

JUDGE THELMA A. PONFERRADA, COMPLAINANT, VS. EDNA RELATOR, RESPONDENT.

A.M. No. P-87-119. January 30, 1990

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PER CURIAM:

In an affidavit-complaint dated August 26, 1987, Judge Thelma A. Ponferrada, Presiding Judge of Branch 18, Metropolitan Trial Court of Manila, (MeTC) charged her Staff Assistant II, Edna Relator with grave misconduct and conduct prejudicial to the best interest of the service.

The complainant alleged that the respondent committed the following acts by taking advantage of her position as Staff Assistant with custody of the Court's dockets:

1. Making false entries in the court docket of cases which are not even assigned to the aforementioned branch.
2. Falsifying court orders for the possibility of withdrawing each bail.

In a resolution dated October 19, 1987, the Court referred this Administrative Matter to Executive Judge Abelardo Dayrit of the Regional Trial Court of Manila for investigation, report and recommendation.

On January 11, 1988, Executive Judge Dayrit submitted a report recommending thru dismissal of respondent Edna Relator from the service. Pertinent portions of the report reads.

"It appears that complainant judge was informed by the City Auditor of Manila in a letter dated August 21, 1987 (Exh. "A"), regarding the withdrawal of cash bail in favor of various persons accused in criminal cases, all in favor of one Dominga Quiton in the amount of P3,300.00. Likewise, the purported signature of complainant in the certified true copies of court orders (Exhs. "A-3" to "A-5", "A-7" to "A-16", "A-18" to "A-27" and "A-29" to "A-35") which were submitted to support the vouchers appear unnaturally the same to the last stroke and even without slightest variation, prompting her office to issue a notice of suspension (Exh. "A-1-a"). Complainant Judge then went over the entries in the court dockets and discovered that the respondent took advantage of her position as Staff Assistant II and made false entries in the court docket, making it appear that Crim. Case No. 206748 was assigned to complainant's sala on January 31, 1984 and that it was dismissed on January 6, 1986 (Exh. "D") when, in fact, said cases assigned to her sala on May 27, 1983 (Exh. "E" and dismissed provisionally in an order dated August 9, 1983 (Exh. "F"). Likewise, there were inserted entries in the Court dockets to make it appear that some criminal cases were assigned to her sala, when, in fact, they were not, as per certification (Exh. "C") from the Office of the Clerk of Court of the MTC; that these Crim. Cases are Crime Case Nos. 050269 (Exh. G), 199762 and 199799 (Exh. G-1); 199810, 200932 and 20124 (Exh. G-2); 201501, 203040 and 20322 (Exh. G-3); 105721, 206107 and 2062 (exh G-4); 206599 (Exh G-5); 206748 and 207326 to 207327 (Exh G-6); 207842 (Exh. G-7); 210394 (Exh G-8); 2157728 (Exh G-9); 211538 (Exh G-10); 22147 (Exh G-11); 221779 (Exh. G-12); 234079 (Exh G-13); 22371 (Exh G-14); 234548 (Exh G-15); 235392 (Exh G-16); 241938 (Exh. G-17); 235392 (Exh. G-16); 241938 (Exh G-17); 24482 (Exh G-18); 245451 (Exh G-19) and 245949 (Exh. G-20), as entered in the docket book and correspondingly marked in evidence. On the basis of the certification of the Clerk of Court, she compared the names of the accused, as entered y the respondent in the docket and the names appearing in the falsified court orders and discovered that they are the same which indicates that the respondent acted in conspiracy with the

auditor in the falsification of court orders to make possible the payment of the claim voucher involving the withdrawal of the cash bail. Furthermore, the signature of the Branch Clerk, in the release order is also falsified as per certification of Mr. Reyes himself, the Branch Clerk of complainant (Exh. H); that respondent last reported for work on August 31, 1987 when she came to know about this case as she was required by the Executive Judge of MTC to answer the charge against her; that respondent was under preventive suspension in September 1, 1987, due to absence without leave and reported to the Supreme Court, as per letter marked as Exh. "I"; that no less than the respondent admitted in her answer (Exh. "J") that she made the entries; that a copy of Exh. "J" was sent to the NBI, handling the criminal aspect of the case. Complainant likewise presented a certified Xerox copy of the respondent's payment issued by the record Control Division (Exh. "K") of the Supreme Court to prove that respondent is employed as Staff Assistant II and the job description (exh. L) stating her duties and responsibilities as in-charge of court docket. Likewise, the affidavit of the complainant (Exh. M) substantiating her charge against the respondent herein.

"Atty. Ramon Reyes, Branch Clerk of Branch 18, MTC, Manila, was likewise presented and who testified that sometime in August 1987, he was shown Xerox copies of court orders purportedly issued by the complainant judge, however he denied having affixed his signature on top of the typewritten name Ramon Reyes. He likewise denied having signed the release order (Exh. H); that when he confronted herein respondent, she told him that the signature may be that of one Joseph Aventurado, a bondsman so he immediately went to the Police Station No. 3 and right then and there denied the genuineness of his signature in the release order and left a specimen of his signature; that he reported the matter to Judge Ponferrada and both of them confronted the respondent who denied having signed the name of Atty. Ramon Reyes; that when this Joseph Aventurado arrived, he talked to the respondent who told him to admit having affixed his signature however, Aventurado did not also want to admit it; that Edna Relator is no longer reporting for work since August 31, 1987 and as per verbal instruction of Judge Ponferrada, he reported the matter to the Executive Judge, thru the Leave Section, regarding respondent's failure to report for work. Witness likewise identified his affidavit marked as Exhibit "N".

Considering that the respondent had not been appearing and has left the place where she could be contacted, leaving no forwarding address therein, undersigned could not help but evaluate the evidences presented by the complainant. It is the primary responsibility of all public officers and employees to serve the public with the highest degree of responsibility, integrity, efficiency and honesty. As proven by the complainant judge, the respondent had made some false entries in the court docket, cases which are not even assigned to said branch. Respondent has gone to the extent of falsifying court orders with apparent ill-motive of making possible the withdrawal of cash bail, acts which are reflective of her patent unfitness for the position she is occupying. These actuations of herein respondent constitute a grave misconduct and conduct prejudicial to the best interest of service and acts unbecoming of a public employee."

After a careful review of the record, the Court sustains the findings and recommendation of Executive Judge Dayrit. In the face of the strong evidence against her, the respondent was given numerous opportunities to prove her innocence and vindicate her name and integrity, but she failed to do so.

IN VIEW OF THE FOREGOING, the COURT RESOLVED to DISMISS respondent Edna Relator, Staff Assistant II, Branch 18, MTC, Manila from the service with prejudice to being reinstated or reemployed in "any branch of the government service, including government owned and/or controlled agencies or corporation." All retirement benefits and other privileges to which she may be entitled are forfeited.

The Court FURTHER RESOLVED to refer to the Commission on Audit the information regarding the alleged participation of an Auditor in the falsification of the Court orders and the withdrawal of cash bail.

SO ORDERED.

Fernan, C.J., Gutierrez, Jr., Feliciano, Bidin, and Cortes, JJ., concur.

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