

**RETIRED EMPLOYEE, MUNICIPAL TRIAL COURT, SIBONGA, CEBU,
COMPLAINANT, VS. MERLYN G. MANUBAG, CLERK OF COURT II,
MUNICIPAL TRIAL COURT, SIBONGA, CEBU, RESPONDENT.**

A.M. No. P-10-2833. December 14, 2010*

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PER CURIAM:

At bench is an administrative complaint filed against respondent Merlyn G. Manubag (Manubag), Clerk of Court II of the Municipal Trial Court, Sibonga, Cebu (MTC).

The case stemmed from the undated Letter-Complaint sent by an anonymous retired employee (complainant) charging her with: (1) Falsification of Public Documents; (2) Immorality; and (3) Gambling during Office Hours.[1]

For Falsification of Public Documents, the complainant alleged that Manubag submitted a fake diploma and falsified her school records to make it appear that she was a graduate of a four-year secretarial course when, in fact, she only finished a two-year course at a certain university in Cebu City. The complainant claimed that Manubag's appointment was approved because the latter's backer, a certain Francisca Kong, was the live-in partner of Judge Emilio T. Reyes, then presiding judge of the MTC of Sibonga, Cebu.

For Immorality, the complainant alleged that while still legally married to a certain Sergio Manubag, who had been giving her monthly support for their minor son, respondent and a certain Boy Alicaya lived together as husband and wife. They had a son who was registered and baptized with Boy Alicaya as the father.

For Gambling During Office Hours, the complainant averred that Manubag played mahjong during office hours at the residence of Angelic Dadula-Ortiz in Poblacion, Sibonga, Cebu, every afternoon. She even told the players that Sibonga MTC Judge Delfin H. Decierdo was not a capable judge.

In her Comment dated October 24, 2007,[2] Manubag denied the charges against her. To belie the allegation that she submitted a falsified diploma or school records to support her appointment, she pointed out that she qualified and passed the Career Service Professional Examination given by the Civil Service Commission (CSC) held in Cebu City on July 31, 1998. She explained that the CSC required the submission of all pertinent documents, including her school records, which were all scrutinized for authenticity. Apparently, her requirements were in order, otherwise, she would not have been able to take the examination.

As regards the charge of immorality, Manubag confirmed that her husband had been providing support for the subsistence of their minor son. She claimed that the Boy Alicaya mentioned in the complaint was just a family friend, being a barkada of her younger brother, and that it was impossible to have a relationship with him as he had his own family. She stressed that she has been living with her parents and an unmarried brother in the family compound.

As to the allegation that she gambled during office hours, she averred that this would be physically impossible, considering that the presiding judge of her court was always in the office during working hours and he was the

signatory in her daily time record. She admitted, however, that after 5:00 o'clock in the afternoon, before going home, she would sometimes pass by the residence of Angelic Dadula-Ortiz and there were occasions when the family members of the latter were playing mahjong. She remarked that perhaps the complainant saw her within the vicinity of the residence of Angelic Dadula-Ortiz during these occasions and then presumed that she was there during the whole afternoon.

In this Court's Resolution dated March 11, 2009,[3] the administrative complaint was referred to the Executive Judge of the Regional Trial Court, Branch 26, Argao, Cebu (RTC), for investigation, report and recommendation.

Judge Maximo A. Perez (Judge Perez) of the RTC prepared a Report and recommended that Manubag be found GUILTY of Dishonesty, fined the sum of P10,000.00, reprimanded and warned that a commission of the same or similar offense would be dealt with more severely.

The Report submitted by Judge Perez was noted and the same was referred to the Office of the Court Administrator (OCA) for evaluation, report and recommendation within sixty (60) days from notice.

In its Memorandum dated February 22, 2010, the OCA made the following recommendations:

- (1) that the administrative complaint be RE-DOCKETED as a regular administrative matter; and
- (2) that respondent Merlyn G. Manubag, Clerk of Court II, Municipal Trial Court, Sibonga, Cebu, be found GUILTY of Dishonesty and DISMISSED from the service, effective immediately, with forfeiture of all retirement benefits.

The OCA made the following explanation:

In administrative proceedings, the quantum of proof necessary for a finding of guilt is substantial evidence or such relevant evidence as a reasonable mind may accept as adequate to support a conclusion. Well-entrenched is the rule that substantial proof, and not clear and convincing evidence or proof beyond reasonable doubt, is sufficient as basis for the imposition of any disciplinary action upon the employee. The standard of substantial evidence is satisfied where the employer, as in this case the Court, has reasonable ground to believe that the employee is responsible for the misconduct and his participation therein renders him unworthy of trust and confidence demanded by his position (*Filoteo v. Calago*, A.M. No. P-04-1815, October 18, 2007; Section 5, Rule 133 of the Rules of Court).

Anent the issue of falsification of public documents, there is substantial evidence to hold the respondent guilty of dishonesty for falsifying an official document.

Dishonesty is defined as intentionally making a false statement on any material fact, or practicing or attempting to practice any deception or fraud in securing his examination, appointment or registration. Dishonesty is a serious offense which reflects a persons character and exposes the moral decay which virtually destroys his honor, virtue and integrity. It is a malevolent act that has no place in the judiciary, as no other office in the government service exacts a greater demand for moral righteousness from an employee than a position in the judiciary (*Office of the Court Administrator vs. Bermejo*, AM No. P-2004, March 14, 2008).

The Court does not tolerate dishonesty. Persons involved in the dispensation of justice, from the highest official to the lowest clerk, must live up to the strictest standards of integrity, probity, uprightness and diligence in the public service. As the assumption of public office is impressed with paramount public interest, which requires the highest standards of ethical standards, persons aspiring for public office must observe honesty, candor and faithful compliance with the law (*De Guzman v. delos Santos*, A.M. No. 2008-8-SC [18 December 2002]).

In the instant complaint, the respondent denies having submitted a falsified diploma or school records to support his appointment as Clerk of Court of the Municipal Trial Court of Sibonga, Cebu, but she does not

deny possession of the falsified school records. In fact, in her Personal Data Sheet (PDS), dated May 12, 2008, it is reflected that she is a BSC Graduate of Colegio de San Jose Recoletos in 1984, contrary to the certification of Mr. Demetrio L. Quirante, University Registrar of San Jose Recoletos, that their office does not have the original record of the respondent. Furthermore, the said registrar certified that the machine copy of the transcript of record of the respondent has the following deficiencies and observations and the same are quoted, as follows: 'a. Our exact date of graduation for summer 1984 is May 12 (not May 24) 1984; b,. We do not have the course Bachelor of Science in Commerce major in Commerce; c. It seems that the course appearing in the copy of the TOR should have been Bachelor of Science in Commerce major in Accounting.'

The importance of accomplishing a PDS with utmost honesty cannot be stressed enough (Re: Anonymous Complaint Against Mr. Rodel M. Gabriel, A.M. No. 2005-18-SC [19 April 2006]). Its accomplishment is required under the Civil Service Rules and Regulations, and since it is a requirement in connection with employment in the government, the making of an untruthful statement therein is intimately connected with such employment (Administrative Case For Dishonesty and Falsification of Official Document Against Noel V. Luna SC Chief Judicial Staff Officer, AM No. 2003-7-SC [15 December 2003]).

Indeed, respondent's act of stating in her PDS that she was a college graduate when the truth is otherwise amounts to dishonesty by misrepresentation and falsification of an official document.

Under Section 23, Rule XIV of the Omnibus Rules Implementing Book V of Executive Order 292, the Administrative Code of 1987 and other Pertinent Civil Service Laws, dishonesty and falsification of public document are considered grave offenses for which the penalty of dismissal is prescribed even for the first offense. Section 9 of said Rule likewise provides that the penalty of dismissal shall carry with it cancellation of eligibility, forfeiture of leave credits and retirement benefits, and the disqualification from re-employment in the government service. This penalty is without prejudice to criminal liability of the respondent (Civil Service Commission v. Sta. Ana, A.M. No. P-03-1696 [30 April 2003]).

Anent the charges of immorality and gambling during office hours, the evidence on records failed to provide the needed quantum of proof to hold the respondent liable of the said charges. The record shows bare allegations which are not substantiated by testimonial or documentary evidence. It is ruled that within the field of administrative law, while strict rules of evidence are not applicable to quasi-judicial proceedings, nevertheless, in adducing evidence constitutive of substantial evidence, the basic rule that mere allegation is not evidence cannot be disregarded (Marcelo v. Court of Appeals, G.R. No. 175201, April 23, 2008). [Underscoring and emphasis supplied]

THE COURT'S RULING

The OCA found that the incorrect entries made by Manubag in her Personal Data Sheet (PDS) constituted dishonesty by misrepresentation and falsification of an official document and, thus, recommended that she be dismissed from service, effective immediately, with forfeiture of all retirement benefits.

The Court agrees with the recommendation of the OCA.

Dishonesty means "a disposition to lie, cheat, deceive or defraud; untrustworthiness; lack of integrity, lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray." [4]

It need not be overstressed that the administrative function of clerks of court, like Manubag, is very important for the proper administration of justice. As such, clerks of court must be persons of integrity and honesty. The image of the court of justice is reflected in the conduct, whether official or personal, of its personnel, from the highest to the lowest official. As mentioned in the Court's Resolution in the case of Bulalat v. Adil:[5]

This Court has consistently underscored the heavy burden and responsibility that court personnel are saddled

with in view of their exalted positions as keepers of the public faith. No position demands greater moral uprightness from its occupant than a judicial office. Indeed, the responsibilities of a public officer as enshrined in the Constitution are not mere rhetoric to be taken as idealistic sentiments. These are working standards and attainable goals that should be matched with actual deeds. Because respondent has failed to live up to the stringent standards of his office, we have no other recourse but to sanction him for his despicable conduct.

In this case, Manubag falsified her PDS dated May 12, 2008 by stating therein that she was a BSC Graduate of Colegio de San Jose Recoletos in 1984 when in fact she was not. The entries made by Manubag were belied by Demetrio L. Quirante, University Registrar of San Jose Recoletos, in a certification stating that their office does not have the original record of Manubag. He further certified that the machine copy of the transcript of record of Manubag has the following deficiencies as observed and the same are quoted, as follows:

- Our exact date of graduation for Summer 1984 is May 12 (not May 24), 1984;
- We do not have the course Bachelor of Science in Commerce major in Commerce;
- It seems that the course appearing in the copy of the TOR should have been Bachelor of Science in Commerce major in Accounting.[6]

It cannot be denied that Manubag, through falsifying an official document, gained undue advantage over qualified applicants to the same position. This Court simply cannot tolerate this as she has deprived a deserving individual. All things being equal, another employee who possesses similar qualifications should have been appointed had it not been for the misrepresentations of Manubag.

The significance of accomplishing PDS with utmost honesty cannot be overemphasized. It is a requirement under Civil Service Rules and Regulations in connection with one's employment in the government. Thus, the making of false statements in completing the PDS is intimately connected with such employment. Making erroneous entries to accomplish the PDS amounts to dishonesty and falsification of an official document. Dishonesty and falsification are considered grave offenses for which the extreme penalty of dismissal from the service of employees found guilty of such offenses is prescribed even for the first offense.[7]

Indeed, being in the nature of a grave offense, dishonesty carries the extreme penalty of dismissal from the service with forfeiture of retirement benefits except accrued leave credits and perpetual disqualification for re-employment in the government service.[8]

The Court has been explicit. In the case of Ramos v. Mayor:[9]

Under Section 52 (A)(1) and (A)(6), Rule IV of the "Uniform Rules on Administrative Cases in the Civil Service" (Resolution No. 99-1936 dated August 31, 1999), respondent's act of making untruthful declarations in his PDS renders him administratively liable for falsification of public document and dishonesty which are classified as grave offenses and, thus, warrant the corresponding penalty of dismissal from the service even if either of them is respondent's first offense. Section 58 of Rule IV thereof states that the penalty of dismissal shall carry with it the cancellation of eligibility, forfeiture of retirement benefits, and the perpetual disqualification for reemployment in the government service, unless otherwise provided in the decision.[10]

In Adm. Case for Dishonesty & Falsification Against Luna,[11] this Court emphasized that "every employee of the judiciary should be an example of integrity, uprightness and honesty. Like any public servant, he must 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, to preserve the court's good name and standing." Manubag indubitably failed to meet the strict standards set for a court employee, hence, she does not deserve to remain in the judiciary.

WHEREFORE, respondent Merlyn G. Manubag is DISMISSED from the service, with forfeiture of all retirement

benefits, except accrued leave credits, and with prejudice to re-employment in any branch, agency or instrumentality of the government including government-owned or controlled corporations.

SO ORDERED.

Corona, C.J., Carpio, Carpio Morales, Nachura, Leonardo-De Castro, Peralta, Bersamin, Del Castillo, Abad, Villarama, Jr., Mendoza, and Sereno, JJ., concur.

Velasco, Jr., J., Brion, on leave.

Perez, J., no part.

[*] Formerly OCA I.P.I. No. 08-2711-P.

[1] Rollo, pp. 28-29.

[2] Id. at 19-20.

[3] Id. at 32-33.

[4] *Bulalat v. Adil*, A.M. No. SCC-05-10-P, October 19, 2007, 537 SCRA 44, 48.

[5] Id. at 49-50.

[6] Rollo, p. 10.

[7] *Ramos v. Mayor*, A.M. No. P-05-1998, October 24, 2008, 570 SCRA 22, 31.

[8] *Judge Madrid v. Quebral*, A.M. Nos. P-03-1744 and P-03-1745, 459 Phil. 306, 318 (2003).

[9] (Formerly OCA I.P.I No. 04-1879-P), A.M. No. P-05-1998, October 24, 2008, 570 SCRA 22, 30-31.

[10] *Supra* note 7.

[11] A.M. No. 2003-7-SC, 463 Phil. 878, 889 (2003).

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