

## EN BANC

**[ A.M. No. P-13-3141 [Formerly OCA I.P.I. No. 08-2875-P], January 21, 2014 ]**

**ATTY. RHEA R. ALCANTARA-AQUINO, COMPLAINANT, VS.  
MYLENE H. DELA CRUZ, CLERK III, OFFICE OF THE CLERK OF  
COURT, REGIONAL TRIAL COURT, SANTA CRUZ, LAGUNA,  
RESPONDENT.**

## DECISION

### PER CURIAM:

Before us is a Complaint<sup>[1]</sup> dated June 23, 2008 filed by Atty. Rhea R. Alcantara-Aquino, Assistant Clerk of Court, Office of the Clerk of Court (OCC), Regional Trial Court (RTC), Santa Cruz, Laguna, against Mylene H. Dela Cruz, Clerk III, of the same office, for Grave Misconduct.

The facts, as culled from the records, follow:

On May 29, 2008, complainant alleged that Mrs. Emerita B. Moises, Municipal Civil Registrar of Nagcarlan, Laguna, went to her office to verify the veracity of the documents in SP. Proc. Case No. SC-2268, entitled *Petition for Correction of Entry in the Marriage Contract* filed by Ms. Bella Coronado Igamen, who was then requesting a copy of her annotated marriage contract from the Municipal Civil Registrar's Office. The documents included the Order<sup>[2]</sup> dated May 4, 2007 issued by Judge Jaime C. Blancaflor of Branch 26, RTC, Santa Cruz, Laguna, which was certified as a true copy by complainant Atty. Aquino and the Certificate of Finality<sup>[3]</sup> dated May 22, 2007 signed by complainant Atty. Aquino.

Upon verification from the records of the OCC, complainant Atty. Aquino discovered that said petition for correction of entry in the marriage contract with case number SP Proc. Case No. SC-2268, was inexistent and that the same case number pertained to another case. This fact was attested to by Atty. Arturo R. Trinidad, Clerk of Court VI, OCC, RTC, Santa Cruz, Laguna, in his Certification<sup>[4]</sup> dated May 26, 2008.

Upon further scrutiny, complainant Atty. Aquino alleged that the purported Order dated May 4, 2007 of Judge Blancaflor, the Certification dated May 25, 2007 that the said order was a true copy of the original, and the Certificate of Finality dated May 22, 2007 were all spurious and her signature and that of Judge Blancaflor appearing therein were forged. Complainant recalled that she never encountered any petition of that nature during her stint as Branch Clerk of Court of Branch 26, RTC, Santa Cruz, Laguna. Thus, it was impossible for her and Judge Blancaflor to have issued said documents. Aside from her allegation, complainant submitted the Affidavit dated June 23, 2008 of Mrs. Isabelita B. Cadelina, the then Civil Docket Clerk of Branch 26, RTC, Santa Cruz, Laguna, attesting that no such Petition for Correction

of Entry in the Marriage Contract was received by their court.

Complainant further pointed out that the rubber stamp used by the forger to stamp the words "certified true copy" in the questioned order was different from the official rubber stamp for the certified true xerox copy being used by the court.

On June 4, 2008, a conference was held with Judge Blancaflor, Clerk of Court Atty. Trinidad, Jr., Municipal Civil Registrar Moises and Ms. Igamen, the alleged petitioner of SP Proc. Case No. SC-2268, in attendance. During the said conference, Ms. Igamen positively pointed to respondent Dela Cruz as the one who met her in court after being referred to her by Mr. Laudemer F. San Juan (*San Juan*), the Municipal Civil Registrar of Santa Cruz, Laguna, which led to the discovery of the fraudulent scheme perpetrated by respondent.

Complainant further claimed that there was another set of copies of the spurious order of Judge Blancaflor and certificate of finality of complainant, this time certified as true copies by respondent Dela Cruz herself. When confronted about this, respondent admitted that she indeed certified the same upon the request of San Juan and she even issued a handwritten note dated May 29, 2008 which reads: "*Na wala akong kinalaman sa lahat nang naging conflict sa petition ni Bella Igamen dahil pinakiusapan lang ako ni Mr. Laudemer San Juan.*"<sup>[5]</sup>

Complainant was convinced that despite the knowledge that the documents were spurious and bore the forged signatures of complainant and Judge Blancaflor, respondent Dela Cruz authenticated the same, leading to the anomalous annotation of the spurious order in the certificate of marriage of Ms. Igamen.

Complainant added that in view of the above discovery, other documents purporting to be court-issued documents emerged indicating respondent Dela Cruz and her cohorts, namely, San Juan, then Municipal Civil Registrar of Santa Cruz, Laguna and a certain Ms. Apolonia B. Gamara, then Municipal Civil Registrar of Nagcarlan, Laguna, as the culprits. Complainant informed the Court that she had already filed a complaint before the National Bureau of Investigation (*NBI*) and had requested Judge Blancaflor to issue a Memorandum to the Local Civil Registries within his territorial jurisdiction regarding the matter in order to prevent similar occurrences in the future. She stated that she planned to eventually file a criminal case for falsification against respondent Dela Cruz and her cohorts.

On July 4, 2008, the OCA directed respondent Dela Cruz to submit her comment on the complaint against her.<sup>[6]</sup>

In a Resolution<sup>[7]</sup> dated August 3, 2009, the Court, upon the recommendation of the OCA, resolved to direct respondent Dela Cruz to show cause why she should not be administratively dealt with for failing to submit her comment despite the two (2) directives from the Court Administrator, and to submit the required comment within ten (10) days from notice, failing which, necessary action shall be taken against her and a decision on the administrative complaint shall be rendered on the basis of the records on hand. The copy of the resolution sent to respondent Dela Cruz was returned unserved with the postal carrier's notation on the envelope "RTC-Unknown." Thus, the Court issued a Resolution<sup>[8]</sup> dated November 23, 2009 requiring complainant to inform the Court of the complete and present address of

respondent.

In her Compliance and Manifestation<sup>[9]</sup> dated January 27, 2010, complainant Atty. Aquino provided the Court with the complete address of respondent. In the same compliance and manifestation, complainant informed the Court that the NBI had referred its findings of Estafa thru Falsification of Public Documents against herein respondent Dela Cruz, Municipal Civil Registrar San Juan and Ms. Gamara to the Provincial Prosecutor's Office (PPO) for preliminary investigation.<sup>[10]</sup>

On August 22, 2011, the Court dispensed with the submission of the comment of respondent Dela Cruz, considering that the copies of the Show Cause Resolution dated August 3, 2009, which required the latter to submit her comment on the complaint sent to her at her address on record and to the new address provided by the complainant, were returned unserved.<sup>[11]</sup>

Further, the Court required the parties to manifest their willingness to submit the case for decision on the basis of the pleadings/records already filed and submitted. On December 7, 2011, for failure of both parties to submit their respective manifestations, the Court deemed the case submitted for resolution based on the pleadings and records already filed.<sup>[12]</sup>

Meanwhile, respondent Dela Cruz tendered her resignation effective June 2, 2008. On October 20, 2008, the Court accepted her resignation effective June 2, 2008, but without prejudice to the proceedings of the instant administrative case.

On August 22, 2012, the Court referred the instant complaint to the OCA for evaluation, report and recommendation.<sup>[13]</sup>

On July 1, 2013, in compliance with the Court's directive, the OCA, in a Memorandum,<sup>[14]</sup> recommended the following:

- (1) the instant case against respondent **MYLENE H. DELA CRUZ**, former Clerk III. Office of the Clerk of Court, Regional Trial Court, Santa Cruz, Laguna, be **RE-DOCKETED** as regular administrative matter; and
- (2) respondent **MYLENE H. DELA CRUZ** be found **guilty** of grave misconduct and, in lieu of **DISMISSAL FROM THE SERVICE** which can no longer be imposed upon her because of her resignation, be **ORDERED** to pay a **FINE** of Forty Thousand Pesos (P40,000.00) with forfeiture of all her benefits, except accrued leave credits and disqualification from reemployment in any branch, agency or instrumentality of the government, including government-owned and controlled corporations. The fine of P40,000.00 shall be deducted from her accrued leave credits which, as computed by the Financial Management Office, is more than sufficient to cover said amount.<sup>[15]</sup>

#### ***RULING***