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**EN BANC**

[A.M. No. P-04-1779. November 25, 2005]
(Formerly A.M. No. 03-12-703-RTC)

**(RE: Alleged Anomaly that transpired in LRC Case No. 181 tried before RTC, BRANCH 31, Cabarroguis, Quirino)**

**EXECUTIVE JUDGE MENRADO V. CORPUZ, REGIONAL TRIAL COURT, BRANCH 38, MADDELA, QUIRINO,** *complainant, vs.* **MAX RAMITERRE, Civil Docket Clerk, and VIRGILIO T. BUNAO, JR., OIC-Branch Clerk of Court, Regional Trial Court, Branch 31, Cabarroguis, Quirino,** *respondents.*

**SYLLABUS**

**1. POLITICAL LAW; ADMINISTRATIVE LAW; PUBLIC OFFICERS AND EMPLOYEES; COURT PERSONNEL; DISHONESTY; DEFINED.—** *"Dishonesty* is the: "(d)isposition to lie, cheat, deceive, or defraud; untrustworthiness; lack of integrity; lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray." It is a malevolent act that has no place in the judiciary. Indeed, no other office in the government service exacts a greater demand for moral righteousness and uprightness from an employee than in the judiciary. Employees of the judiciary serve as sentinels of justice and any act of impropriety on their part immeasurably affects the honor and dignity of the judiciary and the people's confidence in it. Judiciary demands the best possible individuals in the service and this Court will not hesitate to rid its ranks of undesirables who undermine its efforts towards an effective and efficient administration of justice, thus tainting its image in the eyes of the public. We 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 would diminish or even just tend to diminish the faith of the people in the judiciary.

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**2. ID.; ID.; ID.; ID.; ID.; PUNISHABLE BY DISMISSAL FOR THE FIRST OFFENSE; RATIONALE.—** Dishonesty is a grave offense punishable by dismissal for the first offense. We have not hesitated to impose such extreme punishment on employees found guilty thereof, because dishonesty reflects on the fitness of the officer or employee to continue in office and the discipline and morale of the service.

**R E S O L U T I O N**

***PER CURIAM*:**

Dishonesty has no place in the judiciary and this Court will not hesitate to remove from among its ranks those found guilty thereof.

The antecedents of this case are as follows:

Alfredo A. Balajo, Jr. (Balajo), 2nd Assistant Prosecutor of the Province of Quirino, sent a letter to this Court dated December 4, 2002 alleging that an anomaly happened in Land Registration Commission (LRC) Case No. 181, entitled, *"In Re: Petition for the Reconstitution of the Owner's Duplicate Copy of O.C.T. No. P-3834 of the Registry of Deeds of Quirino, Rolando Dapon, Petitioner,"* assigned to Branch 31, Regional Trial Court (RTC), Cabarroguis, Quirino. He explains that when he borrowed the records of LRC Case No. 181 due to a perjury case against Rolando Dapon (Dapon), the petitioner in said case, he discovered that an Order, dated January 17, 1997, granting the petition was issued even though no hearing was conducted in said case and that the signature of then Judge Wilfredo P. Ambrosio was forged as confirmed by the latter.[1]

This Court indorsed the matter to Judge Moises M. Pardo, Executive Judge of RTC, Cabarroguis, Quirino for his investigation and report.[2] Upon request of Prosecutor Balajo, however, Judge Pardo inhibited himself and the case was assigned

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[1] *Rollo*, pp. 7 and 14.

[2] *Id.*, p. 6.

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to Judge Menrado Corpuz, Executive Judge, RTC, Branch 38 of Maddela, Quirino.[3]

Judge Corpuz submitted his Report dated August 14, 2003, pertinent portions of which are reproduced below:

During the series of hearings that were conducted, present and past personnel of RTC-31 were subpoenad and the highlights of their testimonies are as follows:

1. MAX RAMITERRE – …narrated that he was appointed as clerk incharge of civil cases, in RTC-31 on January 20, 1997, but he reported for work only on the last week of January, 1997. Upon assumption, he conducted a physical inventory of civil cases where he had gone over each folder page by page. At that time, LRC Case No. 181 was still pending although there was a previous setting for December 17, 1996 by the former civil docket clerk, Divine Grace J. Naval. From 1997 up to 1999, the said case did not move on and when he informed Jeremy Sulio, the OIC Branch Clerk of Court, about it, the latter told him that it was the responsibility of the petitioner to follow up his case. When Judge Moises Pardo assumed his post as the new presiding judge of RTC-31, he also conducted a physical inventory of all cases and noted on the folder of LRC Case No. 181 that it was pending as of August 25, 1999. He then directed the then OIC Branch Clerk of Court Virgilio Bunao, Jr., to set for hearing all pending cases. Thus, the setting of LRC Case No. 181 on October 11, 1999. Before the hearing, the witness [Ramittere] informed Mr. Bunao that such case had no order of publication yet, but the latter advised him to wait for the hearing so that if petitioner appears that is the time that they will inform him of such deficiency. However, a week before October 11, Mr. Dapon came in court and informed him (witness) that his case was already finished and he even obtained a loan from the PNB using the reconstituted title as collateral. The witness asked Mr. Dapon for a copy of the court order but the latter could not produce any, and promised to present it upon securing it from the office of the Registry of Deeds. On the date of hearing, Mr. Dapon appeared and furnished Mr. Ramiterre with a duplicate copy of the order of Judge Ambrosio dated January 17, 1997 which the latter attached to

[3] *Id.*, pp. 2-5.

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the record (Folder I, p. 14). Mr. Ramiterre did not furnish the Office of the Solicitor General and other interested parties of a copy thereof, but he informed Mr. Bunao about the termination of Mr. Dapon's case. Thereafter, LRC Case No. 181 was reported in the monthly report of case for October, 1999 (Folder I, p. 45) and the semestral inventory for July, 1999 to December, 1999 (*Id*., pp. 68-73) as a terminated case. He further testified that he is familiar with the signature of Judge Ambrosio, his former boss, who signs in a long stroke as distinguished from the one appearing in the order of January 17, 1997 which was short. He believes that said order is spurious because the signature of Judge Ambrosio is fake. He did not inform anybody of his observation because he relied on the representation of Mr. Dapon that his case was already finished plus the fact that the court order appears authentic because it bears the seal of the court. Now, he realized that it was his fault in doing so.

2. JUDGE WILFREDO P. AMBROSIO – … stated that he is now a practicing lawyer, but was a previous judge of RTC-31, Cabarroguis, Quirino. While still a judge, it was his practice to sign his full signature, not initials, in every decision or order which he needs to sign. He also prohibited the use of the rubber stamp with inscription "original signed." He is not aware of the January 17, 1997 order and it is a spurious one because the signature there is not his. To prove his point, he readily gave his specimen signature for comparison with the one appearing in the order (*Id*., p. 90).

3. VIRGILIO T. BUNAO, JR. – …averred that he was appointed as court interpreter of RTC-31 on August 21, 1997, but assumed office only on September 1, 1997. From July, 1998 to December, 1999, he was the OIC-Branch Clerk of Court thereat replacing Mr. Sulio. He came to know of LRC Case No. 181 only in (sic) August 25, 1999 when physical inventory of all cases was conducted by Judge Pardo, the newly appointed presiding judge in said court. He was instructed by the latter to set for hearing all pending cases and in turn, the witness directed the criminal and civil docket clerks to comply therewith: hence, LRC Case No. 181 was set for hearing by Mr. Ramiterre on October 11, 1999 (*Id*., pp. 12 & 13). He was not familiar with the requirement of publication in cases of reconstitution of title because in the

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MTC where he came from, there were no cases of such nature and when he joined the RTC, his appointment was that of an interpreter which also did not expose him to such kind of cases. When he was designated as OIC-Branch Clerk of Court, he was not well versed with his duties and responsibilities as such, and whenever confronted with difficult problems, he sought assistance from lawyers or previous court personnel who had occupied such position. He is familiar with the signature of Judge Wilfredo Ambrosio because the latter was his boss from September 1, 1997 to March 27, 1998 and had seen his signature in several court documents. The signature on the January 17, 1997 order did not belong to the said judge whose signature is long, occupying 1/3 of his name unlike the questionable signature which was small. He did not notice that when LRC Case No. 181 was set for hearing on October 11, 1999, there was no compliance with the jurisdictional requirement because what he had in mind was to calendar for hearing all pending cases not being followed-up by parties or counsel so that the judge can dismiss them, thereby unclogging the docket of the court. He denied having signed any certification on the existence of the original copy of the questionable court order because this could have not been possible since he was not yet the OIC-Branch Clerk of Court of RTC-31 in January, 1997 (*Id*., p. 37).

4. DIVINE GRACE J. NAVAL – … recounted that she was appointed as civil docket clerk of RTC-31 on August 1, 1996. She was familiar with LRC Case No. 181 because she was still with the court when it was filed on December 2, 1996. Upon receipt thereof, she gave it to the OIC-Branch Clerk of Court Jerry Sulio, who instructed her to set it for hearing. Consequently, she included it in the calendar for the December 17, 1996 hearing and sent notices and subpoena to all concerned affixing her signature therein for Mr. Sulio (*Id*., p. 11). It was the practice in their court that docket clerks can sign for the Branch Clerk of Court (*Id*., pp. 78 to 82). However, such hearing did not pursue (sic) because it was already the court's Christmas program. She did not make a subsequent setting of the case because of her intended transfer to RTC-38, Maddela, Quirino where, indeed, she transferred on January 22, 1997 as court stenographer (*Id*., p. 77). She formally turned over to her successor, Mr. Ramiterre, all the pending civil and other cases plus the exhibits (*Id*., pp. 83 to 87). The documents in the folders of cases were provided

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with pagings and at that time, LRC Case No. 181 consisted only of eight (8) pages without the questionable order.

5. …

6. EDDIE VERA — a records officer of the office of the Registry of Deeds submitted two (2) certified xerox copies of the January 17, 1997 court order. One is a carbon copy (*Id*., p. 36) and the other, bearing the certification of Virgilio T. Bunao, Jr. (*Id*., p. 37). He explained that the stamp marks on the left bottom portion of the certified carbon copy bearing the date January 21, 1997 corresponds to its date of entry in the primary book. The other stamp marks on the right bottom portion bearing the same date, indicates when the Register of Deeds signed the document which is also the date of its annotation in the title. He does not know who brought subject documents to the office because the registrant may bring the documents directly to the Register of Deeds or the examiner. Their office did not require from the court a certificate of finality of the court order because this requirement was implemented only in 1998. He was the one who filed in the archive the subject documents but the date appearing therein (January 21, 1997) was not the date of filing because from time to time, he has to compile first all documents received, then archived them for records keeping.

7. …

8. ROLANDO DAPON, a resident of Burgos, Cabarroguis, Quirino, a businessman and a 2nd year Mechanical Engineering student, alleged that he filed a petition for reconstitution of title (LRC Case No. 181) (*Id*., p. 8) because when he and his wife were about to fully pay Nenita Tan, who got their title (*Id.*, p. 10) as collateral for their loan, the latter told them that it was lost. With this predicament, he suggested to Ms. Tan that he will have the lost title reconstituted and once this is done, he will then mortgage the title so that he can pay her of the remaining balance of their loan. Ms. Tan acceded so the witness looked for someone who can help him in his problem. He met a certain Cesar, whose family name he does not know, in the hallway of RTC-31 and the latter assured him that he can solve his problem. Although he doesn't know Cesar personally and his profession, the witness believed his representation because he showed him several documents. Subsequently, Cesar came to their house

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bringing the prepared petition and even promising that he will be the one to follow it up in court. He did not appear during the December 17, 1997 hearing for lack of notice. Neither did he present any evidence in court because of Cesar's assurance that he could take care of everything. On the October 11, 1999 hearing, he received the corresponding subpoena therefor and one week before said date, he went to the court and informed a lady personnel thereat that he had already a court order granting his petition. He was asked to produce a copy thereof, but he could not locate his copy so he proceeded to the office of the Registry of Deeds to secure one. Armed with a copy of the January 17, 1997 order of Judge Ambrosio, he appeared in court on October 11, 1999 and presented to the lady personnel his copy of the order. He paid Cesar ₱10,000.00 for his services. He did not doubt the authenticity of the court order despite the fact that he did not testify in court and was not represented by a counsel because he trusted Cesar.

9. 2nd Assistant Provincial Prosecutor Alfredo Balajo, Jr. – While he was the "whistle blower" in this anomalous transaction, he has no specific person in mind as to who should be blamed therefor. However, he believes that this could have not been committed without the connivance of court personnel taking into account that there was a similarity in the typewriter used in the questionable order and the one's used in court. Rolando Dapon is now facing a criminal case for perjury regarding this transaction (*Id*., pp. 15 to 21).

The court did not subpoena anymore Jeremy Sulio, the former OIC Branch Clerk of Court of RTC-31 and Estrella Magat, former court interpreter, because they were already abroad long before this investigation.[4]

Judge Corpuz then concluded that:

While the two (2) [Max Ramiterre and Virgilio T. Bunao, Jr.] may not be criminally charged, however, their administrative indictments are proper. Mr. Ramiterre knew that there was no compliance with the jurisdictional requirement in LRC Case No. 181; that there was no hearing conducted; that there was no presentation of evidence; that he was familiar with the signature of Judge Ambrosio; and that

[4] Investigation and Report, pp. I-V.

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the order of January 17, 1997 was spurious because the signature of the signer was faked. Yet, he attached it to the record when presented to him by Mr. Dapon during the October 11, 1999 hearing giving it the impression that it was authentic and done by the judge in the regular performance of his duty which was not so. Worse, he even made such order as basis for considering the petition as terminated and in fact, he reported it to be so in the monthly report of cases for October, 1999. This is dishonesty, plain and simple.

As for Mr. Bunao, he should be equally charged for dishonesty for issuing a certification asserting that the original copy of the order dated January 17, 1997 is on file with the court giving the false impression that there was, indeed, such a copy which was prepared by the judge in the regular performance of his duty. Mr. Bunao is well aware of the spurious nature of the document he was certifying because like Mr. Ramiterre, he is familiar with the signature of Judge Ambrosio and he even asserted that the signature therein was not that of his former boss. Obviously, there was deceit in the issuance thereof and it will not matter that the certification was undated.[5]

On December 3, 2003, the Office of the Court Administrator (OCA) recommended that the investigation report of Judge Corpuz be treated as a complaint against Ramiterre and Bunao and that the two be required to manifest to this Court whether they are submitting the matter for resolution based on their statements before Judge Corpuz.[6] The recommendation was adopted by this Court per Resolution dated February 9, 2004.[7]

On March 29, 2004, Ramiterre filed his Manifestation, submitting the matter for resolution and further stating that: the fact that he did not inform anyone of his observation regarding the January 17, 1997 order, granting the petition for reconstitution of title, is merely an isolated case of erroneously considering the case as terminated based on the representation of Dapon and was bolstered by the fact that he (Ramiterre) relied on the fact that a loan was obtained by Dapon from the Philippine National Bank using the subject land as collateral; he asked Dapon for a copy of the alleged court order and the latter could

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[5] Investigation and Report, p. VI.

[6] December 3, 2003 Report, p. 13.

[7] *Rollo*, p. 136.

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not produce the same but "promised to present it from the Office of the Register of Deeds"; he (Ramiterre) acted in good faith in carrying out the duties of his office as shown by the fact that he informed Bunao about the termination of the case before the same was reported as terminated.[8]

Bunao submitted a "Manifestation with the Brief of the True Facts Surrounding the Case" dated April 2, 2004, in addition to the statements made before the Investigating Judge, and stating that: he was still with the Municipal Trial Court of Diffun, Quirino as Docket Clerk when the Order, dated January 17, 1997, was submitted to the Register of Deeds for the Province of Quirino together with the certified true copy from files allegedly signed by him which was the basis of reconstituting the title of Dapon; it was only on September 1, 1997 that he assumed the duties as Interpreter III of RTC, Branch 31, Cabarroguis, Quirino and was designated as OIC Branch Clerk of Court in July 1998 to December 1999; upon the inquiry of present Clerk of Court Lornabeth Ucol, Ramiterre categorically stated that he took it upon himself to attach the court order given to him by Dapon to the case folder and caused its subsequent disposal without ever informing him (Bunao); in June 2003, he (Bunao) learned that the wife of Ramiterre got hold of an alleged certification of the forged document signed by him (Bunao) from the Register of Deeds which prompted him (Bunao) to immediately go thereto, together with Ritchard Calpito, a Process Server, to inquire as to when the Register of Deeds got hold of such certification; the personnel of the Register of Deeds answered that they received it together with the court order which became their basis in reconstituting the title of Dapon in January 1997; when he (Bunao) told them that he was not yet with the RTC at that time, they started to become evasive with his questions; Balajo, who initiated this proceedings, also never encountered in the course of his investigation the certificate of true copy allegedly bearing his (Bunao's) signature; it must also be noted that it was only between May 20, 2000 to June 5, 2000 that Ramiterre forwarded to the Office of the Clerk of Court the complete records of LRC Case

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[8] *Rollo*, pp. 152-153.

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No. 181 long after he (Bunao) ceased being the OIC Branch Clerk of Court; Judge Corpuz erred in recommending his dismissal since nowhere in the course of Corpuz's investigation that an evidence was presented where he affixed his signature in a forged court order; from out of the blue, a certified true copy bearing his signature appeared; he (Bunao) does not know Dapon and there is no reason for him (Bunao) to certify a forged document to benefit Dapon; Eddie Vera, Records Officer of the Registry of Deeds, implied in his testimony that the court order and the certified true copy served as bases for the reconstitution of title of Dapon on January 21, 1997, but he became ambivalent as to the exact date of their receipt of said documents and as to who submitted them to their office; it is safe to conclude therefore that his (Bunao's) signature on the certified true copy was forged.[9]

Attached to Bunao's Manifestation are the sworn statements of Lornabeth Ucol, current Branch Clerk of Court of Branch 31, stating in part that Ramiterre admitted to her that Ramiterre did not bother to inform Bunao about Ramiterre's receipt of the forged document and its subsequent disposal;[10] the sworn statement of Ritchard Calpito stating that he was with Bunao when the latter went to the Register of Deeds to inquire about the certified true copy of the court order bearing Bunao's signature and that he noticed that the employees of the Register of Deeds started exchanging glances and would not directly answer Bunao's questions when Bunao told them that he could not have signed said copy as he was not yet with the RTC on said date; and the sworn statement of Balajo stating that during the course of his investigation he never came across the alleged certified true copy which bears the signature of Bunao, it was only in June 2003 that said document surfaced, and to his mind, Bunao is being made as a scapegoat in the anomaly in the reconstitution of Dapon's title.[11] A certification from the Office of the Clerk of Court, signed by Atty. Jessie Tuldague, states that the complete

[9] *Rollo*, pp. 139-145.

[10] *Id.*, p. 147.

[11] *Id.*, p. 149.

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record of LRC Case No. 181 was received from Ramiterre by their office between May 20, 2000 to June 5, 2000.[12]

On September 6, 2005, the OCA submitted its Report with the following evaluation and recommendation:

> We agree with the recommendation of the Investigating Judge that Mr. Max Ramiterre is liable for DISHONESTY. Except for his averment of good faith nothing new was raised by Mr. Ramiterre in his manifestation dated 29 March 2004. Judge Corpuz correctly pointed out the basis of the subject's liability to wit —
>
> He knew that there was no compliance with the jurisdictional requirement in LRC Case No. 181; that there was no hearing conducted; that there was no presentation of evidence; that he was familiar with the signature of former Judge Ambrosio; and that the order of 17 January 1997 was spurious because the signature therein was faked. Yet, he attached it to the record when presented to him by Mr. Dapon during the 11 October 1999 hearing giving it the impression that it was authentic and done by the judge in the regular performance of his duty which was not so. Worse, he even made such order as basis for considering the petition as terminated and in fact, he reported it to be so in the monthly report of cases for October 1999. This is dishonesty, plain and simple.
>
> As to the liability of Mr. Virgilio T. Bunao, Jr. we have our reservations considering that, at the time of the falsification of the document which was probably committed between 02 December 1996 date of filing of the petition and 21 January 1997 date of issuance of the reconstituted title to Mr. Dapon, Mr. Bunao, Jr. was not yet connected with the RTC, Branch 31. He became the Court Interpreter of said court on 01 September 1997 and was later on designated Officer in Charge – Branch Clerk of Court in July 1998.
>
> On 15 August 1999 after the appointment of Judge Moises M. Pardo, a physical inventory of all cases was made and subject employee affixed his signature in the folders of all pending cases and LRC 181 was one of these certified as pending. He instructed respondent Ramiterre to set it for hearing on 11 October 1999 which did not materialize as the presiding judge was indisposed. He lost track of the developments of the case since he was replaced as OIC Branch Clerk of Court on December 1999. Respondent Bunao became aware

[12] *Id.*, p. 170.

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that it was allegedly disposed of only when Prosecutor Balajo, Jr. requested for investigation.

Affidavits submitted by respondent Bunao, Jr. show that he was not aware nor was a party to the anomaly. The affidavit of Atty. Lorna Ucol who was then the newly appointed Branch Clerk of Court is revealing. She said that she decided to make an inquiry on the case in the presence of the court personnel "that by way of searching questions and answers, Mr. Max Ramiterre; Civil Docket Clerk of our branch, categorically admitted that he was the one who received from Mr. Dapon the forged court order and subsequently caused the disposal of the case; and, "That he further admitted that he did not bother to inform Mr. Virgilio T. Bunao, Jr., Interpreter II and OIC, Branch Clerk of Court during that time about his receipt of the forged document and its subsequent disposal as according to him, he was still new in the job and it was the usual practice."

Prosecutor Alfredo A. Balajo, Jr. who brought to light the instant anomaly in his affidavit stated that during the course of his investigation, he never came across the Certificate of True copy from files which bears the signature of Mr. Bunao, Jr.; that it was only on June 2003 that said document surfaced; and that Mr. Bunao is being made as a scapegoat in the anomaly that transpired in the Reconstitution of Title of Mr. Dapon.

Atty. Jessie N. Tuldague, Clerk of Court VI, OCC, certified that the complete record of LRC Case No. 181 was received by his office between 20 May 2000 to 05 June 2000 from Civil Docket Clerk Max Ramiterre.

The foregoing statements of three disinterested persons clearly show that respondent Bunao, Jr. had no knowledge and did not participate in the preparation of nor did he use for his own benefit the spurious order in question.

RECOMMENDATION:

Premises considered it is respectfully recommended that:

(1) On the basis of his explanation which we find to be satisfactory as supported by affidavits of his witnesses we recommend the DISMISSAL of charges against Mr. Virgilio T. Bunao, Jr.; and

(2) Mr. Max O. Ramiterre, who is found GUILTY of DISHONESTY be DISMISSED from the service with forfeiture of

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all benefits except earned leaves with prejudice to re-employment in government service including government owned and controlled corporations.[13]

We find the recommendation of the OCA to be in order.

*Dishonesty* is the:

"(d)isposition to lie, cheat, deceive, or defraud; untrustworthiness; lack of integrity; lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray.[14]

It is a malevolent act that has no place in the judiciary.[15] Indeed, no other office in the government service exacts a greater demand for moral righteousness and uprightness from an employee than in the judiciary.[16] Employees of the judiciary serve as sentinels of justice and any act of impropriety on their part immeasurably affects the honor and dignity of the judiciary and the people's confidence in it.[17] Judiciary demands the best possible individuals in the service and this Court will not hesitate to rid its ranks of undesirables who undermine its efforts towards an effective and efficient administration of justice, thus tainting its image in the eyes of the public.[18]

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[13] *Rollo*, pp. 187-189.

[14] Re: Administrative Case for Dishonesty Against Elizabeth Ting, Court Secretary I, and Angelita C. Esmerio, Clerk III, Office of the Division Clerk of Court, Third Division, A.M. No. 2001-7-SC & No. 2001-8-SC, July 22, 2005; *Office of the Court Administrator vs. Yan*, A.M. No. P-98-1281, April 27, 2005; *Alabastro vs. Moncada*, A.M. No. P-04-1887 (Formerly OCA IPI No. 03-1645-P), December 16, 2004.

[15] *Concerned Employee vs. Generoso*, A.M. No. 2004-33-SC, August 24, 2005; Re: Administrative Case for Dishonesty and Falsification of Official Document: Benjamin R. Katly, Information Technology Officer I, Systems Development for Judicial Application Division, MISO, A.M. No. 2003-9-SC, March 25, 2004, 426 SCRA 236.

[16] *Concerned Employee vs. Generoso*, A.M. No. 2004-33-SC, August 24, 2005.

[17] *Ibid*.

[18] *Cabanatan vs. Molina*, A.M. No. P-01-1520, November 21, 2001, 370 SCRA 16.

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We 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 would diminish or even just tend to diminish the faith of the people in the judiciary.[19]

As stated in *Pizarro vs. Villegas*[20]

> 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….
>
> ....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."[21]

In this case, Ramiterre, RTC, Branch 31, Clerk assigned in civil cases, admitted that he knew that no hearing was ever conducted in LRC Case No. 181. He also admitted that the signature appearing on the Order dated January 17, 1997 was different from the signature of Judge Ambrosio, the presiding Judge of Branch 31 at the time, which he is familiar with, yet he readily accepted the Order given to him by Dapon and attached the same to the record giving it the impression that the Order was authentic and executed by the judge in the regular performance of his duty. He even made said Order as basis for considering the petition as terminated and reported it to be so.

As he admitted during the investigation

Q— …when you received this order you noticed that this is not an authentic signature of the judge?

A— Yes, sir.

… … …

Q— When you received it you know that it was not authentic?

A— Yes, sir.

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[19] *Alabastro vs. Moncada*, *supra*; Re: Administrative Case for Dishonesty Against Elizabeth Ting, and Angelita C. Esmerio, *supra.*

[20] A.M. No. P-97-1243, November 20, 2000, 345 SCRA 42.

[21] *Id*., pp. 48-49.

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Q— And what did you do? Did you inform anybody that the order found on page 11 of the folder is a fake document?

A— No longer, sir.

Q— Why?

A— Because I relied on the words of the petitioner that it was already finished.

Q— Why did you rely on the information given to you by the petitioner when as you have claimed earlier there was (sic) no minutes and no transcript of the case?

A— Maybe, it was my fault, sir.

… … …

Q— So despite the fact that the order on page 11 is fake, it found its way on the folder because according to you it was the petitioner who gave it to you?

A— Yes, sir.

Q— And that upon receipt thereof, you attached it to the record.

A— Yes, sir.

Q— You did not show it to your superior or to your judge?

A— No more, sir.

Q— And despite the fact that you doubted the authenticity of the order you still transmitted it to the clerk of court as a terminated case?

A— Yes, sir because there was already the order granting the petition. Meaning, it was already finished.

Q— But you claimed that you doubted the authenticity because the signature there is different because according to you Judge Ambrosio signs in a long stroke.

A— That's it, sir

Q— Despite this you still decided to transfer it?

A— Yes, sir.[22]

Ramiterre's only defense is that he believed the representation of Dapon, the petitioner in the reconstitution case, that the case was already terminated and that an order granting Dapon's petition was already issued by the presiding judge. We see through his lack of forthrightness and are not swayed by his lame defense.

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[22] TSN, pp. 18-20.

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Dapon was an interested party and had everything to gain from a favorable order. How Ramiterre could have relied on Dapon's representation despite the fact that Ramiterre knew that no hearing was ever conducted in said case, he being the clerk assigned to monitor said cases and despite his admission that he knew the signature of the judge on the order to be forged, reeks of malice and bad faith. His heavy reliance on Dapon's statements and his "failure" to report the questionable circumstances surrounding the January 17, 1997 order lead to no other conclusion than that Ramiterre was involved in the anomaly.

While we cannot say for certain the extent of his involvement, what was established by the investigation was that Ramiterre made it appear that the proper procedure was followed in LRC Case No. 181 by attaching the order, which he knew to be questionable and reported that the case was already terminated. This constitutes dishonesty, as correctly pointed out by Judge Corpuz and the OCA, for which Ramiterre must be dismissed from the service.

Dishonesty is a grave offense punishable by dismissal for the first offense.[23] We have not hesitated to impose such extreme punishment on employees found guilty thereof,[24] because dishonesty reflects on the fitness of the officer or employee to continue in office and the discipline and morale of the service.[25]

As to Bunao, we agree with the findings of the OCA that he should not be held administratively liable for the anomaly since,

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[23] Uniform Rules on Administrative Cases in the Civil Service, which took effect on September 27, 1999, provides:

Section 52. *Classification of Offenses.* – Administrative offenses with corresponding penalties are classified into grave, less grave or light, depending on their gravity or depravity and defects on the government service.

A. The following are *grave offenses* with their corresponding penalties:

1. Dishonesty

1st offense – Dismissal.

[24] *Concerned Employee vs. Generoso*, *supra*.

[25] *Alabastro vs. Moncada*, *supra*.

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at the time the falsification of the document was committed, which was between December 2, 1996 the date of the filing of the petition, and January 21, 1997, the date of the issuance of the reconstituted title to Dapon, Bunao was not yet connected with Branch 31.

The authenticity of the certified true copy of the January 17, 1997 order bearing the signature of Bunao, which was the basis of Judge Corpuz in recommending Bunao's dismissal, was also not clearly established. As stated by Balajo, who called the attention of this Court regarding the anomaly, he never came across the certified true copy of the questioned order with Bunao's signature and it is his belief that Bunao is only being made as a scapegoat by the people behind the anomaly. Bunao's culpability not having been sufficiently established, we agree with the OCA that he should be exculpated from any liability.

**WHEREFORE,** Max O. Ramiterre is found guilty of *DISHONESTY*. He is *DISMISSED* from the service with forfeiture of retirement benefits, except the value of his accrued leaves, and with prejudice to re-employment in any branch or instrumentalities of the Government including government-owned and controlled corporations.

The administrative case against Virgilio T. Bunao, Jr. is *DISMISSED* for lack of sufficient evidence.

**SO ORDERED.**

*Davide, Jr., C.J., Puno, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio Morales, Callejo, Sr., Azcuna, Tinga,* and *Garcia, JJ.,* concur.

*Chico-Nazario*, *J.*, on leave.