

RE: ALLEGATION OF FALSIFICATION AGAINST PROCESS SERVERS MAXIMO D. LEGASPI AND DESIDERIO S. TESIORNA, BRANCH 43 AND OFFICE OF THE CLERK OF COURT, RESPECTIVELY, BOTH OF THE METROP...

A.M. No. 11-7-76-MeTC. July 14, 2020

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-11-7-76/>

PER CURIAM:

The Case

This administrative matter stems from an investigation conducted by Atty. Jose R. Ortiz, Jr. (Atty. Ortiz)[1] of the Office of the Clerk of Court, Metropolitan Trial Court (MeTC) of Quezon City regarding the falsification of the signature of Judge Augustus C. Diaz (Judge Diaz) on a marriage certificate, allegedly committed by Maximo D. Legaspi (Legaspi) and Desiderio S. Tesiorna (Tesiorna; collectively, respondents), Process Servers of the MeTC.

The Facts

In a letter[2] dated 06 June 2011, Atty. Ortiz sought the assistance of Executive Judge Caridad Walse-Lutero (Judge Walse-Lutero) in an investigation for falsification of official document, in particular, a marriage certificate signed by Judge Diaz of MeTC, Branch 37 which was prompted by a letter-complaint by Nathaniel Jonathan Springael (Springael).

Atty. Ortiz stated that on 02 June 2011, Judge Diaz together with his Branch Clerk of Court and Springael came to his office to inquire about a Certificate of Marriage with Registry No. 2011-05595.[3] It appears in the said certificate that a marriage was solemnized by Judge Diaz on 18 April 2011 between Springael and his partner, Willy Rose Lagulao. However, Judge Diaz explained that this was impossible, considering that he was on official leave and in the United States at that time.[4] Consequently, he disavowed his signature therein.

In his letter-complaint,[5] Springael related that in early April 2011, he went to Quezon City Hall to apply for marriage papers where he met a certain "Derio" who undertook to assist him. He explained that he would be having a wedding but since his pastor had an expired license, he needed a marriage certificate. Springael received some forms from Derio who intimated that there was no need for a personal appearance before the judge for the purpose, as a marriage certificate would nonetheless be issued. Springael went along with Derio's suggestion, considering he was an employee of the Court. He gave Derio P5,000.00 and after Holy Week, he picked up the signed marriage certificate. On 01 June 2011, Springael went to the office of Judge Diaz to personally express his appreciation and it was then that he discovered that Judge Diaz did not sign the marriage certificate.

During his investigation, Atty. Ortiz summoned Tesiorna, a Process Server from the Office of the Clerk of Court (OCC) of the MeTC, being the only employee known as "Derio" in their office. When he appeared, Springael positively identified him as the person who "processed" his marriage documents.[6]

In view of the accusation against him, Atty. Ortiz issued a Memorandum[7] to Tesiorna, directing him to explain. On 03 June 2011, Tesiorna submitted a handwritten Sinumpaang Salaysay[8] admitting that: (i) he gave Springael a blank marriage certificate and (ii) he typed the entries in the marriage certificate but stating that it was a certain

"Max", who caused the affixing of Judge Diaz's "signature" therein. Tesiorna later identified Max as Legaspi, a Process Server from Branch 43 of the MeTC.

Judge Walse-Lutero issued a Memorandum[9] dated 07 June 2011 directing Legaspi to comment on the allegations. In his Compliance[10] dated 08 June 2011, Legaspi denied any participation in the issuance of the fraudulent marriage certificate. He denied receiving papers related to the subject marriage certificate or even talking to Tesiorna concerning Springael.

Pursuant to the Resolution[11] dated 30 September 2013, the instant administrative complaint against respondents was referred to the Executive Judge of the Regional Trial Court of Quezon City for investigation.

Executive Judge Report and Recommendation

On 12 September 2016, Executive Judge Fernando T. Sagun, Jr. (Judge Sagun) issued a Resolution[12] finding Tesiorna guilty of dishonesty and falsification of official document. He determined that it was sufficient to hold Tesiorna administratively liable for these charges based on the latter's own admission in his Sinumpaang Salaysay whereby he admitted to issuing a blank marriage certificate to Springael, thus:

Ang sabi ko po susubukan ko po at bibigyan ko po sila ng Certificate of Marriage na blanko para papirmahan sa both parties, ninang at ninong, after a week binalik po sa akin ang marriage certificate na may mga pirma na at pagkakuha ko ng marriage license noong April 18, 2011 agad kung tinype sa Certificate of Marriage at ibinigay ko kay Max, at kung may alam syang gagaya sa pirma ni Judge, mahigit isang ling(g) o ibinalik sa akin na may pirma na. Hindi ko alam kung saan sya pinapirmahan.[13]

Judge Sagun concluded that more than substantial evidence was adduced, in fact, proof beyond reasonable doubt established Tesiorna's culpability.[14] As regards Legaspi, he determined that the forgery of Judge Diaz's signature could not be shifted to him considering that Springael testified that he neither met nor transacted with him. It was only Tesiorna whom he dealt with regarding his request for a marriage certificate. Thus, the following recommendations were made:

1. That Tesiorna be permanently dismissed from service as Process Server of the OCC of MeTC of Quezon City;
2. That Legaspi be acquitted/exonerated from the charge for complete lack of evidence and that the administrative complaint as to him be dismissed.

The OCA's Evaluation and Recommendation

In a Memorandum[15] dated 29 September 2017, the Office of the Court Administrator (OCA) adopted the findings of Judge Sagun and recommended that Tesiorna be found guilty of Falsification of Official Document. Accordingly, he was meted the penalty of dismissal from service with forfeiture of his retirement benefits except accrued leave credits, and perpetual disqualification from reemployment from government service. Meanwhile, the OCA determined that the administrative case against Legaspi should be dismissed for lack of substantial evidence.

The Court's Ruling

After a thorough review of the matter, the Court adopts the recommendations of Judge Sagun. Tesiorna is guilty of dishonesty and falsification of official document, while the case against Legaspi should be dismissed for lack of legal and factual basis.

To sustain a finding of administrative culpability, only substantial evidence is required, not overwhelming or preponderant, and very much less than proof beyond reasonable doubt as required in criminal cases.[16] Substantial evidence is that amount of relevant evidence which a reasonable mind might accept as adequate to

justify a conclusion.[17] In this case, the Court finds that this quantum of proof has been met.

In his defense, Tesiorna argues that no falsification of official document was committed because Springael testified that what he received from the former was an application for marriage license and not a marriage certificate; in fact, Springael did not even file a formal complaint against him. As testified by Springael, he also did not witness Tesiorna forge Judge Diaz's signature. Similarly, save for his bare allegation, there was no proof that Tesiorna received P5,000.00 as claimed.[18]

Such arguments do not serve to exculpate Tesiorna from administrative liability.

At the onset, it bears stressing that upon clarification by the court on cross-examination, Springael testified that what was given to him was a certificate of marriage and not a marriage license as earlier stated.[19] To eliminate any uncertainty, upon directive by the court, Springael was shown the documents submitted into evidence where he identified the marriage certificate as the paper given to him by Tesiorna. Furthermore, he stated in no uncertain terms that he transacted with Tesiorna.[20] More importantly, Tesiorna himself admitted[21] that he gave Springael a blank marriage certificate. The Court sustains the determination by Judge Sagun that such act in itself is sufficient to hold him administratively liable.

Dishonesty is defined as the "disposition to lie, cheat, deceive, or defraud; untrustworthiness, lack of integrity"[22] It involves intentionally making a false statement to deceive or commit a fraud.[23] Here, Tesiorna represented himself as having the capacity to secure a marriage certificate for Springael, when in truth and in fact, his duties as a process server do not even include this function. Atty. Ortiz explained that as a process server, Tesiorna was only tasked to serve notices of the OCC and other related functions, and not the processing of marriage papers which was the duty of another court personnel.[24] Consequently, even the receipt of an application of solemnization of marriage is outside the purview of his job.

Dishonesty is a serious offense which reflects a person's character and exposes the moral decay which virtually destroys his honor, virtue, and integrity.[25] 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".[26] While it cannot be gainsaid that there is no direct evidence that it was Tesiorna who actually forged Judge Diaz's signature, the surrounding circumstances herein undoubtedly show his direct participation in procuring a marriage certificate for Springael. Notably, the records of this case are bereft of any showing that Springael was impelled by any improper motive as to falsely accuse Tesiorna with such a serious offense. On the other hand, falsification of an official document, as an administrative offense, is knowingly making false statements in official or public documents.[27] The affixing of Judge Diaz's purported signature on the marriage certificate made it appear that the former officiated Springael's marriage when in truth, he was on official leave and outside of the country. Aside from Judge Diaz's testimony disavowing his signature, documents submitted in court, i.e., photocopies of the stamps in his passport,[28] show that he was abroad from 9 April to 19 May 2011. Clearly, Judge Diaz could neither have solemnized Springael's wedding on 18 April 2011 nor signed the marriage certificate.

Under Rule IV, Section 52 (A) (1) of the Uniform Rules in Administrative Cases in the Civil Service[29] dishonesty and falsification of official document are both grave offenses punishable by dismissal from government service, without prejudice to criminal or civil liability. The penalty also carries with it the cancellation of respondent's eligibility, forfeiture of retirement benefits, and perpetual disqualification for reemployment in the government service, unless otherwise provided in the decision.[30] In a catena of cases, the penalty of dismissal is imposed even on the first offense.[31] This is not unexpected as dishonesty and falsification are malevolent acts that have no place in the judiciary. In *Villordon v. Avila*,[32] the Court stressed

that employment in the judiciary demands the highest degree of responsibility, integrity, loyalty and efficiency from its personnel. All judiciary employees are expected to conduct themselves with propriety and decorum at all times.[33] An act that falls short of the exacting standards set for public officers, especially those in the judiciary, shall not be countenanced.

By his acts of dishonesty and falsification of an official document, Tesiorna has failed to measure up to the high and exacting standards set for judicial employees and must therefore be dismissed from service. It cannot be overstressed that the image of a court of justice is mirrored in the conduct, official and otherwise, of the personnel who work thereat, from the judge to the lowest of its personnel.[34]

Meanwhile, the Court sustains the recommendation that the administrative case be dismissed as against Legaspi. Save for Tesiorna's bare allegation that he gave the marriage certificate to Legaspi, who thus returned it with Judge Diaz's purported "signature", no other evidence was presented implicating Legaspi. Throughout the investigations conducted by the MeTC and Judge Sagun, Springael has consistently stated that he only dealt with Tesiorna regarding his request for a marriage certificate. He had neither seen nor met Legaspi until the hearing before Judge Sagun.

WHEREFORE, the Court finds respondent Desiderio S. Tesiorna GUILTY of dishonesty and falsification of official document. He is forthwith DISMISSED from service, with cancellation of eligibility, forfeiture of all benefits, except accrued leave credits, and disqualification for reemployment in the government service, including in government owned or controlled corporations.

The administrative case against respondent Maximo D. Legaspi is DISMISSED for lack of substantial evidence.

SO ORDERED.

Peralta, C.J., Perlas-Bernabe, Leonen, Caguioa, Gesmundo, Reyes, Jr., Hernando, Carandang, Lazaro-Javier, Inting, Zalameda, Lopez, Delos Santos, and Gaerlan, JJ., concur.

[1] Clerk of Court IV of the MeTC of Quezon City.

[2] Rollo, pp. 2-4.

[3] Id. at 7.

[4] Id. at 2.

[5] Id. at 6.

[6] Id. at 2.

[7] Not attached to the rollo.

[8] Rollo, p. 5.

[9] Id. at 8.

[10] Id. at 9.

[11] Id. at 19-20.

[12] Id. at 257-264.

[13] Id. at 278. (Underscoring supplied)

- [14] Id. at 264.
- [15] Id. at 284-288.
- [16] Office of the Ombudsman v. Torres, 567 Phil. 46, 57 (2008).
- [17] Section 5, Rule 133 of the Revised Rules of Court.
- [18] Rollo, pp. 72-74.
- [19] Id. at 149-150; TSN, 10 January 2014, pp. 8-14.
- [20] Id. at 108-109; TSN, 18 December 2013, pp. 33-34.
- [21] See Sinumpaang Salaysay dated 06 June 2011; id. at 56-57, Judicial Affidavit of Desiderio S. Tesiorna dated 04 February 2014.
- [22] Office of the Ombudsman v. Fetalvero, Jr., G.R. No. 211450, 23 July 2018.
- [23] Id.
- [24] Rollo, pp. 2-3.
- [25] Atty. Nava v. Prosecutor Artuz, 817 Phil. 242, 255 (2017).
- [26] Id.
- [27] Office of the Ombudsman v. Torres, supra note 16, at 58.
- [28] Rollo, pp. 51-52.
- [29] Civil Service Resolution No. 991936 (1999).
- [30] Section 58 (a), Uniform Rules in Administrative Cases in the Civil Service.
- [31] See Quinsay v. Avellaneda, 507 Phil. 417 (2005); Retired Employee v. Manubag, 591 Phil. 21 (2008).
- [32] 692 Phil. 388 (2012).
- [33] Id. at 398.
- [34] Adm. Case for Dishonesty and Falsification Against Luna, 463 Phil. 878, 889 (2003).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.