,000.00 from the PICOS of branch teller, Espares. With respect to the client Mostacho's PVAO check wherein petitioner appeared as the last endorser, she asserted that she signed the same for credit to the account of said client. Branch manager Bravo consented thereto, specifically to the arrangement of taking this up as cash deposit, but was later reversed on the prodding of branch accountant Rex C. German. With respect to the P100,000.00 withdrawal from the account of Mrs. Consorcía Villanueva, petitioner contended that it was a personal transaction with Mrs. Consorcía Villanueva, the latter being her grand aunt. Mrs. Villanueva gave full consent and authority for said withdrawal to help petitioner in the financial difficulty of the latter's family. Moreover, said amount was withdrawn way back in 1996. However, the issue cropped up only in 1999. Petitioner's approval of withdrawal of said amount from the account of Mrs. Consorcía Villanueva was within petitioner's approving limit and not violative of any banking rule or procedure.

With respect to the allegation of the shortage of P500,000.00, petitioner contended

in her Answer:<sup>[8]</sup>

In the morning of July 16, 1999, Ms. Janice C. Hilay, who is an Officer based in the Office of the Regional Head, Regional Office VI arrived at LBP Antique USP.

Before 3:00 o'clock in the afternoon of the same day, Ms. Daryl C. Gumboc, who was on programmed leave, arrived from Pandan, Antique.

At about 3:00 o'clock in the afternoon of July 16, 1999, respondent received from Mrs. Portia A. Bravo Cluster Order No. 178 dated July 12, 1999 re-assigning her to the Regional Office as Acting Technical Assistant-Banking. Upon receipt of the said Order, respondent was requested by Ms. Bravo to prepare and turn over all her accountabilities --- cash and accountable forms, keys, combination, files, including the file of the CIV Summary covering the months of January to July 16, 1999. Stated otherwise, Respondent was made to prepare and to turn over everything that was inside the vault of the bank and all her documents like the Logbook, Security Folders, and all other documents for which she is accountable to the bank.

Respondent asked if the COA representative was notified but Manager Bravo and Ms. Hilay said that "we think it is not needed anymore as the turnover is internal".

In compliance with the request of Ms. Bravo, Respondent prepared the List of things to be turned over to the incoming cashier, Daryl C, Gumboc, which are as follows:

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Thereafter, respondent verified her accountable forms and made a physical inventory of all the items listed to be turned over to the incoming cashier. The physical inventory was made in the presence of Daryl C. Gumboc, Janice Hilay, the representative of the Regional Office who personally carried Cluster Order No. 178, and the Accountant of the bank, Mr. Rex C. German, who all participated in the physical inventory.

After the physical inventory, respondent prepared the CIV Summary for the Dollars. Thereafter, Daryl C. Gumboc verified the report/summary and opened the dollar cash box and physically counted its contents in the presence and with the participation of Janice Hilay. After which, Gumboc affixed [sic] her signature to the summary to show proof of the fact that she has officially received the exact ending dollar balance as of July 16, 1999 in accordance with the summary earlier given to her by the respondent.

After the physical count and/or inventory of the ending dollar balance as of July 16, 1999, respondent made a written report of the Peso CIV Summary and she came out with P4,198,586.27 as the ending peso balance as of July 16, 1999. In this Peso CIV Summary, corrections were made because the actual cash holdings per denomination as of July 15, 1999 vary from the CIV Peso Summary that Respondent prepared for the same day, July 15, 1999, although the total of both the CIV Peso Summary and the actual cash holdings as of said date are the same --- P4,638,179.42

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When respondent prepared the Peso CIV Summary on July 16, 1999, she was about to correct the ending figure of the July 15, 1999 report, to reflect the actual cash holdings per denomination, as of July 15, 1999 in the "Balance Previous Day" column of July 16, 1999 CIV Summary amounting to P4,516,450.00, representing the total amount of the Peso Bills on hand, however, it would reflect a discrepancy in the denominations as compared to the CIV Summary Report prepared on July 15, 1999 even though the totals would reflect the same figure.

In preparing the beginning balance of the Peso CIV Summary as of July 16, 1999, Respondent inadvertently reflected the amount in the denominations as follows:

P500--- P1,152,000.00 instead of P1,602,000.00  
P100--- P196,000.00 instead of P246,000.00

The P1000 peso bill denomination reflected an overage [sic] of P500,000.00 in the Peso CIV Summary Report of July 15, 1999 as compared to the actual cash holding of even date. Thus, to initially correct the said summary, Respondent deducted the P500,000.00 from the denominations of P500 – in the amount of P450,000.00 and P100 – in the amount of P50,000.00 instead of adding the P450,000.00 in the P500 denomination and P50,000.00 in the denomination of P100 in the ending balance of July 15, 1999 Peso CIV Summary Report. Respondent came up with the total sum of Peso Bills in the amount of P4,016,450.00 because of the understated figure reflected in the P500 and P100 denomination that resulted to the following balances:

P500 – (P58,500.00)  
P100 - 3,000.00

Due to the understated figures in the P500 and P100 peso denominations, the peso bills sub-total amounted to P1,297,850.00 and a grand total of P1,411,550.46. If added to the "Withdrawn from CB" column, the sum totalled [sic] P2,411,550.46.

When Respondent verified and had a physical bundle count of the money inside the vault before the turn-over, she came out with the following figures:

	Actual Count (Balance+ CB Column)
P1000 –	P1,451,000.00
P 500-	1,041,500.00
P 100-	203,000.00
P 50-	31,500.00
P 10-	22,700.00
P 5-	550.00
<b>Total Bills</b>	<b>P2,797,850.00</b>

It was then that the adjustments in the "Withdrawn from CB" Column were made as follows:

	Actual Cash from	CB Adjustment
P1000---	P 700,000.00	P 200,000.00
P 500---	200,000.00	650,000.00
P 100---	100,000.00	150,000.00
<b>TOTAL</b>	<b>P1,000,000.00</b>	<b>P1,000,000.00</b>