

THIRD DIVISION

[A.M. No. P-09-2703 [Formerly OCA I.P.I. No. 99-654-P], September 05, 2011]

LINA LAURIA-LIBERATO, COMPLAINANT, VS. NESTOR M. LELINA, CLERK OF COURT II, MUNICIPAL CIRCUIT TRIAL COURT (MCTC), NAGUILIAN-REINA MERCEDES, ISABELA, RESPONDENT.

D E C I S I O N

PERALTA, J.:

Before this Court is an administrative complaint^[1] dated May 14, 1999, filed on June 8, 1999, by complainant Lina Lauria-Liberato, against respondent Nestor M. Lelina, Clerk of Court II, Municipal Circuit Trial Court of Naguilian-Reina Mercedes, Isabela, for grave misconduct, dishonesty, and conduct prejudicial to the best interest of the service, for falsifying an Affidavit of Relinquishment and by enriching himself at their expense.

In his sworn Affidavit^[2] dated March 24, 1999, complainant alleged that she is the granddaughter of Candido Lauria, who died on December 13, 1974 and is survived by her father Dionisio Lauria and her aunt, Juana Lauria. She declared that Candido Lauria was the owner and original claimant of Lot No. 4213 Cad-389-D, containing an area of 1,642 square meters, more or less, as evidenced by Tax Declaration Real Property No. 96-20-0020379. She averred that her grandfather allowed respondent to occupy a portion of the property and build a house thereon, provided that he would pay monthly rentals. However, respondent never paid any rentals. On March 16, 1999, complainant found out from the Office of the Municipal Assessor of Naguilian, Isabela that the name of her grandfather no longer appeared as owner of the said property and, upon further verification with the Office of the Register of Deeds and Bureau of Lands of the Province of Isabela, she discovered that the subject property had been titled in the name of respondent per OCT No. P-72874. It appeared that the issuance of the title under respondent's name was based on an Affidavit of Relinquishment dated October 3, 1997, purportedly executed by Candido Lauria wherein he relinquished or waived his right to claim the subject property in favor of the respondent. According to the complainant, respondent presented the said affidavit to the Bureau of Lands in support of his application for free patent over the subject parcel of land. As a consequence of the falsification and misrepresentation, OCT No. P-72874 was issued in respondent's favor and, subsequently, the same was subdivided into three lots, to wit: TCT No. T-288607 (which was later mortgaged with the Government Service Insurance System in the amount of P225,000.00), TCT No. 288608, and TCT No. 288609, all of which were registered under respondent's name.

Complainant appended the Affidavit dated March 24, 1999 to her letter-complaint^[3] dated May 14, 1999, alleging that on October 3, 1997, respondent prepared an Affidavit of Relinquishment, signed by Candido Lauria, the contents of which stated

that her grandfather, Candido Lauria, personally appeared before Deputy Public Land Inspector Luisa A. Paggao of the Bureau of Lands in Ilagan, Isabela, and relinquished, in favor of respondent, his rights as owner-claimant of Lot No. 4213 Cad-389-D, 1,642 square meters, (valued at P1,642,000.00 more or less), situated in Barangay Magsaysay, Naguilian, Isabela. Complainant disputed the validity of the Affidavit of Relinquishment as Candido Lauria could not have personally executed the same in view of the fact that he had earlier died on December 13, 1974. Further, she stated that a criminal complaint against respondent for Estafa thru Falsification of Public Documents was filed with the Office of the Provincial Prosecutor of Ilagan, Isabela. She added that while occupying the position of Clerk of Court II, respondent enriched himself at their expense, which constituted gross misconduct, dishonesty, and conduct prejudicial to the best interest of the service.

In his Comment^[4] dated January 15, 2000, respondent asserted that he co-owned 421 square meters of Lot No. 4213 Cad-389-D (registered in the name of Candido Lauria), which he acquired from the heirs of Dionisio Lauria (the deceased Dionisio being the legitimate son of the deceased Candido). Respondent averred that Juana Lauria (eldest daughter of Candido Lauria), as administratrix of the estate of Candido Lauria, requested him to cause the registration and titling of Lot No. 4213 Cad-389-D, with an agreement that he would eventually reconvey the said lot to the heirs of Candido Lauria. Thereafter, respondent engaged the services of a geodetic engineer who helped him prepare all the pertinent documents for the titling of the three parcels of land in his name. Respondent denied that there was intent on his part to appropriate the said parcels of land, and justified that the registration of the subject properties in his name was merely a way of expediting that proceedings for the application for free patent, as he and Juana Lauria previously had an agreement regarding reconveyance thereof to the heirs. In defense, he explained that he had already reconveyed the subject parcels of land, as evidenced by TCT No. 288745, which was already issued in the name of the heirs of Candido Lauria. He also denied enriching himself at the expense of the litigants, and appended copies of his Sworn Statement of Assets, Liabilities and Net Worth to controvert the allegations in the complaint.

Meanwhile, complainant lodged a criminal complaint against respondent for Estafa thru Falsification of Public Documents and, accordingly, an information thereof, docketed as Criminal Case No. 3210, was filed with the Regional Trial Court (RTC), Branch 16, Ilagan, Isabela.^[5]

In a Resolution^[6] dated August 30, 2000, the Court deferred action on the administrative complaint pending the final determination of the criminal case against respondent.

In a Decision^[7] dated August 5, 2003, in Criminal Case No. 3210,^[8] the trial court found respondent guilty beyond reasonable doubt of the crime of Estafa thru Falsification of Public Document^[9] under paragraph 2 (a) of Article 315, in relation to Article 172 of the Revised Penal Code, and sentenced him to suffer the indeterminate penalty of imprisonment ranging from 10 years of *prision mayor* as minimum to 14 years of *reclusion temporal* as maximum and all the accessory penalties provided by law, and ordered respondent to execute the necessary deed to reconvey the properties subject of the suit to the legal heirs of Candido Lauria. The trial court found that there was no evidence that respondent took advantage of his

position as Clerk of Court II in committing the offense charged.

The decision was appealed before the Court of Appeals. In a Decision^[10] dated March 31, 2009, the CA affirmed the RTC Decision dated August 5, 2003.

On petition for review on *certiorari* by respondent, the Court, in a Resolution^[11] dated July 27, 2009, denied his petition for late filing, failure to timely pay the docket and other legal fees and deposit for costs, his counsel's failure to indicate his MCLE Certificate of Compliance Number or Certificate of Exemption, and for being factual in nature and, likewise, in the same resolution, denied his motion for reconsideration.

In the Memorandum dated July 27, 2009, the Office of the Court Administrator (OCA) recommended that the complaint against respondent be redocketed as a regular administrative complaint and that respondent be found guilty of dishonesty and, accordingly, be dismissed from the service. The OCA found respondent's dishonest conduct to be gravely injurious to the noble and untarnished image of the court.

We adopt the findings and recommendation of the OCA.

The Code of Conduct for Court Personnel stresses that employees of the Judiciary serve as sentinels of justice and any act of impropriety on their part immeasurably affects the honor and dignity of the Judiciary and the people's confidence in it. No other office in the government service exacts a greater demand for moral righteousness and uprightness from an employee than in the Judiciary.^[12] Clerks of Court, in particular, are the chief administrative officers of their respective courts. They must show competence, honesty and probity, having been charged with safeguarding the integrity of the court and its proceedings.^[13]

In *Rivara's Compound Homeowners' Association v. Cervantes*,^[14] We emphasized the need for circumspect and proper behavior on the part of the court employees. Government officials and employees, more specifically those employed in the Judiciary, are bound by the highest standards of propriety and decorum to maintain the people's respect and faith in the Judiciary. Any transgression or deviation from the established norm of conduct, work related or not, amounts to a misconduct.^[15] The image of a court of justice is mirrored in the conduct, official or otherwise, of the personnel who work thereat. Court employees are enjoined to adhere to the exacting standards of morality and decency in their professional and private conduct in order to preserve the good name and integrity of the court of justice.^[16]

This exacting standard applies not only to the court employee's norm of conduct pertaining to the discharge of his official duties, but also to his personal dealings, which must be within the parameters of morality, propriety, and decency. As Clerk of Court II, respondent's act of executing an Affidavit of Relinquishment, dated October 3, 1997, which stated that Candido Lauria, who earlier died on December 13, 1974, personally appeared before the Deputy Public Land Inspector of the Bureau of Lands in Ilagan, Isabela and relinquished his rights, in favor of respondent, as owner-claimant of Lot No. 4213 Cad-389-D, was a willful perversion of the truth that greatly prejudiced the rights and interests of the heirs of the deceased as the