MARILOU A. CABANATAN, COMPLAINANT, VS. CRISOSTOMO T. MOLINA, RESPONDENT.

A.M. No. P-01-1520. November 21, 2001

Read online (full-text search, related cases, audio case brief): https://batas.org/library/a45afeee1e6c/

PER CURIAM:

In her verified Complaint[1] filed on January 19, 2000, Marilou A. Cabanatan, Court Stenographer III of the Regional Trial Court (RTC) of Quirino, Branch 38, charges Crisostorno T. Molina, Sheriff IV and officer-in-charge of the Office of the Clerk of Court, with abuse of authority, grave misconduct, oppression, dishonesty and violation of Civil Service Rules.

The factual circumstances leading to the Administrative Complaint are summarized by the Office of the Court Administrator (OCA), as follows:

> "1. SWORN COMPLAINT, with attachments, dated December 23, 1999 of Marilou A. Cabanatan charging Crisostomo T. Molina, Sheriff IV and Officer-In-Charge, RTC, Branch 38, Maddela, Quirino with Abuse of Authority, Grave Misconduct, Oppression, Dishonesty and Violation of Civil Service Rules.
>
> "The charges of Abuse of Authority and Grave Misconduct were based on the following narration of facts:
>
> "On December 21, 1999 at about 9:00 o'clock in the morning, complainant borrowed the office attendance logbook from its custodian, Wilgeer T. Andres. She intended to use the same as reference in the preparation of her answer to the memorandum issued by the respondent (who) required her to explain her alleged absences and tardiness. However, respondent allegedly scolded her as he did not want her to see the logbook.
>
> "Later, at about 1:00 o'clock in the afternoon, respondent, who was then allegedly intoxicated, approached the complainant and said: 'Patas lang ti laban ha? Lumaban ka! Ania ti kayat mo a laban? Putang ina!' Respondent was, according to the complainant, in a boxing position when he uttered the aforequoted words.
>
> "Complainant added that when she saw again the respondent later in the afternoon, the latter reiterated his challenge to her. Then, much later, even her co-employees, Wilgeer T. Andres and Ernesto V. Fontanilla, were also challenged by the respondent to a fight.
>
> "Regarding the charge of Oppression, the same was anchored on the allegation that respondent withheld complainant's checks representing her salaries for October 1-15, 1999, September 1-15, 1999 and December 15-31, 1999.
>
> "The complaint for Dishonesty and Violation of Civil Service Rules were premised on the averment that respondent had been going on official travel allegedly to 'submit pertinent papers to the Supreme Court', but he submits Certificate of Appearance issued by Judge Ma. Theresa Dela Torre-Yadao, the presiding judge of RTC, Branch 38, Maddela, Quirino and acting presiding judge of RTC, Quezon City, instead of those issued by the Supreme Court.
>
> "Complainant also adds that respondent refuses to sign or enter his name in the attendance logbook of the court.

> "2. COMMENT dated February 29, 2000 of the respondent denying the averments in the complaint.
>
> "On the charge of Abuse of Authority and Grave Misconduct, respondent had a different story to tell. According to him, complainant took the attendance logbook without asking permission from him and she was already fifty (50) meters away from their building when he saw her. Hence, he allegedly instructed the Security Guard, one Marcos Gargabite, to retrieve the said logbook.
>
> "Respondent likewise narrated that it was actually the complainant who shouted invectives at him.
>
> "Anent the charge of Oppression, respondent claims that he never gave any instruction to Mr. Norman A. Ruaboro, the clerk in charge of salary checks from October to December 1999, to withhold the salary of the complainant.
>
> "Lastly, regarding the charges of Dishonesty and Violation of Civil Service Rules, respondent controverted only the allegation in connection with his official travels. He contended that he goes to Manila, specifically to RTC, Branch 99, Quezon City, whenever there were orders, warrants of arrest and other pleadings and documents needed to be brought to the immediate attention of Judge Yadao who was designated as Acting Presiding Judge of said court."[2]

After evaluating the Complaint, the Court Administrator recommended its referral to the Executive Judge of the Regional Trial Court of Cabaroquis, Quirino, for investigation, report and recommendation within sixty (60) days from receipt of the records.[3] The Court adopted the recommendation of the OCA in a Resolution dated July 5, 2000.

Meanwhile, this Court also asked the Court Administrator to assess complainant's letter dated June 5, 2000, expressing her doubts on the impartiality of the Executive Judge of Cabaroquis, Quirino.

The Court Administrator recommended in a memorandum dated August 28, 2000 that the instant Complaint be referred instead to Executive Judge Jose Rosales of the Regional Trial Court of Bayombong, Nueva Vizcaya. Accordingly, in a Resolution dated October 4, 2000,[4] this Court required Executive Judge Rosales to conduct the investigation of the case.

Thereafter, on August 9, 2001, Executive Judge Rosales submitted his "Investigation, Report and Recommendation," wherein he recommended the dismissal of the respondent. Regarding the charge of abuse of authority and grave misconduct, Executive Judge Rosales made the following findings:[5]

> "It is thus crystal clear that in the morning of December 21, 1999 during office hours, the respondent not only allowed but also himself joined a drinking session with his male co-employees of the court inside the courtroom which caused his inebriation in the morning and afternoon of that date. As the designated OIC of the Court, he should have prohibited the holding of such drinking session within the courtroom and he should have refrained from himself imbibing the hard drink as it was still office hours to provide good example to the other employees under him.
>
> "It will be noted that, according to the respondent himself, they (he and the employees) 'declared x x x a Christmas party. It was a holiday on our part' (TSN, July 2, 2001, p. 6) despite the fact that by his own admission, it was a working day.
>
> "The pretext that it was an 'extended Christmas Celebration' of all courts (TSN June 25, 2001, p. 10) does not seem to have any basis at all. Firstly, only the male employees participated. Secondly, the evidence discloses that the party only consisted of drinking one bottle of Fundador and no food was served, contrary to the claim of the respondent that they prepared some food for the lady employees. Thirdly, even the respondent went somewhere else at 11:00 A.M. and only returned at around 12:45 P.M. No one testified that they took lunch in the courtroom at noontime. It is thus apparent that the group of male employees led by the respondent took it

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

> upon themselves to unilaterally declare a holiday without any sanction of law or any authority from any court official. This alone and the drunkenness of the respondent already are sufficient bases for disciplinary action against the respondent.
>
> "The charge that while very drunk he challenged the complainant, Wilgeer Andres and Ernesto Fontanilla his subordinates, is supported by clear and convincing evidence."

As to the charge of oppression, Executive Judge Rosales found that the respondent's "withholding of the salary checks and bonus did not have a solid basis. There was no authorization [by] the presiding judge or the respondent as OIC [officer in charge] of the Court to direct the withholding of the complainant's checks emanating from the Supreme Court. Moreover, it would appear that the complainant's side was not first heard before her salary was cut off, thus, depriving her of her right to her salary without due process."[6]

Executive Judge Rosales also found the respondent guilty of dishonesty. The latter's act of collecting reimbursement for trips made with inadequate or false supporting documents is an act of dishonesty. There is no evidence that he went to the Supreme Court, as he could not present any certificate of appearance signed by the OCA. By submitting Certificates of Travel stating that his destination was the Supreme Court, but failing to substantiate them[7] with the proper certificates of appearance from the Court itself, it appears that he "falsified" such Certificates, an act tantamount to dishonesty. In the words of Executive Judge Rosales:

> "The explanation of the respondent that it was a requirement for the certificate of appearance to be signed only by Judge Yadao and that there was no need to obtain a certificate of appearance from the Supreme Court opens up a new can of worms.
>
> "For it is common knowledge that for every official travel made by a public official, he usually claims travel expenses and per diems. Hence the respondent's claim that he travelled to Metro Manila on official business and for official purpose at his own expense culled from his RATA sounds incredible. Complainant Marilou Cabanatan posited that she obtained the carbon originals of the Travel [O]rders and Certificates of Appearance from the relevant office in the Provincial Government of Quirino Province where the respondent submitted them to claim reimbursements of travel expenses and per diems. She further testified that she saw documents in the Provincial Capitol of Quirino showing that the respondent collected his claims for travel expenses; as a matter of fact, the copies of Travel Orders and Certificates of Appearance of the respondent which had been submitted during the instant investigation were extra copies taken from the files of the Provincial Government of Quirino in connection with the still pending claims for the respondent's travel expenses and that she could not obtain other travel orders and certificates of appearance because they were already on file, the respondent already having received his reimbursements of his travel expenses and per diems for such travels.
>
> "The act of respondent of collecting reimbursements for trips made with inadequate or false supporting documents is an act of dishonesty. Apparently, the employees of the Provincial Capitol of Quirino processing his claims for reimbursements of travel expenses and per diems did/do not realize that the signature of Judge Yadao on the certificates of appearance was inadequate to support his said claims and that the certificates of appearance must emanate from the Supreme Court when the travel orders directed him to go to the Supreme Court or to the Court Administrator in Manila. It will be borne in mind that among the required documents supporting a claim for transportation is a certificate of travel completed. If the travel order directed the respondent to go to the Supreme Court or to the Court Administrator, his travel would not be considered complete if he did not go to the Supreme Court in Manila 'to deliver pertinent papers.' There is no evidence that he went to the Supreme Court as he could not present any certificate of appearance signed by the Office of the Court Administrator. In submitting a certificate of travel completed where his destination was the Supreme Court in accordance with his travel order and he did not go to the Supreme Court as he did not have any certificate of appearance, perforce, he would be considered to have falsified such certification. Such falsification is an act of dishonesty."[8]

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

Executive Judge Rosales further found respondent to have violated Civil Service Rules when he refused to sign his name and enter his daily arrival and departure times in the attendance logbook. The fact that he was the OIC of the court did not exempt him from this requirement, the investigating Judge said.

Having thus found respondent guilty of abuse of authority and grave misconduct, oppression, dishonesty and violation of Civil Service Rules, Executive Judge Rosales recommended his dismissal from the service.

This Court referred to the OCA the report and the recommendation of Executive Judge Rosales for evaluation, report and recommendation.

This Court agrees with the indorsement of the OCA that respondent be dismissed from the service as the findings and recommendation of the Executive Judge Rosales are well-taken.

Time and time again, this Court has emphasized that the conduct or behavior of everyone connected with an office charged with the dispensation of justice, from the presiding judge to the lowliest clerk, should be circumscribed with the heavy burden of responsibility.[9]

Being the OIC of the Office of the Clerk of Court, the respondent occupies an important position and function in the Judiciary.[10] No position demands greater moral righteousness and uprightness from its holder than that in the Judiciary. Those connected with the dispensation of justice bear a heavy burden of responsibility. In particular, Clerks of Court must show competence, honesty and probity, charged as they are with safeguarding the integrity of the court and its proceedings.[11]

Part of this stringent requirement is that agents of the law should refrain from the use of language that is abusive, offensive, scandalous, menacing or otherwise improper. Judicial employees are expected to accord every due respect, not only to their superiors, but also to others and their rights at all times. Their every act and word should be characterized by prudence, restraint, courtesy and dignity.[12]

In the present case, the assailed acts of respondent -- challenging his co-employees to a fight, making derogatory remarks and getting, drunk within the court premises during official time -- fell short of the standard. He has in fact, admitted having had a drinking spree with his male officemates on December 21, 1999 inside the courtroom.[13]

As correctly observed by the investigating Judge, “(I)t is noteworthy that Wilgeer Andres, Court Legal Researcher and the ‘Overseer’ of Branch 38, RTC of Quirino, corroborated the testimony of the complainant Marilou Cabanantan on the incidents on December 21, 1999. He corroborated the fact that the respondent, who was inebriated, shouted at the complainant in x x x Ilocano words.”

Aside from being the OIC of the Office of the Clerk of Court, the respondent is also the Sheriff who likewise plays an important part in the administration of justice. Being at the grass roots of our judicial machinery, Sheriffs and deputy Sheriffs are in close contact with the litigants; hence, their conduct should all the more maintain the prestige and the integrity of the court.[14]

Dishonesty has no place in the Judiciary. Indeed, all government personnel are mandated to act with justness and sincerity.

In finding the respondent guilty of dishonesty, Executive Judge Rosales wrote as follows:

> “It is unclear from the testimony of the respondent if, indeed, he went to the Supreme Court and, if so, if he submitted thereat ‘pertinent documents’ or [attended] x x x ‘to the needs of our office,’ as stated in his travel orders. At any rate, his alleged visit ‘on official business’ to the Supreme Court is not corroborated by other convincing and credible evidence such as certificates of appearance (from the Supreme Court) which he did

> not allegedly need anyway as the signature of Judge Yadao in the certificates was enough. It can likewise be stated, in the absence of such credible evidence, that the respondent did not really go to the Supreme Court or even to Judge Yadao or his mission was to bring certain things not connected with the court. For it was incumbent upon him to show by substantial evidence that he really went to Metro Manila and accomplished the purpose for which the travel orders were issued. He failed to do so.
>
> "It is also interesting that while the travel orders commanded him to go to the Supreme Court or to the Court Administrator, his certificates of appearance were signed by Judge Yadao at her office in Quezon City, thus negating and contradicting the alleged purpose of the travel as stated in the travel orders. As the former Honorable Court Administrator Alfredo L. Benipayo observed in his recommendation to conduct an investigation on the complaint of Marilou Cabanatan, 'Second, we find it quite odd for [J]udge Yadao to issue the Travel Orders and Certificates of Appearance of the respondent. The explanation offered by the respondent and the statement of the purpose of the travel of the respondent to Manila appears to be incongruous. [If t]he purpose of his travel were to bring urgent matters to Judge Yadao's attention, if this [were] so, why would there be a Travel Order issued in advance? Why did the respondent present only the Certificate of Appearance issued by Judge Yadao in her capacity as Acting Presiding Judge of RTC, Branch 99, Quezon City, when his Travel Orders directed him to go to the Supreme Court to submit pertinent papers?'[15]

We agree with the foregoing conclusion of Executive Judge Rosales.

Finally, aside from submitting falsified travel orders to support his claim for allowance from the Provincial Capitol of Quirino, the respondent failed to sign his name and enter his times of arrival and departure in the attendance logbook. Such omission is in violation of Sections 1 and 2, Rule XVII of the Rules Implementing Book V of Executive Order 292, ("The Administrative Code of 1987") which provides as follows:

> "Section 1. It shall be the duty of each head of the department or agency to require all officers and employees under him to strictly observe the prescribed office hours."
>
> "Section 2. Each head of the department or agency shall require a daily record of attendance of all the officers and employees under him including those serving in the field or on the water, to be kept on the proper form and, whenever possible, re-gistered on the bundy clock."

The judiciary demands the best possible individuals in the service. This Court will not hesitate to rid its ranks of undesirables who undermine its efforts towards an effective and efficient administration of justice, thus tainting its image in the eyes of the public.[16]

WHEREFORE, the respondent Crisostomo T. Molina, Sheriff and the OIC of the Office of the Clerk of Court of the Regional Trial Court of Maddela, Quirino, Branch 38, is hereby DISMISSED from service with forfeiture of all retirement benefits, except his accrued leave credits,[17] and with prejudice to reemployment in any branch or instrumentality of the government, including government-owned or controlled corporations. This dismissal shall be immediately executory upon service of a copy of this Resolution on respondent.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Pardo, Buena, Ynares-Santiago, De Leon Jr., Sandoval-Gutierrez, and Carpio, JJ., concur.

---

[1] Rollo, p. 1

[2] Report and Recommendation of the Office of Court Administrator, May 26, 2000, pp. 1-2; rollo, pp. 131-132.

[3] Ibid., p. 133.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

[4] Rollo, p. 141.

[5] By Executive Judge Jose B. Rosales, p. 4.

[6] Ibid., p. 6.

[7] Respondent's Certificates of Appearance were signed by Judge Ma. Theresa Dela Torre-Yadao, former Acting Judge of the RTC of Quezon City, Branch 99, and later appointed Executive Judge of the RTC of Quirino, Branch 38. On August 21, 2000, she was appointed as Presiding Judge of the RTC of Quezon City, Branch 99.

[8] Investigation, Report and Recommendation, supra, pp. 8-9.

[9] Office of the Court Administrator vs. Alvarez, 287 SCRA 325, (1998), citing Villamayor vs. Vera Cruz Jr. 227 SCRA 239, (1993).

[10] Escañan vs. Monterola, AM No. P-99-1347, (2001).

[11] Rangel-Roque vs. Rivota, 302 SCRA 509, 521, (1999).

[12] Alawi vs. Alauya, 268 SCRA 628, 638, (1997); Quiroz vs. Orfila, 272 SCRA 324, 329-330, (1997).

[13] TSN, June 25, 2001, p. 9.

[14] Caguioa vs. Flora, AM P-01-1480, (2001).

[15] Investigation, Report and Recommendation, p. 8.

[16] Sadik vs. Casar, 266 SCRA 1, 16 (1997).

[17] Pursuant to Sec. 11, paragraph 1 of rule 140, which states:

"SEC. 11. Sanctions. – A. If the respondent is guilty of a serious charge, any of the following sanctions may be imposed:

1. Dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations. Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits;

x x x x x x x x x"

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

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.