EN BANC

[A.M. No. P-25-248 (Formerly JIB FPI No. 23-268-P). February 04, 2026]

MARITESS M. YAMBA, COMPLAINANT, VS. LUZVIMINDA G. HERNANDEZ, CLERK OF COURT II, MUNICIPAL TRIAL COURT, BUENAVISTA, AGUSAN DEL NORTE, RESPONDENT.

D E C I S I O N

PER CURIAM:

For the Court's consideration is the Amended Report and Recommendation[1] dated July 1, 2025 of the Office of the Executive Director of the Judicial Integrity Board (OED-JIB [now the Judicial Integrity Office (JIO)]), which recommended that Luzviminda G. Hernandez (Luzviminda), Clerk of Court II of the Municipal Trial Court, Buenavista, Agusan Del Norte (MTC), be charged with Serious Dishonesty under Rule 140, Section 14(c) of the Rules of Court and fined in the amount of PHP 101,000.00.

Antecedents

This administrative case originated from a verified Complaint-Affidavit[2] dated July 10, 2023 filed by Maritess M. Yamba (Maritess), court stenographer of the MTC, against Luzviminda, of the same court, alleging gross misconduct, serious dishonesty, and falsification of official documents.[3]

According to Maritess, she was authorized by the Office of the Court Administrator (OCA) to attend the Court Stenographers Association of the Philippines (COSTRAPHIL) convention in Dipolog City, Zamboanga del Norte from April 26 to 28, 2023.[4] She and other concerned stenographers secured assistance from the local government unit (LGU) of Buenavista, Agusan del Norte for their transportation, registration fee, and *per diem*.[5]

However, on April 24, 2023, she decided not to proceed with the trip.[6] Upon hearing this, Luzviminda expressed her intention to travel to Dipolog City, stating she would attend a meeting with the officers of the First Level Clerks of Court Association of the Philippines (FLECCAP).[7] Luzviminda eventually joined branch stenographers Carmela Silverio and Nashria Imam (Nashria) in the trip to Dipolog City.[8]

On the opening day of the convention, Maritess received a call asking if she would allow Luzviminda to attend the event using her name. The former refused and insisted that Luzviminda use her own name.[9]

On May 3, 2023, Nashria allegedly asked Maritess to sign a Certificate of Travel Completed, Itinerary of Travel, and Obligation Request in support of Luzviminda's reimbursement claims from the LGU for the *per diem* and registration fee. As she did not attend the convention, Maritess set aside the documents to seek clarification. When she returned to her desk, the documents were gone.[10]

On May 8, 2023, Maritess verified the status of the documents with the LGU. She found out that a Certificate of Attendance and Acknowledgement Receipt for PHP 3,400.00 as payment for the registration fee had been issued under her name.[11]

Thereafter, on May 18, 2023, Luzviminda submitted the Monthly Report of Employee's Daily Time Record (DTR) and Application for Leave of Absences/Tardiness for the month of April 2023, together with her Sworn Statement. Maritess found that certain entries had been falsified to make it appear that Luzviminda reported for work from April 26 to 28, even though photographs posted on the Facebook account of Lucille C. Muaña showed that she was in Dipolog City during those dates.[12]

Later, on May 30, 2023, the LGU released a check for PHP 11,448.00 payable to Maritess, but was instead received by Luzviminda.[13]

Based on these circumstances, Maritess asserted that Luzviminda should be dismissed from the service for assuming her identity at the COSTRAPHIL convention, claiming reimbursements intended for stenographers who attended the event, and falsifying her DTR to make it appear that she was present at work from April 26 to 28, 2023 while she was actually in Dipolog City.[14]

In her verified Answer[15] dated August 18, 2023, Luzviminda denied the allegations and averred that Maritess filed the Complaint out of hatred and revenge.[16]

She explained that although she was initially hesitant to register for the convention, she ultimately did so upon the assurances of Presiding Judge Saidamen Macatanong Gania (Judge Gania) and Nashria. According to her, Judge Gania had suggested that she attend in place of Maritess, and Maritess allegedly agreed.[17]

Additionally, she admitted using Maritess's name, but only on the first day of the convention since Maritess refused to permit the use of her name.[18]

Further, she denied receiving any reimbursement from the LGU and asserted that she voluntarily returned the amount of the check even without demand. She also denied forging Maritess's signature, asserting that she merely signed "for" Maritess when the

latter refused to affix her signature.[19]

As to the allegedly falsified DTR, Luzviminda maintained that her trip to Dipolog City constituted an "official business," and her DTR entries merely reflected the official hours observed during the convention.[20]

Report and Recommendation of the OED-JIB

In an Amended Report and Recommendation[21] dated July 01, 2025, Acting Executive Director Eduardo C. Tolentino (Executive Director Tolentino) recommended: (a) re-docketing the complaint as a regular administrative matter; (b) finding Luzviminda guilty of serious dishonesty; and, (c) imposing a fine in the amount of PHP 101,000.00 to be deducted from the benefits due her as she had compulsorily retired from the service on October 6, 2024.[22]

In making this recommendation, Executive Director Tolentino found substantial grounds to hold Luzviminda administratively liable for serious dishonesty.[23]

First, Luzviminda had no authority to substitute for Maritess in a convention exclusively for court stenographers, as she was not a member of COSTRAPHIL. No consent from a judge or Maritess could alter this fact. Executive Director Tolentino further noted that her act of returning the check did not diminish her liability, because she was never entitled to reimbursement in the first place.[24]

Second, she made false entries in her DTR for April 2023 by indicating that she reported for work from April 26 to 28 despite being in Dipolog City.[25] Even assuming her trip was official business, she still should have indicated "official business" in her DTR and attached the necessary OCA authorization.[26] However, only stenographers were authorized to attend the COSTRAPHIL convention, and she had no such mandate.[27] In support of this finding, Executive Director Tolentino cited *Office of the Court Administrator v. Paz Capistrano*,[28] where the Court held that falsification of DTRs constitutes dishonesty.[29]

On July 9, 2025, the JIB issued a Resolution[30] adopting in full the OED's Report and Recommendation.

On July 25, 2025, the Court issued a Resolution:[31] (a) noting the OED's Amended Report and Recommendation and the JIB's Resolution adopting the same; and (b) re-docketing the matter as a regular administrative case.

The Court's Ruling

The Court *adopts* the findings of fact but *modifies* the recommendations of the JIB in its Amended Report and Recommendation dated July 01, 2025.

At the outset, it must be noted that the 2025 Code of Conduct and Accountability for Court Officials and Personnel (CCACOP)[32] took effect on December 21, 2025. Its transitory clause provides that the Code shall generally be applied not only to future administrative cases involving court officials and personnel, but also to pending ones.[33] Thus, CCACOP would apply in this case.

Administrative offenses committed by respondent

It appears from the JIB's evaluation that respondent's acts of (a) substituting for complainant in a convention exclusively for court stenographers; (b) seeking reimbursement from the LGU for the expenses incurred; and (c) making false entries in her DTR constitute a single administrative offense of serious dishonesty.[34]

However, the Court finds said acts to be several distinct administrative offenses. Under Canon V, Section 26 of the 2025 CCACOP, a respondent can be found liable for more than one (1) offense for a single act or omission, as well as for multiple offenses arising from separate acts or omissions in a single administrative proceeding.

Accordingly, respondent should be charged not only with serious dishonesty but also with falsification of official documents and gross misconduct, considering her multiple misrepresentations and falsifications, as discussed below.

Serious Dishonesty

The Court has defined "dishonesty" as "the concealment or distortion of truth, which shows lack of integrity or a disposition to defraud, cheat, deceive, or betray or intent to violate the truth."[35]

For dishonesty to merit the penalty of dismissal, it must be serious:

> Dishonesty becomes serious when it is qualified by any of the following circumstances:
>
> a. The dishonest act causes serious damage and grave prejudice to the government.
>
> b. The respondent gravely abused his authority in order to commit the dishonest act.
>
> c. Where the respondent is an accountable officer, the dishonest act directly involves property, accountable forms or money for which he is directly accountable and the respondent shows an intent to commit material gain, graft and corruption.

d. The dishonest act exhibits moral depravity on the part of the respondent.

e. The respondent employed fraud and/or falsification of official documents in the commission of the dishonest act related to [their] employment.

f. The dishonest act was committed several times or in various occasions.

g. The dishonest act involves a Civil Service examination, irregularity or fake Civil Service eligibility such as, but not limited to, impersonation, cheating and use of crib sheets.

h. Other analogous circumstances.[36]

In this case, the records show that respondent falsified her DTR indicating that she reported for work on April 26 to 28, 2023, despite photographs showing that she was in Dipolog City on those dates.

Jurisprudence recognizes that falsification of DTR constitutes serious dishonesty. In *Re: Incorrect Entries in the Daily Time Record of Ms. Lorna M. Martin*,[37] the Court held that the act of falsification of the DTR does not constitute simple dishonesty but serious dishonesty punishable by dismissal for the first offense.[38] The Court emphasized that such act is inherently grave due to its deleterious effect on government service and its violation of the fundamental principles of public accountability and integrity.[39]

Apart from falsifying her DTR, respondent deliberately used complainant's identity to attend the COSTRAPHIL convention on its opening day.[40] She also caused or allowed the issuance of a Certificate of Attendance and an Acknowledgment Receipt for Php 3,400.00 under complainant's name, as well as received an LGU check for Php 11,448.00 payable to complainant.[41] In connection with this, she signed a Certificate of Travel Completed, Itinerary of Travel, and Obligation Request "for" complainant, despite having no authority to do so and notwithstanding that complainant did not attend the convention.[42]

These acts fall squarely within the qualifying circumstances of serious dishonesty, particularly where respondent employed fraud and falsification of official documents in relation to her employment, and where the dishonest acts resulted in grave prejudice to the government by creating the false appearance of authorized attendance and entitlement to public funds.

Thus, the OED-JIB was correct in finding respondent administratively liable for serious dishonesty. The same acts, however, likewise constitute other administrative offenses.

Falsification of Official Documents

The Court has consistently held that falsification of an official document, as an administrative offense, pertains to knowingly making false statements in official or public documents.[43]

In *Re: Maria Fe P. Brooks and Andria Forteza-Crisostomo*,[44] the respondent was found guilty of falsification of official document and dishonesty for making alterations in her October 2003 DTR to conceal her absences and tardiness. Similarly, in *Office of the Ombudsman v. Torres*,[45] the respondents were held administratively liable for falsification of official documents and dishonesty for making false entries in their respective DTRs. The Court noted that the respondents were aware of the falsity of the entries, as it was physically impossible for them to have rendered full workdays during periods when they were attending classes, yet they failed to correct their DTRs.

Further, in *Office of the Court Administrator v. Kasilag*,[46] the Court ruled that while falsification of official document and dishonesty are distinct offenses, both may arise from a single act. The Court therefore found the respondent guilty of both falsification of an official document and dishonesty for falsifying his DTR.

In the present case, respondent's DTR for April 2023[47] contained entries falsely indicating that she reported for work on April 26 to 28 when she was, in fact, in Dipolog City, as shown below.

26	8:00	12:00	12:40	5:00		
27	8:00	12:00	12:35	5:06		
28	8:00	12:00	12:40	5:10		
29	Saturday					
30	Sunday					
31	XXXXXXXXXX	XXXXXX				

> I hereby certify on my honor that the above is true and correct report of hours of worked performed, record of which was made daily at the time of arrival & departure from office.

The Court agrees with the finding of the OED-JIB that, if respondent had intended to truthfully reflect her attendance at the convention in Dipolog City, she would have indicated it as official business in her DTR and attached the corresponding circular.[48] However, she could not do so because her attendance was not official business, as she was neither authorized under the circular nor a court stenographer entitled to such authorization.

Respondent further committed falsification of official documents when she signed a Certificate of Travel Completed, Itinerary of Travel, and Obligation Request "for" complainant, despite having no authority to do so and notwithstanding that complainant

did not attend the convention.[49] These documents were submitted to the LGU to support reimbursement claims.[50] The issuance of the Certificate of Attendance and the Acknowledgment Receipt under complainant' name, followed by the release and receipt of a check payable to complainant, created the false appearance that complainant had attended the event. These acts clearly reveal respondent's intent to secure reimbursement for herself through the use of falsified documents.

Applying the principles in *Brooks, Torres*, and *Kasilag*, respondent's acts constitute not only serious dishonesty, but also falsification of official documents, both with respect to her DTR and the LGU-related attendance and reimbursement papers she prepared, signed, and used on behalf of complainant without authority.

Gross Misconduct

Respondent is likewise administratively liable for gross misconduct.

Misconduct is defined as "[an] intentional wrongdoing or deliberate violation of a rule of law or standard of behavior and to constitute an administrative offense, the misconduct should relate to or be connected with the performance of the official functions and duties of a public officer. In order to differentiate gross misconduct from simple misconduct, the elements of corruption, clear intent to violate the law, and not a mere error of judgment, or flagrant disregard of established rule, must be manifest in the former."[51]

In *In re Martin*, the Court ruled that acts of falsification constitute gross misconduct.[52] The respondent in said case was charged with both gross misconduct and serious dishonesty for tampering the logbook and making false statements in her DTRs. The Court found that her repeated falsification demonstrated a clear intent to violate the law and a persistent disregard for established rules.[53] Notably, this case illustrates that a finding of serious dishonesty does not preclude imposing administrative liability for gross misconduct.

Respondent's actions similarly demonstrate clear intent to violate established rules and a flagrant disregard of official procedures. She repeatedly engaged in acts of falsification and misrepresentation. She made false entries in her DTR, signed reimbursement documents and attended a convention without authority, and received a check issued to complainant. These acts were deliberate, not mere errors in judgment, and reflect a persistent disregard for proper procedures.

While the OED-JIB correctly found respondent administratively liable for serious dishonesty, the same acts likewise warrant the imposition of administrative liability for gross misconduct.

Modification of Penalty

In view of the foregoing findings of administrative liability, the Court proceeds to

determine the proper penalty to be imposed.

Notably, the OED-JIB imposed a fine of PHP 101,000.00 in lieu of dismissal, the amount having been determined after weighing the modifying circumstances present.

Canon V, Sections 24 and 25 of the 2025 CCACOP provide for the modifying circumstances and the manner of imposition, respectively:

> SECTION 24. *Modifying Circumstances*.—...
>
> (1) Mitigating circumstances:
>
> (a) First offense;
>
> (b) *Length of service of, at least, 10 years with no previous disciplinary case where respondent was meted with an administrative penalty*;
>
> (c) Exemplary performance;
>
> (d) Humanitarian considerations;
>
> (e) Unconditional admission of guilt and public demonstration of remorse; and
>
> (f) Other analogous circumstances.
>
> (2) Aggravating Circumstances:
>
> (a) *Finding of previous administrative liability where a penalty has been imposed, regardless of nature and/or gravity*;
>
> (b) Length of service facilitated the commission of the offense;
>
> (c) Employment of fraudulent means to conceal the offense;
>
> (d) Arrogance, belligerent attitude of the respondent, or lack of remorse; and
>
> (e) Other analogous circumstances. (Emphasis supplied)
>
> SECTION 25. *Manner of Imposition of penalty*. — *If one or more aggravating circumstances and no mitigating circumstances are present,* the Supreme Court may impose the penalty of suspension or *fine, for a period or amount not exceeding double of the maximum prescribed under this [Rule].*
>
> If one or more mitigating circumstances and no aggravating circumstances are present, the Supreme Court may impose the penalties of suspension or

> fine, for a period or amount not less than half of the minimum prescribed under this [Rule].
>
> If there are both aggravating and mitigating circumstances present, the Supreme Court may offset each other.
>
> Notwithstanding the foregoing, the Supreme Court may impose the next higher or lower penalty against the respondent subject to its appreciation of the number and gravity of the mitigating and aggravating circumstances present. (Emphasis supplied)

In this case, the OED-JIB noted that respondent compulsorily retired on October 6, 2024 after more than two decades of service. Nevertheless, it found that this mitigating circumstance of length of service of 10 years should be offset by the aggravating circumstance of prior administrative liability.[54]

However, the Court points out that length of service as a mitigating circumstance was erroneously appreciated. The Court clarifies that, while length of service may, in proper cases, be considered a mitigating circumstance, Canon V, Section 24(1)(b) above expressly requires that the respondent have no prior disciplinary record where an administrative penalty was imposed. Here, respondent was previously found guilty of insubordination and penalized with suspension. Specifically, in a Resolution dated February 27, 2012 in *A.M No. P-12-3046 (Judge Parenga v. Luzviminda Hernandez)*, the Court found respondent guilty of insubordination and suspended her for one month and one day.[55] Thus, the mitigating circumstance of length of service does not apply, while the aggravating circumstance of prior administrative liability remains.

Given the presence of one aggravating circumstance, the applicable provision is Paragraph 1 of Canon V, Section 25, which authorizes the penalty to be up to double the maximum prescribed, amounting to PHP 1,000,000.00.[56] While this would be the appropriate fine under the rules, the Court finds that the OED-JIB's imposition of a fine is insufficient given the nature and gravity of respondent's acts.

Canon V, Section 26 of the 2025 CCACOP provides that when a respondent is found liable for multiple offenses arising from separate acts, the Court shall impose separate penalties for each offense. Conversely, if a single act constitutes more than one offense, the respondent remains liable for all such offenses but shall be meted only the penalty corresponding to the most serious offense.

As earlier discussed, respondent's acts give rise to the administrative offenses of serious dishonesty, falsification of official documents, and gross misconduct. Under Canon V, Section 22 of the 2025 CCACOP, these offenses are considered serious and warrant any of the following penalties:

> (a) Dismissal from service, forfeiture of all or part of the benefits as the Supreme Court may determine, and disqualification from reinstatement or appointment to any public office, including in government-owned or -

controlled corporations. *Provided, however*, that the forfeiture of benefits shall in no case include accrued leave credits;

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

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

Applying Canon V, Section 26 of the 2025 CCACOP, the appropriate penalty would be dismissal from the service with forfeiture of benefits (except accrued leave credits) and perpetual disqualification from reemployment in government service. The imposition of this penalty also finds support in the case of *Kasilag*, where the Court reiterated that the falsification of an official document constitutes a grave offense and amounts to dishonesty.[57] Both falsification of official documents and dishonesty are classified as grave offenses, punishable by dismissal, even for a first offense, with forfeiture of retirement benefits (except accrued leave credits) and perpetual disqualification from government service.[58]

However, since respondent has already compulsorily retired on October 6, 2024, dismissal is no longer feasible. In relation thereto, Canon V, Section 23 of the 2025 CCACOP provides for the penalty in lieu of dismissal on account of supervening resignation, retirement, or other mode of separation from service. It provides that:

> If the respondent is found liable for an offense which merits the imposition of the penalty of dismissal from service but the same can no longer be imposed due to the respondent's supervening resignation, retirement, or other modes of separation from service except for death, the respondent may be meted with the following penalties in lieu of dismissal:
>
> (a) Forfeiture of all or part of the benefits as the Supreme Court may determine, and disqualification from reinstatement appointment to any public office, including government-owned or -controlled corporations. *Provided, however*, that the forfeiture of benefits shall in no case include accrued leave credits; and/or
>
> (b) Fine, as applicable under this Canon.

As emphasized in *Kasilag*, the act of falsification by a court personnel is inherently grave due to its adverse impact on government service.[59] It violates the fundamental principles of public accountability and integrity[60] that undermine the standards of conduct expected of public officers. In light of these considerations, and consistent with *Kasilag*, the Court finds it appropriate to impose the forfeiture of respondent's entire retirement benefits, except accrued leave credits, instead of a fine.

ACCORDINGLY, respondent Luzviminda G. Hernandez is found **GUILTY** of serious dishonesty, falsification of official documents, and gross misconduct. The Court orders

the **FORFEITURE** of her entire retirement benefits, except accrued leave credits and **DISQUALIFICATION** from reinstatement or appointment to any public office, including government-owned or controlled corporations.

SO ORDERED."

Gesmundo, C.J., Leonen, SAJ., Caguioa, Hernando, Lazaro-Javier, Inting, Zalameda, Gaerlan, Rosario, J. Lopez, Dimaampao, Marquez, Kho, Jr., Singh, and *Villanueva, JJ.*, concur.

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[1] *Rollo*, pp. 96-101.

[2] *Id.* at 3-14.

[3] *Id.* at 96.

[4] *Id.*

[5] *Id.*

[6] *Id.*

[7] *Id.*

[8] *Id.*

[9] *Id.* at 97.

[10] *Id.*

[11] *Id.*

[12] *Id.*

[13] *Id.*

[14] *Id.*

[15] *Id.* at 41-52.

[16] *Id.* at 98.

[17] *Id.*

[18] *Id.*

[19] *Id.*

[20] *Id.*

[21] *Id.* at 96-101.

[22] *Id.* at 100-101.

[23] *Id.* at 99.

[24] *Id.*

[25] *Id.* at 99-100.

[26] *Id.*

[27] *Id.*

[28] 738 Phil. 1 (2014) [Per J. Perlas-Bernabe, Second Division].

[29] *Rollo*, p. 100.

[30] *Id.* at 95.

[31] *Id.* at 104-105.

[32] A.M. No. 25-06-11-SC.

[33] *Id.* General Provisions, sec. 1.

[34] *Rollo*, p. 99.

[35] **Office of the Court Administrator v. Sarabia, Jr.**, 925 Phil. 595, 615 (2022) [*Per Curiam, En Banc*].

[36] *Id.* at 615-616.

[37] 951 Phil. 1016 (2024) [*Per Curiam*, Third Division].

[38] *Id.* at 1021.

[39] *Id.* at 1020.

[40] *Rollo*, p. 98.

[41] *Id.* at 97.

[42] *Id.* at 99.

[43] **Yap v. Gonzalez, A.M. No. P-19-4001**, April 2, 2025 [Per J. Inting, *En Banc*] at 4. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[44] 510 Phil. 262 (2005) [Per J. Callejo, Sr., Second Division].

[45] 567 Phil. 46 (2008) [Per J. Nachura, Third Division].

[46] 688 Phil. 232 (2012) [*Per Curiam, En Banc*].

[47] *Rollo*, p. 30.

[48] *Id.* at 100.

[49] *Id.* at 98.

[50] *Id.*

[51] **In re Martin**, 951 Phil. 1016, 1021 (2024) [*Per Curiam*, Third Division].

[52] *Id.* (Citation omitted)

[53] *Id.* at 1022.

[54] *Rollo*, p. 100.

[55] *Id.*

[56] Section 22(1)(c) of the 2025 Code of Conduct and Accountability for Court

Officials and Personnel provides – . . .

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

[57] **Office of the Court Administrator v. Kasilag**, 688 Phil. 232, 237 (2012) [*Per Curiam, En Banc*]. (Citation omitted)

[58] *Id.* at 237-238.

[59] *Id.* at 238.

[60] *Id.*

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