



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

OFFICE OF THE COURT
ADMINISTRATOR,
Complainant,

A.M. No. SCC-15-21-P
(Formerly A.M. No. 15-01-01-
SCC)

Present:

- versus -

LEONEN, J.,
Chairperson,
HERNANDO,
INTING,
DELOS SANTOS, and
ROSARIO, JJ.

ANINDING M. ALAUYA, Clerk of
Court II, Shari'a Circuit Court,
Molundo-Maguing-Ramain-
Buadiposo-Bubong, Molundo, Lanao
del Sur,

Promulgated:

Respondent.

December 9, 2020

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DECISION

HERNANDO, J.:

This administrative matter stemmed from a financial audit report¹ of the Financial Audit Team, Fiscal Monitoring Division, Court Management Office, Office of the Court Administrator (OCA), on the books of accounts of Aninding M. Alauya (respondent), Clerk of Court II, Shari'a Circuit Court (SCC), Molundo-Maguing-Ramain-Buadiposo-Bubong, Lanao del Sur, for the period from January 1, 2008 to February 28, 2014.

¹ *Rollo*, pp. 4-12.

Factual Antecedents:

In the December 15, 2014 Memorandum² for the Court Administrator, the audit team submitted its observations, findings, and recommendation to preventively suspend respondent without pay and to submit his written explanation for the imputed offenses, to wit.:

3.a. Removal of office records, financial and case records, from the office and keeping them in their residence;

3.b. Failure to transfer some of the court case records in the office premises despite the audit team's instructions and the memorandum, from the presiding judge;

3.c. Skipping the four (4) [pages of Official Receipts] ORs with serial numbers 11772062 to 11772065 and 11772161 to 11772164 for [Judiciary Development Fund] JDF and [Special Allowance for Judiciary Fund] SAJF, respectively;

3.d. Detaching the three (3) copies (original, duplicate and triplicate) of OR No. 11772165 and the unused original copy of OR No. 11772166 from the booklet;

3.e. Failure to report and remit the collections under OR No. 11772066 and 11772165 in the amount of ₱180.00 and ₱820.00, respectively, both dated 4 April 2012;

3.f. Antedating OR Nos. 11772210 and 11772211 for 19 March 2010 and 28 June 2013, respectively, when in fact said series of ORs were previously found unissued as of 4 March 2014, to make it appear that the LRF collections [were] properly receipted;

3.g. Non-submission of Monthly Financial Reports.³

The OCA, in its December 15, 2014 Memorandum,⁴ adopted the recommendations of the audit team and endorsed the same for approval of the Court. We approved the recommendations of the OCA in Our February 23, 2015 Resolution.⁵

In compliance response to Our February 23, 2015 Resolution, respondent submitted the following: (1) Letter-Comment dated April 24, 2015;⁶ (2) Manifestations dated July 27, 2015;⁷ (3) Letter dated September 10, 2015;⁸ and (4) Letter dated April 19, 2016.⁹

² Id. at 10.

³ Id.

⁴ Id. at 1-3.

⁵ Id. at 46-49.

⁶ Id. at 50-55.

⁷ Id. at 114-119.

⁸ Id. at 124-127.

⁹ Id. at 145-149.

In his Letter-Comment¹⁰ dated April 24, 2015, respondent interposed the following defenses:

Respondent claimed that he brought home various case records for purposes of completion and that this was with the prior knowledge and conformity of Presiding Judge Abdulhalim L. Saumay (Judge Saumay).¹¹ Respondent also denied that he did not comply with the directive to return the case records to the court. He emphasized that he returned the subject case records and placed them inside the court's steel cabinet.

As to the allegations that he skipped four (4) pages of official receipts for the JDF and SAJF, and detached three (3) copies (original, duplicate and triplicate) of Official Receipt (O.R.) No. 11772165, and the unused original copy of O.R. No 11772166 from the booklet, respondent averred that these were due to mere inadvertence on his part.¹² He explained that he instructed one of the court personnel to deliver the official receipt booklets for the JDF and SAJF to the office at Molundo, Lanao del Sur.

However, instead of delivering the booklets, said court personnel allegedly detached the official receipts for the JDF and SAJF and inadvertently skipped four (4) pages of official receipts in the JDF and SAJF booklets. The unused original copy of O.R. No 11772166 was detached from the SAJF booklet, which was delivered by the court personnel to the audit team together with the three (3) copies (original, duplicate and triplicate) of O.R. No. 11772165.¹³ Ironically, respondent faulted the audit team for allegedly failing to make a proper inventory of official receipts and to notify him about the missing official receipts.

Anent the allegation that respondent failed to report and remit collections, he admitted that there was a delay in the reporting of collections under O.R. Nos. 11772066 and 11772165 but that the collections and remittances under the ORs have already been reported and remitted to the Accounting Division of the OCA.¹⁴

As to the alleged antedating of official receipts, respondent admitted antedating O.R. Nos. 11772210 and 11772211 for March 19, 2010 and June 28, 2013, respectively.¹⁵ However, by way of defense, he averred that he was forced to antedate the receipts in order to complete the Legal Research Fund (LRF) issuances considering that the use of official receipts issued by the Supreme Court for the LRF is prohibited.¹⁶

¹⁰ Id. at 50-55.

¹¹ Id. at 50.

¹² Id. at 52-53.

¹³ Id. at 52.

¹⁴ Id. at 53.

¹⁵ Id. at 54.

¹⁶ Id.

As to his non-submission of monthly financial case reports, respondent argued that it was attributable to the low caseload of the court.¹⁷ He later submitted the monthly financial reports of the court covering the period from January 1, 2008 to February 28, 2014, which is the period covered by the audit.¹⁸

Respondent reiterated the foregoing defenses in his Manifestations dated July 27, 2015,¹⁹ Letter dated September 10, 2015²⁰ and Letter dated April 19, 2016,²¹ and raised other additional claims to address the charges against him.

Meanwhile, this Court, in its December 7, 2015 Resolution,²² referred respondent's Manifestations dated July 27, 2015, and Letter dated September 10, 2015 to the OCA for evaluation, report and recommendation.

Report and Recommendation of the OCA:

July 5, 2016 Memorandum:

In its July 5, 2016 Memorandum,²³ the OCA found respondent guilty of Gross Neglect of Duty, Dishonesty and Grave Misconduct and recommended his suspension from office for one (1) year without pay "with a stern warning that a repetition of the same or similar infraction shall be dealt with more severely."²⁴ The OCA ratiocinated in this wise:

First, respondent could not make up his mind with respect to the charge that he removed office, financial and case records, from the office and kept them in his residence. He initially offered a mere denial but thereafter gave a qualified admission that the bringing of case records to his home was with the consent of Judge Saumay. He again gave another reason in his letter dated 10 September 2015 stating that he took the case records home because there was no electric power at that time in Molundo, Lanao del Sur where his office is stationed and he used his computer at his home in Marawi City to encode the orders. This reason appears to be a mere afterthought and puts into question respondent's credibility.

Second, respondent explained that he avoided commenting on the memorandum issued to him by Judge Saumay as required by the audit team because he did not want to have any conflict with Judge Saumay. Further, instead of directly answering the allegation, he cited as an excuse the fact that he wrote the majority of the orders of Judge Saumay per instruction of Judge Saumay.

¹⁷ Id.

¹⁸ Id.

¹⁹ Id. at 114-119.

²⁰ Id. at 124-127.

²¹ Id. at 145-149.

²² Id. at 129-130.

²³ Id. at 132-143.

²⁴ Id. at 143.

Such failure to comment and his silence on the allegations are detrimental to his cause.

It is the natural instinct of man to resist an unfounded claim or imputation and defend himself. It is totally against our human nature to just remain reticent and say nothing in the face of false accusations, Hence, silence in such cases is almost always construed as an implied admission of the truth thereof.

Third, while respondent admitted that he brought home some of the records albeit with the consent of Judge Saumay, he however did not present any court order to support his claim. This is contrary to Section 14 of Rule 136 of the Rules of Court mandating that “(n)o record shall be taken from the clerk’s office without an order of the court except as otherwise provided by these rules. x x x.”

Fourth, respondent raised the defense that it was a personnel of the court who was responsible for the skipping of four (4) [pages] of official receipts for the JDF and SAJF, and the removal of three (3) copies (original, duplicate and triplicate) of O.R. No. 11772165 and the unused original copy of O.R. No. 11772166.

The finger-pointing deserves scant consideration. For one, respondent did not even name the personnel who was responsible. Secondly, as clerk of court, he is designated as the custodian of the court’s funds and revenues, records, properties and premises, and shall be liable for any loss or shortage thereof. Finally, and more importantly, as clerk of court, he is chiefly responsible for the shortcomings of his subordinates to whom administrative functions normally pertaining to them are delegated. Thus, respondent cannot exculpate himself from the anomalies by just passing the blame to another employee.

Fifth, with respect to the unremitted collections, a perusal of Annex “C” of respondent’s comment will reveal that the report was dated May 11, 2012 while the SAJF and JDF deposit slips were both dated April 5, 2012. Based on these documents, the April 4, 2012 collections amounting to P180.00 and P820.00 under O.R. Nos. 11772666 and 11772165, respectively, were remitted and reported on April 5, 2012 and May 11, 2012, respectively. However, the April 2012 monthly report of JDF and SAJF presented by respondent during the conduct of the audit showed no such transactions. The finding is supported by the JDF and SAJF subsidiary ledgers of the Accounting Division, FMO, OCA, which bear no collection and deposit in the said month. The said ledgers also indicate that the aforesaid transactions were reported only in 2015. Likewise, the date in the machine validation in the JDF and SAJF deposit slips is March 5, 2014 and not April 5, 2012. This gives rise to the conclusion that respondent falsified the date in the deposit slips to make it appear that the collections were remitted and reported in 2012.

Sixth, respondent’s admission of antedating the official receipts constitutes dishonesty defined as the “(d)isposition 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.

Finally, with respect to his non-submission of the monthly financial report, respondent’s justification *i.e.*, the low caseload of his court, is patently without merit as paragraph 3 of OCA Circular No. 112-2004 categorically mandates:

3. In case no transaction is made within the month, written notice thereof shall be submitted to the aforesaid Office **no later than the 10th day of the succeeding month.**

x x x x

In the present case, dismissal from the service may be too harsh considering the following circumstances, to wit: (1) this is respondent’s first infraction after nineteen (19) years of service in the judiciary; and (2) he remitted, albeit belatedly, the total amount of his shortages before the complaint against him was filed. x x x²⁵ (Emphases in the original)

In view of the foregoing findings, the OCA, in its July 5, 2016 Memorandum, submitted the following recommendations to the Court:

1. respondent Aninding Alauya, Clerk of Court II, SCC, Molundo-Maguing-Ramain-Buadiposo-Bubong, Molundo, Lanao del Sur, be found **GUILTY** of gross neglect of duty, dishonesty and grave misconduct; and

2. respondent Alauya be **SUSPENDED** for one (1) year without pay with a **STERN WARNING** that a repetition of the same or similar infraction shall be dealt with more severely.²⁶

Meanwhile, this Court received respondent’s Letters dated April 19, 2016²⁷ and February 2, 2017²⁸ relative to the instant administrative case against him. The Court also received a copy of a letter-complaint dated September 1, 2016 against respondent from various court personnel²⁹ from SCC Molondo, Lanao del Sur.

In a July 24, 2017 Resolution, this Court referred the letters to the OCA for evaluation, report and recommendation

**November 17, 2017
Memorandum:**

In compliance with the July 24, 2017 Resolution of the Court, the OCA issued a Memorandum³⁰ dated November 17, 2017 finding that respondent’s

²⁵ Id. at 138-142.

²⁶ Id.

²⁷ Id. at 145-149.

²⁸ Id. at 166-175.

²⁹ Id. at 153. The complainants are the following: Judge Abdulhalim L. Saumay, Interpreter Saripasa D. Ditucalan, Clerk II Rolando P. Mangantang, Stenographer Soraya E. Marohombsar, Clerk of Court Abdulcader A. Gamor, Interpreter Farina M. Alauya, Judge Samanodin L. Ampaso, and Judge Abuali P. Cali.

³⁰ Id. at 202-206.

7

letters did not warrant any modification of the recommendations earlier cited in its July 5, 2016 Memorandum, thus:

The allegations deserve scant consideration.

First, while respondent harmonized his two (2) conflicting reasons in bringing home the case records, *i.e.*, to help write lacking orders on motions filed and on interlocutory matters, because of the inability of their Presiding Judge to write in the English language and due to the lack then of electric power in their office, the fact remains that there was no court order to support his claim contrary to Section 14 of Rule 136 of the Rules of Court.

Second, with respect to his argument that had he known earlier of the scheduled audit, he would have delivered the case records to the office at least a day before, the same is untenable as it is respondent's duty to return the records to the court especially so in the instant case where there was no authority in writing for respondent to do so.

Third, respondent also tries to explain his failure to name the personnel by stating that he took responsibility for the negligence of his personnel and because he actually ratified the said act. However, while respondent as clerk of court is chiefly responsible for the lapses of his subordinates to whom administrative functions normally pertaining to them are delegated, he should still have named the alleged employee to give his allegations a semblance of truth.

Finally, with respect to respondent's other allegations, it appears that he ascribes ill motive on the part of the audit team, but he has not presented any evidence to prove his claim. As stated in the previous memorandum, in the absence of evidence ascribing any ill motive on the part of the audit team, it logically follows that there was no such improper motive and that, corollarily, their report is worthy of full faith and belief.

Thus, this Office does not find anything in respondent's letters that would warrant the modification of our recommendation in our Memorandum dated 08 July 2016 that respondent to be found guilty of gross neglect of duty, dishonesty and grave misconduct and consequently be suspended for one (1) year without pay with a stern warning that a repetition of the same or similar infraction shall be dealt with more severely.³¹

The OCA also noted that the September 1, 2016 complaint-letter against respondent raised matters which were wholly unrelated to the instant administrative case and that the charges raised therein be resolved in a separate administrative case against respondent for Dishonesty and Conduct Prejudicial to the Best interest of the Service, and Grave Misconduct.

The OCA, in its Memorandum dated November 17, 2017, then made the following recommendations:

³¹ Id.

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

1. the (a) letters dated 19 April 2016 and 02 February 2017 of respondent Aninding Alauya, Clerk of Court II, SCC, Molundo-Maguing-Ramain-Buadiposo-Bubong, Molundo, Lanao del Sur, and (b) letter dated 01 September 2016 of Judge Abdulhalim L. Saumay, et al., be **NOTED**;

2. respondent Aninding Alauya be found **GUILTY** of gross neglect of duty, dishonesty and grave misconduct and be **SUSPENDED** for one (1) year without pay with **STERN WARNING** that a repetition of the same or similar infraction shall be dealt with more severely; and,

3. the letter dated 01 September 2016 of Judge Abdulhalim L. Saumay, et al., be docketed as a **SEPARATE COMPLAINT** against respondent Aninding Alauya for dishonesty, conduct prejudicial to the best interest of the service and grave misconduct, and respondent Aninding Alauya be required to **COMMENT** thereon.³²

Our Ruling

We adopt the findings of the OCA that respondent failed to perform his duties with the degree of diligence and competence expected of a Clerk of Court and its recommendation to suspend him for one (1) year without pay.

Clerks of Court perform vital functions in the administration of justice. Their functions are imbued with public interest that any act which would compromise, or tend to compromise, that degree of diligence and competence expected of them in the exercise of their functions would destroy public accountability and effectively weaken the faith of the people in the justice system.³³

Notably, as the designated custodian of the court's properties, it was incumbent on respondent to ensure that relevant rules are followed for their proper safekeeping and organization. In this regard, Section 14, Rule 136 of the Rules of Court provides that "[n]o record shall be taken from the clerk's office without an order of the court except as otherwise provided by these rules." On a related matter, it also bears stressing that Article 226³⁴ of the

³² Id. at 206.

³³ *Re: Report on the Financial Audit Conducted at the Municipal Trial Court, Baliuag, Bulacan*, 753 Phil. 31, 37 (2015).

³⁴ Article 226 of the Revised Penal Code states: ARTICLE 226. Removal, Concealment or Destruction of Documents. — Any public officer who shall remove, destroy or conceal documents or papers officially entrusted to him, shall suffer:

1. The penalty of *prisión mayor* and a fine not exceeding 1,000 pesos, whenever serious damage shall have been caused thereby to a third party or to the public interest.
2. The penalty of *prisión correccional* in its minimum and medium periods and a fine not exceeding 1,000 pesos, whenever the damage caused to a third party or to the public interest shall not have been serious.

Revised Penal Code punishes any public officer who removes, conceals or destroys documents or papers officially entrusted to him or her.³⁵

Here, respondent was charged with the proper safekeeping and management of all court records under his custody. While he proffered several, albeit, conflicting defenses as grounds to exculpate himself from liability, the fact remains that there was no court order to support any of his claims contrary to Section 12, Rule 136 of the Rules of Court. Clearly, he displayed neglect of duty when he removed financial and case records from the court without proper authority.

Respondent was equally remiss in skipping four (4) pieces of official receipts for the JDF and SAJF, and removing three (3) copies (original, duplicate and triplicate) of O.R. No. 11772165 and the unused original copy of O.R. No. 11772166. He attributed these shortcomings to a court personnel but without identifying the said personnel. He cannot, however, escape liability by shifting the blame to his subordinates. As the Clerk of Court, he is the designated custodian of court properties, particularly in this case, the official receipts for the JDF and SAJF. Therefore, he should be made primarily liable for any loss, shortage or impairment thereof.³⁶

Significantly, respondent's unauthorized removal and improper safekeeping of court records were compounded by acts of graver malfeasance – the incurring of shortages, and delay in the remittance of collections, as well as the belated submission of monthly financial reports on the same.

It is well-settled that Clerks of Court are tasked with the collections of court funds. As they are not authorized to keep funds in their custody, they are duty bound to immediately deposit with authorized government depositories their collections on various funds.³⁷ Such functions are highlighted by OCA Circular Nos. 50-95³⁸ and 113-2004³⁹ and Administrative Circular No. 35-

In either case, the additional penalty of temporary special disqualification in its maximum period to perpetual special disqualification shall be imposed.

³⁵ *Re: Administrative Matter No. 05-8-244-MTC, Los Baños, Laguna*, 569 Phil. 333, 345 (2008).

³⁶ *Office of the Court Administrator v. Bantiyan*, 811 Phil. 644, 657 (2017).

³⁷ *Office of the Court Administrator v. Fontanilla*, 695 Phil. 142, 148-149 (2012).

³⁸ Entitled "COURT FIDUCIARY FUNDS" (November 1, 1995), pertinent portions of which provide:

(4) All collections from bailbonds, rental deposits, and other fiduciary collections shall be deposited within twenty[-]four (24) hours by the Clerk of [C]ourt concerned, upon receipt thereof, with the Land Bank of the Philippines [LBP].

x x x x

(9) Within two (2) weeks after the end of each quarter, all Clerks of Court are hereby required to submit to the Chief Accountant of the Supreme Court, copy furnished the Office of the Court Administrator, a quarterly report indicating the outstanding balance maintained with the depository bank or local treasurer, and the date, nature and amount of all deposits and withdrawals made within such period.

x x x x

³⁹ OCA Circular No. 113-2004 provides:

1. The Monthly Reports of Collections and Deposits for the Judiciary Development Fund (JDF), Special Allowance for the Judiciary (SAJ) and Fiduciary Fund (FF) shall be:

x x x x

2004⁴⁰ which mandate Clerks of Court to timely deposit judiciary collections as well as to submit monthly financial reports on the same.

These circulars are mandatory in nature and are designed to promote full accountability for funds received by the courts. Notably, any failure or even delay in the remittance of collection has been perceived as a serious breach of duty to the public.⁴¹ These acts deprive the courts of the opportunity to use the fund as well as the interest thereon which may have been earned if the amounts were timely and/or properly remitted or deposited to authorized government depositories.⁴²

Clearly in this case, respondent failed to perform with utmost diligence his financial and administrative responsibilities. As correctly found by the OCA, and as readily admitted by respondent himself, he was remiss in his duties in remitting the court collections on time, and regularly submitting his monthly reports. He also incurred shortages amounting to ₱1,000.00.

Respondent cited several reasons to justify his shortcomings but which we find to be unacceptable. To be clear, in the event that daily deposits of cash collections are not feasible, the same shall be made at the end of every month.⁴³ In fact, even when no transaction is made within the month, written notice thereof shall be submitted no later than the 10th day of the succeeding month.⁴⁴

1.3. Sent not later than the 10th day of each succeeding month to [The Chief Accountant, Accounting Division, Financial Management Office, Office of the Court Administrator, Supreme Court of the Philippines, Taft Avenue, Ermita, Manila]

x x x x

Henceforth, all Clerks of Court shall only submit monthly reports for the three (3) funds, namely: JDF, SAJ, and FF.

⁴⁰ Entitled "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" (August 12, 2004), pertinent portions of which provide:

PROCEDURAL GUIDELINES

I. Judiciary Development Fund

x x x x

3. Systems and Procedures. --

x x x x

c) In the RTC, MeTC, MTCC, MTC, MCTC, SDC and SCC. -- The daily collections for the Fund in these courts shall be deposited everyday with the nearest LBP branch in the savings account opened by said courts for the account of the Judiciary Development Fund. x x x.

x x x x

II. Special Allowance for the Judiciary Fund

x x x x

3) Systems and Procedures:

x x x x

c) In the RTC, MeTC, MTCC, MTC, MCTC, SDC and SCC. -- The daily collections for the special allowance for the judiciary fund in these courts shall be deposited everyday with the nearest lbp branch in the savings account opened by the court for the account of the SAJ. x x x.

x x x x

See also *Office of the Court Administrator v. Viesca*, 758 Phil. 16 (2015).

⁴¹ *Office of the Court Administrator v. Fontanilla*, supra note 37.

⁴² *Office of the Court Administrator v. Melchor, Jr.*, 741 Phil. 433 (2014).

⁴³ *Office of the Court Administrator v. Bantiyan*, supra, note 36 at 656.

⁴⁴ Paragraph 3 of OCA Circular No. 112-2004.

Having failed to do so, respondent cannot now escape liability from his own inaction.

Notably, while the noted shortages were already restituted, respondent's failure to remit or deposit the correct amount upon collection thereof was already prejudicial to the court as it did not earn interest income on the said amount, or was otherwise deprived of using the same. Thus, even when he has restituted the funds, his unwarranted failure to fulfill his responsibilities deserve administrative sanction by the Court, and not even payment, as in this case, of the collection of the shortages will exempt him from liability.⁴⁵

Anent the penalty to be imposed on respondent, the Revised Rules of Administrative Cases in the Civil Service (RRACCS) provides that Gross Neglect of Duty, Grave Misconduct, and Serious Dishonesty are grave offenses which merit the penalty of dismissal from service even for the first offense.⁴⁶

However, in determining the penalty to be imposed, the Court considers the facts of the case and such factors which may serve as mitigating circumstances. In this regard, respondent's length of service in the judiciary for nineteen (19) years can be considered in his favor. Moreover, this Court notes that respondent has been preventively suspended since 2015. In view of the foregoing, the imposition of a penalty of suspension for a period of one (1) year is proper.

On another matter, we also agree with the findings of the OCA that the September 1, 2016 complaint-letter against respondent raised matters which are unrelated to the instant case. Thus, all charges raised in the complaint-letter should be resolved in a separate administrative case against respondent for his alleged infractions of Dishonesty and Conduct Prejudicial to the Best Interest of the Service, and Grave Misconduct.

WHEREFORE, Aninding M. Alauya, Clerk of Court II of the Shari'a Circuit Court, Molundo-Maguing-Ramain-Buadiposo-Bubong, Molundo, Lanao del Sur, is found **GUILTY** of Gross Neglect of Duty, Dishonesty and Grave Misconduct and is hereby **SUSPENDED** without pay for a period of one (1) year effective immediately, with a **STERN WARNING** that a repetition of the same or similar offense shall be dealt with more severely.

The letter dated September 1, 2016 of Judge Abdulhalim L. Saumay, et al., shall be docketed as a **SEPARATE COMPLAINT** against respondent, to be raffled among the Members of the Court for resolution.

⁴⁵ *Re: Report on the Financial Audit Conducted at the Municipal Trial Court, Baliuag, Bulacan*, supra, note 33.

⁴⁶ See Section 46 of the RRACCS. See also *Office of the Court Administrator v. Viesca*, supra, note 40.

SO ORDERED.

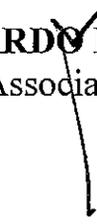

RAMON PAUL L. HERNANDO
Associate Justice

WE CONCUR:


MARVIC M. V. F. LEONEN
Associate Justice
Chairperson


HENRI JEAN PAUL B. INTING
Associate Justice


EDGARDO L. DELOS SANTOS
Associate Justice


RICARDO B. ROSARIO
Associate Justice