

EN BANC

[A.M. No. SCC-98-3, September 03, 1998]

JUDGE NAGAMURA T. MONER, SHARI'A CIRCUIT COURT, ILIGAN CITY, COMPLAINANT, VS. DATU SALEM P. AMPATUA, INTERPRETER I, SHARI'A CIRCUIT COURT, ILIGAN CITY, RESPONDENT.

D E C I S I O N

PER CURIAM

In this letter dated 2 July 1996, complainant Judge Nagamura Moner of the Shari'a Circuit Court of Iligan City charged respondent Datu Salem P. Ampatua, Interpreter I of complainant's court, with falsification of a public document. As charged, respondent allegedly falsified complainant's signature in a letter dated 8 April 1996 and addressed to the City Mayor of Iligan City, wherein it was made to appear that complainant authorized respondent to attend the 8th Annual Convention of the Philippine Association of Court Employees (PACE) in Lingayen, Pangasinan. By virtue of the falsified recommendation, the Iligan City Mayor was misled into issuing a Travel Order thereby allowing respondent to draw the amount of P2,000.00 from the City Treasurer's Office to answer for respondent's travelling expenses.

Upon being required to comment, respondent alleged that the letter in question "was made in compliance with circular No. 7-98 [sic] issued by Deputy Court Administrator Reynaldo Suarez, authorizing court employees, who are members of the PACE to attend its annual convention to be held at Lingayen, Pangasinan on April 25-26, 1996;" that respondent made his intention to attend the convention known to complainant; that complainant agreed and even asked respondent to prepare the necessary request which was dictated to him, and thereafter respondent placed the prepared request on top of complainant's table for signature; that, however, the request remained unsigned as complainant rarely reported to the office; hence, due to time constraints, respondent was compelled to sign the request on behalf of complainant, anyway there was already apparent conformity on the latter's part. Thereafter, respondent informed complainant about the matter, who did not protest.

Respondent further claimed that complainant filed this case only in July, or more than two months after the incident, and attributed the filing to respondent's failure in one instance to address complainant Judge "Your Honor." However, despite respondent having already admitted his mistake and asked for complainant's forgiveness, complainant nevertheless warned respondent and asked him to look for another job so that complainant would not file the case against respondent. Finally, respondent begged for our compassion as he did not act in bad faith nor with intent to gain when he requested an allowance from the City of Iligan, since he actually spent the funds at the PACE convention.

In the resolution of 2 July 1997, we referred this case to Executive Judge

Mamindiara P. Mangotara of the Regional Trial Court of Iligan City for investigation, report and recommendation.

In his Investigation Report dated 26 August 1997, Judge Mangotara stated:

Perusal of the record together with the sworn statements of the complainant, his Clerk of Court, Nasrodin Ali and the defendant shows that a crime of falsification had been committed by Datu Salem P. Ampatua as can be gleaned from the following facts, to wit:

1. On August 8, 1996, defendant forged the signature of the complainant in a letter request addressed to the City Mayor of Iligan City, to make it appear that said letter request is the request of the complainant when in fact and in truth it is the defendant's own making without any participation of the complainant.

2. On December 6, 1996, defendant forged the signature of the Clerk of Court in the memorandum receipt to make it appear that it was Nasrodin Ali, the Clerk of Court of Sharia Circuit Court of Iligan that requested one typewriter and two units of staplers and received the same in the Supply Division of the Supreme Court without any participation of the Clerk of Court.

All other alleged falsification made by the defendant such as: forging of signature of the complainant by the defendant in the letter request for one-half (1/2) fare from the William Lines; falsification of the request for executive table from the City Mayor of Iligan which was denied; falsification of the monthly allowance of the complainant from the City Government, were all denied by the defendant in his previous answer and his sworn statement. Hence, doubt must be resolved in favor of the defendant.

From the record and foregoing facts, the Court finds that the present complaint for falsification is the result of misunderstanding between the complaint [sic] and the defendant which started on April 8, 1996 when the defendant requested to attend the PACE Convention but it was turned down by the complainant. The defendant, due to his determination to attend, find ways and means to attend by falsifying the signature in his request for travel which request was granted and consequently received P2,000.00 travel fund from the City Government and attended the PACE Convention held in Lingayen, Pangasinan on April 25-26, 1996. The record further revealed that defendant used to make follow-ups of some Court supplies and the incentive allowances of the complainant without written authority from the latter. That after receipt from the City Cashier of said allowance, he (defendant) gave it to the complainant. Hence, there is no falsification to speak of. That defendant admitted to have forged the signature of the Clerk of Court in the memorandum receipt and received one (1) typewriter and two (2) staplers from the Supply Division, Supreme Court, that said typewriter and two staplers were later turned over to the Court. Yes, falsification is committed but the intention of the defendant is for good.