

## EN BANC

**[ A.M. No. P-15-3296 [Formerly OCA IPI No. 14-4364-P], February 17, 2015 ]**

**ANONYMOUS LETTER-COMPLAINT AGAINST REYNALDO C. ALCANTARA, UTILITY WORKER I, BR. 70, AND JOSEPH C. JACINTO, ELECTRICIAN, HALL OF JUSTICE, BOTH OF THE REGIONAL TRIAL COURT, BURGOS, PANGASINAN**

### RESOLUTION

#### PER CURIAM:

This case stemmed from an undated Letter-Complaint, addressed to Executive Judge Elpidio N. Abella (Executive Judge Abella), Regional Trial Court, Alaminos City, Pangasinan, charging respondents Reynaldo C. Alcantara (Alcantara) and Joseph C. Jacinto (Jacinto) with the commission of several illegal activities in violation of Civil Service Rules.<sup>[1]</sup> Alcantara worked as Utility Worker I, Branch 70, Regional Trial Court, Burgos, Pangasinan, whereas Jacinto was an electrician at the Hall of Justice in the same city.<sup>[2]</sup>

The Letter-Complaint was indorsed to the Office of the Court Administrator.<sup>[3]</sup> The Office of the Court Administrator then directed Executive Judge Abella to conduct a discreet investigation and submit a report.<sup>[4]</sup>

In the Report dated July 17, 2013, Executive Judge Abella recommended that Alcantara and Jacinto be immediately dismissed from service.<sup>[5]</sup> He found that as early as 2009, Alcantara and Jacinto received and encashed checks of their co-workers without consent.<sup>[6]</sup> The investigating judge made the following factual findings:

- (1) Roger Ginez (Ginez), Junior Process Server, Municipal Circuit Trial Court, Burgos, Pangasinan, executed an affidavit pointing to Alcantara as the one who stole his two (2) salary checks amounting to P8,792.38, which covered the month of June 2009.<sup>[7]</sup> According to Ginez, Alcantara later confessed that he was the one who stole the checks. The incident was recorded in the blotter of the Philippine National Police, Burgos, Pangasinan;<sup>[8]</sup>
- (2) In May 2012, Annie Lyn R. Tugade (Tugade), then Officer-in-Charge, Regional Trial Court, Branch 70, Burgos, Pangasinan, lost her representation and transportation allowance check in the amount of P8,000.00 for May 2012.<sup>[9]</sup> She initially instructed Jacinto to verify the status of the check with the Checks Releasing Division of the Supreme Court.<sup>[10]</sup> Jacinto allegedly informed Tugade that the check was not ready. However, she discovered that her check for May was already released and sent through mail by

the Supreme Court.<sup>[11]</sup> Bank records revealed that Tugade's signature was forged on July 30, 2012.<sup>[12]</sup> Alcantara and Jacinto admitted to receiving and encashing Tugade's check without her permission;<sup>[13]</sup>

- (3) Imelda Bruto Espanol (Espanol), Construction and Maintenance General Foreman, Hall of Justice, Burgos, Pangasinan averred that Alcantara and Jacinto stole and illegally encashed several checks. A check for P790.00, which was due to one of the contractors of the Hall of Justice but was issued under Espanol's name, was illegally encashed by Alcantara.<sup>[15]</sup> Another check, in the amount of P4,724.00 and in Espanol's name, was taken and encashed by Alcantara and Jacinto without her consent.<sup>[16]</sup> Espanol's signature appeared to have been forged on June 21, 2012;<sup>[17]</sup> and
- (4) Edwin Naval (Naval), Utility Worker, Hall of Justice, Burgos, Pangasinan, also alleged that Alcantara and Jacinto stole his salary check and encashed it at the bank through forgery. Naval, however, claimed that Alcantara and Jacinto had refunded him the amount taken.<sup>[18]</sup>

Executive Judge Abella found that Alcantara's and Jacinto's actions constituted grave misconduct and recommended their dismissal from service:

It could not be denied that they were the ones who committed these serious misconduct [sic] having admitted in the presence of their victims and. . . in the presence of Judge Aguilar, that they either stole or received their co-employee's checks without proper authorization and encashed them without the owner[s'] consent and us[ed] the cash proceeds for their own personal use and benefit to the detriment of their co-workers who are the owners of the checks.

It is likewise very clear that the checks were encashed in another bank. . . forging the signatures of the payees.<sup>[19]</sup>

The Office of the Court Administrator directed Alcantara and Jacinto to comment.<sup>[20]</sup>

In his Comment dated September 3, 2013, Alcantara admitted to the taking and encashing of Tugade's and Espanol's checks without permission.<sup>[21]</sup> He claimed, however, that he was not a thief.<sup>[22]</sup> He was only tempted to take and encash the checks because of his financial circumstances then to support his family.<sup>[23]</sup> He already asked for Tugade's and Espanol's forgiveness.<sup>[24]</sup> He denied all the other allegations, including Ginez's claims.<sup>[25]</sup>

Jacinto, in his Comment dated September 23, 2013, denied taking the checks.<sup>[26]</sup> He admitted that he accompanied Alcantara in encashing a check. However, he did not know that the check did not belong to Alcantara.<sup>[27]</sup> He received a portion of the proceeds from the check but when he found out that the check belonged to Tugade, he returned the amount and asked for her forgiveness.<sup>[28]</sup> He denied Espanol's

claims.<sup>[29]</sup>

In its report dated October 14, 2014, the Office of the Court Administrator found that Alcantara and Jacinto are guilty of grave misconduct and dishonesty.<sup>[30]</sup> According to the Office of the Court Administrator:

In the case at bar, the acts of respondents Alcantara and Jacinto clearly amounted to dishonesty and grave misconduct. Respondent Alcantara admitted to stealing and encashing the checks of Tugade and Espanol and put up the lame excuse that he was forced to do it because of his dire financial situation at the time. The explanation of respondent Jacinto is even more absurd. He claimed that he had no idea that the checks were stolen but he admitted receiving proceeds from the scheme and allotting them to his personal needs.

Under Rule 9, Section 46 of the Revised Rules on Administrative Cases in Civil Service, promulgated on 18 November 2011, Serious Dishonesty and Grave Misconduct are grave offenses punishable by dismissal from service even on the first offense. As correctly pointed by Executive Judge Abella, respondents Alcantara and Jacinto committed grave offenses and "do not deserve to stay with the judiciary even for a minute longer."<sup>[31]</sup>

We adopt the findings and recommendations of the Office of the Court Administrator.

Dishonesty is defined as the "[disposition to lie, cheat, deceive, or defraud; untrustworthiness; lack of, integrity; lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray."<sup>[32]</sup>

Grave misconduct is committed when there has been "a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by a public officer.' 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, all of which must be established by substantial evidence, and must necessarily be manifest in a charge of grave misconduct."<sup>[33]</sup>

In *Rojas, Jr. v. Mina*,<sup>[34]</sup> respondent was found guilty of gross misconduct and dishonesty for stealing and encashing Special Allowance for Judges and Justices checks payable to several trial court judges without their consent. Similarly, in *Re: Loss of Extraordinary Allowance Check No. 11-6739 of Judge Eduardo Jovellanos*,<sup>[35]</sup> respondent Rosario Santos was held responsible for stealing, encashing, and converting for her personal use the amount covered by the check issued to Judge Eduardo U. Jovellanos.

In this case, Alcantara and Jacinto admitted to taking and encashing checks of their co-workers without permission. There is no doubt that their acts of repeatedly stealing the checks and forging the signatures of their co-workers constitute grave misconduct and dishonesty. Their alleged remorse for what they have done does not erase the transgression they committed. "This Court will not hesitate to rid its ranks