

JUANITO BENAJOJAN, COMPLAINANT, VS. MARIANO LACSON, RESPONDENT.

A.M. No. P-1551. January 15, 1979

Ponente: GUERRERO, J.

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GUERRERO, J.:

In a sworn letter-complaint dated December 28, 1977, Juanito Benaiojan, Interpreter and Special Deputy, Court of First Instance of Lanao del Norte, Iligan City, charged respondent Mariano Lacson, Clerk, Court of First Instance of Lanao del Sur, Branch I, Marawi City of having falsified his personal data sheets, one subscribed before Asst. Provincial Fiscal Benedicto A. Lagrosa of Lanao del Norte on May 23, 1974[1] and another before the Hon. Executive District Judge Moises Dalisay, Sr., Court of First Instance, Branch V, Iligan City on August 19, 1975[2] with deliberate intention to gain promotional appointments in the government service, specifically, in the narration of facts regarding his college education, to wit:

"College/University-U.E. (Manila) A.A. (Pre-law)

1950-1952 - Graduate

U.M. (Manila) 3rd Year Law

1952-1955

U.M. (Manila) 4th Year Law

1966-1967 - Graduate

P.M.I. (Manila) - 1st Year

1966-67 - Customs Adm."

Complainant alleged that respondent is only a high school graduate and had never studied law in the University of the East nor in the University of Manila as shown by the certifications issued to that effect by the respective registrars of said institutions both dated July 30, 1976.[3] [&][4]

In his answer of March 31, 1977, respondent averred, inter alia, that the questioned personal data sheets have never been used by him in seeking promotion or in any transaction for his retention in the service; that it is essential to the commission of the crime of falsification of public documents under Articles 171(4) and 172(1) of the Revised Penal Code that there be not only intent to injure third persons but also an obligation to disclose the facts; that in this instant case, no injury had been done, much less to the complainant Juanito Benaiojan.[5]

On May 31, 1978, We referred the case to Acting Executive District Judge, Hon. Zain B. Angas, of the Court of First Instance of Lanao del Sur, Marawi City for investigation, report and recommendation. In accordance with the referral, Judge Zain B. Angas conducted several hearings and on the basis of the documentary and testimonial evidence of the parties, submitted to this Court his report and recommendation, substantively quoted as follows:

XXXXX XXXXX XXXXX

"It is established that the respondent is a Clerk in the Court of First Instance, Branch I, Marawi City, and is presently detailed in the Court of First Instance at Iligan City; that the respondent was recommended as Deputy Clerk of Court, Court of First Instance, Branch IV, Iligan City and to support this recommendation, he attached his information sheet, dated August 19, 1975, (Exh. "B"); that the respondent in compliance with the Memorandum Circular (unnumbered), dated April 29, 1975, of Honorable Chief Justice Querube Makalintal, requiring all personnel of the Courts of First Instance, among others, to accomplish their Information Sheet and Service Record Form to update their personal files (Exh. "H"), the respondent accomplished and filed with the Supreme Court his Information Sheet and Service Record Form, dated May 23, 1975 (Exh. "C" to "C-5"). In both information sheets the respondent made it appear that he is a graduate in Associate in Arts (Pre-Law) of the University of the East, Manila, in 1952 and a graduate of law of the University of Manila, Manila in 1967; that these information sheets are now filed in the records of the Supreme Court; that xerox copies of these information sheets were obtained by the complainant from the Supreme Court as a result of his letter-request dated July 28, 1976 (Exh. "A"); that the University of Manila has no "such name of the respondent as student who has been enrolled or graduated from the College of Law" of the University (Exh. "F"); that the records of the University of the East failed to show that the respondent was enrolled in that institution (Exh. "G").

"Respondent in his answer (and his written evidence which is a substantial reproduction of his answer) maintains that his information sheet, dated August 19, 1975 (Exh. "B"), was made and filed for no specific purpose. It was not intended to seek any promotional appointment. The assertion is contrary to Annex "O" of his answer (p. 55, Records) which shows that he "was recommended to the position of Deputy Clerk of Court, CFI and/or Clerk III in CFI, Branch V. The evidence disclosed that this information sheet was used to accompany that recommendation. It was used to show his qualifications to the position to which he was recommended.

"Respondent also maintains that his information sheet, dated May 23, 1975, was 'just to update his 201 files' in compliance with the Memorandum Circular dated April 29, 1975 of the Chief Justice of the Supreme Court. There is no doubt that the Honorable Chief Justice has the authority to issue this Memorandum Circular and faithful and honest compliance is expected of the subject officials and personnel.

"There is nothing in respondent's answer (nor in his written evidence) which substantiates his statements in his information sheets (Exhs. "B" and "C" to "C-5") that he is a graduate of Associate in Arts (Pre-Law) of the University of the East, Manila, in 1952 and a graduate of law of the University of Manila, Manila, in 1967. Instead, the respondent asserts that these information sheets were obtained by the complainant in violation of respondent's right to be secured against unreasonable searches and seizures. This allegation, however, finds no support from the records and the evidence.

"In brief, the respondent has made untruthful statements in his information sheets (Exhs. "B", "C", "C-1" to "C-5"). There is misrepresentation as to his educational attainment which constitutes an act of dishonesty and for this he cannot escape disciplinary action in this administrative proceedings. Considering the length of service he has rendered in the judiciary since 1955, it is recommended that the respondent be made to pay a fine equivalent to his three (3) months salary as Clerk, Court of First Instance, Marawi City." (Emphasis supplied).

Notwithstanding the numerous documents and affidavits submitted by respondent to convince Us of his worthiness as a public servant, there is, however, a dismal failure on his part to contradict the concrete evidence of the charge levelled against him, specifically, in making untruthful statements and misrepresentations in his personal data sheets. The evaluation of the evidence by the Investigating Judge is amply supported by documentary proofs.

Respondent's answer to the complaint to the effect that the questioned personal data sheets have not been used by

him in seeking promotion or any transaction for his retention and that these have no purpose but to update his 201 file is an admission of the fact of misrepresentation. Petitioner ought to know that whatever qualifications he labels himself in his information sheet would be of much influence in the determination of his retention and/or promotion in the service. The finding by the Investigating Judge that the information sheet of the respondent was used to accompany the recommendation for the promotion of the respondent to the position of Deputy Clerk of Court, CFI and/or Clerk III in CFI, Branch V correctly disproved and demolished respondent's defense that said information sheet was filed for no specific purpose. The fact that respondent had repeated the same act of dishonesty and misrepresentation as to his schooling in different universities and at different times comprising the period from 1950 to 1967, showing that he finished Pre-Law, 4th year Law and 1st year in Customs Administration shows a decided and not merely a routinary purpose to deceive and mislead his superior officers in the service. The second and subsequent act of misrepresentation clearly confirmed his duplicity and deceit for which reason We hold that, although We agree with the findings of the Investigating Judge that respondent is guilty of dishonesty as charged, the recommended penalty of a fine equivalent to three months salary is too light, amounting to no more than a simple token or fee to quash this betrayal of the public trust, a serious violation of a constitutional mandate committed by the respondent.

One of the new and salient features of the present Constitution is Art. XIII, entitled Accountability of Public Officers. This provision has enshrined the basic principle of good government that a public office is a public trust. Section 1 of said Article is very explicit and clear that public officers and employees shall serve with the highest degree of responsibility, integrity, loyalty and efficiency, and shall remain accountable to the people. It must be noted that it is the highest or the superlative degree of integrity that is demanded of every officer and employee in the government under this constitutional provision. We shall be recreant to Our official duty of upholding and defending the Constitution were We to ignore or treat lightly the clear and un rebutted betrayal of the public trust committed by the respondent in the present case. The people expects that the dishonest and the corrupt must be weeded out from the government in order to maintain and preserve inviolate the respect and confidence of the sovereign people.

WHEREFORE, finding the respondent employee, a clerk in the Court of First Instance, Branch I, Marawi City and presently detailed in the Court of First Instance at Iligan City, guilty of betraying public trust through his acts of dishonesty duly established and admitted, he is hereby ordered dismissed from the service with forfeiture of all retirement benefits and privileges and with prejudice to reinstatement in any branch or agency of the public service, including government-owned or controlled corporations.

Let a copy of this decision be entered in respondent's personal records.

SO ORDERED.

Castro, C.J., Fernando, Teehankee, Barredo, Makasiar, Antonio, Aquino, Concepcion, Jr., Santos, and Fernandez, JJ., concur.

[1] Records, p. 11.

[2] Records, p. 12.

[3] Annex D, Records, p. 13.

[4] Annex D-1, Records, p. 14.

[5] Answer of respondent, Records, pp. 22-39.

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