

MALACAÑANG

Manila

ADMINISTRATIVE ORDER NO. 39

IMPOSING A FINE ON FORMER REGISTER OF DEEDS CLEOTILDE C. VENUS OF ABRA.

This is an administrative case against Atty. Cleothilde C. Venus, former Register of Deeds of Abra, for alleged grave misconduct and violation of circulars and regulations in the handling of government funds. The charges were inquired into by a special investigator from the Department of Justice.

Records show that, on October 18, 1982, respondent Venus was charged by then Acting Land Registration Commissioner Federico B. Alfonso, Jr., with grave misconduct for her failure (a) to submit on time her report on monthly collections for the period from January 1973 to August 1982 in violation of Section 105 of the National Accounting and Auditing Manual, Section 64 of Presidential Decree No. 1445, otherwise known as "The Government Auditing Code of the Philippines," and COA Circular No. 78-78, dated March 7, 1987; and (b) to account for the whereabouts of the sum of ₱75,171.89 representing her unremitted collections to the National Treasury for the period from January 1973 to October 1982.

In her answer, dated May 10, 1983, respondent Venus alleged that she had remitted said amount of ₱75,171.89 and promised to submit documentary proof thereof. She, however, waived her right to a formal hearing and submitted her case for decision by the Screening Committee, which was then reorganizing the Land Registration Commission (now the National Land Titles and Deeds Registration Administration or NLTDRA) pursuant to Executive Order No. 649.

In a subsequent investigation of respondent's cash and accounts, she was found anew to have had a total unremitted amount of ₱74,556.50 for the period from 1977 to 1979 and to have failed to keep and accomplish her cashbook and reconcile her cashbook balance and cash on hand at the close of each day. Hence, on October 14, 1983, she was again charged with violation of existing circulars and regulations in the handling of government funds. Instead of answering the charge, respondent moved to dismiss the same on the ground that she had ceased to be register of deeds as of November 6, 1986. She explained, however, that the missing collections had been remitted in her favor on June 11, 1985, by the NLTDRA Chief Accountant.

Thereafter, respondent was informed by the Secretary of Justice that her resignation had been accepted pursuant to Section 2, Article 3 of the Freedom Constitution (Proclamation No. 3) and Section 10 of Executive Order No. 17, effective upon the qualification into office of her successor. Respondent did not appeal her dismissal to the Appeals Committee created under the said Executive Order.

After due investigation, the Secretary of Justice agreed with the NLTDR Administrator that, while respondent had remitted the amount of ₱74,705.60, it does not erase her administrative liability and that, while she may be absolved of the charge of grave misconduct, she should be found guilty of violation of circulars and regulations in the handling of government funds. The Justice Secretary, however, found the penalty recommended by the NLTDR Administrator to be imposed on respondent of fine in an amount equivalent to her six months' salary to be too harsh, considering that this was respondent's first offense in her 30 years of government service. Accordingly, he recommended that respondent instead be fined in an amount equivalent to her salary of one month.

I find respondent guilty of both charges. Her having remitted the amount of ₱74,705.60 representing her collections from 1977 to 1979 may constitute a mitigating circumstance to be appreciated in her favor, but it certainly does not entirely wipe out her administrative and criminal liabilities. (Office of the Court Administrator vs. Soriano, Adm. Matter No. 2864-P, May 16, 1985, 136 SCRA 461, People vs. Miranda L-16122, May 30, 1961, 2 SCRA 261; U.S. v. Ongtenco, 4 Phil. 144). Hence, I agree with the Secretary of Justice and the NLTDR Administrator that respondent should be penalized. However, I disagree with their recommended penalty. In the interest of justice, I feel that the respondent should be fined in an amount equivalent to her two months' salary.

Moreover, the fact that respondent's resignation was accepted during the pendency of the administrative case against her did not render the same moot and academic as to preclude the imposition on her of the proper penalty (People vs. Valenzuela, L-63950-60, April 19, 1965, Perez vs. Abierra, Adm. Case No. 233-T, June 11, 1975, 65 SCRA 302).

WHEREFORE, former Register of Deeds Cleotilde C. Venus of Abra is hereby found guilty of grave misconduct and violation of circulars and regulations in the handling of government funds for which she is hereby fined in an amount equivalent to her two months' salary.

Done in the City of Manila, this 30th day of September, in the year of Our Lord, nineteen hundred and eighty-seven.

Prayon B. Aquino

By the President:

Catalino Macaraig, Jr.
CATALINO MACARAIG, JR.
Acting Executive Secretary