

## EN BANC

[ A. M. No. P-10-2833\*, December 14, 2010 ]

**RETIRED EMPLOYEE, MUNICIPAL TRIAL COURT, SIBONGA, CEBU,  
COMPLAINANT, VS. MERLYN G. MANUBAG, CLERK OF COURT II,  
MUNICIPAL TRIAL COURT, SIBONGA, CEBU, RESPONDENT.**

### DECISION

#### PER CURIAM:

At bench is an administrative complaint filed against respondent Merlyn G. Manubag (*Manubag*), Clerk of Court II of the Municipal Trial Court, Sibonga, Cebu (*MTC*).

The case stemmed from the undated Letter-Complaint sent by an anonymous retired employee (*complainant*) charging her with: **(1)** Falsification of Public Documents; **(2)** Immorality; and **(3)** Gambling during Office Hours.<sup>[1]</sup>

*For Falsification of Public Documents*, the complainant alleged that Manubag submitted a fake diploma and falsified her school records to make it appear that she was a graduate of a four-year secretarial course when, in fact, she only finished a two-year course at a certain university in Cebu City. The complainant claimed that Manubag's appointment was approved because the latter's backer, a certain Francisca Kong, was the live-in partner of Judge Emilio T. Reyes, then presiding judge of the MTC of Sibonga, Cebu.

*For Immorality*, the complainant alleged that while still legally married to a certain Sergio Manubag, who had been giving her monthly support for their minor son, respondent and a certain Boy Alicaya lived together as husband and wife. They had a son who was registered and baptized with Boy Alicaya as the father.

*For Gambling During Office Hours*, the complainant averred that Manubag played mahjong during office hours at the residence of Angelic Dadula-Ortiz in Poblacion, Sibonga, Cebu, every afternoon. She even told the players that Sibonga MTC Judge Delfin H. Decierdo was not a capable judge.

In her Comment dated October 24, 2007,<sup>[2]</sup> Manubag denied the charges against her. To belie the allegation that she submitted a falsified diploma or school records to support her appointment, she pointed out that she qualified and passed the Career Service Professional Examination given by the Civil Service Commission (*CSC*) held in Cebu City on July 31, 1998. She explained that the *CSC* required the submission of all pertinent documents, including her school records, which were all scrutinized for authenticity. Apparently, her requirements were in order, otherwise, she would not have been able to take the examination.

As regards the charge of immorality, Manubag confirmed that her husband had been providing support for the subsistence of their minor son. She claimed that the Boy

Alicaya mentioned in the complaint was just a family friend, being a *barkada* of her younger brother, and that it was impossible to have a relationship with him as he had his own family. She stressed that she has been living with her parents and an unmarried brother in the family compound.

As to the allegation that she gambled during office hours, she averred that this would be physically impossible, considering that the presiding judge of her court was always in the office during working hours and he was the signatory in her daily time record. She admitted, however, that after 5:00 o'clock in the afternoon, before going home, she would sometimes pass by the residence of Angelic Dadula-Ortiz and there were occasions when the family members of the latter were playing mahjong. She remarked that perhaps the complainant saw her within the vicinity of the residence of Angelic Dadula-Ortiz during these occasions and then presumed that she was there during the whole afternoon.

In this Court's Resolution dated March 11, 2009,<sup>[3]</sup> the administrative complaint was referred to the Executive Judge of the Regional Trial Court, Branch 26, Argao, Cebu (RTC), for investigation, report and recommendation.

Judge Maximo A. Perez (*Judge Perez*) of the RTC prepared a Report and recommended that Manubag be found GUILTY of Dishonesty, fined the sum of P10,000.00, reprimanded and warned that a commission of the same or similar offense would be dealt with more severely.

The Report submitted by Judge Perez was noted and the same was referred to the Office of the Court Administrator (OCA) for evaluation, report and recommendation within sixty (60) days from notice.

In its Memorandum dated February 22, 2010, the OCA made the following recommendations:

- (1) that the administrative complaint be **RE-DOCKETED** as a regular administrative matter; and
- (2) that respondent Merlyn G. Manubag, Clerk of Court II, Municipal Trial Court, Sibonga, Cebu, be found **GUILTY** of Dishonesty and DISMISSED from the service, effective immediately, with forfeiture of all retirement benefits.

The OCA made the following explanation:

In administrative proceedings, the quantum of proof necessary for a finding of guilt is substantial evidence or such relevant evidence as a reasonable mind may accept as adequate to support a conclusion. Well-entrenched is the rule that substantial proof, and not clear and convincing evidence or proof beyond reasonable doubt, is sufficient as basis for the imposition of any disciplinary action upon the employee. The standard of substantial evidence is satisfied where the employer, as

in this case the Court, has reasonable ground to believe that the employee is responsible for the misconduct and his participation therein renders him unworthy of trust and confidence demanded by his position (*Filoteo v. Calago, A.M. No. P-04-1815, October 18, 2007; Section 5, Rule 133 of the Rules of Court*).

Anent the issue of falsification of public documents, there is substantial evidence to hold the respondent guilty of dishonesty for falsifying an official document.

Dishonesty is defined as intentionally making a false statement on any material fact, or practicing or attempting to practice any deception or fraud in securing his examination, appointment or registration. Dishonesty is a serious offense which reflects a persons character and exposes the moral decay which virtually destroys his honor, virtue and integrity. It is a malevolent act that has no place in the judiciary, as no other office in the government service exacts a greater demand for moral righteousness from an employee than a position in the judiciary (*Office of the Court Administrator vs. Bermejo, AM No. P-2004, March 14, 2008*).

The Court does not tolerate dishonesty. Persons involved in the dispensation of justice, from the highest official to the lowest clerk, must live up to the strictest standards of integrity, probity, uprightness and diligence in the public service. As the assumption of public office is impressed with paramount public interest, which requires the highest standards of ethical standards, persons aspiring for public office must observe honesty, candor and faithful compliance with the law (*De Guzman v. delos Santos, A.M. No. 2008-8-SC [18 December 2002]*).

In the instant complaint, the respondent denies having submitted a falsified diploma or school records to support his appointment as Clerk of Court of the Municipal Trial Court of Sibonga, Cebu, but she does not deny possession of the falsified school records. In fact, in her Personal Data Sheet (PDS), dated May 12, 2008, it is reflected that she is a BSC Graduate of Colegio de San Jose Recoletos in 1984, contrary to the **certification of Mr. Demetrio L. Quirante, University Registrar of San Jose Recoletos, that their office does not have the original record of the respondent. Furthermore, the said registrar certified that the machine copy of the transcript of record of the respondent has the following deficiencies and observations and the same are quoted, as follows: `a. Our exact date of graduation for summer 1984 is May 12 (not May 24) 1984; b,. We do not have the course Bachelor of Science in Commerce major in Commerce; c. It seems that the course appearing in the copy of the TOR should have been Bachelor of Science in Commerce major in Accounting.'**

The importance of accomplishing a PDS with utmost honesty cannot be stressed enough (*Re: Anonymous Complaint Against Mr. Rodel M. Gabriel, A.M. No. 2005-18-SC [19 April 2006]*). Its accomplishment is required under the Civil Service Rules and Regulations, and since it is a requirement in connection with employment in the government, the