

THIRD DIVISION

[A.M. No. P-97-1254, September 18, 1997]

**ANONYMOUS, COMPLAINANT, VS. ADELA A. GEVEROLA, CLERK
OF COURT IV, MTCC, DAVAO CITY, RESPONDENT.
D E C I S I O N**

MELO, J.:

The instant administrative case arose from an anonymous letter-complaint dated April 18, 1995 addressed to the Office of the Court Administrator charging Adela A. Geverola, Clerk of Court IV, MTCC, Davao City of falsifying the daily time records of her two nephews who are under her direct supervision, of continuing to collect her salary despite being abroad on a vacation, of immorality of carrying on an affair with a married man, and for accepting "grease" money from "Japayukis" in exchange for facilitating marriages (pp. 1-2, *Rollo*).

Acting on the said anonymous letter-complaint, the Office of the Court Administrator sent a letter dated August 2, 1996 to the Bureau of Immigration and Deportation (BID) requesting information regarding the departure from the country for the United States of America and the arrival in the Philippines of respondent within a ten-year period from 1985 to 1995 (p. 3, *Rollo*). The BID responded thereto in a letter dated September 6, 1996 which reads as follows:

This refers to your letter dated 8 August 1996 requesting the travel records of ADELA ALFELOR GEVEROLA.

Please be advised that your request yielded the following information based on the available Computerized database files of Arrival from January 1993 to May 1996 and Departure from January 1993 to April 1996:

Name	: GEVEROLA, ADELA A.
Date of Birth	: 120837
Date of Arrival	: July 17, 1993
Flight #	: NW023
Origin	: SEL
Passport No.	: DCL225311
Phil. Address	: Magallanes Dvo C
Nationality	: PH
Immigration Status	: RP
Name	: GEVEROLA, ADELA A.

Date of Birth : 120837
Date of Departure : December 2, 1994
Flight # : NW030
Destination : SEL
Passport No. : DCL225311
Phil. Address : 19-2 Magallanes St. Davao Ct
Nationality : PH
Immigration Status : RP

(p.4, *Rollo*)

In another communication dated September 24, 1996, the Office of the Court Administrator sought clarification concerning respondent's travel records (p. 5, *Rollo*) and in reply thereto, the BID declared:

This refers to your letter dated 24 September 1996 requesting for the clarification of travel records of ADELA ALFELOR GAVEROLA.

Please be advised that your request yielded the following information based on the available Computerized database files:

Name : GEVEROLA, ADELA A.
Date of Birth : 120837
Date departed : June 05, 1993
Flight # : NW002
Destination : TYO
Passport No. : DCL225311
Phil. Address : 119 2 Magallanes Davao City
Nationality : PH
Immigration Status : RP

Abovementioned subject has no record of arrival from December 1994 to October 8, 1996 (4:50 PM).

(p.6, *Rollo*)

Based on the Certifications of the BID and the records on file with the Leave and Records Section of the Court, the Office of the Court Administrator then submitted a report dated October 18, 1996, the pertinent portions of which state:

This office wrote the Bureau of Immigration about records of any recent travel abroad of Ms. Adela A. Gaverola, Clerk of Court IV, MTCC, Davao City.

In letters to this Office dated September 6 and October 9, 1996, the Bureau of Immigration informed this Office that subject Geverola left for Tokyo, Japan aboard a Northwest Airlines plane on June 5, 1993, a Saturday and arrived aboard a Northwest Airlines plane from Seoul, South Korea on July 17, 1993, a Saturday.

Correlating this with the records for subject Geverola on file with the Leave Section and Records Sections (201 file), the following appear:

1. Application for Leave dated June 1, 1993 for 18 days vacation leave starting June 7, 1993 until June 30, 1993 excluding Saturdays and Sundays;
2. Application for leave dated July 1, 1993 for 7 days sick leave for July 1, 2, 5, 6, 7, 8, and 9 1993; and 5 days forced leave for July 12, 13, 14, 15 and 16, 1993.
3. The Application for Sick Leave was accompanied by a Medical Certificate dated July 1, 1993 signed by Doctor Natividad A. Amoroso of the Office of the City Health Officer, Davao City.

OTHER RELEVANT INFORMATION: The charges against MTCC, Davao City Clerk of Court Adela Alfelor Geverola had already earlier been referred to the Office of the Ombudsman, with docket number OMB-ADM-3-93-0911. The Ombudsman referred the same of the National Bureau of Investigation for fact-finding investigation.

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The Office of the Ombudsman dismissed the complaint when "NBI Supervising Agent Atty. Fidencio Y. Bisnar recommended that the (com)plaint be dismissed for want of evidence in view of the absence of witness who would be willing to substantiate the accusations against the respondent."

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EVALUATION: Before the Leave Section of the Court approves applications for sick leave in excess of five (5) days, the applications must be accompanied by the required Medical Certificates.

When an employee states that he or she is sick, it is presumed that said employee is really suffering from a current ailment – not gallivanting halfway around the world.

From the records of the Bureau of Immigration, it is very clear that Ms. Geverola left the country for Tokyo, Japan on June 5, 1993 and she arrived from Seoul, South Korea on July 17, 1993.

Obviously, Ms. Geverola was never in Davao City, nor any part of the country, last July 1, 1993 when she was allegedly diagnosed as having "Pityriasis Roseo & Massive Allergy" as she was abroad.

Simply put, Ms. Geverola FALSIFIED her application for sick leave, induced Dr. Amoroso of the Office of the City Health Officer of Davao City