

**EDNA PALERO-TAN, COMPLAINANT, VS. CIRIACO I. URDANETA, JR.,
UTILITY WORKER I, RTC, BRANCH 14, BAYBAY, LEYTE
RESPONDENT.***A.M. No. P-07-2399 (Formerly OCA IPI No. 06-2390-P). June 18, 2008*

Ponente: CHICO-NAZARIO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/717d58e0ba70/>**CHICO-NAZARIO, J.:**

In the instant administrative complaint,[1] Edna Palero-Tan (complainant), Court Stenographer III of the Regional Trial Court (RTC), Branch 14, Baybay, Leyte, charged Ciriaco I. Urdaneta, Jr. (respondent), Utility Worker I of the same court, with Conduct Unbecoming a Court Personnel, for stealing her ring and bracelet.

Complainant claimed that it has been her practice to keep her and her sister's pieces of jewelry in the locked drawer of her table at her RTC office because she fears that they might be lost at the boarding house she is renting. However, on 8 July 2005, she discovered that her ring and bracelet worth fifteen thousand pesos (P15,000.00) were missing. Complainant remembered that on 18 June 2005, a Saturday, her younger sister went to the RTC to ask for her necklace. Complainant took out from her table drawer a transparent plastic sachet which contained her ring and bracelet, and her sister's necklace, and after handing over to her sister the necklace, she returned the plastic sachet, still containing the bracelet and ring, to her table drawer. She maintained that the only person who was present and saw her take out the jewelry from her table drawer was respondent, whose table is adjacent to hers.

According to complainant, when she found out that her ring and bracelet were missing, she informed her officemates about it, but nobody claimed to have seen the missing jewelry. On 28 July 2005, an officemate, Anecito D. Altone (Altone), confided to her that he heard from his landlady, Anastacia R. Nable (Nable), that respondent and his wife, Milagros, had a quarrel because the latter discovered a ring and a bracelet in respondent's coin purse. Milagros suspected that respondent bought the jewelry for his mistress. Complainant approached the RTC presiding judge, Judge Absalon U. Fulache (Judge Fulache), and relayed to him the information she gathered. Judge Fulache advised her to invite Nable and Milagros to his chambers so he could confirm the information.

Milagros admitted to Judge Fulache that she and respondent had a fight because she found a ring and bracelet inside respondent's coin purse which she believed he would give to his mistress. Complainant was certain that the jewels Milagros saw in respondent's purse were hers based on Milagros's description of the said ring and bracelet. In a separate meeting with Judge Fulache, respondent confessed that he found complainant's jewels in the court's premises, but he could no longer return them because he already threw them away.

In his Comment[2] dated 1 April 2006, respondent denied that he stole complainant's jewelry. He claimed, instead, that in the afternoon of 29 June 2005, a Friday, he found a small plastic sachet containing a ring and a bracelet under his table, at the side nearest the adjacent table of the complainant, and thinking that the jewelry belonged to one of the litigants who approached him that morning, he took them for safekeeping with the

intention of returning them to whoever was the owner. He thought that the ring and bracelet were "fancy" jewelry as they were merely placed in an ordinary plastic sachet. When nobody claimed the jewelry, he placed them inside his coin purse and took them home. However, his wife, on 30 June 2005, found them and accused him of buying the pieces of jewelry for his mistress, and to stop his wife's nagging, he threw the pieces of jewelry at a grassy lot beside their house. When he was summoned by Judge Fulache and was ordered to return the jewels, he and his son searched for the same but they failed to find them. Respondent begs for leniency from this Court as he insists that he had no intention of appropriating the jewelry for himself, and presents for consideration of this Court that he is already sixty-one (61) years old and has been in the government service for twenty-seven (27) years.

In a Resolution[3] dated 20 September 2006, the Court referred the matter to Judge Francisco C. Gedorio, Jr., then Executive Judge, RTC, Ormoc City, for investigation, report and recommendation, who in turn, directed[4] Atty. Erwin James B. Fabriga (Atty. Fabriaga), Clerk of Court, RTC, Branch 12, Ormoc City, to conduct the investigation.

On 2 March 2007, Judge Apolinario M. Buaya, Acting Executive Judge, RTC, Ormoc City, submitted to the Court Atty. Fabriga's investigation report and recommendation dated 15 November 2006. Atty. Fabriga found respondent liable for Conduct Unbecoming a Court Personnel. According to Atty. Fabriga, respondent's wife Milagros testified during the investigation that she indeed saw a ring and a bracelet in her husband's purse which caused their quarrel.

Atty. Fabriga found respondent's actions inconsistent with his claim that he had no intention to take the jewelry for his personal gain. For reasons only known to him, respondent never bothered to inform his officemates about the jewelry placed in a plastic sachet that he allegedly found under his table "at the side nearest to the adjacent table of the complainant." It was only on 2 or 3 August 2005, or more than a month after respondent found the jewelry, when he acknowledged before Judge Fulache that he possessed the jewelry. Even when the complainant was announcing to the rest of the office staff the loss of her jewelry, respondent pretended to hear nothing. Were it not for the scandal brought about by his wife's discovery of the missing jewelry, respondent would not have admitted to Judge Fulache that he had found the same. According to Atty. Fabriga, all of respondent's acts indicate that he had no intention to return the pieces of jewelry to complainant.

On 4 June 2007, we noted the Report and Recommendation of Atty. Fabriga and referred the case to the Office of the Court Administrator (OCA), for evaluation, report and recommendation within sixty (60) days from notice. [5]

On 26 September 2007, the OCA submitted its report,[6] with the following recommendation -

PREMISES CONSIDERED, this Office respectfully recommends to the Honorable Court that:

- This matter be FORMALLY DOCKETED as an administrative complaint against Ciriaco I. Urdaneta, Jr., Utility Worker I, RTC, Branch 14, Baybay, Leyte;
- Ciriaco I. Urdaneta, Jr., be FINED in the amount of Thirty Thousand Pesos (P30,000.00) to be deducted from his retirement benefits; and
- The Financial Management Office, OCA be DIRECTED to release the remaining amount of the retirement benefits to Ciriaco I. Urdaneta, Jr.

On 12 November 2007, the Court required[7] the parties to manifest within 10 days from notice if they were willing to submit the matter for resolution based on the pleadings filed.

On 12 December 2007, respondent submitted his Manifestation[8] stating that he was submitting the case for resolution based on the pleadings filed. Complainant filed a similar Manifestation[9] on 8 January 2008.

Resultantly, the case was submitted for decision based on the pleadings filed.

After a careful study, and with due regard for the facts of the case and the pleadings submitted by the parties, the Court agrees in the conclusion reached by the Investigating Attorney. Despite all the opportunities accorded to respondent to present substantial defense to refute the charges against him, he failed to do so. Respondent even admitted finding the small plastic sachet containing complainant's ring and bracelet on 29 June 2005, and keeping the jewelry in his possession until he purportedly threw them away. Respondent testified thus:

A:

x x x My specific duty there in Court as Aide or Utility was to clean the office at 4:00 o'clock. By 4:00 o'clock in the afternoon, nobody was around anymore. So, I emptied the trash cans and while doing so, I noticed something that is placed in a plastic. I thought it was owned by my client who might have dropped it because there are clients in the morning of that day. Before throwing that plastic sachet to the thrash can, I placed that plastic sachet on top of my table and waited for somebody to claim it.

Q: What time did you notice that there was plastic sachet containing...?

A: 4:00 o'clock, sir.

Q: What did you do?

A: I placed it on my table, sir.

Q: You placed it [on] your table?

A: Yes, on top of my table and I waited for anybody to claim it.

Q: Who is around?

A: There was only one stenographer who was left in the office, Emma Andres.

x x x x

A: Yes, sir, that Friday at 4:00 o'clock in the afternoon. By 5:00 o'clock in the afternoon I placed it inside my coin purse after I punched out my Time Card.

Q: After that, you left the office. What did you do?

A: I went home, sir.

Q: You admit now that you brought along with you that plastic sachet containing that pieces of jewelries?

A: Yes, sir. Since nobody claimed it, I placed it inside my coin purse.

Q: When did you see that plastic sachet? You said a while ago you saw a plastic sachet on the floor while you were cleaning?

A: Yes, sir.

Q: When did you see that plastic sachet?

A: June 29, 2005.

Q: It was Friday?

A: Yes, sir.

Q: And then you went home?

A: Yes, sir.

Q: And then the following morning, what did you do?

A: I did nothing.

Q: Did you report for work on Monday?

A: Yes, sir.

Q: Did you ever tell you [r] co-employees about what you found those pieces of jewelries?

A: No, sir.

x x x x

A: x x x However, I told Judge Fulache in reply that the items are gone because I have thrown them away.

Q: So, you admit before this hearing officer under oath that you had a quarrel with your wife or your wife nagged you about the jewelries?

A: Yes, sir.

Q: Because your wife suspected you of buying those jewelries as a gift to your girlfriend?

A: Yes, sir. That was her suspicion.

Q: So, you admit that you had a quarrel with your wife?

A: Yes, sir.

Q: First, you admit that you had the jewelries in your possession?

A: Yes, sir.

Q:

Second, you admit that your wife quarreled with you because of those pieces of jewelries because she suspected you of having another girlfriend?

A: Yes, sir.

Q: With that, you still did not announce to your co-employees about the loss of jewelries?

A: No, sir, because nobody is complaining and besides I have already thrown them away.[10] (Emphasis supplied.)

Given respondent's afore-quoted admission to having found the jewelry and keeping it in his possession without informing his officemates about the same, plus the positive evidence submitted by complainant, respondent's bare denial of any personal interest in the jewelry cannot be given credence.

It is settled that denial is inherently a weak defense. To be believed, it must be buttressed by a strong evidence of non-culpability; otherwise, such denial is purely self-serving and is with nil evidentiary value. Like the defense of alibi, a denial crumbles in the light of positive declarations.[11]

Worth stressing is the well-entrenched principle that in administrative proceedings, such as the instant case, the

quantum of proof necessary for a finding of guilt is only substantial evidence. Substantial evidence has been defined as such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.[12]

Although there is no direct evidence that would show that respondent stole complainant's ring and bracelet, nonetheless, respondent is not immaculately innocent as regards the loss of the same. Antone, an officemate of both respondent and complainant, testified that he found out from his landlady that respondent and his wife fought over a ring and a bracelet, which Antone suspected, belonged to complainant. Pertinent portions of Antone's testimony are reproduced below:

MR. ANTONE:

Yes, sir. I am staying with Mrs. Anastacia Nable, while I was having lunch on July 27, 2005, Mrs. Nable was telling me that Mila [respondent's wife] and Junior [respondent] were quarreling because this Mila saw from the wallet of Junior a ring and a bracelet. Mrs. Nable and Mila Urdaneta [respondent's wife] are sisters in a Catholic Community and they used to visit each other in their respective homes.

ATTY. FABRIGA:

Q:

You said in your affidavit that you inquired from this Anastacia Nable if Ciriaco Urdaneta Jr. [respondent] and his wife were still quarreling. Why? Do you know that they are always quarreling?

A: Yes, sir.

Q: Why? Do you know that they are always quarreling?

A: Yes, sir.

Q: Why do you know that they are always quarreling?

A: Because Mrs. Nable told me that the reason for their quarrel is about that ring and bracelet.

Q:

But when you asked this Anastacia Nable that question, you already have in your mind or you already suspected Ciriaco Urdaneta, Jr. [respondent] as being the one who took over the jewelries?

A:

Yes, sir, because I heard from Edna [complainant] about her lost jewelries last June 2005, so, it occurred to my mind that it is really true that the ring and the bracelet were with Junior.[13]

Respondent and his wife Mila confirmed that they indeed had a quarrel over a ring and a bracelet which respondent found in his RTC office. These declarations constitute substantial evidence required in administrative proceedings. The Court finds its mind at ease that the collective and combined weight of the unbroken chain of hard and solid facts, indubitably established by trustworthy and reliable evidence offered by the complainant, unerringly and inevitably points to but one natural and rational conclusion: that the respondent found complainant's jewels and, dishonestly and in bad faith, kept them for himself.

Respondent claimed that he found the jewelry on 29 June 2005 under his table, at the side nearest complainant's table. On 30 June 2005, respondent and his wife had a quarrel about the said pieces of jewelry.[14] On 8 July 2005, complainant was already looking for her ring and bracelet, and was asking everyone at their office if they

had found the said jewelry; and yet, respondent did not speak out even though he already found a ring and a bracelet in their office. It was only on 2 August 2005, when RTC Presiding Judge Fulache confronted him with the fact that his wife had already disclosed that she found a ring and a bracelet inside his coin purse that respondent admitted finding the jewelry. His indifferent attitude and failure to inform his officemates and his wife at the soonest time that he found the jewelry is not only improper, but highly suspicious. His allegation that he had no opportunity to inform complainant and their officemates about the jewels since he had already thrown them away after a quarrel with his wife over the same, is lame and hardly persuasive. It is equally suspicious, and not in accord with ordinary human experience, for respondent to outrightly conclude that the jewels were owned by a litigant who had a matter pending before the RTC; and not by one of his officemates, most especially complainant, who was seated next to him.

When a person who finds a thing that has been lost or mislaid by the owner takes the thing into his hands, he acquires physical custody only and does not become vested with legal possession. In assuming such custody, the finder is charged with the obligation of restoring the thing to its owner. It is thus respondent's duty to report to his superior or his officemates that he found something. The Civil Code, in Article 719, explicitly requires the finder of a lost property to report it to the proper authorities, thus:

Article 719. Whoever finds a movable, which is not treasure, must return it to its previous possessor. If the latter is unknown, the finder shall immediately deposit it with the mayor of the city or municipality where the finding has taken place.

The finding shall be publicly announced by the mayor for two consecutive weeks in the way he deems best.

If the movables cannot be kept without deterioration, or without the expenses which considerably diminish its value, it shall be sold at public auction eight days after the publication.

Six months from the publication having elapsed without the owner having appeared, the thing found, or its value, shall be awarded to the finder. The finder and the owner shall be obliged, as the case may be, to reimburse the expenses.

Contrary to respondent's claim, this Court is convinced that respondent had the intention to appropriate the jewelry to himself had these not been discovered by his wife. His claim that the ring and bracelet were worthless "fancy" jewelry is immaterial because the basis for his liability is his act of taking something which does not belong to him.

By admittedly finding complainant's ring and bracelet without returning them to the rightful owner, respondent blatantly degraded the judiciary and diminished the respect and regard of the people for the court and its personnel. Every employee of the judiciary should be an example of integrity, morality and honesty. Like any other public servant, respondent must exhibit the highest sense of trustworthiness and rectitude not only in the performance of his official duties but also in his personal and private dealings with other people, to preserve the court's good name and standing as a true temple of justice. It cannot be overstressed that the image of a court of justice is mirrored in the conduct, official and otherwise, of the personnel who work there, from the judge to the lowest employee.

The Court has emphasized, time and again, that the conduct of every one connected with an office charged with the dispensation of justice, from the presiding judge to the lowliest clerk, should be circumscribed with the heavy burden of responsibility. Every employee of the judiciary should be an example of integrity, uprightness and honesty. Even a court janitor is as duty-bound to serve with the highest degree of responsibility as all other public officers. Those who work in the judiciary must adhere to high ethical standards to preserve the court's good name and standing. They should be examples of responsibility, competence and efficiency, and they must discharge

their duties with due care and utmost diligence since they are officers of the court and agents of the law. Indeed, any conduct, act or omission on the part of those who would violate the norm of public accountability and diminish or even just tend to diminish the faith of the people in the judiciary shall not be countenanced.[15] The conduct required of court personnel, from the presiding judge to the lowliest clerk, must always be beyond reproach and circumscribed with a heavy burden of responsibility. As forerunners in the administration of justice, they ought to live up to the strictest standards of honesty and integrity, considering that their positions primarily involve service to the public.[16]

Misconduct is a transgression of some established and definite rule of action, a forbidden act, a dereliction of duty, an unlawful behavior willful in character, an improper or wrong behavior,[17] while "gross" has been defined as "out of all measure; beyond allowance; flagrant; shameful; such conduct as is not to be excused." [18] Gross misconduct has been defined as the transgression of some established or definite rule of action, more particularly, unlawful behavior or gross negligence.[19]

Pursuant to Section 23, Rule XIV of the Omnibus Rules Implementing Book V of Executive Order 292, Grave Misconduct, being in the nature of grave offenses, carries the extreme penalty of dismissal from the service with forfeiture of retirement benefits except accrued leave credits, and perpetual disqualification from re-employment in government service.[20]

In *Court Administrator v. Seville*, [21] the Court held that the act of stealing mail matter committed by respondent, a process server in the 16th MCTC, Jordan- Buenavista-Nueva Valencia, Guimaras, constituted "grave dishonesty and grave misconduct or conduct prejudicial to the best interest of the service." The Court, in said case, ordered the dismissal of Seville.

Hence, for failure to live up to the high ethical standards expected of court employees, respondent should likewise be dismissed.

However, it is an undeniable fact that respondent has rendered some years of commendable service in the judiciary. Respondent has been with the judiciary for twenty-three (23) years and this is the only administrative case filed against him. Records also show that respondent had availed himself of optional retirement which became effective on 30 November 2006, and his retirement benefits were withheld pending the outcome of the instant administrative complaint. Considering the foregoing and for humanitarian reasons, the Court finds a fine of thirty thousand pesos (P30,000.00) to be an appropriate penalty for respondent, to be deducted from his retirement benefits.

WHEREFORE, this Court finds respondent Ciriaco I. Urdaneta, Jr., guilty of Grave Misconduct, and hereby imposes on said respondent a fine of thirty thousand pesos (P30,000.00), to be deducted from his retirement benefits. The Financial Management Office of the Office of the Court Administrator is directed to release the remaining amount of the retirement benefits to respondent.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Carpio, Corona, Azcuna, Tinga, Velasco, Jr., Reyes, Leonardo-De castro, and Brion, JJ., concur.

Austria-Martinez, Carpio Morales, and Nachura, JJ. on official leave.

* On official leave.

** On official leave under the Court's Wellness Program.

- [1] Rollo, pp. 2-3.
- [2] Id. at 17-19.
- [3] Id. at 27.
- [4] Id. at 29.
- [5] Id. at 226.
- [6] Id. at 228-233.
- [7] Id. at 236.
- [8] Id. at 238.
- [9] Id. at 240.
- [10] TSN, 5 January 2007, pp. 41-52; rollo, pp. 140-151.
- [11] *Jugueta v. Estacio*, A.M. No. CA-04-17-P, 25 November 2004, 444 SCRA 10, 16; *Judge Salvador v. Serrano*, A.M. No. P-06-2104, 31 January 2006, 481 SCRA 55, 67-68.
- [12] *Office of the Court Administrator v. Judge Sumilang*, 338 Phil. 28, 38 (1997); *Mendoza v. Buo-Rivera*, A.M. No. P-04-1784, 28 April 2004, 428 SCRA 72, 76.
- [13] TSN, 5 January 2007, pp. 27-29; rollo, pp. 126-128.
- [14] Id. at 46; id. at 45.
- [15] *Merilo-Bedural v. Edroso*, 396 Phil. 756, 762-763 (2000).
- [16] Re: Report on the Financial Audit Conducted in the MTCC-OCC, Angeles City, A.M. No. P-06-2140, 26 June 2006, 492 SCRA 469, 483.
- [17] BLACK'S LAW DICTIONARY (5[th] Ed.), p. 901, cited in *Vidallon-Magtolis v. Salud*, A.M. No. CA-05-20-P, 9 September 2005, 469 SCRA 439, 469.
- [18] Id., citing *State Board of Dental Examiners v. Savelle*, 90 Colo. 177, 8 P. 2d 693, 697.
- [19] *Siy Lim v. Judge Fineza*, 450 Phil. 642, 650 (2003).
- [20] *Office of the Court Administrator v. Magno*, 419 Phil. 593, 602 (2001); Sec. 22(a), Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292 (Administrative Code of 1987), as amended by CSC Memorandum Circular No. 19, s. 1999 (a).
- [21] 336 Phil. 931 (1997).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.