

OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. JAIME P. KASILAG, SHERIFF IV, REGIONAL TRIAL COURT, BRANCH 27, MANILA, RESPONDENT.*A.M. No. P-08-2573. June 19, 2012*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c640ed9ec482/>**PER CURIAM:**

This is an administrative case[1] against Jaime P. Kasilag, Sheriff IV of the Regional Trial Court of Manila, Branch 27 (RTC), for allegedly tampering his Daily Time Record (DTR) for February 2004. We resolve this case based on the records and pleadings already filed, after repeated failure of respondent Kasilag to file his Comment as required by this Court.[2]

On 26 March 2004, then Deputy Court Administrator Christopher O. Lock directed Victor Y. Serapio, Officer-in-Charge of the RTC, to comment on what appeared to be “superimpositions” in the DTR of Sheriff Jaime P. Kasilag for February 2004.[3] Serapio replied in a letter dated 28 April 2004 that there were indeed discrepancies between Kasilag’s DTR and the RTC’s Daily Time Registry Book (he attached certified copies of both documents). Serapio explained in his letter that Kasilag previously took a leave of absence for six days but his DTR showed “slight markings indicating that the original entries were erased and had been replaced with time entries purportedly showing that he reported for work on those [days] even though the contrary is true.”[4] Serapio recommended that “proper/appropriate disciplinary action be meted against Mr. Jaime Kasilag.”[5]

On 30 July 2004, the Office of the Court Administrator (OCA) directed respondent Kasilag to file his Comment to Serapio’s letter.[6] However, Kasilag did not file his Comment despite several opportunities for him to do so.[7] Almost three years from the OCA referral, this Court required Kasilag to submit his Comment and “show cause why he should not be administratively dealt with for his refusal x x x” to file his Comment.[8]

The RTC Branch Clerk of Court thereafter informed this Court about Kasilag’s resignation which became effective on 1 February 2007.[9] Nonetheless, the Court issued another Resolution on 10 August 2009 reiterating the Show Cause Order to Kasilag directing him to submit his Comment. On 15 November 2010, this Court declared Kasilag in contempt, imposed a fine of P1,000.00 or a five-day imprisonment,[10] and repeated the same directive to submit his Comment.

Instead of complying, Kasilag filed a Motion for Reconsideration[11] asking this Court to declare him “as not in contempt” and to set aside the fine or penalty of imprisonment. Moreover, he prayed that the OCA be directed to furnish him again a copy of Serapio’s letter and the DTR and to give him another 30 days from receipt of said documents to file his Comment.

In his Motion for Reconsideration, Kasilag stated that he did not intentionally refuse to comply with the order of the Court. His long delay was due to his inability to “recall the events leading to this case”; his “frantic” state and “desperation” when he learned of the Show Cause Order; and his inability to make a “satisfactory and/or responsive [C]omment” because (according to him) he was not given a copy of Serapio’s letter and the DTR. Thus, “[t]o his (Kasilag’s) mind, [these] are enough reasons to justify that [he] did not commit any act of

contempt x x x and neither does he [sic] deserve the imposition of any fine nor [sic] imprisonment.” The OCA, however, found that the records indicate otherwise.[12]

On 6 June 2011, this Court denied the Motion to set aside the penalty for lack of merit. However, the Court directed the OCA to furnish respondent copies of Serapio’s letter and the DTR for February 2004. The Court required respondent to submit for the last time his Comment; otherwise, the case would be resolved without his Comment. The Court also directed the Office of Administrative Services of the OCA to hold in abeyance Kasilag’s application, if any, for financial/retirement benefits.[13]

Kasilag paid the P1,000.00 fine but again failed to file his Comment. Thus, on 23 November 2011, this Court resolved to dispense with his Comment and consider the case submitted for decision.

The OCA cites Section 52(A)(1) and (6) of the Uniform Rules on Administrative Cases in the Civil Service[14] and *Office of the Court Administrator v. Breta*[15] in stating that:

Falsification of an official document such as the DTR is considered a grave offense. It amounts to dishonesty. Both falsification and dishonesty are grave offenses punishable by dismissal from the service, even for the first offense with forfeiture of retirement benefits, except accrued leave benefits, and perpetual disqualification from reemployment in government service.[16]

Moreover, the OCA notes that the records of Mr. Kasilag “do not speak well of his attitude and performance x x x.”[17] Since 2002, Kasilag “has been the subject of several memoranda and letters requiring him to explain his habitual tardiness, absences and failure to file his DTR and application form.”[18] It appears that in some of those instances, he also did not comply with the directive for him to explain.[19]

Jurisprudence on this matter is clear.[20] Falsification of a DTR by a court personnel is a grave offense. The nature of this infraction is precisely what the OCA states: the act of falsifying an official document is in itself grave because of its possible deleterious effects on government service.[21] At the same time, it is also an act of dishonesty, which violates fundamental principles of public accountability and integrity. Under Civil Service regulations, falsification of an official document and dishonesty are distinct offenses,[22] but both may be committed in one act, as in this case.

The constitutionalization of public accountability[23] shows the kind of standards of public officers that are woven into the fabric of our legal system. Public office is a public trust, which embodies a set of standards such as responsibility, integrity and efficiency.[24] Reality may depart from these standards, but our society has consciously embedded them in our laws, so that they may be demanded and enforced as legal principles. This Court, in the exercise of its administrative jurisdiction,[25] should articulate and apply

these principles to its own personnel, as a way of bridging actual reality to the norms we envision for our public service.[26]

We exercise our administrative jurisdiction despite respondent Kasilag’s resignation on 1 February 2007, more than two years after he was directed to file his Comment. “The resignation of a public servant does not preclude the finding of any administrative liability to which he or she shall still be answerable.”[27] “Even if the most severe of administrative sanctions— that of separation from service — may no longer be imposed x x x there are other penalties which may be imposed x x x namely, the disqualification to hold any government office and the forfeiture of benefits.”[28]

Despite the notice of respondent’s resignation, we still directed him to comment knowing full well the extent of this Court’s administrative jurisdiction. On 6 June 2011, this Court resolved, among others, to hold in abeyance any application for financial/retirement benefits of respondent during the pendency of this case.

There is substantial evidence that respondent Kasilag falsified his DTR for February 2004. The superimpositions on respondent's time entries are apparent on the certified copy of the DTR submitted by Victor Y. Serapio, the Officer-in-Charge of the RTC of Manila, Branch 27. There is, in other words, "relevant evidence which a reasonable mind might accept as adequate to justify [the] conclusion"[29] that respondent indeed falsified his DTR.

There can be no dispute that respondent's right to be heard had been respected. His repeated failure to file his Comment has transgressed the bounds of ordinary diligence, as to be contumacious. As a court personnel, he did not take seriously the orders of this Court. The judicial process cannot be held hostage to respondent's neglect or apathy. Such conduct amounts to a waiver of the right to be heard. Thus, due process has been observed.

As a result, the evidence tilts in favor of those gathered by the OCA. There are no mitigating circumstances for respondent Kasilag. Dishonesty and the act of falsifying detract from the notion of public accountability, as implemented by our laws. We apply the law as it is written.

WHEREFORE, this Court finds respondent Jaime P. Kasilag, Sheriff IV, Regional Trial Court, Branch 27, Manila, GUILTY of FALSIFICATION OF OFFICIAL DOCUMENT and DISHONESTY. Accordingly, the Court FORFEITS respondent Kasilag's entire retirement benefits, except accrued leave credits, with prejudice to reemployment in any branch or instrumentality of government, including government-owned and controlled corporations.

SO ORDERED.

Carpio, Leonardo-De Castro, Brion, Peralta, Bersamin, Del Castillo, Abad, Villarama, Jr., Sereno, Reyes, and Perlas-Bernabe, JJ., concur.

Velasco, Jr. and Mendoza, JJ., on official leave.

Perez, J., no part. acted as Court Adm.

[1] This was formerly docketed as A.M. OCA IPI No. 07-2490-P under the Office of the Court Administrator and was re-docketed as a regular administrative case in a Resolution dated 10 November 2008 by the First Division of this Court. On 2 December 2009, the case was subsequently transferred to the Second Division.

[2] See Resolution dated 23 November 2011, dispensing with respondent's Comment and considering the case submitted for decision.

[3] See First Indorsement dated 26 March 2004.

[4] Rollo, p. 6.

[5] Id.

[6] Fourth Indorsement signed by Court Administrator Presbitero J. Velasco, Jr.

[7] See Letter by Court Administrator Presbitero J. Velasco, Jr. dated 8 March 2005 (extension of 10 days from the expiration of the original period); First Tracer dated 20 November 2006 (extension of five days from receipt); Supreme Court First Division Resolution dated 10 November 2008 directing respondent Kasilag to file his Comment within 10 days from receipt; and First Division Resolution dated 10 August 2009 directing respondent to file his Comment within 10 days from notice.

[8] Second Division Resolution dated 16 April 2007.

[9] Letter dated 28 May 2007 by RTC Branch Clerk of Court Chelly P. Balasbas addressed to Atty. Ludichi Yasay-Nunag, then Clerk of Court of the Supreme Court. This was noted by this Court in a Resolution dated 8 August 2007.

[10] If the fine is not paid within five days from notice.

[11] Dated 13 January 2011.

[12] As the OCA stated in its Memorandum dated 4 April 2011:

The alibi of the former Sheriff is flimsy and inexcusable. It was not shown that he even attempted to try to obtain copies of the subject letter and the February 2004 DTR from Branch 27 or from the Office of Administrative Services, OCA. He did not even mention it in his letter dated 28 February 2005 when he asked for extension of time to file his comment. If he failed, then that could have been the proper time to ask the Court to compel the OCA to furnish him with the said copies. His action was a dilatory tactic that would buy him more time to file his long-awaited comment.

[13] Based on the recommendations in OCA Memorandum dated 4 April 2011.

[14] Civil Service Commission (CSC) Resolution No. 99-1936.

[15] 519 Phil. 106 (2006).

[16] OCA Memorandum dated 7 October 2008.

[17] OCA Memorandum dated 4 April 2011. *Supra* note 13, at 4.

[18] *Id.*

[19] See OCA Memorandum dated 4 April 2011 in note 13.

[20] Re: Administrative Case for Falsification of Official Documents and Dishonesty Against Randy S. Villanueva, A.M. No. 2005-24-SC, 10 August 2007, 529 SCRA 679; Office of the Court Administrator v. Breta, *supra* note 15; Dipolog v. Montealto, 486 Phil. 66 (2004); Office of the Court Administrator v. Sirios, 457 Phil. 42 (2003).

[21] CSC Resolution No. 99-1936, Sec. 52. Classification of Offenses. - Administrative offenses with corresponding penalties are classified into grave, less grave or light, depending on their gravity or depravity and effects on the government service. See note 16.

[22] See note 16.

[23] CONSTITUTION, ART. XI on Accountability of Public Officers. Section 1 of this Article provides: Public office is a public trust. 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.

[24] *Id.*

[25] CONSTITUTION, ART. VIII, Sec. 6.

[26] See R. Cover, *Nomos and Narrative*, 97 Harv. L. Rev. 4 (1983): "Law may be viewed as a system of tension or a bridge linking a concept of a reality to an imagined alternative x x x A nomos, as a world of law, entails the application of human will to an extant state of affairs as well as towards our visions of alternative futures. A nomos is a present world constituted by a system of tension between reality and vision" (at 9).

[27] Pagano v. Nazarro, G.R. No. 149072, 21 September 2007, 533 SCRA 622, 628 citing Baquerfo v. Sanchez,

495 Phil. 10 (2005); Office of the Court Administrator v. Fernandez, 480 Phil. 495 (2004); Lilia v. Fanuñal, 423 Phil. 443 (2001).

[28] Pagano v. Nazarro, *supra*, at 628.

[29] Rules of Court, Rule 134, Sec. 5.

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