

**JUDGE NAGAMURA T. MONER, SHARI'A CIRCUIT COURT,
ILIGAN CITY, COMPLAINANT, VS. DATU SALEM P. AMPATUA,
INTERPRETER I, SHARI'A CIRCUIT COURT, ILIGAN CITY,
RESPONDENT.**

A.M. No. SCC-98-3(P). September 03, 1998

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PER CURIAM

In this letter dated 2 July 1996, complainant Judge Nagamura Moner of the Shari'a Circuit Court of Iligan City charged respondent Datu Salem P. Ampatua, Interpreter I of complainant's court, with falsification of a public document. As charged, respondent allegedly falsified complainant's signature in a letter dated 8 April 1996 and addressed to the City Mayor of Iligan City, wherein it was made to appear that complainant authorized respondent to attend the 8th Annual Convention of the Philippine Association of Court Employees (PACE) in Lingayen, Pangasinan. By virtue of the falsified recommendation, the Iligan City Mayor was misled into issuing a Travel Order thereby allowing respondent to draw the amount of P2,000.00 from the City Treasurer's Office to answer for respondent's travelling expenses.

Upon being required to comment, respondent alleged that the letter in question "was made in compliance with circular No. 7-98 [sic] issued by Deputy Court Administrator Reynaldo Suarez, authorizing court employees, who are members of the PACE to attend its annual convention to be held at Lingayen, Pangasinan on April 25-26, 1996;" that respondent made his intention to attend the convention known to complainant; that complainant agreed and even asked respondent to prepare the necessary request which was dictated to him, and thereafter respondent placed the prepared request on top of complainant's table for signature; that, however, the request remained unsigned as complainant rarely reported to the office; hence, due to time constraints, respondent was compelled to sign the request on behalf of complainant, anyway there was already apparent conformity on the latter's part. Thereafter, respondent informed complainant about the matter, who did not protest.

Respondent further claimed that complainant filed this case only in July, or more than two months after the incident, and attributed the filing to respondent's failure in one instance to address complainant Judge "Your Honor." However, despite respondent having already admitted his mistake and asked for complainant's forgiveness, complainant nevertheless warned respondent and asked him to look for another job so that complainant would not file the case against respondent. Finally, respondent begged for our compassion as he did not act in bad faith nor with intent to gain when he requested an allowance from the City of Iligan, since he actually spent the funds at the PACE convention.

In the resolution of 2 July 1997, we referred this case to Executive Judge Mamindiara P. Mangotara of the Regional Trial Court of Iligan City for investigation, report and recommendation.

In his Investigation Report dated 26 August 1997, Judge Mangotara stated:

Perusal of the record together with the sworn statements of the complainant, his Clerk of Court, Nasrodin Ali

and the defendant shows that a crime of falsification had been committed by Datu Salem P. Ampatua as can be gleaned from the following facts, to wit:

1. On August 8, 1996, defendant forged the signature of the complainant in a letter request addressed to the City Mayor of Iligan City, to make it appear that said letter request is the request of the complainant when in fact and in truth it is the defendant's own making without any participation of the complainant.
2. On December 6, 1996, defendant forged the signature of the Clerk of Court in the memorandum receipt to make it appear that it was Nasrodin Ali, the Clerk of Court of Sharia Circuit Court of Iligan that requested one typewriter and two units of staplers and received the same in the Supply Division of the Supreme Court without any participation of the Clerk of Court.

All other alleged falsification made by the defendant such as: forging of signature of the complainant by the defendant in the letter request for one-half (1/2) fare from the William Lines; falsification of the request for executive table from the City Mayor of Iligan which was denied; falsification of the monthly allowance of the complainant from the City Government, were all denied by the defendant in his previous answer and his sworn statement. Hence, doubt must be resolved in favor of the defendant.

From the record and foregoing facts, the Court finds that the present complaint for falsification is the result of misunderstanding between the complaint [sic] and the defendant which started on April 8, 1996 when the defendant requested to attend the PACE Convention but it was turned down by the complainant. The defendant, due to his determination to attend, find ways and means to attend by falsifying the signature in his request for travel which request was granted and consequently received P2,000.00 travel fund from the City Government and attended the PACE Convention held in Lingayen, Pangasinan on April 25-26, 1996. The record further revealed that defendant used to make follow-ups of some Court supplies and the incentive allowances of the complainant without written authority from the latter. That after receipt from the City Cashier of said allowance, he (defendant) gave it to the complainant. Hence, there is no falsification to speak of. That defendant admitted to have forged the signature of the Clerk of Court in the memorandum receipt and received one (1) typewriter and two (2) staplers from the Supply Division, Supreme Court, that said typewriter and two staplers were later turned over to the Court. Yes, falsification is committed but the intention of the defendant is for good.

In the light of the foregoing findings, the Court is of the considered view that falsification under paragraph 2 of Article 171 of the Revised Penal Code had been committed by the defendant, by causing it to appear that the complainant have participated in any act or proceeding when he did not in fact so participate by forging complainant's signature in the letter dated April 8, 1996 and the forging of the signature of Nasrodin Ali, Clerk of Court in the memorandum receipt. Moreover, the acts of defendant constitute dishonesty and misconduct under Section 36 of the Presidential Decree No. 807, otherwise known as the Civil Service Decree of the Philippines and therefor, he should be held liable.

Judge Mangotara thus recommended:

Notwithstanding however, of the omissions and shortcomings of the defendant and considering that no prejudice or injury being suffered by the complainant and/or the government, the Court recommends two (2) months suspension without pay against the defendant, with a warning that repetition of the same, a more severe penalty shall be imposed.

We then referred the report and recommendation to the Office of the Court Administrator on 8 December 1997 for evaluation, report and recommendation.

In its Memorandum of 20 March 1998, the Office of the Court Administrator (OCA) agreed with the findings of fact of Judge Mangotara, but recommended the penalty of dismissal from the service "with prejudice to re-employment in any government-owned or controlled corporation." In support thereof, the OCA stated:

We condemn and would never tolerate any form of misconduct, act or omission on the part of all those in the administration of justice which would violate the norm of public accountability and honesty or even just tend to diminish the faith of the people in the Judiciary. Respondent Ampatua's forging the signature of his Presiding Judge to favor him show [sic] beyond doubt his unfitness to continue to hold any government position. Time and again the Honorable Court has stressed that it must purge unethical employees, like respondent Ampatua or run the risk of destroying the faith of the people in the Judiciary because of his bad example.

Respondent's claim that he simply signed the letter because there was already a prior agreement between the complainant and him is untenable.

As admitted by the complainant he simply allowed the attendance of respondent to participate in the PACE Convention but he never authorized him to sign the letter-request for financial assistance. But that as it may, respondent miserably failed to dispute the allegations of complainant that he falsified his signature. Nodoubt respondent is guilty of gross dishonesty and his stay in the Judiciary should no longer be prolonged. For if he can falsify a simple letter with more reason that he too can falsify other court orders/decisions.

We agree with the recommendation that respondent must be dismissed from the service, but as to the ban on re-employment, such must not only be from "any government-owned or controlled corporation," but from the Judiciary and any other branch of service, agency or instrumentality of the government. Moreover, it must be with prejudice to whatever benefits he may be entitled to.

Forging the signature of the presiding judge of the court where he was employed is deplorable, for it involves dishonesty and conduct prejudicial to the best interest of the service, which are grounds for disciplinary action under Section 46, Chapter 7, Subtitle A, Title I, Book V of the Administrative Code of 1987 (Executive Order No. 292). In turn dishonesty and conduct prejudicial to the best interest of the service are deemed grave offenses under Section 23, Rule XIV of the Omnibus Civil Service Rules and Regulations promulgated by the Civil Service Commission. The former is punished, even for the first offense, by dismissal from the service, while the latter is penalized by suspension for 6 months and 1 day to 1 year for the first offense and dismissal from the service for the second offense.

The judiciary has no place for dishonest personnel. The solemn task of administering justice logically demands that those who are privileged to serve therein, from the highest official to the lowliest employee, must truly be servants of the people who must not only be competent and dedicated, but must live and practice the virtues of honesty and integrity. Anything short of this standard would diminish the public's faith in the Judiciary, and is infidelity to the mandate of Section 1 of Article XI of the Constitution that a public office is a public trust and public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency, act with patriotism and justice, and lead modest lives.

Time and again we have stressed that every employee of the judiciary should be an example of integrity, uprightness and honesty. (*Sy v. Academia*, 198 SCRA 705, 718 [1991]). By his misdeed, respondent has blatantly refused to heed that injunction.

WHEREFORE, for gross dishonesty and conduct prejudicial to the best interest of the service, respondent DATU SALEM P. AMPATUA, Interpreter I, Shari'a Circuit Court, Iligan City, is **DISMISSED** from the service with prejudice to all benefits which may be due him and to re-employment in the judiciary and in any other branch, agency or instrumentality of the government, including government-owned and controlled corporation.

Complainant is hereby directed to file the appropriate criminal complaint against respondent with the City Prosecutor's Office of Iligan City.

This resolution is immediately executory. The Office of the Court Administrator shall see to it that a copy of this resolution be immediately served on respondent.

SO ORDERED.

Narvasa, C.J., Davide, Jr., Romero, Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Martinez, Quisumbing, and Purisima, JJ., concur.
Regalado, J. on official leave.

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