RE: ADMINISTRATIVE CASE FOR FALSIFICATION OF OFFICIAL DOCUMENTS AND DISHONESTY AGAINST RANDY S. VILLANUEVA.

A.M. NO. 2005-24-SC. August 10, 2007

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PER CURIAM:

This is an administrative case against respondent Randy S. Villanueva, computer maintenance technologist II of the Court's Management Information Systems Office (MISO), for falsification of public documents and dishonesty.

Claiming that his application for employment abroad had been approved, respondent tendered his resignation effective September 2, 2005. It was approved on August 31, 2005[1] on the favorable recommendation of Atty. Ivan John E. Uy, chief of MISO.

However, in a memorandum dated September 22, 2005,[2] deputy clerk of court and chief administrative officer Eden T. Candelaria raised doubts about the reasons offered by respondent and the timing of his resignation, based on preliminary inquiries of the Office of Administrative Services (OAS):

> ...[There] were already three (3) employees of [MISO] who were dismissed from the service for dishonesty and falsification of official [documents.] Mr. Noel Luna, former SC Chief Judicial Staff Officer was dismissed on December 15, 2003, Mr. Benjamin Katly, former Information Technology Officer I, was dismissed on March 25, 2004 and on August 25, 2005[,] Mr. Reynaldo B. Generoso, former SC Supervising Judicial Staff Officer, [was also dismissed].[3]
>
> Surprisingly, six (6) days after the decision in the case of Mr. Generoso was released, Mr. Villanueva offered to resign....
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> xxx xxx xxx
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> ... [Respondent] was one of the employees authorized to render overtime services for the period [of] January 2, 2003 to December 31, 2003. This, despite earlier information that he was enrolled at the Asia Pacific College.
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> xxx xxx xxx
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> Based on the Daily Time Records [DTR] for the year 2003 of [respondent], he has always made it appear that he rendered overtime services every Saturday although he was enrolled at the Asia Pacific College.
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> xxx xxx xxx
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> There appears to be an administrative liability on the part of [respondent] for falsification and dishonesty based on the records which this Office has discovered. However, since the resignation of [respondent] has already been approved prior to the discovery of this matter, we leave the matter to his Honor's sound discretion.[4]

Because of these doubts, the OAS did not release the notice of acceptance of resignation of respondent. In a memorandum dated September 29, 2005, the approval of his resignation was recalled and revoked.[5] He was directed to show cause why he should not be dismissed from the service for falsification and dishonesty.[6]

In his explanation dated October 12, 2005, respondent stated the following in response to the charges against him:

> - The August 31, 2005 approval of his resignation should be deemed final. At the time he was required to answer the charges, the Court no longer had the authority to revoke its earlier approval of the resignation since no investigation was pending or initiated at the time he filed his resignation until it was approved and became effective.
>
> - He was enrolled at the Asia Pacific College only on June 10, 2003 so the accusation for the months of January 2003 to May 2003 is without factual basis. In addition, there are two Saturdays wherein there were no classes because they fell within the semestral break. Even the DTRs presented do not show that he collected overtime pay for all the Saturdays in 2003, it shows only eighteen (18) Saturdays.
>
> - He was enrolled in masteral degree classes on Information Management and, as such, he was not required to be present all time in the classroom. Since the classes were focused on the uses and capabilities of the internet, he did his schoolwork from his house and submitted them by email. They also used the internet for discussion. Hence, it does not follow that his classes automatically prevented him from rendering overtime service on Saturdays.
>
> - This happened two years ago and his documents are no longer intact to help him substantiate his service on the rest of the Saturdays.
>
> - He would not risk his job and reputation for the minimal amount paid for overtime service.

In a nutshell, the charges against respondent consist of the following: he made it appear in his DTR that he rendered overtime service on Saturdays in the year 2003 and collected the overtime pay of P100 per day despite being enrolled at the Asia Pacific College and had whole day classes[7] on Saturdays.

The OAS, in its memorandum dated November 8, 2005, discussed that the arguments of respondent were untenable:

> - Acceptance of a resignation tendered by an employee is necessary to make the resignation effective. Respondent's resignation, not being effective, its subsequent revocation rendered his employment unsevered and he is still subject to the Court's administrative disciplinary authority. The rationale for this is that the power to recall and revoke a previously approved resignation falls under matters of appointment which involves an exercise of judgment and discretion by the appointing authority.
>
> - Starting from January 2, 2003 up to 31 December 2003, respondent had been granted authority to render overtime services and in fact collected payments thereof. However, most of the entries on his DTRs did not have entries for "time-ins." It is then highly irregular that he was able to collect payments for those Saturdays even when his DTRs reflected mostly "time-outs." Out of thirty-two (32) Saturdays reflected by his DTRs, only nine (9) Saturdays were with actual "time-ins", the other one (1) although with "time-in" has no "time-out." He even failed to explain such lapses in his DTRs.
>
> - If Saturdays classes need not be attended at all because of the use of computers and the reports and all that was required of him could be made through the internet, then he should [have] presented evidence in support thereof like affidavits of his professors attesting to such facts, or in their absence, at least, a certification from his school that classes could be held or in fact held in that manner but he did not. Besides, if indeed he did not attend classes in those dates, how come he does not have any "time-in" on these questioned days?
>
> - The amount is not an issue in the case at bar but his propensity for committing the imputed acts. Besides, even how small the said amount, without a doubt it has caused damage to the Court and the government as a whole.
>
> - That he had no more documents to help him substantiate the services he rendered merely stands to show his

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> failure to controvert the evidence presented against him.

It recommended that respondent be found guilty of dishonesty and falsification of official documents and, as a consequence, that he be dismissed from the service with forfeiture of all his benefits except earned leave credits.

The findings and recommendation of the OAS are well-taken.

We agree with the OAS that the Court retained administrative authority over respondent when the approval of his resignation was revoked or recalled and the notice of acceptance was not served on him. There was no acceptance of his resignation because its approval was revoked and the final or conclusive act of its acceptance (which was the notice of acceptance) was withheld. The Court's non-acceptance of the resignation rendered the same ineffective and inoperative.[8] Besides, in Office of the Court Administrator v. Ferrer,[9] we found a court employee guilty of dishonesty and grave misconduct despite the court's acceptance of his resignation.[10] Resignation is not and should not be a convenient way or strategy to evade administrative liability when a court employee is facing administrative sanction.[11]

There was substantial evidence[12] that respondent made it appear in his DTR that he rendered overtime service on 18 Saturdays from June to December 2003,[13] when all the while he was attending classes. This constituted falsification of official documents. It is true that the mere fact that he was enrolled at the Asia Pacific College did not automatically mean that he actually attended classes[14] and consequently did not report for overtime work. However, it was no less equally true that he did not indicate his "time-in" 11 times out of the 18 Saturdays, indicating that he was not actually in the office during those days and just signed for his "time-out" after he attended his classes.

Falsification of an official document such as the DTR is considered a grave offense. It also amounts to dishonesty. Both falsification and dishonesty are grave offenses punishable by dismissal from the service, even for the first offense,[15] with forfeiture of retirement benefits (except accrued leave credits) and perpetual disqualification from reemployment in government service.[16]

In some cases, the Court refrained from imposing these penalties in the presence of mitigating factors.[17] Circumstances such as the respondent's length of service in the judiciary, acknowledgment of his or her infractions, feeling of remorse and family situations, among other things, have had varying degrees of influence on the Court's determination of the imposable penalty.[18] However, we see no reason for leniency in this case. Respondent expressed no remorse for his acts (as in fact he was adamant in his denials) and even tried to evade administrative sanction by filing his resignation.

Furthermore, falsification of an official document is punishable as a criminal offense under Article 171 of the Revised Penal Code and dishonesty is a malevolent act that has no place in the judiciary.[19]

Time and time again, we stress that:

> [c]ourt employees, from the presiding judge to the lowliest clerk, being public servants in an office dispensing justice, should always act with a high degree of professionalism and responsibility. Their conduct must not only be characterized by propriety and decorum, but must also be in accordance with the law and court regulations. No position demands greater moral righteousness and uprightness from its holder than an office in the judiciary. Court employees should be models of uprightness, fairness and honesty to maintain the people's respect and faith in the judiciary. They should avoid any act or conduct that would diminish public trust and confidence in the courts. Indeed, those connected with dispensing justice bear a heavy burden of responsibility.[20]

WHEREFORE, respondent is hereby found GUILTY of falsification of official documents and dishonesty. He is

ordered DISMISSED from the service with forfeiture of all benefits and privileges, except accrued leave credits, if any, with prejudice to reemployment in any branch or instrumentality of the government, including government owned or controlled corporations.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Azcuna, Tinga, Chico-Nazario, Garcia, Velasco, Jr., and Nachura, JJ., concur.
Reyes, J., no part.

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[1] By the former Chief Justice Hilario G. Davide, Jr. with then Senior Associate Justice (now Chief Justice) Reynato S. Puno and then Associate Justice (and former Chief Justice) Artemio V. Panganiban pursuant to A.M. No. 99-12-08-SC-revised.

[2] Submitted to former Chief Justice Davide.

[3] A.M. No. 2003-7-SC, 15 December 2003; A.M. No. 2003-9-SC, 25 March 2004; A.M. No. 2004-33- SC, 24 August 2005.

[4] Memorandum dated September 22, 2005, pp. 1-2.

[5] By those who earlier approved his resignation.

[6] In this connection, the Court authorized Atty. Candelaria to conduct an investigation and thereafter submit her report and recommendation.

[7] 9:00 a.m. to 4:00 p.m.

[8] Clerk of Court Marbas-Vizcarra v. Florendo, 369 Phil. 840, 849 (1999), citing Judge Dicdican v. Fernan, Jr., A.M. No. P-96-1231, 335 Phil. 532 (1997), in turn citing Tadeo v. Daquiz, A.M. No. P-91-650, 21 July 1993, 224 SCRA 656 and Pardo v. Cunanan, A.M. No. P-87-73, 01 September 1995, 248 SCRA 1.

[9] 347 Phil. 667 (1997).

[10] Id., pp. 670-671.

[11] Office of the Court Administrator v. Juan, A.M. No. P-03-1726, 22 July 2004, 434 SCRA 654, 658, citing Clerk of Court Masbaz-Vizcarra v. Florendo, supra note 8 and Judge Cajot v. Cledera, 349 Phil. 907 (1998).

[12] This is defined as such relevant evidence as a reasonable mind may accept as adequate to support a conclusion (Report on the Investigation Conducted on the Alleged Spurious Bailbonds and Release Orders Issued by the Regional Trial Court, Branch 27, Sta. Cruz, Laguna, A.M. No. 04-6-332-RTC, 5 April 2006, 486 SCRA 500, 515, citing Pimentel v. De Leoz, 448 Phil. 223, 240 [2003]).

[13] Respondent's DTRs reflect the following:

January 2003

Time

Date

In

Out

18

7:34

21:11

25

20:36

February 2003

In

Out

1

21:49

15

20:56

March 2003

In

Out

1

00:10

20:12

15

21:49

22

17:54

29

20:48

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April 2003

In

Out

5

20:42

12

21:41

26

19:27

May 2003

10

20:40

17

19:19

31

20:12

June 2003

14

18:34

21

20:24

28

20:33

July 2003

19

20:18

26

19:51

August 2003

16

21:04

30

8:02

23:47

September 2003

13

20:27

October 2003

4

7:57

20:52

11

8:30

21:27

25

8:30

18:28

November 2003

8

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8:54

23:11

15

7:48

17:56

22

8:30

19:12

29

20:47

December 2003

6

21:14

13

19:55

20

20:00

(Memorandum of OAS dated September 22, 2005.)

[14] Re: Dishonesty and/or Falsification of Official Document of Mr. Rogelio M. Valdezco, Jr., SC Supervising Judicial Staff Officer, Accounting Division, Fiscal Management and Budget Office (FMBO), A.M. No. 2005-22-SC, 31 May 2006, 490 SCRA 27, 34-35.

[15] Rule IV, Section 52-A (1) and (6) of the Civil Service Commission (CSC) Revised Uniform Rules on Administrative Cases promulgated by the CSC through Resolution No. 99-1936 dated August 31, 1999 and implemented by CSC Memorandum Circular No. 19, series of 1999; Concerned Employee v. Generoso, A.M. No. 2004-33-SC, 24 August 2005, 467 SCRA 614 .

[16] Office of the Court Administrator v. Breta, A.M. No. P-05-2023, 6 March 2006, 484 SCRA 114, 117, citing Office of the Court Administrator v. Sirios, A.M. No. P-00-1419, 17 October 2001, 367 SCRA 312, 319.

[17] Servino v. Adolfo, A.M. No. P-06-2204, 30 November 2006.

[18] Id.

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[19] Id.

[20] Supra note 11 at 659, citing Albior v. Auguis, A.M. No. P-01-1472, 26 June 2003, 405 SCRA 1 and Castelo v. Florendo, A.M. No. P-96-1179, 10 October 2003, 413 SCRA 219.

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