

JUDGE JOSE A. GALAN, COMPLAINANT, VS. EVELYN NAPASE, CLERK OF COURT AND SALVACION STA. ROSA, STAFF ASSISTANT II, MTC, SIRUMA, CAMARINES SUR, RESPONDENTS.*A.M. No. P-90-417. April 10, 1992*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/f52dcceaf496/>**PER CURIAM:**

In a sworn letter-complaint (Rollo, p. 1), Judge Jose A. Galan, MTC, Siruma, Camarines Sur, charged Evelyn Napase and Salvacion Sta. Rosa, Clerk of Court and Staff Assistant II, respectively, of the said court with gross misconduct and falsification of their Daily Time Records (DTRs).

As required by this Court, respondents filed their comment and/or answer to the sworn letter-complaint (Rollo, p. 36).

The case was thereafter referred to Executive Judge Jose V. Nepumoceno, RTC, Branch 23, Naga City, Camarines Sur for investigation, report and recommendation (Rollo, p. 57). However, in a subsequent communication (Rollo, p. 58) dated 25 March 1991, Executive Judge Edgar S. Surtida, RTC, Naga City, was designated to conduct the investigation.

In his investigation, report and recommendation dated 15 May 1991 (Rollo, pp. 80-84), Judge Surtida made the following findings:

"The complainant recounted that a verification of the Municipal court's record (Exhs. -I, I-1, -K to -T and Exh. -U, including its submarkings) and record of the Leave Section of the Supreme Court (the originals of Exhs. -KK to -TT, including its submarkings) made by the former on account of the numerous absences of the respondents revealed to his surprise that the respondents had failed to reflect in their daily time records submitted to the Leave Section (Exhs. -KK to -TT) their actual absences making it appear therein that they rendered services on all working days without absences when in truth and in fact, they had numerous absences as clearly reflected in their daily time records submitted to the complainant (Exh. -K to -T).

The complainant in other words, maintained that the correct or genuine daily time records of the respondents were those submitted to him (Exhs. -K to -T and its submarkings) which were based on the log book (Exh. U) and summary report of absences of court employees, while the falsified or forged daily time records were those submitted by the respondents to the leave section of the Supreme Court (Exhs. -KK to -TT including its submarkings) which reflect no absences and are not borne out by the entries in the log book and summary report of absences of personnel.

The complainant recalled that the frequent and numerous absences of the respondents prompted him to issue several memoranda to the latter (Exhs. -B to -H, including its submarkings, folio for exhibits). The inquiries made by the complainant revealed that the respondent Evelyn Napase have (sic) incurred 540 days of absences from the year 1984 up to 1989, while the respondent Salvation Sta. Rosa incurred a total of 347 days of absences from the year 1985 up to Sept. 1989 (Exhs. -I and I-1). The complainant immediately requested for certified copies of the respondents' daily time records for the years 1988 and 1989 submitted to the Leave Section of the Supreme Court after his discovery of the falsification. Despite his request for certified copies of

the daily time records, the complainant was issued only simple xeroxed copies of the falsified daily time records by the Leave Section which he attached to his complaint.

Due to the frequency of the absences of respondent Evelyn Napase the complainant as early as the year 1986 verbally withdrew from her the authority to sign daily time records of court personnel, a task which he himself since then undertook. The complainant explained that it was some of the entries and his signatures that were forged or falsified by the respondent Evelyn Napase in Exhs. -KK to -NN because that were made to appear as his signatures over the typewritten names Jose A. Galan in the said daily time records were not really his signatures. The other falsifications that the complainant referred to in Exhs. -KK to -NN were those entries therein that were made to appear that Evelyn Napase rendered service and was present on all working days, when in truth and in fact, she incurred absences as reflected in Exhs. -K to -N and its submarkings. Judge Galan maintained that his real or genuine signatures were those appearing over his typewritten names in Exhs. -K to -N.

Judge Galan further contended that some entries of Exhs. -OO to -TT were likewise falsified because it was made to appear therein that the respondent Salvacion Sta. Rosa rendered services and was present on all working days, whereas, in Exhs. -O to -T her absences or leaves were duly reflected. Moreover, respondent Evelyn Napase signed or approved the originals of Exhs. -OO to -TT at a time when she was no longer authorized to sign or approve daily time records of court personnel considering that her authority was withdrawn by the complainant since the year 1986.

Upon his discovery of the forgeries Judge Galan confronted the respondents in the presence of the other staff members of the court. Respondent Evelyn Napase promised not to repeat the infraction, while respondent Salvacion Sta. Rosa just remained silent although her facial expression revealed that she was a little bit shocked at the confrontation. Despite the complainant's leniency and compassion the respondents failed to reform. The complainant claimed to have been scolded by Deputy Court Administrator Juanito Bernad when he consulted the latter regarding the respondents' grave misconduct and falsifications and right there and then was directed to file charges against the respondents. The complainant out of compassion, allowed three (3) more months to elapse before he finally filed this administrative case.

On the other hand, the respondents Evelyn Napase and Salvacion Sta. Rosa denied the charges against them calling the same as lies, merely designed to harass and eventually force them (respondents) to resign from the service (Exhs. -1, 1-A and 1-B, p. 36-40, record).

Evelyn Napase recalled having been appointed on August 15, 1970 as clerk-stenographer and on July 1, 1979 as clerk of court with a total of twenty (20) years, continuous service without having been charged administratively except in the instant case (Exh. -2, p. 41, Record). Evelyn Napase identified the service records of her co-respondent Salvacion Sta. Rosa which showed that she was appointed as staff assistant II on July 15, 1985 and served up to the present, or five (5) years continuous (sic) service (Exh. 3, p. 42, Record).

As of May 31, 1990 respondent Evelyn Napase claimed to be still credited with 12 days vacation leave and 116 days sick leave (Exhs. -4, 4-A, 4-B, 4-C and 4-D, p. 39, folio of exhs.). Evelyn Napase claimed that she always filed an application for leave whenever she goes on leave of absence.

Evelyn Napase denied having falsified the signatures of the complainant on the questioned daily time records; maintaining that it was impossible considering that she has no special skills to enable her to forge signatures and that she is left-handed while the complainant is right-handed. She likewise denied the existence of the originals of Exhs. -KK to -TT. Evelyn Napase contended that she was the one who signed or approved the daily time records of court personnel up to the year 1989 when the complainant Judge Galan took it up himself to approve and sign the daily time records of all court personnel up to the present. She also recounted that before the year 1989, she was the one who submitted copies of DTRs to the leave section of the Supreme Court but after 1989 it was Judge Galan who then asked someone in the staff to mail it. Respondent, Evelyn Napase also admitted that the summary report of absences of personnel (Exh. I-1) was based on the logbook (Exh. U)

and the DTRs.

The records show that the respondent Salvacion Sta. Rosa was originally an employee of the Provincial Government of Cam. Sur before she was appointed to her present position as Staff Assistant II of the Municipal Trial Court of Siruma, Cam. Sur. In the year 1980 she was an awardee as an outstanding employee of the province of Camarines Sur by then Provincial Governor Felix Fuentebella (Exhs. -5, 5-A and 5-B, p. 44, Record). The application for leave of absence by respondent Salvacion Sta. Rosa approved by the complainant was identified by respondent Evelyn Napase (Exhs. -6 to 6-D, folio for exhs.). Sta. Rosa's application for leave of absence was duly granted partially with pay and partially without pay (Exhs. -7, 7-A and 7-B, p. 46), Record). Sta. Rosa had leave credits amounting to 42,442 days in her favor by way of vacation and sick leave credits from the province of Camarines Sur by the time of her assumption of office as court Staff Assistant II. Despite the fact that Sta. Rosa still had accrued leave credits, the complainant on Aug. 10, 1990 returned to the accounting section of the Supreme Court two (2) of her salary checks (Exhs. -9, 9-A and 9-B, p. 48, Record).

The respondent Salvacion Sta. Rosa did not appear and testify in her behalf on account of her being physically indisposed according to her defense counsel.

It will be noted from the evidence adduced that the respondent Evelyn Napase who had been in the service for twenty (20) years, since the year 1970, can only accumulate a maximum of six hundred (600) days accrued leave credits. The record also shows that from the year 1984 to 1989 respondent Evelyn Napase incurred a total of 540 days absences or 390 days in excess of the 150 days that she could have earned as leave credits for said period of time (1984 to 1989 or a period of 5 years). It is likewise noteworthy that respondent Salvacion Sta. Rosa who had been in the service as court employee for only 5 years (from July 15, 1985) with 42 days accrued leave credits at the time of her transfer from the Provincial Government of Cam. Sur, could have only accumulated a total of 192 days accrued leave credits. Yet, the record reveals that Salvacion Sta. Rosa from the year 1985 to September 1989 or a period of only 4 years had incurred a total of 347 days absences or 155 days in excess of her accrued leave credits of only 192 days.

It is clear therefore from the foregoing that between the complainant and the respondents, it is the latter who quite obviously have a strong motive to perpetrate the falsification of the questioned documents (DTRs) and who actually benefited from the said forgeries. In falsification or forgery, the person or persons who are or were in possession of, made use of, or benefited from the forged or falsified documents are legally presumed to be the forgers.

A careful comparison of the specimen signatures of the complainant Judge A. Galan presented by him in evidence (Exhs. K-2 to N-2 in -K to -N) on one hand and the questioned signatures on the daily time records of the respondent Napase (Exhs. -KK-2 to NN-2 in -KK to -NN), on the other hand, would readily convince any impartial observer that there are significant differences or discrepancies in the structure, strokes, form, and general appearance of the two (2) sets of signatures, so that the inevitable conclusion is that the two (2) sets of signatures were not written or signed by only one and the same person, namely, Judge Jose A. Galan."

and concluded that:

"As the evidence stand, it is clear that the complainant has established by a preponderance of evidence the charge of grave misconduct and falsification of daily time records against the herein respondents."

with the following recommendations:

"WHEREFORE, it is respectfully recommended that the respondents Evelyn Napase and Salvacion Sta. Rosa, Clerk of Court and Staff Asst. II, respectively, of the Municipal Trial Court of Siruma, Camarines Sur, be found guilty of grave misconduct and falsification of daily time records and be accordingly penalized with suspension for one (1) year with forfeiture of salary and other benefits for the same period of time."

The Court, after a thorough and careful examination of the records of the case, holds that the findings and

conclusion of Judge Surtida are supported by the evidence and agrees with his conclusion that respondents are guilty of grave misconduct and falsification of daily time records. However, the Court does not agree with his recommendation as to the penalty.

Under Memorandum Circular No. 30, series of 1989, issued by the Civil Service Commission, the respondents' misconduct falls within the classification of grave offenses, such as for Dishonesty, Grave Misconduct and Falsification of Official Document. The corresponding penalty prescribed for such offenses is Dismissal from the Service.

ACCORDINGLY, the Court holds respondents Evelyn Napase and Salvacion Sta. Rosa guilty of gross misconduct and falsification of daily time records and orders their DISMISSAL from the service with forfeiture of all retirement benefits except validly accrued leaves, and with prejudice to re-employment in any government office or agency including government owned or controlled corporations.

SO ORDERED.

Narvasa, C.J., Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Feliciano, Padilla, Bidin, Grino-Aquino, Medialdea, Regalado, Davide, Jr., Romero, and Nocon, JJ., concur.

Bellosillo, J., no part. Did not participate in the deliberations.

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