

ANONYMOUS, COMPLAINANT, VS. ADELA A. GEVEROLA, CLERK OF COURT IV, MTCC, DAVAO CITY, RESPONDENT.

A.M. No. P-97-1254 (AM OCA IPI No. 96-202-P). September 18, 1997

Ponente: MELO, J.

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MELO, J.:

The instant administrative case arose from an anonymous letter-complaint dated April 18, 1995 addressed to the Office of the Court Administrator charging Adela A. Geverola, Clerk of Court IV, MTCC, Davao City of falsifying the daily time records of her two nephews who are under her direct supervision, of continuing to collect her salary despite being abroad on a vacation, of immorality of carrying on an affair with a married man, and for accepting “grease” money from “Japayukis” in exchange for facilitating marriages (pp. 1-2, Rollo).

Acting on the said anonymous letter-complaint, the Office of the Court Administrator sent a letter dated August 2, 1996 to the Bureau of Immigration and Deportation (BID) requesting information regarding the departure from the country for the United States of America and the arrival in the Philippines of respondent within a ten-year period from 1985 to 1995 (p. 3, Rollo). The BID responded thereto in a letter dated September 6, 1996 which reads as follows:

This refers to your letter dated 8 August 1996 requesting the travel records of ADELA ALFELOR GEVEROLA.

Please be advised that your request yielded the following information based on the available Computerized database files of Arrival from January 1993 to May 1996 and Departure from January 1993 to April 1996:

Name : GEVEROLA, ADELA A.

Date of Birth : 120837

Date of Arrival : July 17, 1993

Flight # : NW023

Origin : SEL

Passport No. : DCL225311

Phil. Address : Magallanes Dvo C

Nationality : PH

Immigration Status : RP

Name : GEVEROLA, ADELA A.

Date of Birth : 120837

Date of Departure : December 2, 1994

Flight # : NW030

Destination : SEL

Passport No. : DCL225311

Phil. Address : 19-2 Magallanes St. Davao Ct

Nationality : PH

Immigration Status : RP

(p.4, Rollo)

In another communication dated September 24, 1996, the Office of the Court Administrator sought clarification concerning respondent's travel records (p. 5, Rollo) and in reply thereto, the BID declared:

This refers to your letter dated 24 September 1996 requesting for the clarification of travel records of ADELA ALFELOR GAVEROLA.

Please be advised that your request yielded the following information based on the available Computerized database files:

Name : GEVEROLA, ADELA A.

Date of Birth : 120837

Date departed : June 05, 1993

Flight # : NW002

Destination : TYO

Passport No. : DCL225311

Phil. Address : 119 2 Magallanes Davao City

Nationality : PH

Immigration Status : RP

Abovementioned subject has no record of arrival from December 1994 to October 8, 1996 (4:50 PM).

(p.6, Rollo)

Based on the Certifications of the BID and the records on file with the Leave and Records Section of the Court, the Office of the Court Administrator then submitted a report dated October 18, 1996, the pertinent portions of which state:

This office wrote the Bureau of Immigration about records of any recent travel abroad of Ms. Adela A. Gaverola, Clerk of Court IV, MTCC, Davao City.

In letters to this Office dated September 6 and October 9, 1996, the Bureau of Immigration informed this Office that subject Geverola left for Tokyo, Japan aboard a Northwest Airlines plane on June 5, 1993, a Saturday and arrived aboard a Northwest Airlines plane from Seoul, South Korea on July 17, 1993, a Saturday.

Correlating this with the records for subject Geverola on file with the Leave Section and Records Sections (201

file), the following appear:

1. Application for Leave dated June 1, 1993 for 18 days vacation leave starting June 7, 1993 until June 30, 1993 excluding Saturdays and Sundays;
2. Application for leave dated July 1, 1993 for 7 days sick leave for July 1, 2, 5, 6, 7, 8, and 9 1993; and 5 days forced leave for July 12, 13, 14, 15 and 16, 1993.
3. The Application for Sick Leave was accompanied by a Medical Certificate dated July 1, 1993 signed by Doctor Natividad A. Amoroso of the Office of the City Health Officer, Davao City.

OTHER RELEVANT INFORMATION: The charges against MTCC, Davao City Clerk of Court Adela Alfelor Geverola had already earlier been referred to the Office of the Ombudsman, with docket number OMB-ADM-3-93-0911. The Ombudsman referred the same of the National Bureau of Investigation for fact-finding investigation.

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The Office of the Ombudsman dismissed the complaint when "NBI Supervising Agent Atty. Fidencio Y. Bisnar recommended that the (com)plaint be dismissed for want of evidence in view of the absence of witness who would be willing to substantiate the accusations against the respondent."

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EVALUATION: Before the Leave Section of the Court approves applications for sick leave in excess of five (5) days, the applications must be accompanied by the required Medical Certificates.

When an employee states that he or she is sick, it is presumed that said employee is really suffering from a current ailment – not gallivanting halfway around the world.

From the records of the Bureau of Immigration, it is very clear that Ms. Geverola left the country for Tokyo, Japan on June 5, 1993 and she arrived from Seoul, South Korea on July 17, 1993.

Obviously, Ms. Geverola was never in Davao City, nor any part of the country, last July 1, 1993 when she was allegedly diagnosed as having "Pityriasis Roseo & Massive Allergy" as she was abroad.

Simply put, Ms. Geverola FALSIFIED her application for sick leave, induced Dr. Amoroso of the Office of the City Health Officer of Davao City to issue a Medical Certificate to support her application for sick leave and, likewise, induced then Executive Judge Virginia Hofileña-Europa to approve the same.

Ms. Geverola and Judge Europa must be required to submit their respective comments on this very serious matter.

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

1. Ms. Adela A. Geverola, Clerk of Court IV, MTCC, Davao City, be required to explain why she filed an application dated July 1, 1993 for sick leave for July 1, 2, 5, 6, 7, 8 and 9, 1993, supported by a Medical Certificate dated July 1, 1993 when she was out of the country on the said dates;
2. Judge Virginia Hofileña-Europa be required to explain why she signed the application for sick leave of Ms. Adela A. Geverola, Clerk of Court IV, MTCC, Davao City of July 1, 2, 5, 6, 7, 8 and 9, 1993 when Ms. Geverola was out of the country on said dates;
3. Three (3) personnel of the Fiscal Audit Division in charge of Region XI be sent to MTCC, Davao City to conduct a surprise financial audit, to include a cash audit of said MTCC, with their report to be submitted within

twenty (20) days from the completion of their audit; and

4. The Property Division be ordered to purchase two (2) bundy clocks for installation at the Offices of the Offices of the Clerk of Court for the Regional Trial Court of Municipal Trial Court in Cities both in Davao City.

(pp. 12-B to D, Rollo.)

In Resolution dated November 27, 1996, the Court required respondent to explain why she filed an application dated July 1, 1993 for sick leave for the period July 1, 2, 5, 6, 7, 8, and 9, 1993 supported by a medical certificate dated July 1, 1993 when she was out of the country on said dates. Executive Judge Virginia Hofileña was likewise ordered to explain why she signed the application for sick leave of respondent Geverola (p. 13, Rollo).

In her explanation dated January 3, 1997, respondent alleged:

That she received the Resolution of the Third Division of the Supreme Court, dated November 27, 1996, on December 26, 1996 at 4:00 P.M.;

That it can be seen from the Caption in this case – “Administrative Matter OCA I.P.I No. 96-202-P (anonymous vs. Adela A. Geverola, Clerk of Court IV, Municipal Trial Court in Cities, Davao City)”;

That the writer of the letter complaint is an Anonymous person, hiding behind the cloak of anonymity. NOT revealing his or her true identity for reasons known to only to him or to her;

That in obedience to the aforesaid Resolution of the Third Division, Supreme Court of the Philippines, and in compliance therewith, it is respectfully admitted that I filed my sick leave of absence for July 1, 2, 5, 6, 7, 8, and 9, 1993, supported by a Medical Certificate, as I was then very, very sick, suffering form massive Allergy; my daily time record for July, 1993 was duly approved and signed by then Executive Judge Virginia Hofilena-Europa; my application for leave, CSC Form No. 6, Revised 1984, was duly approved and signed by Atty. Adelaida Cabe-Baumann, Deputy Clerk of Court, Chief Administrative Officer, Office of the Administrative Services, Supreme Court of the Philippines;

That I had to go on leave as I was very sick, my life was in extreme danger due to massive allergy. I had severe itchiness all over my body; my eyes were affected, my hair was pulling off, my face was swelling, I was very thin then, my height was affected , but due to competent medical attention, I got well and I reported for Duty On July 19, 1993, having in mind the exigency of the service;

That it maybe mentioned, in this connection, that since I assumed office as Clerk of Court IV of MTCC, Davao City, the collections (JDF, Fiduciary, Gen. Funds, and etc.) have increased tremendously. The records will bear this out;

That I have been in the government service for 39 years, the last 22 years of which are with the Judiciary, up to the present;

That Administrative cases now and then are being leveled against me since 1993, which apparently are to harass, discredit and besmirch my name and my reputation as a Court Employee and as a private person, by anonymous person;

That I have always acted accordingly as a government employee and as a private person, living up to the demands of public service and as mandated by my oath of office;

That I am respectfully praying that the Honorable Justices of the Third Division, Supreme Court Manila, find my explanation satisfactory, and that this Anonymous complaint be dismissed for lack of merit.

(pp. 23-24, Rollo.)

The Office of the Court Administrator, following up respondent's explanation to it (p. 22, Rollo), submitted a Memorandum dated May 13, 1997, finding respondent guilty of falsification of her daily time record for July 1-31, 1993, and of dishonesty for accepting her basic salary and personal economic relief allowance (PERA) for July 1, 2, 3, 5, 6, 7, 8 and 9, 1993 in the amount of P 2,308.19, and recommending that she be suspended from the office for six months without pay and be ordered to return the P 2,308.19 to the court (p. 30, Rollo).

Upon careful perusal of the records of the case, the Court fully subscribes to the finding of the Office of the Court Administrator that respondent is guilty of falsification of her application for sick leave dated July 1, 1993 and of her daily time record for the month of July, 1993, which are both official documents.

An anonymous complaint is always received with great caution, originating as it does from an unknown author. However, a complaint of such sort does not always justify its outright dismissal for being baseless or unfounded for such complaint may be easy of verification and may, without difficulty, be substantiated and established by other competent evidence, as in the present case where the complaint was forthwith supported by competent evidence such as the Certifications of Bureau of Immigration dated September 6 and October 9, 1996, the daily time record for the months of June and July 1993, the applications for vacation and sick leave, the medical certificate and the records on file with the Leave and Records Section of the Court.

Respondent denied the charge by alleging that her application for sick leave for July 1, 2, 3, 5, 6, 7, 8 and 9, 1993 was supported by a medical certificate issued by Doctor Natividad A. Amoroso of the Office of the City Health Officer, Davao City and approved by Atty. Adelaida Cabe-Baumann, Deputy Clerk of Court, Chief Administrative officer, Office of Administrative Service of the Court; that her daily time record for the month of July 1993 was duly signed by Executive Judge Virginia Hofileña-Europa; that due to competent medical care, she got well and immediately reported back to work on July 19, 1993, having in mind the exigency of the service; and that the various administrative cases against her were intended to harass, discredit, and besmirch her name and reputation.

The explanation is far too pat, unsatisfactory, and unconvincing. The Certifications of the BID reveal that the respondent left the country for Tokyo, Japan aboard a Northwest Airlines plane on June 5, 1993 and arrived in Manila from Seoul, South Korea on July 17, 1993. Indeed, respondent's records on file with the Leave and Records Section of the Court, on the other hand, show that she filed two leave applications -- one dated June 1, 1993 for 18 days vacation commencing June 7, until June 30, 1993 and the other dated July 1, 1993 for 7 days sick leave for July 1, 2, 5, 6, 7, 8 and 9, 1993 and 5 days forced leave for July 12, 13, 14, 15, and 16, 1993. Respondent, by applying for sick leave and by stating in her daily time record for the month of July 1993 that she was ill on July 1, 2, 5, 6, 7, 8, and 9, 1993 when in truth and in fact she was not but was abroad, is guilty of falsification. Respondent's absence from the country on July 1, 2, 5, 6, 7, 8, and 9, 1993 was clearly established by the Certifications of the BID. Thus, respondent could not have been examined and treated by Dr. Natividad A. Amoroso in the Philippines on July 1, 1993 for Pityriasis Reticularis and Massive Allergy, as stated in the medical certificate, and the statement by the doctor that respondent was ill on July 1, 2, 5, 6, 7, 8, and 9, 1993 cannot be given any weight.

Moreover, respondent's actions do not only constitute falsification but likewise dishonesty and duplicity which deserve appropriate sanction from the Court. Her actions were further aggravated when she still received the amount of P 2,308.19 as over payment of her basic salary and personal economic relief allowance (PERA) for July 1, 2, 5, 6, 7, 8, and 9, 1993, the dates when she was allegedly ill in the Philippines.

Public service requires utmost integrity and discipline. A public servant must exhibit at all times the highest sense of honesty and integrity for no less than the Constitution mandates the principle that "a public office is a public

trust and all public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency” (Section 1, Article XI, 1987 Constitution). As the administration of justice is a sacred task, the persons involved in it ought to live up to the strictest standard of honesty and integrity (*Hernandez vs. Borja*, 242 SCRA 162 [1995]). Their conduct, at all times, must not only be characterized by propriety and decorum but, above all else, must be above suspicion. Thus, every employee of the judiciary should be an example of integrity, uprightness and honesty (*Basco vs. Gregorio*, 245 SCRA 614 [1995]).

Respondent, as Branch Clerk of Court of a court of justice, must bear in mind that the office she holds and the duties as well as the responsibilities appurtenant thereto require from its holder competence, honesty and integrity; that, in relation to the judge, she occupies position of confidence which should not be betrayed; and that with the prestige of the office goes the corresponding responsibility to safeguard the integrity of the court and its proceedings, to earn respect therefor, to maintain the authenticity and correctness of court records, and to uphold the confidence of the public in the administration of justice (*Rudas vs. Acedo*, 247 SCRA 237 [1995] citing Section B, Manual for Clerks of Court, p.3). Respondent has failed to measure up to the standards exacted by her position. She has not been true to these lofty ideals so essential for the proper and effective administration of justice.

Anent the penalty imposable, considering that respondent has been in the government service for 39 years, the last 22 years of which have been in the judiciary, the Court finds the penalty of suspension for two (2) months without pay commensurate.

ACCORDINGLY, for falsification and dishonesty, respondent Adela A. Geverola, Clerk of Court IV, MTCC, Davao City, is hereby **SUSPENDED** for two (2) months without pay effective immediately and ordered to return to the Court the amount of P 2,308.19 as over payment of her basic salary and personal economic relief allowance (PERA) for July 1, 2, 5, 6, 7, 8, and 9, 1993 within thirty (30) days from notice. She is further warned that a repetition of the same or similar offense shall be dealt with more severely.

SO ORDERED.

Narvasa, C.J., (Chairman), Romero, Francisco and Panganiban, JJ., concur.

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