

CRISTETA D. ORFILA, COMPLAINANT, VS. ESTIFANA S. ARELLANO, H.R.M.O. II, RESPONDENT.*A.M. NO. P-06-2110 (FORMERLY OCA IPI NO. 02-1377-P). February 13, 2006*

Ponente: TINGA, J.

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Jesus drove away the moneylenders from the temple for good reason.

These consolidated administrative matters involve employees of the Office of the Clerk of Court (OCC), Regional Trial Court (RTC), Manila. The first, docketed as OCA IPI No. 02-1377-P was filed on 20 April 2002 by Cristeta D. Orfila (Orfila), a Process Server, charging Estifana S. Arellano (Arellano), a Human Rights Resource Management Officer II, with conduct unbecoming of a court employee. The second, docketed as Administrative Matter No. P-03-1692,[1] concerns a countercharge filed on 26 June 2002 by Arellano and her husband, retired Judge Romulo Arellano,[2] charging in turn Atty. Jesusa P. Maningas[3] and Atty. Jennifer C. Buendia, Clerk of Court and Assistant Clerk of Court, respectively, of the RTC Manila with graft and corrupt practices, etc.,[4] as well as Orfila for falsification of public document, etc.[5]

The cases were filed separately. On 2 April 2003, the Second Division of the Court resolved to consolidate both cases and referred them to Justice Narciso T. Atienza[6] for investigation.[7]

Since the parties have conflicting versions, the facts for each case as culled from the records, shall be presented and discussed separately.

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According to Orfila, at about 8:15 in the morning of 16 April 2002, she went to the office of Atty. Jesusa P. Maningas, who was then Clerk of Court of RTC Manila, to give the latter suman for breakfast. While they were conversing, Arellano barged in and said, “Magbayad ka ng iyong utang.”[8] She had previously borrowed P10,000.00 from Arellano and the latter was demanding payment for the unpaid interest due thereon in the amount of P2,000.00. A heated argument ensued between them. Atty. Maningas advised the two women to settle the matter outside her office and urged them to respect her position. Then Orfila asked Arellano, “Bakit naman Panyeng ganyan ka binabastos mo ako, wag kang bastos. Pormalin mo ako Panyeng. Meron naman akong table sa kabila, doon mo ako puntahan at singilin. Huwag kung saan-saan pati doon sa table ni Boy,” to which Arellano retorted, “Sinungaling ka talaga, Tita, hindi ‘yan totoo, sinungaling ka.”[9]

At this point, Arellano suddenly slapped Orfila on her left cheek prompting Atty. Maningas to call for the help of the other employees who were seated by their table right outside the door of her office. There were only two other employees present, Glenda Homeres and Ernesto Lacaba. They later testified that they had heard the altercation, and through the glass panels of Atty. Maningas’s cubicle, witnessed the slapping incident. Homeres helped Orfila to sit down as she seemed about to fall while Lacaba tried to pacify Arellano who then had taken off one of her shoes and was attempting to hit Orfila with it.

Thereafter, Orfila had herself examined in the Ospital ng Maynila and was attended to by Dr. Jose Pingol. Dr. Pingol issued to her a medical certificate^[10] diagnosing her with swelling of the left and right cheeks that could have been caused by slapping.

Atty. Buendia, the Assistant Clerk of Court, was not present when the incident took place but learned of the same through a text message she received while she was on her way to the office.^[11] When she arrived, Atty. Maningas relayed to her what she had witnessed and instructed her verbally, and through a subsequent memorandum,^[12] to conduct an investigation on the matter. Atty. Maningas inhibited herself therefrom as Arellano was her kumadre, she being a principal sponsor in the wedding of one of the latter's children. She also feared being accused of bias should she find for Orfila because the latter gave her suman.^[13]

On the same day of the incident, Atty. Buendia called a meeting of all section chiefs and officers as well as Arellano, wherein they were reminded to be vigilant in preventing a repetition of the same untoward incident in the office. After the meeting, Atty. Buendia spoke to her about the shameful incident. Arellano just replied, "Agi, nabigla ako. Buligi na la ako."^[14]

Later that afternoon, Judge Arellano came to their office. He told both Atty. Maningas and Atty. Buendia that he gave his wife money out of his retirement pay "para may mapaglibangan" and that refusal to pay a debt was actionable under the Civil Service Law.^[15] Atty. Buendia expressed her hopes that the matter between Orfila and his wife will be settled, to which he replied, "Ah oo, pepersonalin ko ito."^[16] Orfila then arrived and Judge Arellano apologized to her. He asked that she forgive his wife and not to push through with filing a complaint but Orfila refused.

The Investigating Committee headed by Atty. Buendia interviewed Orfila, Arellano, Homeres, Lacaba and Atty. Maningas. They also tried to reconcile Orfila and Arellano several times but to no avail. According to Atty. Buendia, the parties were not represented by counsel nor were stenographic notes taken during the investigation since it was only an inter-office matter that they hoped would be settled between the parties.

On 29 April 2002, the Investigating Committee rendered a report^[17] to Atty. Maningas that documented the slapping incident but stopped short of making any recommendation. Atty. Maningas endorsed the same for administrative action to the Office of the Court Administrator (OCA) through the Hon. Enrico A. Lanzas, Acting Executive Judge of RTC Manila.^[18] At the same time, Orfila filed the instant administrative complaint as well as a criminal complaint against Arellano for slight physical injuries, slander by deed and oral defamation with the Office of the Manila City Prosecutor.

Defending herself, Arellano decried complainant's version of the facts as fabricated, trumped-up, malicious and intentionally filed by Orfila out of vindictiveness and for the purpose of harassment.^[19] She claimed that the complainant obtained a P10,000.00 loan from her at 10% interest every month to be paid in three (3) months. When complainant defaulted, she tried to collect from her every pay day. It took Orfila years to pay a part of the principal amount and would burst into anger every time she was reminded of the unpaid balance of her loan. Arellano testified that she did not file any formal complaint against Orfila regarding her debt but only asked her husband to send her a demand letter.^[20]

At 8:00 o'clock in the morning of 16 April 2002, per Arellano's testimony, Orfila came to her office in the RTC Library, informing her that Atty. Maningas has the money for the balance of Orfila's loan. She was glad because at long last Orfila was going to pay her so she went to see Atty. Maningas. But as soon as she entered the said office, Orfila began lambasting her saying, "Bastos ka, ayaw kong magbayad sa iyo, kung magbabayad ako dito rin kay Atty. Maningas ibibigay ko. Ayaw kong magbigay sa iyo, bastos ka."^[21] She did not say a word but just crossed her arms. Atty. Maningas said, "Magpasensyahan na kayo."^[22] Orfila stood up and pointed her finger

near Arellano's face and said, "Ikaw bastos ka hindi ako magbabayad sa iyo." [23] Arellano pushed her and parried Orfila's fingers with her hand. She denies slapping her, claiming that Orfila could have been hit by her own hand when she pushed it towards her. [24] Arellano also tried to remove one of her shoes for self-defense, or to scare Orfila because the latter was charging towards her.

Arellano further claimed that the instant case was filed by Orfila in connivance with Atty. Maningas and Atty. Buendia. Atty. Maningas is also indebted to her in the total amount of P15,000.00 at 10% monthly interest which she refused to pay. Atty. Maningas allegedly tried to convince her several times to condone her loan obligations as well as that of Orfila in exchange for Orfila's desistance from filing a complaint against her but she flatly refused. They then conspired with Atty. Buendia to silence her by carefully planning a set-up wherein she was called to Atty. Maningas's office under the pretext that Orfila would settle her indebtedness through her. They then made it appear that she had provoked the incident and Atty. Maningas could be the sole witness while Atty. Buendia would conduct the investigation. Arellano charged that Glenda Homeres and Ernesto Lacaba were only instructed by Atty. Maningas to testify in favor of Orfila.

Arellano testified that she did not file any complaint against Orfila, Maningas and Buendia nor report the matter to her superior or with the Executive Judge of RTC Manila. Nobody prevented her from doing so but she simply did not want to have any enemies for she was then retiring soon. [25] Arellano further testified that she was interviewed by the Investigating Committee regarding the incident but she was not allowed to submit a written explanation. Thereafter, Atty. Maningas and Atty. Buendia suggested that she settle the case amicably with Orfila by giving the latter P30,000.00, which amount was later reduced to P20,000.00. However, she did not assert that she was the aggrieved party because she wanted the case to be settled before she retired.

Arellano further averred that after the slapping incident, Atty. Maningas, Atty. Buendia and Orfila started harassing her by threatening to block her retirement benefits if she did not give in to their demands. However, she filed an administrative complaint against them only after she received a copy of Orfila's complaint. [26]

Arellano's husband also testified in his wife's behalf, essentially corroborating her tale. According to him, after his wife called him in the afternoon of 16 April 2002, he went to see Atty. Maningas to verify the facts. Atty. Maningas allegedly told him that no one saw Arellano slap Orfila's face. Orfila even apologized to him, assuring him that it was just a simple misunderstanding between her and his wife. [27]

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The spouses Arellano, this time as complainants, filed a joint complaint-affidavit [28] against Orfila, Atty. Maningas and Atty. Buendia.

Charges Against Cristeta D. Orfila

The Arellanos accused Orfila of falsification of public documents by making it appear in her Service Record [29] and in her Personal Data Sheet, [30] which she personally accomplished when she was appointed janitor in the Court of First Instance of Manila on 1 November 1982, that she was born on 8 October 1942 in Carigara, Leyte when in fact she was not.

Her marriage contract [31] showed that when she was married on 29 November 1956, she was already 22 years old. Thus, she must have been born in 1934 and should have compulsorily retired in 1999 at the age of 65. Similarly, the birth certificate [32] of her son William indicated that she was married on 29 November 1956 and she was 21 years old at the time of William's birth in 1957.

The Arellanos further charged Orfila with the nonpayment of her loan and of conniving with Atty. Maningas and Atty. Buendia in harassing Arellano in order to evade payment of her obligation. She allegedly acted as a willing tool considering that she was extraordinarily close to them and that she owed Atty. Maningas favors, among which was the employment of her three children in RTC Manila.

Orfila denied the charges, insisting that she was born on 8 October 1942. Said date was what her parents had inculcated in her mind as her birthdate which she had been using in good faith ever since she can remember. She cannot produce her birth certificate because records of birth from 1942 to 1944 in Carigara, Leyte were destroyed during the Japanese occupation. She submitted her Certificate of Live Birth^[33] which was issued only on 29 July 2002 after she applied for late registration of her birth in the Office of the Civil Registrar of Carigara, Leyte. The information appearing therein were all furnished by respondent herself and her daughter, Maria Teresa Castel. It indicated 1942 as the year of her birth.

Orfila further claimed that her marriage with her husband was arranged by her parents. When she signed the marriage contract, she did not know that her age as stated therein was 22 years old. She was only asked by her father to sign the document and she did not know what she was signing then. Neither could she remember how old she was because she was still very young then. She had just enrolled in Grade II and she cannot read but can only write her name.

According to Orfila, she has nothing but a simple superior-subordinate relationship with Atty. Maningas and Atty. Buendia. She denied that they framed up Arellano. She filed a case against Arellano of her own volition because the latter had slapped her.

Charges Against Atty. (now Judge) Jesusa P. Maningas

Meanwhile, complainants-spouses charged Atty. Maningas with graft and corrupt practices, illegal and immoral abuse of official position, gross misconduct, immoral solicitation and nonpayment of loans, betrayal of public trust, illegal solicitation of money, oppression, coercion, maliciously and deliberately trying to delay, block or otherwise deprive Mrs. Arellano of her retirement benefits by filing midnight and trumped-up charges against her, in connivance with Atty. Buendia and Orfila, and dishonesty.^[34]

Arellano admitted that after her husband got his retirement gratuity, she extended loans to people in the office who requested for one. Atty. Maningas allegedly pleaded with Arellano to allow her a loan of P30,000.00. Arellano was then a subordinate employee of Atty. Maningas in the OCC. At first, Arellano refused but after consulting her husband, Arellano agreed to lend her P10,000.00. Atty. Maningas accepted the same for which she signed a receipt dated January 21, 1999.^[35] To avoid further disturbance, Arellano lent Atty. Maningas another P5,000.00 in February 1999.^[36] They agreed that the loans were payable in three (3) months.

Yet despite several demands by Arellano, Atty. Maningas never paid the loans. Instead, the latter tried to sweet talk her that she would recommend her for promotion if she would condone her loans. When Arellano was eventually promoted as Human Resource Management Officer II, Atty. Maningas claimed that she facilitated her promotion by following it up personally and even treating the members of the Selection and Promotion Board of the Supreme Court to snacks.

Arellano testified that she did not file any action against Atty. Maningas out of respect and she just hoped that she would be paid. Neither did she send her any demand letter. It was only when she was about to retire in May 2002 that she informed her husband of Atty. Maningas's refusal to pay.

The Arellanos further alleged that it was "usap-usapan" in the RTC Manila that Atty. Maningas and Atty. Buendia were involved in the anomalous re-raffle of certain criminal cases. They also allegedly created their own

screening committee for accepting employment in the OCC.

Rebutting these charges, Atty. Maningas claimed that in January 1999, she learned from a fellow employee that Arellano was granting loans at a very low interest rate. She approached Arellano who offered her a loan. Atty. Maningas admitted procuring two (2) loans totaling P15,000.00 at P500.00 monthly interest per P10,000.00 increment of the principal amount, payable in six (6) installments. The installments, interest and period covered were stated in Arellano's notebook which Atty. Maningas signs every time she pays. At the beginning, she kept a list^[37] of her own but she discontinued the same because she trusted Arellano. No oral or written demand was ever made to her by Arellano. On the day of the slapping incident, she even reminded Judge Arellano of the fact that she had paid her debt and the latter did not correct her.^[38]

Atty. Maningas further testified that in 2002 she requested for a moratorium from paying the loan which Arellano granted. Upon approval of her SCSLA loan in February 2002,^[39] she paid Arellano the balance of her loan which was more or less P4,000.00 in the presence of some female employees in the library, namely: Editha Gochingco and Lenida Cariño.^[40] After Arellano received the same, she said, "Naku matutuwa si Judge nito," to which Atty. Maningas replied, "Wala ba akong diploma comadre?"^[41] But Mrs. Arellano answered, "Wala na ma'am, ok na ito." She no longer insisted on getting a receipt because it would be a sign of mistrust. Furthermore, Arellano had the habit of not issuing any receipt upon full payment of loans by borrowers. She admitted lending money to Laniel Jornada, a co-employee, and not issuing a receipt when he paid her. She simply recorded his payments in her notebook.

Atty. Maningas also denied having any knowledge of Orfila's age. According to her, there were more than 100 personnel in their office and they cannot be expected to go over each of their biodata. Neither did she have anything to do with Orfila's employment with the RTC Manila nor with her children's. Orfila was recommended by then Executive Judge Salvador and her children were recommended by their respective judges. Atty. Maningas likewise denied having a hand in Arellano's promotion. Arellano was promoted in 2001 to the position of Human Resource Management Officer II because she was the lone applicant and she was recommended by then Executive Judge Guarina.

As regards the alleged anomaly in the re-affle of cases, Atty. Maningas explained that the case of "People v. Jose Sy y Ang," on which the disturbing rumors had centered, was added to the cases calendared for raffle on 28 February 2000. She had no participation in the preparation of the calendar. She tendered her resignation from the raffle committee out of delicadeza.^[42] Her resignation was not accepted.

Charges Against Atty. Jennifer C. Buendia

Complainants-spouses hurled similar charges of conspiracy, corruption and abuse of position against Atty. Buendia. In addition, Atty. Buendia is popularly known to have the habit of throwing sumptuous birthday parties in the Office of the Clerk of Court. During her birthday party on 12 April 2002, an abundant supply of food was on the table. One of the several litsons had a tag on which was written, "To Atty. Buendia, happy birthday" from a certain bonding company.^[43]

Atty. Buendia denied framing up Arellano as earlier mentioned. She did not even know that Atty. Maningas borrowed money from Arellano. She found out about it only when Atty. Maningas excused herself one day and informed her that she was going to the library to pay Arellano the balance of her loan. When she came back, she happily announced, "Graduate na ako, la na ako utang kay Estifania."^[44] Atty. Maningas had bought fried chicken for their lunch that day because she was finally able to encash her loan check from the SCSLA.

Atty. Buendia denied harassing or threatening Mrs. Arellano into paying Mrs. Orfila P30,000.00. She admitted exerting efforts to reconcile the two but Orfila's children objected to their mother acceding to any settlement.

According to them, the only acceptable settlement was for their mother to also slap Mrs. Arellano.

Atty. Buendia also denied throwing a birthday bash on 12 April 2002, claiming that the lunch in question was a potluck organized by the April birthday celebrants in the OCC, herself included. Atty. Buendia likewise disavowed having knowledge of Orfila's age and the circumstances of her employment as well as that of her children. She opined that she has no power to appoint people to government position. She also denied blocking Arellano's retirement benefits and argued that she and Atty. Maningas would gain nothing by doing so.

As regards the alleged rigging of the raffle of the Ang Sy case, Atty. Buendia claimed that she was not forced to resign from the raffle committee. She tendered her resignation out of delicadeza and no charges were filed against her regarding the same.[45]

Judge Arellano also testified to support his wife's charges. He asserted that he did not apologize to Orfila. He also testified that he did not respond when Atty. Maningas told him that she had already paid her debt because he felt amused by her remark knowing that she had not yet settled her loan obligations with his wife. He did not take any legal action to demand payment from Atty. Maningas because he did not want his wife to encounter any problem when she retires. He likewise stated that he and his wife talked to Gochingco in the RTC library sometime in September 2002. She allegedly told them that she was pressured by Atty. Maningas to execute a joint-affidavit with Cariño and that she promised them a promotion if they would testify in favor of Atty. Maningas. But he no longer confronted her on the matter when she testified at the hearing because it was enough that it was put on record that Atty. Maningas went to her and requested that she execute a joint affidavit with Cariño in her favor. He also submitted a photocopy of a letter addressed to Hon. Presbitero J. Velasco, Court Administrator, purportedly written by Atty. Rolando Alejandro Q. Agustin of the Bangko Sentral ng Pilipinas charging Atty. Buendia, et. al. with alleged gross violation of laws and conduct prejudicial to the interest of the government.[46]

During the course of the investigation, Mrs. Orfila passed away. In a letter dated 09 January 2004, Mrs. Orfila's daughter, Mrs. Winefreda O. Paas informed the OCA of her mother's death on 12 December 2003, together with corroborating documents.

After the investigation, Justice Atienza submitted his consolidated report[47] to the OCA on 7 June 2004. Said report was noted by this Court on 9 August 2004.[48]

The OCA through Justice Atienza made the following recommendations:

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Respondent Estifana S. Arellano be penalized to:

- (a) pay a fine in the amount of P20,000.00 for misconduct for having slapped Cristeta D. Orfila in the Office of the Clerk of Court and in her presence; and
- (b) pay a fine in the amount of P20,000.00 for engaging in the business of lending money in the Office of the Clerk of Court at usurious rates of interest.

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(1) In view of the death of Cristeta D. Orfila during the pendency of the investigation as shown in the Death Certificate submitted by Ms. Winefreda O. Paas was marked as Annex "1", the penalty of suspension or dismissal from the service is no longer possible, the penalty of forfeiture of retirement benefits, except the accrued leaves, be imposed for falsification of public documents.

(2) Then Clerk of Court, (now) Judge Jesusa P. Maningas be penalized to pay a fine of P20,000.00 for borrowing money from a subordinate employee. The other charges be dismissed for insufficiency of evidence.

(3) The charges against Atty. Jennifer C. Buendia be dismissed for insufficiency of evidence.”[49]

Both administrative matters are now before us to consider Justice Atienza’s findings and recommendations.

The issue in these twin administrative matters is whether or not the respective conduct of the parties warrant the imposition of administrative sanction. We agree with the findings of Justice Atienza and adopt the penalties he recommended except with respect to Arellano.

Charges against Estifana S. Arellano

Conduct Unbecoming of a Court Employee

Employees in the government service are bound by the rules of proper and ethical behavior and are expected to act with self-restraint and civility at all times, even when confronted with rudeness and insolence.[50] Arellano utterly failed in this regard.

The records reveal that Arellano indeed slapped Orfila in the presence of Atty. Maningas after starting a heated argument regarding an unpaid loan. Orfila categorically and unwaiveringly testified that Arellano slapped her in the presence of Atty. Maningas. The medical certificate issued to her by Dr. Pingol confirms that she sustained injury as a result thereof. Her testimony was further corroborated by three eyewitnesses to whom Arellano failed to impute evil motive. In the absence of evil motive, their testimonies should be given full weight and credence.[51] In *People v. Villagrancia*,[52] this Court held:

On the other hand, accused-appellants were unable to prove any ulterior motive on the part of the prosecution witnesses to falsely implicate them for the crime. In the absence of ill-will, it is hardly credible that these witnesses would prevaricate and cause damnation to the one who brought them no harm or injury.

Meanwhile, Arellano interposed the defenses of denial and frame-up. Justice Atienza reported that it is physically impossible for Orfila to have sustained injury on her left cheek if her right hand, which she was allegedly thrusting at Arellano’s face was merely pushed by the latter considering the fact that they were facing each other when the incident occurred.

As to the defense of frame-up, the same is farfetched and flimsy. Aside from her own self-serving testimony and that of her husband, she failed to present a scintilla of evidence that the slapping incident was a mere fabrication. Neither could have Atty. Buendia rendered a distorted report on the investigation as there were two other employees designated as members of the Investigating Committee who participated actively during the entire investigation. Arellano did not take legal action against either of them. To say that the investigation was staged would be stretching it too far.

The testimony of her husband, Judge Arellano, is bereft of evidentiary value being mere hearsay.[53] His knowledge of the incident came from his alleged conversations with Atty. Maningas, Orfila and his wife. At best, his testimony may be admitted only as proof that there was such a conversation but without reference to the truth or falsity of the words uttered.

If unsubstantiated by clear and convincing evidence, denial is self-serving and cannot overturn positive eyewitness accounts.[54] Meanwhile, the tenability of the defense of frame-up depends largely on the court’s assessment of the credibility of the testimonial evidence of the offender.[55] Arellano failed to substantiate her allegations. Justice Atienza reported that when Arellano testified in both cases, she was restless and did not even look directly at Atty. Maningas,[56] while Orfila and her witnesses did not waiver in their testimony.

It is highly probable that Arellano, after consultation with her husband, panicked for fear of losing her retirement benefits because of her own mischief. Believing that offense is the best defense, they turned the tables on the

complainant and even implicated her superiors.[57] If there was anyone who manufactured a tall tale, it was she. Arellano then filed an administrative case against the three with her husband, a retired RTC judge, as co-complainant in order to lend credence to her story.

Arellano lays emphasis on her clean record and long faithful service in the judiciary. However, her act of slapping Orfila without proof of sufficient provocation and in the presence of her superior in the latter's office during working hours falls short of the standard of conduct required of court employees. We ruled in *Baloloy v. Flores*,[58] to wit:

The conduct and behavior of everyone connected with the office charged with the administration of justice must at all times be characterized by propriety and decorum. The court will not tolerate misconduct committed by court personnel, particularly during office hours within the premises of the court. Such misconduct shows lack of respect for the court, and erodes the good image of the judiciary in the eyes of the public.

Although the slapping may not be work-related, the brazenness of her act is totally unacceptable and should not be countenanced. As enunciated by this Court in *Zenaida C. Gutierrez, et. al. v. Rodolfo Quitalong*,[59] to wit:

Employees of the judiciary...should be living examples of uprightness not only in the performance of official duties but also in their personal and private dealings with other people so as to preserve at all times the good name and standing of the courts in the community. The image of a court, as being a true temple of justice, is aptly mirrored in the conduct, official or otherwise, of the men and women who work thereat, from the judge to the least and lowest of its personnel. (Emphasis supplied.)

Lending Money at Usurious Rates of Interest and Lending Money to Superior Officer

Moreover, Arellano's behavior in the office can be characterized as anything but exemplary. Arellano admitted that she lent money to her officemates including Atty. Maningas, who was her direct superior, at a monthly interest rate of 10%. It was because of the unpaid interest on Orfila's loan that Arellano had an altercation with Orfila that resulted to the slapping incident. Under the Civil Service Law, lending money at usurious rates of interest is prohibited.[60] So is the lending of money by subordinates to superior officers.[61] The same is punishable as a light offense under Section 22, Rule XIV of the Omnibus Rules implementing the Civil Service Law, as amended, and for which Arellano must likewise be penalized.

However, Section 17 of the Omnibus Rules implementing the Civil Service Law states that if the respondent is found guilty of two or more charges or counts, the penalty imposed should be that corresponding to the most serious charge or counts and the rest may be considered aggravating circumstances.

For slapping Orfila and worse, in the presence of her superior, Arellano is guilty of misconduct which is punishable by suspension for one (1) month and one (1) day to six (6) months for the first offense and dismissal for the second offense.[62] Such penalty should be imposed in its maximum considering that Arellano is also guilty of lending money at usurious rates of interest and of lending money to a superior officer. Since she has already retired, she should be held liable to pay a fine equivalent to six (6) months' salary at the time she committed the offense in 2002.

Charges against Cristeta D. Orfila

Falsification of Official Documents

Justice Atienza found substantial evidence to show that Orfila falsified her Service Record and Personal Data Sheet indicating thereon a false birthdate. She stated therein that she was born on 08 October 1942. Orfila claims to have believed in good faith that she was indeed born on that date as she had learned it from her parents. As evidence of her birthdate, Orfila presented her birth certificate that was issued only in 2002 after she applied for

late registration of her birth. This indicates that she was 59 years old at the time this case was filed in June 2002.

However, her marriage contract readily reveals that she was 22 years old at the time she was married in 1956. The birth certificate of her son, William, where she was the informant, shows that she was married on 29 November 1956 and was 21 years old when William was born in 1957. Evidently, Orfila must have been born between 1934 and 1936 but not in 1942.

All three (3) documents mentioned above, namely Orfila's birth certificate, her marriage contract, and William Orfila's birth certificate, are official records that are prima facie evidence of the facts stated therein.[63] While it has been held that a birth certificate is the best evidence of a person's date of birth and that late registration by the mother of her child's birth does not affect its evidentiary value,[64] we cannot say the same for Orfila's birth certificate in the face of contradictory evidence.

There is no record of Orfila's birth on 8 October 1942 in the Office of the Municipal Registrar of Carigara, Leyte[65] nor in the National Statistics Office[66] so that she applied for late registration of her birth in 2002. However, Orfila's birth certificate is merely equivalent to a bare declaration on her part as to her age because it was she who furnished the data contained therein.[67] Furthermore, the timing in which the late registration of the said birth certificate was effected, which was on 29 July 2002 when Orfila was already accused of falsification, casts doubt on the veracity of the fact it purports to prove.

Moreover, Orfila did not tell the truth when she testified that she had just enrolled in Grade II at the time she was married in 1956. Her Personal Data Sheet that she personally accomplished and submitted to the Supreme Court on 6 June 1983 shows that she studied at the Holy Cross Academy High School from 1954 to 1958. Her signature in the marriage contract was legible and neatly written, a sign that she did not have difficulty writing then as she alleged, and that she very well knew what she signed. Her marriage contract is a public document that needs no authentication.[68] As such, it cannot be overcome by the testimony of one of the contracting parties.

The same is true for William's birth certificate. In addition, Orfila herself was the informant therein and she is estopped from denying that she was 21 years old when she gave birth to William.

Whether Orfila was 22 years old at the time she got married or 21 years old when William was born, she must have falsified her Personal Data Sheet and Service Record in the judiciary in either case.

Under the Civil Service Law, falsification of official document is a grave offense punishable by dismissal for the first offense.[69] Since the penalty of dismissal is no longer feasible in view of Orfila's death, the penalty of forfeiture of retirement benefits, except accrued leaves, should be imposed on her.

Charges against Atty. (now Judge) Jesusa P. Maningas

Illegal Solicitation and Nonpayment of Loans

Atty. Maningas's version that she was offered a loan by Arellano and that she had already paid the same should be given more credence than that of the Arellanos's. It was impossible that Atty. Maningas pestered Arellano into lending her money considering that Arellano admitted to being a moneylender in the OCC. It is likewise impossible that Atty. Maningas had not paid Arellano at all considering that both loans were secured in 1999 and both were payable in three (3) months but not a single demand letter was sent to Atty. Maningas even after Arellano retired from service on 29 May 2002. Neither did Arellano file an administrative complaint against her before the slapping incident. Her husband, being a retired Judge, could have advised her on the legal implications of Atty. Maningas's acts but he remained silent.

As opposed to the Arellanos's self-serving and uncorroborated testimonies, there is ample evidence on record to

show that Atty. Maningas had paid her loan. However, borrowing money from a subordinate is punishable as a light offense under Civil Service Law.[70] Being the Clerk of Court of the RTC Manila, she was expected to know the Civil Service Law by heart as she had the duty to implement the same among her subordinates. For failing to measure up to the exacting standards of conduct required of her, she must be correspondingly penalized.

Graft and Corrupt Practices, Oppression, Abuse of Office, etc.

As to the other charges against Atty. Maningas, the Arellanos failed to substantiate their accusations. They presented mere hearsay evidence as well as their self-serving testimonies totally devoid of factual basis. It is the complainants' duty to prove what they allege. Hence, Atty. Maningas is hereby exonerated from the said charges.

Charges against Atty. Jennifer C. Buendia

The Arellanos likewise failed to present substantial evidence to prove their charges against Atty. Buendia. There is also nothing wrong with celebrating one's birthday in the office especially if it has been a tradition therein. Furthermore, the anonymous complaint addressed to Executive Judge Salvador against Atty. Buendia regarding the anomalous re-raffle of the Ang Sy case deserves scant consideration considering that they were handwritten and were not even endorsed by Judge Salvador to the OCC for proper disposition. This kind of letter can easily be manufactured and does not inspire belief.

Common Charges against Cristeta D. Orfila, Atty. (now Judge) Jesusa P. Maningas and Atty. Jennifer Dela Cruz-Buendia

As earlier discussed, the Arellanos have not shown any positive and convincing evidence of conspiracy among Orfila, Atty. Maningas and Atty. Buendia to frame her up and to delay and/or deprive her of her retirement benefits. They failed to prove that

Atty. Maningas and Atty. Buendia performed overt acts in furtherance of the alleged conspiracy. Again, we believe that such accusations were concocted by complainants as a desperate but futile attempt to shield Arellano from the consequences of her misconduct. This Court shall not be an instrument to the furtherance of such duplicity.

WHEREFORE, judgment is rendered as follows:

- Estifana S. Arellano is found GUILTY of misconduct, lending money at usurious interest rates and lending money to a superior, and meted a FINE in the amount equivalent to six (6) months' salary deducted from whatever leave and retirement benefits/privileges she may be entitled to;
- Cristeta D. Orfila is found GUILTY of falsification of official documents and meted the penalty of forfeiture of retirement benefits, except accrued leaves. The other charges against her are DISMISSED for insufficiency of evidence;
- Atty. Jesusa P. Maningas is found GUILTY of borrowing money from a subordinate and meted a FINE of P20,000.00. The other charges against her are DISMISSED for insufficiency of evidence;
- As to Atty. Jennifer C. Buendia, all charges against her are DISMISSED for insufficiency of evidence.

SO ORDERED.

Panganiban, C.J., Puno, Quisumbing, Ynares-Santiago, Carpio, Austria-Martinez, Carpio-Morales, Callejo, Sr., Azcuna, Chico-Nazario and Garcia, JJ., concur.
Sandoval-Gutierrez and Corona, JJ., on leave.

[1]Formerly OCA IPI No. 02-1424-P before consolidation

[2] Regional Trial Court, Kalibo, Aklan, Branch 5.

[3] Now Presiding Judge of the Metropolitan Trial Court of Manila, Branch. 24.

[4] A.M. No. P-03-1692, rollo, p. 12; The letter-complaint filed by complainant-spouses Arellano charges Attys. Jesus P. Maningas and Jennifer C. Buendia as follows:

“1. Against Atty. Jesusa P. Maningas – for Graft and Corrupt Practices, Illegal and Immoral Abuse of Official Position, Gross Misconduct, Immoral Solicitation and Non-payment of Loans with Abuse of Official Position and Influence, Betrayal of Public Trust, Illegal Solicitation of money amounting to Attempted Extortion, Oppression, Coercion, Maliciously and deliberately trying to delay, block or otherwise deprive my wife, Estifana S. Arellano, of her retirement benefits by filing midnight and trumped-up charges against her, in connivance with Atty. Jennifer C. Buendia and Cristeta D. Orfila, and Dishonesty.

“2. Against Atty. Jennifer C. Buendia – for Graft and Corrupt Practices, Illegal and Immoral Solicitation of money amounting to extortion, Grave Misconduct highly prejudicial to the best interest of the service, Oppression, Abuse of Official Position and Influence, Maliciously and deliberately trying to delay, block or otherwise deprive my wife, Estifana S. Arellano, of her retirement gratuity and other benefits by filing or causing to be filed against her, midnight, fabricated and trumped-up charges, in collusion with Atty. Jesusa P. Maningas and Cristeta D. Orfila, Betrayal of Public Trust, and Dishonesty.”

[5]Ibid. The letter-complaint filed by complainant-spouses Arellano charges Process Server Cristeta D. Orfila as follows:

“3. Against Cristeta D. Orfila – for Falsification of Official or Public Document, Threats, Grave Misconduct, Dishonesty, Illegally remaining in the service of the judiciary and unlawfully and fraudulently drawing her salary and other benefits after she reached the compulsory retirement age of 65 on October 8, 1999 in connivance with and protection of Atty. Maningas and Atty. Buendia, and Maliciously and deliberately trying to deprive my wife, Estifana S. Arrellano, of her retirement gratuity and other benefits by filing against her midnight, false and trumped-up charges in conspiracy with Atty. Jesusa P. Maningas and Atty. Jennifer C. Buendia.”

[6] Consultant of the Office of the Court Administrator.

[7] A.M. No. P-03-1692, rollo, p. 106.

[8]Id. at 128.

[9] A.M. No. P-06-2110, p. 87.

[10] Exhibit “B”; id. at 5.

[11] As stated in the Rebuttal Affidavit of Atty. Jennifer C. Buendia marked as Exhibit “F”, A.M. No. P-06-2110, rollo, p. 83.

[12] A.M. No. P-03-1692, rollo, p. 83.

[13] TSN, 18 June 2003, p. 36.

[14]When translated to English means, “Alas, I was carried away! Just help me.” A.M. No. P-06-2110, rollo, p. 83.

[15]A.M. No. P-03-1692, rollo, pp. 141-142.

[16] Ibid.

[17] Exhibit “H”; A.M. No. P-06-2110, rollo, pp. 11-12.

[18] Id. at 14.

[19] A.M. No. P-03-1692, rollo, p. 187.

[20] TSN, 28 April 2003, pp. 11-13.

[21] A.M. No. P-03-1692, rollo, p. 135.

[22] Ibid.

[23] Ibid.

[24] TSN, 28 April 2003, pp. 15-17.

[25] Id. at 25-27.

[26] Id. at 39.

[27] A.M. No. P-03-1692, rollo, pp. 137-138.

[28] Exhibit “A,” “A-2”; id. at 1-20.

[29] Exhibit “C”; id. at 25.

[30] Exhibit “D”; id.

[31] Exhibit “B”; A.M. No. P-03-1692, rollo, p. 26.

[32] Exhibit “F”; id.

[33] Exhibit “3,” A.M. No. P-03-1692.

[34] Supra note 4.

[35] Exhibit “H”; id. at 22.

[36] Exhibit “H-1”; id. at 23.

[37] Exhibit “1-a”; id. at 77.

[38] Id. at 163-164. Atty. Maningas and Judge Arellano admitted having the following conversation on 16 April 2002:

“Judge Arellano: Oh, Atty. Buendia, I’ve heard that you had a bonga birthday party.

Atty. Buendia: Wala po ‘yon judge. Sila lang dito ang nagkasundo mag-birthday party. Pot luck lang po.

Judge Arellano (to Atty. Maningas): I came here because my wife told me about the incident this morning.

Atty. Maningas: Oo nga judge, magbabayad na sana si Aling Tita, nauwi pa sa sampalan. Sayang.

xxx xxx xxx

Judge Arellano: Hindi ba alam ni Mrs. Orfila na sa Civil Service Law bawal mangutang na ayaw magbayad.

Atty. Maningas: Eh ako nga po judge, meron din akong utang sa inyo. Buti na lang tapos na akong magbayad, diba?

Judge Arellano: (He did not say anything at all, he just smiled.)”

[39] At the hearing, Atty. Maningas presented a certification from the SCSLA that she was indeed granted a salary loan of P101,000.00 on 14 February 2002 and had an outstanding balance of P87,333.00 as of 12 August 2002; Exhibit “1-c”; id. at 79.

[40] Respondent also presented the joint affidavit and testimonies of Editha Gochingco and Lenida Cariño who were in the library when Atty. Maningas allegedly paid Arellano. They both testified that they saw Atty. Maningas and Arellano talking in the library on 14 February 2002. They did not actually hear what they were talking about but when Atty. Maningas left the library, Arellano approached them and said, “Nagbayad si Atty. Maningas,” so they kidded her, “Magblow out ka naman diyan Ate Fanny,” to which Arellano replied, “Principal lang ang binayad hindi ko na pinainteresan.”

[41] A.M. No. P-03-1692, rollo, p. 63.

[42] Id. at 82.

[43] TSN, 12 September 2003, pp. 22-24.

[44] A.M. No. P-03-1692, rollo, p. 71.

[45] Id. at 82.

[46] Exhibits “L” to “L-12”, A.M. No. P-03-1692.

[47] Id. at 125-217.

[48] Per Resolution of the Second Division of the Supreme Court dated 09 August 2004; id. at 124.

[49] Id. at 217.

[50] *Rona Quiroz v. Cristeta Orfila*, 338 Phil. 51 (1997).

[51] *People v. Magbanua*, G.R. No. 133004, May 20, 2004, 428 SCRA 617, citing *People v. Nicholas*, 370 SCRA 473 (2001).

[52] G.R. No. 94471, March 1, 1993, 219 SCRA 212, 217.

[53] *People v. Vda. De Ramos*, 451 Phil. 215 (2003).

[54] *People v. Santiago Padoy y Elcamel*, 334 Phil. 726 (1997).

[55] Ibid.

[56] A.M. No. P-03-1692, rollo, p. 206.

[57] Id. at 192.

[58] 416 Phil. 703 (2001).

[59] 448 Phil. 469 (2003).

[60] Pres. Dec. No. 807, Art. XI, Sec. 36(b) (21). See also Uniform Rules on Administrative Cases in the Civil Service, Rule IV, Sec. 52(c) (9).

[61] Pres. Dec. No. 807, Art. XI, Sec. 36(b) (20).

[62] Omnibus Rules Implementing Book V of Executive Order No. 292 and other Civil Service Laws, Rule XIV, Sec. 22. See also Uniform Rules on Administrative Cases in the Civil Service, Rule IV, Sec. 52.

[63] Section 44 of Rule 130 states:

“Sec. 44. Entries in official records. – Entries in official records made in the performance of his duty by a public officer of the Philippines, or by a person in the performance of a duty specially enjoined by law, are prima facie evidence of the facts therein stated.”

[64] *People v. Apostol*, 378 Phil. 61 (1999).

[65] Exhibit “C”, A.M. No. P-06-2110.

[66] Exhibit “D”, *id.*

[67] *People v. Romeo Geron*, 435 Phil. 276 (2002).

[68] Rules of Court, Rule 132, Sec. 22.

[69] *People v. Apostol*, *supra* note 64.

[70] Omnibus Rules Implementing Book V of Executive Order No. 292 and other Civil Service Laws, Article XIV, Sec. 22.

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