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WHEREFORE, in view of the foregoing, respondent Judge Zeida Aurora B. Garfin is found guilty of gross ignorance of the law and is *ORDERED* to pay a fine in the amount of ₱10,000.00. She is *STERNLY WARNED* that a repetition of the same or similar acts will be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Vitug, and *Carpio, JJ.,* concur.

SECOND DIVISION

[A.M. No. MTJ 94-995. September 5, 2002]

LUZ ALFONSO, NESTOR ALMOGUERRA, ERNESTO AQUINO, CARMELITA ARCENAS, IMELDA ARISTORENAS, CARLOS ATENTAR, ENRIQUE ATENTAR, DELFIN BANAAG, MERCEDITA BELARMINO, SHEILA BOMBAY, MA. LUISA BONGHANOY, CRISANTO DE CASTRO, MILAGROS DE CASTRO, DIANA CRUZ, ROBERTO DAULAT, MA. TERESITA DIZON, AMAR DOCTOLERO, OLGA SOCORRO DYCUECO, OMAR ESPINA, CONCEPCION GATBONTON, MARY ANN GONZALES, GLENN CLEMENT KAPUNAN, CECILIA LALIC, ASUNCION LANSANG, RODELITO LAUNIO, JOSE MARANAN, ROWENA MATIBAG, JOCELYN MORALDE, HONRICO DAVID NAVARRO, REBECCA OLLODO, RITA ONGKIKO, ERNESTO PADOLINA, CARY PAUL RUDI, RENATO SAN JUAN, MARCIANO SALAMAT, SUSAN TAGROS, TERESITA TESIORNA, ROSALINA L. TIMBANG, TRANQUILINO TUPAZ, ALICIA VALDEZ, and GERONIMO VILLANUEVA,

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complainants, vs. **ROSE MARIE ALONZO-LEGASTO, Executive Judge, Metropolitan Trial Court, Quezon City, EMELITA CAMAYA, Clerk of Court III, Office of the Clerk of Court, Metropolitan Trial Court, Quezon City, and REMEDIOS "BABY" GARCIA, Records Officer I, Office of the Clerk of Court, Metropolitan Trial Court, Quezon City,** *respondents.*

SYNOPSIS

Complainants herein were employees of the City Government of Quezon City and were assigned at the Office of the Clerk of Court-Metropolitan Trial Court (OCC-MeTC) and the different branches of the MeTC-Quezon City to assist the organic staff of the judiciary. The instant administrative complaint had its roots from the transfer of complainants to other offices in the City Government made by respondent Judge. Complainants alleged that conspiracy existed between respondents. Complainants also accused respondent Garcia of falsifying her daily time records (DTR's). They likewise accused respondent Camaya of receiving a bribe from a supplier of court equipment and supplies.

The Supreme Court ruled that respondent Judge, in deciding to return the forty-one City Government employees previously detailed with the MeTC, has exceeded her authority which is limited to the temporary re-assignment of court employees, *i.e.,* for a period of three months extendible only once for the same period. She had no authority to cause the permanent transfer of court employees, as was done in the instant case, since the jurisdiction for such action devolved solely upon the Office of the Court Administrator and not in her capacity as Executive Judge.

With regard to respondent Garcia, the Court ruled that she has not satisfatorily explained the entries in the allegedly falsified DTR's upon which she drew the corresponding salary and other benefits. Hence, she is the person responsible for the dishonest act of falsifying these DTR's. Respondent Judge was also found responsible for Garcia's act of dishonesty in falsifying the DTR's for failure to initiate the proper investigation when the dishonorable act finally surfaced during her term as Executive Judge.

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The Court ruled that respondents Judge Legasto and Garcia should be both equally reminded that public office is a public trust. This principle assumes greater importance among judges and court personnel who, in the administration of justice, must always adhere to the tenets of accountability, responsibility, integrity, loyalty and efficiency. From the executive judge to the lowest clerk, each should ensure that pubic confidence in the judiciary is maintained. Respondent Judge was fined the amount of ₱10,000.00, while respondent Garcia was suspended from office for one (1) month without pay, or if her suspension can no longer be imposed, a fine of ₱20,000.00 is imposed upon her.

The Court dismissed the administrative complaint against respondent Camaya for lack of merit.

SYLLABUS

1. **POLITICAL LAW; CONSTITUTIONAL LAW; SUPREME COURT; EXERCISES POWER OF ADMINISTRATIVE SUPERVISION OVER COURT EMPLOYEES; CASE AT BAR.**— Respondent Judge Legasto violated rules and regulations governing the detail, reassignment or transfer of court employees including locally-funded court personnel. It is our considered opinion that her decision to return the forty-one (41) City Government employees previously detailed with the MeTC exceeded her authority under Sec. IV of *Administrative Order No. 6* which is limited to the temporary re-assignment of court employees, *i.e.*, for a period of three (3) months extendible only once for the same period. She had no authority to cause the permanent transfer of court employees, as was done in the instant case, since the jurisdiction for such action devolved solely upon the Office of the Court Administrator and not in her capacity as Executive Judge. Furthermore, it was Judge Legasto's duty to apprise this Court of the personnel requirements of the OCC-MeTC and the alleged need to streamline the staffing pattern before informing the local government of the return of its employees, as it might unduly prejudice the services rendered by the court to the residents of Quezon City. Instead, what Judge Legasto did was to refer the matter personally to the office of then Vice-Mayor Charito Planas for evaluation and assessment, which is contrary to Sec.

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III of *Administrative Circular No. 30-91* vesting in the Office of the Court Administrator the sole responsibility "for all liaison and coordination activities with the Legislative and Executive departments as well as with local government officials x x x" and to Sec. IV of *Administrative Order No. 6* requiring prior notice to this Court, at least the Office of the Court Administrator, as regards the purported transfer of a considerable number of employees, as in the instant case, which would not only affect the individual employees' rights but would also compromise the administration of justice. The personnel action initiated by Judge Legasto was a clear derogation of the power of administrative supervision of this Court over court employees and unfortunately fell short of Rule 3.08 of the *Code of Judicial Conduct* requiring judges to "maintain professional competence in court management," among others.

2. **ID.; ADMINISTRATIVE LAW; PUBLIC OFFICERS AND EMPLOYEES; COURT PERSONNEL, FROM EXECUTIVE JUDGE TO THE LOWEST CLERK SHOULD ENSURE THAT PUBLIC CONFIDENCE IN THE JUDICIARY IS MAINTAINED.—** [R]espondents Judge Legasto and Garcia should both be equally reminded that public office is a public trust. This principle assumes greater importance among judges and court personnel who in the administration of justice, must always adhere to the tenets of accountability, responsibility, integrity, loyalty and efficiency. From the executive judge to the lowest clerk, each should ensure that public confidence in the judiciary is maintained. In sanctioning errant judicial officers and employees, we have always stressed that the dispensation of justice is a sacred task and that public servants involved in it must live up to its highest standards. Unfortunately, respondent Judge and Garcia are found wanting in this regard.

APPEARANCES OF COUNSEL

Ernesto C. Jacinto for complainants.
Prospero A. Crescini for respondents.
Fernando P. Camaya collaborating counsel for E. Camaya.

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DECISION

CORONA, *J.*:

This resolves the instant complaint for various administrative charges against respondent Judge Rose Marie Alonzo-Legasto, then Executive Judge of the Metropolitan Trial Court (MeTC),[1] Quezon City, along with co-respondents Assistant Clerk of Court Emelita Camaya and Records Officer Remedios Garcia, both of the Office of the Clerk of Court, MeTC-Quezon City (OCC-MeTC), consisting of graft and corruption, rendition of an unjust interlocutory order, fraud against the public treasury, malversation of public funds, estafa, discrimination, favoritism, grave abuse of authority, and grave and serious misconduct.

Complainants Luz Alfonso, Nestor Almoguerra, Ernesto Aquino, Carmelita Arcenas, Imelda Aristorenas, Carlos Atentar, Enrique Atentar, Delfin Banaag, Mercedita Belarmino, Sheila Bombay, Ma. Luisa Bonghanoy, Crisanto De Castro, Milagros De Castro, Diana Cruz, Roberto Daulat, Ma. Teresita Dizon, Amar Doctolero, Olga Socorro Dycueco, Omar Espina, Concepcion Gatbonton, Mary Ann Gonzales, Glenn Clement Kapunan, Cecilia Lalic, Asuncion Lansang, Rodelito Launio, Jose Maranan, Rowena Matibag, Jocelyn Moralde, Honrico David Navarro, Rebecca Ollodo, Rita Ongkiko, Ernesto Padolina, Cary Paul Rudi, Renato San Juan, Marciano Salamat, Susan Tagros, Teresita Tesiorna, Rosalina L. Timbang, Tranquilino Tupaz, Alicia Valdez and Geronimo Villanueva, forty-one (41) in all, were employees of the City Government of Quezon City. They were appointed by various city mayors at different times under separate appointment papers[2] and received salaries and other benefits from the City Government.[3] They held positions under the Office of the City Mayor, Special Assistance for the

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[1] Now Presiding Judge, RTC-Br. 99, Quezon City.

[2] TSN, 3 August 1998, p. 19; See *e.g.* TSN, 6 May 1998, p. 6 (testimony of complainant Diana Cruz); Exh. "TT" to "AAA" (Personnel Schedule prepared by the City Personnel Office of the Quezon City Government).

[3] TSN, 6 May 1998, p. 16.

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Metropolitan Trial Court and were assigned at the OCC-MeTC and the different branches of the MeTC-Quezon City to assist the organic staff of the judiciary.[4]

On 16 August 1993 respondent Judge Rose Marie Alonzo-Legasto wrote a letter to Mayor Ismael Mathay, Jr. returning all but one[5] of the forty-one (41) complainants to the Quezon City Government allegedly to –

"x x x x utilize the maximum potentials and resources of all National and City paid employees, and in view of the observation of Honorable Vice Mayor, Charito Planas, in the recent personnel survey, that the Office of the Clerk of Court, MTC, is overstaffed, *I am returning herewith the following City employees* assigned in the said office x x x x The return of the said employees is necessary, in the meantime, in order for the undersigned to properly assess, determine and evaluate the actual number of support employees from the City in the effective and efficient operation of the Office of the Clerk of Court. I shall in due time notify your good office of the number of City employees needed in the Office of the Clerk of Court in line with my further desire to eliminate manpower excesses (*undersoring supplied*).[6]

The letter returning the MeTC employees was based on an alleged plan to reorganize the OCC-MeTC which dated back to the time of former Executive Judge Guillermo Loja.[7] The transfer was, however, formally initiated sometime in June or July 1993 through an assessment undertaken by the office of then Vice Mayor Charito Planas. A certain Victor Ala[8] supposedly assessed the work aptitude of complainants by clandestinely observing them for several days during a two (2)-week period at the OCC[9]

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[4] See Note 2.

[5] Complainant Rosalina L. Timbang was re-assigned by Mayor Ismael Mathay, Jr. although she was not among those recommended for transfer by Judge Legasto.

[6] Exh. "H"; *Rollo*, p. 87.

[7] TSN, 7 June 1995, p. 29.

[8] TSN, 27 June 1995, p. 4.

[9] *Ibid.*, pp. 7, 33.

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and obtaining documents from Clerk of Court III Emelita Camaya allegedly necessary for the purpose.[10] The results of the observation were reduced into a confidential *Aide Memoire*[11] which concluded that "there was general breakdown of office functions [as] personnel were engaged in lively and animated conversation among themselves, accompanied by boisterous laughter unbecoming of an office [and] non-productive moving about [was] also an ordinary sight," and which blamed "over-population" and poor "enforcement of office rules and regulations" as causes of the disorderly office decorum.[12]

Prior to the submission of her letter, respondent Judge met with then Clerk of Court Herman R. Cimafranca and respondent Camaya to discuss the possibility of reducing personnel in the OCC.[13] Judge Legasto likewise convened all the employees of the office, including complainants, and divulged the plan to streamline the workforce.[14] It was agreed that after the reorganization, she would further study the need for additional manpower as she committed herself to seek the recall of any of the complainants subsequently found to be necessary in the interest of the service.[15]

On 17 August 1993 Mayor Mathay issued *Office Order No. 47* reassigning the forty-three (43) City Government employees including herein forty-one (41) complainants to different offices of the Quezon City Government.[16] The reassigned employees, particularly complainants, suffered no diminution of salary or benefits nor, were, in any manner, subjected to difficulties as a result of the personnel movement since the offices they reported

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[10] *Ibid.*, p. 5.

[11] Exh. "G"; *ibid.*, p. 9; *Rollo*, pp. 85-86.

[12] *Ibid.*, pp. 85-86.

[13] TSN, 7 June 1995, pp. 38, 43.

[14] *Ibid.*, p. 46.

[15] *Ibid.*, p. 49.

[16] Exh. "I;" *Rollo*, p. 88-89.

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to were just meters away from the OCC-MeTC.[17] They also retained their respective items under the Office of the City Mayor, Special Assistance for the Metropolitan Trial Court, under which their salaries and benefits were paid.[18]

After executing the transfer, Judge Legasto convened the supervisors of all the units in the OCC-MeTC and ordered them to evaluate the work requirements of their respective units by matching the number of personnel with the desired work output.[19] The reports of the supervisors allegedly found the reorganization to be beneficial and instrumental in achieving an efficient and effective work atmosphere in their respective units: Civil Case Section (Exh. "44"); Criminal RPC Unit (Exh. "45"); Ordinance Clearance and Probation Section (Exh. "46"); Traffic Case Unit (Exh. "47"); Marriage Section (Exh. "48"); and Receiving Section (Exh. "49").[20] None of the complainants who had been transferred was ever recalled by Judge Legasto.[21]

The transfer of complainants to other offices in the City Government was admittedly the root of the instant administrative complaint.[22] Complainants averred conspiracy between respondents Camaya and Remedios "Baby" Garcia, the alleged girl Friday of respondent Judge, on one hand, and on the other, Judge Legasto, purportedly to favor some of her "favorite" national employees, *i.e.* from the organic staff of the judiciary over City Government employees; hence, their arbitrary transfer to other offices and the unfair treatment as shown in the recording of attendance and in the bringing of children to the OCC during office hours. Respondent Judge was likewise charged with

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[17] TSN, 13 August 1998, p. 22; See *e.g.* TSN, 20 July 1998, pp. 19-20 (testimony of complainant Glenn Kapunan); TSN, 21 June 1995, p. 31 (testimony of complainant Carmelita Arcenas); TSN, 16 June 1995, p. 43 (testimony of Enrique Atentar).

[18] TSN, 30 July 1998, p. 29; Exh. "AAA".

[19] TSN, 7 June 1995, p. 59.

[20] TSN, 25 July 1995, pp. 45, 47; *Rollo*, pp. 31-32.

[21] TSN, 20 July 1998, pp. 18-19.

[22] TSN, 9 June 1995, p. 59.

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doctoring a payroll to fraudulently collect thirty (30) days of election-related work during the 11 May 1992 elections when she should have been credited with only five (5) days of work. Complainants also alleged that respondents Camaya and Garcia were "fixing the raffle" and the disposition of cases for a fee. Camaya was further accused of having a low intelligence quotient necessary for her position of Clerk of Court III but was ironically perceived by complainants to have been one of the masterminds of the reorganization, the other being respondent Garcia. It was also claimed that Camaya usurped for corrupt purposes the authority of then Clerk of Court Herman R. Cimafranca in signing vouchers and purchase request papers so she could collect bribe money from suppliers of court equipment and supplies. Complainants claimed that, in one instance, Camaya received P5,000 from a supplier. Finally, they accused respondent Garcia of falsifying three (3) daily time records (DTR's), Exhs. "M", "N" and "O", for two and a half (2½) months, *i.e.*, in December 1989 and in January and February 1990, wherein she made it appear that she reported for work when in fact she did not. Based on this dishonest claim, she was indeed paid the corresponding salary and other benefits.

Respondents filed their respective comments/answers to the instant complaint. On 8 March 1995 we referred the case to Executive Judge Alfredo J. Gustilo, RTC-Br. 116, Pasay City, for investigation, report and recommendation within ninety (90) days from notice of the referral. On 18 January 1996 Judge Gustilo recommended the exoneration of respondents. On 21 August 1996 we required Judge Gustilo to conduct a more exhaustive and thorough investigation of the case. To reiterate the mandatory principle that all complainants and witnesses must be summoned to testify or otherwise shed light on their knowledge of facts relevant to the integrity and competence of judges and staff alike, we said —

"In his letter of 30 September 1996 Judge Gustilo manifested that he had a full-blown hearing but was at a loss as to what further investigation to conduct, and requested for instructions on the matter.

"We cannot see how Judge Gustilo can claim to be 'at a loss as to what further investigation to conduct.' Out of the forty-one (41)

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complainants listed, only six (6) were presented as witnesses. The various annexes attached to the complaint were not even touched upon in the process. The complainants in this case are lowly city employees who may not ordinarily be expected to present very ably their arguments sustaining their 23-page complaint, exclusive of annexes 'A' to 'K', as well as their 32-page reply. Judge Gustilo should have looked into the basis of the charges by propounding questions himself, clarificatory or otherwise, to the complainants who should have been notified individually of the hearings and asked to testify.

"A more thorough investigation is equally important to determine the liability of complainants for giving false testimonies in case the charges, which appear to be serious, later on turn out to be false and unfounded. Specifically, the veracity of the allegations in the complaint, comment and reply of the parties as well as contents of the various annexes attached thereto should be examined and delved into, and the parties concerned confronted with them. Judge Gustilo should not have been content with the seeming nonchalant attitude of counsel for complainants in presenting only six (6) witnesses.

"This is an administrative case where the Court is interested in determining the integrity, competence and moral fitness of its employees, judges not excluded. This is not a civil case where generally only private rights are involved. An administrative matter partakes the nature of a criminal case in which the government is interested specifically in pursuing to cleanse its ranks.

"In his Investigation Report dated 18 January 1996 Judge Gustilo observed that complainants did not clearly specify in their complaint and in their reply as to what acts were committed by respondents which would consitute any of the charges included in the complaint. (N.B. Investigation Report of Judge Gustilo dated 18 January 1996, pp. 67-70). If that be true, Judge Gustilo himself should have inquired into the basis and specifics of those charges from the complainants and the witnesses they (complainants) may produce. That is among the duties of an administrative investigator who in this case, incidentally, was particularly designated by this Court. But Judge Gustilo, apparently, failed in this regard; instead, he took his responsibility and the trust of this Court too lightly x x x

"Forty-one (41) complainants, whose addresses are clearly stated in their complaint, should be given their day in court, after which, respondents should likewise be heard in their defense."

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On 25 February 1998 we reiterated the directive to probe deeper into the complaint by receiving additional evidence and proffering clarificatory questions. In the meantime, Judge Gustilo was appointed to the Sandiganbayan, so that the Court designated his replacement as Executive Judge, Judge Lilia C. Lopez, and directed her to commence forthwith with the hearing and complete the same within ninety (90) days from notice of the directive. In due time, Judge Lopez recommended the dismissal of the administrative complaint against respondents for insufficiency of evidence, despite our Resolution of 25 February 1998 hereinbefore quoted.

At the outset we stress that the instant complaint does not seek to invalidate the *Office Order* of Mayor Mathay which precipitated the transfer of complainants to different offices within the Quezon City Government. Mayor Mathay has not in fact been impleaded in this case. Neither are we minded to tackle the peculiar[23] character of complainants' status — an *aberration* as Chief Justice Enrique Fernando would observe in another case[24] — within the personnel structure of the OCC-MeTC. These employees, as we have stated, were appointed by various Quezon City mayors, presumably pursuant to *RA 1575* (1956)[25] empowering them to appoint clerks and other office personnel which the City Council may provide in the office of the clerk of the municipal court as the needs of the service demanded.[26] To emphasize, the present disciplinary

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[23] See Concurring Opinion of Chief Justice Enrique Fernando in *Bagatsing v. Herrera,* No. L-34952, 25 July 1975, 65 SCRA 434, where he noted that the status of an executive sheriff and court liaison officer appointed by the city mayor and receiving compensation out of city funds should not exempt him from the exclusive competence of this Tribunal to exercise supervision over all courts and the personnel thereof.

[24] *Ibid.*, p. 443.

[25] Entitled An Act to Amend and Repeal Certain Sections of Republic Act Numbered Five Hundred Thirty-Seven, Otherwise Known as The Revised Charter of Quezon City.

[26] Suffice it to note however that as early as the 1973 Constitution, and under the present Constitution as well, this Court has been vested with the

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proceedings are circumscribed by the sole issue of administrative culpability of respondents as alleged in the complaint.

We find some merit in the complaint.

First. Respondent Judge Legasto violated rules and regulations governing the detail, reassignment or transfer of court employees including locally-funded court personnel. It is our considered opinion that her decision to return the forty-one (41) City Government employees previously detailed with the MeTC exceeded her authority under Sec. IV of *Administrative Order No. 6* which is limited to the temporary re-assignment of court employees, *i.e.*, for a period of three (3) months extendible only once for the same period.[27] She had no authority to cause the permanent transfer of court employees, as was done in the instant case, since the jurisdiction for such action devolved solely upon the Office of the Court Administrator and not in her capacity as Executive Judge.[28]

Furthermore, it was Judge Legasto's duty to apprise this Court of the personnel requirements of the OCC-MeTC and the alleged need to streamline the staffing pattern before informing the local government of the return of its employees, as it might

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power to appoint and administratively supervise all courts and personnel thereof and for this reason, PD 185 (1973) stripped the Secretary of Justice of the power to appoint or approve the appointments of court personnel and to discipline and remove them from the service and transferred to this Court the exercise of such powers. Correspondingly we have ruled that the authority to detail employees of the judiciary to places other than their official station is at all times subject to our approval. In 1975 the creation of the Office of the Court Administrator, under PD 828 (1975), as amended, by PD 842 (1975), supplemented the design to focus in this Court the administrative supervision over court employees. Thereafter, BP 129 (1980) and EO 864 (1983) abolished all existing courts of justice and decreed that only the necessary court personnel would continue though on a temporary basis until reappointed or replaced by competent authority.

[27] As mandated by the OCA Adm. Circ. No. 18-97.

[28] Sec. III (C) (2) of Adm. Circ. No. 30-91 which provides in part: "III. Matters to be attended by the Court Administrator x x x x C. Other Administrative Matters x x x x 2. Administrative problems of lower courts regarding assignment, detail and transfer of court personnel."

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unduly prejudice the services rendered by the court to the residents of Quezon City. Instead, what Judge Legasto did was to refer the matter personally to the office of then Vice-Mayor Charito Planas for evaluation and assessment, which is contrary to Sec. III of *Administrative Circular No. 30-91* vesting in the Office of the Court Administrator the sole responsibility "for all liaison and coordination activities with the Legislative and Executive departments as well as with local government officials x x x" and to Sec. IV of *Administrative Order No. 6*[29] requiring prior notice to this Court, at least the Office of the Court Administrator, as regards the purported transfer of a considerable number of employees, as in the instant case, which would not only affect the individual employees' rights but would also compromise the administration of justice. The personnel action initiated by Judge Legasto was a clear derogation of the power of administrative supervision of this Court over court employees and unfortunately fell short of Rule 3.08 of the *Code of Judicial Conduct* requiring judges to "maintain professional competence in court management," among others.

Judge Legasto cannot hide behind the authorization issued by Mayor Mathay for the transfer of forty-one (41) court employees to give an impression of legality to her action. While it was proper for her to consult the responsible officials of the Quezon City Government, without of course transgressing the authority of the Office of the Court Administrator, she undoubtedly had the correlative duty to promote the proper discharge of the Court's mandate to improve judicial services and facilitate the dispensation of justice by keeping this Court duly informed of the plan to considerably reduce court personnel. The courtesy of prior notice, at least, could have afforded us the opportunity to assess the propriety of such action prior to its implementation. Needless to stress, it is absolutely essential to the proper

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[29] Particularly No. 7 thereof which states in part: "To recommend to the Supreme Court the imposition upon erring employees of such disciplinary sanctions as may be necessary and proper;" and No. 14 which provides: "To apprise the Supreme Court of vacancies and requirements for additional court personnel within his area of administrative supervision x x x."

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administration of justice that courts have full control over the official actions of those through whom the administration of the affairs of the court proceeds. As keenly observed by Chief Justice Fernando in *Bagatsing vs. Herrera*,[30] "[f]or judicial independence to be a reality, the least interference by or influence from other governmental departments is of the essence."[31] Lest it be again ignored, we stress in this regard that only this Court has the authority to order a personnel accounting of locally-funded employees assigned in the lower courts to determine the necessity of their detail[32] and that, accordingly, all requests for detail of locally-funded employees, including complainants herein, must pass the Office of the Court Administrator for review and appropriate action.[33]

Second. Other than the fact that all forty-one (41) employees were appointees of the Quezon City Government, there were no common derogatory records which would explain respondent Judge's recommendation for their collective transfer. On the other hand, respondent Garcia would herself admit that some of the complainants had been commended for their punctuality and excellent attendance[34] and by respondent Camaya for their outstanding performance.[35] We can reasonably infer from these admitted facts that the move to return complainants was not based on any valid and substantive ground. Judge Legasto defended her action by claiming that she only wanted to improve the working conditions in the OCC-MeTC.[36] But if this was indeed the case, then she should have forthwith identified the

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[30] See Note 22.

[31] *Ibid.*, p. 446.

[32] *In re: Report on the Judicial Audit conducted in the Regional Trial Court, Branches 22 and 27, Iloilo City*, Adm. Matter No. 98-2-58-RTC, 3 March 1998; *Legaspi v. Garrete*, A.M. No. MTJ-92-713, 27 March 1995, 242 SCRA 679.

[33] OCA Adm. Circ. No. 17-99.

[34] TSN, 7 July 1995, p. 3.

[35] TSN, 18 July 1995, p. 13.

[36] TSN, 9 June 1995, pp. 31-32, 35-36.

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recalcitrant employees and charged each of them with various administrative offenses. The recommendation to transfer wholesale forty-one (41) employees, without regard to individual responsibilities, exhibited her unfairness if not lack of judiciousness in dealing with the situation. Furthermore, the conclusion in the *Aide Memoire* that the OCC-MeTC was over-staffed is hardly credible since the records show that, after the wholesale transfer of complainants, three (3) City Government employees were hired to take over vacant items in the OCC-MeTC[37] and that at least three (3) City Government employees were retained at the OCC-MeTC.[38] Thus we cannot help but conclude that Judge Legasto acted with manifest bias and partiality against complainants.

Third. Complainants accused respondent Garcia of falsifying three (3) daily time records (DTR's), Exhs. "M", "N" and "O", for two and a half (2½) months, *i.e.*, in December 1989 and in January and February 1990, wherein she made it appear that she reported for work when in fact she did not, so she could collect the corresponding salary and other benefits. Respondent Garcia, however, denied executing these DTR's and alleged that she reported for work for one-half month in December 1989 and that, for the rest of the month, she applied for a leave of absence to accommodate her husband who was vacationing from abroad.[39] Allegedly for the next two (2) months, January and February 1990, she was on sick leave for asthma on the basis of a leave application she filed in the last week of January 1990.[40] She also testified that she submitted her daily time records for the three (3) months in question, allegedly not Exhs. "M", "N" and "O", with time-in and time-out notations for the first half of December 1989 and a red bar on the face of the DTR's for the second half of December 1989, and for the whole months of January and February 1990, allegedly to indicate her

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[37] Exhs. "EEE" to "HHH."

[38] TSN, 9 June 1995, p. 25.

[39] TSN, 6 July 1995, p. 31.

[40] *Ibid.*, pp. 32, 33; TSN, 7 July 1995, p. 50.

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absences for this period.[41] A certification dated 6 April 1990 from the Office of the Court Administrator, Exh. "V", would, however, confirm that respondent Garcia did not file an application for leave during the period 1 December 1989 to 28 February 1990.[42] After an absence of two-and-a-half (2-1/2) months, respondent Garcia reported back to work in the first week of March 1990.[43]

Respondent Garcia also testified that she received her salary for the month of December 1989 on 13 December 1989, and on 27 December 1989.[44] She further alleged that she got her salary for the month of January 1990[45] but was unable to collect her pay for February 1990 since then Clerk of Court Atty. Sonia Perez allegedly took the money in her behalf and pocketed the same while she was on leave of absence.[46] She further averred that sometime between August and September 1990 she learned that three (3) sets of DTR's for December 1989, January and February 1990,[47] namely, Exhs. "M", "N" and "O", were falsified by indicating her name and purported signature as well as the date and time of her supposed attendance for these months when she was admittedly on leave.[48] She allegedly investigated these anomalous DTR's and found that they were certified to be true by Atty. Sonia Perez[49] but she never discovered who falsified her signature and the attendance entries therein.[50] Nonetheless she failed to offer in evidence the genuine DTR's she had allegedly executed which showed her absences and

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[41] TSN, 6 July 1995, p. 32.

[42] TSN, 7 July 1995, p. 27; Exh. "V".

[43] *Ibid.*, p. 26.

[44] TSN, 6 July 1995, pp. 29-30.

[45] *Ibid.*, p. 34.

[46] *Ibid.*, p. 35.

[47] Exhs. "M", "N", "O".

[48] TSN, 6 July 1995, p. 36.

[49] *Ibid.*, p. 37.

[50] TSN, 7 July 1995, p. 21.

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instead blamed Atty. Perez for the supposedly mysterious loss or concealment of her records through the latter's manipulation.[51] In place of the supposedly missing or misplaced authentic DTR's, Garcia offered another set of DTR's[52] bearing her genuine entries and signatures for comparison with the ones allegedly falsely attributed to her. Furthermore, she claimed that Atty. Perez knelt before certain employees of the OCC begging them not to file a complaint against her since she was then about to retire,[53] which consequently influenced respondent Garcia not to file a complaint against her to rectify the DTR's, Exhs. "M", "N" and "O", being credited to her.[54]

We hold that respondent Garcia has not satisfactorily explained the entries in the allegedly falsified DTR's, Exhs. "M", "N" and "O", upon which she drew the corresponding salary and other benefits. Hence we find her to be the person responsible for the dishonest act of falsifying these DTR's.

The falsified DTR's for December 1989, January and February 1990, which were offered by complainants as their Exhs. "M", "N" and "O", are copies certified on file by the Assistant Chief of Office of the Administrative Services of the Office of the Court Administrator and are therefore admissible public documents, as respondents themselves would stipulate.[55] "In the case of public documents, the mere production of an admissible copy is generally sufficient to satisfy any requirement of proof of due execution of the document, in accordance with the maxim *omnia praesumuntur rite et solemniter esse acta.*"[56] Accordingly, respondent Garcia is presumed to be the author of Exhs. "M", "N" and "O" purposely to falsify or cover up the fact that she

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[51] Formal Offer of Respondents' Exhibits, p. 25.

[52] Exhs. 33 and 34.

[53] *Ibid.*

[54] TSN, 7 July 1995, pp. 28-29.

[55] TSN, 26 June 1995, p. 27.

[56] P. Murphy, "*A Practical Approach To Evidence*" (1980), p. 510; Secs. 23 and 24, Rule 132, Revised Rules of Court.

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was not reporting for work for two-and-a-half (2-1/2) months.[57] While this presumption may be rebutted, it may only be done by clear, strong and convincing evidence.[58]

Respondent Garcia was not able to rebut this presumption. Her defense was mere unsubstantiated denial[59] which of course is a weak defense. Furthermore, if we are to compare the signatures on Exhs. "M", "N" and "O" with the admitted standard signatures of respondent Garcia, Exhs. "33" and "34", we would see no marked difference between them. "The test of genuineness," Chief Justice Moran stressed in his standard treatise, "ought to be the resemblance, not to the formation of the letters in some other specimen or specimens, but to the general character of writing, which is impressed on it as the involuntary and unconscious result of constitution, habit, or other permanent course, and is, therefore, itself permanent."[60] It appears to the Court that there is a visible general resemblance between the questioned signatures and the standard signatures, which similarity is particularly marked in respect of Exhs. "M" and "O".

Other circumstances prove that Exhs. "M", "N" and "O" were truly recorded by respondent Garcia. For one, Garcia exerted no effort to show who falsified her signature on the questioned DTR's and to explain the loss of her supposedly genuine DTR's. She certainly could have checked with the Office of the Court Administrator or subpoenaed Atty. Sonia Perez to shed light on this issue since, as she herself admitted, Atty. Perez as then Clerk of Court certified Exhs. "M", "N" and "O" although they were allegedly falsified. We also cannot accept

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[57] *Asido v. Guzman*, 37 Phil. 652 (1918); *U.S. v. Enriquez*, 1 Phil. 241 (1902).

[58] *Tenio-Obsequio v. Court of Appeals*, G.R. No. 107967, 1 March 1994, 230 SCRA 550; *Bunyi v. Reyes*, No. L-28845, 10 June 1971, 39 SCRA 504; *Chilianchin v. Coquinco*, 84 Phil. 714 (1949); *Robinson v. Villafuerte*, 18 Phil. 171 (1911).

[59] TSN, 6 July 1995, pp. 25, 36.

[60] *Alcos v. Intermediate Appellate Court*, G.R. No. 79317, 28 June 1988, 162 SCRA 823, 833-834.

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her explanation that her genuine DTR's for December 1989 and January and February 1990 could have already been lost and could no longer be retrieved. It must be stressed that these are official documents under formal custodianship and for this reason would not disappear overnight. Finally the certification issued by this Court, *i.e.*, Exh. "V", *unmistakably states that she did not file any application for leave of absence during the period in question and explains thus the existence of Exhs. "M", "N" and "O".* It is obvious respondent Garcia failed to prove diligent efforts to locate the allegedly missing DTR's which she must have done if they truly existed.

We also find respondent Judge responsible for Garcia's act of dishonesty in falsifying the three (3) sets of DTR's. Although Judge Legasto was not yet the Executive Judge when the offense took place in 1990, it became incumbent upon her to initiate the proper investigation when the dishonorable act finally surfaced during her term as Executive Judge. She was appointed Acting Executive Judge in June of 1992[61] and was subsequently reappointed to the post in 1993[62] yet she did not exert any effort at all throughout her tenure to seek the truth. The attitude of Judge Legasto favored respondent Garcia to the point that the latter almost got away with the fraudulent act. This conduct is anathema to the unmistakable mandate of Rule 3.10 of the *Code of Judicial Conduct* to "x x x initiate appropriate disciplinary measures against x x x court personnel for unprofessional conduct of which the judge may have become aware."

In view of the foregoing, respondents Judge Legasto and Garcia should both be equally reminded that public office is a public trust. This principle assumes greater importance among judges and court personnel who in the administration of justice, must always adhere to the tenets of accountability, responsibility, integrity, loyalty and efficiency.[63] From the executive judge to

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[61] TSN, 7 June 1995, p. 19; Exh. 21.

[62] TSN, 25 July 1995, p. 35; Exh. 41.

[63] *Reyes-Domingo v. Branch Clerk of Court,* A.M. No. P-99-1285, 4 October 2000, 342 SCRA 6.

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the lowest clerk, each should ensure that public confidence in the judiciary is maintained. In sanctioning errant judicial officers and employees, we have always stressed that the dispensation of justice is a sacred task and that public servants involved in it must live up to its highest standards.[64] Unfortunately, respondent Judge and Garcia are found wanting in this regard.

This brings us to the accusations of complainants which were not substantiated by evidence.

First, after a thorough examination of the records, we find no credible evidence that respondent Camaya received a ₱5,000 bribe from a supplier of the OCC-MTC. The respective testimonies of complainants Rita Ongkiko, Diana Cruz and Gerry Kapunan contradicted each other.

Diana Cruz testified that Camaya required her to demand grease money from the supplier to be used in purchasing gifts for Judge Legasto.[65] Since Diana Cruz was not the one dealing with the suppliers,[66] she asked the help of Supply Officer Glenn Kapunan to relay the demand to them.[67] She found out later that Kapunan delivered the bribe money to Camaya.[68] On the other hand, complainant Kapunan testified that in response to Camaya's demand on Diana Cruz for bribe money, he gave the P5,000 to the latter who in turn gave it to Camaya.[69] Kapunan also claimed that respondent Camaya personally knew the supplier from whom the ₱5,000 had been taken[70] and that it was she who arranged for the payoff.[71] Kapunan further testified that

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[64] *Loyao v. Annecin*, A.M. No. P-99-1329, 1 August 2000, 337 SCRA 47.

[65] TSN, 18 May 1998, pp. 6, 9.

[66] *Ibid.*, p. 33.

[67] *Ibid.*, p. 10.

[68] *Ibid.*, p. 11.

[69] TSN, 20 July 1998, pp. 3, 25.

[70] *Ibid.*, p. 21.

[71] *Ibid.*, p. 28.

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he and Camaya were not on speaking terms[72] although he perpetrated the criminal act for her benefit. He quoted Camaya as saying "*Isauli mo iyan sa supplier*" when Diana Cruz gave the ₱5,000 to her.[73]

Rita Ongkiko had still another version of the ₱5,000 bribe. According to her, Glenn Kapunan received ₱2,000 out of the ₱5,000 given by the supplier while the remainder of ₱3,000 was paid to and pocketed by respondent Camaya.[74] She also testified that Kapunan told her that he returned the ₱2,000 to the supplier[75] who subsequently turned over the money to Camaya.[76] Ongkiko admitted that she and Diana Cruz reported the alleged bribery to Judge Legasto who was allegedly infuriated by the corrupt practices of her subordinates[77] and that this incident was reported to but dismissed by the Office of the Ombudsman.[78]

On these three (3) versions rests the case of corruption against respondent Camaya. No coherent story worthy of credit appears to have been presented. Diana Cruz claimed that it was Glenn Kapunan who gave the ₱5,000 bribe to Camaya. But Kapunan contradicted her, testifying that it was she who gave the ₱5,000 to Camaya. The complainants made no effort to reconcile this contradiction. Furthermore, complainants quoted varying amounts of the bribe: Rita Ongkiko declared that ₱2,000 was given to Glenn Kapunan and ₱3,000 to Camaya, while Diana Cruz and Glenn Kapunan reported that ₱5,000 was delivered to her. They likewise never explained why respondent Camaya would say "*Isauli mo iyan sa supplier*" when it was she who allegedly instructed them to mulct the supplier.

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[72] TSN, 21 July 1998, p. 18.

[73] *Ibid.*, p. 32.

[74] TSN, 5 June 1995, p. 9.

[75] *Ibid.*, p. 10.

[76] *Ibid.*, p. 23.

[77] *Ibid.*, pp. 13, 15.

[78] *Ibid.*, p. 6.

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There is also no reasonable explanation for the apparent audacity of Camaya in ordering complainants Diana Cruz and Glenn Kapunan, who were her known enemies, to commit bribery in her behalf. Nor do we find any credible reason for respondent Camaya to relay her demand for bribe through complainant Diana Cruz when it was not the latter's job to deal with the concerned businessman.[79] Complainants even admitted that respondent Camaya know the supplier[80] and had in fact arranged the alleged meeting between Glenn Kapunan and the supplier.[81] In sum, if she really wanted to engage in corruption, Camaya could have very well talked directly to the supplier to ask bribe money from him. Indeed it defies human nature that respondent would be so reckless as to expose herself to Glenn Kapunan who had previously declared that as supply officer, he was instituting a policy of cleansing his office of corruption.[82] Clearly, there is no substantial evidence[83] to prove the alleged corrupt disposition of respondent Camaya.

Second, we also do not believe that respondents Camaya and Garcia were the real authors of the transfer of complainants. While it is true that Judge Legasto consulted respondent Camaya about the impending reorganization, she did so in a meeting attended by then Clerk of Court Herman Cimafranca. The consultation with Camaya could hardly be called extraordinary since she was then the Assistant Clerk of Court of the OCC-MTC. No credible evidence was likewise offered to show that respondents Camaya and Garcia were engaged in fixing cases for a fee. The accusation stands on sheer speculation and is therefore bereft of merit.[84]

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[79] TSN, 18 May 1998, p. 33.

[80] TSN, 20 July 1998, p. 21.

[81] *Ibid.*, p. 28.

[82] TSN, 21 July 1998, p. 37.

[83] This is the standard of proof according to *Araos v. Luna-Pison*, A.M. No. RTJ-02-1677, 28 February 2002.

[84] TSN, 19 June 1995, pp. 2-4, 7.

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Third, there was also nothing irregular in the collection by Judge Legasto of compensation equivalent to thirty (30) days of election-related activities since she, along with other judges of first and second level courts, was assigned by this Court "to receive the sixth copy of the election returns in the election for President, Vice-President, Senators and members of the House of Representatives, and the fifth copy of the election returns for local officials in the May 11, 1992" from the fourth (4th) congressional district of Quezon City.[85] Her area of responsibility covered one thousand two hundred and forty-three (1,243) precincts in thirty-eight (38) *barangays* and her task took more than one (1) month to complete.[86] She was compensated ₱9,750.00 for rendering election-related duties from 11 May to 10 June 1992 under a payroll[87] duly approved by Quezon City Mayor Ismael Mathay, Jr., passed in audit by the Commission on Audit representative and certified to be correct and truthful by complainants' own witness Lourdes Lansang who signed as then City Personnel Officer.[88] Significantly, while complainant Ernesto Aquino who held the position of Administrative Assistant was paid ₱19,200.00 for election-related duties for the period 13 May to 5 June 1992, just like his co-complainants who received varying amounts as payment for services rendered in connection with the 11 May 1992 elections, none of them ever questioned the correctness of the payroll under which they received their respective compensations.[89]

Fourth, complainants were not able to prove that respondents barred them from signing the logbook of attendance in the OCC-MTC whenever they reported late for work. As admitted by complainants themselves, the OCC adopted the practice of securing the logbook in the office of respondent Judge after

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[85] Exhs. 37 (Adm. Order No. 9-92) and 38 (Adm. Order No. 14-92); TSN, 25 July 1995, pp. 36-38.

[86] TSN, 25 July 1995, pp. 38-41.

[87] Exh. "P".

[88] TSN, 25 July 1995, pp. 41-45; *Rollo*, pp. 43-44.

[89] Exh. 9; TSN, 31 May 1995, pp. 26-27.

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8:15 a.m. and 1:15 p.m. to prevent the insertion of the wrong time of arrival or attendance of City Government employees and organic judiciary staff alike.[90] In the same manner, no evidence proved the accusation that children of City Government employees, particularly complainants Rowena Matibag and Teresita Tesiorna, were barred from the OCC during office hours while children of the organic staff of the judiciary could stay there anytime. The allegedly aggrieved employees did not testify on the supposedly unfair treatment despite the opportunity to do so in the proceedings *a quo*, and worse, the evidence of complainants did not provide details of the allegedly inequitable situation except to state the generalization that Matibag and Tesiorna "were sent home when they had their children with them and [respondents Camaya and Garcia] told them [that the OCC was] not a nursery."[91]

Finally, we find no sufficient evidence to demonstrate that respondent Camaya usurped the authority of then Clerk of Court Herman R. Cimafranca to sign vouchers and purchase request papers so she could collect bribe money from suppliers of court equipment and supplies. Documents and testimonies proved that it was Clerk of Court Cimafranca who routinely signed vouchers and purchase documents[92] and that Camaya signed such documents only when Cimafranca was absent,[93] a practice consistent with the *Manual for Clerks of Courts*.

In resumè, the substantial evidence establishes the administrative liability of respondent Judge for abuse of authority and neglect of duty while respondent Garcia is hereby held responsible for dishonesty and falsification of official documents. Bearing in mind the nature of the offenses committed and the evidence presented to prove their culpability and considering further their individual circumstances, *i.e.*, that this is their first

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[90] TSN, 7 June 1995, pp. 10, 12, 13; see TSN, 19 June 1995, pp. 12-13.

[91] TSN, 31 May 1995, pp. 38-39; TSN, 29 May 1995, pp. 62; TSN, 17 May 1995, p. 30.

[92] Exhs. 10, 11 and 12.

[93] TSN, 14 July 1998, p. 11; see TSN, 20 July 1998, pp. 6-8, 11.

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administrative case, that respondent Garcia was commended several times for her punctuality and attendance,[94] and that they have long served the judiciary with Garcia having completed at least 26 years,[95] the appropriate penalties, following jurisprudence,[96] are as against respondent Judge Rose Marie Alonzo-Legasto, a fine of ₱10,000.00, and, as regards respondent Remedios "Baby" Garcia, suspension from office for one (1) month or, in lieu thereof, in case such penalty has become inappropriate or can no longer be enforced, a fine equivalent to ₱20,000.

ACCORDINGLY, respondent Judge Rose Marie Alonzo-Legasto, in her capacity as then Executive Judge of the Metropolitan Trial Court, Quezon City, is *FINED* ₱10,000.00 to be paid within twenty (20) days from notice of this Decision for abuse of authority in connection with the transfer of herein

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[94] *Rollo*, p. 235.

[95] TSN, 6 July 1995, pp. 8-10.

[96] *Reyes-Domingo v. Branch Clerk of Court*, see note 62 (where respondent was found manifestly guilty of dishonesty and misconduct for utilizing office hours in pursuing his personal business on 13 May 1996 and was fined ₱5,000.00; *Cagating v. Demecillo*, A.M. No. RTJ-98-1423, 10 March 1999, 304 SCRA 369 (where respondent who interfered with a final and executory resolution of the Civil Service Commission by improvidently issuing an injunction was found liable for abuse of authority and fined ₱1,000.00); *Anonymous v. Geverola*, Adm. Matter No. P-97-1254, 18 September 1997, 279 SCRA 279 (where we found respondent guilty of falsification of her application for sick leave and of her daily time record for the month of July, 1993, which are both official documents and meted upon her suspension for two (2) months without pay effective immediately and ordered her to return to the Court overpayment of her basic salary and personal economic relief allowance (PERA) for July 1, 2, 5, 6, 7, 8 and 9, 1993 within thirty (30) days from notice); *Angeles v. Casañas*, A.M. No. P-87-120, 26 June 1989, 174 SCRA 277 (where we held respondent guilty of misconduct in office consisting of non-performance and inefficiency in the performance of official duties, frequent and unauthorized tardiness and falsification of entries in her daily time records and ordered her to pay a fine equivalent to her five (5) months salary); see also *Siawan v. Inopiquez*, A.M. No. MTJ-95-1056, 21 May 2001; *Cabarloc v. Cabusora*, A.M. No. MTJ-00-1256, 15 December 2000, 348 SCRA 217; *Esmeraldo-Baroy v. Peralta*, A.M. No. MTJ-93-751, 5 March 1998, 287 SCRA 1.

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complainants, forty-one (41) in all, from the Office of the Clerk of Court, Metropolitan Trial Court, Quezon City, to different offices within the Quezon City Government, and for neglect of duty for her failure to initiate an investigation into the falsified daily time records of respondent Remedios "Baby" Garcia. On the other hand, respondent Remedios "Baby" Garcia, in her capacity as Records Officer I, Office of the Clerk of Court, Metropolitan Trial Court, Quezon City, is found *GUILTY* of using falsified daily time records for 16-31 December 1989 and the whole months of January and February 1990, and is hereby *SUSPENDED* from office for a period of one (1) month without pay effective immediately. However, if her suspension from office can no longer be imposed for any reason, respondent Remedios "Baby" Garcia is hereby ordered to pay a fine of ₱20,000 within twenty (20) days from notice of this Decision in lieu of such suspension. Both are *WARNED* that a graver penalty shall be imposed for any repetition of the same or similar act. The *Administrative Complaint* against Emelita Camaya, in her capacity as Clerk of Court III, Office of the Clerk of Court, Metropolitan Trial Court, Quezon City is hereby *DISMISSED* for lack of merit.

SO ORDERED.

Mendoza, and *Quisumbing, JJ.,* concur.

Bellosillo, J., (Chairman), no part.