

EXECUTIVE JUDGE ROGER A. DOMAGAS, PETITIONER, VS. DELIA MALANA, RESPONDENT.*A.M. No. P-92-709. June 14, 1993*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/982743b0434a/>**PER CURIAM:**

On April 28, 1992, Executive Judge Roger A. Domagas, Regional Trial Court, Tuguegarao, Cagayan, thru a telegram, conveyed to the Supreme Court his decision to suspend for one year respondent Delia Malana, stenographer of Branch 3, RTC, Tuguegarao, Cagayan for having admitted committing acts of falsification of records in Administrative Cases Nos. 3242 and 3162.

Upon investigation by Executive Judge Domagas, it appears that Administrative Case No. 3242 was originally entitled "In Re: Petition for Issuance of New Certificate of Title in Lieu of Lost One," with Rufo Taguba as petitioner. Respondent Malana, however, changed the title of the Administrative Case No. 3242 to "In Re: Petition For Issuance of Another Copy of Original Certificate of Title No. 1268, Catalina Maribbay, Petitioner" in order to make it appear that the following documents, actually issued in connection with the petition of Rufo Taguba, were issued in relation to the petition of Catalina Maribbay, to wit:

1. Order dated November 21, 1991 of Judge Domagas granting the petition for issuance of another owner's copy of OCT No. 1268 and further directing the Register of Deeds of Cagayan to issue OCT No. 1268. Respondent Malana without any authority affixed the rubber stamp "ORIGINAL SIGNED" above the typewritten name of Judge Domagas to create the impression that said judge issued and signed the Order aforementioned.
2. Certification dated December 6, 1991 bearing the signature of Clerk of Court Consuelo A. Rodriguez, forged by respondent Malana. This document states that the aforementioned order of November 21, 1991, issued in Administrative Case No. 3242 has not been amended, supplemented or modified by any subsequent order or process of the court and that the same has become final and executory as of December 6, 1991.

In Administrative Case No. 3162 entitled "In Re: Petition for the Issuance of Another Owner's Copy of TCT Nos. T-54574, T-54575 and T-54372, Benigna Ballard, Petitioner," respondent Malana employed similar acts of falsification, by changing the title of said case to "In Re: Petition for the Issuance of Another Owner's Copy of TCT Nos. T-54574, T-54575 and T-54372, Benjamin Roca, petitioner. This was done again to achieve the purpose of making it appear that the following documents were issued in relation to the petition filed by Benjamin Roca instead of Benigna Ballard, to wit:

1. Order of January 22, 1991 of Judge Domagas approving the petition for the issuance of the aforementioned TCTs and directing the Register of Deeds to issue another owner's copy thereof. Respondent Malana again affixed the rubber stamp "ORIGINAL SIGNED" above the typewritten name of Judge Domagas, making it appear that he issued and signed the Order of January 22, 1991 in connection with the petition of Benjamin Roca.
2. Certification of February 5, 1991 with a falsified signature of Tita N. Narag, to the effect-that the Order of January 22, 1991 has not been amended, supplemented or modified by any subsequent order or process of the

court and that the same has become final and executory as of February 5, 1991.

Respondent Malana, in this Court's Resolution of July 15, 1992 was required to explain why she should not be held administratively liable for the acts of falsification she committed. She was further placed under preventive suspension for ninety (90) days due to the gravity of the offense perpetrated.

On September 16, 1992, respondent Malana, by way of compliance with this Court's Resolution of July 15, 1992, explained in her letter of September 16, 1992, that both petitioners Maribbay and Roco never informed her that the titles which they claim to have lost were actually sold or mortgaged to other persons. She claims that she was simply made to understand that the titles thereto are clean and in fact appear to be clean as shown in the records of the Register of Deeds.

On February 1, 1993, this case was referred to the Office of the Court Administrator for evaluation, report and recommendation. Thus, on April 13, 1993, in a memorandum for the Chief Justice, the Office of the Court Administrator found the explanation of respondent Malana unsatisfactory and unconvincing. It observed that "respondent stenographer's justifications are grossly inconsistent with and materially contradictory to the statements given and documents submitted showing that she actually resorted to falsifying certain documents .with the objective of facilitating the issuance of new titles in petitioners' favor without the latter having to go through the normal proceedings required for such purpose. Moreover, respondent stenographer's admission of culpability is a clear indication of violation of public trust and confidence, resulting in the suppression of the truth regarding the matter."

The Office of the Court Administrator cited the case of *Caubang v People*, 210 SCRA 377 where it was held that:

"In a crime of falsification of a public document, the principal thing punished is the violation of public faith and the destruction of truth as therein solemnly proclaimed."

Considering the foregoing, the Office of the Court Administrator recommended to this Court the dismissal from the service of respondent-stenographer reporter Delia Lasam Malana with prejudice to re-employment in any branch or agency of the government, including government owned and controlled corporations; the forfeiture of all retirement benefits, except the monetary value of her leave credits, if any.

After a thorough study of the established facts in this case, we find that the acts of falsification specified herein were positively committed by respondent Malana who has admitted the same before Executive Judge Domagas and has failed to provide a satisfactory explanation that will totally exonerate her of the charge of falsification of public documents. Consequently, this Court considers as proper and warranted the recommendation of the Office of the Court Administrator and accordingly adopts the penalty imposed therein on respondent Malana.

WHEREFORE, respondent Stenographer Reporter Delia Lasam Malana is hereby **DISMISSED** from the service, with prejudice to re-employment in any branch or agency of the government including government-owned and controlled corporations. **FORFEITURE** of all retirement benefits except the monetary value of her leave credits, if any, is hereby **ORDERED**.

SO ORDERED.

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

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