

**LEONOR MARIANO, COMPLAINANT, VS. SUSAN ROXAS, CLERK III,
COURT OF APPEALS, RESPONDENT.***A.M. No. CA-02-14-P. July 31, 2002*

Ponente: SANDOVAL-GUTIERREZ, J.

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The present administrative case arose from the complaint-affidavit of Leonora Mariano filed with the Court of Appeals (CA) on May 8, 2001, docketed therein as Administrative Case No. 01-01-G, charging Susan Roxas, Clerk III, assigned at the Third Division of the said court, with forgery and dishonesty.

In her complaint-affidavit,[1] complainant alleged that respondent refused to pay P12,110.00. This is the balance of the price of jewelry items complainant sold to respondent. The latter insists she made an overpayment as shown by 4 receipts dated (1) January 25, 2001 for P5,525.00; (2) February 15, 2001 for P6,500.00; (3) April 14, 2000 for P400.00; and (4) April 16, 2000 for P400.00. These receipts were forged.

Complainant further alleged that in a letter dated February 5, 2001 addressed to the Cashier of the CA, respondent authorized complainant to collect her (respondent's) benefits "on March 2001 and so on up to the total amount of P30,000.00 more or less" as payment for her outstanding obligation. However, on April 18, 2001, respondent revoked the said authorization without informing the complainant, thus committing dishonesty.

In a Memorandum dated June 5, 2001,[2] Justice Cancio C. Garcia, then Acting Presiding Justice of the CA, directed respondent to file her answer and manifest if she opts for a hearing.

On June 14, 2001, respondent submitted her counter-affidavit[3] and manifested her desire for a full-blown hearing of the charges against her. She claimed that she had overpaid complainant in the amount of P6,425.00; that she could present witnesses to prove that she made several payments on various occasions; and that complainant issued to her the corresponding receipts.

On June 19, 2001, Acting Presiding Justice Garcia designated Atty. Elisa Pilar-Longalong, Assistant Clerk of Court, to conduct an investigation and to submit a report and recommendation.

On July 23, 2001, respondent submitted her supplementary affidavit,[4] explaining that she revoked complainant's authority to receive from the CA whatever benefit was due her (respondent) because she had made an overpayment. Respondent also explained that the receipts mentioned in the complaint are authentic as they were personally handed to her by complainant on two separate occasions within the CA premises.

On October 30, 2001, complainant filed with the CA a supplemental affidavit-complaint[5] showing respondent's balance in the amount of P12,110.00, and denying that respondent paid her debt.

After conducting an investigation, Atty. Pilar-Longalong submitted to the CA her Report and Recommendation dated January 28, 2002,[6] quoted in part, thus:

"On February 22, 2000, Mrs. Mariano sold to Mrs. Roxas a total of P55,700.00 worth of assorted pieces of

jewelry (Exh. F), payable on installment. Mrs. Roxas paid Mrs. Mariano P2,000.00 on March 3, 2000 (Exhs. C and F) and P800.00 on March 15, 2000 (Exh. F). On an unspecified later date, Mrs. Mariano sold one 18K gold chain necklace worth P2,500.00 (Exh. F). On April 16, 2000, Mrs. Roxas paid P400.00 to Mrs. Mariano (Exhs. F and C). On an unspecified later date, Mrs. Roxas returned to Mrs. Mariano P30,900.00 worth of pieces of jewelry which were later sold to Armin Arzaga, another Court employee, also on installment basis and which has been settled (Exh. F). This left an unpaid balance of P24,100.00 of Mrs. Roxas as of March 12, 2001 (Exh. F-1).

“On February 5, 2001, Mrs. Roxas executed a written authority to the Court Cashier for Mrs. Mariano to get her benefits in March, 2001 and thereafter up to payment of the total amount of P30,000.00 more or less (Exh. D). Pursuant thereto, on March 9, 2001, Mrs. Mariano received P5,000.00 from the Court Cashier Leo Ulanday (Exhs. F, C-2, and 3-b) as partial payment of Mrs. Roxas. On March 12, 2001, Mrs. Mariano again received from the Court Cashier P6,990.00 as partial payment of Mrs. Roxas (Exhs. F, C-1 and 3-a), thus leaving an unpaid balance of P12,110.00 (Exh. F-1). On April 18, 2001, Mrs. Roxas revoked the authority in favor of Mrs. Mariano by a letter to the Court Cashier on the ground that she overpaid Mrs. Mariano (Exhs. 1 and 2) by P6,425.00 (Exh. C).

“The amounts Mrs. Roxas claimed as overpayments referred to alleged payments made by her on January 25, 2001 in the amount of P5,525.00, on February 15, 2001 in the amount of P6,500.00, and on an unspecified date in the amount of P400.00 (Exh. C), evidenced by receipts purportedly signed by Mrs. Mariano. The latter denied she received said amounts on said dates and that she signed and issued those receipts since those signatures are forgeries. She also claimed that she never issues typewritten receipts as the one Mrs. Roxas presented evidencing her alleged payment on January 25, 2001 and on February 15, 2001. This fact was corroborated by her witness, Lorna Caraga, a friend and former officemate who affirmed that the signature on the aforementioned receipts are not Mrs. Mariano’s whose signature she is familiar with and whom she knows as one who does not issue typewritten receipts. Moreover, Mrs. Mariano presented a medical certificate (Exh. G) that on January 25, 2001 when she was supposed to have been paid the amount of P5,525.00 for which she purportedly issued a typewritten receipt, she was in fact sick in Bulacan and went to her doctor’s clinic (Exhs. E, G, and G-1). The foregoing belies Mrs. Roxas’ uncorroborated claim that she paid Mrs. Mariano on January 25, 2001 at the Court Canteen for which the latter issued the typewritten receipt (Exhs. C-4 and 3-d).

“With respect to the alleged payment on February 15, 2001 in front of the Court Auditorium for which another signed typewritten receipt was issued (Exhs. C-3 and 3-c), the same is not credible as said date is only a few days after Mrs. Roxas issued on February 5, 2001 an authority to Mrs. Mariano to get her benefits from the Court Cashier (Exhs. D and E). The testimony of Mrs. Roxas’ friend Mercy Valencia on the payment and issuance of the typewritten receipt on said date is not credible since despite claiming being present, she did not know the alleged amount paid by Mrs. Roxas, did not read the alleged receipt issued, did not know the alleged contents thereof and did not see Mrs. Mariano sign the alleged receipt. Besides, she erroneously claimed that she saw the prints and signature written in blue ballpen when in fact the alleged receipt was typewritten with only the alleged signature in blue ink (Exhs. C-3 and 3-c). With respect to the alleged receipt for the payment of P400.00, the same, although handwritten, did not bear any signature of Mrs. Mariano (Exhs. C-6 and 3-f), hence, can not be considered as proof of her receipt of payment.

“Moreover, an examination of the receipts which Mrs. Mariano claims to be forged (Exhs. C-3 and 3-C, C-4 and 3-d) show to the naked eye that there are differences from her genuine signatures, thus supporting Mrs. Mariano’s and Mrs. Caraga’s statements that those signatures are forged and not those of Mrs. Mariano.

“Hence, Mrs. Mariano has established by sufficient evidence that Mrs. Roxas still has an unpaid balance of P12,110.00 (Exh. F-1) and that the two receipts she presented whose signatures Mrs. Mariano disowns and the other unsigned receipt are not accurate records of the transactions between them and do not prove that Mrs. Roxas had overpaid complainant. Mrs. Mariano would not have wasted her time, effort and money hiring a lawyer and commuting from Bulacan several times if she been fully paid the amount due her.

x x x x x x x x

“However, the charge of forgery is a criminal offense which should have been filed in the proper forum, not in an administrative proceeding. The proper administrative offense for the act complained of is misconduct, for which Mrs. Roxas maybe found liable.

“Mrs. Roxas action in unilaterally revoking the authority of Mrs. Mariano to collect her benefits does not constitute dishonesty. Her act more properly constitutes the administrative offense of refusal to pay her debts. Her cancellation of the authority to collect her benefits was deliberately done in bad faith for the purpose of avoiding payment, which is tantamount to willful failure to pay just debts. x x x.

“In view of all the foregoing, it is recommended that:

“1. The complaint for forgery be dismissed. Instead, Mrs. Roxas be found guilty of misconduct, and since this is her first offense, the penalty of suspension for one month and one day be imposed on her; and

“2. Mrs. Roxas be reprimanded for her willful failure to pay her debts and that she be ordered to pay Mrs. Mariano the balance of her debt in the amount of P12,110.00 thru payroll deduction by the Court Cashier by equal weekly deductions from the salaries and benefits due her until the total amount of P12,110.00 is fully paid. In this connection, the Court Cashier may be ordered to deduct and deliver the said weekly payments direct to Mrs. Mariano.”

Finding the Report and Recommendation of Atty. Pilar-Longalong in order, then CA Presiding Justice Ma. Alicia Austria-Martinez[7] issued an Order dated February 6, 2002,[8] quoted as follows:

“WHEREFORE, Susan Roxas is hereby found guilty of misconduct and since this is her first offense, the penalty of suspension for one month and one day is hereby imposed on her. She is also hereby reprimanded for her willful failure to pay just debts to Mrs. Mariano. Mrs. Roxas is hereby ordered to pay Mrs. Mariano the balance of her debt in the amount of P12, 110.00.”

Respondent filed a motion for reconsideration but was denied in an Order dated March 26, 2002.[9]

In a letter dated April 1, 2002, the CA transmitted to this Court the records of this case.

In administrative proceedings, such as the one at bar, the quantum of proof required to establish the administrative liability of respondent is substantial evidence, not proof beyond reasonable doubt.[11] Substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.[12]

Based on the evidence on record, we hold that respondent is administratively liable.

As correctly found by the CA, respondent has still an unpaid balance of P12,110.00. The receipts she presented to prove that she overpaid complainant P6,425.00 were forged. As found by the CA, there are marked differences between the signatures in the receipts and complainant’s specimen signature which are easily discernible by the naked eye. That the receipts are not genuine was confirmed by Lorna Caraga.[12] She testified that she is familiar with the signature of complainant who was her officemate for a period of 5 years in the Regional Trial Court (RTC), Branch 130, Caloocan City. In many occasions, complainant signed documents in her presence. Her opinion as to complainant’s genuine signature is admissible in evidence pursuant to Section 50, Rule 130 of the Revised Rules on Evidence which provides:

“Sec. 50. Opinion of ordinary witnesses. – The opinion of a witness for which proper basis is given, may be received in evidence regarding –

x x x

(b) A handwriting with which he has sufficient familiarity; and

x x x” (Emphasis ours)

Corollarily, Section 22, Rule 132 of the same Rules provides that:

“Sec. 22. How genuineness of handwriting proved. – The handwriting of a person may be proved by any witness who believes it to be the handwriting of such person because he has seen the person write, or has seen writing purporting to be his upon which the witness has acted or been charged, and has thus acquired knowledge of the handwriting of such person. Evidence respecting the handwriting may also be given by a comparison, made by the witness or the court, with writings admitted or treated as genuine by the party against whom the evidence is offered, or proved to be genuine to the satisfaction of the judge.” (Emphasis ours)

Respondent’s act of forging those receipts to avoid her contractual obligation affects not only her integrity as a public servant but more importantly, the integrity of the Judiciary where she is connected. As a court employee, respondent should bear in mind that the court is regarded by the public with respect. For this reason, the conduct of every court personnel should be circumscribed with the heavy burden of responsibility and must at all times be characterized by, among other things, uprightness, propriety and decorum. Respondent failed to meet this exacting standard. Her actuation, although arising from a private transaction, has tarnished the image of her public office.

Respondent’s offense constitutes conduct prejudicial to the best interest of the service, not misconduct as held by the CA. As an administrative offense, misconduct must have direct relation to and be connected with the performance of official duty,[13] which circumstance is absent in this case.

Pursuant to Section 52, Rule IV of the Civil Service Commission Memorandum Circular No. 19, series of 1999, conduct prejudicial to the best interest of the service is classified as a grave administrative offense punishable by suspension of six (6) months and 1 day to one (1) year if committed for the first time, as in this case. Considering that the value involved in the forged receipts is minimal, this Court deems that the penalty of six (6) months suspension is in order.

With respect to respondent’s act of revoking the authority of complainant to collect her (respondent’s) benefits in payment of her debt, we agree with the CA that the same is tantamount to a willful failure to pay just debt. Such offense, under the same CSC Circular, is classified as a light administrative offense which carries a penalty of reprimand if committed for the first time, as in this case. In addition, respondent should pay complainant her indebtedness.[14]

It may not be amiss to state that respondent, like any other member of the Judiciary, is expected to be a model of fairness and honesty not only in all her official conduct but also in her personal actuations, including business and commercial transactions. Any conduct that would be a bane to the public trust and confidence reposed on the Judiciary shall not be countenanced.[15]

WHEREFORE, respondent Susan Roxas is adjudged GUILTY of CONDUCT PREJUDICIAL TO THE BEST INTEREST OF THE SERVICE and WILLFUL FAILURE TO PAY HER JUST DEBT. She is SUSPENDED for SIX (6) MONTHS and is REPRIMANDED.

Respondent is further ordered to PAY complainant the sum of P12,110.00, representing her unpaid debt, through payroll deductions.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Ynares-Santiago, Carpio, and Corona, JJ., concur.

Austria-Martinez, J., no part.

[1] Rollo, p. 4. [2] Ibid., p. 2.

[3] Ibid., p. 16.

[4] Rollo, p. 26.

[5] Ibid., p. 48.

[6] Rollo, pp. 51-54.

[7] Now Associate Justice of this Court.

[8] Rollo, pp. 55-59 (We treat this Order as a mere recommendation to this Court).

[9] Rollo, pp. 73-74.

[10] Naval vs. Panday, 321 SCRA 290 (1999).

[11] Government Service Insurance System vs. Court of Appeals, 296 SCRA 514 (1998).

[12] Transcript of Stenographic Notes (TSN), August 6, 2001, pp. 2-6.

[13] Apiag vs. Cantero, 268 SCRA 47, 59 (1997), citing Amosco vs. Magro, 73 SCRA 107 (1976); Buenaventura vs. Benedicto, 38 SCRA 71 (1971); and In re Impeachment of Horilleno, 43 Phil. 212 (1922). See also Babatio vs. Tan, 157 SCRA 277 (1988); and Salcedo vs. Inting, 91 SCRA 19 (1979).

[14] Lim vs. Judge Demetrio D. Calimag, Jr., Adm. Matter No. RTJ-99-1517, February 26, 2002, citing Garciano vs. Oyao, 102 SCRA 195 (1981); Manalo vs. Demaala, 104 SCRA 30 (1981); and Fabrigas vs. Nemeño, 146 SCRA 61 (1986).

[15] Manalo vs. Demaala, supra.

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