

**GUIAWAN REGINA BALANZA, COMPLAINANT, VS. ARSENIO P. CRISTE, CLERK III, REGIONAL TRIAL COURT, BRANCH 21, VIGAN CITY, ILOCOS SUR, RESPONDENT.**

*A.M. No. P-15-3321 (Formerly OCA I.P.I. No. 08-2966-P). October 21, 2015*

Ponente: LEONARDO-DE CASTRO, J.

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**LEONARDO-DE CASTRO, J.:**

Before the Court is an Administrative Complaint<sup>[1]</sup> dated September 17, 2008 filed by Regina Guiawan Balanza (Regina) against Arsenio P. Criste (Criste),<sup>[2]</sup> Clerk III of the Regional Trial Court (RTC), Branch 21, Vigan City, Ilocos Sur, for "Grave Misconduct, Dishonesty, Infidelity in the Custody/Access to [J]udicial [R]ecords and/or Acts Prejudicial to the [I]nterest of the Service." Regina is the respondent in Civil Case No. 5913-V for Declaration of Nullity and/or Annulment [of] Marriage instituted by her husband Roy Balanza (Roy) before the RTC-Branch 21. Regina alleged in her Administrative Complaint against Criste:

That being the clerk-in-charge of civil cases records and taking advantage of or abusing his position as such, Mr. Arsenio [C]riste in cohort with Plaintiff Roy Balanza falsified and/or forged a Decision in Civil Case No. 5913-V "For Declaration of Nullity of Marriage" of which the undersigned complainant is the Defendant/Respondent. Said Mr. [C]riste issued out the spurious Decision dated April 14, 2008 together with a Certificate of Finality when in fact the subject Civil Case was not yet submitted for Decision and without the knowledge of the Honorable Presiding Judge or the Branch Clerk of Court as Mr. [C]riste wickedly falsified/forged their signatures. Worst, Mr. [C]riste in cohort with the Plaintiff-Petitioner Roy Balanza circulated and/or used the said falsified/forged Decision by furnishing copies to the concerned Civil Registrar Offices. Copies of the falsified/forged Decision and the Certificate of Finality are attached hereto for ready references. Further, the spurious Decision was unlawfully used by Plaintiff/Petitioner Roy Balanza in contracting another marriage during pendency of the case; a copy of the secured Certificate of Marriage is attached hereto for ready reference. Eventually the falsified/forged Decision and the corresponding Certificate of Finality which have been unlawfully circulated/used have reached the knowledge of the Court and that appropriate actions are now being undertaken by the Honorable Court or the Clerk of Court. In fact the Honorable Presiding Judge was shocked and dismayed about the spurious Decision as expressed in its Order dated August 8, 2008; a copy of said Order is attached hereto for ready reference. Nonetheless this [Administrative Complaint is being lodged with this Honorable Office to seek all the legal actions or sanctions as may be necessary and appropriate in the premises especially for the protection and/or preservation of the image and integrity of the judiciary as the pillar in the administration of justice.]<sup>[3]</sup>

In his Answer/Comment<sup>[4]</sup> dated October 30, 2008, Criste denied Regina's charges against him, insisting that the same were "highly speculative and conjectural" there being no direct evidence to prove that he issued the spurious Decision in Civil Case No. 5913-V. Criste prayed for the dismissal of the Administrative Complaint based on the following averments:

5.a. Regina Guiawan Balanza, the complainant herein and respondent in the above-mentioned Civil Case No. 5913-V for Declaration of Nullity of Marriage, had previously agreed to settle the civil aspect of the said case

for which she received from the petitioner, Roy Balanza, through his father Romulo Balanza, the total amount of P380,000 the last and full payment of which was made on July 6, 2007; Copies of the following receipts are attached hereto, x x x:

X X X X

5.b. That herein respondent Criste was present when the parties agreed extra-judicially inside the office of the court personnel to settle the civil aspect of the above-mentioned civil case and considering that the ground relied upon by the petitioner Roy Balanza for the Declaration of Nullity of their marriage is Bigamy, the respondent therein Regina Guiawan Balanza, after receiving the amount of money had agreed not to present evidence anymore since according to her, she could not disprove the allegations of bigamy in the complaint and she then agreed in the presence of her counsel to submit the case for the resolution of the Honorable Court. There is no truth to her allegations that the case is not yet submitted for resolution of the Honorable Court as in fact the Honorable Court had issued a Decision dated July 28, 2008 and an Amended Decision dated August 8, 2008 copies of which are attached hereto x x x;

5.c. That herein respondent Criste came upon the alleged Decision dated April 14, 2008 on top of his table and so it was his honest belief that the same was made at the instance of the respondent Regina Guiawan Balanza since she was already satisfied and paid of the amount she demanded from the petitioner Roy Balanza;

5.d. That in view of the honest belief of herein respondent Criste that the questioned Decision was the Decision of the Honorable Court in the above-mentioned civil case and that the Certificate of Finality was issued by the Branch Clerk of Court, he (herein respondent) signed the Xerox copies thereof as true copy on file;

5.e. That herein respondent subsequently learned that herein complainant Regina Guiawan Balanza wanted to ask for more money from Roy Balanza and so she wanted to Nullify/Set Aside the said questioned Decision dated April 4, 2008;

5.f. That before the Honorable Court issued the order dated August 8, 2008 acting on the motion to Nullify/Set aside Decision dated July 24, 2008 filed by therein respondent Regina Guiawan Balanza, through counsel, a Decision dated July 28, 2008 (Annex "G") and an Amended Decision dated August 8, 2008 (Annex "H") were issued by the Honorable Court but the same was again moved for reconsideration by the said Regina Guiawan Balanza which shows her bad faith and the fact that she only misled the court in manifesting through counsel, that she was submitting the case for resolution without presenting anymore any evidence to rebut the petitioner's evidence; x x x;

5.g. That the Honorable Court subsequently granted the Motion of Regina Guiawan Balanza in its Order dated September 17, 2008 x x x;

5.h. That to show the real character of herein complainant Regina Guiawan Balanza being a deceiver and swindler, an Affidavit of Romulo Balanza is hereto attached x x x; That it was also discovered recently by said Romulo Balanza that said Regina Guiawan Balanza was previously married to one Crisaldo Galon on May 28, 1991 which is five (5) years prior to her marriage to Roy Balanza on September 23, 1996 as evidenced by the Marriage Contract which is attached to the Affidavit of Romulo Balanza;

6. That Regina Guiawan Balanza in filing the instant administrative complaint against herein respondent did not come to court with clean hands considering" that her real motive is to harass herein respondent and to get more money from the other party which should not be countenanced by the Honorable Court Administrator[.][5]

In a Resolution[6] dated August 4, 2010, the Court referred the Administrative Complaint to the Executive Judge of RTC, Vigan City, Ilocos Sur, for investigation, report, and recommendation. The Administrative Complaint was originally assigned to Executive Judge Reynaldo A. Lacasandile, but he passed away before he could conduct

an investigation; and it was re-assigned on October 5, 2011 to Executive Judge Cecilia Corazon S. Dulay-Archog (Dulay-Archog).

In her Report[7] dated April 11, 2012, Executive Judge Dulay-Archog stated that during the hearing on March 8, 2012, it became apparent to her that the Administrative Complaint arose from Roy's failure to give support to Trisha Mae, his daughter with Regina. Roy (represented by his attorney-in-fact, Romulo Balanza) and Regina signed a Compromise Agreement[8] on March 8, 2012 wherein Roy agreed to give Trisha Mae (a) the amount of P210,000.00 on a staggered basis beginning March 15, 2012 and to be completed on or before the opening of the school year 2012-2013; and (b) monthly support of P10,000.00 per month starting March 30, 2012 until Trisha Mae graduates from college. Regina also signed an Acknowledgment Receipt[9] dated March 8, 2012 for P50,000.00 as initial/partial payment of the P210,000.00 agreed upon in the Compromise Agreement.

Executive Judge Dulay-Archog further determined that Criste got involved because Criste happened to be Roy's townmate and acquaintance and Regina suspected Criste of conniving with Roy in Civil Case No. 5913-V. Following the Compromise Agreement with Roy, Regina executed an Affidavit of Desistance[10] on March 15, 2012, pertinent parts of which read:

I am the complainant in OCA IPI NO. 08-2966-P, now pending investigation before the Executive Judge of the Regional Trial Court, Vigan City, Ilocos Sur entitled: Regina Guiawan-Balanza complainant versus Arsenio P. Criste, wherein I executed a Complaint against [Criste].

That after a thorough consideration of the facts and circumstances of the instant case, I came to realize that it was due to a miscommunication or honest misapprehension of facts that led to the filing of the instant complaint;

That in view thereof, I am no longer interested to pursue my complaint against [Criste] and the further investigation of the case against him;

That I am executing this affidavit to attest to the truth of the foregoing facts and to further declare that I am withdrawing my complaint against [Criste] and to pray that the Office of the Honorable Court Administrator to DISMISS the same.

Regina no longer adduced evidence in support of her Administrative Complaint against Criste. Notwithstanding Regina's desistance, Executive Judge Dulay-Archog still pored over the records and found that:

There is nothing on record to support the acts complained of and to attribute to respondent Criste the acts of grave misconduct, dishonesty, infidelity in the custody/access to judicial records and/or acts prejudicial to the interest of the service. The investigating judge is not making a declaration that [Criste] did not commit the acts, but since no evidence was adduced to indict him, he now enjoys the benefit of the doubt.

The acts complained [of] by [Regina] stemmed from a decision which then Judge Dominador Arquelada (now retired) disowned as having been signed by him. For unknown reasons, neither Judge Arquelada nor the then Clerk of Court, Atty. Charisma Naida Castillo conducted any investigation on the issuance of the alleged spurious decision. With [Regina]'s desistance and with no evidence presented to support her complaint, there is no substantial evidence to damn respondent, Arsenio Criste.

While the acts complained of were not proven, the undersigned believes that respondent Criste gave undue attention to this case by reason of his acquaintance to the petitioner [Roy] in Civil Case No. 5913-V. He admitted in his Answer that he took it upon himself to sign the Xerox copies of the questioned Decision as true copies x x x which is not part of his functions as a civil docket clerk. It is recommended that [Criste] be reprimanded or fined to avoid a repetition of such act.[11]

In a Resolution[12] dated July 4, 2012, the Court referred the report of Executive Judge Dulay-Archog to the

Office of the Court Administrator (OCA) for investigation, report, and recommendation.

The OCA submitted its Memorandum[13] dated October 29, 2013 wherein it adjudged that: (a) Criste authenticated the photocopies of the spurious decision and certificate of finality despite knowing that it was beyond his authority to do so; (b) Criste took a special interest in Civil Case No. 5913-V because Roy was his townmate and acquaintance; (c) since Criste failed to provide a satisfactory explanation on how he came into possession of the spurious Decision, he is presumed to be the author of the falsification; and (d) Criste is guilty of dishonesty and falsification of a public document, but he should not be meted the extreme penalty of dismissal because of mitigating circumstances in his favor. The OCA recommended, viz.:

PREMISES CONSIDERED, we respectfully recommend for the consideration of the Court that:

1. the Report dated 11 April 2012 of Investigating Judge Cecilia S. Dulay-Archog, Branch 21, Regional Trial Court, Vigan, Ilocos Sur, be NOTED;
2. the instant administrative complaint be RE-DOCKETED as a regular administrative matter; and
3. Arsenio P. Criste, Clerk III, Branch 21, Regional Trial Court, Vigan City, Ilocos Sur, be ADJUDGED GUILTY of dishonesty and falsification of public document and be SUSPENDED from the service without pay for six (6) months and one (1) day, with a STERN WARNING that a repetition of the same or similar acts in the future shall be dealt with more severely.

The Court then issued a Resolution[14] dated January 29, 2014 requiring the parties to manifest within 10 days from notice if they were willing to submit the matter for resolution based on the pleadings filed. Criste and Regina filed their Manifestations dated April 10, 2014[15] and May 21, 2015,[16] respectively. Resultantly, the Court deemed the Administrative Complaint submitted for decision based on the pleadings filed.

The Court adopts the findings and recommendations of OCA.

In the course of the investigation of this case, Regina, through counsel, submitted an Affidavit of Desistance dated March 15, 2012. Executive Judge Dulay-Archog, however, correctly proceeded with the investigation despite Regina's expressed desire to desist from pursuing her Administrative Complaint against Criste. As the Court declared in *Escalona v. Padillo*[17]:

We have always held that the withdrawal of the complaint or the desistance of a complainant does not warrant the dismissal of an administrative complaint. This Court has an interest in the conduct and behavior of its officials and employees and in ensuring at all times the proper delivery of justice to the people. No affidavit of desistance can divest this Court of its jurisdiction under Section 6, Article VIII of the Constitution to investigate and decide complaints against erring officials and employees of the judiciary. The issue in an administrative case is not whether the complainant has a cause of action against the respondent, but whether the employee has breached the norms and standards of the courts. Neither can the disciplinary power of this Court be made to depend on a complainant's whims. To rule otherwise would undermine the discipline of court officials and personnel. The people, whose faith and confidence in their government and its instrumentalities need to be maintained, should not be made to depend upon the whims and caprices of complainants who, in a real sense, are only witnesses. Administrative actions are not made to depend upon the will of every complainant who may, for one reason or another, condone a detestable act. Such unilateral act does not bind this Court on a matter relating to its disciplinary power.

In the case at bar, there is sufficient evidence to hold Criste administratively liable. The weight of evidence required in administrative investigations is substantial evidence, "or that amount of relevant evidence which a reasonable man might accept as adequate to justify a conclusion." [18] In the hierarchy of evidentiary values, substantial evidence is the lowest standard of proof provided under the Rules of Court. In assessing whether there

is substantial evidence in administrative investigations such as this case, the Court is not bound by technical rules of procedure and evidence.[19]

Executive Judge Dulay-Archog determined during her investigation that Criste is the townmate and acquaintance of Roy, the petitioner in Civil Case No. 5913-V. Instead of demonstrating impartiality, Criste exhibited undue interest in the case. The Court quotes with approval hereunder the observation of the OCA:

Executive Judge Dulay-Archog herself believes that [Criste] "gave undue attention to the case by reason of his acquaintance to the petitioner [Roy] in Civil Case No. 5913-V" who is also his townmate. Thus, it is not surprising that [Criste] appears to be too familiar with the circumstances of the case that occurred both in and out of the court. He admitted to be present when [Regina] and her estranged husband [Roy] Balanza agreed to settle the "civil aspect" of the said case. He was likewise present when [Regina] received the "amount of money" from her estranged husband inside the office of the court personnel of Branch 21 following her assurance that she would no longer present evidence in the said case, and agreed instead to submit the case for resolution. He also knew that the primary motive of [Regina] in filing a Motion to Nullify/Set Aside the spurious 4 April 2008 Decision was allegedly to ask for more money from her estranged husband.[20]

Viewed in the context, Criste's claim - that he only found on his desk the spurious Decision dated April 14, 2008 and Certificate of Finality dated June 11, 2008, purportedly signed by Judge Dominador LI. Arquelada (Arquelada) and Branch Clerk of Court Charisma Naida S. Castillo (Castillo), respectively - is highly suspect. Even absent direct evidence that Criste himself falsified the spurious Decision dated April 14, 2008 and Certificate of Finality dated June 11, 2008 in Civil Case No. 5913-V, without his satisfactory explanation, his being in possession of the forged document warranted the presumption of him being himself the forger or the person who had caused the forgery.[21]

Moreover, Criste admitted in paragraph 5.d. of his Answer/Comment that he certified the photocopies of the Decision dated April 14, 2008 and Certificate of Finality dated June 11, 2008 in Civil Case No. 5913-V as true copies of the documents on file. Criste though acted without authority when he made such certifications considering that under "The 2002 Revised Manual for Clerks of Court," his duties as Clerk III are limited to the following:

2.1.23 Clerk III

2.1.23.1

receives and docket cases filed with the Office of the Clerk of Court;

2.1.23.2

maintains and keeps custody of docket books for criminal, civil, special civil actions, land registration, special proceedings, administrative cases and reconstituted cases;

2.1.23.3

indexes cases filed with the Office of the Clerk of Court;

2.1.23.4

prepares and initials clearances; and

2.1.23.5

performs other duties that may be assigned to him.

The duty to certify true copies of decisions and orders of the RTC belongs to the Branch Clerk of Court as

provided for in "The 2002 Revised Manual for Clerks of Courts":

1.2.

Branch Clerk of Court

xxxx

1.2.9.

signs, summonses, subpoenas and notices; remittances of prisoners, certified true copies of decisions and orders, letters of administration and guardianship, transmittals of appealed cases, indorsements and communications, and monthly reports of cases[.]

Criste's certifications of the photocopies of the Decision dated April 14, 2008 and Certificate of Finality dated June 11, 2008 in Civil Case No. 5913-V gave the false impression that: (a) the said Decision and Certificate themselves were authentic and officially executed by Judge Arquelada and Branch Clerk of Court Castillo, respectively; and (b) Criste had the authority to make such certifications, consequently, favoring or benefitting Roy, his townmate and acquaintance. In fact, the photocopies of the said Decision and Certificate of Finality in Civil Case No. 5913-V were already submitted by Roy to the Office of the Civil Registrar.

Criste's act of certifying the photocopies of the Decision dated April 14, 2008 and Certificate of Finality dated June 11, 2008 in Civil Case No. 5913-V constitutes dishonesty.

Resolution No. 06-0538 dated April 4, 2006 of the Civil Service Commission, also known as the Rules on the Administrative Offense of Dishonesty, as amended, defines "dishonesty" as "the concealment or distortion of truth, which shows lack of integrity or a disposition to defraud, cheat, deceive or betray and an intent to violate the truth." [22] The same Rules further classify the offense into Serious Dishonesty, Less Serious Dishonesty, and Simple Dishonesty, depending on the attendant circumstances. Criste's offense constitutes Serious Dishonesty under Section 3(e) of Resolution No. 06-0538, as amended, because he "employed fraud and/or falsification of official documents in the commission of the dishonest act related to his/her employment."

Serious Dishonesty is punishable by dismissal from the service. [23] However, the Court does not believe that the extreme penalty of dismissal should be imposed on Criste. Rule IV, Section 53 of the Revised Uniform Rules on Administrative Cases in the Civil Service grants the disciplining authority the discretion to consider mitigating circumstances in the imposition of the proper penalty. In this case, the Court takes into account that Criste had rendered 41 years of continuous service to the government; that this was his first infraction; and that as a retiree, he mostly relies financially on his retirement benefits. The OCA recommended that Criste be suspended for six (6) months and one (1) day, but since Criste already retired on December 1, 2014, the Court instead imposes upon Criste a fine equivalent to his salary for six (6) months and one (1) day.

WHEREFORE, the Court finds Arsenio P. Criste GUILTY of the offense of Serious Dishonesty and imposes upon him the penalty of a FINE equivalent to his salary for six (6) months and one (1) day. The Finance Division, Fiscal Management Office, Office of the Court Administrator, is directed to immediately release the balance of Criste's retirement benefits after the amount of the aforementioned fine has been deducted therefrom.

### **SO ORDERED.**

Sereno, C.J., (Chairperson), Velasco, Jr.,[\*] Bersamin, and Bernabe, JJ., concur.

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[\*] Per Special Order No. 2253 dated October 14, 2015.

- [1] Rollo, p. 1.
- [2] Mistakenly referred to as "Arsenio Triste" by Regina in her Administrative Complaint.
- [3] Rollo, p. 1.
- [4] Id. at 12-16.
- [5] Id. at 13-15.
- [6] Id. at 50.
- [7] Id. at 90-93.
- [8] Id. at 94.
- [9] Id. at 95.
- [10] Id. at 96.
- [11] Id. at 106-107.
- [12] Id. at 118.
- [13] Id. at 119-124.
- [14] Id. at 126.
- [15] Id. at 127.
- [16] Temporary rollo, p. 2.
- [17] 645 Phil. 263,267-268 (2010).
- [18] REVISED RULES OF COURT, Rule 133, Section 5.
- [19] Dela Cruz v. Malunao, 684 Phil. 493, 502-503 (2012).
- [20] Rollo, p. 123.
- [21] Maniebo v. Hon. Court of Appeals, 642 Phil. 25, 43 (2010).
- [22] Civil Service Commission Resolution No. 06-0538, Section 1.
- [23] Id., Section 2(a), as amended.

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