

EN BANC

[A.M. No. 11-7-76-MeTC, July 14, 2020]

**RE: ALLEGATION OF FALSIFICATION AGAINST PROCESS
SERVERS MAXIMO D. LEGASPI AND DESIDERIO S. TESIORNA,
BRANCH 43 AND OFFICE OF THE CLERK OF COURT,
RESPECTIVELY, BOTH OF THE METROPOLITAN TRIAL COURT,
QUEZON CITY**

PER CURIAM:

The Case

This administrative matter stems from an investigation conducted by Atty. Jose R. Ortiz, Jr. (Atty. Ortiz)^[1] of the Office of the Clerk of Court, Metropolitan Trial Court (MeTC) of Quezon City regarding the falsification of the signature of Judge Augustus C. Diaz (Judge Diaz) on a marriage certificate, allegedly committed by Maximo D. Legaspi (Legaspi) and Desiderio S. Tesiorna (Tesiorna; collectively, respondents), Process Servers of the MeTC.

The Facts

In a letter^[2] dated 06 June 2011, Atty. Ortiz sought the assistance of Executive Judge Caridad Walse-Lutero (Judge Walse-Lutero) in an investigation for falsification of official document, in particular, a marriage certificate signed by Judge Diaz of MeTC, Branch 37 which was prompted by a letter-complaint by Nathaniel Jonathan Springael (Springael).

Atty. Ortiz stated that on 02 June 2011, Judge Diaz together with his Branch Clerk of Court and Springael came to his office to inquire about a Certificate of Marriage with Registry No. 2011-05595.^[3] It appears in the said certificate that a marriage was solemnized by Judge Diaz on 18 April 2011 between Springael and his partner, Willy Rose Lagulao. However, Judge Diaz explained that this was impossible, considering that he was on official leave and in the United States at that time.^[4] Consequently, he disavowed his signature therein.

In his letter-complaint,^[5] Springael related that in early April 2011, he went to Quezon City Hall to apply for marriage papers where he met a certain "Derio" who undertook to assist him. He explained that he would be having a wedding but since his pastor had an expired license, he needed a marriage certificate. Springael received some forms from Derio who intimated that there was no need for a personal appearance before the judge for the purpose, as a marriage certificate would nonetheless be issued. Springael went along with Derio's suggestion, considering he was an employee of the Court. He gave Derio P5,000.00 and after

Holy Week, he picked up the signed marriage certificate. On 01 June 2011, Springael went to the office of Judge Diaz to personally express his appreciation and it was then that he discovered that Judge Diaz did not sign the marriage certificate.

During his investigation, Atty. Ortiz summoned Tesiorna, a Process Server from the Office of the Clerk of Court (OCC) of the MeTC, being the only employee known as "Derio" in their office. When he appeared, Springael positively identified him as the person who "processed" his marriage documents.^[6]

In view of the accusation against him, Atty. Ortiz issued a Memorandum^[7] to Tesiorna, directing him to explain. On 03 June 2011, Tesiorna submitted a handwritten *Sinumpaang Salaysay*^[8] admitting that: (i) he gave Springael a blank marriage certificate and (ii) he typed the entries in the marriage certificate but stating that it was a certain "Max", who caused the affixing of Judge Diaz's "signature" therein. Tesiorna later identified Max as Legaspi, a Process Server from Branch 43 of the MeTC.

Judge Walse-Lutero issued a Memorandum^[9] dated 07 June 2011 directing Legaspi to comment on the allegations. In his Compliance^[10] dated 08 June 2011, Legaspi denied any participation in the issuance of the fraudulent marriage certificate. He denied receiving papers related to the subject marriage certificate or even talking to Tesiorna concerning Springael.

Pursuant to the Resolution^[11] dated 30 September 2013, the instant administrative complaint against respondents was referred to the Executive Judge of the Regional Trial Court of Quezon City for investigation.

Executive Judge Report and Recommendation

On 12 September 2016, Executive Judge Fernando T. Sagun, Jr. (Judge Sagun) issued a Resolution^[12] finding Tesiorna guilty of dishonesty and falsification of official document. He determined that it was sufficient to hold Tesiorna administratively liable for these charges based on the latter's own admission in his *Sinumpaang Salaysay* whereby he admitted to issuing a blank marriage certificate to Springael, thus:

Ang sabi ko po susubukan ko po at bibigyan ko po sila ng Certificate of Marriage na blanko para papirmahan sa both parties, ninang at ninong, after a week binalik po sa akin ang marriage certificate na mav mga pirma na at pagkakuha ko ng marriage license noong April 18, 2011 agad kung tinype sa Certificate of Marriage at ibinigay ko kay Max, at kung may alam syang gagaya sa pirma ni Judge, mahigit isang ling(g) o ibinalik sa akin na may pirma na. Hindi ko alam kung saan sya pinapirmahan.^[13]

Judge Sagun concluded that more than substantial evidence was adduced, in fact, proof beyond reasonable doubt established Tesiorna's culpability.^[14] As regards Legaspi, he determined that the forgery of Judge Diaz's signature could not be

shifted to him considering that Springael testified that he neither met nor transacted with him. It was only Tesiorna whom he dealt with regarding his request for a marriage certificate. Thus, the following recommendations were made:

1. That Tesiorna be permanently dismissed from service as Process Server of the OCC of MeTC of Quezon City;
2. That Legaspi be acquitted/exonerated from the charge for complete lack of evidence and that the administrative complaint as to him be dismissed.

The OCA's Evaluation and Recommendation

In a Memorandum^[15] dated 29 September 2017, the Office of the Court Administrator (OCA) adopted the findings of Judge Sagun and recommended that Tesiorna be found guilty of Falsification of Official Document. Accordingly, he was meted the penalty of dismissal from service with forfeiture of his retirement benefits except accrued leave credits, and perpetual disqualification from reemployment from government service. Meanwhile, the OCA determined that the administrative case against Legaspi should be dismissed for lack of substantial evidence.

The Court's Ruling

After a thorough review of the matter, the Court adopts the recommendations of Judge Sagun. Tesiorna is guilty of dishonesty and falsification of official document, while the case against Legaspi should be dismissed for lack of legal and factual basis.

To sustain a finding of administrative culpability, only substantial evidence is required, not overwhelming or preponderant, and very much less than proof beyond reasonable doubt as required in criminal cases.^[16] Substantial evidence is that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.^[17] In this case, the Court finds that this quantum of proof has been met.

In his defense, Tesiorna argues that no falsification of official document was committed because Springael testified that what he received from the former was an application for marriage license and not a marriage certificate; in fact, Springael did not even file a formal complaint against him. As testified by Springael, he also did not witness Tesiorna forge Judge Diaz's signature. Similarly, save for his bare allegation, there was no proof that Tesiorna received P5,000.00 as claimed.^[18]

Such arguments do not serve to exculpate Tesiorna from administrative liability.

At the onset, it bears stressing that upon clarification by the court on cross-examination, Springael testified that what was given to him was a certificate of