

[SYLLABUS]

[A.M. No. P-94-1071, March 28, 1996]

ELIZABETH ASUMBRADO, COMPLAINANT, VS. FRANCISCO R. MACUNO, JR., SHERIFF, REGIONAL TRIAL COURT, AGUSAN DEL SUR, BRANCH 7, RESPONDENT.

D E C I S I O N

ROMERO, J.:

In a letter-complaint dated September 16, 1993, Elizabeth Asumbrado charged Francisco R. Macuno, Jr., Sheriff, Regional Trial Court of Agusan del Sur, Branch 7, with dishonesty for allegedly falsifying his daily time record for the month of December 1992 by making it appear that he was present or served court process on December 9, 21, 22, and 23, when actually he was simply absent.

Respondent denied said allegations and claimed that he reported for work on the dates stated above as certified by his immediate supervisor, Judge Zenaida P. Placer.

On September 28, 1994, the Court referred the case to Executive Judge Evangeline S. Yuipco, Regional Trial Court, Agusan del Sur, Branch 6, for investigation, report, and recommendation.

In her Investigation Report dated April 10, 1995, Judge Yuipco made the following findings and conclusions: (a) respondent's signature did not appear in the court's attendance logbook of the employees for December 9, 21, 22, and 23, 1992; (b) he did not rebut the certification of Clerk III Perfecto S. Calamba, which stated that he was absent or did not report to the office on said dates; (c) the acts of falsification were positively committed by respondent despite the approval of his daily time record by Judge Placer; and (d) independently of any criminal liability, respondent's misdeeds constitute grave misconduct, gross dishonesty, and conduct prejudicial to the administration of justice and the best interest of public service.

Judge Yuipco, however, deferred the imposition of any penalty to the Court after considering that respondent is already about to retire.

The policy of the Court in the matter of falsification of public documents duly proven to have been committed by government employees, especially those under its administrative supervision, is to impose the maximum administrative penalty, that is, dismissal from the service with forfeiture of all retirement benefits and with prejudice to reemployment in any other branch of the government, including government-owned or controlled corporations.

This penalty may seem a bit harsh, but its imposition is not without basis. The *raison d'être* for maintaining such severity was succinctly stated in Mirano v. Saavedra,^[1] where the Court made the following pronouncements: