



Republic of the Philippines
Supreme Court
Manila City

EN BANC

OFFICE OF THE COURT
ADMINISTRATOR,
Complainant,

A.M. No. SCC-26-007-P
[Formerly JIB FPI No. 24-008-
SCC-P]

-versus-

Present:

AL JAMEL E. BARATAMAN,
Clerk of Court II, Shari'ah
Circuit Court, Marawi City-
Saguiaran-Kapai-Tagaloan II-
Piagapo, Lanao del Sur,
Respondent.

GESMUNDO, C.J.,
LEONEN,
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
GAERLAN,
ROSARIO,
LOPEZ,
DIMAAMPAO,
MARQUEZ,
KHO, JR.,
SINGH, and
VILLANUEVA, JJ.*

Promulgated:

February 4, 2026

X-----

DECISION

PER CURIAM:

* No part.

Before the Court is a Memorandum,¹ dated September 30, 2024, of the Office of the Court Administrator (**OCA**), charging Al Jamel E. Barataman (**Barataman**), Clerk of Court II, Shari'ah Circuit Court, Marawi City-Saguiaran-Kapai-Tagaloan II-Piagapo, Lanao del Sur, with Gross Misconduct constituting a violation of the Code of Conduct for Court Personnel,² Serious Dishonesty and Gross Neglect of Duty in the performance or non-performance of official functions.³

The Facts

Pursuant to the Travel Authority,⁴ dated April 4, 2024, and Travel Order No. 68-2024, Series of 2024,⁵ dated April 15, 2024, the Fiscal Monitoring Division (**FMD**), Court Management Office (**CMO**), OCA, conducted a financial audit on the books of account of the Marawi City Shari'ah Circuit Court from April 15 to 27, 2024, covering the accountabilities of Barataman for the period of November 1, 2020 to April 25, 2024.⁶

The financial audit was conducted pursuant to the Letter-Request,⁷ dated February 6, 2023, of the Accounting Division (**AD**), Financial Management Office (**FMO**), due to the continued failure of Barataman to submit the required monthly and quarterly financial reports on the collections, deposits and withdrawals of judiciary funds.⁸

The audit covered all pertinent documents relative to the collection and deposit transactions of court-maintained funds, specifically the Judiciary Development Fund (**JDF**), Special Allowance for the Judiciary Fund (**SAJF**) and SC-OCA Mediation Fund (**MF**), as well as the collection, deposit and withdrawal transactions involving the Sheriff's Trust Fund (**STF**).⁹

In a September 30, 2024 Memorandum,¹⁰ the OCA Financial Audit Team reported that Barataman incurred a shortage in the amount of PHP 690,158.20 and was also liable for unearned interest in the amount of PHP 69,750.20 due to the delayed deposit of court collections.¹¹

Audit Findings and Observations

¹ *Rollo*, pp. 1-39.

² A.M. No. 03-06-13-SC, May 15, 2004.

³ *Rollo*, pp. 34-35.

⁴ *Id.* at 45-46.

⁵ *Id.* at 47.

⁶ *Id.* at 48, 217.

⁷ *Id.* at 49.

⁸ *Id.*

⁹ *Id.* at 218.

¹⁰ *Id.* at 1-39.

¹¹ *Id.* at 35.

I. *Cash Examination*

During the cash examination on April 22, 2024, the audit team was unable to proceed because Barataman did not present either the cash on hand or the most recent deposit slip, which the team found suspicious. When asked to explain, Barataman stated that the collections had been deposited in his personal account.¹² The team reminded him that unremitted collections must be kept in the court's safety vault and remitted regularly, pursuant to OCA Circular No. 277-2023.¹³

II. *Inventory of Official Receipts*

In the inventory of official receipts, the audit team found that one booklet and seven original copies of unused duplicate and triplicate copies were missing.¹⁴ The missing series of official receipts were identified as follows:

Inclusive Serial Nos.	Fund Allocation	No. of Booklets	No. of Originals
6706951 - 6707000	STF	1	
1146971 - 1146973			3 ¹⁵
3798801 - 3798803			3 ¹⁶
6705951			1 ¹⁷
TOTAL			1

The audit team found it suspicious that the STF booklet was missing and that seven original official receipts were likewise missing, even though the unused duplicate and triplicate copies remained attached to the booklet. As of the audit, Barataman had not presented any of the missing official receipts.¹⁸

III. *Sheriff's Trust Fund*

¹² *Id.* at 218.

¹³ Guidelines on the Proper Handling of Court Collections not Coursed through the Judiciary Electronic Payment Solution, Remittance to their Respective Government Accounts, and Withdrawals of All Collections from the Fiduciary Fund and Sheriff's Trust Fund dated August 7, 2023.

¹⁴ *Rollo*, p. 218.

¹⁵ *Id.* at 58-63.

¹⁶ *Id.* at 64-69.

¹⁷ *Id.* at 70.

¹⁸ *Id.* at 219.

The audit of the STF showed an unwithdrawn balance of PHP 157,107.00 as of April 25, 2024. However, when reconciled against Land Bank of the Philippines (LBP) Savings Account No. 1261-2356-05, maintained with the LBP Marawi City, the audit team found a shortage of PHP 32,000.00.¹⁹ The shortage was attributed to unreceipted/unremitted STF collections, including those covered by Official Receipt Nos. 1146971 to 1146973, and collections for certain civil cases.²⁰

At the exit conference, Barataman's initial STF shortage was PHP 58,000.00. He initially claimed that there were no deposits made after September 30, 2023, but upon submission of an updated passbook on April 26, 2024, the audit team found additional deposit entries and deducted these from the initial shortage, reducing it to PHP 32,000.00.²¹

The audit team further noted limitations in the audit trail: collections from April 19, 2023 to April 25, 2024 were based only on the case folders presented; the team could not verify whether official receipts have been issued because the current STF official receipt booklet was missing and the case folders lacked attached legal fees forms. Moreover, incomplete docket book entries and missing records hindered the verification of whether all civil case folders have been presented.²²

Because Barataman failed to submit the required list of civil cases filed from November 2020 to April 25, 2024, Officer-in-Charge Salahuden L. H. Taja, Court Interpreter I, submitted the list by email on June 3, 2024. The verification revealed Judiciary ePayment Solution (JEPS) official receipts numbers not found during the audit because only one transaction had been extracted from the JEPS portal as of April 25, 2024. The audit team then extracted JEPS official receipts as of May 31, 2024 and discovered 20 JEPS official receipts, dated May 21 to 23 and 28, 2024, totaling PHP 20,000.00 for STF, which were transactions referring to civil cases earlier classified as unreceipted and undeposited as of April 25, 2024.²³

Upon discovery, the audit team called Barataman to ask who paid for the said transactions. Barataman admitted that he processed and paid the said transactions through the JEPS. The audit team asked why he resorted to such action and directed him to submit a written explanation, with which he had not complied.²⁴

While the audit team found the method of restitution inappropriate, it deducted the PHP 20,000.00 JEPS payments from Barataman's accountability

¹⁹ *Id.*

²⁰ *Id.* at 220.

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.* at 220–221.

since the JEPS official receipts pertained to the shortage as of the cut-off date. Consequently, his STF shortage was reduced to PHP 12,000.00.²⁵

IV. *Judiciary Development Fund*

The audit of the JDF disclosed a shortage of PHP 49,176.00, computed as follows.²⁶

Particulars	Amount (PHP)
Cash Collections	66,227.60
Add: JEPS Collections	1,914.00
Total	68,141.60
Less: Cash Deposits	17,051.60
JEPS Deposits	1,914.00
(Total Deposits	18,965.60)
Balance	49,176.00 (Emphasis in the original)

The audit report also noted that the initial shortage during the exit conference was PHP 43,002.40, which increased to PHP 49,176.00 after the audit team further examined registrations of Muslim marriages, conversion, and divorce.²⁷

Thereafter, the audit team found that Barataman partially restituted the questioned JDF transactions. The amount he remitted was credited in his favor and deducted from his accountability. As a result, the initial JDF shortage of PHP 49,176.00 was reduced to PHP 48,448.00.²⁸

V. *Special Allowance for the Judiciary Fund*

The audit of the SAJF disclosed a shortage of PHP 729,867.20, computed, as follows:²⁹

Particulars	Amount (PHP)
Cash Collections	957,822.40
Add: JEPS Collections	4,006.00
Total	961,828.40
Less: Cash Deposits	227,955.20
JEPS Deposits	4,006.00
(Total Deposits	231,961.20)
Balance	PHP 729,867.20 (Emphasis in the original)

²⁵ *Id.* at 221.

²⁶ *Id.*

²⁷ *Id.* at 221–222.

²⁸ *Id.* at 222.

²⁹ *Id.*

The audit report noted that the initial SAJF shortage during the exit conference was PHP 646,976.80, which increased to PHP 729,867.20 after further examination of the registrations of conversion and divorce and the list of filed cases from November 1, 2020 to April 25, 2024.³⁰ The shortage was later reduced after Barataman restituted PHP 10,972.00 through the JEPS (13 transactions) and PHP 100,000.00 through bank deposit on April 30, 2024. Thus, the total SAJF shortage was brought down to PHP 618,895.20.³¹

VI. *SC-OCA Mediation Fund*

For the SC-OCA Mediation Fund, the audit found a shortage of PHP 17,000.00, computed, as follows:³²

Particulars	Amount (PHP)
Cash Collections	17,000.00
Add: JEPS Collections	500.00
Total	17,500.00
Less: Cash Deposits	0.00
JEPS Deposits	500.00
Balance	17,000.00 (Emphasis in the original)

As with other funds, Barataman's "irregular" restitution through the JEPS, i.e., 13 transactions totaling PHP 6,500.00, was treated as a deduction, reducing his Mediation Fund shortage to PHP 10,500.00.³³

VII. *Other Non-Judiciary Fund*

The audit team noted that there was supposedly no collection for the Legal Research Fund (LRF) and Victim's Compensation Fund (VCF). However, a Memorandum,³⁴ dated May 24, 2021, from the OCA had directed Barataman to collect these fees. He claimed he did not collect them due to the unavailability of official receipts, but did not present any proof of a request for official receipts. Considering his remittance of filing fees through the JEPS for previously filed civil cases, the audit team concluded that filing fees had been collected without issuance of official receipts, and accordingly allocated amounts for LRF (PHP 10.00) and VCF (PHP 5.00).³⁵

³⁰ *Id.*

³¹ *Id.* at 222–223.

³² *Id.* at 223.

³³ *Id.*

³⁴ *Id.* at 192–196.

³⁵ *Id.* at 223.

	LRF (PHP)	VCF (PHP)
Cash Collections	340.00	170.00
JEPS Collections	10.00	5.00
Total Collections	350.00	175.00
Less: Cash Deposits	0.00	0.00
Less: JEPS Deposits	10.00	5.00
Balance	340.00	170.00 (Emphasis in the original)

As with the other funds, Barataman's restitution through the JEPS for 13 transactions, i.e., PHP 130.00 for LRF and PHP 65.00 for VCF, was treated as a deduction, reducing the LRF and VCF shortages to PHP 210.00 and PHP 105.00, respectively.³⁶

Consolidated Amounts

After examining additional documents submitted, the audit team determined total shortages amounting to PHP 690,158.20, broken down, as follows:³⁷

Fund	Amount (PHP)
STF	12,000.00
JDF	48,448.00
SAJF	618,895.20
MF	10,500.00
LRF	210.00
VCF	105.00
TOTAL	690,158.20 (Emphasis in the original)

The audit team further found Barataman liable for interest supposed to be earned from the judiciary collections belatedly deposited, computed at 6% *per annum* amounting to PHP 69,750.20:³⁸

Fund	Unearned Interest (PHP)
JDF	4,261.22
SAJF	61,915.00
STF	2,482.47
MF	1,091.51
TOTAL	69,750.20 (Emphasis in the original)

³⁶ *Id.* at 224.

³⁷ *Id.*

³⁸ *Id.*

Non-Issuance and Missing Official Receipts

The audit report also found that Barataman failed to issue official receipts for collections relating to registrations of marriages, conversion, divorce and civil cases filed, which violates Supreme Court Circular No. 26-97,³⁹ requiring the prompt issuance of official receipts for all monies received.⁴⁰ Barataman acknowledged this failure and claimed that he had been careless in relying on other employees.⁴¹

As to the missing official receipts, the audit report cited OCA Circular No. 22-94,⁴² explaining that duplicate and triplicate copies must be carbon reproductions of what is written on the original. The audit team observed that the missing originals appeared to have been intentionally detached, and that the official receipts were not defective because the booklet showed no traces of detachment. The report also emphasized that the official receipts booklet must be kept in safe custody. Given that the missing booklet was reportedly the one currently used for the STF, it should have been readily available.⁴³

Action by the Judicial Integrity Office

In a First Indorsement,⁴⁴ dated December 12, 2024, the Office of the Executive Director (**OED**), Judicial Integrity Board (**JIB**) directed Barataman to comment on the complaint against him. This was reiterated in a Tracer Letter,⁴⁵ dated January 27, 2025. However, Barataman did not file an answer.⁴⁶

Barataman still failed to file his comment despite subsequent repeated directives from the Judicial Integrity Office (**JIO**).⁴⁷ This unjustified failure was considered by the JIO as a waiver of his right to participate in the proceedings, pursuant to Section 3(3)⁴⁸ Rule 140 of the Rules of Court. Thus, the investigation proceeded based on available evidence on record.⁴⁹

The Report and Recommendation of the JIO

³⁹ Legal Fees Form for Lower Courts, dated May 5, 1997.

⁴⁰ *Rollo*, pp. 224–225.

⁴¹ *Id.* at 225.

⁴² Guidelines in the Proper Handling and Use of Official Receipts, dated April 8, 1994.

⁴³ *Rollo*, p. 225.

⁴⁴ *Id.* at 209–210.

⁴⁵ *Id.* at 213.

⁴⁶ *Id.* at 225.

⁴⁷ *Id.*

⁴⁸ SECTION 3(3). *Consequence of Respondent's Failure to Answer or Comment.* – Failure of the respondent to file his or her verified answer or comment in accordance with Section 3 (1) or (2) above shall, unless otherwise justified, result in his or her waiver to participate in the proceedings, and the investigation may proceed based on the available evidence on record.

⁴⁹ *Rollo*, p. 225–226.

On November 26, 2025, the JIO Officer-in-Charge Eduardo C. Tolentino (**OIC Tolentino**) issued his Report and Recommendation,⁵⁰ finding Barataman guilty of Gross Misconduct constituting violation of the Code of Conduct for Court Personnel, Serious Dishonesty and Gross Neglect of Duty in the performance or non-performance of official functions.⁵¹

He recommended that Barataman be dismissed from the service, with forfeiture of all benefits, and perpetually disqualified from reinstatement or appointment to any public office, including government-owned or controlled corporations, with cancellation of his civil service eligibility.⁵² He also recommended that Barataman be directed to reconstitute the shortages in the various judiciary fund accounts, with their unearned interests:

IN VIEW OF THE FOREGOING, it is respectfully submitted for the consideration of the Honorable Court that:

1. That the instant complaint be **RE-DOCKETED**;
2. Respondent Clerk of Court II **Al Jamel E. Barataman**, *Shari'ah* Circuit Court, Marawi City-Saguiaran-Kapai-Tagaloan II-Piagapo, Lanao del Sur, be found **GUILTY** of [G]ross [M]isconduct constituting violation of the Code of Conduct for Court Personnel, [S]erious [D]ishonesty and [G]ross [N]eglect of [D]uty in the performance or non-performance of official functions;
3. Respondent Barataman be **DISMISSED** from the service, with **FORFEITURE** of all benefits, and **PERPETUALLY DISQUALIFIED** from reinstatement or appointment to any public office, including government-owned or -controlled corporations, with **CANCELLATION** of his Civil Service eligibility;
4. Respondent Barataman be **DIRECTED TO RESTITUTE** the amount of **PHP 690,158.20**, representing the shortages in the various judiciary fund accounts;
5. Respondent Barataman be **DIRECTED TO PAY** the unearned interest amounting to **PHP 69,750.20**;
6. The Financial Management Office, Office of the Court Administrator, be **DIRECTED [TO] COMPUTE** the money value of respondent's accrued leave credits and **APPLY** the same to his accountabilities dispensing with the usual documentary requirements;
7. The Office of the Court Administrator be **DIRECTED** to file the appropriate criminal charges against respondent Barataman; and

⁵⁰ *Id.* at 217-232.

⁵¹ *Id.* at 231.

⁵² *Id.*

8. The Presiding Judge of the *Shari'ah* Circuit Court, Marawi City-Saguiaran-Kapai-Tagaloan II-Piagapo, Lanao del Sur, be **DIRECTED TO STRICTLY MONITOR** all the financial transactions of the court in strict adherence to the issuances of the Supreme Court on the proper handling of all judiciary funds, as he or she can be held equally liable for the infractions committed by the employees under his or her command and supervision.⁵³ (Emphasis in the original)

The JIO noted Barataman's admission before the audit team that he failed to regularly remit court collections and instead deposited them in his personal account, in violation of OCA Circular No. 277-2023.⁵⁴ Such conduct constitutes Dishonesty and Grave Misconduct, which is punishable by dismissal even if committed for the first time.⁵⁵

Barataman also violated Administrative Circular No. 35-2004,⁵⁶ directing all clerks of court or collecting officers to deposit their judiciary collections everyday with the authorized LBP branch; and Section 111 the of Government Accounting and Auditing Manual, which provides that all collections totaling PHP 500.00 and more should be remitted within 24 hours upon collection; otherwise, if below PHP 500.00, on a weekly basis.⁵⁷ His failure to timely remit collections constituted Gross Neglect of Duty, resulting in loss and impairment of judiciary funds. Consequently, he is liable for unearned interest on belatedly deposited collections, computed at 6% per annum, amounting to PHP 69,750.20.⁵⁸

The JIO further found that Barataman, in gross neglect of his duty, failed to submit the required monthly and quarterly financial reports for several judiciary funds over extended periods,⁵⁹ in violation of OCA Circulars Nos. 32-93,⁶⁰ 113-2004,⁶¹ 332-2022,⁶² 23-2009,⁶³ 130-2021⁶⁴ and 235-2017.⁶⁵

⁵³ *Id.* at 231–232.

⁵⁴ Guidelines on the Proper Handling of Court Collections Not Coursed Through the Judiciary Electronic Payment Solution (JEPS), Remittance to Their Respective Government Accounts, and Withdrawals of All Collections from the Fiduciary Fund and Sheriff's Trust Fund, dated August 7, 2023.

⁵⁵ *Rollo*, p. 227. Citing *Re: Final Report on the Financial Audit Conducted at the Municipal Trial Court of Midsayap, North Cotabato*, 516 Phil. 369, 375 (2006) [*Per Curiam, En Banc*].

⁵⁶ Guidelines in the Allocation of the Legal Fees Collected Under Rule 141 of the Rules of Court, as amended, between the Special Allowance for the Judiciary Fund and the Judiciary Development Fund, dated August 20, 2024.

⁵⁷ *Rollo*, p. 228.

⁵⁸ *Id.* at 228–229.

⁵⁹ *Id.* at 229–230.

⁶⁰ Collection of Legal Fees and Submission of Monthly Report of Collections, dated July 9, 1993.

⁶¹ Submission of Monthly Reports of Collections and Deposits, effective October 1, 2004.

⁶² Submission of General Fund Report on a Monthly Basis, dated December 1, 2022 and effective January 2023.

⁶³ Guidelines in the Implementation of the Court's Resolution in Administrative Matter No. 05-3-35-SC, dated March 3, 2009.

⁶⁴ Deposits of Mediation Fees into the New Philippine Mediation Fund Account, dated October 29, 2021.

⁶⁵ Submission of Quarterly Financial Report on the Sale of the Official Notarial Register, dated December 21, 2017.

Finally, the records showed that one booklet and seven original copies of official receipts for the STF were missing and could not be accounted for. The Evaluation emphasized that the loss of accountable forms exposed the Court to further shortages and reflected Barataman's failure to safeguard court property entrusted to him.⁶⁶

The Issue

Should Barataman be held administratively liable for Gross Misconduct, Serious Dishonesty and Gross Neglect of Duty in relation to the financial audit findings, dated September 30, 2024?

Ruling of the Court

On October 28, 2025, the Court approved the 2025 Code of Conduct and Accountability for Court Officials and Personnel (CCACOP)⁶⁷ which superseded the Code of Conduct for Court Personnel of 2004.⁶⁸ Under the CCACOP's Transitory Clause, the Code "shall be applied to all pending and future cases, except to the extent that, in the opinion of the Supreme Court, its retroactive application would not be feasible or would work injustice."⁶⁹ No such circumstances attend the present case.

In this case, Barataman was charged with Gross Misconduct constituting a violation of the 2004 Code of Conduct for Court Personnel, Serious Dishonesty and Gross Neglect of Duty, which are classified as Serious Offenses under Canon V, Section 19 of the CCACOP:

Canon V. Accountability

SECTION 19. *Serious Offenses*. — Serious Offenses include:

(a) Gross Misconduct constituting violations of this Code, the Code of Ethical Standards for Public Officials and Employees, or the Code of Professional Responsibility and Accountability for court officials and personnel who are members of the Bar;

...

(e) Serious Dishonesty;

(f) Gross Neglect of Duty[.]⁷⁰

⁶⁶ *Rollo*, p. 230.

⁶⁷ A.M. No. 25-06-11-SC (2025).

⁶⁸ A.M. No. 03-06-13-SC (2004).

⁶⁹ A.M. No. 25-06-11-SC, Approved October 28, 2025, sec. 1.

⁷⁰ A.M. No. 25-06-11-SC, Canon V, sec. 19.

The charges against Barataman were fully substantiated by the evidence on record.

It bears emphasis that clerks of court are custodians of court funds, revenues, records, properties and premises.⁷¹ As such, they are regarded as treasurer, accountant, guard and physical plant manager thereof.⁷² The nature of their work mandates the highest degree of competence, honesty and integrity.⁷³ Any shortage, misappropriation or failure to properly account for judiciary funds constitutes not only dishonesty,⁷⁴ but also Gross Neglect of Duty and grave misconduct, for which the clerk of court shall be held administratively liable.⁷⁵ The Court has held that even the full payment of the collection shortages will *not* exempt the accountable officer from liability.⁷⁶

Due process complied with

Despite repeated directives from the JIO, Barataman failed to file any comment or explanation on the charges against him.⁷⁷ Under Canon V, Section 6 of the CCACOP, such unjustified failure constitutes a waiver of the right to participate in the proceedings, and the case may be resolved based on the evidence on record:

Canon V. Accountability

Section 6. *Consequence of Failure to Comment.* – Failure of the respondent to file a verified comment shall, unless otherwise justified, result in a waiver of participation in the proceedings, and the investigation may proceed based solely on the complaint and available evidence on record.⁷⁸

Jurisprudence is settled that, in administrative proceedings, the essence of due process “is simply a fair and reasonable opportunity to be heard or explain one’s side, or an opportunity to seek a reconsideration of the action or ruling complained of.”⁷⁹ Here, Barataman was given more than sufficient chances to explain his side, but failed to do so. Thus, the case may be resolved based on the evidence on record. In this regard, the Court finds that the documentary and audit evidence sufficiently established his liability.

⁷¹ *Financial Audit Conducted at the Municipal Trial Court, Baliuag, Bulacan*, 753 Phil. 31, 37 (2015) [Per C. J. Sereno, First Division].

⁷² *Id.*

⁷³ *Office of the Court Administrator v. Salunoy*, 870 Phil 142, 144 (2020) [*Per Curiam, En Banc*].

⁷⁴ *Office of the Court Administrator v. Fortaleza*, 434 Phil. 511, 523 (2002) [*Per Curiam, En Banc*].

⁷⁵ *Office of the Court Administrator v. Viesca*, 758 Phil. 16, 25 (2015) [*Per Curiam, En Banc*]; *Office of the Court Administrator v. Salunoy*, 870 Phil 142, 155 (2020) [*Per Curiam, En Banc*].

⁷⁶ *Financial Audit Conducted at the Municipal Trial Court, Baliuag, Bulacan*, 753 Phil. 31, 37 (2015) [Per C. J. Sereno, First Division].

⁷⁷ *Rollo*, p. 225.

⁷⁸ A.M. No. 25-06-11-SC, Canon V, sec. 6.

⁷⁹ *Venadas v. Bureau of Immigration*, 876 Phil. 433, 447 (2020) [Per J. Reyes, First Division].

Gross Misconduct and Serious Dishonesty

Dishonesty is “the disposition to lie, cheat, deceive or defraud; untrustworthiness; lack of integrity; lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray.”⁸⁰ Dishonesty is a malevolent conduct that has no place in the Judiciary.⁸¹ The Court has warned that dishonesty, particularly that which amounts to malversation of public funds, shall not be countenanced.⁸²

Meanwhile, Gross Misconduct has been defined as “improper or wrong conduct, the transgression of some established rule of action, or a dereliction of duty.”⁸³ It is grave when it “involves any of the additional elements of corruption, willful intent to violate the law or to disregard established rules.”⁸⁴

There is no doubt as to Barataman’s guilt for Gross Misconduct and Serious Dishonesty. The audit findings conclusively showed that Barataman incurred shortages amounting to PHP 690,158.20 across several judiciary funds, namely the STF, JDF, SAJF, Mediation Fund, LRF and VCF. He admitted to the audit team that he deposited these court collections in his personal bank account, in clear violation of OCA Circular No. 277-2023.⁸⁵ Such deliberate deposit of court collections into his personal bank account and failure to timely remit judiciary funds also constitute violations of Canon IV, Sections 1 and 5⁸⁶ of the CCACOP, which require high professional competence and diligence among court personnel and responsible use and preservation of judiciary funds and resources.

As the JIO’s Evaluation highlighted, Barataman took advantage of his position as clerk of court and converted said public funds for his personal gain.⁸⁷ His infractions, namely: (1) unreceipted collections and under- or over-remittances related to the registration of Muslim marriages from November 2020 to January 31, 2022; (2) non-issuance of ORs and non-remittance of fees for the registration of Muslim marriages from February 2022 to April 25, 2024; (3) non-issuance of ORs and non-remittance of fees for the registration of conversions and divorces from November 2020 to April 25, 2024; (4) non-

⁸⁰ *Committee on Security and Safety, Court of Appeals v. Dianco, et al.*, 760 Phil. 169, 188 (2015) [Per J. Brion, *En Banc*].

⁸¹ *Office of the Court Administrator v. Puno*, 587 Phil 549, 554 (2008) [Per Curiam, *En Banc*].

⁸² *Id.*

⁸³ *Malabed v. De la Peña*, 780 Phil. 462, 471–472 (2016) [Per J. Carpio, *En Banc*].

⁸⁴ *Geronca v. Magalona*, 568 Phil. 564, 570 (2008) [Per Curiam, *En Banc*].

⁸⁵ *Guidelines on the Proper Handling of Court Collections Not Courted Through the Judiciary Electronic Payment Solution (JEPS), Remittance to Their Respective Government Accounts, and Withdrawals of All Collections from the Fiduciary Fund and Sheriff’s Trust Fund*, dated August 7, 2023

⁸⁶ Section 1. *Requirement of High Professional Competence and Diligence.* – Court officials and personnel shall exhibit a higher level of professional competence and diligence as they discharge their official duties; Section 5. *Responsible Use of Court Resources.* Court officials and personnel shall responsibly and conscientiously preserve and utilize the Judiciary’s resources, properties, and funds.

⁸⁷ *Rollo*, p. 227.

issuance of ORs and non-remittance of fees in several civil cases filed from April 2021 to April 25, 2024; and (5) the deposit of court collections into his personal account; were not the result of mere inadvertence.⁸⁸ Rather, these acts were committed with conscious and deliberate intent, evincing a malicious and immoral propensity. His repeated misappropriation of judiciary funds is inconsistent with good faith.⁸⁹

Further, he caused unearned interest to accrue on judiciary collections due to delayed remittances.⁹⁰ Barataman exhibited Gross Neglect of Duty when he failed to timely remit the collections resulting to the loss, shortage or impairment of the subject judiciary funds.⁹¹ Consequently, Barataman is also liable for the interest supposed to be earned from the judiciary collections belatedly deposited, computed at the rate of 6% per annum amounting to PHP 69,750.20.⁹²

Jurisprudence has established that failure to remit judiciary funds in time also constitutes “Gross Dishonesty and Gross Misconduct, which cannot be countenanced by the Court for they diminish the faith of the people in the Judiciary.”⁹³ Likewise, the act of misappropriating judiciary funds constitutes Gross Dishonesty and Grave Misconduct, which are grave offenses punishable by dismissal even if committed for the first time.⁹⁴

That Barataman attempted to restitute certain amounts, some even after the audit cut-off date and through irregular JEPS transactions,⁹⁵ does not exculpate him. His partial restitution, made belatedly or irregularly, does not negate his administrative liability. Canon V, Section 2(c)⁹⁶ of the CCACOP expressly provides that settlement, restitution, compromise, withdrawal of the complaint or desistance of the complainant shall not interrupt or terminate disciplinary proceedings, absent exceptional circumstances, none of which obtain in this case. The Court also repeatedly emphasizes that even the full restitution of the collection shortages will not exempt the accountable clerk of court from liability.⁹⁷

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Id.* at 227–228.

⁹¹ *Id.* at 228.

⁹² *Id.*

⁹³ *In re: Delantar*, 520 Phil 434, 441–443 (2006) [*Per Curiam, En Banc*].

⁹⁴ *Id.*

⁹⁵ *Rollo*, pp. 221–224.

⁹⁶ Canon V, Section 2 (c) states:

Circumstances not affecting the proceedings; exceptional circumstances. – The desistance of the complainant, settlement, compromises, restitution, withdrawal of the disciplinary action by the complainant, failure of the complainant to prosecute the same, the death of the complainant, the respondent's transfer of residence to a foreign country, or analogous circumstances, shall not interrupt or terminate the investigation of disciplinary actions conducted by the JIO, unless exceptional circumstances exist to warrant the termination or dismissal of the action, as may be determined and recommended by the JIO to the Supreme Court.

⁹⁷ *Financial Audit Conducted at the Municipal Trial Court, Baliuag, Bulacan*, 753 Phil. 31, 37 (2015) [Per C. J. Sereno, First Division].

Barataman further failed to issue official receipts for collections relating to registrations of Muslim marriages, conversions, divorces, and civil cases, in violation of OCA Circular No. 26-97.⁹⁸ The missing STF official receipt booklet and seven original official receipts, whose originals appeared to have been deliberately detached,⁹⁹ further support the finding of intentional concealment and misuse of court funds. As the JIO noted, the shortage could have been larger if these missing official receipts were found.¹⁰⁰ The loss or unexplained absence of these accountable forms support the finding of Dishonesty, especially when taken together with the fund shortages. It likewise violates Canon IV, Section 7¹⁰¹ of the CCACOP, which requires proper custody and care of court records and accountable forms.

Gross Neglect of Duty

Gross Neglect of Duty has been defined as “negligence characterized by the glaring want of care; by acting or omitting to act in a situation where there is a duty to act, not inadvertently, but willfully and intentionally; or by acting with a conscious indifference to consequences with respect to other persons who may be affected.”¹⁰²

In this case, the records showed that Barataman persistently failed to submit the required monthly and quarterly financial reports over several years,¹⁰³ in blatant violation of OCA Circulars Nos. 32-93,¹⁰⁴ 113-2004,¹⁰⁵ 32-2022,¹⁰⁶ 23-2009,¹⁰⁷ 130-2021¹⁰⁸ and 235-2017.¹⁰⁹ Such omissions prevented the timely monitoring of court funds and allowed shortages to accumulate undetected, constituting Gross Neglect of Duty.¹¹⁰ As the Court has held, failure to remit collections and submit financial reports on time reflects not mere negligence but a flagrant disregard of basic duties expected of clerks of court.¹¹¹

⁹⁸ Legal Fees Form for Lower Courts, dated May 5, 1997.

⁹⁹ *Rollo*, p. 225.

¹⁰⁰ *Id.* at 230.

¹⁰¹ Section 7. *Proper Custody and Care of Court Records and Evidence*. – To maintain the integrity and confidentiality of court records and evidence, court officials and personnel shall not alter, falsify, destroy, mutilate, fail to make required entries on, nor distribute without authority any official court document, record, or evidence within their possession and/or control. This provision does not prohibit amendment, correction or expunction of records or documents, or disposal or destruction of evidence, pursuant to a court order.

¹⁰² *Office of the Court Administrator v. Borromeo*, 840 Phil 231, 238–239 (2018) [*Per Curiam, En Banc*].

¹⁰³ *Rollo*, p. 229.

¹⁰⁴ Collection of Legal Fees and Submission of Monthly Report of Collections, dated July 9, 1993.

¹⁰⁵ Submission of Monthly Reports of Collections and Deposits, effective October 1, 2004.

¹⁰⁶ Submission of General Fund Report on a Monthly Basis, dated December 1, 2022 and effective January 2023.

¹⁰⁷ Guidelines in the Implementation of the Court’s Resolution in Administrative Matter No. 05-3-35-SC, dated March 3, 2009.

¹⁰⁸ Deposits of Mediation Fees into the New Philippine Mediation Fund Account, dated October 29, 2021.

¹⁰⁹ Submission of Quarterly Financial Report on the Sale of the Official Notarial Register, dated December 21, 2017.

¹¹⁰ *Rollo*, p. 229.

¹¹¹ *In re: Delantar*, 520 Phil. 434, 441–443 (2006) [*Per Curiam, En Banc*].

Moreover, Barataman violated Administrative Circular No. 35-2004,¹¹² which requires the daily or prompt remittance of collections. His prolonged non-remittance resulted in actual financial loss to the judiciary in the form of unearned interest, for which he must be held personally liable.¹¹³

Penalties

Under Canon V, Sections 19(a), (e) and (f)¹¹⁴ of the CCACOP, Gross Misconduct constituting a violation of the Code, Serious Dishonesty and Gross Neglect of Duty are classified as Serious Offenses which, under Section 22, are penalized, as follows:

Section 22. *Penalties.* –

(1) If the respondent is found guilty of a Serious Offense, any of the following penalties shall be imposed:

(a) Dismissal from the service, forfeiture of all or part of the benefits as the Supreme Court may determine, and disqualification from reinstatement or appointment to any public office, including in government-owned or -controlled corporations. *Provided, however,* that the forfeiture of benefits shall in no case include accrued leave credits;

(b) Suspension from office without salary and other benefits for one year and one day up to two years; and/or

(c) A fine of more than [PHP 101,000.00] but not more than [PHP 500,000.00].

Section 22 further provides that when the offense involves money or property owed, which is intrinsically linked to the duties of the respondent, the respondent shall be ordered to return the same.¹¹⁵

In this case, the JIO recommended that Barataman be dismissed from the service, with forfeiture of all benefits, and perpetually disqualified from reinstatement or appointment to any public office, including government-owned or -controlled corporations, with cancellation of his civil service eligibility.¹¹⁶ It was also recommended that Barataman be directed to restitute

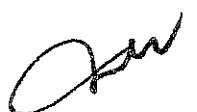
¹¹² Guidelines in the Allocation of the Legal Fees Collected Under Rule 141 of the Rules of Court, as amended, between the Special Allowance for the Judiciary Fund and the Judiciary Development Fund, dated August 20, 2024.

¹¹³ *Rollo*, p. 228.

¹¹⁴ Section 19. *Serious Offenses.* — Serious Offenses include: (a) Gross Misconduct constituting violations of this Code, the Code of Ethical Standards for Public Officials and Employees, or the Code of Professional Responsibility and Accountability for court officials and personnel who are members of the Bar; . . . (e) Serious Dishonesty; (f) Gross Neglect of Duty[.]

¹¹⁵ Section 22, CCACOP.

¹¹⁶ *Rollo*, pp. 217–232.



the shortages in the various judiciary fund accounts, with their unearned interests.¹¹⁷

In *Re: Ignacio S. Del Rosario*,¹¹⁸ the respondent was dismissed from service after admitting that he misappropriated PHP 34,000.00 entrusted to him for transmittal to the Court's cashier, claiming that he was compelled to use the funds to pay for his son's hospitalization. Despite his eventual restitution of the amount and his 33 years of service, the Court nonetheless dismissed him from the service, stressing that "its compassion has to yield to the higher demand of upholding the integrity of the Judiciary."¹¹⁹

In *Re: Felipe Kalalo*,¹²⁰ the Court dismissed from service the respondent therein who admitted to using the JDF collections for the medical treatment of her father, thus, misappropriating PHP 92,737.00 worth of JDF collections.¹²¹

For committing the serious offenses of Gross Misconduct, Serious Dishonesty and Gross Neglect of Duty, the Court finds that the recommended penalty of dismissal from the service, together with its accessory penalties,¹²² is fitting for Barataman. Considering the deliberate and repeated nature of his acts, the deposit of court funds in his personal account, the missing official receipts and accountable forms, his failure to file required financial reports, and his utter disregard of lawful directives, the Court finds the ultimate penalty of dismissal appropriate.

Barataman shall further retribute the amount of PHP 690,158.20, representing shortages in judiciary funds, and pay unearned interest amounting to PHP 69,750.20, consistent with Canon V, Section 22 of the CCACOP.

ACCORDINGLY, the Court resolves to **RE-DOCKET** this case as a regular administrative case.

Clerk of Court II **Al Jamel E. Barataman**, Shari'ah Circuit Court, Marawi City-Saguiaran-Kapai-Tagaloan II-Piagapo, Lanao del Sur is found **GUILTY** of Gross Misconduct constituting violation of the Code of Conduct for Court Personnel, Serious Dishonesty and Gross Neglect of Duty in the performance or non-performance of official functions.

¹¹⁷ *Id.*

¹¹⁸ 833 Phil 390 (2018) [Per J. Carpio, *En Banc*].

¹¹⁹ *Id.* at 397-400.

¹²⁰ 326 Phil. 703 (1996) [Per *Curiam*, *En Banc*].

¹²¹ *Id.* at 706-709.

¹²² *Rollo*, p. 31.

He is **DISMISSED** from the service, with **FORFEITURE** of all benefits and **PERPETUALLY DISQUALIFIED** from reinstatement or appointment to any public office, including government-owned or -controlled corporations, with **CANCELLATION** of his Civil Service eligibility.

Barataman is also **DIRECTED TO RESTITUTE** the amount of **PHP 690,158.20**, representing the shortages in the various judiciary fund accounts, and **DIRECTED TO PAY** the unearned interest amounting to **PHP 69,750.20**.

The Financial Management Office, Office of the Court Administrator, is **DIRECTED TO COMPUTE** the money value of Barataman's accrued leave credits and **APPLY** the same to his accountabilities, dispensing with the usual documentary requirements.

The Office of the Court Administrator is **DIRECTED** to file the appropriate criminal charges against respondent Barataman.

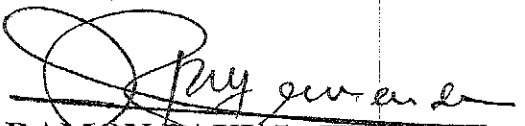
The Presiding Judge of the Shari'ah Circuit Court, Marawi City-Saguiaran-Kapai-Tagaloan II-Piagapo, Lanao del Sur is **DIRECTED TO STRICTLY MONITOR** all the financial transactions of the court in strict adherence to the issuances of the Court on the proper handling of all judiciary funds, as they can be held equally liable for the infractions committed by the employees under their command and supervision.

SO ORDERED.


ALEXANDER G. GESMUNDO
Chief Justice


MARVIC M.V.F. LEONEN
Senior Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


RAMON PAUL L. HERNANDO
Associate Justice



AMY C. LAZARO-JAVIER
Associate Justice




HENRI JEAN PAUL B. INTING
Associate Justice




RODIL V. ZALAMEDA
Associate Justice



SAMUEL H. GAERLAN
Associate Justice



RICARDO R. ROSARIO
Associate Justice



JHOSEP Y. LOPEZ
Associate Justice



JAPAR B. DIMAAMPAO
Associate Justice



JOSE MIDAS P. MARQUEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice



MARIA FILOMENA D. SINGH
Associate Justice

No part
RAUL B. VILLANUEVA
Associate Justice