

ANONYMOUS, COMPLAINANT, VS. EMMA BALDONADO CURAMEN, COURT INTERPRETER I, MUNICIPAL TRIAL COURT, RIZAL, NUEVA ECIJA, RESPONDENT.

A.M. No. P-08-2549. June 18, 2010

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

This is an administrative case against Emma Baldonado Curamen, Court Interpreter I in the Municipal Trial Court of Rizal in Nueva Ecija, for dishonesty and falsification of a public document.

The Facts

On 6 March 2007, the Office of the Court Administrator (OCA) received an anonymous complaint[1] charging respondent with falsification of a public document and simulation of birth. The complaint alleged that respondent registered the birth of a child supposedly named Rica Mae Baldonado Curamen in the local civil registry of Rizal, Nueva Ecija. Complainant submitted the child's purported birth certificate[2] to show respondent misrepresented that she was the child's biological mother and her husband, Ricardo Curamen, was the biological father. Complainant claimed respondent was, in fact, the child's maternal grandmother. Complainant submitted the child's original birth certificate[3] to show that the child's real name was Rinea Mae Curamen Aquino and that her parents were spouses Olga Mae Baldonado Curamen Aquino and Jun Aquino. According to complainant, respondent included the child as additional dependent in her income tax declaration.

In his Report,[4] Executive Judge Rodrigo S. Caspillo of the Regional Trial Court (Branch 24) of Cabanatuan City verified that Rinea Mae Curamen Aquino and Rica Mae Baldonado Curamen were the same child. Judge Caspillo confirmed that the child was, in fact, respondent's granddaughter. The child's real mother, Olga, was one of respondent's children. On 27 November 2005, Olga gave birth to a child named Rinea Mae Curamen Aquino. The fact of birth was registered in the Civil Registry of Cabanatuan City, Nueva Ecija under Registry No. 2005-15495. The birth certificate indicated that the child's parents were Olga Mae Baldonado Curamen and Jun Aquino.

Judge Caspillo verified that on 31 March 2006, respondent executed an affidavit for delayed registration of the alleged birth of her child. Respondent claimed that her supposed child, Rica Mae Baldonado Curamen, was born on 30 November 2005. Respondent's application was given due course and the supposed birth of Rica Mae Baldonado Curamen was registered in the Civil Registry of Rizal, Nueva Ecija under Registry No. 2006-507. This second birth certificate of the child indicated that the child's parents were respondent and her husband.

In her Comment,[5] respondent admitted that the real parents of the child were spouses Olga Mae Baldonado Curamen and Jun Aquino. Respondent claimed that the child's parents, being unemployed, were unable to support themselves let alone their child. She asserted that the child's parents actually depended on her and her husband for

support. According to respondent, it was the child's parents themselves who proposed to register the birth of the child anew. Respondent insisted she had no intention to conceal the true identity of the child. Respondent justified her act as an example of a common practice among Filipinos to extend help to family members. As to the alleged falsification of her income tax return, respondent denied listing the child as additional dependent.

The OCA's Report and Recommendation

As to the alleged falsification of the child's birth certificate, the OCA, in its Report and Recommendation,[6] found respondent guilty of conduct prejudicial to the best interest of the service. According to the OCA, respondent's act created a negative impression in the minds of the public that court officials could violate the law with impunity. As for the alleged falsification of respondent's income tax return, the OCA found no evidence that respondent claimed the child as additional dependent. The OCA recommended that respondent be suspended from the service for six months and one day, thus:

Respectfully submitted for the consideration of this Honorable Court are our recommendations that:

1. this administrative complaint be RE-DOCKETED as a regular administrative matter;
2. respondent Emma Baldonado Curamen, Court Interpreter I, Municipal Trial Court, Rizal, Nueva Ecija, be found GUILTY of Conduct Prejudicial to the Best Interest of the Service and be SUSPENDED FROM THE SERVICE for a period of six (6) months and one (1) day, the same to take effect immediately upon receipt by the respondent of the Court's decision;
3. Ms. Carmelita N. Ericta, Administrator and Civil Registrar General, National Census Statistics Office, be FURNISHED a copy of the Court's decision, the Certificate of Live Birth of Rica Mae Baldonado Curamen, and the Affidavit for Delayed Registration of Birth executed by the respondent so that appropriate amendments relative to the true circumstances of the birth of one "Rinea Mae Curamen Aquino" can be effected; and
4. the Provincial Prosecutor of Nueva Ecija be FURNISHED with a copy of the Court's decision on this administrative matter for appropriate action.[7]

The Court's Ruling

As to the alleged falsification of respondent's income tax return, we find no evidence on record showing that respondent listed the child as additional dependent. Respondent presented a certification[8] issued by the Municipal Social Welfare and Development Office of Rizal, Nueva Ecija as well as her income tax returns for taxable years 2005 and 2006 to prove that the only dependent she claimed was her 90-year old father, Rafael Baldonado. Against this, complainant has nothing but bare allegations. Whoever alleges a fact must prove that fact by convincing evidence.[9] Complainant failed on this score.

With respect to the alleged falsification of the child's birth certificate, we find respondent guilty of dishonesty and falsification of a public document. A birth certificate, being a public document, serves as prima facie evidence of filiation.[10] The making of a false statement therein constitutes dishonesty and falsification of a public document.

Respondent cannot escape liability by claiming that she did not have any intention to conceal the identity of the child nor cause the loss of any trace as to the child's true filiation to the child's prejudice. When public documents are falsified, the intent to injure a third person need not be present because the principal thing punished is the violation of the public faith and the destruction of the truth the document proclaims.[11]

Respondent's justification for her act - that the true parents of the child are unable to support the child as they are fully dependent on respondent for their own support - is an affront to common sense. It taxes one's imagination

how concealment of the child's true parents, through falsification of the child's birth certificate, will make it easier for respondent to support the child. Respondent can very well continue supporting the child as her own, as is the practice in Filipino families, without having to tamper with the child's birth certificate.

Dishonesty is defined as intentionally making a false statement on any material fact in securing one's examination, appointment, or registration.[12] Dishonesty is a serious offense which reflects a person's character and exposes the moral decay which virtually destroys honor, virtue, and integrity.[13] It is a malevolent act that has no place in the judiciary, as no other office in the government service exacts a greater demand for moral righteousness from an employee than a position in the judiciary.[14]

No doubt, court officials occupy an exalted position in society. They enjoy authoritative influence, which leaves the innocent public unlikely to raise any objection. Unfortunately, this is also the reason why they have more opportunities to commit dishonest acts. But dishonesty has no place in the judiciary and the Court will not hesitate to remove from among its ranks those found to be dishonest.

Under Section 52, Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292 and Other Pertinent Civil Service Laws, dishonesty and falsification of a public document are considered grave offenses punishable by dismissal for the first offense.

Dishonesty, in order to warrant dismissal, need not be committed in the course of the performance of official duties.[15] If a government officer is dishonest, even if the conduct is not connected with the official function, it affects the discipline and morale of the service.[16] The government cannot tolerate in its service a dishonest employee, even if official duties are performed well. Respondent cannot separate her private life as a registrant of the child's false birth certificate from her public life as a court official. She is subject to discipline the moment she commits a dishonest act, whether in her private life or in her public life.

However, the extreme penalty of dismissal is not automatically imposed, especially where mitigating circumstances exist. Although under the schedule of penalties adopted by the Civil Service, dishonesty and falsification of a public document are classified as grave offenses punishable by dismissal, the fact that this is respondent's first offense may be considered a mitigating circumstance in her favor. The law requires that the mitigating circumstance must first be pleaded by the proper party.[17] But in the interest of substantial justice, we may appreciate the mitigating circumstance in the imposition of penalty, even if not raised by respondent.[18]

We thus impose on respondent the penalty next lower in degree, which is suspension for six months and one day without pay with a stern warning that a repetition of the same or similar acts in the future shall be dealt with more severely.

WHEREFORE, respondent Emma Baldonado Curamen, Court Interpreter I in the Municipal Trial Court of Rizal in Nueva Ecija, is found GUILTY of dishonesty and falsification of a public document and SUSPENDED for six (6) months and one (1) day without pay with a STERN WARNING that a repetition of the same or similar acts in the future shall be dealt with more severely.

Let copies of this Resolution be furnished the Provincial Prosecutor of Nueva Ecija for appropriate action, including the possible filing of a special proceeding for the cancellation of the Certificate of Live Birth of Rica Mae Baldonado Curamen as well as the Affidavit for Delayed Registration of Birth executed by respondent.

SO ORDERED.

Nachura, Leonardo-De Castro,[*] Peralta, and Abad, JJ., concur.

[*] Designated additional member per Raffle dated 6 January 2010.

[1] Rollo, p. 5.

[2] Id. at 6.

[3] Id. at 8.

[4] Id. at 13-14.

[5] Id. at 25-28.

[6] Id. at 1-4.

[7] Id. at 3-4.

[8] Id. at 31.

[9] Pacific Banking Corporation Employees Organization v. CA, 351 Phil. 438 (1998).

[10] Heirs of Cabais v. CA, 374 Phil. 681 (1999).

[11] Ratti v. Mendoza-De Castro, 478 Phil. 871 (2004).

[12] OCA v. Bermejo, A.M. No. P-05-2004, 14 March 2008, 548 SCRA 219.

[13] Id.

[14] Re: Spurious Certificate of Eligibility of Tessie G. Quires, Regional Trial Court, Office of the Clerk of Court, Quezon City, A.M. No. 05-5-268-RTC, 4 May 2006, 489 SCRA 349.

[15] Faelnar v. Palabrica, A.M. No. P-06-2251, 20 January 2009, 576 SCRA 392.

[16] Corpuz v. Ramiterre, A.M. No. P-04-1779, 25 November 2005, 476 SCRA 108; Alabastro v. Moncada, Sr., 488 Phil. 43 (2004).

[17] De Vera v. Rimas, A.M. No. P-06-2118, 12 June 2008, 554 SCRA 253.

[18] Id.

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