

## EN BANC

[ A.M. No. P-17-3655, August 20, 2019 ]

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.  
TEODORO G. SIDRO, SHERIFF III, BRANCH 84; ROLLY S.  
OCAMPO, SHERIFF III AND LEONELLE E. MENDOZA, CLERK III,  
BOTH OF BRANCH 53, ALL OF METROPOLITAN TRIAL COURT,  
CALOOCAN CITY, RESPONDENTS.**

### D E C I S I O N

#### PER CURIAM:

This determines the administrative liability of respondents Sheriff III Teodoro G. Sidro (Sidro) of Branch 84, Metropolitan Trial Court (MeTC), Caloocan City, Sheriff III Rolly S. Ocampo (Ocampo), and Clerk III Leonelle E. Mendoza (Mendoza), both from Branch 53, MeTC, Caloocan City (Branch 53), for antedating the receipt of affidavits filed before Branch 53.

In a letter<sup>[1]</sup> dated March 18, 2015, Mr. Andrew Ang (Ang) requested Judge Dante R. Corminal (Judge Corminal), the Presiding Judge in Branch 53, to conduct an investigation on the alleged conspiracy of his staff in antedating the receipt of affidavits relative to Civil Case No. 30898, entitled *Kelam Realty Corporation v. First Solid Rubber Industries*,<sup>[2]</sup> which is pending before his sala. Ang, an officer of the defendant corporation, accused Branch 53 Clerk of Court Maria Theresa C. Gonzales (Gonzales) of conspiring with other court personnel to make it appear that Kelam Realty Corporation had timely filed the affidavits required by the court. The affidavits were stamped "received" on March 16, 2015 (the last day within which the court required Kelam Realty Corporation to file them) by Branch 53, when, in truth, they were actually executed and notarized on March 17, 2015.<sup>[3]</sup>

Acting on the matter, Judge Corminal directed his staff, namely: Gonzales, Clerk III Ria A. Ronsairo (Ronsairo), Ocampo, and Mendoza, together with Sidro, to submit their comments and/or explanations.<sup>[4]</sup> A fact-finding investigation was conducted<sup>[5]</sup> and the matter was thereafter endorsed to the Executive Judge of the MeTC, Caloocan City, who, in turn, endorsed the same to the Office of the Court Administrator (OCA).<sup>[6]</sup>

The fact-finding investigation revealed that on March 17, 2015, Sidro instructed Mendoza, the civil docket clerk-in-charge, to stamp the date "March 16, 2015" on the affidavits with the assurance that Gonzales was already informed of the antedating. Ocampo handed the affidavit to Mendoza, prodded him to do what was instructed, and even changed the date on the dater.<sup>[7]</sup> This was corroborated by another clerk, Ronsairo, who narrated that moments before the incident, Sidro and Ocampo first approached her to antedate the receipt of the affidavits, not knowing that she was no longer in charge of the civil case docket.<sup>[8]</sup> Both Mendoza and

Ronsairo affirmed that Gonzales was not consulted about the matter.<sup>[9]</sup>

Ocampo, for his part, admitted that he was present during the incident. He also confirmed the accounts of Mendoza and Ronsairo but was silent on his participation.<sup>[10]</sup> Sidro, on the other hand, denied any liability, claiming that he was only being used as a scapegoat. He pointed to Ocampo as the one who authored the falsification by actually adjusting the date.<sup>[11]</sup>

After evaluation, the OCA recommended to the Court, among others, that: (1) Sidro be found guilty of grave misconduct and conduct prejudicial to the best interest of the service for initiating and instigating the alteration of the date of receipt; (2) Ocampo be found guilty of conduct prejudicial to the best interest of the service for prodding Mendoza to antedate the affidavits; (3) Mendoza be found guilty of simple negligence for giving in to the instruction of the sheriffs without securing prior confirmation from Gonzales; and (4) the administrative complaint against Gonzales be dismissed for lack of merit.<sup>[12]</sup>

In a Resolution<sup>[13]</sup> dated March 22, 2017, the Court agreed with the OCA in dismissing the administrative complaint against Gonzales, but advised her to closely supervise her staff to prevent the recurrence of any similar, related, or untoward incident in the court. The Court then required Sidro, Ocampo, and Mendoza to manifest in writing whether they are willing to submit the case for resolution on the basis of the documents filed, or to submit additional comments.

In his comment,<sup>[14]</sup> Ocampo denies any involvement in the incident. He asserts that there is no substantial evidence proving the allegations in the complaint and claims that the affidavits were simply handed to him by Sidro for the purpose of handing them, in turn, to Mendoza. He admits overhearing Sidro instructing Mendoza to antedate the receipt of the affidavits but contends that as a newly appointed court sheriff, "he [was] unaware of the significance of the said pleadings" and was "still making adjustment[s] and familiarization in his work as a Sheriff and [in] other related office works."<sup>[15]</sup> Believing Sidro as a "prudent x x x[,], good[, and] honest employee," he relied in good faith that his instructions were appropriate and in accord with rules.<sup>[16]</sup>

For his defense, Sidro shifts the blame to Ocampo. He asserts that Judge Corminal's apparent partiality to Kelam Realty Corporation in Civil Case No. 30898 was the actual cause of Ang's filing of the complaint, and that the endorsement of the complaint by Judge Corminal to the Executive Judge was "not to ferret out the truth but to free himself of imminent administrative complaint."<sup>[17]</sup> He also insinuates that Ocampo and Mendoza, being recommended appointees of Judge Corminal, are beholden to the latter. Sidro alleges further that Ronsairo executed her affidavit to save herself and Mendoza because they are sweethearts.<sup>[18]</sup> Lastly, he alleges that the defendant corporation in Civil Case No. 30898 tried to bribe him,<sup>[19]</sup> but as an officer of the court, he "remain[s] faithful to [his] oath."<sup>[20]</sup>

Mendoza, on the other hand, asserts that at the time of the incident, he had "no inkling that what [he did] was wrong" since he was newly hired and have only been in the service for barely three weeks. At the time, he still had not attended any

formal trainings and seminars and thus, had no idea of the repercussions of antedating the receipt of the affidavits. All these circumstances led him to simply rely on the instructions of Sidro and Ocampo who have been working in the court far longer than him. Mendoza submits that he now knows the consequences of his action and promises faithful performance of his duties. For this reason, he implores the Court not to impose a harsh penalty on him.<sup>[21]</sup>

The Court agrees with the recommendation of the OCA insofar as Sidro and Mendoza are concerned. The Court agrees that Sidro is guilty of grave misconduct and conduct prejudicial to the best interest of the service, while Mendoza is guilty of simple negligence. We, however, find that Ocampo is not only guilty of conduct prejudicial to the best interest of service, but also of simple misconduct.

Misconduct is defined as any unlawful conduct on the part of a person concerned in the administration of justice prejudicial to the rights of parties or to the right determination of the cause. It generally means wrongful, improper or unlawful conduct motivated by a premeditated, obstinate or intentional purpose<sup>[22]</sup> that tends to threaten the very existence of the system of administration of justice,<sup>[23]</sup> and should relate to or be connected with the performance of the official functions and duties of a public officer.<sup>[24]</sup> An act is intimately connected to the office of the offender if it is committed as the consequence of the performance of the office by him, or if it cannot exist without the office even if public office is not an element of the crime in the abstract.<sup>[25]</sup> The misconduct is grave if it involves any of the additional elements of corruption, willful intent to violate the law or to disregard established rules, which must be established by substantial evidence. Otherwise, the misconduct is simple.<sup>[26]</sup>

On the other hand, conduct is prejudicial to the interest of the service if it violates the norm of public accountability and diminishes—or tends to diminish—the people's faith in the Judiciary.<sup>[27]</sup>

The act of antedating court documents smacks of misconduct. The rules provide that the basis for timeliness of filing of pleadings is the date of actual receipt which must be reflected in the document.<sup>[28]</sup> Antedating a document filed before the court, therefore, is a deliberate act to commit dishonesty which substantially affects the rule on the seasonable filing of pleadings and ultimately, the resolution of cases.

Antedating also constitutes the offense of making false entries in public documents, an act considered as conduct prejudicial to the best interest of the service.<sup>[29]</sup> It undoubtedly tarnishes the image and integrity of the office to which the offender belongs.<sup>[30]</sup>

In this case, there is substantial evidence to prove that respondents were involved in the antedating incident.<sup>[31]</sup> The standard of substantial evidence is satisfied when there is reasonable ground to believe that a person is responsible for the misconduct complained of, even if such evidence might not be overwhelming or even preponderant.<sup>[32]</sup> There is no dispute that the affidavits were antedated. All respondents, including Ronsairo, confirmed as much in their respective sworn statements, with the only variation as to who instigated the act. Mendoza, Ronsairo,

and Ocampo named Sidro as the culprit, while Sidro blames Ocampo.

We find the corroborating statements of Mendoza, Ronsairo, and Ocampo more convincing than that of Sidro's. We are convinced that Sidro was the one who instigated the antedating of the receipt of the affidavits. The defenses he offered in his comment were bare denials unsubstantiated by evidence and were far outweighed by the positive statements of the other respondents and Ronsairo. There is no showing that Ronsairo's statement in her affidavit that Sidro also instructed her to antedate the receipt of the affidavits was motivated by ill motive. Sidro's willful intent to violate the law or to disregard established rules was apparent when he first approached Ronsairo then Mendoza to antedate the receipt of the documents. His misconduct became all the more reprehensible when he lied and told Mendoza, who attempted to consult Gonzales, "*wag na, alam na ni Boss yan.*" [33]

Moreover, the assertions in Sidro's comment exhibit that the antedating incident was committed as a consequence of his official function as a sheriff. He submitted that in the course of his deputation as sheriff of Branch 53, he served the summons in Civil Case No. 30898 and had a meeting with the counsel of Kelam Realty Corporation where he was accused of favoring First Solid Rubber Industries. [34]

We also find Ocampo guilty of misconduct and conduct prejudicial to the interest of the service. We cannot subscribe to his claims that he was "bereft of any knowledge" as to Sidro's motive and was "unaware of the significance of the said pleadings" as he was still familiarizing himself with his duties and responsibilities because he has only been recently appointed in his position. We note Ocampo's very own admission that before being appointed as sheriff of Branch 53, he worked as a security guard at the Supreme Court for seven years. [35] His previous experience in the Supreme Court would have certainly given him enough understanding of basic court processes like receiving of pleadings and other documents. This should have impelled him to challenge the actions of Sidro instead of simply getting along with it and even prodding Mendoza to follow what he was told. Ocampo's acts, therefore, also constitute misconduct and conduct prejudicial to the interest of service. There is no substantial evidence, however, to prove that any of the additional elements of corruption, willful intent to violate the law or to disregard established rules attended his acts. As such, insofar as the offense of misconduct is concerned, We find that he is only guilty of simple misconduct.

Grave misconduct and conduct prejudicial to the best interest of the service are grave offenses punishable by dismissal from the service for the first offense and suspension of six (6) months and one (1) day to one (1) year for the first offense, respectively; whereas simple misconduct is a less grave offense punishable by suspension of one (1) month and one (1) day to six (6) months for the first offense. [36]

In the same manner, Mendoza cannot shield himself from liability by pleading good faith. Before assuming his position as Clerk III, Mendoza was informed of his duties and responsibilities in a position description form. [37] Notwithstanding his lack of training and the short amount of time that he has been appointed to his position, he still would have, at the very least, an idea about the importance of the process of filing pleadings and other papers in courts. Mendoza cannot simply hide behind the