

**ATTY. ARTEMIO D. CAÑA, COMPLAINANT, VS. BELEN D. SANTOS,
STENOGRAPHIC REPORTER OF REGIONAL TRIAL COURT, BRANCH 6,
MALOLOS, BULACAN, RESPONDENT.**

A.M. No. 93-10-1269-RTC. July 08, 1994

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PER CURIAM:

This administrative case arose from a letter-report of then Acting Register of Deeds of Bulacan, Atty. Artemio D. Caña, dated May 25, 1993,[1] regarding the alleged falsification of an Order dated September 25, 1992, purportedly issued by Judge Camilo D. Montesa, Jr., presiding judge of Branch 19, Malolos RTC.

The record shows that an Order for reconstitution of title (TCT No. T-250603), dated September 25, 1992, purportedly issued and signed by Judge Montesa, Jr., was presented to the Office of Atty. Caña by Enrico Fombo.[2] The alleged Order was issued in connection with a petition for reconstitution of TCT No. T-250603 filed by Alfredo de Guzman[3] before the Malolos RTC, Branch 19. The alleged Order directed the Register of Deeds: (1) to reconstitute the original copy of the subject TCT in the name of petitioner, and (2) to issue the corresponding owner's duplicate copy of the certificate of title to petitioner.

Inquiry made by Atty. Caña disclosed that the said Order was given to Fombo by Mr. Gerardo Flores, the attorney-in-fact of petitioner de Guzman.[4] The subject Order was, in turn, given to Flores by respondent Belen Santos, a stenographic reporter of Branch 6, Malolos RTC.[5] Further probing revealed that no such Order or Entry of Judgment was issued by Judge Montesa, Jr., in said case.[6] Having confirmed that the Order was spurious, reconstitution was denied by the Acting Register of Deeds and further action on the case was held in abeyance.

On July 6, 1993, Sinfronio Barranco, Clerk of Court, Branch 19, Malolos RTC, transmitted to Executive Judge Natividad Dizon two (2) other spurious Orders, both dated February 15, 1993. It was made to appear that the said Orders were issued by Judge Montesa, Jr., in connection with two (2) other separate petitions for reconstitution of title pending before the same judge: one filed by Angel Vasallo and Aurelia Jose, and the other filed by Rosalina Gabriel.[7] Petitioners Vasallo, Jose and Gabriel were likewise represented in said cases by their attorney-in-fact, Mr. Gerardo Flores.[8]

Upon receipt of said letter-report, Executive Judge Dizon referred the matter to Vice-Executive Judge Demetrio B. Macapagal and to the Criminal Investigation Service (CIS), PNP, for investigation.

After due investigation, CIS Chief Inspector Nario informed Executive Judge Dizon that on August 26, 1993, their Office filed the corresponding Information against respondent Belen Santos for three (3) counts of falsification of public documents[9] in connection with the above three (3) spurious Orders. A recommendation that proper administrative action be taken against said employee was likewise made.[10] Similarly, in a letter dated September 3, 1993, Vice-Executive Judge Macapagal, Sr., recommended the filing of administrative charges against respondent Santos.[11] The entire records of said case were then referred to this Court for appropriate action.

Accordingly, in a Resolution dated October 26, 1993,[12] the Court directed respondent Belen Santos to comment on the letter-report of Atty. Caña. In compliance therewith, respondent Santos filed her unsigned and unverified Comment denying the falsification charges imputed against her. The Court then referred the case to Executive Judge Dizon for investigation, report and recommendation.[13]

After several resettings, investigation of the case was conducted on April 19, 1994 where both parties were present. Complainant Atty. Caña manifested that he would submit to the investigating judge an affidavit to serve as his direct testimony against respondent Santos. Accordingly, on April 26, 1994, complainant submitted and identified his affidavit before the investigating judge, the contents of which reiterated his letter-report to Executive Judge Dizon dated May 25, 1993.

At the last scheduled hearing on May 3, 1994, respondent Santos submitted and identified in court her affidavit, dated May 3, 1994, where she denied the charges against her.[14] She claimed that:

"x x x

"2. . . . (she) has nothing to do with the issuance of the alleged spurious orders since she cannot, in all candiddness, have a hand on the same considering that she is not a personnel of the court concerned and that she has no knowledge whatsoever whether said orders are really spurious or not;

"3. Assuming without admitting that said orders are really spurious, the status of the same were rendered moot by the withdrawal of Mr. Flores' complaint against the undersigned as reflected in the herein attached certified true copy of the resolution issued by 4th Asst. Provincial Prosecutor Benjamin R. Caraig, with the approval of the Provincial Prosecutor Liberato L. Reyes;

"4. . . . (she) has to stress and emphasize . . . that she has never participated in any anomalous transactions of this nature and that she has no intention nor the heart nor the guts to even contemplate on involving herself with this kind of scandalous scheme involving government servants."

In his report and recommendation dated May 6, 1994, Executive Judge Dizon made the following findings and recommendations, which this Court adopts, viz:

"Based on the affidavit of Atty. Artemio B. Caña, then Acting Register of Deeds of Tabang Registry in Bulacan, that there was no Order or Entry of Judgment issued by RTC Branch 19 in the Petition of Alfredo de Guzman for the reconstitution and issuance of the Owner's Duplicate Copy of TCT No. T--250603 (as attested by the Branch Clerk of Court of said branch); that the Order dated September 25, 1992 of said Court appeared to be fake or emanating from dubious/illicit source; that respondent Belen D. Santos was the person who was able to get hold and gave said Orders to Gerardo Flores, atty.-in-fact for the other petitioners Angel Vasallo and Aurelia Jose and Rosalina Gabriel (P-179-92 and P-578-91, respectively); and, the records of investigation conducted and submitted by the Chief, 303rd CISFO, PNP, Malolos, Bulacan, relative to the involvement of Belen D. Santos in the discovery of said fake Orders, clearly show that respondent is highly suspected to have a hand or knowledge in the fake/spurious orders in Civil Cases Nos. P-27-92, P-578-91 and P-179-92 purportedly issued by RTC Branch 19. The records on hand, however, do not concretely show that Belen D. Santos was the author of said fake/spurious order but her involvement in the transactions covering the reconstitution and issuance of owner's duplicate copies of TCTs for monetary consideration have been affirmed in the affidavits of Alfredo de Guzman and Gerardo Flores."

In his sworn statement, dated July 14, 1993,[15] Mr. Gerardo Flores categorically declared that he and respondent Santos agreed that the latter would attend to the filing and processing of the subject petitions for reconstitution and that it was respondent who gave him the three Orders for reconstitution which he discovered to be spurious.

We note that in her Comment, respondent Santos merely denied participation in the issuance of the spurious

orders. She did not, however, deny the fact that she acceded to the request of Gerardo Flores to process the three (3) petitions for reconstitution of titles pending before another branch of the same court for P3,500.00 each or an aggregate amount of P10,500.00.

Respondent Santos is not an employee of the branch of the court where the subject reconstitution cases were pending. Neither was she a party to the actions/petitions. What is more, it appears clearly from the records that respondent's arrangement with Flores was for an equivalent monetary consideration. Although there is no direct proof that respondent authored the spurious Orders or directly participated in the issuance thereof, the fact remains that respondent's act of processing the reconstitution cases was prejudicial to the best interest of the service. For one, government employees are prohibited from giving favors to the public in exchange for monetary consideration. Moreover, in entering into this arrangement with Flores, respondent would necessarily have to leave her post at Branch 6 to attend to the processing of the subject petitions pending before another sala of the same court.

Thus, under the circumstances, respondent had no business following-up or processing the subject petitions for reconstitution. Undoubtedly, her conduct and deportment had been prejudicial to the interest of the service. Indeed, a public servant should refrain from financial dealings which would interfere with the efficient performance of his duties. Persons involved in the administration of justice ought to live up to the strictest standard of honesty and integrity in the public service. The conduct of every personnel connected with the courts, from the presiding judge to the lowliest clerk, should at all times be circumspect to preserve the integrity and dignity of our courts of justice.

Finally, the withdrawal of the Informations for falsification of public documents by Gerardo Flores and Alfredo de Guzman, complainants in said cases, with the consent of the provincial prosecutor did not bar the continuation of the investigation of the present administrative case. The records are bereft of any document to show that the said complainants likewise desisted from continuing or pursuing this case. Indeed, desistance cannot divest this Court of its jurisdiction to investigate and ascertain the truth of the matter alleged in the complaint against respondent Santos. The Court has an interest in the conduct of the officials and employees of the judiciary and in improving the delivery of justice to the people and its efforts in that direction cannot be frustrated by any private arrangement of the parties.[16]

PREMISES CONSIDERED, respondent Belen D. Santos, stenographic reporter, Branch 6 of the Malolos RTC, is hereby DISMISSED from the service, with forfeiture of all retirement benefits and accrued leave credits and with prejudice to re-employment in any branch or instrumentality of government, including government owned or controlled corporations.

SO ORDERED.

Narvasa, C.J., Cruz, Feliciano, Padilla, Bidin, Regalado, Davide, Jr., Romero, Bellosillo, Melo, Quiason, Puno, Vitug, Kapunan, and Mendoza, JJ., concur.

[1] Rollo, p. 10.

[2] Rollo, pp. 50-51.

[3] Docketed as P-27-92, Rollo, pp. 20-22.

[4] See Affidavit of Alfredo de Guzman y dela Cruz, dated August 10, 1993, Rollo, p. 44.

[5] See Affidavit of Gerardo Flores y Cruz, dated July 14, 1993, Rollo, pp. 45-47.

[6] See letter of Sinfronio A. Barranco, Clerk of Court, Branch 19, Malolos RTC, Rollo, p. 16.

[7] Docketed as P-179-92 and P-578-91, respectively.

[8] Rollo, p. 39.

[9] Docketed as IS Nos. 93-1554, 93-1555 and 93-1556.

However, as per the Resolution of Asst. Provincial Prosecutor Benjamin R. Caraig, the complaint for falsification filed by Gerardo Flores and Alfredo de Guzman were withdrawn by the complainants with the approval of the prosecutor after the parties agreed to amicably settle the case (see Rollo, p. 71).

[10] See letter dated September 1, 1993, Rollo, p. 42.

[11] Rollo, p. 61.

[12] Rollo, p. 69.

[13] Resolution, dated January 24, 1994, Rollo, p. 72.

[14] Rollo, p. 70.

[15] Rollo, pp. 45-47.

[16] Cabandong v. Judge Calderon, Adm. Matter No. RTJ-89-343, En Banc, Minute Resolution.

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