

EN BANC

[A.M. No. P-05-2100, December 27, 2007]

**A VERY CONCERNED EMPLOYEE AND CITIZEN, COMPLAINANT,
VS. LOURDES S. DE MATEO, CLERK III, MUNICIPAL TRIAL COURT
IN CITIES, KORONADAL CITY, SOUTH COTABATO, RESPONDENT.**

RESOLUTION

PER CURIAM:

In a period of one year, Lourdes S. de Mateo, Clerk III of the Municipal Trial Court in Cities (MTCC), Koronadal City, South Cotabato, found herself at the receiving end of several anonymous letter-complaints specifically charging her with falsification, dishonesty and grave misconduct.

According to the letter-complaints, respondent was habitually tardy but she falsified her Daily Time Records (DTRs). She habitually reported for work between 10:30 a.m. and 12:00 noon, but entered in her DTR that she regularly reported 8:00 a.m.

[1] Further, her absences were not reflected in her DTR. The complaints also charged that respondent and her husband were known influence peddlers, engaged in "fixing" activities and associated with known "fixers" in the Hall of Justice, among them one Amy Gonzales and one Diding Pregua. The complaint specifically cited the case filed by Marbel Fit Mart, Inc.[2] Another complaint alleged that she was responsible for using salt to destroy a bundy clock, but this allegation was not proven.[3]

In her Comment dated November 17, 2000 and October 7, 2002, respondent denied all the charges. She claimed she was only implicated in the case of Diding Pregua because they were friends; but the allegations against her were not substantiated; [4] and that the complainant was only motivated by ill will and personal animosity towards her.[5] She also denied that she had a hand in preparing Venus Pascua's property bail bond in the Marbel Fit Mart case.

Upon this Court's order to investigate, report and recommend action regarding the complaints, Regional Trial Court Judge Oscar E. Dinopol found respondent liable for grave misconduct and falsification on August 16, 2005. He found that there was insufficient proof, however, that respondent gave advance information to an accused for monetary consideration. Judge Dinopol recommended that respondent be meted the disciplinary penalty of one-year suspension without pay for participation in the falsification of the bail bond document. Lastly, he recommended that the respondent be dismissed from the service for falsification, instructing the falsification, and consenting to the falsification of an official document, which is her daily time record.[6]

Following receipt and review of the aforementioned investigation, report and

recommendation by Judge Dinopol, the Office of the Court Administrator (OCA) concluded that:

1. The comparative exposition of the genuine and certified documents against the simulated Tax Declarations and Certificate of Real Estate Tax Payments verily shows that the falsification could not have been consummated without the knowledge and participation of respondent;
2. The indorsement dated 17 November 2000 of then Judge Agustin T. Sardido vouching favorably on respondent's non-complicity in the preparation of the fictitious documents relative to the questioned property bond [was] without merit because documents would show that dismissed Judge Sardido himself had complicity in the questioned release of the accused on the subject property bond;
3. Respondent [was] closely associated with one Gloria "Diding" Pregua, who [was] not an employee of the Halls of Justice and a known fixer who help[ed] her out in the processing of the bail bonds of accused in their sala;
4. Respondent was involved in the anomalous activities concerning the case filed by Marbel Fit Mart, Inc., where the assessed and market values of the property of the bondsmen were bloated and the certificates of tax clearance were falsified. She was even the one who typed the bail bond papers, prepared the tax declaration and filled up the entries covered by correction fluid;
5. The evidence and documents on record [warrant] a conclusion that respondent [was] guilty of grave misconduct in connection with the performance of her official functions and duties as Clerk III. She participated in the falsification of documents relative to the subject property bond of the named accused, which, as Clerk III, she has the duty to receive and record, and to refer to the Clerk of Court;
6. Respondent indeed initiated and consented to the falsification of her DTR for the period covering 11 to 25 October 1999. Her usual tardiness for the said period, except on 21 October 1999, was not reflected in her DTR, as well as her absence the whole day of 12 October 1999. During the said period covering 11 to 25 October 1999, there were times that respondent's DTR card was being punched-in by her fellow MTC employees. There was no sufficient evidence, however, to prove the alleged tardiness of respondent and the falsification of her DTR prior to the period of investigation.

[7]

The OCA recommended that respondent Lourdes S. de Mateo, Clerk III of the MTCC, Koronadal City, South Cotabato, be HELD GUILTY of Dishonesty and Grave Misconduct and be DISMISSED from the service with forfeiture of all benefits and with prejudice to reemployment in the government or any of its subdivisions, instrumentalities, or agencies including government-owned or controlled corporations. [8]

Based on the record of this administrative matter we note, first, that respondent offered no explanation on the discrepancy between the entries in her DTR and the entries logged by the Head Guard. Although the DTRs were signed by Presiding Judge Agustin T. Sardido, certifying to the correctness of the entries, [9] we find, however, that the Head Guard had discreetly logged in the actual times of respondent's arrival and departures, upon the instruction of Executive Judge Francisco S. Ampig, Jr. [10] There appears no reason why the Head Guard should falsify his entries which differ from those of respondent, and thus we agree to rely on his entries. Moreover, as the OCA report stated, it was the task of the Clerk of Court, and not the Judge (particularly Judge Sardido) to certify to the correctness of entries in the DTR. [11]

As to respondent's participation in the falsification of a bail bond document, the OCA report gave credence to the sworn statement of Lydia Jayme who made a detailed narration of how the falsifications were done. The OCA also considered as supporting evidence the contested documents supporting the bail bond, [12] *e.g.*, the falsified tax declarations, a handwritten note by the respondent addressed to one Nita Frias evidencing that respondent knew of the questioned bail bonds and she had, in fact, asked Diding to speed up the processing. [13] Furthermore, as Clerk III, respondent de Mateo had the task to docket criminal complaints and keep a record book of warrants of arrest issued. [14]

Significantly, we note, second, that respondent de Mateo denied all the accusations levelled at her and averred that her accusers were motivated mainly by ill will. Be that as it may, we abide by the established doctrine, in administrative proceedings, that the complainant has the burden of proving by substantial evidence the allegations in the complaint. [15] We shall proceed with the task of evaluating complainant's evidence.

Substantial evidence in an administrative case consists of that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion. [16] In this case, the evidence relied upon by Judge Dinopol, who investigated the case, does not indubitably show that respondent had a direct hand in the falsification of the documents. First, the sworn statement of witness Lydia Jayme cannot be the sole basis to determine the liability of respondent without any corroboration. We find, based on the record, that she was not even physically available during hearings to vouch for her statements. Second, the handwritten note of respondent addressed to one Nita Frias was not authenticated or corroborated by any witness. Third, the alleged documents supporting the bail bond application, by themselves, do not show that these were indeed falsifications, without further corroboration by credible witnesses.

Coming now to the imposable penalty, we agree that falsification of daily time records is patent dishonesty. [17] Dishonesty is "(d)isposition to lie, cheat, deceive, or defraud; untrustworthiness; lack of integrity; lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray." [18] Dishonesty, being a grave offense, carries the extreme penalty of dismissal from the service with forfeiture of retirement benefits except accrued leave credits, and with perpetual disqualification from re-employment in government