

EN BANC

[A.M. No. P-11-2989 (Formerly OCA IPI No. 09-3249-P), January 10, 2017]

**WYNA MARIE P. GARINGAN-FERRERAS, COMPLAINANT, VS.
EDUARDO T. UMBLAS, LEGAL RESEARCHER II, REGIONAL TRIAL
COURT, BRANCH 33, BALLESTEROS, CAGAYAN, RESPONDENT.**

DECISION

DEL CASTILLO, J.:

Aggrieved by what she believed was a case of falsification of public documents in the supposed Civil Case No. 33-398C-2006, Regional Trial Court (RTC), Branch 33, Ballesteros, Cagayan, complainant Wyna Marie G. Ferreras filed this case against respondent Eduardo T. Umbblas, Legal Researcher II of the said RTC.

Factual Antecedents

Complainant narrated in her letter-complaint^[1] that she received in June, 2009 an e-mail with an attachment purportedly a Certificate of Finality dated March 24, 2006 of Civil Case No. 33-398C-2006 entitled "Reynaldo Z. Ferreras v. Wyna Marie G. Ferreras" for Declaration of Nullity of Marriage issued by RTC, Branch 33, Ballesteros, Cagayan. The Certificate of Finality which bore the signature of respondent as Officer-in-Charge (OIC) Clerk of Court^[2] stated that the Decision, declaring void *ab initio* the marriage contracted by complainant with Reynaldo Z. Ferreras (Reynaldo) on the ground of psychological capacity, granting complainant custody to their child, and dissolving their conjugal property regime, had already become final and executory.

Fearing foul play since she had absolutely no knowledge about said case nor received any summons/notices regarding the same, complainant asked for a Certification from the National Statistics Office which confirmed an annotation on the records of her marriage:

PURSUANT TO THE DECISION DATED JANUARY 19, 2006 RENDERED BY JUDGE EUGENIO M. TANGONAN OF THE REGIONAL TRIAL COURT, SECOND JUDICIAL REGION, BRANCH 33, BALLESTEROS, CAGAYAN UNDER CIVIL CASE NO. 33-398C-2006, THE MARRIAGE BETWEEN HEREIN PARTIES CELEBRATED ON JULY 16, 1993 IN BAYOMBONG, NUEVA VIZCAYA IS HEREBY DECLARED NULL AND VOID AB INITIO.^[3]

Proceeding on her quest for the truth of such declaration, she asked for copy of all documents relative to the annulment case^[4] from Branch 33, RTC, Ballesteros, Cagayan, from which the Declaration of Nullity of Marriage supposedly originated. On August 18, 2009, Jacqueline C. Fernandez, Court Interpreter III, issued one, stating in part:

THIS IS TO CERTIFY that according to available records, Civil Case No. 33-398C-2006 entitled REYNALDO Z. FERRERAS versus WYNA MARIE P. GARINGAN-FERRERAS for DECLARATION OF NULLITY OF MARRIAGE, is NOT ON FILE.^[5]

On October 21, 2009, the Office of the Court Administrator (OCA) referred the said complaint to respondent for comment.^[6]

In his Comment,^[7] respondent denied the material allegations of the complaint, stating, among others, that the Decision and Certification of Finality were fraudulent and that his purported signatures thereto were spurious and not of his own handwriting and accord. Furthermore, he countered that he was no longer acting as the OIC Clerk of Court and responsible for such issuances as he had been replaced prior to the date of issuance.

On September 19, 2011, the Court resolved to re-docket the complaint as an administrative matter and referred the same to the Executive Judge of the RTC of Tuguegarao City for Investigation, Report and Recommendation.^[8]

Report and Recon1mendation of the Investigating Judge

Despite calendaring several settings, no actual confrontation was had between the parties. Notably, complainant, who hails from Nueva Vizcaya, would travel all the way to Tuguegarao City to attend all the scheduled hearings, except in one instance when she moved for its postponement as she had to accompany her son to Manila. On the other hand, respondent did not honor any of the scheduled hearings with his presence despite receipt of summons.^[9] So, the case revolved substantially on the documents submitted by the parties, particularly on the signature of the respondent. According to the Investigating Judge and per records, complainant submitted the following documents:

x x x (1) A Certificate of Finality dated March 24, 2006 signed by the respondent and duly authenticated by the National Statistics Office at the dorsal portion; (2) A duly authenticated copy of the Decision in Civil Case No. 33-398C-2006; (3) A certified true copy of the Certification issued by Jacqueline Fernandez, Court Interpreter II of RTC Ballesteros; (4) A certification by the Office of the Municipal Civil Registrar of Ballesteros stating that their office had received a copy of the said Certificate of Finality and Decision on October 3, 2007; (5) The authenticated NSO copy of the petitioner's marriage contract bearing the annotation that the marriage of the petitioner was declared null and void ab initio; and (6) the Affidavit of Edna Forto.^[10]

In her Report and Recommendation^[11] dated February 1, 2013, Investigating Judge Vilma T. Pauig found respondent guilty of falsification of official document based on the following ratiocination:

Contrary to the respondent's vehement denial of his participation in the annulment of the petitioner's marriage, the evidence on record substantially proves that his signature in the Certificate of Finality bears a striking resemblance to the signature he uses when compared to his

signature in the Comment he submitted dated February 18, 2013. x x x

x x x x x x x x x

From a mere examination of the signature of respondent Umblas in the Certificate of Finality and in the Comment he submitted before this investigator, the similarity of stroke creates a reasonable inference that only one and the same person could have made this signature. His mere denial that he participated in the fraud because no such case was filed before their Court is rather flimsy especially that it is precisely that fact that the petitioner contends - how could her marriage be dissolved when no case for annulment was truly filed?

x x x x x x x x x

Other than the respondent's claim that he did not participate in the annulment of petitioner's marriage and that the signature in the Certificate of Finality was a simulation, he did not present any evidence or witnesses to prove that his signature in the Certificate of Finality was forged. Since it was the respondent who alleged forgery, it falls upon him to produce clear, positive and convincing evidence to prove the same. However, he failed to do so.^[12]

The Investigating Judge thus recommended that respondent be dismissed from service for committing the grave offense of falsification.^[13]

On July 1, 2013, the Court resolved to refer this matter to the OCA for evaluation, report and recommendation.^[14]

Report and Recommendation of the Office of the Court Administrator

The OCA shared the view of the Investigating Judge that there is more than substantial evidence to prove that respondent falsified the subject Certificate of Finality and that he be dismissed from service for committing said infraction, viz.:

We agree with the findings and conclusions of Judge Pauig.

Complainant was able to adduce evidence to support her allegations of fraud against respondent whose signature appears in the Certificate of Finality dated 24 March 2006 in Civil Case No. 33-398C 2006, which case was declared as nonexistent by Branch 33, RTC, Ballesteros, Cagayan, the court where it was supposedly filed.

Complainant was able to submit certified true copies of the Decision dated 19 January 2006 in Civil Case No. 33-398C-2006 and the Certificate of Finality dated 24 March 2006 obtained from the Office of the Civil Registrar General, NSO. The Office of the Municipal Civil Registrar of Ballesteros, Cagayan likewise certified that these were the documents they received on 3 October 2007. These were made the basis of the NSO for making the corresponding annotation on the marriage contract of complainant and her husband, the named petitioner in the contested civil case.

Respondent, on the other hand, failed to controvert the authenticity of his signature on the Certificate of Finality. He argued that his signature thereon had been forged yet he failed to validate his claim by any evidence or witnesses. Not only that, he himself failed to attend the hearings conducted by Judge Pauig. Of the seven scheduled hearings, not once did respondent appear. Four of these hearings were postponed at the instance of his counsel. Considering the gravity of the charge respondent was facing, his indifferent attitude toward the case is contrary to the natural reaction of an innocent man who would go to great lengths to defend his honor.

Instead, respondent lamely contended that it must be the petitioner who was responsible for the falsified documents since it was incumbent upon him, as the successful petitioner, to have the decree/order registered in the civil registrar. Petitioner, however, could not have acted alone and must surely have had someone who was privy to the court processes, court decisions and court personnel. The falsified documents did not utilize fictitious persons but contained the names of Judge Eugenio M. Tangonan, Jr., then the Presiding Judge of Branch 33, and of respondent who, being the court Legal Researcher and the designated Officer-in-Charge of Branch 33 from January 16, 1997 to July 31, 2005, was in a position of power and authority to confirm the authenticity of the documents should the local civil registrar or the NSO seek verification. His assertion that he was no longer the Officer-in-Charge at the time the Certificate of Finality was purportedly issued on 24 March 2006 as his designation ended on 12 July 2005 could not be given weight as he was not precluded from issuing the said document. In fact, being privy to, if not the cause of the fraudulent transaction, he was compelled to sign it himself and not the incumbent branch clerk of court who would have looked for the records herself.

Judge Pauig observed that the signatures of respondent in the Certificate of Finality and in his Comment submitted before her are similar in stroke from which can be inferred that only one and the same person executed the same. We share the same view. A careful perusal of respondent's 201 file kept by the Records Division, Office of Administrative Services, OCA, containing his performance rating forms and applications for leave executed before, during and after the date of the questioned document, shows that his signatures therein are also very similar to, if not the same as, those appearing in the Certificate of Finality.

Having failed to adduce clear and convincing evidence to contradict complainant's evidence on record, respondent should be held accountable for issuing the fraudulent Certificate of Finality which bears his signature.

[15]

Issue

The central issue around which this case revolves is whether the respondent fraudulently, maliciously, and willfully caused the preparation of, and signed, a Certificate of Finality of a non-existent case from Branch 33, RTC Ballesteros,