

JUDGE JOSE S. SAÑEZ, COMPLAINANT, VS. CARLOS B. RABINA, UTILITY WORKER, REGIONAL TRIAL COURT, BRANCH 13, LIGAO CITY, RESPONDENT.

A.M. No. P-03-1691. September 18, 2003

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PER CURIAM:

Before us is the administrative complaint against Carlos B. Rabina, utility worker, assigned at the Regional Trial Court (RTC), Branch 13, Ligao City for falsification of his personal data sheets.

The facts of the case are:

While encoding the names of persons listed as accused in the criminal docket of the said RTC, Clerk of Court Juanita Padua Pontanal found that Carlos Rabina, utility worker, is the accused in Criminal Case No. 2370 for acts of lasciviousness which was filed in 1985 and included in the Office of the Clerk of Court's file of archived cases. Records of the criminal case show that there is an outstanding warrant of arrest against him dated December 3, 1985.

Clerk of Court Pontanal then sent a letter to Presiding Judge Jose S. Sañez about the incident. In turn, on November 8, 2002, Judge Sañez forwarded the letter to Deputy Court Administrator (DCA) Jose P. Perez, with the following Indorsement: "Upon confrontation of subject Court Employee (respondent) with this discovery, the latter readily admitted that he is the same person who stands charged with Acts of Lasciviousness in Criminal Case No. 2370 before Branch 12 of this Court." [1]

Verification by DCA Perez of respondent's 201 Files shows that he stated in his personal data sheets dated September 20, 1989, April 11, 1990, and in an undated one that he does not "have any pending administrative/criminal case." [2]

In a Memorandum dated February 7, 2003 issued by DCA Perez, respondent was required to explain why he should not be administratively sanctioned for falsifying his personal data sheets.

On March 24, 2003, we issued a Resolution directing the parties to manifest whether they are submitting the case for decision on the basis of the records and pleadings already filed.

On May 9, 2003, respondent filed a Manifestation that he intends to file "a responsive pleading."

On May 15, 2003, Judge Sañez filed a Manifestation that he is submitting the instant case for decision on the basis of the records and pleadings already filed.

On July 2, 2003, we issued a Resolution requiring the respondent to submit his comment within ten (10) days from notice. But until now, he has not complied with our Resolution nor has filed any "responsive pleading." At any rate, even without the required manifestation or "responsive pleading," this case can be decided on the basis of the records before us.

Respondent's false statements constitute falsification and dishonesty.

In *People vs. Uy*,^[3] we held that making untruthful statements in a narration of facts in the personal information sheet constitutes falsification defined and penalized under Article 171 of the Revised Penal Code.^[4]

In *Pizarro vs. Villegas*,^[5] penned by Justice Artemio V. Panganiban, we ruled that:

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

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

A person's integrity is so essential a requirement to a public office that Rule V of the Omnibus Rules Implementing Book V of the Administrative Code of 1987 (Executive Order 292) bars the appointment of persons guilty of dishonesty.^[6] The provision reads:

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

xxx xxx xxx

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

xxx xxx xxx"

(Emphasis supplied)

In the instant case, respondent admitted that he is the accused in Criminal Case No. 2370 for acts of lasciviousness which was filed in 1985, and pending before the Regional Trial Court, Branch 12, Ligao City. It bears reiterating that the case has been archived and that there is an outstanding warrant of arrest against him. In his personal data sheets, however, respondent stated that he does not "have any pending administrative/criminal case."

Clearly, respondent's conduct of making untruthful statements in his personal data sheets makes him liable for falsification and dishonesty, and could have been disqualified to be appointed as utility worker in the judiciary. In *Pizarro*,^[7] we stressed that the duties of utility workers are also imbued with public interest since they have access to pleadings and other official documents received and processed by the courts; hence, a modicum of honesty is expected and required of them. Respondent's action is a blatant disregard of the values of integrity, uprightness and honesty, which are expected of all court personnel.

R.A. No. 6713, otherwise known as the Code of Conduct and Ethical Standards for Public Officials and Employees, enunciates the State's policy of promoting a high standard of ethics and utmost responsibility in the public service.^[8] No other office in the government service exacts a greater demand for moral righteousness and uprightness from an employee than in the judiciary.^[9] Hence, everyone involved in the administration of justice, from the lowliest employee to the highest official, ought to live up to the strictest standard of honesty, integrity and uprightness.^[10]

Certainly, respondent is a misfit in the judiciary.

Under Section 52, A(1) and A(6), Rule IV of the Revised Uniform Rules on Administrative Cases in the Civil Service,^[11] both dishonesty and falsification of official document are considered grave offenses punishable by

dismissal from the service.

In *Civil Service Commission vs. Sta. Ana*,^[12] we dismissed respondent from the service for dishonesty and falsification for having indicated in his personal data sheet that he passed the career service professional examination when in fact he did not.

WHEREFORE, respondent Carlos B. Rabina is found GUILTY of falsification and dishonesty. He is hereby DISMISSED from the service, with forfeiture of all benefits, excluding unused leave credits, and with prejudice to reemployment in the government, including government-owned or controlled corporation.

SO ORDERED.

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

[1] Rollo at 6.

[2] Id. at 11-13.

[3] 101 Phil. 159 (1957).

[4] "Falsification by public officer, employee, or notary or ecclesiastic minister."

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

[6] *Pizarro vs. Villegas*, id.

[7] *Supra*.

[8] *Civil Service Commission vs. Sta. Ana*, A.M. No. OCA-01-5, August 1, 2002, citing *Alawi vs. Alauya*, A.M. No. SDC-97-2-P, February 24, 1997, 268 SCRA 628.

[9] Id., citing *Rabe vs. Flores*, A.M. No. P-97-1247, May 14, 1997, 272 SCRA 415.

[10] Id., citing *Court Administrator vs. Seville*, A.M. No. P-95-1159, March 20, 1997, 270 SCRA 190; *Estreller vs. Manatad, Jr.*, A.M. No. P-94-1034, February 21, 1997, 268 SCRA 608; *Atty. Jesusa Maningas, et al. vs. Carlito C. Barcenas*, A.M. No. P-99-1315, November 3, 1999, 317 SCRA 721, per curiam; *Sy vs. Academia*, A.M. No. P-87-72, July 3, 1991, 198 SCRA 705, 717; *Executive Judge Loyao, Jr. vs. Armecin*, A.M. No. P-99-1329, August 1, 2000, 337 SCRA 47; *Office of the Court Administrator vs. Alvarez*, A.M. No. CA-98-8-P, March 11, 1998, 287 SCRA 325, 330.

[11] Promulgated by the Civil Service Commission through Resolution No. 99-1936 dated August 31, 1999 and implemented by CSC Memorandum Circular No. 19, series of 1999.

[12] *Supra*.

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