

RE: FAKE DECISION ALLEGEDLY IN G.R. NO 75242*A.M. NO. 02-8-23-0. February 16, 2005*

Ponente: CALLEJO, SR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-02-8-23-0/>**CALLEJO, SR., J.:**

The instant administrative matter arose when Dario G. Silvestre, Senior Manager, Credit and Appraisal Management – OPS of the Development Bank of the Philippines (DBP), furnished the Court with a photocopy of an alleged certified true copy of a two-page decision of the “Second Division” of the Court composed of and duly signed by “Chief Justice Hilario G. Davide, Jr., Associate Justices Josue N. Bellosillo, Jose O. Vitug, Santiago M. Kapunan, Leonardo A. Quisumbing, Artemio V. Panganiban, Arturo B. Buena and Minerva P. Gonzales-Reyes (sic).” The decision entitled “University of the Philippines, et al., Petitioner, vs. St. Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc. Applicant,” was docketed as G.R. No. L-75242, and appeared to have been promulgated on May 19, 2000. The alleged decision is quoted hereunder:

H. G. DAVIDE, JR. CJ.

This is a petition filed by the University of the Philippines for the review and reconsideration of a resolution promulgated by this division on March 2, 2000 affirming the decision of the Regional Trial Court of Quezon City, Branch 86 in favor of the applicant in LRC Case No. Q-90-021.

The case arose from an application for registration filed by Saint Mary Crusade To Alleviate Poverty of Brethren Foundation, Inc. with the Regional Trial Court, Branch 86 of Quezon City, for a parcel of land situated at Krus na Ligas, Quezon City, with an area of approximately four hundred thirty (430) hectares which they and their predecessors-in-interest have been in continuous and exclusive possession since prior to March 25, 1877 and wherein they have introduced developmental improvements thereon.

During the several hearings conducted by the Regional Trial Court, the respondents, University of the Philippines, et al., could not present any evidences nor valid arguments to controvert the application, prompting the said court to refer the case to the Land Registration Authority by virtue of a Court Order dated October 5, 1998 for their resolution and proper disposition.

At the hearing conducted by the Land Registration Authority on November 16 & 23 and December 2, 1998, respondents presented among others Transfer Certificates of Titles Nos. 9164 and 1378, which, after careful examination were proven spurious, it appearing that the technical descriptions thereon referred to parcels of land somewhere in Zambales and not the parcel on (sic) land in question. There being no other evidences to contravene the application of Saint Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc., the Land Registration Authority ordered the registration of the property in its name.

Petitions for review and reconsideration filed by respondents on May 27, 1999 and June 21, 1999 were both denied by the court for lack of merits and on December 28, 1999 ruled that the registration of the property in the name of applicant was meritorious and deserved the full protection of the law.

Wherefore, let copies of this decision be forwarded to the Register of Deeds of Rizal Province, the Register of Deeds of Quezon City and the Director of Lands for their information and guidance.

The following documents accompanied the alleged Court decision:

a) A four-paragraph Resolution dated March 2, 2000 purportedly issued by the Second Division of this Court and signed by Chief Justice Hilario G. Davide, Jr. and Associate Justices Josue N. Bellosillo, Jose O. Vitug, Santiago M. Kapunan, Leonardo A. Quisumbing, Artemio V. Panganiban, Arturo B. Buena and Minerva P. Gonzales-Reyes (sic) in General Land Registration Office Record No. LRC Case No. Q-90-021 entitled "Saint Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc., Applicant," which states in full as follows:

H.G. DAVIDE, JR., C.J.

The petition for review and reconsideration filed by the Land Registration Authority is hereby DENIED and the decision of the Regional Trial Court, Branch 86, Quezon City, is sustained and APPROVED.

Careful evaluation of the records of the case, as well as the reasons cited in the petition, proves that the Regional Trial Court did not err in its decision in favor of the applicant.

Wherefore, the foregoing resolution is hereby declared final and irrevocable.

The Clerk of Court is hereby directed to furnish all the parties and offices concerned with copies of this resolution.

b) A Letter purportedly that of Atty. Luzviminda D. Puno, Clerk of Court, to wit:

THE PUBLISHER
SCRA, Annotated

Re: Saint Mary Crusade to Alleviate Poverty of Brethren Foundation vs. UP 144 SCRA 763 (1999)

By virtue of the authority vested upon me, it is hereby ordered that the attached Resolution en banc, duly concurred and attested by the parties concerned, be included and compiled in the publication of the SCRA, Annotated books.

The inclusion in the publication is deemed necessary in the light of major developments in appellate jurisdiction and procedures on the basis of judicial decisions and administrative circulars of the Supreme Court bearing in the administration of justice.

The accessibility of other legal publication, notwithstanding the intent in the inclusion in the SCRA, Annotated books, is still to publish a purely textual or topical treatment of judicial proceedings and to contribute to the enrichment of Philippine legal literature.

Supreme Court, Manila, March 2, 2000.

(Sgd.)

LUZVIMINDA D. PUNO

Clerk of Court

c) Notice of Resolution in LRC Case No. Q-90-021 dated March 3, 2000 allegedly issued by Atty. Puno, worded thusly:

Sir/Madam:

Please take notice that on March 2, 2000, a resolution, copy attached, was rendered by the SECOND DIVISION OF THE SUPREME COURT on the above-entitled case, the original of which is now on file in this office.

Please be guided accordingly.

Very truly yours,

(Sgd.)

LUZVIMINDA D. PUNO

Clerk of Court

d) Certification dated August 14, 2000, which states:

Certification

I, LUZVIMINDA D. PUNO, Clerk of the Supreme Court of the Philippines, do hereby certify that I have examined the attached documents described as follows:

Xerox copies of the decision of this Court in G.R. No. L-75242 entitled “University of the Philippines, et al. v. Saint Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc.” promulgated on May 19, 2000 consisting of two (2) pages thereof.

That I have compared the same with the original on file in my office and that the same is a true copy thereof.

In witness whereof, I have hereunto signed my name and affixed the seal of this Court, this 14th day of August 2000.

(Sgd.)

LUZVIMINDA D. PUNO

Clerk of Court

The records of the Court revealed, however, that the docket number (G.R. No. 75242) of the alleged Court decision was assigned to the case of “Manila Resource Development Corporation, Petitioner vs. National Labor Relations Commission and Ruben Manahan, Respondents,” which was promulgated on September 4, 1992. The Decision of the Court in this case became final and executory and Entry of Judgment was made of record on September 28, 1992.

Thus, in a Resolution dated September 24, 2002, the Court ordered the Director of the National Bureau of Investigation (NBI) to conduct a discreet investigation of the matter and to thereafter submit a report thereon. Mr. Silvestre was, likewise, directed to submit to the Court the names of the party or parties who furnished his office with the spurious decision and a detailed narration of the events surrounding the delivery thereof.

In his Sworn Statement dated November 25, 2002, Mr. Silvestre narrated that sometime in June 2002, a certain Ms. Teodora N. Villanueva came to their office at the DBP Building, Sen. Gil Puyat corner Makati Avenues, Makati City. She claimed to be the duly-authorized representative of the Saint Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc. whom she alleged to be the owner of a track of land in Quezon City. She then inquired if the bank could finance the alleged Housing Project of the Foundation, or if there could be a local and foreign funder who would be willing to finance the same. Mr. Silvestre informed Ms. Villanueva that the bank would first have to conduct the proper verification and investigation of the property, and that it was a long process. She then presented and handed over to Mr. Silvestre the following photocopies of documents proving the alleged ownership of the properties:

(a) “Authorization” dated May 28, 2002 issued by Jaime B. Borjal, President and Chairman of the Board of the Foundation and attested by Felicisimo C. Arellano, Corporate Secretary, vesting upon Ms. Teodora N. Villanueva

& Associates the authority “to transact business and to negotiate for the acquisition of local/foreign funding assistance to finance the Housing and other relevant projects of the Foundation;”[1]

(b) “Secretary’s Certificate” dated May 25, 2002 issued by Felicisimo C. Arellano of B-9 L-5 Sunnyville 4 Subd., Ampid I, San Mateo, Rizal, stating that on May 25, 2002, the Board of Directors of the Foundation, with address at Unit 627 Cityland Shaw Towers, Shaw Blvd., Mandaluyong City, issued Board Resolution No. 02.009 “manifesting the authority of Teodora N. Villanueva & Associates, to transact business and to negotiate for the acquisition of local/foreign funding assistance for housing and other relevant projects of the Foundation, and to act as negotiator for and in behalf of the Foundation” and directing that copies of the Resolution be furnished the Securities and Exchange Commission (SEC) and other concerned offices/agencies for their information and guidance.[2]

(c) A Resolution dated March 2, 2000 allegedly issued by the Second Division of this Court and signed by “Chief Justice Hilario G. Davide, Jr. and Associate Justices Josue N. Bellosillo, Jose O. Vitug, Santiago M. Kapunan, Leonardo A. Quisumbing, Artemio V. Panganiban, Arturo B. Buena and Minerva P. Gonzales-Reyes (sic)” in LRC Case No. Q-90-021 entitled “Saint Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc., Applicant,” quoted above;[3]

(d) An Order dated December 28, 1999 issued in LRC Case No. Q-90-021 in “Saint Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc., Applicant” by Judge Teodoro A. Bay of the Regional Trial Court of Quezon City, Branch 86, and certified as true a xerox copy by Idelrose B. Mabunga, Officer-in-Charge, which reads in full as follows:

WHEREAS, based on the records of the aforecited case, the adversarial claims of the parties on the land in question were placed under the jurisdiction of the Land Registration Authority by virtue of a Court Order dated October 5, 1998 referring the case to them for resolution and proper disposition.

WHEREAS, in accordance with the said Court Order dated October 5, 1998 and after evaluating the merits of the claims of the parties involved, the Land Registration Authority issued a Decree of Registration in favor of the Applicant, Saint Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc. and the land in question had been registered in the name of the said Applicant.

WHEREAS, during the hearing of the aforecited case conducted by this Court, the other claimants to the land in question, despite being given sufficient opportunity, failed to present any evidence to contravene those presented by the Applicant-Saint Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc.

NOW, THEREFORE, in view of the foregoing, this Court finds the claims of the Applicant-Saint Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc. meritorious and deserving of the full protection of the law.

Let it so ordered and forthwith disseminated to all parties, authorities and offices concerned for their information and guidance.

This Order is final and executory.[4]

(e) The alleged Letter of Atty. Luzviminda D. Puno, Clerk of Court dated March 2, 2000, quoted above;[5]

(f) Original Certificate of Title No. 12390 issued on October 6, 1998 pursuant to LRC Case No. Q-ORIG. 98-021, LRC Record No. 6679 under Decree No. N-198342 in favor of Saint Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc., represented by Jaime B. Borjal, President, for a parcel of land in Quezon City with an area of 4,304,623 square meters;[6]

(g) Sketch Plan of the 4,304,623 (sic) square meters of land situated in Bago Bantay and Cruz na Ligas, Quezon

City, issued on April 20, 1999 by the Chief of the Regional Surveys Division with the caveat that “this plan shall not be used for land registration,”[7] and

(h) Memorandum dated August 23, 2001 purportedly issued by the LRA which states in full:

TO: Saint Mary Crusade to
Alleviate Poverty of
Brethren Foundation, Inc.
RE: L.R.C. Case No. 0-90-02

I have been reminded by the Administrator why his order for the relocation survey of the property in the above-captioned case has not been implemented until now.

In this connection, please be advised that as a condition for the conduct of the relocation survey ordered, the total amount of Pesos: Three Hundred Sixty Thousand (P360,000.00) to cover the cost and other related expenses for the survey must first be deposited with us.

You are, therefore, requested to make the required deposit within five (5) days from receipt hereof so that we can implement the order soonest.

Very truly yours,

(Sgd.)

SALVADOR L. ORIEL

LRA Office Administrator

Records & Decree Section

Mr. Silvestre informed Ms. Villanueva that all the documents would be verified by the bank, to which the latter made the assurance that the said documents were “authentic, legal and valid.” Mr. Silvestre then personally conducted the investigation and verification of the said documents. In his Sworn Statement, he narrated the result of his investigation, as well as the events that transpired thereafter, as follows:

- That the Foundation is registered before the Office of the Securities and Exchange Commission and the Board Resolution and the Secretary’s Certificate were all registered;
- That after verifying the registration of the Foundation, I proceeded to the Supreme Court to verify the authenticity of the Resolution promulgated by the Supreme Court dated March 2, 2000 in LRC Case No. Q-90-021, by presenting the very documents given by Ms. Teodora N. Villanueva, which are all photocopies;
- That I was surprised to learn that the documents pertaining to LRC Case No. Q-90-021 were all fabricated and [forged] documents. [Worst] of all the signatures of the Honorable Justices of the Second Division including that of the Clerk of Court were not genuine and, hence, a forgery;
- That I informed the Clerk who assisted me in the said verification, that the very reason for my verification is to confirm and verify the authenticity of the ruling of the Honorable Supreme Court in the said case because Ms. Teodora N. Villanueva is then trying to transact with the DBP and to other local and foreign funder to finance the Housing Project of the Foundation;

- That being a credit investigator for a long period of time at DBP, verification of documents is one of my duties and responsibilities before accepting any application to finance a certain project;

- That in good faith I presented to the Honorable Supreme Court all the documents supplied and presented by Ms. Teodora N. Villanueva for the purpose of verification of the property allegedly registered in the name of the Foundation;

Mr. Silvestre further certified that the documents presented by Ms. Villanueva to the bank were mere photocopies and that no business transaction was processed by the latter in favor of the said Foundation.

In compliance with the Court's resolution, the National Bureau of Investigation (NBI), through Director Reynaldo G. Wycoco, furnished the Court with a copy of the Letter dated March 26, 2003 of NBI Deputy Director Fermin N. Nasol, Special Investigative Services, NBI, and the Agent's Progress Report dated March 19, 2003 of Ha Rachel R. Marfil, Reporting Agent, Team Leader, Atty. Nestor M. Mantaring, Deputy Director of the NBI Special Investigative Services, regarding their discreet investigation on the matter.

In his Letter dated March 26, 2003, NBI Deputy Director Nasol requested Clerk of Court Atty. Luzviminda D. Puno to "issue [an] official certification that said documents were not issued by the Supreme Court" and to forward "the requested Certification for the above mentioned spurious documents so our Agents could file the criminal complaint before the City Prosecutor of Manila." On the other hand, the Agent's Progress Report signed by Ha Rachel R. Marfil, Reporting Agent and Team Leader, stated, thus:

05. Surveillance operations determined that Subject TEODORA VILLANUEVA and the St. Mary Crusade to Alleviate Poverty Brethren Foundation, Inc. were conducting business at Unit 627 Cityland Shaw Towers, Shaw Blvd., Mandaluyong City. On several occasions, Employees of said Foundation refused to divulge the whereabouts of Subject TEODORA VILLANUEVA, JAIME BORJAL (President) and FELICISIMO ARELLANO (Corporate Secretary).

06. In a conference with Assistant Clerk of Court, MA. LUISA D. VILLARAMA, Agent Marfil requested for the names of the Clerk who assisted Mr. DARIO SILVESTRE when he made the verification at the Office of the Clerk of Court at the Supreme Court and the person who shall represent the Supreme Court when the complaint for Falsification of Public Document against Subjects TEODORA VILLANUEVA, JAIME BORJAL and FELICISIMO ARELLANO of said Foundation. The Agents on case are ready to file the complaint before the City Prosecutor of Manila as soon as the above stated evidence are submitted to the NBI.

07. The Affidavits of the Clerk, Supreme Court Representative and the Certification that the said Decision and other Certifications were not issued by the Second Division or Atty. LUZVIMINDA D. PUNO and therefore spurious are necessary before filing the criminal complaint before the City Prosecutor of Manila.

Agent Marfil made the following recommendations:

08. IN VIEW THEREOF, it is most respectfully requested that the Supreme Court furnish the name of the Clerk from the Second Division who assisted MR. DARIO SILVESTRE to complete the chain of evidence, name of the Representative of the Supreme Court who will appear as Complainant in the criminal case to be filed by the NBI and the Certification from the appropriate Supreme Court personnel that the Decision (Photocopy attached to this Report) in G.R. No. L-75242 entitled UP vs. St. Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc. that was furnished by Subject TEODORA VILLANUEVA and other Certifications (Photocopies, attached to this Report) are spurious. Let a copy of the Agents' Progress Report be furnished Atty. LUZVIMINDA D. PUNO, of the Office of the Clerk of Court (requesting party) for the information and disposition of the Supreme Court.

On February 17, 2004, the Court required Atty. Luzviminda D. Puno, Clerk of Court, to comment on the report and recommendation of NBI Agent Marfil. In compliance therewith, Atty. Puno made the following observation in her Comment dated February 24, 2004:

Diligent effort was made by this office to find out the name of the clerk from the Second Division who assisted Mr. Dario Silvestre when Mr. Silvestre made the verification on whether or not the subject documents were fake or not. By the lapse of time, and the fact that there are numerous clients who constantly verify with said office, the clerks in the Second Division could not anymore recall who among them assisted Mr. Silvestre. Be that as it may, [absent] the affidavit of the clerk, the affidavit of Mr. Silvestre would suffice to prove that, indeed, he made the proper verification. As to who may represent the court as complainant, the undersigned recommends the COMPLAINTS AND INVESTIGATION DIVISION of the Office of the Administrative Services. With regard to the certification on whether the subject documents are authentic or spurious[,] [t]he National Bureau of Investigation thru Agent Marfil may coordinate with the office of the undersigned for the issuance thereof.

In a Resolution dated March 2, 2004, the Court resolved to approve the above recommendation to designate the Chief of Complaints and Investigation Division to represent the Court as the Complainant, and further directed the NBI to coordinate with Atty. Puno for the certifications needed in the filing of the criminal case.

In a Resolution dated September 21, 2004, the Court resolved to refer the instant administrative matter to the Office of the Chief Attorney for evaluation, report and recommendation.

In their Report dated December 8, 2004, Atty. Edna E. Diño, Deputy Clerk of Court and Chief Attorney, Atty. Wilfredo V. Lapitan, Assistant Chief Attorney, and Atty. Cenon Voltaire B. Repollo, Court Attorney III, all of the Office of the Chief Attorney, narrated the events that transpired thereafter:

- On 25 June 2004, Atty. Edwin B. Andrada of the Office of Administrative Services of this Court, submitted a Report on the Alleged Fake Decision of the Supreme Court to Atty. Wendel V. Custodio, Chief of the Anti-Graft Division of the NBI, purportedly in compliance with the Resolution of 2 March 2004 directing the Chief of the Complaints and Investigation Division of this Court “to represent it as Complainant in the filing of appropriate criminal cases” against individuals who “made use of faked decisions to the Supreme Court to advance their interests.” He said:

Sometime in April 2004, pursuant to the aforesaid Resolution of the Supreme Court, Atty. Rachel Marfil-Angeles met with the undersigned to confer and discuss the necessary documents to be secured from the Office of the Clerk of Court En Banc for the preparation of the necessary complaint to be filed before the Office of the City Prosecutor. In this meeting, Atty. Marfil-Angeles and the undersigned agreed that the latter secure: (1) a certification from the Office of the Clerk of Court En Banc that the decision (used by the forgers) was never issued by the Court; and (2) the identity of the Supreme Court employee who assisted in the verification and to whom the xerox copy of the alleged fake decision of the Supreme Court was handed by Mr. Dario G. Silvestre, Senior Manager, Credit Department of the Development Bank of the Philippines. She, likewise, requested the undersigned to prepare a complaint to be filed with the NBI in accordance to his task as directed under the said resolution of the Court.

As agreed, the undersigned went to the OCC En Banc. However, he was informed by Atty. Basilia Ringol, Court Attorney V thereat that their office does not issue negative certifications. It only certifies as to the fact that a certain decision or process was issued. She elucidated that the mere fact that the Court has doubts as to its authenticity, and by necessary implication, the Court certifies that it did not render the said decision.

Anent the identity of the employee of the Court who assisted the verification and to whom a xerox copy of the faked decision was handed by Mr. Dario G. Silvestre, Atty. Ringol stated that it is hard to identify the same because it was not even clear from the records to what particular office the said employee is assigned.

Furthermore, the employees in the OCC En Banc deals (sic) with cases, judicial and administrative, by the hundreds that one cannot possibly remember the nature or title of a particular case.

As regards the complaint which the undersigned was requested to draft, Atty. Marfil-Angeles considered it no longer necessary considering that the requirements, i.e., the certification from the Office of the Clerk of Court, and more especially the identity of the Supreme Court employee adverted to above, that would serve as links for the successful prosecution of the case, were not obtained.

- Through First Indorsement dated 29 July 2004, Gen. Reynaldo G. Wycoco, NBI Director and Department of Justice Undersecretary, forwarded to Assistant Clerk of Court Ma. Luisa D. Villarama for her “information and whatever action she may deem proper to take under the premises,” a copy of the NBI’s Evaluation Comment and the Agent’s Report.

- The NBI Comment dated 29 July 2004, written in a Disposition Form by Janette O. Herras-Baggas, Chief, SLPS, and approved by Roberto S. de Alban, Chief of the LED, narrates the facts that led to Silvestre’s verification in this Court of the documents presented to him by Teodora Villanueva, adding as follows:

Sometime in April 2004, Agent-on-case approached ATTY. EDWIN B. ANDRADA, Court Attorney IV, Complaints and Investigation Division, Supreme Court, to confer and discuss with him the documents necessary in filing the corresponding complaint. In that meeting, it was agreed that ATTY. ANDRADA will secure (1) a certification from the Office of the Clerk of Court En Banc, Supreme Court, showing that the questioned Resolution was never issued by the Court; and (2) the identity of the Supreme Court employee who assisted DARIO G. SILVESTRE in verifying the authenticity of the questioned Resolution and to whom the photocopy of the fake Resolution was handed by the latter. However, ATTY. ANDRADA was informed by ATTY. BASILISA RINGOL, Court Attorney V, Office of the Clerk of Court En Banc, Supreme Court, that their office [do] not issue negative certifications. With respect to the Supreme Court employee who assisted in the verification and to whom the photocopy of the fake decision was handed by DARIO G. SILVESTRE, ATTY. RINGOL stated that it was difficult to identify the said employee because it was not clear from the records to what particular office the employee was assigned, and the Office of the Clerk of Court En Banc dealt with cases, judicial and administrative, by the hundreds so that one could not possibly remember the nature or title of a particular case.

Other documents submitted by TEODORA N. VILLANUEVA to DARIO G. SILVESTRE was a Board Resolution No. 02-009 and the Secretary’s Certificate of SAINT MARY CRUSADE TO ALLEVIATE POVERTY OF BRETHREN FOUNDATION, INC. signed by FELICISIMO C. ARELLANO and JAIME B. BORJAL Corporate Secretary and President & Chairman of the Board, respectively. When these documents were presented by DARIO G. SILVESTRE for verification with the office of the Securities and Exchange Commission they were found to be authentic.

Moreover, probe conducted showed no evidence showing Subjects FELICISIMO ARELLANO, JAIME BORJAL and TEODORA VILLANUEVA, Officers of St. Mary Crusade to Alleviate Poverty of the Brethren Foundation, Inc., as the persons who made the falsification or would benefit from the decision. Furthermore, although it was Subject TEODORA VILLANUEVA who presented the questioned Resolution at the Development Bank of the Philippines, there was no indication from said bank of their intention to file the corresponding complaint against Subject TEODORA VILLANUEVA since damage was prevented by the timely verification made by DARIO SILVESTRE.

COMMENT/RECOMMENDATION:

Based on the above, Agent-on-case recommended that this case be temporarily closed. We agree. Therefore, it is respectfully recommended that the records of this case be filed with our IRD; and that the Office of the Requesting Party be informed accordingly.

- Agents Marfil, Ma. Leticia R. Mamalateo and Dennis S. Siyhian prepared the Agents' Report dated 29 June 2004 referred to by Ms. Herras-Baggas. Its pertinent portions state:

AGENTS' COMMENTS

07. The chain of evidence was not established. There was no identity of the court personnel who made the verification of the alleged spurious court decision and who would identify the DBP Manager who presented the court decision for verification.

08. There was neither damage to the court or to the Development Bank of the Philippines.

09. There is no court record to show that the questioned photocopies of court decision and certifications were verified in June 2002 by the court personnel.

08. Subjects FELICISIMO ARELLANO, TEODORA VILLANUEVA and JAIME BORJAL of St. Mary Crusade to alleviate poverty of Brethren Foundation, Inc. were sent NBI subpoena but did not appear before this Command on February 17, 2003. [NBI ANNEX NOS. 06, 07, 08]

AGENTS' RECOMMENDATION

09. There is no completed chain of evidence to link Subjects FELICISIMO ARELLANO, TEODORA VILLANUEVA and JAIME BORJAL, Key Officers of St. Mary Crusade to alleviate poverty of the Brethren Foundation, Inc. as the persons who made the falsification or would benefit from the decision. Although it was Subject TEODORA VILLANUEVA who presented the questioned decision at the DBP, there is no indication from DBP to file any complaint against Subject TEODORA VILLANUEVA since damage was prevented by the timely verification made by DBP Manager SILVESTRE. [NBI ANNEX NO. 09]

10. Attached to this report is the result of record check with our Identification and Records Division in the name of Subjects FELICISIMO ARELLANO, TEODORA VILLANUEVA and JAIME BORJAL [NBI ANNEX NOS. 10, 11 & 12]

11. The absence of the statement of the court personnel who made the verification requested by DBP Manager DARIO SILVESTRE in effect broke the chain of evidence to prosecute TEODORA VILLANUEVA for Falsification of public documents under Article 172 in relation to Article 171 of the Revised Penal Code.

12. After receipt of NBI subpoena duces tecum, the Records Officer at the Supreme Court did furnish this Command any record that the questioned document was verified in June 2002. [NBI ANNEX NO. 13]

13. IN VIEW THEREOF, it is respectfully recommended that this case be temporarily closed and that the Supreme Court en banc Secretariat be furnished a copy of the Agents' report and all its annexes for their information and disposition.

- Among the annexes submitted to the Court by the NBI are photocopies of its indexes showing that "Teodora Villanueva" of Taban, Libmanan, Camarines Sur, has been charged with: (a) violation of BP 22 under Criminal Case No. 44267 of the Metropolitan Trial Court in Pasig City on 13 August 1999; (b) slight physical injuries under Criminal Case No. 2799 of the Municipal Court of Naujan, Oriental Mindoro on 17 December 1975; (c) violation of Art. 319 of the Revised Penal Code (removal, sale or pledge of mortgaged property) under I.S. No. 77-2020 of the Office of the City Fiscal, Malolos, Bulacan, on 2 March 1978; (d) less serious physical injuries under Crim. Case No. 751 of the Municipal Court of Candaba, Pampanga, on 4 October 1966 but case was dismissed on 18 May 1970; and (e) swindling/estafa under I.S. No. 81-173 before the "City Prosecutors, Bicol Region, Camarines Sur, Naga City." The NBI also has records of charges against three persons with the name "Jaime Borjal": (a) one from Luklukan Sur, J. Panganiban, Camarines Norte was charged with acts of

lasciviousness on 16 April 1974; (b) Jaime Borjal y Añonuevo was charged for vagrancy before the Pasay City Court on 14 April 1971; and (c) Jaime Borjal y Gurango of Panal, Tabaco, Albay, was charged with damage to property thru reckless imprudence in Daraga, Albay, on 26 November 1990. One Felicísimo Arellano @ Felicing of So. Camperat, Brgy. Bungalunan, Basay, Negros Oriental, was charged with estafa under Criminal Case No. M-26(87) before the 2nd MCTC of Bindoy, Negros Oriental, and the case was forwarded to the RTC of Negros Oriental at Dumaguete City on 29 November 1991.

- One of the annexes was a subpoena duces tecum issued by Atty. Jose Justo S. Yap, Chief of the Anti-Graft Division of the NBI, and served upon the Clerk of Court on 5 February 2004, requiring her to appear before said office on 13 February 2004 to submit “official certification that the Supreme Court did not issue Decision in G.R. #75242 (AM No. 02-823-0).” The record does not show whether this subpoena was complied with. Notably, Dario G. Silvestre was also served a subpoena on 28 October 2002 for him to appear before the same Anti-Graft Division on 5 November 2002 and to give his statement and submit the court order requiring UP v. St. Mary Crusade to Alleviate Poverty “G.R. # L-75242.”

The Office of the Chief Attorney made the following observations and evaluation:

Observations on alleged spurious documents

The Resolution of 24 September 2004 states that Silvestre furnished the Court with a copy of the Decision in G.R. No. L-75242 entitled “University of the Philippines, et al. v. St. Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc.” allegedly promulgated by the Second Division on 19 May 2000. However, aside from that decision, Silvestre subsequently submitted, in compliance with the Resolution of 24 September 2002, his sworn statement dated 25 November 2004, with photocopies of other documents including a Resolution allegedly promulgated by the Second Division on 2 March 2000 in General Registration Office Record No. LRC Case No. Q-90-021 entitled “Saint Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc., Applicant.”

The photocopies of the “Decision” and the “Resolution” show, on their respective faces, that both are, indeed, simulated and falsified.

The “Resolution” allegedly issued on 2 March 2000 by the Second Division has the docket number of a land registration case before the Regional Trial Court. The title of the case is also fashioned after that of a trial court issuance in a land registration case. The Members of the Second Division are listed continuously or in such a way that each name is not written on a line by itself as in the form observed in authentic signed extended Resolutions. The Chief Justice is the Chairman of the Second Division, which is contrary to the practice that he chairs the First Division. Aside from the Chief Justice, seven (7) other Justices are in the list; a Division in this Court has only five (5) Members. In 2000, there was no Justice by the name of “Gonzales-Reyes”; Justice Gonzaga-Reyes used to be a Member of the Court. No initials or signature of the Clerk of Court or the Assistant Clerk of Court is affixed after the date of promulgation. “H. G. Davide, Jr. C.J.” Is not the usual way of indicating the name of the ponente; it should have been “Davide, Jr., C.J.,” with a colon.

The subject of the “Resolution” is not proper for an extended and signed resolution; it may be disposed in a minute resolution. The first sentence of the Resolution speaks of a “petition for review and reconsideration” which would mean that both the petition for review and the motion for reconsideration were considered in one resolution, a procedure which is irregular and not sanctioned by the Rules of Court. The second sentence which starts with “Careful evaluation . . .” is a general statement that should have explained the reason for the denial of the petition/motion for reconsideration. The dispositive portion of the Resolution starting with “Wherefore ...” should state that the petition or motion is denied. The directive that the Clerk of Court should furnish “all the parties” to the case is a surplusage, as it is the ministerial duty of the Clerk of Court to furnish all parties to a case with copies of all issuances relative thereto. The other directive stating that the “offices

concerned” should be furnished by the Clerk of Court with copies of the resolution should ordinarily specify the offices that should be given a copy thereof. The term “SO ORDERED” at the end of the dispositive portion is missing in the same way that the words “WE CONCUR” before the signatures of the concurring Justices are missing.

That the Decision in G.R. No. L-75242 is a sham is also apparent on its face. The “L” in the docket number, which means “liberation,” has been deleted from docket numbers after the number of cases filed with the Supreme Court reached 50,000. The petitioners are “University of the Philippines, et al.” meaning there are parties other than U.P. but the word “Petitioner” written under it is still in the singular form and with no comma after “Petitioner.” The word “versus” is not written after “Petitioner” and before the name of the opposing party under which is written the word “Applicant.” The latter word should have been “Respondent.” As in the questioned Resolution, the names of eight (8) Members of the Second Division are not properly written in that the names are written continuously and not one name for one line. The same erroneous name of “Gonzales-Reyes” is in the list. The other indicia of falsification manifest in the “Resolution” and repeated in the “Decision” are the omission of the initials or signature of the Clerk of Court or the Assistant Clerk of Court after the date of promulgation, the inclusion of the first and middle initials in the name of the ponente with no colon after “CJ,” the fact that the Chief Justice does not preside over the Second Division, the missing command “SO ORDERED,” and the missing phrase “WE CONCUR” before the signatures of the concurring Justices.

The first sentence of the “Decision” betrays the lack of legal knowledge of whoever wrote it. It states: “This is a petition filed by the University of the Philippines for the review and reconsideration of a resolution promulgated by this division on March 2, 2000 affirming the decision of the Regional Trial Court of Quezon City, Branch 86, in favor of the applicant in LRC Case No. Q-90-021.” The Court simply does not review its own Resolution in a petition for review. Moreover, the alleged “Decision” was promulgated later than the “Resolution.” A decision is promulgated first before a resolution resolving the motion for reconsideration of the same decision is issued and promulgated. Another telling sign of simulation is the use of the term “lack of merits” with respect to the “petitions for review and reconsideration.” The dispositive portion simply directs that copies of the “Decision” be “forwarded to the Register of Deeds of Rizal Province, the Register of Deeds of Quezon City, and the Director of Lands for their information and guidance.”

Thus, even without verifying from this Court, to a practitioner of law before this Court, the alleged “Resolution” and “Decision” would be considered offhand as spurious.

With respect to the communication of the Clerk of Court dated 2 March 2000 to the publisher of the SCRA, no such communication is ever sent. Following the standing agreement between the Supreme Court and Central Book Supply, Inc., the messenger of the latter simply picks up the decisions promulgated for the month for publication in the SCRA, based on a list of cases which a clerk in the Office of the Clerk of Court prepares (Per Atty. Felipa B. Anama of the Office of the Clerk of Court). The subject of the communication is stated, thus: “Re: Saint Mary Crusade to Alleviate Poverty of Brethren Foundation vs. UP, 144 SCRA 763 (1999).” Volume 144 of the SCRA publishes decisions of the Court from September to October 10, 1986 and it has only 719 pages. It appears that the alleged communication was needed to project the idea that the “Resolution en banc,” not the Second Division, was to be published in the SCRA.

The Notice of Resolution that the Clerk of Court allegedly signed on 3 March 2000 notifies, allegedly by registered mail, Jaranilla Vicente & Associates at P.O. Box 3710, the Office of the President of the University of the Philippines, the Land Registration Authority, the Department of Justice, the Register of Deeds of Quezon City, and the Land Management Bureau in Ermita, Manila, that the Second Division had rendered the alleged Resolution of 2 March 2000 and that the original thereof was “on file” with the Office of the Clerk of Court. Again, no such form of notice is sent to parties. Resolutions issued by Divisions are sent to parties by the Division Clerks of Court, not by the Clerk of Court en banc.

The Certification allegedly executed by the Clerk of Court on 14 August 2003 stating that she had examined the decision in G.R. No. L-75242 entitled “University of the Philippines, et al. vs. Saint Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc.” appears to the uninitiated as a true reproduction of the one usually issued by Office of the Reporter, not by the Clerk of Court. However, these details are lacking: (1) a statement after the number of pages of the decision that the xerox copy is “duly sealed and signed on the left margin of each and every page thereof”; (2) the embossed seal of the Court with the initials of the personnel who compared the original with the xerox copy at the lower left hand corner of the certification; (3) the Deputy Clerk of Court and Reporter, as the custodian of the originals of all decisions, signs for the Clerk of Court; and (4) the name of the requesting party, the official receipt number and the date of issuance at the bottom of the Certification.

Evaluation

From the documents at hand, it appears that on 23 August 2001, Salvador L. Oriel, Office Administrator and Chief of the Docket Division of the Land Registration Authority (LRA), issued a Memorandum requesting the Saint Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc. to deposit within five (5) days from notice the amount of P360,000.00 “to cover the cost and other related expenses” for the relocation survey of the property covered by L.R.C. Case No. 0-90-021. The Memorandum was allegedly triggered by a “reminder” of the Administrator regarding the survey.

On 22 December 1998, the National Land Titles and Deeds Registration Administration issued Original Certificate of Title No. 12390 in the name of Saint Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc. for a tract of land measuring 4,304,623 square meters in Quezon City pursuant to the Order dated 6 October 1998 of the Regional Trial Court of Quezon City, Branch 86, under Land Registration Case No. Q-Orig. 98-021. The title was signed by LRA Administrator Alfredo R. Enriquez.

The sketch/special plan dated 20 April 1999 that was prepared for the Foundation shows that the property, located in the barangays of Bago Bantay and Cruz na Ligas in Quezon City, has an area of 4,304,523 square meters.

In an Order dated 28 December 1999 in L.R.C. Case No. Q-90-021 mentioning that the LRA registered the property in the name of the Foundation by virtue of the Order dated 5 October 1998 referring the case to the LRA “for resolution and proper disposition,” the RTC presided by Judge Bay allegedly found the claims of the Foundation to be “meritorious and deserving of the full protection of the law,” and, hence, the order should be “disseminated to all parties, authorities and offices concerned for their information and guidance.”

By the other purported documents, the authors of the scheme to get financing from the DBP for an alleged housing project made it appear that the LRA, notwithstanding its having issued OCT No. 12390, filed a petition for review and reconsideration with this Court. On 2 March 2000, the Second Division of this Court allegedly issued the “Resolution,” under docket LRC No. Q-90-021, denying the “petition for review and reconsideration” filed by the LRA and approving the “decision” of the RTC, Branch 86. In the “Decision,” now entitled “University of the Philippines, et al. v. Saint Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc.” under G.R. No. L-75242, the Second Division of this Court, allegedly acting on “a petition filed by the University of the Philippines for the review and reconsideration of a resolution” it had promulgated on 2 March 2000, affirmed the decision of RTC, Branch 86, in favor of the Foundation.

Villanueva, armed with the title and the other documents submitted to the Court by Silvestre, including the subject “Decision” and “Resolution” of this Court, attempted to get funds from the DBP for the housing project of the Foundation. The scheme was to offer an overload of documentary support for the application for funding. Unfortunately for Villanueva and the Foundation, Silvestre doubted the authenticity of the documents and submitted these to this Court for verification.

As observed earlier, the alleged “Decision” and “Resolution” are so blatantly falsified on their faces that only

parties who desperately want financial gains by passing these off as genuine could have committed the forgeries, even to the extent of brazenly attempting to delude the DBP about the authenticity of the papers. The possible authors may either be persons behind the Foundation, which Silvestre has found to have been actually registered with the SEC, and/or “insiders” or Court personnel in cahoots with persons behind the Foundation.

In exploring the graft and corruption angle of the matter, the NBI appears to have zeroed in on Court personnel considering its discontinuance of the investigation upon the failure of the Clerk of Court to issue the required certification and the failure of Atty. Andrada of the Complaints and Investigation Division (CID) of the Office of Administrative Services and the Clerk of Court to identify the clerk who assisted Silvestre in verifying the authenticity of the decision.

The matter of identifying the clerk who assisted Silvestre would hardly lead to the author of the forgeries; neither is it an indispensable link in the “chain of evidence.” The clerk may not be faulted for assisting Silvestre in the verification of the authenticity of the questioned Decision and Resolution. If the identity of the clerk is needed so that he or she could attest to the fact that the photocopied documents attached to the rollo and constituting its first seven (7) pages, were the ones presented by Silvestre, the importance of such identity has been overshadowed by the subsequent submission of Silvestre, in compliance with the Resolution of 24 September 2002, of his sworn statement and more photocopied documents handed to him by Villanueva.

With all due respect, merely asking personnel of the Office of the Second Division who among them could remember assisting Silvestre would not attain the desired result. Considering the length of time that had elapsed since the assistance was extended and, unfortunately, the lack of a logbook in the Office of the Second Division wherein the names of persons requesting assistance are recorded, the memory of personnel in the Second Division Office could hardly be trusted.

Assuming that the identity of the assisting clerk is necessary as a link in the “chain of evidence,” positive result could have been obtained in a proper investigation, with Silvestre being asked to personally identify the clerk among those presently employed in the office(s) where he sought verification, unless the personnel involved have retired, transferred, resigned or left the office. Identification would also be facilitated by focusing on personnel who were employed at the offices where Silvestre went on the date he sought assistance in verification. The list of such personnel could be ferreted from the Office of the Administrative Services.

With all due respect, the certification required by the NBI from the proper court official is of pivotal importance in the investigation. However, the issuance of the certification appears to have been stonewalled by a misunderstood advice. That Atty. Andrada literally relied on the information furnished by Atty. Ringol of the Office of the Clerk of Court that her office does not issue “negative certifications” is unfortunate. He could have pursued the admission of Atty. Ringol that her office could issue a certification that a decision or resolution was issued by the Court. The certification need not state solely a negative fact or that “there is no record of a decision in G.R. No. L-75242 entitled ‘University of the Philippines, et al. v. Saint Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc.’”

Using the G.R. No. as the guide, the proper official may issue a certification on the true title of the case bearing G.R. No. 75242, i.e., “Manila Resource Development Corporation v. National Labor Relations Commission and Ruben Manahan,” its date of promulgation, and its ponente, i.e., Justice Nocon, aside from certifying that no case in the Court is docketed as G.R. No. L-75242, with the purported case title. From this certification, the NBI may deduce that the decision submitted to the DBP is falsified. As it is, the NBI stopped its investigation apparently because the non-issuance of the certification it required from the Clerk of Court manifested disinterest in the matter, thereby effectively whitewashing what it wanted to find out. Necessarily, the misperceived uncooperativeness of Court officials stunted the NBI investigation.

In this regard, Atty. Andrada appears to have been instrumental in the termination of the investigation by the NBI. He submitted a report to Atty. Wendel Custodio of the NBI showing in details the difficulty he encountered in securing the NBI-required certification from the Clerk of Court. Unwittingly, he telegraphed

the wrong message of lack of cooperation on the part of court officials. Atty. Andrada should have reported first to the Clerk of Court the information Atty. Ringol provided him so that corrective measures could be made. Considering that the certification was important in the filing of the criminal case and it could not be secured, the NBI naturally closed the case.

Diligent cooperation with the NBI could have prevented the premature termination of the case, albeit it is termed “temporary.” Atty. Andrada should have resorted to the proper Court officials who should issue the certification and provide information on whether the subject “Decision” or “Resolution” was, indeed, issued. These officials are:

(1) Clerk of Court of the Second Division. She may certify from office records, including indexes for each case, that a decision was issued in any particular case, and she has access, upon request, to the rollos of cases assigned to her Division where verification could be made;

(2) Chief of the Judicial Records Office. She has custody of the docket books which is the source of data encoded in the Case Administration System (CAS); and

(3) Chief Reporter. The Office of the Reporter has custody of the originals of all decisions promulgated by the Court. To show that a certification from that Office is easily obtainable, this Office secured a certification from the Chief Reporter regarding G.R. No. L-75242. Attached hereto are photocopies of the reply of the Chief Reporter to our query as Annex A, with respect to the alleged “Decision” in G.R. No. L-75242, as well as its attachments.

The Clerk of Court of the Second Division may issue the Certification by herself. The Chiefs of the Judicial Records Office and the Office of the Reporter usually sign certifications for and in behalf of the Clerk of Court en banc as Deputy Clerks of Court.

This Office also made an initial inquiry on whether there is record in the Judicial Records Office (JRO) of a case entitled “University of the Philippines, et al. v. Saint Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc.” The JRO informed this Office that there was none. Since the JRO has an index of cases elevated to this Court for review, this Office inquired if General Land Registration Office Record No. L.R.C. No. Q-90-021 entitled “Saint Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc.” The JRO informed this Office that there was none. Since the JRO has an index of cases elevated to this Court for review, this Office inquired if General Land Registration Office Record No. L.R.C. No. Q-90-021 entitled “Saint Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc. Applicant” was ever elevated to this Court; the JRO informed it that no such case was appealed to this Court.

Pursuing that aspect of this matter, this Office inquired from the Regional Trial Court of Quezon City, through Atty. Thelma C. Bahia, OIC of the Court Management Office of the Office of the Court Administrator, if Hon. Teodoro A. Bay, presiding Judge of the Regional Trial Court of Quezon city, Branch 86, issued the Order dated 28 December 1999 in L.R.C. Case No. Q-90-021. The clerk of court of that court informed this Office, through Atty. Bahia, that said Order is falsified because the petition was dismissed. This Office received today a copy of the Order of 3 September 1998 issued by Judge Bay dismissing the petition on the ground that the land sought to be registered by the applicant Foundation is already covered by the Torrens System of Registration (Annex B). The same Order required the applicant Foundation and its counsel to show cause “why no action shall be taken against them for re-filing a case which has been previously dismissed by this Court without informing the Court of such previous case in violation of the Anti-Forum shopping rule and other pertinent laws or rules).”

The issue in this administrative matter is no less than the “integrity of the Court and its processes.” This, the Court has expressly recognized in the Resolution of 24 September 2002. As such, despite the fact that Villanueva was not able to get financial benefit from the DBP through the bogus documents she presented, the damage that

has been wrought upon the integrity of the Court and its processes is incalculable. It is erroneous for the NBI to conclude that “no damage” has been done to the Court. Should the matter be left hanging and unresolved, there is no stopping other unscrupulous persons from passing off falsified decisions and resolutions of this Court as genuine for personal and financial gratification.

However, the NBI could resume its investigation only if Court officials extend full cooperation. The Clerk of Court of the Second Division, the Chief of the JRO, and the Reporter should each issue a Certification on the case docketed as G.R. No. L-75242. they may state therein its true title, the date of promulgation of the Decision, and the ponente, as well as whether a motion for its reconsideration was filed and if one was filed, when the Court resolved the motion. To satisfy the NBI requirement, they may be asked to state, after stating those positive data, that there is no such case as G.R. No. 75242, entitled “University of the Philippines, et al. v. St. Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc.,” if, indeed, no such case is on record in this Court. Contrary to the claim of Atty. Ringol, the NBI may not be expected to rely on a certification “by implication” arising from the fact that the Court doubts the authenticity of the “Decision” and “Resolution,” Documentary evidence issued by this Court is needed for the progress of any criminal case that may be filed against those who falsified or simulated the Decision and Resolution and used these.

For the same purpose, with all due respect, the Clerk of Court en banc should make a statement on the authenticity of the certifications and communications attributed to her. If, indeed, she did not issue the same, then a disclaimer should be made in a sworn statement or affidavit. Along with the certifications that other Court officials shall issue, her affidavit will go a long way in the prosecution of any criminal case arising from the falsification of the Decision and Resolution. The Resolution of 2 March 2004 underscores the importance of such certification, and her affidavit, when the Court directed her to coordinate with the NBI “for the certifications needed in the filing of the criminal case.”

Notably, the Resolution of 2 March 2004 “approves the recommendation of the Clerk of Court ... that the Chief of the Complaints and Investigation Division of this court shall represent the Court as the Complainant.”

With all due respect, the Clerk of Court en banc should be named the complainant in filing the criminal case or cases against the suspected authors of the falsification. As the case involves no less than the integrity of the Court and its processes, the Court itself is the offended party. Inasmuch as the Court itself cannot be on record as the complainant to avoid the absurd situation whereby the Supreme Court would be a complainant to avoid the absurd situation whereby the Supreme Court would be a complainant in a criminal case filed with the Regional Trial Court, the Court should be represented as complainant by no less than its highest official, the Clerk of Court en banc who, after all, is responsible for the management of the adjudication function of the Court (as opposed to administrative supervision of courts performed by the Court Administrator), including the protection of the integrity of its Decisions and Resolutions.

Although the “Decision” was allegedly promulgated by the Second Division, the Clerk of Court of that Division should not be named the complainant in representation of the Court. Firstly, the Court itself explicitly expressed in the Resolution of 24 September 2002 that the integrity of the “Court,” without qualifying whether it is the Court en banc or the Second Division, is involved. Secondly, it is settled that the decision of a Division is a decision of the Court itself. Thirdly, from the list of Members of the Court in the falsified decision, eight (8) Justices have been named, which is more than the five members of the Second Division. All these point to the need to name the Clerk of Court en banc as complainant, in representation of the Court, in whatever criminal case may be filed.

As the complainant, the Clerk of Court need not personally attend the investigation to be conducted by the NBI.

Considering her workload, the Clerk of Court may delegate the task of personally appearing thereat to the Chief of the Complaints and Investigation Division (CID) [Atty. Edwin Andrada, Attorney IV, is the chief of the CID of the Office of Administrative Services under its plantilla. Per the Annual Report of 2003, the CID “handles administrative and disciplinary cases against Supreme Court personnel” (p. 248)] with the approval of the Court. Considering that in her Memorandum to the Chief Justice dated 24 February 2004, the Clerk of Court has expressed preference for that official, the same official should be authorized as the representative of the complainant Clerk of Court during the investigation, with reportorial responsibility to her. Once the case is filed in court and it will have to be handled by the proper prosecutor, the services of the Chief of the CID-OAS shall effectively be terminated. Of course, the Clerk of Court may be required to testify during the trial but it is an imperative official function that, unavoidably, must be performed.

The Court must authorize the Clerk of Court to request the NBI to reopen the investigation, with discretion as to the proper offense or offenses to be charged before the Office of the Prosecutor. The NBI may pursue the graft angle if, after investigation, it deems it covered by Rep. Act No. 3019. In whatever course of action the NBI would take, the Court, through its officials, should cooperate completely. The assistance of Silvestre may also have to be solicited. After all, it was he who opened the door to the investigation.

Notably, in closing the case temporarily, the NBI unfortunately manifested its shallow treatment of the case. For one, the reason for temporary closure of the case is actually for its total closure, i.e., “no evidence showing Subjects Felicisimo Arellano, Jaime Borjal and Teodora Villanueva, officers of St. Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc., as the persons who made the falsification or would benefit from the decision.” However, sufficient evidence is available to warrant a prima facie finding of the culpability of those persons for the crime of falsification of public documents under Articles 171 and 172 of the Revised Penal Code. The sworn statement of Silvestre directly and undoubtedly links Villanueva to the falsified documents, which she claimed to be authentic. She may be held liable for using false certificates under Article 175 of the Revised Penal Code. Documents mentioning Borjal and Arellano are sufficient “leads” in the investigation to pin down persons actually responsible for the simulated and falsified documents.

Secondly, the NBI appears to be of the idea that only when the user of the falsified document benefits therefrom may a case for falsification of public document be pursued. Falsification of a public document is consummated the moment the false document is executed. It is immaterial that the falsifier did not achieve his objectives, for which reason, generally, falsification has no attempted or frustrated stage. The simulation of a public or official document, done in a manner as to easily lead to error as to its authenticity, constitutes the crime of falsification. In the falsification of public or official document, whether by public officials or by private persons, it is unnecessary that there be present the idea of gain or the intent to injure a third person, for the reason that, in contradistinction to private documents, the principal thing punished is the violation of the public faith and the destruction of the truth as therein solemnly proclaimed. Since the Court has evidence that the documents are falsified, locating Villanueva, Borjal and Arellano, who can shed light on the author of the falsification, should be the NBI’s first concern. It should be borne in mind that no less than a Decision and a Resolution of this Court has been simulated. For that reason alone, damage has been done to the integrity of the Court and its processes, as there would necessarily result violation of the public faith thereon.[8]

Thirdly, that the DBP did not manifest its intention to file a case against Teodora Villanueva is no valid reason to close the case. To reiterate, damage has been done to the Court and its intention to pursue the case is manifest in the Resolution of 2 March 2004 directing the Clerk of Court to coordinate with the NBI with respect to the issuance of necessary certifications. Indeed, not only the Court, but the State itself has been aggrieved by the criminal act of simulating the Decision and Resolution of this Court.

Considering that there are indications that the Order dated 28 December 1999 of Judge Bay is, likewise, falsified, the possibility that OCT No. 12390 is, likewise, simulated is not remote. Should the NBI pursue this angle, chances are, it would discover underground operatives that subvert public faith in public documents. There are simply several aspects to the matter at hand that the NBI appears to have glossed over.

In the meantime, to reinforce its manifest intent to protect its integrity, the Court must require full cooperation from its officials and employees.

Certifications stating that no decision and resolution were issued in G.R. No. L-75242 entitled “University of the Philippines, et al. v. St. Mary’s Crusade to Alleviate Poverty of Brethren Foundation, Inc.,” as there was no case by that docket number and title has been filed before the Court and that the RTC of Quezon City, Branch 86, did not issue the Order of 28 December 1999 and, hence, there could be no appeal from its order, as well as an affidavit disclaiming authorship of certifications attributed to the Clerk of Court, to be issued by the proper officials may be the bases for a charge against Villanueva, Borjal and Arellano for falsification of public documents under Article 171 in relation to Article 172 of the Revised Penal Code, as well as under Article 175 for the use of fictitious certificates. Or, the NBI may prosecute them and others under the Anti-Graft and Corrupt Practices Act (Republic Act No. 3109) should the investigation result in a finding that the same private persons induced or caused any official of the Court to commit any of the offenses defined by the same law.

The use of falsified documents for the purpose of obtaining financing from a bank is just one of several acts perpetrated by unscrupulous persons who use fake titles to property belonging to the University of the Philippines. Unfortunately for them, the title of the University of the Philippines over the vast tract of land in Diliman, Quezon City, has been settled in a number of cases, the last of which is G.R. No. 156380, Cañero v. University of the Philippines, promulgated on 8 September 2004. In that case, the Court “strongly admonished courts and unscrupulous lawyers to stop entertaining spurious cases seeking further to assail” the title of the University of the Philippines.

The admonition may also be addressed to private persons who falsify documents in a vain attempt to grab a piece of the U.P. property or use simulated title to it for financial gain. But if the Court, notwithstanding that it has been victimized by persons who falsified a Decision and a Resolution regarding the same property and used it in an attempt to obtain financial benefits, remains indifferent to incursions that undermine its integrity, then the Court may as well disown its admonition in Cañero.

In fine, the Office of the Chief Attorney (OCAT) recommended that the investigation of the instant administrative matter be re-opened and that the persons responsible for the patently spurious decision be prosecuted therefor.

The findings and recommendations of the OCAT are well taken. It is wont to reiterate that what is involved in the present case is no less than the integrity of the Court and its processes. Moreover, any attempt to undermine the Judiciary by subverting the administration of justice, and, as in this case, to make a mockery of Court decisions and Philippine jurisprudence itself, must not go unnoticed. Indeed, times without number, the Court has declared that it will never countenance any act which would diminish or tend to diminish the faith of the people in the Judiciary. The present case is no exception.

CONSIDERING THE FOREGOING, the Court thus resolves to ADOPT the recommendation of the Office of the Chief Attorney, and hereby DIRECTS:

(1) The Administrator of the National Land Titles and Deeds Registration Administration to ISSUE a certification on the authenticity or falsity of OCT No. 12390 in the name of Saint Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc. for a tract of land in Quezon City with an area of 4,304,623 square meters, pursuant to

the Order dated October 6, 1998 of the Regional Trial Court of Quezon City, Branch 86, within five (5) days from notice;

(2) The Clerk of Court of the Second Division and the Chief of the Judicial Records Office to individually ISSUE certifications on (a) whether or not there is a case before this Court entitled “University of the Philippines, et al. v. St. Mary’s Crusade to Alleviate Poverty of Brethren Foundation, Inc.” with G.R. No. L-75242 and its status, and (b) if there is another case bearing the same G.R. No. and its status, within five (5) days from notice;

(3) The Chief Reporter to ISSUE a certification on whether she has in her custody the original copy of the Decision in G.R. No. L-75242 entitled “University of the Philippines, et al. v. St. Mary’s Crusade to Alleviate Poverty of Brethren Foundation, Inc.,” likewise, within five (5) days from notice;

(4) Hon. Teodoro A. Bay of the Regional Trial Court of Quezon City, Branch 86, to ISSUE a certification as to the authenticity of the Order dated October 28, 1999 in L.R.C. No. Q-90-021 entitled “Saint Mary Crusade to Alleviate Poverty of Brethren Foundation, Inc., Applicant” and the status of a case of the same title, if one has been filed before his court, within five (5) days from notice;

(5) the Clerk of Court en banc to: (a) EXECUTE an affidavit on whether she issued the Letter dated March 2, 2000 addressed to the publisher of the Supreme Court Records Annotated, the Notice of Resolution dated March 3, 2000 and the Certification dated August 14, 2000, within five (5) days from notice; (b) REQUEST, as soon as the Clerk of Court shall have executed the affidavit and have in her possession the certifications required above, the Director of the NBI to reopen and resume the investigation relative to the falsified Decision and Resolution of the Supreme Court as well as the Order of the Regional Trial Court of Quezon City, Branch 86, and to report to the Court the result of its investigation, within the non-extendible period of sixty (60) days from receipt of such request; and (c) FURNISH the NBI Director with the original copies of the certifications and affidavit required above.

The Court further resolves to AMEND the Resolution of March 2, 2004, naming the Clerk of Court en banc as the complainant against Teodora Villanueva, Jaime Borjal, Felicisimo Arellano and others in whatever criminal case the NBI may deem proper to file against them before the Office of the Prosecutor. The Chief of the Criminal Investigation Division of the Office of the Administrative Services is, likewise, AUTHORIZED to be the representative of the Clerk of Court en banc in such proceedings, having the responsibility of coordinating with the NBI and reporting regularly to the Clerk of Court the developments in the investigation.

All officials and employees of this Court are ENJOINED to cooperate in any investigation conducted by the NBI relative to the instant administrative matter.

SO ORDERED.

Davide, Jr., C.J., Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Azcuna, Tinga, Chico-Nazario and Garcia, JJ., concur.

Puno, J., no part.

[1] Annex “A.”

[2] Annex “C.”

[3] Annex “D.”

[4] Annex “E.”

[5] Annex “F.”

[6] Annex “G.”

[7] Annex “H.”

[8] Citations omitted.

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