

## **EN BANC**

**[ A.M. No. P-19-4024 (Formerly OCA I.P.I. No. 09-3282-P), December 03, 2019 ]**

**JOSELITO S. FONTILLA, COMPLAINANT, VS. JAIME S. ALCANTARA, CLERK OF COURT, MUNICIPAL TRIAL COURT, MIDSAYAP, COTABATO, RESPONDENT.**

### **DECISION**

#### **PER CURIAM:**

Dishonesty as to educational attainment and falsification of a public document are serious offenses punishable by dismissal from the service.

#### **The Facts**

Complainant Joselito S. Fontilla (Fontilla) charges respondent Jaime S. Alcantara (Alcantara), newly appointed Clerk of Court of the Municipal Trial Court (MTC), Midsayap, Cotabato, of dishonesty and falsification of public document in connection with his appointment as Clerk of Court.<sup>[1]</sup>

In a May 2, 2006 letter-complaint, Fontilla narrated that he inquired from the Office of the Commission on Higher Education (CHED), CARAGA Administrative Region (CARAGA Region), as to the authenticity and validity of Alcantara's school records. The CHED Assistant Regional Director, Dr. Anastacio P. Martinez (Dr. Martinez), showed him the office records, which revealed that: (1) Alcantara was never enrolled and not one of the graduates of the school; and (2) the school was never granted a program on Bachelor of Arts, Major in English. Fontilla requested for a certification, but the assistant regional director declined because their procedure is to issue a certification upon request by an employer.<sup>[2]</sup>

On July 7, 2006, the Office of the Court Administrator (OCA) wrote the CHED, CARAGA Region and requested for confirmation on the authenticity of Alcantara's transcript of records from Southwestern Agusan Colleges.<sup>[3]</sup>

On August 14, 2006, the CHED, CARAGA Regional Director, Joanna B. Cuenca, replied that their records do not show that Alcantara was granted Special Order (B) (R-X) No. 121-0152, Series of 1997, and he could not have obtained a Bachelor of Arts degree, Major in English on March 28, 1996.<sup>[4]</sup>

On August 9, 2007, the OCA endorsed the letter-complaint to Alcantara for his comment.<sup>[5]</sup> On October 22, 2007, Alcantara filed his letter comment and denied the charges against him. He recalled his 21 years of service in the judiciary, which began in 1986 as aide. His immediate supervisor advised him to finish his education and pursue a four-year course. He heeded the advice and enrolled at Notre Dame of

Midsayap College in Cotabato. However, he temporarily stopped studying due to conflict in schedule. In 1990, he re-enrolled at Southwestern Agusan Colleges, which credited the subjects he took from his previous school. He again temporarily stopped studying for two school years, 1993-1994 and 1994-1995, due to financial difficulties in supporting a family.<sup>[6]</sup>

Alcantara attached a certification and an affidavit from the president of Southwestern Agusan Colleges in his letter-comment to explain the absence of his name in the list of graduates. The certification states that:

THIS IS TO CERTIFY that MR. JAIME S. ALCANTARA, of legal age[,]  
Filipino, married, with residence and postal address at Midsayap,  
Cotabato, and an incumbent Clerk of Court II, Municipal Trial Court,  
Midsayap, Cotabato, graduated from this institution on March 28, 1996,  
in Bachelor of Arts (AB) Major in English.<sup>[7]</sup>

x x x x

The affidavit declares that:

x x x x

That per records of SOUTHWESTERN AGUSAN COLLEGES, Bayugan,  
Agusan del Sur, Mr. JAIME S. ALCANTARA, who is currently employed as  
Clerk of Court II, Municipal Trial Court, Midsayap, Cotabato, graduated in  
BACHELOR OF ARTS (AB) [M]ajor in English, last March 28, 1996 x x x;

That due to inadvertence on the part of the school the name of Mr. Jaime  
S. Alcantara was not included in the Master Lists of graduates of  
[BACHELOR] OF ARTS (AB) [M]ajor in English which was submitted to the  
COMMISSION ON HIGHER EDUCATION (CHED), REGION X, Butuan City;

That being the President of SOUTHWESTERN AGUSAN COLLEGES,  
Bayugan, Agusan del Sur, I will coordinate with the office concerned on  
what should be done to rectify and include the name of Mr. Jaime S.  
Alcantara in the Master Lists of graduates of BACHELOR OF ARTS (AB)  
[M]ajor in English, on March 28, 1996 from our school, with the records  
of COMMISSION ON HIGHER EDUCATION (CHED) REGION X, Butuan  
City[.]<sup>[8]</sup>

x x x x

Alcantara further claimed that Fontilla filed the complaint with malice and revenge because the latter believed that he had something to do with his administrative case on absence without official leave (AWOL). Fontilla was dropped from the rolls of the judiciary,<sup>[9]</sup> and may possibly deal with multiple suits due to non-remittance of monthly collections.<sup>[10]</sup>

On November 26, 2007, the OCA endorsed the matter to Executive Judge Lily Lydia A. Laquindanum (Judge Laquindanum) of the Regional Trial Court, Midsayap, Cotabato for discreet investigation and report.<sup>[11]</sup>

## **Letter-Report of Judge Laquindanum**

On March 4, 2008, Judge Laquindanum submitted her Report<sup>[12]</sup> dated March 1, 2008, which contained an account of her interviews with various personalities.

In her interview with the employees of MTC, Midsayap, Cotabato, she gathered that: (1) they do not know exactly if Alcantara studied and in what school, but Alcantara mentioned to them that he took up a course; (2) there were times that he was absent in the office and they do not know where he went; and (3) Alcantara may have finished a course, but they were uncertain about it.<sup>[13]</sup>

On her telephone conversation with Claro G. Cortez (Cortez), President of Southwestern Agusan Colleges, she acquired the following information:

1. Alcantara was enrolled in Southwestern Agusan Colleges from 1990-1996 through distant learning arrangement. In exchange for daily school attendance, he was required to submit assignments, projects and term papers, and he took examination once a month for all his subjects. Cortez agreed to the special arrangement because Alcantara wanted to finish his education while working.<sup>[14]</sup>

2. Cortez assured Judge Laquindanum that Alcantara finished his course and graduated with a bachelor's degree in English. However, Alcantara was unable to submit the CHED requirements on time, so his name was probably not included in the list of graduates submitted to the CHED for the issuance of a special order. Cortez guaranteed Judge Laquindanum that Alcantara submitted all the requirements although the submission was late.<sup>[15]</sup>

3. Cortez mentioned that he was making arrangements with the CHED so that Alcantara would be issued a special order, and he asked to be given time until April 2008 to inform Judge Laquindanum whether a special order was issued in Alcantara's favor.<sup>[16]</sup>

4. In case the CHED would not issue a special order, Cortez suggested that Alcantara may cross-enroll in other schools in order to get the special order. Cortez cannot offer his school because its college closed in 2003.<sup>[17]</sup>

Judge Laquindanum also interviewed Alcantara to get his side:

1. Alcantara confirmed that he studied at Southwestern Agusan Colleges from 1990 to 1996 and graduated with a Bachelor of Arts degree, Major in English.<sup>[18]</sup>

2. He stopped going to school in Midsayap, Cotabato because the night school did not offer all the subjects. He learned from a relative in Agusan that Southwestern Agusan Colleges offers a distant learning program. He spoke with the school president, who allowed him to enroll and agreed to a special arrangement. He was required to submit school projects and term papers, and to take examinations.<sup>[19]</sup>

3. He did not know why his name was not included in the list of graduates and blamed the school for it.<sup>[20]</sup>

4. When asked for proof of enrollment, he only presented two official receipts. He could no longer locate other school documents, which were lost when he moved from one house to another.<sup>[21]</sup>

5. He has been in the judiciary for more than 20 years and would not risk his years of service had he known that he would be facing this problem, which is not of his own making.<sup>[22]</sup>

Judge Laquindanum discovered that Fontilla suspected Alcantara of convincing retired MTC Judge Teresita Carreon-Llaban to declare him AWOL and to remove him from the roll of employees. Alcantara denied Fontilla's suspicion.<sup>[23]</sup>

On December 16, 2009, the Court issued a Resolution<sup>[24]</sup> referring anew the administrative matter to Judge Laquindanum for further investigation and report.

### **The Formal Investigation**

A preliminary hearing was conducted before trial proper: Fontilla presented three witnesses: (1) Dr. Martinez, Administrative Officer-in-Charge, CHED Assistant Regional Director, CARAGA Region;<sup>[25]</sup> (2) Luzvisminda Fermantes (Fermantes), Registrar, Notre Dame of Midsayap College;<sup>[26]</sup> and (3) Leah A. Tardo (Tardo), Chief Personnel Specialist of the Examination Services Division of the Civil Service Commission (CSC), Region 12.<sup>[27]</sup>

On May 19, 2010, Dr. Martinez testified that the CHED, CARAGA Region exercises jurisdiction over Southwestern Agusan Colleges, formerly Southern Mindanao Academy. He narrated that the CHED compels the school to apply for a special order before graduation so that the titles and degrees of the graduating students would be confirmed. The CHED requires the school to submit Form 9, containing the distribution of the courses completed in a particular curriculum program, distribution of credits earned, and remarks whether passed or failed. The school is also mandated to submit the list of graduating students, their diploma, and their National Statistics Office birth certificates. The CHED then evaluates whether the graduating students have completed all the minimum academic requirements. Once approved, the CHED would issue a special order number, which would be routed for encoding, and the Division Chief would verify and review the course status. The CHED issues a special order to the school, which then furnishes the graduating students of a certified true copy.<sup>[28]</sup>

Dr. Martinez explained that the purpose of a special order is for a graduate to be issued a transcript of records (TOR) for employment or licensure examination purposes. He clarified that a graduating student is not considered a graduate unless issued a special order, even if he/she had attended the graduation ceremony.<sup>[29]</sup>

Dr. Martinez confirmed that in this case, Special Order No. (B) (R-X) 121-0152, Series of 1997 was issued to 25 graduates, of whom Alcantara was not included because his name was not in the enrollment list and promotional report of the school. There is no CHED record showing that Alcantara was enrolled at Southwestern Agusan Colleges, and he issued a certification attesting to this fact.<sup>[30]</sup> He also observed an irregularity in Alcantara's TOR, in which the remarks

"graduated with the degree of Bachelor of Arts (AB) [M]ajor in English" appeared after the words "TOR Closed."<sup>[31]</sup>

Dr. Martinez presented before the trial court the: (1) fourth year record of enrollment for Bachelor of Arts, Major in English for school year 1996-1997; (2) list of graduates of Bachelor of Arts, Major in English from Southwestern Agusan Colleges; and (3) Special Order No. (B) (R-X) 121-0152, Series of 1997.<sup>[32]</sup>

During cross-examination, Dr. Martinez admitted that there is a possibility that a student's name may be inadvertently omitted from the enrollment list submitted by the school to the CHED. However, this may be corrected in a reconciliation meeting between the school registrar and the CHED supervisor-in-charge. They meet every semester to reconcile the enrollment list before the CHED Regional Office would submit it to the CHED Central Office.<sup>[33]</sup>

Dr. Martinez relayed that in his 15 years of service he never encountered a problem on omission of a student's name in the enrollment list except that of Southwestern Agusan Colleges. He elucidated that the 1997 record was not yet under the CARAGA Region's jurisdiction, but of Region 10. This explains why "R-X" was indicated in the special order given to Southwestern Agusan Colleges. The records of that school were submitted to the CHED, Cagayan de Oro City, and the CARAGA Regional Office began to reconcile records only in the year 2000.<sup>[34]</sup>

On June 1, 2010, the second witness for the complainant, Fermantes, was presented. She was the registrar of Notre Dame of Midsayap College. She has been working in the registrar's office since June 1, 1980, and was appointed as school registrar on April 7, 2004. She is the records keeper of the school, and in-charge of submitting the enrollment list and promotional report to the CHED. The enrollment list contains the students' names, sex, course, year, major, and subjects officially enrolled with corresponding units. The list is submitted to the CHED one month after the first day of classes, and prepared in duplicate copies. On the other hand, the promotional report consists of the students' names as reflected in the enrollment list, subjects officially enrolled, and their final grades in each subject. The report is submitted to the CHED before or after the semester ends. The school registrar encloses an enrollment summary and endorsement to the enrollment list and promotional report for submission to the CHED.<sup>[35]</sup>

Fermantes acknowledged that as registrar, she submits to the CHED an application for special order, and it is issued on a student once he/she has completed the CHED and the school requirements. She narrated the steps taken for the issuance of a special order. A graduating student fills out an application for graduation indicating the course and subjects enrolled. The department head of a course and/or the deans conduct an initial evaluation, which would be endorsed to the registrar's office for final evaluation. The registrar's office counterchecks the prospectus of a particular curriculum with the student's permanent records from first year to fourth year to determine if he/she took and passed the subjects. Once cleared, the registrar submits the necessary documents to the CHED, and the latter rechecks the documents. In the absence of error, the documents are forwarded to a supervisor with a recommendation for the issuance of a special order. The supervisor again re-assesses the documents, and if he finds no error, he/she recommends the preparation of a special order and forwards the documents to the Regional Director