

EN BANC

[A.M. No. P-09-2636 (Formerly OCA IPI No. 07-2681-P), December 04, 2009]

**ATTY. EDUARDO E. FRANCISCO, IN HIS CAPACITY OF
ATTORNEY-IN-FACT LAMBERTO LANDICHO, COMPLAINANT, VS.
LIZA O. GALVEZ, OFFICER-IN-CHARGE, CLERK OF COURT,
METROPOLITAN TRIAL COURT, BRANCH 73, PATEROS, METRO
MANILA, RESPONDENT.**

DECISION

PER CURIAM:

Before us is an administrative complaint for grave misconduct and conduct unbecoming a court employee filed by complainant Atty. Eduardo E. Francisco in his capacity as attorney-in-fact^[1] of Lamberto Ilagan Landicho, against respondent Liza O. Galvez, Officer-in-Charge (OIC)- Clerk of Court of the Metropolitan Trial Court of Pateros City, Branch 73, for issuing a certified photocopy of a spurious decision^[2] dated December 16, 1974 and an undated certificate of finality^[3] of the said decision.

The facts, as culled from the records, are as follows:

Lamberto Ilagan Landicho was married to Evelyn Carandang on February 3, 1975 at Toronto, Province of Ontario, Canada, upon Carandang's representation that she was single and without any legal impediment to contract marriage.

In October 2001, Carandang filed for divorce against Landicho before the Superior Court of Rancho Cucamonga, County of San Bernardino, Los Angeles, California, USA.

In January 2002, Carandang obtained a divorce decree from the said court against Landicho and was awarded spousal support in the amount of US \$1,100.00 a month. Consequently, Landicho regularly provided monthly support to Carandang from January 2002 up to September 2006, until he discovered that Carandang had a previous marriage to a certain Norberto Bagnate in August 2, 1973 in the Philippines before she contracted marriage with him.

Betrayed, Landicho filed an action to stop payment of support to Carandang and to declare invalid the decree of divorce.

During the proceeding, by way of defense, Carandang presented the questioned Decision dated December 16, 1974, purportedly issued by Judge Eustaquio P. Sto. Domingo, then Presiding Judge of the Municipal Trial Courts of Pateros and Fort Bonifacio, Rizal, as proof that her previous marriage to her first husband was already nullified as early as 1974; thus, there was no legal impediment on her part

at the time of her marriage with Landicho in 1975.

However, Landicho contended that the questioned Decision dated December 16, 1974 was spurious, because the former trial court, which allegedly issued it, has no jurisdiction to try cases for annulment of marriage. Complainant also pointed out that the subject decision was registered only in the year 2007.

Later, in a Decision^[4] dated May 4, 2008, the Regional Trial Court of Pateros, Branch 262, declared the questioned Decision as null and void and directed the Office of the Local Registrar of Makati City and the National Statistics Office to cause the cancellation of the annotation of the annulment of marriage between Norberto Bagnate and Evelyn Carandang.

Aggrieved, Landicho, through Atty. Francisco, filed an administrative complaint against Judge Sto. Domingo for issuing the spurious decision. However, said complaint was terminated in view of Judge Sto. Domingo's retirement from service in September 20, 1997.^[5] Persistent, complainant instead filed an instant administrative complaint against Galvez as she was the one who certified the spurious decision and issued the certificate of finality.

In her Comment^[6] dated 17 September 2007, Galvez narrated that in April 3, 2007, a certain Rebecca Bautista, accompanied by Ms. Perla A. Chavez, who is an employee of the Office of the Civil Registrar-Pateros, came to her and introduced herself as a relative of Evelyn Carandang. She claimed that Bautista showed her a duplicate copy of the questioned December 16, 1974 Decision and requested her to certify it and issue a certificate of finality thereof. Galvez contended that she initially refused to issue the certificate as there are no more records of Fort Bonifacio cases left in the court of Pateros.^[7]

However, respondent Galvez claimed that despite lack of records, Bautista and Chavez insisted that she can still certify the decision, since she was anyway familiar with Judge Sto. Domingo's signature. Hence, she searched for other orders and decisions with Judge Domingo's signature available in their office and compared it with the signature appearing in the questioned decision dated December 16, 1974. After she found the signatures to be similar, she then certified the questioned decision and issued the certificate of finality.^[8] Galvez further pointed out that at the time the questioned decision was rendered in 1974, she was still a mere clerk and was unaware that the MTC of Pateros has no jurisdiction over annulment cases. Finally, Galvez invoked good faith in issuing the certified photocopy of the decision and the certificate of finality.

For her part, Chavez admitted that indeed it was she who convinced and reassured respondent to issue the certification despite lack of records.^[9]

After the Office of the Court Administrator (OCA) recommended that the matter be investigated, we referred the case to Executive Judge Amelia C. Manalastas of the Regional Trial Court of Pasig City for investigation, report and recommendation.^[10]

In her Compliance^[11] dated October 3, 2008, Judge Manalastas found Galvez guilty of simple negligence only for failure to exercise diligence in the performance of her

official function in violation of Sections 1 and 3,^[12] Canon IV of the Code of Conduct for Court Personnel.

On March 18, 2009, the OCA recommended that Galvez be suspended from the service for one (1) month and one (1) day for having been found guilty of simple neglect of duty.^[13]

We are unconvinced.

No less than the Constitution mandates that all public officers and employees should serve with responsibility, integrity and efficiency. Indeed, public office is a public trust. Thus, this Court has often stated that the conduct and behavior of everyone connected with an office charged with the dispensation of justice, from the presiding judge to the lowliest clerk, is circumscribed with the heavy burden of responsibility. The Judiciary expects the best from all its employees who must be paradigms in the administration of justice.^[14]

In the instant case, respondent Galvez' performance as a court employee is clearly wanting. There is no question as to the guilt of Galvez as the records speak for itself. In issuing the disputed certification, (1) Galvez knew that there were no existing records that could have served as basis for the issuance of the certificates; (2) Galvez did not exert efforts to inquire from authorized persons whether the court that rendered the decision had jurisdiction to try, much less decide, a case for annulment of marriage, or whether the document presented to her for certification was valid and authentic; (3) Galvez merely relied on her familiarity with the signature of the late Judge Sto. Domingo; (4) Galvez did not even give proper attention to the fact that the decision was of doubtful origin, considering that it was dated more than (30) years ago; and (5) Galvez carelessly relied on the assurance of Chavez. These acts clearly demonstrated lack of sufficient or reasonable diligence on the part of Galvez in the performance of her duties.

Section 1, Canon IV of the Code of Conduct for Court Personnel mandates:

Section 1. **Court Personnel shall at all times perform official duties properly and with diligence.** They shall commit themselves exclusively to the business and responsibilities of their office during working hours.
^[15]

There is nothing proper in certifying a mere photocopy without verifying the truthfulness thereof with any resources.^[16] Reliance with one person's familiarity of another person's signature cannot be made a basis of a certification. A certificate is a written assurance, or official representation, that some act has or has not been done, or some event occurred, or some legal formality has been complied with.^[17] To certify is to attest the truthfulness of the document. Without the records to verify the truthfulness and authenticity of a document, no certification should be issued. This is basic. More appalling is the fact that Galvez, in issuing the certifications, also relied on Chavez' assurances when the latter is not even a court employee. It should also be pointed out that there is no record of official receipt for the issuance of the certifications.