

RE: REPORT OF JUDGE ENRIQUE T. JOCSON REGARDING DEFECTIVE PRO-PERTY BONDS: RAMIRO J. MENDOZA, LEGAL RESEARCHER, REGIONAL TRIAL COURT, BRANCH 47, BACOLOD CITY, RESPONDENT.

A.M. No. P-92-1-029-RTC. November 16, 1993

Ponente: NARVASA, C.J.

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NARVASA, C.J.:

This case stems from the approval by former Judge Enrique T. Jocson, Branch 47, Regional Trial Court, Bacolod City, of three (3) property bonds bearing forged certifications of the Register of Deeds, the Acting Treasurer, and the Deputy City Assessor of Bago City. The property bonds were submitted to Judge Jocson at his residence on 18 August 1991, a Sunday, by his Legal Researcher, respondent Ramiro J. Mendoza.

The bonds were posted in Crim. Cases Nos. 10648, 10649 and 10650, all of which were yet to be raffled on 20 August 1991. Criminal Case No. 10648 was raffled to Branch 47 presided over by Judge Jocson, and Crim. Cases Nos. 10649 and 10650, to Branches 45 and 41, respectively, presided by other judges.

When Atty. Corazon T. Romero, Clerk of Court of Branch 41, examined the records of Crim. Case No. 10650, she became suspicious of the genuineness of the certifications on the bail bond. Her suspicions were confirmed when one of supposed signatories, Atty. Rolando Q. Navales, Register of Deeds of Bago City, disclaimed his purported signature on the certification.

The matter was thereupon brought to the attention of Judge Jocson who forthwith issued an order in Crim. Case No. 10648, now raffled to him, directing the issuance of an alias warrant for the re--arrest of the accused Marcelo Buenafe. He also issued separate orders in Crim. Cases Nos. 10649 and 10650 recalling his orders of 18 August 1991 which directed the release of accused Wilfredo Casimiro and Pinky Pelagio.

These developments prompted Executive Judge Bernardo T. Ponferrada to refer the matter for investigation to the Philippine National Police (PNP), which after conducting an inquiry, concluded that Dominador Labansawan and respondent Ramiro Mendoza had committed falsification of public documents on four (4) counts in the property bond applications of the accused.

Criminal charges were consequently filed against Labansawan and Mendoza with the Office of the Ombudsman. In a Resolution dated 2 January 1992, Deputized Tanodbayan Prosecutor Anita Guanzon Chua found sufficient evidence to support the filing of charges against Labansawan on fifteen (15) counts of falsification of public documents but recommended dismissal of the charges against Mendoza, without prejudice to appropriate administrative action against him "for his improper and negligent behavior as government employee with public trust."^[1]

On 9 September 1991, Judge Jocson informed the Court of the defective property bonds filed in various criminal cases and approved by the Regional Trial Court of Bacolod City.

In our Resolution of 2 June 1992, we ADMONISHED Judge Jocson for his carelessness in approving the forged property bonds, and we referred the matter to Executive Judge Ponferrada of the Regional Trial Court, Bacolod City for investigation, report and recommendation. However, upon motion filed by respondent Mendoza to inhibit Judge Ponferrada, the case was transferred to Vice-Executive Judge Bethel Katalbas-Moscardon.

In the ensuing investigation, respondent Mendoza explained that the bonds in question were brought in by a certain Engr. Dominador Labansawan. As they were already subscribed before Municipal Trial Court Judge Manuel Limsiaco, Jr., the appended documents appeared to be authentic, and considering that other property bonds of Labansawan had been previously approved by other courts, he (Mendoza) concluded that these bonds were in order. He further claimed that he was of the honest belief that he was helping the administration of justice when he had the property bonds approved for the accused who were merely invoking thereby their constitutional right to bail.

From the contents of the report, it appears that Judge Moscardon did not limit her investigation to the bail bonds approved by Judge Jocson on 18 August 1992 but went further into other bonds approved by him and presented by the same Engr. Dominador Labansawan. The testimony given before Judge Moscardon included that of Atty. Kenneth John Amamanglon, Branch Clerk of Court of Branch 47, Atty. Corazon P. Romero, Branch Clerk of Court of Branch 41, Atty. Connie F. Tan, Branch Clerk of Court of Branch 45, Police Inspector Victor B. Eduardo, Bacolod City, and Col. Nicolas Torres, Chief of Police, Bacolod City. Judge Jocson declined an invitation to testify.

Judge Moscardon found that the bail bonds submitted by respondent Mendoza for approval included or were based on forged and falsified documents. City Register of Deeds Rolando Q. Navales denied having signed the certifications supposedly issued by him. As regards the Assessor's certification purportedly issued by Deputy City Assessor Celestina Buyco, verification by Asst. Clerk of Court Ildefonso M. Villanueva, Jr., revealed that there was no person by such name employed in the Office of the City Assessor; that in fact, no position of Deputy City Assessor is listed in the plantilla of personnel for said office, and that the City Government of Bago City never employed one Ricardo Reyes, another signatory, as Acting Treasurer, the capacity in which he supposedly signed. The actual location and value of the properties were erroneously stated. The police report of 30 September 1991 imputed collusion between Engr. Labansawan and respondent Mendoza, narrating that it was Engr. Labansawan who reproduced copies of the documents and Mendoza who facilitated the posting of the bonds.

Mendoza pleaded lack of knowledge that the documents were falsified. But Judge Moscardon noted that he appeared evasive and inconsistent, if not defensive, during investigation, when interrogated. Judge Moscardon concludes in her report that fraud had been perpetrated through the connivance of Labansawan and said respondent, and recommends that proper administrative action be taken against Mendoza for conduct prejudicial to the best interest of the service.

We have scrutinized the records, and we fail to find any direct, much less substantial, evidence of participation of Mendoza in the falsification of the documents supporting the application for bail of the accused, or that he facilitated the approval of the bonds knowing that the documents accompanying them were falsified.

Mere perceived inconsistencies in said respondent's testimony before the Investigating Judge, standing alone provide no basis for concluding that he was engaged in a conspiracy with Labansawan to defraud the government.[2] And, indeed, we discern no inconsistencies or contradictions in his testimony, sufficient to support any reasonable inference of such criminal complicity.

Reports have reached the Court as early as 1989, of the unusual incidence of fake bail bonds filed and approved in different branches of the Regional Trial Court of Bacolod City and Negros Occidental. This is admitted by

Executive Judge Bernardo T. Ponferrada in his comment on Mendoza's Notice of Appeal of 18 August 1992, and in his Resolution of 12 August 1992 denying said respondent's motion for inhibition. He attributed these illegal activities to the workings of a syndicate, prompting him, as Executive Judge, to adopt stringent measures to prevent the widespread facilitation of spurious property bonds. As a result, several criminal cases for falsification of public document were filed against Engr. Dominador Labansawan with the Regional Trial Court of Bacolod City. That the respondent happened to be the one to receive and submit for approval three out of what could have been a much greater number of falsified bail bonds does not by itself prove that he was part of the criminal syndicate, and this particularly since it has never been made to appear that such act was wholly foreign to his usual duties.

Graft Investigation Officer Alfonso S. Sarmiento of the Office of the Ombudsman, in his Resolution of 18 March 1992, duly approved by Deputy Ombudsman for the Visayas Juan M. Hagad, in effect clears respondent Mendoza of criminal complicity in stating that "there is no fact showing that the private respondent Dominador Labansawan conspired or connived with public respondent Ramiro Mendoza ** Consequently, the former is solely answerable for the offense charged while the latter who acted in an improper and negligent manner which does not amount to bad faith or gross inexcusable negligence shall be subjected to administrative proceedings." [3]

We agree with and adopt that finding, on the basis of which, it was Dominador Labansawan alone who was recommended for criminal prosecution by the Ombudsman. This notwithstanding, respondent Ramiro should be held to account for the negligence that made possible the approval of the spurious bail bonds in question.

In the Manual for Clerks of Court,[4] it is provided that: "(t)o prevent the commission of frauds in connection with the posting of property bonds and to protect the interests of the government, utmost care should be exercised in the scrutiny of the qualifications of sureties in the approval of property bonds, and efforts exerted to determine whether or not the person executing the undertaking is the real owner of the property offered. To eliminate or minimize possible anomalies on the matter, it is suggested that the court, in doubtful cases, examine the sureties under oath concerning their sufficiency."

Respondent failed to observe this standard of "utmost care." His more than thirty (30) years of experience in the court, which includes a stint as Deputy Clerk of Court under then Judge Segundino Chua (now Associate Justice of the Court of Appeals), should have made him fully conversant with the duties of a clerk of court in the processing and approval of property bonds and equally scrupulous in their performance.

In fairness to respondent, however, the blame should not be laid on him alone who is not even a lawyer, but only a Legal Researcher temporarily tasked, the record shows, to perform the duties of the Branch Clerk in the latter's absence. In the circumstances, the Presiding Judge was invested with greater responsibility of ensuring that administrative duties in the court and other judicial concerns were performed properly, efficiently and assiduously by whomever had been designated by him to temporarily fill in for the Branch Clerk. Thus, in approving the applications for bail and ordering the release of the accused on the basis of the falsified property bonds, the Presiding Judge was more than just equally negligent in discharging his functions. It was in fact his primary responsibility and not necessarily of his subordinate.

By the very nature of their duties and responsibilities, all those involved in the administration of justice must faithfully adhere to, hold inviolate, and invigorate the oft-stated principle that a public office is a public trust; all public officers and employees must at all times be accountable to the people, and perform their duties responsibly with the care and diligence that the nature of those duties demands. The Court cannot condone or close its eyes to transgressions of duty on the part of judicial personnel which though unintended, could have been avoided with the exercise of requisite care.

We, therefore, find respondent Ramiro J. Mendoza guilty of negligence in the performance of his functions, considering, however, in mitigation his more than thirty (30) years of service in the judiciary, untainted until this administrative offense.[5]

Accordingly, said respondent is meted an administrative penalty of **SUSPENSION** for two (2) months without pay, with a stern warning that commission of the same or similar act or omission in the future will be dealt with more severely. This resolution is immediately executory.

Let copy of this resolution be entered in the personal record of respondent.

SO ORDERED.

Cruz, Feliciano, Padilla, Bidin, Regalado, Davide, Jr., Romero, Nocon, Melo, Quiason, Puno, and Vitug, JJ., concur.

Bellosillo, J., on leave.

[1] Page 56, Rollo.

[2] Angeles v. Bantug Adm. Matter No. P-89-295, 29 May 1992, 209 SCRA 413.

[3] Page 57, Rollo.

[4] Chap. VI, Sec. E, par. 4, subpar. (b-1) (July 1991), citing DOJ Circular No. 44, 30 July 1958.

[5] PNB v. Intermediate Appellate Court, G.R. 70140, 187 SCRA 757.

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