Supreme Court E-Library

who are to act upon it that accused-appellant is guilty of the crime charged. In the instant case, the constitutional presumption of innocence has not been overcome by the prosecution; hence, accused-appellant must be acquitted.

WHEREFORE, the conviction of accused-appellant ROBERTO MARIANO *alias* ATO of statutory rape, sentencing him to *DEATH* and imposing the accessory penalties consequent thereto, as well as to pay damages to Khristine Custan, the offended party, plus costs, is *REVERSED* and *SET ASIDE*. Consequently, he is *ACQUITTED* of the crime charged and ordered released immediately from custody unless he is being held for some other lawful cause.

The Director of Prisons, or whoever is in charge of his detention by reason of this case, is *DIRECTED* to release immediately from custody accused-appellant Roberto Mariano *alias* Ato and to report to this Court the action taken hereon within five (5) days from receipt of this Decision.

SO ORDERED.

Davide, Jr., C.J., Melo, Puno, Vitug, Kapunan, Panganiban, Quisumbing, Pardo, Buena, Gonzaga-Reyes, Ynares-Santiago, and *De Leon, Jr., JJ.*, concur.

Mendoza, J., is on leave.

THIRD DIVISION

[A.M. No. P-97-1243. November 20, 2000]

Judge NORMANDIE B. PIZARRO, *complainant, vs.* **WILFREDO VILLEGAS, Utility Worker,** *respondent.*

Supreme Court E-Library

SYNOPSIS

Respondent's appointment as utility worker of Branch 71, RTC, Candon, Ilocos Sur, was cancelled by the Supreme Court after finding that respondent forged the signature of complainant judge in the indorsement recommending the former's appointment as utility worker. The Court ruled that respondent's action constitutes grave dishonesty that disqualifies him from the judiciary.

SYLLABUS

POLITICAL LAW; SUPREME COURT; ADMINISTRATIVE SUPERVISION OVER COURT PERSONNEL; GRAVE DISHONESTY; FORGING SIGNATURE OF JUDGE IN AN INDORSEMENT, A CASE OF; CASE AT BAR. — Dishonesty is a malevolent act that has no place in the judiciary. Indeed, all government personnel are mandated to act with justness and sincerity by Republic Act No. 6713, also known as The Code of Conduct and Ethical Standards for Public Officials and Employees. . . . Pursuant to this mandate, Rule V of the Omnibus Rules Implementing Book V of the Administrative Code of 1987 (Executive Order No. 292) and Other Pertinent Civil Service Laws bars the appointment of persons guilty of dishonesty. In the present case, it was clearly established that respondent forged complainant's signature in the Indorsement recommending the former's appointment as utility worker. His misconduct constitutes grave dishonesty that disqualifies him from the judiciary. Indeed, utility workers come into contact with pleadings and other official documents received and processed by trial courts; hence, a modicum of honesty is expected and required of them. Respondent's action, however, is a blatant disregard for the values of integrity, uprightness and honesty, which are expected of all court personnel.

D E C I S I O N

PANGANIBAN, *J.*:

Dishonesty and misconduct have no place in the judiciary. Those who commit forgery and similar crimes cannot be allowed employment in government service, including government-owned

Supreme Court E-Library

and controlled corporations, and should be criminally prosecuted for their malevolence.

The Case

Before us is a letter-complaint, dated February 3, 1997, filed by acting Presiding Judge Normandie B. Pizarro of the Regional Trial Court (RTC) of Quezon City (Branch 77), charging Wilfredo Villegas with falsifying the former's signature in the Indorsement of the latter's appointment as a utility worker in the RTC of Candon, Ilocos Sur (Branch 71). Assistant Court Administrator Jose P. Perez, acting for the Selection/Promotion Board for Lower Courts, referred the letter to then Deputy Court Administrator Reynaldo L. Suarez. The latter submitted the letter-complaint to the Supreme Court as an administrative Complaint.

The Facts

Sometime in 1996, Judge Pizarro, then assigned to Branch 71 of the RTC of Candon, Ilocos Sur, engaged the services of respondent as an apprentice for two weeks, in order to determine the latter's fitness and aptitude for possible employment in said court.

When asked by respondent to indorse his appointment as utility worker, complainant declined. The latter thought that he no longer had any authority to recommend an applicant for employment in the RTC of Candon, Ilocos Sur, in view of an *en banc* Resolution of the Supreme Court detailing him to the RTC of Quezon City, Branch 77.

To his surprise, complainant learned later on from his former personnel that respondent had been appointed utility worker and was already reporting for work at his former *sala*. So, complainant sent the aforementioned letter to Court Administrator Alfredo L. Benipayo, charging respondent with falsifying his signature in order to secure from the Supreme Court his appointment as court aide.[1]

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[1] *Rollo*, pp. 2-3.

Supreme Court E-Library

On June 16, 1997, this Court referred the case to Executive Judge Gabino B. Balbin Jr. of the RTC of Candon, Ilocos Sur, for investigation, report and recommendation. On the same date, this Court also suspended respondent, pending the outcome of this case.[2]

On July 21, 1997, respondent wrote the Court, controverting in this wise the charges leveled against him:

"I received a copy of the letter complaint of Hon. Normandie B. Pizarro against me dated February 3, 199[7] alleging that I falsified his signature in getting my appointment as [c]ourt [a]ide of Branch 71 of the Regional Trial Court, Candon, Ilocos Sur. I regret very much that the person who recommended me to that position would be the person who now filed a serious accusation against me. I have a xerox copy of the 1st Indorsement of Judge Normandie B. Pizarro which he claims as having been falsified by me. He signed the 1st Indorsement at his office at the Christian Publishing, Cubao, Quezon City. To show my good faith I am willing and am requesting that the signature of Judge Pizarro in the 1st Indorsement be examined and compared with the signatures which are admitted to be his by a handwriting expert of the National Bureau of Investigation.

"Even before Judge Pizarro recommended me [to] that position he ha[d] been telling the court employees at Vigan, Ilocos Sur and those who attended his blowout that he was recommending me for that position of [c]ourt [a]ide. I must state in this connection that I am only a very poor and humble citizen of Bantay, Ilocos Sur who has no criminal record of any kind and I do not want to taint my reputation by falsifying the signature of Judge Pizarro.

"I hope that this adequately answers the complaint of Hon. Normandie B. Pizarro."

Pursuant to respondent's request for a handwriting examination, Investigating Judge Balbin referred the matter to the National Bureau of Investigation (NBI), which found complainant's signature to be a forgery. We quote below the pertinent portions of NBI Document Examiner Necitas B. Patinio's Questioned Documents Report No. 180-399 dated March 18, 1999:

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[2] *Rollo*, p. 17.

Supreme Court E-Library

"FINDINGS:

"Scientific comparative examinations made on the specimen submitted under stereoscopic microscope, magnifying lens, and with the aid of photographic enlargement, reveal that there exist significant fundamental differences in handwriting characteristic and habits between the questioned and the standards/sample signatures/initials NORMANDIE B. PIZARRO, such as in the manner of execution of strokes and other identifying details in letter/element formation.

"CONCLUSION:

"The questioned and the standards/samples signatures/initials NORMANDIE B. PIZARRO were NOT WRITTEN by one and the same person."[3]

Judge Balbin also conducted several hearings, during which respondent confronted complainant and his witnesses: Ilocos Sur Provincial Warden Susano L. Arce,[4] Clerk of Court Florante Rigunay[5] of the RTC of Ilocos Sur, and OIC Branch Clerk of Court Zita Montserrat D. Bringas.[6]

Warden Arce testified that respondent approached him sometime in 1997 at the Provincial Capitol Building, asking him to ask for Judge Pizarro's forgiveness.[7] On the other hand, respondent confided to Atty. Rigunay, as revealed in the latter's testimony, that the former had asked an unnamed person to forge complainant's signature.[8] Mrs. Bringas said that she had confronted respondent at the staff room of the RTC Vigan, Branch 71. In the presence of Wilson Llanes, Atty. Rigunay and Warden Arce, he told her that he had asked "somebody from Makati" to forge Judge Pizarro's signature.[9]

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[3] *Rollo*, pp. 38-39.

[4] Joint Affidavit; *rollo*, p. 73.

[5] *Ibid.*

[6] Affidavit; *rollo*, pp. 75-76.

[7] TSN, January 18, 2000, pp. 5-6.

[8] TSN, February 22, 2000, pp. 3-4.

[9] TSN, January 18, 2000, pp. 9-10.

Supreme Court E-Library

Additionally, Llanes, process server of Branch 71, executed an Affidavit stating that respondent had admitted having sought the help of someone from Makati in falsifying complainant's signature.[10]

Respondent, in his defense, testified that he had brought the Indorsement document to complainant's office in Cubao for signature. Allegedly, after signing the document, complainant instructed him to submit the Indorsement to Mrs. Bringas for her signature. Mrs. Bringas purportedly told respondent to submit his papers to a certain Rolly Pangilinan of the Administrative Office of the Supreme Court.

After the investigation, Executive Judge Balbin, in his Report and Recommendation dated May 16, 2000, concluded that indeed the signature of complainant was spurious. He thus recommended the following actions:

"1. The withdrawal and cancellation of the appointment of Mr. Wilfredo Villegas as Utility Worker II of Branch 71, Regional Trial Court, Candon, Ilocos Sur;

"2. The prosecution of Mr. Wilfredo Villegas for the falsification of the signature of Judge Normandie Pizarro; and

"3. The strict enforcement of the Administrative Circular requiring the inclusion of the endorsement of the Executive Judge to one's application for appointment."[11]

Recommendation of the Court Administrator

For his part, Court Administrator Benipayo, in his Memorandum to the Court dated August 14, 2000, found that respondent had failed to live up to the standard required of every person connected with the judiciary. He recommended that respondent's appointment as utility worker be cancelled.

He also noted the investigating judge's observation that the personnel of the Administrative Division had received and

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[10] Affidavit; *rollo*, p. 74.

[11] *Rollo*, pp. 122-123.

Supreme Court E-Library

processed respondent's appointment papers without the requisite Indorsement of the executive judge.

The Court's Ruling

We agree with the findings and recommendations of both the investigating judge and the court administrator.

Respondent's Dishonesty

Dishonesty is a malevolent act that has no place in the judiciary. Indeed, all government personnel are mandated to act with justness and sincerity by Republic Act No. 6713, also known as The Code of Conduct and Ethical Standards for Public Officials and Employees, which provides as follows:

"(c) *Justness and sincerity.* — Public officials and employees shall remain true to the people at all times. They must act with justness and sincerity x x x. They shall at all times x x x refrain from doing acts contrary to law, good morals, good customs, public policy, public order, public safety and public interest x x x."[12]

Pursuant to this mandate, Rule V of the Omnibus Rules Implementing Book V of the Administrative Code of 1987 (Executive Order No. 292) and Other Pertinent Civil Service Laws bars the appointment of persons guilty of dishonesty. The provision reads:

"Sec. 7. The Commission shall disapprove the appointment of a person who:

"x x x x x x x x x

"(b) has been found guilty of crime involving moral turpitude or of infamous, disgraceful conduct or addiction to narcotics, or dishonesty; or

x x x x x x x x x."

In the present case, it was clearly established that respondent forged complainant's signature in the Indorsement recommending the former's appointment as utility worker. His misconduct

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[12] Sec. 4(c), RA No. 6713.

Supreme Court E-Library

constitutes grave dishonesty that disqualifies him from the judiciary. Indeed, utility workers come into contact with pleadings and other official documents received and processed by trial courts; hence, a modicum of honesty is expected and required of them. Respondent's action, however, is a blatant disregard for the values of integrity, uprightness and honesty, which are expected of all court personnel.

We stress that the conduct of even minor employees mirrors the image of the courts they serve; thus, they are required to preserve the judiciary's good name and standing as a true temple of justice.[13] This Court has often reminded its personnel of the high norm of public service it requires, as follows:

> "[W]e condemn 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. Every one connected in the task of delivery of justice, from the lowliest employee to the highest official, must at all times be fully aware of the sacramental nature of their function."[14]

Clearly, respondent does not have a place in the judiciary.

WHEREFORE, the appointment of respondent is *WITHDRAWN* and *CANCELLED*. He is disqualified from being appointed to any position in the government or any government-owned or controlled corporation.

Let the secretary of justice be furnished a copy of this Decision for possible criminal prosecution of respondent.

SO ORDERED.

Melo (Chairman), Vitug, and *Gonzaga-Reyes, JJ.*, concur.

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[13] *Marquez v. Clores-Ramos*, AM No. P-96-1182, July 19, 2000; *Canlas & Dungca v. Sheriff Balasbas*, AM No. P-99-1317, August 1, 2000.

[14] *Atty. Jesusa Maningas et al. v. Carlito C. Barcenas*, AM No. P-99-1315, November 3, 1999, *per curiam; Sy v: Academia*, 198 SCRA 705, 717, July 3, 1991; *Executive Judge Loyao Jr. v. Armecin*, AM No. P-99-1329, August 1, 2000, p. 7; *Office of the Court Administrator v. Alvarez*, 287 SCRA 325, 330, March 11, 1998.