

## EN BANC

**[ A.M. No. P-10-2809, August 10, 2012 ]**

**MANOLITO C. VILLORDON, COMPLAINANT, VS. MARILYN C. AVILA, COURT INTERPRETER I, MUNICIPAL TRIAL COURT IN CITIES, BRANCH 3, CEBU CITY, RESPONDENT.**

### D E C I S I O N

#### PER CURIAM:

Before the Court is a Complaint for Dishonesty and Falsification of Official Document against respondent Marilyn C. Avila (respondent), Court Interpreter I, Municipal Trial Court in Cities (MTCC), Branch 3, Cebu City.

In a letter<sup>[1]</sup> to the Office of the Court Administrator (OCA) dated 27 October 2008, complainant Manolito C. Villordon (complainant) called the OCA's attention to certain false entries in respondent's Personal Data Sheet (PDS). Complainant alleged that respondent failed to declare her correct marital status and the fact that she has three illegitimate children. Further, complainant claimed that respondent submitted a falsified income tax return.

Then Court Administrator Jose P. Perez<sup>[2]</sup> referred the complaint to Judge Oscar D. Andrino (Judge Andrino), Executive Judge of the MTCC, Cebu City, for discreet investigation and report.<sup>[3]</sup>

In his Investigation Report<sup>[4]</sup> dated 10 March 2009, Judge Andrino narrated the factual backdrop that led to the filing of the complaint.

Complainant, an employee of the Bureau of Jail Management and Penology (BJMP) in Minglanilla, Cebu, is married but separated from his wife, while respondent, a Court Interpreter of MTCC, Branch 3, Cebu City, was the common-law wife of a certain Junie Balacabas. Respondent and Balacabas have three daughters.

In 2001, complainant met respondent. Soon after, they started living together as husband and wife. Respondent was later appointed as Court Interpreter, the position vacated by complainant's father. Complainant and respondent parted ways in 2008, and both subsequently found other partners. After their break-up, respondent filed an administrative case against complainant before the BJMP.

On 29 January 2009, at about 6 o'clock in the evening, complainant and his partner, Maribel Caballero (Caballero), met respondent at the parking area of the Minglanilla Sports Complex. The three had an altercation. As a result, respondent filed a case against complainant for violation of Republic Act No. 9262 (RA 9262), or the *Anti-Violence Against Women and Children Act*. Meanwhile, Caballero filed a complaint for physical injuries against respondent before the Office of the Provincial Prosecutor.

Judge Andrino also examined respondent's PDS. He found that respondent did not indicate that she has three daughters and failed to disclose that there was a physical injuries complaint filed against her.

In her comment,<sup>[5]</sup> respondent said that complainant has an axe to grind against her because they had an illicit affair, which she broke off when she entered government service. As to the information she omitted from her PDS, respondent admitted having left out the names of her three children. She argued, however, that she did so because they were never her dependents and were in the custody of her parents. She also claimed that she has never claimed tax exemptions for her children. Respondent also denied that she falsified her civil status, as she is in fact single. She claimed that the omission of her children's names did not mean that she was not acknowledging them or that she was concealing their existence from family and friends, and neither did it jeopardize the interest or violate any right of complainant.

Respondent pointed out that she has complied with the requirements of her employment, she possesses all the necessary qualifications, and she has performed her duties in accordance with the mandate of her position.

She prayed that the charges against her be dismissed.

In a manifestation<sup>[6]</sup> received by the Court on 14 March 2011, respondent further argued that, when she filled out her PDS, the birth certificates of her children were not available so she heeded a co-worker's advice to leave the names blank. She reiterated that when she applied as court interpreter, she was qualified for the position. She insisted that all the information in her PDS are true and only the names of her three children were omitted.

In its report<sup>[7]</sup> dated 15 February 2010, the OCA made the following recommendation:

Respondent wants this Office to believe that she is not liable for Dishonesty for her failure to state that she has three (3) children and had been charged with a criminal offense, as she has the necessary qualifications for the position of Court Interpreter and has been performing her functions efficiently and effectively.

This Office finds no merit on (sic) respondent's contention.

x x x x

It must be remembered that the accomplishment of the Personal Data Sheets is a requirement under the Civil Service Rules and Regulations in connection with employment in the government. As such, it is well settled that the accomplishment of untruthful statements therein is intimately connected with such employment[.] x x x

Notwithstanding that the making of untruthful statement in official

documents is ultimately connected with one's employment, it bears stressing that dishonesty, to warrant the penalty of dismissal, need not be committed in the course of the performance of duty by the person charged.

x x x x

This Office cannot sustain respondent's attempt to escape liability by advancing the flimsy excuse that she did not list the names of her three children in her Personal Data Sheet because they always had been in the custody of her parents. The Personal Data Sheet requires the listing of the full names of a government employee's child/children and their corresponding dates of birth. x x x

Well entrenched is the rule that when official documents are falsified, the intent to injure a third person need not be present, because the principal thing punished is the violation of the public faith and the destruction of the truth as therein proclaimed x x x

RECOMMENDATION: Respectfully submitted, for the consideration of the Honorable Court, are the following recommendations that (sic):

1. that the instant case be RE-DOCKETED as a regular administrative matter;
2. that respondent MARILYN C. AVILA, Court Interpreter I, Municipal Trial Court in Cities, Branch 3, Cebu City, be found GUILTY of Dishonesty and Falsification of Official [ ] Document; and
3. that respondent MARILYN C. AVILA be meted the penalty of DISMISSAL from the service with forfeiture of all benefits, except accrued leave credits, with disqualification from employment in any government agency, including government owned and controlled corporations.<sup>[8]</sup>

In March 2011, the Court received an undated letter<sup>[9]</sup> from complainant, who manifested that he was no longer interested in pursuing the case against respondent. He said he realized that he filed the case out of anger, that he was not a proper party affected by respondent's omission, and respondent's dismissal from work would be inhuman and unjust since respondent's civil status does not affect her performance as a court employee. Thus, complainant asked the Court to dismiss the case against respondent.

The Court finds respondent guilty of dishonesty and falsification of official documents.

Respondent herself admits that she failed to indicate the names of her children on her PDS, albeit proffering the argument that they were not in her custody, and that she does not claim them as her dependents or claim tax exemption for them.