

## EN BANC

[ A.M. No. P-08-2573, June 19, 2012 ]

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.  
JAIME P. KASILAG, SHERIFF IV, REGIONAL TRIAL COURT,  
BRANCH 27, MANILA, RESPONDENT.**

### D E C I S I O N

#### PER CURIAM:

This is an administrative case<sup>[1]</sup> against Jaime P. Kasilag, Sheriff IV of the Regional Trial Court of Manila, Branch 27 (RTC), for allegedly tampering his Daily Time Record (DTR) for February 2004. We resolve this case based on the records and pleadings already filed, after repeated failure of respondent Kasilag to file his Comment as required by this Court.<sup>[2]</sup>

On 26 March 2004, then Deputy Court Administrator Christopher O. Lock directed Victor Y. Serapio, Officer-in-Charge of the RTC, to comment on what appeared to be "superimpositions" in the DTR of Sheriff Jaime P. Kasilag for February 2004.<sup>[3]</sup> Serapio replied in a letter dated 28 April 2004 that there were indeed discrepancies between Kasilag's DTR and the RTC's Daily Time Registry Book (he attached certified copies of both documents). Serapio explained in his letter that Kasilag previously took a leave of absence for six days but his DTR showed "slight markings indicating that the original entries were erased and had been replaced with time entries purportedly showing that he reported for work on those [days] even though the contrary is true."<sup>[4]</sup> Serapio recommended that "proper/appropriate disciplinary action be meted against Mr. Jaime Kasilag."<sup>[5]</sup>

On 30 July 2004, the Office of the Court Administrator (OCA) directed respondent Kasilag to file his Comment to Serapio's letter.<sup>[6]</sup> However, Kasilag did not file his Comment despite several opportunities for him to do so.<sup>[7]</sup> Almost three years from the OCA referral, this Court required Kasilag to submit his Comment and "show cause why he should not be administratively dealt with for his refusal x x x" to file his Comment.<sup>[8]</sup>

The RTC Branch Clerk of Court thereafter informed this Court about Kasilag's resignation which became effective on 1 February 2007.<sup>[9]</sup> Nonetheless, the Court issued another Resolution on 10 August 2009 reiterating the Show Cause Order to Kasilag directing him to submit his Comment. On 15 November 2010, this Court declared Kasilag in contempt, imposed a fine of P1,000.00 or a five-day imprisonment,<sup>[10]</sup> and repeated the same directive to submit his Comment.

Instead of complying, Kasilag filed a Motion for Reconsideration<sup>[11]</sup> asking this Court to declare him "as not in contempt" and to set aside the fine or penalty of

imprisonment. Moreover, he prayed that the OCA be directed to furnish him again a copy of Serapio's letter and the DTR and to give him another 30 days from receipt of said documents to file his Comment.

In his Motion for Reconsideration, Kasilag stated that he did not intentionally refuse to comply with the order of the Court. His long delay was due to his inability to "recall the events leading to this case"; his "frantic" state and "desperation" when he learned of the Show Cause Order; and his inability to make a "satisfactory and/or responsive [C]omment" because (according to him) he was not given a copy of Serapio's letter and the DTR. Thus, "[t]o his (Kasilag's) mind, [these] are enough reasons to justify that [he] did not commit any act of contempt x x x and neither does be [sic] deserve the imposition of any fine nor [sic] imprisonment." The OCA, however, found that the records indicate otherwise.<sup>[12]</sup>

On 6 June 2011, this Court denied the Motion to set aside the penalty for lack of merit. However, the Court directed the OCA to furnish respondent copies of Serapio's letter and the DTR for February 2004. The Court required respondent to submit for the last time his Comment; otherwise, the case would be resolved without his Comment. The Court also directed the Office of Administrative Services of the OCA to hold in abeyance Kasilag's application, if any, for financial/retirement benefits.<sup>[13]</sup>

Kasilag paid the P1,000.00 fine but again failed to file his Comment. Thus, on 23 November 2011, this Court resolved to dispense with his Comment and consider the case submitted for decision.

The OCA cites Section 52(A)(1) and (6) of the Uniform Rules on Administrative Cases in the Civil Service<sup>[14]</sup> and *Office of the Court Administrator v. Breta*<sup>[15]</sup> in stating that:

Falsification of an official document such as the DTR is considered a grave offense. It amounts to dishonesty. Both falsification and dishonesty are grave offenses punishable by dismissal from the service, even for the first offense with forfeiture of retirement benefits, except accrued leave benefits, and perpetual disqualification from reemployment in government service.<sup>[16]</sup>

Moreover, the OCA notes that the records of Mr. Kasilag "do not speak well of his attitude and performance x x x."<sup>[17]</sup> Since 2002, Kasilag "has been the subject of several memoranda and letters requiring him to explain his habitual tardiness, absences and failure to file his DTR and application form."<sup>[18]</sup> It appears that in some of those instances, he also did not comply with the directive for him to explain.<sup>[19]</sup>

Jurisprudence on this matter is clear.<sup>[20]</sup> Falsification of a DTR by a court personnel is a grave offense. The nature of this infraction is precisely what the OCA states: the act of falsifying an official document is in itself grave because of its possible deleterious effects on government service.<sup>[21]</sup> At the same time, it is also an act of dishonesty, which violates fundamental principles of public accountability and integrity. Under Civil Service regulations, falsification of an official document and

dishonesty are distinct offenses,<sup>[22]</sup> but both may be committed in one act, as in this case.

The constitutionalization of public accountability<sup>[23]</sup> shows the kind of standards of public officers that are woven into the fabric of our legal system. Public office is a public trust, which embodies a set of standards such as responsibility, integrity and efficiency.<sup>[24]</sup> Reality may depart from these standards, but our society has consciously embedded them in our laws, so that they may be demanded and enforced as legal principles. This Court, in the exercise of its administrative jurisdiction,<sup>[25]</sup> should articulate and apply

these principles to its own personnel, as a way of bridging actual reality to the norms we envision for our public service.<sup>[26]</sup>

We exercise our administrative jurisdiction despite respondent Kasilag's resignation on 1 February 2007, more than two years after he was directed to file his Comment. "The resignation of a public servant does not preclude the finding of any administrative liability to which he or she shall still be answerable."<sup>[27]</sup> "Even if the most severe of administrative sanctions— that of separation from service — may no longer be imposed x x x there are other penalties which may be imposed x x x namely, the disqualification to hold any government office and the forfeiture of benefits."<sup>[28]</sup>

Despite the notice of respondent's resignation, we still directed him to comment knowing full well the extent of this Court's administrative jurisdiction. On 6 June 2011, this Court resolved, among others, to hold in abeyance any application for financial/retirement benefits of respondent during the pendency of this case.

There is substantial evidence that respondent Kasilag falsified his DTR for February 2004. The superimpositions on respondent's time entries are apparent on the certified copy of the DTR submitted by Victor Y. Serapio, the Officer-in-Charge of the RTC of Manila, Branch 27. There is, in other words, "relevant evidence which a reasonable mind might accept as adequate to justify [the] conclusion"<sup>[29]</sup> that respondent indeed falsified his DTR.

There can be no dispute that respondent's right to be heard had been respected. His repeated failure to file his Comment has transgressed the bounds of ordinary diligence, as to be contumacious. As a court personnel, he did not take seriously the orders of this Court. The judicial process cannot be held hostage to respondent's neglect or apathy. Such conduct amounts to a waiver of the right to be heard. Thus, due process has been observed.

As a result, the evidence tilts in favor of those gathered by the OCA. There are no mitigating circumstances for respondent Kasilag. Dishonesty and the act of falsifying detract from the notion of public accountability, as implemented by our laws. We apply the law as it is written.

**WHEREFORE**, this Court finds respondent Jaime P. Kasilag, Sheriff IV, Regional Trial Court, Branch 27, Manila, **GUILTY of FALSIFICATION OF OFFICIAL DOCUMENT** and **DISHONESTY**. Accordingly, the Court **FORFEITS** respondent Kasilag's entire