

**ATTY. EDUARDO E. FRANCISCO, IN HIS CAPACITY OF
ATTORNEY-IN-FACT LAMBERTO LANDICHO, COMPLAINANT, VS.
LIZA O. GALVEZ, OFFICER-IN-CHARGE, CLERK OF COURT,
METROPOLITAN TRIAL COURT, ...**

A.M. No. P-09-2636 (Formerly OCA IPI No. 07-2681-P). December 04, 2009

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/be1da503407b/>

PER CURIAM:

Before us is an administrative complaint for grave misconduct and conduct unbecoming a court employee filed by complainant Atty. Eduardo E. Francisco in his capacity as attorney-in-fact[1] of Lamberto Ilagan Landicho, against respondent Liza O. Galvez, Officer-in-Charge (OIC)- Clerk of Court of the Metropolitan Trial Court of Pateros City, Branch 73, for issuing a certified photocopy of a spurious decision[2] dated December 16, 1974 and an undated certificate of finality[3] of the said decision.

The facts, as culled from the records, are as follows:

Lamberto Ilagan Landicho was married to Evelyn Carandang on February 3, 1975 at Toronto, Province of Ontario, Canada, upon Carandang's representation that she was single and without any legal impediment to contract marriage.

In October 2001, Carandang filed for divorce against Landicho before the Superior Court of Rancho Cucamonga, County of San Bernardino, Los Angeles, California, USA.

In January 2002, Carandang obtained a divorce decree from the said court against Landicho and was awarded spousal support in the amount of US \$1,100.00 a month. Consequently, Landicho regularly provided monthly support to Carandang from January 2002 up to September 2006, until he discovered that Carandang had a previous marriage to a certain Norberto Bagnate in August 2, 1973 in the Philippines before she contracted marriage with him.

Betrayed, Landicho filed an action to stop payment of support to Carandang and to declare invalid the decree of divorce.

During the proceeding, by way of defense, Carandang presented the questioned Decision dated December 16, 1974, purportedly issued by Judge Eustaquio P. Sto. Domingo, then Presiding Judge of the Municipal Trial Courts of Pateros and Fort Bonifacio, Rizal, as proof that her previous marriage to her first husband was already nullified as early as 1974; thus, there was no legal impediment on her part at the time of her marriage with Landicho in 1975.

However, Landicho contended that the questioned Decision dated December 16, 1974 was spurious, because the former trial court, which allegedly issued it, has no jurisdiction to try cases for annulment of marriage. Complainant also pointed out that the subject decision was registered only in the year 2007.

Later, in a Decision[4] dated May 4, 2008, the Regional Trial Court of Pateros, Branch 262, declared the

questioned Decision as null and void and directed the Office of the Local Registrar of Makati City and the National Statistics Office to cause the cancellation of the annotation of the annulment of marriage between Norberto Bagnate and Evelyn Carandang.

Aggrieved, Landicho, through Atty. Francisco, filed an administrative complaint against Judge Sto. Domingo for issuing the spurious decision. However, said complaint was terminated in view of Judge Sto. Domingo's retirement from service in September 20, 1997.[5] Persistent, complainant instead filed an instant administrative complaint against Galvez as she was the one who certified the spurious decision and issued the certificate of finality.

In her Comment[6] dated 17 September 2007, Galvez narrated that in April 3, 2007, a certain Rebecca Bautista, accompanied by Ms. Perla A. Chavez, who is an employee of the Office of the Civil Registrar-Pateros, came to her and introduced herself as a relative of Evelyn Carandang. She claimed that Bautista showed her a duplicate copy of the questioned December 16, 1974 Decision and requested her to certify it and issue a certificate of finality thereof. Galvez contended that she initially refused to issue the certificate as there are no more records of Fort Bonifacio cases left in the court of Pateros.[7]

However, respondent Galvez claimed that despite lack of records, Bautista and Chavez insisted that she can still certify the decision, since she was anyway familiar with Judge Sto. Domingo's signature. Hence, she searched for other orders and decisions with Judge Domingo's signature available in their office and compared it with the signature appearing in the questioned decision dated December 16, 1974. After she found the signatures to be similar, she then certified the questioned decision and issued the certificate of finality.[8] Galvez further pointed out that at the time the questioned decision was rendered in 1974, she was still a mere clerk and was unaware that the MTC of Pateros has no jurisdiction over annulment cases. Finally, Galvez invoked good faith in issuing the certified photocopy of the decision and the certificate of finality.

For her part, Chavez admitted that indeed it was she who convinced and reassured respondent to issue the certification despite lack of records.[9]

After the Office of the Court Administrator (OCA) recommended that the matter be investigated, we referred the case to Executive Judge Amelia C. Manalastas of the Regional Trial Court of Pasig City for investigation, report and recommendation.[10]

In her Compliance[11] dated October 3, 2008, Judge Manalastas found Galvez guilty of simple negligence only for failure to exercise diligence in the performance of her official function in violation of Sections 1 and 3,[12] Canon IV of the Code of Conduct for Court Personnel.

On March 18, 2009, the OCA recommended that Galvez be suspended from the service for one (1) month and one (1) day for having been found guilty of simple neglect of duty.[13]

We are unconvinced.

No less than the Constitution mandates that all public officers and employees should serve with responsibility, integrity and efficiency. Indeed, public office is a public trust. Thus, this Court has often stated that the conduct and behavior of everyone connected with an office charged with the dispensation of justice, from the presiding judge to the lowliest clerk, is circumscribed with the heavy burden of responsibility. The Judiciary expects the best from all its employees who must be paradigms in the administration of justice.[14]

In the instant case, respondent Galvez' performance as a court employee is clearly wanting. There is no question as to the guilt of Galvez as the records speak for itself. In issuing the disputed certification, (1) Galvez knew that

there were no existing records that could have served as basis for the issuance of the certificates; (2) Galvez did not exert efforts to inquire from authorized persons whether the court that rendered the decision had jurisdiction to try, much less decide, a case for annulment of marriage, or whether the document presented to her for certification was valid and authentic; (3) Galvez merely relied on her familiarity with the signature of the late Judge Sto. Domingo; (4) Galvez did not even give proper attention to the fact that the decision was of doubtful origin, considering that it was dated more than (30) years ago; and (5) Galvez carelessly relied on the assurance of Chavez. These acts clearly demonstrated lack of sufficient or reasonable diligence on the part of Galvez in the performance of her duties.

Section 1, Canon IV of the Code of Conduct for Court Personnel mandates:

Section 1. Court Personnel shall at all times perform official duties properly and with diligence. They shall commit themselves exclusively to the business and responsibilities of their office during working hours.[15]

There is nothing proper in certifying a mere photocopy without verifying the truthfulness thereof with any resources.[16] Reliance with one person's familiarity of another person's signature cannot be made a basis of a certification. A certificate is a written assurance, or official representation, that some act has or has not been done, or some event occurred, or some legal formality has been complied with.[17] To certify is to attest the truthfulness of the document. Without the records to verify the truthfulness and authenticity of a document, no certification should be issued. This is basic. More appalling is the fact that Galvez, in issuing the certifications, also relied on Chavez' assurances when the latter is not even a court employee. It should also be pointed out that there is no record of official receipt for the issuance of the certifications.

From the foregoing, it is evident that respondent has shown herself to be less than zealous in the performance of the duties of her office which demands utmost dedication and efficiency. Her lackadaisical attitude betrays her inefficiency and incompetence and amounts to gross negligence if not gross misconduct. Respondent should have been more diligent in performing her duties. At the very least, she should have informed the presiding judge of the court about the request for certification and the fact that there exist no records to support the certification. These, Galvez miserably failed to perform.

Moreover, Galvez should know that when she certified the questioned decision, she did so under the seal of the court. Thus, when the decision she certified turned out to be spurious and non-existent, she undoubtedly put the Judiciary into shambles and jeopardized the integrity of the court. Respondent's acts betray her complicity, if not participation, in acts that were irregular and violative of ethics and procedure, causing damage not only to the complainant but also to the public. Her actuations reflect adversely on the integrity and efficiency of the Judiciary. Thus, considering the severity of the repercussions and damages resulting from Galvez' negligence and lack of prudence in the performance of her duties, we disagree that her neglect of duty was only simple. It is, in fact, gross.

Likewise, Galvez cannot raise "good faith" as a defense. In common usage, the term "good faith" is ordinarily used to describe that state of mind denoting "honesty of intention, and freedom from knowledge of circumstances which ought to put the holder on inquiry; an honest intention to abstain from taking any unconscientious advantage of another, even through technicalities of law, together with the absence of all information, notice, or benefit, or belief of facts which render transaction unconscientious. Clearly, Galvez, from her actuations, cannot be considered to have acted in good faith when she certified the questioned decision, since she herself, admitted that there were no court records to support the certification. She also failed to take precautionary measures to determine the authenticity of the document which on its face appeared to be suspicious. This is another aberrant behavior contrary to good faith.

Time and again, we have repeatedly stressed that a clerk of court occupies a very sensitive position that requires competence and efficiency to insure the public's confidence in the administration of justice. She is expected to uphold the law and implement the pertinent rules and must be assiduous in the performance of her duties since she performs delicate administrative functions that are essential to the prompt and proper administration of justice. She cannot err without affecting the integrity of the court or the efficient administration of justice. Thus, she cannot be permitted to slacken on her job under one pretext or another.[18]

In Judge Divina Luz P. Aquino-Simbulan v. Judge Nicasio Bartolome,[19] the Court has categorized as a grave offense of gross neglect of duty, respondent's act of releasing the accused on temporary liberty despite absence of supporting documents for bail. As corollarily applied to the present case, where Galvez certified a questionable decision and issued a certificate of finality thereof without any records as basis, Galvez is likewise liable for gross neglect of duty.

We come to the imposition of the proper penalty.

Gross neglect of duty[20] is a grave offense punishable by dismissal under Section 52, Rule IV of the Uniform Rules on Administrative Case in the Civil Service.[21] While Galvez invoked the "first offense" circumstance as mitigating, the gravity of the offense committed negates its application. Galvez' act of certifying a decision in the absence of any records warranting its certification is, in fact, criminal in nature as it is tantamount to falsification under the Revised Penal Code.[22] This Court cannot turn a blind eye to Galvez' lapses. The facts and the evidence, coupled with Galvez' own admission, sufficiently established her culpability.

In several cases, we imposed the heavier penalty of dismissal or a fine of more than P20,000.00, considering the gravity of the offense committed, even if the offense charged was respondent's first offense. This case is no different. Even though the offense Galvez was found guilty of was her first offense, the gravity thereof outweighs the fact that it was her first offense.[23]

As a final note, the Code of Conduct and Ethical Standards for Public Officials and Employees (Rep. Act No. 6713) enunciates the state's policy of promoting a high standard of ethics and utmost responsibility in the public service. And no other office in the government service exacts a greater demand for moral righteousness and uprightness from an employee than in the Judiciary. We have repeatedly emphasized that the conduct of court personnel, from the presiding judge to the lowliest clerk, must always be beyond reproach and must be circumscribed with the heavy burden of responsibility as to let them be free from any suspicion that may taint the Judiciary. The Court condemns and would never countenance any conduct, act or omission on the part of all those involved in the administration of justice, which would violate the norm of public accountability and diminish or even just tend to diminish the faith of the people in the Judiciary.[24]

WHEREFORE, the Court finds Liza Galvez, Officer-in-Charge- Clerk of Court of the Metropolitan Trial Court of Pateros, Branch 73, GUILTY of GROSS NEGLECT OF DUTY and orders her DISMISSAL from the service, with forfeiture of all retirement benefits and privileges, except accrued leave credits, if any, with prejudice to re-employment in any branch or instrumentality of the government, including government-owned or controlled corporations.

SO ORDERED.

Puno, C.J., Carpio, Corona, Carpio Morales, Chico-Nazario, Velasco, Jr., Nachura, Leonardo-De Castro, Brion, Peralta, Bersamin, Del Castillo, Abad, and Villarama, JJ., concur.

[1] Rollo, pp. 8-9.

[2] Id. at 14.

[3] Id. at 13.

[4] Id. at 59-63.

[5] Id. at 16.

[6] Id. at 27-28.

[7] Id.

[8] Id.

[9] Id. at 44; 79-80.

[10] Supreme Court Third Division Resolution dated February 13, 2008; id. at 36.

[11] Rollo, pp. 52-53.

[12] Section 1. Court personnel shall at all times perform official duties properly and with diligence.

x x x x

Section 3. Court personnel shall not alter, falsify, destroy or mutilate any record within their control.

[13] Memorandum for the Chief Justice dated March 18, 2009.

[14] Judge Ibay v. Lim, 394 Phil. 415, 420-421 (2000).

[15] Emphasis ours.

[16] Rule 136 - Court Record and General Duties of Clerks and Stenographers.

Section 11. Certified Copies. - The clerk shall prepare, for any person demanding the same, a copy of certified under the seal of the court of any paper, record, order, judgment, or entry in his office, proper to be certified, for the fees prescribed by these rules. (Rules of Court)

[17] Black's Law Dictionary, Fifth Edition, copyright 1979.

[18] Id.

[19] A.M. No. MTJ-05-1588, June 5, 2009.

[20] Gross neglect is such neglect which, from the gravity of the case or the frequency of instances, becomes so serious in its character as to endanger or threaten the public welfare. (Judge Divina Luz P. Aquino-Simbulan v. Judge Nicasio Bartolome, supra note 19.)

[21] Sec. 52. Classification of Offenses.-

x x x x

2. Gross Neglect of Duty

1[st] offense - Dismissal

[22] Art. 171. Falsification by public officer, employee or notary or ecclesiastic minister. -- The penalty of prison mayor and a fine not to exceed P5,000 pesos shall be imposed upon any public officer, employee, or notary who,

taking advantage of his official position, shall falsify a document by committing any of the following acts:

- Counterfeiting or imitating any handwriting, signature or rubric;
- Causing it to appear that persons have participated in any act or proceeding when they did not in fact so participate;
- Attributing to persons who have participated in an act or proceeding statements other than those in fact made by them;
- Making untruthful statements in a narration of facts;
- Altering true dates;
- Making any alteration or intercalation in a genuine document which changes its meaning;
- Issuing in an authenticated form a document purporting to be a copy of an original document when no such original exists, or including in such a copy a statement contrary to, or different from, that of the genuine original;
or
- Intercalating any instrument or note relative to the issuance thereof in a protocol, registry, or official book.

[23] See *Civil Service Commission v. Cortez*, G.R. No. 155732, June 3, 2004, 430 SCRA 593.

[24] *Judge Madrid v. Quebral*, 459 Phil. 306, 320 (2003).

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.