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The Office of the Court Administrator is further **DIRECTED** to file the appropriate criminal action against Cielito M. Mapue and to update its audit until the present.

SO ORDERED.

Sereno, C.J., Carpio, Leonardo-de Castro, Brion, Peralta, Bersamin, del Castillo, Villarama, Jr., Perez, Mendoza, Reyes, Perlas-Bernabe, and *Leonen, JJ.,* concur.

Velasco, Jr., J., no part due to relationship to a party.

Abad, J., no part.

EN BANC

[A.M. No. P-13-3141. January 21, 2014]
(Formerly OCA I.P.I. No. 08-2875-P)

ATTY. RHEA R. ALCANTARA-AQUINO, *complainant, vs.* **MYLENE H. DELA CRUZ, Clerk III, Office of the Clerk of Court, Regional Trial Court, Santa Cruz, Laguna,** *respondent.*

SYLLABUS

1. POLITICAL LAW; ADMINISTRATIVE LAW; COURT PERSONNEL; THE CONDUCT OF COURT PERSONNEL, FROM THE PRESIDING JUDGE TO THE LOWLIEST CLERK, MUST ALWAYS BE BEYOND REPROACH AND MUST BE CIRCUMSCRIBED WITH THE HEAVY BURDEN OF RESPONSIBILITY AS TO LET THEM BE FREE FROM ANY SUSPICION THAT MAY TAINT THE JUDICIARY.— The Code of Conduct and Ethical Standards for Public Officials and Employees, Republic Act 6713, enunciates the State's policy of promoting a high standard of ethics and utmost responsibility in the public service. And no

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other office in the government service exacts a greater demand for moral righteousness and uprightness from an employee than in the judiciary. Every employee of the judiciary should be an example of integrity, uprightness and honesty. The Supreme Court has repeatedly emphasized that the conduct of court personnel, from the presiding judge to the lowliest clerk, must always be beyond reproach and must be circumscribed with the heavy burden of responsibility as to let them be free from any suspicion that may taint the judiciary. The Court condemns and would never countenance any conduct, act or omission on the part of all those involved in the administration of justice which would violate the norm of public accountability and diminish or even just tend to diminish the faith of the people in the judiciary. In the instant case, there is no question that respondent Dela Cruz miserably failed to live up to these exacting standards.

2. ID.; ID.; ID.; THE EMPLOYEE'S ACT OF CERTIFYING A SPURIOUS AND NON-EXISTENT DECISION OF THE TRIAL COURT CONSTITUTES DISHONESTY AND GRAVE MISCONDUCT PUNISHABLE BY DISMISSAL FROM THE SERVICE.— A certificate is a written assurance, or official representation, that some act has or has not been done, or some event occurred, or some legal formality has been complied with. To certify is to attest the truthfulness of the document. Without the records to verify the truthfulness and authenticity of a document, no certification should be issued. This is basic. Dela Cruz should know that when she certified the questioned order, she did so under the seal of the court. Thus, when the decision she certified turned out to be spurious and non-existent, she undoubtedly compromised the Judiciary and jeopardized the integrity of the court. Respondent's acts betray her complicity, if not participation, in acts that were irregular and violative of ethics and procedure, causing damage not only to the complainant but also to the public. The inculpatory acts committed by respondent are so grave as to call for the most severe administrative penalty. Dishonesty and grave misconduct, both being in the nature of a grave offense, carry the extreme penalty of dismissal from service with forfeiture of retirement benefits, except accrued leave credits, and perpetual disqualification for re-employment in the government service. This penalty is in accordance with Sections 52 and 58 of the Revised Uniform Rules on

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Administrative Cases in the Civil Service. In spite of her earlier resignation, the same accessory penalty shall be imposed upon her in addition to a fine of ₱40,000.00 which shall be deducted from her accrued leave credits.

D E C I S I O N

***PER CURIAM*:**

Before us is a Complaint[1] dated June 23, 2008 filed by Atty. Rhea R. Alcantara-Aquino, Assistant Clerk of Court, Office of the Clerk of Court (*OCC*), Regional Trial Court (*RTC*), Santa Cruz, Laguna, against Mylene H. Dela Cruz, Clerk III, of the same office, for Grave Misconduct.

The facts, as culled from the records, follow:

On May 29, 2008, complainant alleged that Mrs. Emerita B. Moises, Municipal Civil Registrar of Nagcarlan, Laguna, went to her office to verify the veracity of the documents in SP. Proc. Case No. SC-2268, entitled *Petition for Correction of Entry in the Marriage Contract* filed by Ms. Bella Coronado Igamen, who was then requesting a copy of her annotated marriage contract from the Municipal Civil Registrar's Office. The documents included the Order[2] dated May 4, 2007 issued by Judge Jaime C. Blancafor of Branch 26, RTC, Santa Cruz, Laguna, which was certified as a true copy by complainant Atty. Aquino and the Certificate of Finality[3] dated May 22, 2007 signed by complainant Atty. Aquino.

Upon verification from the records of the OCC, complainant Atty. Aquino discovered that said petition for correction of entry in the marriage contract with case number SP Proc. Case No. SC-2268, was inexistent and that the same case number pertained to another case. This fact was attested to by Atty. Arturo R.

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[1] *Rollo*, pp. 1-4.

[2] *Id.* at 5-7.

[3] *Id.* at 8.

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Trinidad, Clerk of Court VI, OCC, RTC, Santa Cruz, Laguna, in his Certification[4] dated May 26, 2008.

Upon further scrutiny, complainant Atty. Aquino alleged that the purported Order dated May 4, 2007 of Judge Blancaflor, the Certification dated May 25, 2007 that the said order was a true copy of the original, and the Certificate of Finality dated May 22, 2007 were all spurious and her signature and that of Judge Blancaflor appearing therein were forged. Complainant recalled that she never encountered any petition of that nature during her stint as Branch Clerk of Court of Branch 26, RTC, Santa Cruz, Laguna. Thus, it was impossible for her and Judge Blancaflor to have issued said documents. Aside from her allegation, complainant submitted the Affidavit dated June 23, 2008 of Mrs. Isabelita B. Cadelina, the then Civil Docket Clerk of Branch 26, RTC, Santa Cruz, Laguna, attesting that no such Petition for Correction of Entry in the Marriage Contract was received by their court.

Complainant further pointed out that the rubber stamp used by the forger to stamp the words "certified true copy" in the questioned order was different from the official rubber stamp for the certified true xerox copy being used by the court.

On June 4, 2008, a conference was held with Judge Blancaflor, Clerk of Court Atty. Trinidad, Jr., Municipal Civil Registrar Moises and Ms. Igamen, the alleged petitioner of SP Proc. Case No. SC-2268, in attendance. During the said conference, Ms. Igamen positively pointed to respondent Dela Cruz as the one who met her in court after being referred to her by Mr. Laudemer F. San Juan (*San Juan*), the Municipal Civil Registrar of Santa Cruz, Laguna, which led to the discovery of the fraudulent scheme perpetrated by respondent.

Complainant further claimed that there was another set of copies of the spurious order of Judge Blancaflor and certificate of finality of complainant, this time certified as true copies by respondent Dela Cruz herself. When confronted about this,

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[4] *Id.* at 9.

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respondent admitted that she indeed certified the same upon the request of San Juan and she even issued a handwritten note dated May 29, 2008 which reads: "*Na wala akong kinalaman sa lahat nang naging conflict sa petition ni Bella Igamen dahil pinakiusapan lang ako ni Mr. Laudemer San Juan.*"[5]

Complainant was convinced that despite the knowledge that the documents were spurious and bore the forged signatures of complainant and Judge Blancaflor, respondent Dela Cruz authenticated the same, leading to the anomalous annotation of the spurious order in the certificate of marriage of Ms. Igamen.

Complainant added that in view of the above discovery, other documents purporting to be court-issued documents emerged indicating respondent Dela Cruz and her cohorts, namely, San Juan, then Municipal Civil Registrar of Santa Cruz, Laguna and a certain Ms. Apolonia B. Gamara, then Municipal Civil Registrar of Nagcarlan, Laguna, as the culprits. Complainant informed the Court that she had already filed a complaint before the National Bureau of Investigation (*NBI*) and had requested Judge Blancaflor to issue a Memorandum to the Local Civil Registries within his territorial jurisdiction regarding the matter in order to prevent similar occurrences in the future. She stated that she planned to eventually file a criminal case for falsification against respondent Dela Cruz and her cohorts.

On July 4, 2008, the OCA directed respondent Dela Cruz to submit her comment on the complaint against her.[6]

In a Resolution[7] dated August 3, 2009, the Court, upon the recommendation of the OCA, resolved to direct respondent Dela Cruz to show cause why she should not be administratively dealt with for failing to submit her comment despite the two (2) directives from the Court Administrator, and to submit the required comment within ten (10) days from notice, failing which,

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[5] *Id.* at 19.

[6] *Id.* at 24.

[7] *Id.* at 38.

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necessary action shall be taken against her and a decision on the administrative complaint shall be rendered on the basis of the records on hand. The copy of the resolution sent to respondent Dela Cruz was returned unserved with the postal carrier's notation on the envelope "RTC-Unknown." Thus, the Court issued a Resolution[8] dated November 23, 2009 requiring complainant to inform the Court of the complete and present address of respondent.

In her Compliance and Manifestation[9] dated January 27, 2010, complainant Atty. Aquino provided the Court with the complete address of respondent. In the same compliance and manifestation, complainant informed the Court that the NBI had referred its findings of Estafa thru Falsification of Public Documents against herein respondent Dela Cruz, Municipal Civil Registrar San Juan and Ms. Gamara to the Provincial Prosecutor's Office (*PPO*) for preliminary investigation.[10]

On August 22, 2011, the Court dispensed with the submission of the comment of respondent Dela Cruz, considering that the copies of the Show Cause Resolution dated August 3, 2009, which required the latter to submit her comment on the complaint sent to her at her address on record and to the new address provided by the complainant, were returned unserved.[11]

Further, the Court required the parties to manifest their willingness to submit the case for decision on the basis of the pleadings/records already filed and submitted. On December 7, 2011, for failure of both parties to submit their respective manifestations, the Court deemed the case submitted for resolution based on the pleadings and records already filed.[12]

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[8] *Id.* at 36.

[9] *Id.* at 41.

[10] Letter dated October 21, 2008 of NBI Deputy Director for Regional Operation Services, Laguna, Atty. Reynaldo O. Esmeralda, *id.* at 43-51.

[11] *Rollo*, p. 66.

[12] *Id.* at 68.

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Meanwhile, respondent Dela Cruz tendered her resignation effective June 2, 2008. On October 20, 2008, the Court accepted her resignation effective June 2, 2008, but without prejudice to the proceedings of the instant administrative case.

On August 22, 2012, the Court referred the instant complaint to the OCA for evaluation, report and recommendation.[13]

On July 1, 2013, in compliance with the Court's directive, the OCA, in a Memorandum,[14] recommended the following:

(1) the instant case against respondent **MYLENE H. DELA CRUZ**, former Clerk III. Office of the Clerk of Court, Regional Trial Court, Santa Cruz, Laguna, be **RE-DOCKETED** as regular administrative matter; and

(2) respondent **MYLENE H. DELA CRUZ** be found **guilty** of grave misconduct and, in lieu of **DISMISSAL FROM THE SERVICE** which can no longer be imposed upon her because of her resignation, be **ORDERED** to pay a **FINE** of Forty Thousand Pesos (₱40,000.00) with forfeiture of all her benefits, except accrued leave credits and disqualification from reemployment in any branch, agency or instrumentality of the government, including government-owned and controlled corporations. The fine of ₱40,000.00 shall be deducted from her accrued leave credits which, as computed by the Financial Management Office, is more than sufficient to cover said amount.[15]

RULING

The Code of Conduct and Ethical Standards for Public Officials and Employees, Republic Act 6713, enunciates the State's policy of promoting a high standard of ethics and utmost responsibility in the public service. And no other office in the government service exacts a greater demand for moral righteousness and uprightness from an employee than in the judiciary.[16]

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[13] *Id.* at 76.

[14] *Id.* at 87-94.

[15] *Id.* at 93-94. (Emphasis in the original)

[16] *Civil Service Commission v. Sta. Ana*, 435 Phil. 1, 8-9 (2002).

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Every employee of the judiciary should be an example of integrity, uprightness and honesty. The Supreme Court has repeatedly emphasized that the conduct of court personnel, from the presiding judge to the lowliest clerk, must always be beyond reproach and must be circumscribed with the heavy burden of responsibility as to let them be free from any suspicion that may taint the judiciary. The Court condemns and would never countenance any conduct, act or omission on the part of all those involved in the administration of justice which would violate the norm of public accountability and diminish or even just tend to diminish the faith of the people in the judiciary.

In the instant case, there is no question that respondent Dela Cruz miserably failed to live up to these exacting standards. The records speak for themselves: (1) Dela Cruz knew that there were no existing records that could have served as the basis for the issuance of the disputed certificate; (2) authenticating documents was neither part of Dela Cruz's duties nor was she authorized to authenticate documents; (3) Dela Cruz, despite knowledge that she was not authorized to authenticate, admitted having authenticated the questioned order and issued the certificate of finality in SP Proc. Case No. SC-2268 allegedly upon the request of Municipal Civil Registrar San Juan; and (4) Dela Cruz refused to face the charges against her, in disregard of the Court's directives. Clearly, these facts and evidence, coupled with respondent's admission, sufficiently establish her culpability.

A certificate is a written assurance, or official representation, that some act has or has not been done, or some event occurred, or some legal formality has been complied with. To certify is to attest the truthfulness of the document. Without the records to verify the truthfulness and authenticity of a document, no certification should be issued. This is basic.[17] Dela Cruz should know that when she certified the questioned order, she did so under the seal of the court. Thus, when the decision she certified turned out to be spurious and non-existent, she undoubtedly

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[17] *Atty. Francisco v. Galvez*, A.M. No. P-09-2636 (formerly OCA I.P.I. No. 07-2681-P), December 4, 2009, 607 SCRA 21, 28.

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compromised the Judiciary and jeopardized the integrity of the court. Respondent's acts betray her complicity, if not participation, in acts that were irregular and violative of ethics and procedure, causing damage not only to the complainant but also to the public.[18]

The inculpatory acts committed by respondent are so grave as to call for the most severe administrative penalty. Dishonesty and grave misconduct, both being in the nature of a grave offense, carry the extreme penalty of dismissal from service with forfeiture of retirement benefits, except accrued leave credits, and perpetual disqualification for re-employment in the government service. This penalty is in accordance with Sections 52 and 58 of the Revised Uniform Rules on Administrative Cases in the Civil Service. In spite of her earlier resignation, the same accessory penalty shall be imposed upon her in addition to a fine of ₱40,000.00 which shall be deducted from her accrued leave credits.

WHEREFORE, the Court finds respondent **MYLENE H. DELA CRUZ**, then Clerk III, Office of the Clerk of Court, Regional Trial Court of Santa Cruz, Laguna, **GUILTY** of **GROSS MISCONDUCT and DISHONESTY**. Since she had resigned from the service, she is instead **FINED** in the amount of Forty Thousand (₱40,000.00) Pesos, with forfeiture of all retirement benefits and privileges, except accrued leave credits, if any, and with prejudice to re-employment in any branch or instrumentality of the government, including government-owned or controlled corporations.

The Provincial Prosecutor of the Province of Laguna is hereby **ORDERED** to inform the Court of the status of the criminal case of estafa thru falsification of public documents filed against Mylene H. Dela Cruz, Apolonia B. Gamara and Laudemer F. San Juan, within ten (10) days from receipt hereof.

Likewise, the incumbent Municipal Mayor of Santa Cruz, Laguna is hereby **REQUESTED** to determine if there is basis

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[18] *Id.* at 29.

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for the filing of an administrative complaint, if none has yet been filed, against Laudemer F. San Juan and other employees who may have participated in this illegal scheme.

Let a copy of this decision be attached to respondent's personnel records in this Court.

SO ORDERED.

Sereno, C.J., Carpio, Velasco, Jr., Leonardo-de Castro, Brion, Peralta, Bersamin, del Castillo, Abad, Villarama, Jr., Reyes, Perlas-Bernabe, and *Leonen, JJ.,* concur.

Perez, J., no part. Acted on matter as Court Administrator.

Mendoza, J., no part.

FIRST DIVISION

[A.C. No. 8644. January 22, 2014]
(Formerly CBD Case No. 11-2908)

AIDA R. CAMPOS, ALISTAIR R. CAMPOS, and CHARMAINE R. CAMPOS, *complainants, vs.* **ATTY. ELISEO M. CAMPOS,** *respondent.*

SYLLABUS

1. JUDICIAL ETHICS; JUDGES; AM NO. 02-9-02-SC; AUTOMATIC CONVERSION OF ADMINISTRATIVE CASES AGAINST JUSTICES AND JUDGES TO DISCIPLINARY PROCEEDINGS AGAINST THEM AS LAWYERS, EXPLAINED; A DISCIPLINARY PROCEEDING AS A MEMBER OF THE BAR IS IMPLIEDLY INSTITUTED WITH THE FILING OF AN ADMINISTRATIVE CASE AGAINST A JUSTICE OF THE SANDIGANBAYAN, COURT OF APPEALS AND COURT