

EN BANC

[A.M. No. P-00-1445 (formerly OCA IPI No. 99-560-P), April 30, 2003]

MEDARDO M. PADUA, COMPLAINANT, VS. IRENEO S. PAZ, IN HIS CAPACITY AS SHERIFF IV, BRANCH 31, REGIONAL TRIAL COURT, SAN PEDRO, LAGUNA, RESPONDENT.

DECISION

PER CURIAM:

Complainant Medardo M. Padua charges respondent Ireneo S. Paz, Sheriff IV of Branch 31 of the Regional Trial Court, San Pedro, Laguna, with grave misconduct, falsification of public document, perjury, giving false testimony, and abuse of position in connection with Civil Case No. 3225.^[1]

On 12 June 1997, a Toyota Tamaraw wagon model 1994 bearing plate number TKU 319 belonging to Medardo M. Padua ("complainant") figured in a traffic accident with the vehicle of Ireneo S. Paz ("respondent sheriff"), a 1981 Ford Laser bearing plate number DAL 334. Complainant's 18-year old son Ryan Niño Padua ("Ryan Padua") was driving complainant's vehicle at the time of the accident.

Police Officer Victoriano A. Sabuco prepared a Traffic Accident Investigation Report^[2] ("police report") shortly after completing the investigation of the accident. The police report stated that at the time of the accident Ryan Padua possessed a valid driver's license with license number NO1-95-179337.^[3]

Complainant claimed that after the traffic accident, he gave respondent sheriff his calling card. This card supposedly contained the addresses and telephone numbers of both the complainant and his insurer, Covenant Assurance Company ("Covenant").^[4] Since respondent sheriff appeared satisfied with the arrangement, complainant believed the matter was amicably settled. Thus, complainant went his own way and so did respondent sheriff.

However, on 26 November 1998, several armed men, including police officers, claiming to be from the Office of the Provincial Sheriff of Laguna, awakened complainant at 6:00 a.m. in his house. The men announced that they were enforcing a writ of execution issued by the Municipal Trial Court of Biñan, Laguna ("Biñan MTC"). Complainant was able to convince the men from the sheriff's office to give him some time to clarify the matter, and so the men peacefully left the premises.

Complainant soon discovered the reason for the sheriffs' surprise visit. He and his lawyer found out that on 30 June 1997 respondent sheriff filed with the Biñan MTC a civil case for damages^[5] in connection with the traffic accident. The summons was

allegedly sent to complainant's mother in Novaliches, where complainant previously resided. This, complainant claims, explains why he was not aware of the case filed against him until the sheriffs made their surprise visit. Complainant was declared in default for failing to file an answer within the reglementary period. Subsequently, there was an *ex-parte* presentation of evidence before a commissioner. Soon after this *ex-parte* hearing, Estanislao S. Belan of the Biñan MTC rendered a decision on 24 November 1997 in respondent sheriff's favor. Complainant vigorously opposed the execution of this decision because of the alleged defective summons.

On 18 December 1998, complainant filed this administrative complaint against respondent sheriff for falsification of public document, perjury, giving false testimony and abuse of position.^[6] Complainant also asserted that under the current civil service rules, respondent sheriff did not possess the necessary qualifications to hold his present position.^[7] Complainant, moreover, stated that he resorted to all the means available to prevent the enforcement of an obviously unjust decision considering the numerous false statements and misrepresentations made by respondent sheriff.^[8] He narrated that he felt so aggrieved by the numerous attempts of the sheriffs of the Biñan MTC to enforce the writ of execution despite the fact that he had already gone to the courts to defend himself.^[9]

On 25 March 1999, respondent sheriff filed an Answer^[10] denying all of complainant's material allegations. Respondent sheriff contended that he only filed the civil case for damages because complainant failed to honor his repeated promises that his insurer would pay for the damage to respondent sheriff's vehicle.

On 7 May 1999, complainant filed his Reply refuting respondent sheriff's allegations in the Answer and reiterating some of the allegations in his Complaint.

The Court, in the Resolution of 9 May 2001, assigned to Executive Judge Norberto Y. Geraldez^[11] ("Investigating Judge Geraldez") this administrative complaint for investigation, report and recommendation.

On 6 November 2001, the Court received the report and recommendations of Investigating Judge Geraldez. Some of Judge Geraldez's findings included the following:

- A. Medardo Padua alleged some irregularities in the service of summons and copy of the complaint. Medardo Padua failed to present any evidence to prove the same. The Traffic Accident Investigation Report (Exhibit B) and Ryan Padua's driver's license (Exhibit K) showed that Ryan Niño Padua's residence was at Novaliches. There was basis to serve the summons at Novaliches. His claim that respondent knew that he now lives in Las Piñas was not supported by evidence.
- B. Medardo Padua claimed that Ireneo Paz gave a false statement in court. This was when Ireneo Paz testified that he went to Novaliches to talk to him. Medardo Padua claimed this was not true. There was no evidence to prove this.

- C. Medardo Padua claimed that Ireneo Paz falsified the Traffic Accident Investigation Report (Exhibit B-1). In said Exhibit B-1 Ryan Padua's age was 13. He presented the same as evidence before the MTC.

Medardo Padua presented a copy of the same Traffic Accident Investigation Report (Exhibit B) where the age of Ryan Padua was 18 years old. Respondent did not file any opposition to the said Exhibit B. There was evidence to prove that Ireneo Paz may have committed falsification of the Traffic Accident Investigation Report (Exhibit B-1).

It is interesting to note that Ryan Padua, as per his driver's license (Exhibit K) and Certification from the Land Transportation Office (Exhibit K-1) was born on January 4, 1977. Therefore, Ryan Padua, at the time of the accident on June 12, 1997 was 20 years and 5 months old and not 13 or 18 years old.

- D. Ireneo Paz in his subscribed complaint for damages alleged that Ryan Padua had no driver's license. Ireneo Paz knew the same was false as, as per Traffic Accident Investigation Report (Exhibit B), Ryan Padua had a driver's license. And, Ireneo Paz was well aware of this. There was evidence to show that Ireneo Paz may have committed perjury.
- E. Ireneo Paz testified in court that he never filed a claim before the Covenant Insurance Company when there was evidence to prove that he had filed a claim with said insurance company and submitted documents (Exhibit H, H-1 to H-7). Ireneo Paz may have given a false testimony.

Investigating Judge Geraldez stated in his Resolution dated 5 November 2001, that:

As Ireneo Paz committed grave misconduct and conduct prejudicial to the best interest of public service, it is respectfully recommended that said respondent be dismissed from the service with forfeiture of all benefits, and disqualification to hold any public position in any branch or agency of the government including government-owned or controlled corporations.

Upon receipt of Investigating Judge Geraldez's findings and recommendations, the Court referred this administrative case to the Office of the Court Administrator on 10 December 2001 for evaluation, report and recommendation.

After a careful evaluation of the record of this case, the Office of the Court Administrator ("OCA") agreed with the report of Investigating Judge Geraldez. The OCA affirmed *in toto* his recommendations and found them to be wholly supported by evidence and jurisprudence.

The OCA recommended that respondent sheriff Ireneo S. Paz be dismissed from the service with forfeiture of retirement benefits and with prejudice to re-employment in any branch, instrumentality or agency of the government, including government-owned or controlled corporations. Moreover, the OCA recommended that the case be referred to the Department of Justice for investigation and filing, if warranted, of the

appropriate criminal case against complainant or respondent sheriff, or both.^[12]

The Court agrees with the findings and conclusions of the OCA.

Complainant first imputes to respondent sheriff the act of falsifying the police report respondent sheriff presented to the court. Respondent sheriff presented to the Biñan MTC a photocopy of the police report,^[13] showing that at the time of the traffic accident Ryan Padua was only thirteen years old, well below the statutory minimum age for driving, which is eighteen years. Respondent sheriff's copy of the police report is marked as Exhibit "B-1" and is a certified true copy of the original. However, it was Dahlia E. Borromeo, the Clerk of Court of the Biñan MTC, who certified it.

To refute this piece of evidence submitted by respondent sheriff, complainant presented a different copy of the same police report, duly marked as Exhibit "B." This copy of the police report was certified by Police Officer Victoriano A. Sabuco of the Metro Traffic Force, Southern District Traffic Command, Pasay City. He was also the police officer who prepared the original document. This copy submitted by complainant states that Ryan Padua's age is eighteen years old.

Respondent sheriff never filed any opposition to Exhibit "B." He never contested its authenticity. His silence may be construed as a tacit admission of the authenticity of Exhibit "B," and necessarily also a tacit admission that the police report he presented in court is a falsified copy.

Respondent sheriff stood to benefit from having the police report reflect that Ryan Padua was an underage driver, showing that Ryan Padua was at the time of the accident not qualified to drive a vehicle. As a father to a minor, complainant would also be liable for the negligent acts of his son that cause damage to others.^[14] Thus, as found by Investigating Judge Geraldez, there is "evidence to prove that Ireneo Paz may have committed falsification of the Traffic Accident Investigation Report ('Exhibit B-1')," an act constituting grave misconduct.

Another charge imputed against respondent sheriff is the act of having committed perjury. Perjury is the deliberate making of untruthful statements upon any material matter before a competent person authorized to administer an oath in cases in which the law requires such oath.^[15]

There are four elements that comprise the crime of perjury, namely: (a) the accused made a statement under oath on a material matter; (b) the statement was made before a competent officer, authorized to receive and administer oaths; (c) the accused made a willful and deliberate assertion of a falsehood in the statement and, (d) the sworn statement containing the falsity is required by law or made for a legal purpose.

Respondent sheriff in his **verified** complaint for damages stated that Ryan Padua had no driver's license on 12 June 1997, which was the date of the vehicular accident. Respondent sheriff knew that **this statement he made under oath was false**. This conclusion is drawn from the fact that in respondent sheriff's own copy of the police report, at the time of the accident, Ryan Padua possessed license number NO1-95-179337. This information contained in respondent sheriff's copy of the