

## FIRST DIVISION

**[ A.M. No. P-15-3321 (Formerly OCA I.P.I. No. 08-2966-P), October 21, 2015 ]**

**GUIAWAN REGINA BALANZA, COMPLAINANT, VS. ARSENIO P. CRISTE, CLERK III, REGIONAL TRIAL COURT, BRANCH 21, VIGAN CITY, ILOCOS SUR, RESPONDENT.**

### D E C I S I O N

**LEONARDO-DE CASTRO, J.:**

Before the Court is an Administrative Complaint<sup>[1]</sup> dated September 17, 2008 filed by Regina Guiawan Balanza (Regina) against Arsenio P. Criste (Criste),<sup>[2]</sup> Clerk III of the Regional Trial Court (RTC), Branch 21, Vigan City, Ilocos Sur, for "Grave Misconduct, Dishonesty, Infidelity in the Custody/Access to [J]udicial [R]ecords and/or Acts Prejudicial to the [I]nterest of the Service." Regina is the respondent in Civil Case No. 5913-V for Declaration of Nullity and/or Annulment [of] Marriage instituted by her husband Roy Balanza (Roy) before the RTC-Branch 21. Regina alleged in her Administrative Complaint against Criste:

That being the clerk-in-charge of civil cases records and taking advantage of or abusing his position as such, **Mr. Arsenio [C]riste** in cohort with Plaintiff **Roy Balanza** falsified and/or forged a Decision in Civil Case No. 5913-V "For Declaration of Nullity of Marriage" of which the undersigned complainant is the Defendant/Respondent. Said Mr. [C]riste issued out the spurious Decision dated April 14, 2008 together with a Certificate of Finality when in fact the subject Civil Case was not yet submitted for Decision and without the knowledge of the Honorable Presiding Judge or the Branch Clerk of Court as **Mr. [C]riste** wickedly falsified/forged their signatures. Worst, **Mr. [C]riste** in cohort with the Plaintiff-Petitioner **Roy Balanza** circulated and/or used the said falsified/forged Decision by furnishing copies to the concerned Civil Registrar Offices. Copies of the falsified/forged Decision and the Certificate of Finality are attached hereto for ready references. Further, the spurious Decision was unlawfully used by Plaintiff/Petitioner **Roy Balanza** in contracting another marriage during pendency of the case; a copy of the secured Certificate of Marriage is attached hereto for ready reference. Eventually the falsified/forged Decision and the corresponding Certificate of Finality which have been unlawfully circulated/used have reached the knowledge of the Court and that appropriate actions are now being undertaken by the Honorable Court or the Clerk of Court. In fact the Honorable Presiding Judge was shocked and dismayed about the spurious Decision as expressed in its Order dated August 8, 2008; a copy of said Order is attached hereto for ready reference. Nonetheless this [Administrative Complaint is being lodged with this Honorable Office to

seek all the legal actions or sanctions as may be necessary and appropriate in the premises especially for the protection and/or preservation of the image and integrity of the judiciary as the pillar in the administration of justice.<sup>[3]</sup>

In his Answer/Comment<sup>[4]</sup> dated October 30, 2008, Criste denied Regina's charges against him, insisting that the same were "highly speculative and conjectural" there being no direct evidence to prove that he issued the spurious Decision in Civil Case No. 5913-V. Criste prayed for the dismissal of the Administrative Complaint based on the following averments:

5.a. Regina Guiawan Balanza, the complainant herein and respondent in the above-mentioned Civil Case No. 5913-V for Declaration of Nullity of Marriage, had previously agreed to settle the civil aspect of the said case for which she received from the petitioner, Roy Balanza, through his father Romulo Balanza, the total amount of P380,000 the last and full payment of which was made on July 6, 2007; Copies of the following receipts are attached hereto, x x x:

X X X X

5.b. That herein respondent Criste was present when the parties agreed extra-judicially inside the office of the court personnel to settle the civil aspect of the above-mentioned civil case and considering that the ground relied upon by the petitioner Roy Balanza for the Declaration of Nullity of their marriage is Bigamy, the respondent therein Regina Guiawan Balanza, after receiving the amount of money had agreed not to present evidence anymore since according to her, she could not disprove the allegations of bigamy in the complaint and she then agreed in the presence of her counsel to submit the case for the resolution of the Honorable Court. There is no truth to her allegations that the case is not yet submitted for resolution of the Honorable Court as in fact the Honorable Court had issued a Decision dated July 28, 2008 and an Amended Decision dated August 8, 2008 copies of which are attached hereto x x x;

5.c. That herein respondent Criste came upon the alleged Decision dated April 14, 2008 on top of his table and so it was his honest belief that the same was made at the instance of the respondent Regina Guiawan Balanza since she was already satisfied and paid of the amount she demanded from the petitioner Roy Balanza;

5.d. That in view of the honest belief of herein respondent Criste that the questioned Decision was the Decision of the Honorable Court in the above-mentioned civil case and that the Certificate of Finality was issued by the Branch Clerk of Court, he (herein respondent) signed the Xerox copies thereof as true copy on file;

5.e. That herein respondent subsequently learned that herein complainant Regina Guiawan Balanza wanted to ask for more money

from Roy Balanza and so she wanted to Nullify/Set Aside the said questioned Decision dated April 4, 2008;

5.f. That before the Honorable Court issued the order dated August 8, 2008 acting on the motion to Nullify/Set aside Decision dated July 24, 2008 filed by therein respondent Regina Guiawan Balanza, through counsel, a Decision dated July 28, 2008 (Annex "G") and an Amended Decision dated August 8, 2008 (Annex "H") were issued by the Honorable Court but the same was again moved for reconsideration by the said Regina Guiawan Balanza which shows her bad faith and the fact that she only misled the court in manifesting through counsel, that she was submitting the case for resolution without presenting anymore any evidence to rebut the petitioner's evidence; x x x;

5.g. That the Honorable Court subsequently granted the Motion of Regina Guiawan Balanza in its Order dated September 17, 2008 x x x;

5.h. That to show the real character of herein complainant Regina Guiawan Balanza being a deceiver and swindler, an Affidavit of Romulo Balanza is hereto attached x x x; That it was also discovered recently by said Romulo Balanza that said Regina Guiawan Balanza was previously married to one Crisaldo Galon on May 28, 1991 which is five (5) years prior to her marriage to Roy Balanza on September 23, 1996 as evidenced by the Marriage Contract which is attached to the Affidavit of Romulo Balanza;

6. That Regina Guiawan Balanza in filing the instant administrative complaint against herein respondent did not come to court with clean hands considering" that her real motive is to harass herein respondent and to get more money from the other party which should not be countenanced by the Honorable Court Administrator[.]<sup>[5]</sup>

In a Resolution<sup>[6]</sup> dated August 4, 2010, the Court referred the Administrative Complaint to the Executive Judge of RTC, Vigan City, Ilocos Sur, for investigation, report, and recommendation. The Administrative Complaint was originally assigned to Executive Judge Reynaldo A. Lacasandile, but he passed away before he could conduct an investigation; and it was re-assigned on October 5, 2011 to Executive Judge Cecilia Corazon S. Dulay-Archog (Dulay-Archog).

In her Report<sup>[7]</sup> dated April 11, 2012, Executive Judge Dulay-Archog stated that during the hearing on March 8, 2012, it became apparent to her that the Administrative Complaint arose from Roy's failure to give support to Trisha Mae, his daughter with Regina. Roy (represented by his attorney-in-fact, Romulo Balanza) and Regina signed a Compromise Agreement<sup>[8]</sup> on March 8, 2012 wherein Roy agreed to give Trisha Mae (a) the amount of P210,000.00 on a staggered basis beginning March 15, 2012 and to be completed on or before the opening of the school year 2012-2013; and (b) monthly support of P10,000.00 per month starting March 30, 2012 until Trisha Mae graduates from college. Regina also signed an Acknowledgment Receipt<sup>[9]</sup> dated March 8, 2012 for P50,000.00 as initial/partial payment of the P210,000.00 agreed upon in the Compromise Agreement.

Executive Judge Dulay-Archog further determined that Criste got involved because Criste happened to be Roy's townmate and acquaintance and Regina suspected Criste of conniving with Roy in Civil Case No. 5913-V. Following the Compromise Agreement with Roy, Regina executed an Affidavit of Desistance<sup>[10]</sup> on March 15, 2012, pertinent parts of which read:

I am the complainant in OCA IPI NO. 08-2966-P, now pending investigation before the Executive Judge of the Regional Trial Court, Vigan City, Ilocos Sur entitled: *Regina Guiawan-Balanza complainant versus Arsenio P. Criste*, wherein I executed a Complaint against [Criste].

That after a thorough consideration of the facts and circumstances of the instant case, I came to realize that it was due to a miscommunication or honest misapprehension of facts that led to the filing of the instant complaint;

That in view thereof, I am no longer interested to pursue my complaint against [Criste] and the further investigation of the case against him;

That I am executing this affidavit to attest to the truth of the foregoing facts and to further declare that I am withdrawing my complaint against [Criste] and to pray that the Office of the Honorable Court Administrator to DISMISS the same.

Regina no longer adduced evidence in support of her Administrative Complaint against Criste. Notwithstanding Regina's desistance, Executive Judge Dulay-Archog still pored over the records and found that:

There is nothing on record to support the acts complained of and to attribute to respondent Criste the acts of grave misconduct, dishonesty, infidelity in the custody/access to judicial records and/or acts prejudicial to the interest of the service. The investigating judge is not making a declaration that [Criste] did not commit the acts, but since no evidence was adduced to indict him, he now enjoys the benefit of the doubt.

The acts complained [of] by [Regina] stemmed from a decision which then Judge Dominador Arquelada (now retired) disowned as having been signed by him. For unknown reasons, neither Judge Arquelada nor the then Clerk of Court, Atty. Charisma Naida Castillo conducted any investigation on the issuance of the alleged spurious decision. With [Regina] 's desistance and with no evidence presented to support her complaint, there is no substantial evidence to damn respondent, Arsenio Criste.

While the acts complained of were not proven, the undersigned believes that respondent Criste gave undue attention to this case by reason of his acquaintance to the petitioner [Roy] in Civil Case No. 5913-V. He admitted in his Answer that he took it upon himself to sign the Xerox

copies of the questioned Decision as true copies x x x which is not part of his functions as a civil docket clerk. It is recommended that [Criste] be reprimanded or fined to avoid a repetition of such act.<sup>[11]</sup>

In a Resolution<sup>[12]</sup> dated July 4, 2012, the Court referred the report of Executive Judge Dulay-Archog to the Office of the Court Administrator (OCA) for investigation, report, and recommendation.

The OCA submitted its Memorandum<sup>[13]</sup> dated October 29, 2013 wherein it adjudged that: (a) Criste authenticated the photocopies of the spurious decision and certificate of finality despite knowing that it was beyond his authority to do so; (b) Criste took a special interest in Civil Case No. 5913-V because Roy was his townmate and acquaintance; (c) since Criste failed to provide a satisfactory explanation on how he came into possession of the spurious Decision, he is presumed to be the author of the falsification; and (d) Criste is guilty of dishonesty and falsification of a public document, but he should not be meted the extreme penalty of dismissal because of mitigating circumstances in his favor. The OCA recommended, *viz.*:

PREMISES CONSIDERED, we respectfully recommend for the consideration of the Court that:

1. the Report dated 11 April 2012 of Investigating Judge Cecilia S. Dulay-Archog, Branch 21, Regional Trial Court, Vigan, Ilocos Sur, be **NOTED**:
2. the instant administrative complaint be **RE-DOCKETED** as a regular administrative matter; and
3. **Arsenio P. Criste**, Clerk III, Branch 21, Regional Trial Court, Vigan City, Ilocos Sur, be **ADJUDGED GUILTY** of dishonesty and falsification of public document and be **SUSPENDED** from the service without pay for six (6) months and one (1) day, with a **STERN WARNING** that a repetition of the same or similar acts in the future shall be dealt with more severely.

The Court then issued a Resolution<sup>[14]</sup> dated January 29, 2014 requiring the parties to manifest within 10 days from notice if they were willing to submit the matter for resolution based on the pleadings filed. Criste and Regina filed their Manifestations dated April 10, 2014<sup>[15]</sup> and May 21, 2015,<sup>[16]</sup> respectively. Resultantly, the Court deemed the Administrative Complaint submitted for decision based on the pleadings filed.

The Court adopts the findings and recommendations of OCA.

In the course of the investigation of this case, Regina, through counsel, submitted an Affidavit of Desistance dated March 15, 2012. Executive Judge Dulay-Archog, however, correctly proceeded with the investigation despite Regina's expressed desire to desist from pursuing her Administrative Complaint against Criste. As the