

ANSBERTO P. PAREDES, COMPLAINANT, VS. FRANCISCO S. PADUA, CLERK III, COURT OF APPEALS, RESPONDENT.*A.M. No. CA-91-3-P. May 17, 1993*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/944a89486e89/>**PER CURIAM:**

Respondent, an employee of the Court of Appeals, is charged with serious misconduct and conduct prejudicial to the best interest of the service for having falsified complainant's signature in a document captioned "Authority to Sell" and obtaining money with the use of said document.

Complainant stated that he is one of the nine co-owners of a parcel of land located at Urbiztondo, San Juan, La Union with an area of 2,670 square meters and covered by Tax Declaration No. 17415. By virtue of the letters of administration issued on November 29, 1977 in Special Proceedings No. 2451-P, entitled "In the Matter of the Intestate Estate of Teresa Padua Paredes" by the Court of First Instance of Rizal, Branch 27, Pasay City, complainant was appointed as administrator of the subject estate.

On November 30, 1990, respondent saw complainant, a cousin, and told him that he was an agent for an undisclosed principal interested in buying the Urbiztondo property for the price of P200.00 per square meter. On that same occasion, complainant informed respondent that the consent of all the heirs of Teresa Padua Paredes had to be secured first before any sale covering the subject property could be made.

On January 26, 1991, Jasmin Bonifacio saw complainant and reported that respondent was able to get P50,000.00 (P30,000.00 in cash and P20,000.00 in check) from her as earnest money for the purchase of the Urbiztondo property. She also told complainant that she gave the money to respondent after being shown the "Authority to Sell" (Complaint, Annex "B"), purportedly signed by complainant. Respondent also issued to her a receipt for the payment (Complaint, Annex "D") and executed a "Receipt/Agreement", agreeing to sell the property in installment (Complaint, Annex "C").

Complainant denied having executed the "Authority to Sell" and having affixed the signature appearing thereon. He insisted that he never authorized respondent, either verbally or in writing, to negotiate the sale of the Urbiztondo property.

In support of his charges, complainant submitted the affidavit dated February 6, 1991 of Jasmin Bonifacio (Complaint, Annex "E") attesting that she relied on the notarized "Authority to Sell" given her by respondent in giving him the P50,000.00.

In his comment, respondent said that he was given verbal authority by the complainant to negotiate the sale of the Urbiztondo property. Respondent admitted having received P50,000.00 as earnest money, but he claimed that he gave the same to the middlemen as their commission and as reimbursement for their advances. Noteworthy was respondent's avoidance in his comment of any reference to the charge that he falsified the signature of complainant on the "Authority to Sell".

In a Resolution dated March 16, 1992, respondent was directed to inform the Court whether he had "been

criminally charged in connection with this case." In a letter filed on September 29, 1992, respondent informed the Court that the Prosecutor's Office of La Union had filed an information with the Regional Trial Court, San Fernando, La Union, docketed as Criminal Case No. 2815-SF, charging him with Estafa through Falsification.

As a general rule, this Court prefers to defer final action in an administrative case when there is a pending criminal case against the respondent based on the same set of facts as those obtaining in the administrative case. The purpose of the rule is not to preempt and influence the trial court in judging the merits of the defenses put up by the accused. However, the admissions made by respondent bring this administrative case outside the purview of the rule.

Respondent obliquely admitted that he had no written authority to sell the property. All he claimed to have been given him was a verbal authority. He admitted that he received P50,000.00 from the buyer of the property and that he did not turn over the amount to complainant. His claim that he paid the money to the "middlemen" for their commission is not convincing. He did not produce any receipt of payment, much less identify the supposed payees.

Inasmuch as respondent admitted that complainant never gave him any written authority to sell the property, it follows that the signature of complainant appearing in the "Authority to Sell" used by respondent to get money from Jasmin Bonifacio, was forged.

Respondent cannot claim that the acts complained of were done outside his work as a court employee. As a public servant, he must also exhibit the highest sense of honesty and integrity not only in the performance of his official duties but in his personal and private dealings with other people. The misdeeds of respondent involve moral turpitude and make him unfit as a court employee. Court personnel must adhere to the high ethical standards to preserve the Court's good name and standing. (*De Chavez v. Lescano*, 139 SCRA 103 [1985]; *Recto v. Racelis*, 70 SCRA 438 [1976])

WHEREFORE, Francisco S. Padua is hereby DISMISSED from the service with prejudice to his reinstatement or appointment to any public office including government owned or controlled corporations and his retirement benefits, if any, are ordered forfeited. Let a copy of this Decision be forwarded to the Court of Appeals and the Civil Service Commission.

SO ORDERED.

Narvasa, C.J., Cruz, Feliciano, Padilla, Bidin, Griño-Aquino, Regalado, Davide, Jr., Romero, Nocon, Melo, and Quiason, JJ., concur.

Bellosillo, J., no part.

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