

COURT OF INDUSTRIAL RELATIONS, COMPLAINANT, VS. DEPUTY CLERK OF COURT JUAN C. REYES, RESPONDENT.

Adm. Mat. No. P-96. October 15, 1974

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

This is a motion for reconsideration of the decision dated April 26, 1973 of the Secretary of Justice in Administrative Case No. 1-73 entitled "Court of Industrial Relations vs. Deputy Clerk of Court Juan C. Reyes" suspending respondent Juan C. Reyes" for three (3) months without pay effective upon receipt of a copy of this decision."

It appears that on February 23, 1973, the Acting Presiding Judge of the Court of Industrial Relations filed a formal charge against respondent for falsification committed as follows:

"That on or about October 30, 1972, as CIR Deputy Clerk of Court duly authorized by law to administer oath, you made it appear in the Verification of the MOTION TO DISMISS in Case No. 5347-ULP entitled Rosa Leonardo, et al., vs. Cerisco Black Cat Trading, that the officers therein namely: Norma Vinoya, Sides Pingol, Rosalina Pingol, Elena Molina, Teresita Co, Erlinda Sy, and Bernardita Oracion, appeared, subscribed and took their oaths before you (refer to Annex 'A'). Attached herewith are the sworn statements dated November 15, 1972, taken by Atty. David P. Macayayong, Special Action Unit, Malacanang, and the Order dated November 15, 1972 of the Trial Judge in Case No. 5347-ULP, leading to the conclusion that the above-mentioned affiants did not appear, subscribe and take their oath before you on the said motion to dismiss (See Annexes 'B' and 'C')."

After the respondent filed his answer, the case was referred to Atty. Sofronio A. Ona of the Court of Industrial Relations for investigation, report and recommendation. On March 27, 1973, the Acting Presiding Judge of the Court of Industrial Relations, after confirming as having been substantially supported by the evidence the following findings of Atty. Ona,

"Respondent Reyes in impliedly admitting having signed the jurat in the motion to dismiss in question, pointed to one Bernardita Oracion, president, with six other women as the ones who came to see him for the purpose of authentication of the due execution of said motion to dismiss, which was already signed above the typewritten names of the alleged officers. Oracion informed him that she and her other companions were the ones who signed the Motion to Dismiss. That he asked all of them if they were the complainants who caused the preparation of the motion to dismiss, that if they were willing to swear to the same, if the contents there were true and correct of their own knowledge, and all of the seven (7) women raised their right hands and swore that they signed said motion to dismiss with knowledge of the contents thereof. Respondent's explanation seemed believable specially that of imputing into Oracion, and his previous acquaintance with her as the reason why he authenticated the due execution of an already signed motion to dismiss. As of September 18, 1969, when the original charge (3178) of now 5347-ULP was filed in Court, our records affirm the fact that it was respondent Reyes who also administered the jurat on the Verification signed by Oracion. Knowing Oracion; due to prior official transaction with her without any hindrance whatsoever and trusting her, respondent Reyes was also

made to believe that all those women in front of him were in fact signatories to the motion to dismiss."

"xxx xxx xxx

"It is therefore convincingly clear that at least, Oracion appeared before respondent and the respondent Reyes was misled into believing, that the already prepared and signed motion to dismiss were those of the women officers. The Order itself of the Trial Court pointed to the disavowal of the complainant as the reason why the motion to dismiss was denied, not to the extrinsic defect in the due execution of the instrument to which respondent is now charged. Again counsel for complainant in the aforequoted Court proceeding confirmed the participation of his clients and never imputed (in) to Mr. Reyes or any court personnel any falsification. Neither was there any proof that Reyes profited or was directly or indirectly interested in the dismissal of the case.

"xxx xxx xxx

"From the foregoing report, undersigned observes that respondent Reyes' neglect lies in his reliance on Bernardita Oracion's representation to the effect that she and the other women had signed the motion to dismiss, and Reyes' consequent failure to verify the genuineness of the signatures appearing thereon by resorting to established procedures therefor, such as, for example, comparing said signatures with those on alleged affiants' residence certificates or similar identification papers, or by adopting any feasible alternative intimated in the report."

rendered a decision finding the respondent guilty of neglect of duty and imposed upon him the penalty of reprimand "with a stern warning that a repetition of the offense in the future shall be dealt with more severely."

On April 26, 1973, the Secretary of Justice increased the penalty to suspension for three (3) months without pay on the ground that respondent's neglect was not slight and that the officer administering the oath should take care in ascertaining the identity of the party or parties, especially with respect to a pleading which is material to a case, in order that public confidence and reliance on official documents will not be undermined.

Paragraph 2 of Section 2 of Presidential Decree No. 6 of September 27, 1972, provides that the decision of a chief of a bureau or office in an administrative case against an employee under his jurisdiction "shall be final if the penalty imposed is suspension without pay for not more than thirty (30) days or fine of not more than thirty days' salary. If the penalty imposed is higher, the decision may be appealed to the Department head, x x x " This provision is re-stated in Section 9 of Circular No. 97 of the Department of Justice, issued on December 21, 1972 "to ensure the uniform implementation of Presidential Decree No. 6 x x x"

Before the actual transfer from the Department of Justice to the Supreme Court of the power of supervision over all courts and their personnel pursuant to the 1973 Constitution, the Court of Industrial Relations then could be considered an office expressly placed by law under the administrative supervision of the Department of Justice (Sec. 1, Com. Act No. 103) and the Presiding Judge thereof as its head. There is no dispute that good faith characterized the action of respondent in failing to ascertain the identity of all the parties who signed the jurat to the motion to dismiss filed with the Court of Industrial Relations. Hence, the penalty imposed by the Acting Presiding Judge of the Court of Industrial Relations is sustained by Our decisions in *Ramirez vs. Ner*, Administrative Case No. 500, September 27, 1967, 21 SCRA 267; *Lopez vs. Casaclang*, Administrative Case No. 589, August 26, 1968, 24 SCRA 731; and *Samonte vs. Rodrigo, Jr.*, Administrative Case No. 930, December 17, 1970, 36 SCRA 283, where the respondent in each of the said three cases for a similar omission, was merely reprimanded and warned to be more careful in exercising his duties as a notary public.

CONSEQUENTLY, THE DECISION OF THE SECRETARY OF JUSTICE OF APRIL 26, 1973 IS HEREBY SET ASIDE AND THE DECISION OF MARCH 27, 1973 OF THE ACTING PRESIDING JUDGE OF THE COURT OF INDUSTRIAL RELATIONS IS HEREBY AFFIRMED.

Castro, (Chairman), Teehankee, Esguerra and Munoz Palma, JJ., concur.

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