

MERIT SYSTEMS PROTECTION BOARD, PETITIONER, VS. RODOLFO P. TORRELLA, DEPUTY SHERIFF, REGIONAL TRIAL COURT, BRANCH XVI, MANILA, RESPONDENT.*A.M. No. 90-11-2709-RTC. April 16, 1991*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-90-11-2709/>

PER CURIAM:

In connection with his appointment as Deputy Sheriff, Regional Trial Court, Manila, effective July 1, 1983, Mr. Rodolfo Torrella submitted his Personal Data Sheet dated June 30, 1983, wherein he represented that he passed the Career Service (Sub-Profesional) examination given on July 21, 1968 at Manila by the Civil Service Commission, when in fact and in truth, his name does not appear in the list of those who passed that examination; and that in support of his aforementioned appointment, Torrella also submitted his supposed previous appointment as Deputy Sheriff, Court of First Instance of Manila, effective November 11, 1975 purportedly approved by the Civil Service Commission; however, upon verification, the records of the Commission did not show that said appointment was acted upon by the Commission. The signature appearing thereon, purporting to be the signature of Mrs. M.L. Mayuga-Leaño, was found to be spurious.

After a preliminary investigation conducted by the Merit Systems Protection Board (MSPB), the Board found a prima facie case of dishonesty, grave misconduct and conduct prejudicial to the best interest of the Service existed against respondent deputy sheriff, Torrella. The MSPB filed a formal charge against him on March 17, 1986, required him to submit his answer in writing and under oath, within five (5) days from receipt, and to attach thereto a sworn statement of his testimony and those of his witnesses, if any, and other documentary evidence in support of his answer. He was also directed to state whether he would have a formal investigation or waive his right thereto (p. 69, Rollo).

Respondent deputy sheriff denied the charges against him. He alleged that the false information in his Personal Data Sheet regarding his non-existent civil service eligibility was based on the certification given to him by his superior in 1974; that he honestly believed it was true as it was allegedly signed by the officers of the Civil Service Commission. He denied any participation in or personal knowledge of the forgery of the signature on his appointment. He elected to have a formal investigation and the assistance of counsel.

After numerous postponements at the instance of the respondent, the prosecution presented its evidence ex parte at the hearing on February 27, 1989, personal notice of which had been served to the respondent and his counsel.

After the hearing, the MSPB rendered a decision No. 557 on May 9, 1990 finding that:

"After careful scrutiny of the records of the case, the Board finds the overwhelming un rebutted evidence of the prosecution which points to the fact that indeed respondent is guilty as charged.

"There is no dispute that respondent Rodolfo Torrella submitted a Personal Data Sheet dated June 30, 1983 in support of his reappointment as RTC Deputy Sheriff Branch XIV, Manila wherein in item 18, he claimed to have passed the Career Service (Subprof) Examination on July 21, 1968.

"x x x x x x x x

"The claim of respondent in his answer that the certificate eligibility was given to him by his immediate superior deserves scant consideration. The records of this Commission and as testified by the witness (Ms. Isles) showed that the name of respondent Torrella does not appear in the passing and failing lists in the Career Service (Prof. * Subprof.) examination on the date as claimed by him.

"The Board noted that the appointment dated November 11, 1975 as Deputy Sheriff, issued to respondent was a change of status of appointment from temporary to permanent. During the hearing, witness Ms. Leano vehemently denied having approved the appointment of respondent and stated that the signature appearing on the face of the appointment is not her signature. She even submitted her specimen signature to prove that there are discrepancies compared to signature reflected in the appointment. Hence, the appointment in question was not pass upon [by] the Commission for attestation considering that the signature of the authorized approving official is spurious or forged. It bears stressing that the Commission normally acts through its authorized representative in the performance of its function in attesting appointments.

"Such being the case, the appointment in question is certainly a spurious document in view of the fact that it did not pass through the Commission for approval since it bears the forged signature of the approving official.

"In summation the records is (sic) replete with substantial evidence to prove the guilt of respondent as charged. Moreover, his failure to appear in several scheduled hearings despite due notice is a manifestation that he has no evidence to support his defense and his claim of innocence.

"Foregoing premises considered, this Board finds respondent guilty as charged. Wherefore, he is hereby dismissed from the service effective upon receipt of the decision.

"Let copies of the decision [be] furnished the Court Administrator, Supreme Court; the Regional Trial Court, Branch XIV, Manila for their information and reference." (pp. 39-40, Rollo.)

Respondent's motion for reconsideration was denied by the MSPB on September 11, 1990 (p. 24, Rollo).

The MSPB notified this Court through Deputy Clerk of Court Adelaide Baumann, of the dismissal of Torrella from the service. That information was relayed by Attorney Baumann to Executive Judge Bernardo P. Pardo of the Regional Trial Court of Manila.

On July 10, 1990, Judge Pardo recommended to this Court that the dismissal of Torrella from the service be approved with forfeiture of his retirement benefits (p. 1, Rollo).

After deliberating on the records of the case, the Court finds Judge Pardo's recommendation to be well taken, hence, hereby approves it. There is no doubt that respondent obtained his appointment through falsification of his civil service eligibility. He is guilty of dishonesty, grave misconduct, and conduct prejudicial to the best interests of the service. His appointment as deputy sheriff based on forgery and misrepresentation, is null and void. Ordinarily, he should restore the salaries and benefits he has received under that void appointment, if not for the fact that he has actually rendered service and performed the functions of the position. Nevertheless, his occupancy of the office should not be prolonged a moment longer.

WHEREFORE, the respondent, Rodolfo Torrella, is dismissed from the service as Deputy Sheriff of the Regional Trial Court, Branch XIV, Manila, without retirement pay and other monetary benefits, effective immediately. Let a copy of this resolution be furnished the Court Administrator, the Finance Officer and Cashier of the Court, the Executive Judge of the Regional Trial Court, National Capital Region and the Presiding Judge, Branch XIV, Regional Trial Court of Manila for immediate implementation.

SO ORDERED.

Fernan, C.J., Narvasa, Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Feliciano, Gancayco, Padilla, Bidin, Sarmiento, Grino-Aquino, Medialdea, Regalado, and Davide, Jr., JJ., concur.

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