

ATTY. ELENITA GC. QUINSAY, COMPLAINANT, VS. JAY C. AVELLANEDA, UTILITY WORKER I, REGIONAL TRIAL COURT, OFFICE OF THE CLERK OF COURT, SAN FERNANDO CITY, PAMPANGA, RESPONDENT.

A.M. NO. P-05-2076 [FORMERLY OCA I.P.I NO. 03-1692-P]. September 21, 2005

Ponente: CARPIO-MORALES, J.

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CARPIO-MORALES, J.:

Herein respondent Jay C. Avellaneda, Utility Worker I of the Regional Trial Court of San Fernando City (RTC-San Fernando City), filed a Philhealth claim through Dr. Ofelia Mendoza.

In support of his claim, respondent submitted Philhealth Form 1[1] which appeared to have been certified by RTC San Fernando City Clerk of Court Atty. Elenita GC. Quinsay, herein complainant, and a copy of his marriage contract[2] to one Veronica Gloria which showed that it was solemnized by a Judge Adelaida G. Mendoza of RTC-San Fernando City on January 28, 1999.

Apparently on Dr. Mendoza's request, her counsel Atty. Dennis C. Pangan sent a letter to complainant, which she received on September 3, 2002, requesting for a copy of respondent's personal data sheet and a certification whether his marriage was solemnized "in [her] jurisdiction on the date mentioned."

Acting on Atty. Pangan's letter-request, complainant, by letter[3] dated September 6, 2002, relayed to him the following information:

1)

ON THE PHILHEALTH FORM I – The Philhealth Form I submitted to your client by Mr. Jay Avellaneda has never been presented to the undersigned for endorsement and certification, neither the data contained therein were certified true and correct by the undersigned, thus, the signature appearing at the lower portion of the claim form I above the type-written name ELENITA GC QUINSAY was not her signature; the undersigned was on offset period from August 20-23, 2002 and therefore not physically present on said dates to affix her signature on any document particularly on Mr. Avellaneda's application for Philhealth benefit claim x x x

2)

ON THE CERTIFICATE OF MARRIAGE – No Judge by the name of Adelaida G. Mendoza has ever been assigned/appointed in the Regional Trial Court of San Fernando, Pampanga, hence, no marriage could have been solemnized by one such Judge in our Jurisdiction more particularly the marriage between Jay Avellaneda and Veronica Gloria who alleged to have been married on January 28, 1999; a verification of our collection/filing fee books and official receipts issued for the month of January 1999 reveal the (sic) no marriage fee was paid under date of January 28, 1999 for the solemnization of the marriage between Jay Avellaneda and Veronica Gloria; also, a verification from the Local Civil Registrar of the City of San Fernando (P) disclosed that their office has no record of marriage between Jay Avellaneda and Veronica Gloria x x x

3)

ON THE CERTIFICATE OF EMPLOYMENT – The certification issued by Hon. ADELAIDA ALA-MEDINA as to the status of employment of Mr. Jay Avellaneda was found to be authentic.

4)

ON THE GSIS CERTIFICATE OF MEMBERSHIP – The certification issued by Atty. Leticia L. Nicolas for the authentication of Mr. Avellaneda's membership with the GSIS is also authentic.

5)

ON THE PERSONAL DATA SHEET – Mr. Jay Avellaneda did not submit a copy of his personal data sheet to the Office of the Clerk of Court because he was detailed to RTC Branch 48 during the time the said personal datasheet was required for submission. Branch 48 do[es] not have a copy either. (Underscoring supplied)

Meanwhile, on April 21, 2003, this Court issued the following Resolution in A.M. No. 03-3-165-RTC, a case priorly filed by complainant against respondent, for Absence Without Official Leave (AWOL):

Considering the Office of the Court Administrator's Report dated February 21, 2002, the Court Resolved:

- (a) to WITHHOLD the salaries and benefits of Mr. Jay Avellaneda;
- (b) to DROP his name from the rolls for having been absent without official leave since September 2, 2002; and
- (c) to DECLARE his position VACANT. (*Italics in the original; emphasis and underscoring supplied*)

The Philhealth Regional Office in San Fernando City, Pampanga later furnished complainant, on her request by letter[4] dated June 2, 2003, authenticated copies of the marriage contract and the Philhealth Form 1 which respondent submitted.

By verified letter-complaint,[5] dated June 2, 2003 now the subject of the present resolution, duly endorsed[6] by Executive Judge Adelaida Ala Medina of RTC-San Fernando City, complainant charged respondent with "Falsification under Article 171 of the Revised Penal Code also constituting Gross Dishonesty, Gross Misconduct and Conduct Highly Prejudicial to the Best Interest of the Service," allegedly committed as follows:

1)

Counterfeiting or imitating the signature of the undersigned in the Philhealth Form I which he utilized in claiming benefits from Philhealth; there is an actual attempt to counterfeit or feign the signature/handwriting of the undersigned such that anyone would mistake it for her signature; or inducing others to sign the name of the undersigned and made it appear falsely that undersigned was a real party in the Philhealth Form I, when as a matter of fact she did not participate in any manner whatever in the transaction. (Art. 171, par. 1 RPC);

2)

Using falsified documents with intent to cause damage (par. 3, Art. 172)

3)

Causing it to appear that undersigned participated in the act of certifying the data contained in his application for Philhealth benefit claim; or inducing others to sign the names of the third persons to the Philhealth Form I and the Marriage Contract even without attempting to imitate the genuine signatures and making it appear that persons who took no part in solemnizing the marriage and certifying the documents had taken part therein. (Art. 171, par. 2);

4)

Securing a marriage contract form filling the blanks therein with fictitious names and signing or causing to be signed the fictitious names. (Art 171, par. 2)

5)

Making the untruthful statement in his application for Philhealth benefit claim; or making false statement in his application for Philhealth Form I and marriage contract connected with the claim by causing it to appear that certain persons participated therein knowing that in this application he has the duty to disclose the truth regarding his personal circumstances or violating his duty to disclose the truth with a wrongful intent to injure third person thereby affecting the integrity of the documents and changing its [e]ffect (Art. 171 par. 4).

In support of her complaint, complainant submitted the following documents:

1)

photocopy of respondent's Philhealth Form 1

2) photocopy of respondent's marriage contract

3)

Atty. Pangan's letter dated September 3, 2002

4)

specimen signature of complainant[7]

5) complainant's letter to Philhealth dated June 2, 2003

6) Certification from the Office of the City Civil Registrar of San Fernando, Pampanga[8]

7) photocopy of respondent's Statement of Assets and Liabilities for the year 2002[9]

8) complainant's letter to Atty. Pangan dated September 6, 2002

By Indorsement[10] dated July 9, 2003, the Office of the Court Administrator (OCA) required respondent to comment on the complaint, which Indorsement was received at the RTC San Fernando, Pampanga, Office of the Clerk of Court on July 30, 2003.[11]

No compliance by respondent with the above-said Indorsement having been received, the OCA sent Tracer[12] dated November 10, 2003, informing him that he had not complied with the July 9, 2003 Indorsement and reiterating its directive for him to file his comment on the complaint. The 1st Tracer was received on December 2, 2003.[13]

No comment having been received from respondent, the OCA, by Report and Recommendation[14] dated March 12, 2004, took it that respondent had waived his right to submit controverting evidence and found him guilty of falsification of public documents and gross misconduct. It accordingly recommended his dismissal from the service.

By Resolution[15] of May 5, 2004, this Court resolved to require the parties to manifest whether they are submitting the case on the basis of the pleadings/records already filed and submitted. To date, however, no communication from either was received by this Court.

Still in another case also filed by complainant against respondent, docketed as Administrative Matter OCA IPI

No. 03-1696-P , for dishonesty, falsification of daily time record, tardiness, habitual absenteeism, violation of Civil Service Rules and Regulations, gross misconduct and conduct highly prejudicial to the best interest of the service, this Court issued the following Resolution of September 29, 2004:

Considering the Court Administrator's memorandum dated September 1, 2004, on the letter-complaint charging respondent with dishonesty, [etc.], reporting that respondent has no respect to the Court as shown by his deliberate refusal to file comment despite being told several times to do so and that his behavior is not only a gross affront to this Court but likewise proves that indeed he is guilty as charged, the Court Resolved to DECLARE respondent Jay C. Avellaneda, GUILTY as charged and that since he had already been dropped from the rolls in a resolution dated 21 April 2003 in A.M. No. 03-3-165-RTC, he is hereby considered dismissed from the service with forfeiture of all benefits except accrued leave credits, if any, with prejudice to reinstatement or reemployment in any branch, instrumentality or agency of the government, including government owned or controlled corporation. (*Italics in the original; emphasis and underscoring supplied*)

It thus remains uncontroverted that respondent forged complainant's signature in his Philhealth application, and that he misrepresented being married to that Veronica Gloria for no such marriage was ever solemnized before a fictitious named judge.

Undoubtedly, respondent committed dishonesty and falsification of an official document, classified as grave offenses under the Uniform Rules on Administrative Cases[16] in the Civil Service.

Dishonesty and falsification are malevolent acts that have no place in the Judiciary. Assumption of public office is impressed with paramount public interest that requires the highest standards of ethical conduct. A person aspiring for public office must observe honesty, candor, and faithful compliance with the law. Nothing less is expected.[17]

As reflected above, however, before the instant administrative complaint was filed on June 6, 2003, respondent had been officially dropped from the Rolls by Resolution of April 21, 2003, and considered dismissed from the service on account of that by Resolution of September 29, 2004, "with forfeiture of all benefits except accrued leave credits, if any, with prejudice to reinstatement or reemployment in any branch, instrumentality or agency of the government, including government owned or controlled corporation." The present complaint must perforce be dismissed for being moot and academic.[18]

WHEREFORE, the complaint against Jay C. Avellaneda, Utility Worker I of the Regional Trial Court of San Fernando City is hereby DISMISSED.

SO ORDERED.

Panganiban, (Chairman), Sandoval-Gutierrez, Corona, and Garcia, JJ., concur.

[1] Rollo at 5.

[2] Id. at 6.

[3] Id. at 12-13.

[4] Id. at 9.

[5] Id. at 2-3.

[6] Id. at 1.

[7] Id. at 8.

[8] Id. at 10.

[9] Id. at 11.

[10] Id. at 15.

[11] Registry Return Receipt pasted on the dorsal side of p. 15 of the Rollo.

[12] Rollo at 16.

[13] Registry Return Receipt pasted on the dorsal side of p. 16 of the Rollo.

[14] Rollo at 17-19.

[15] Id. at 20.

[16] Civil Service Resolution No. 991936 dated August 31, 1999.

[17] Re: Administrative Case for Dishonesty and Falsification of Official Document: Benjamin R. Katly, 426 SCRA 236, 242 (2004).

[18] Ilagan v. Amar, 436 SCRA 535, 541-542 (2004); Cabarloc v. Cabusora, 348 SCRA 217, 226 (2000).

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