

## EN BANC

[ **A.M. No. P-08-2433 (formerly OCA IPI No. 07-2667-P), September 25, 2009** ]

**JUDGE JENNY LIND ALDECOA-DELORINO, COMPLAINANT, VS. MARILYN DE CASTRO REMIGIO-VERSOZA, CLERK III, REGIONAL TRIAL COURT, BRANCH 137, MAKATI CITY, RESPONDENT.**

### DECISION

#### PER CURIAM:

Before this Court is a letter-complaint<sup>[1]</sup> dated April 30, 2007 filed by complainant Judge Jenny Lind Aldecoa-Delorino, Presiding Judge of the Regional Trial Court (RTC) of Makati City, Branch 137, with the Office of the Court Administrator (OCA) against respondent Marilyn de Castro Remigio-Versoza, Clerk III of the RTC of Makati City, Branch 137 for falsification of school records and dishonesty.

On June 8, 2001, respondent applied for the position of Clerk III at the RTC of Makati City, Branch 137, where complainant was the Presiding Judge. In her application papers, respondent appended an Official Transcript of Records (OTR) ostensibly certifying that she finished two (2) years of Bachelor of Science (B.S.) in Secretarial Education at the Polytechnic University of the Philippines (PUP) during the academic years 1976 to 1978. She likewise indicated in her Personal Data Sheet (PDS) dated June 8, 2001 that she graduated from the PUP with a degree in B.S. Secretarial, completing ninety (90) units of the said course for the academic years 1976 to 1978.

However, after respondent assumed her position as Clerk III, complainant received information that the former had falsified her school records in order to make herself appear qualified for the said position. Complainant learned that respondent did not actually take the said course of study at the PUP, although the latter's actual educational attainment could not be ascertained based on the records.

Complainant also discovered that respondent had previously used, or attempted to use, the payslip of one Catherine Aceveda, Legal Researcher of the RTC of Makati City, Branch 140, without the latter's knowledge or consent, as supporting documents in her application for a credit card. Complainant averred that respondent superimposed her own name and Tax Identification Number (TIN) over that of Aceveda. When Aceveda confronted respondent about the matter, the latter merely apologized, but failed to give a sufficient explanation as to how she was able to obtain the payslips belonging to Aceveda.

On April 30, 2007, complainant filed the present letter-complaint with the OCA, requesting that an investigation be conducted to prove that respondent falsified her scholastic records, so as to make herself appear qualified for the vacant position of Clerk III of the RTC, Branch 137 of Makati City.

In its 1<sup>st</sup> Indorsement<sup>[2]</sup> dated May 17, 2007, the Office of Administrative Services (OAS) of the OCA referred the complainant's letter-complaint dated April 30, 2007 to the OCA Legal Office for appropriate action, as complainant requested that an immediate investigation be conducted to ascertain the veracity of the respondent's scholastic records.

In its 1<sup>st</sup> Indorsement<sup>[3]</sup> dated June 19, 2007, the OCA Legal Office required respondent to Comment on complainant's letter-complaint within ten (10) days from receipt thereof. It also sent a letter dated June 19, 2007 to the Registrar of the PUP, requesting that it be furnished with duly certified photocopies of the respondent's transcript of records.

Respondent, in her Comment<sup>[4]</sup> dated July 13, 2007, admitted that the OTR she submitted in her application for the position of Clerk III of Branch 137 of the RTC, Makati City had alterations, but maintained that she did not personally tamper it. She claimed that a certain Rowena Ramos, her officemate, prepared the former's application papers and filed them with this Court, assuring respondent that she was qualified for the position. Ramos later demanded an amount equivalent to respondent's salary for three months as payment for the assistance she had rendered in facilitating respondent's application. The latter averred that complainant would use her position to ease out court personnel she did not like, particularly one who occupied a lower position and with a lesser educational attainment, such as herself, as happened to Jessica Abellanosa, complainant's former court stenographer. Respondent also denied using Aceveda's payslip as supporting document when the former applied for a credit card.

Respondent, in turn, accused complainant of engaging the services of one who was not a court employee. She stated that complainant hired Socrates Manarang, a former legal researcher of then Presiding Judge Santiago Ranada, to draft decisions for her, which fact was admitted by Manarang himself. She narrated that a certain Daniel Benito, an officemate, told her that he once accompanied Lyndon Ramos, husband of Rowena Ramos, in delivering the records of a case to Manarang's house upon the instructions of complainant.<sup>[5]</sup>

In its Report<sup>[6]</sup> dated November 26, 2007, the OCA stated that the issue to be resolved was whether respondent may be held liable for falsification of transcript of records. Thus, the OCA recommended that the instant complaint be re-docketed as a regular administrative matter, and that respondent's Comment be considered as an administrative complaint against complainant, and required the complainant to file a comment thereon.

In its Resolution<sup>[7]</sup> dated February 13, 2008, acting upon the recommendations of the OCA, the Court re-docketed the instant complaint as a regular administrative complaint, treated respondent's Comment as a counter-administrative complaint against complainant, and required complainant to comment thereon within ten (10) days from notice.

In her Comment<sup>[8]</sup> dated April 2, 2008, complainant claimed that the counter-charge against her was respondent's act of retaliation arising from the letter-

complaint she had earlier filed on April 30, 2007. She emphasized that respondent, when asked to comment on the former's letter-complaint, failed to categorically state that the OTR she submitted to this Court was authentic and regularly issued by the PUP. She argued that respondent, instead of explaining why the OTR turned out to be falsified, blamed Rowena Ramos for allegedly masterminding the submission of respondent's fake credentials; and proceeded to accuse complainant of being oppressive to her subordinates, and for allegedly maintaining Manarang as "ghost writer" for the decisions assigned to her for disposition.

Complainant denied that she would arbitrarily remove employees she disliked, particularly Abellanosa and respondent, so that she could replace them with employees who would do her bidding. Complainant reasoned that if such were true, she could have fired Abellanosa and respondent a long time ago based on other grounds without having to file administrative complaints against them.

Complainant also attached to her Comment a letter<sup>[9]</sup> dated March 28, 2008 by Melba Abaleta, University Registrar of the PUP, confirming that the subject OTR was a falsified document that did not emanate from the Registrar's Office of the said school. She stated that Abaleta returned the copy of the OTR with bold markings, which highlighted all the anomalous entries, to wit: (1) that the signatures thereon of a certain C.D. Carpio and Fe B. Agpaoa, as Registrar, were forgeries; (2) that "Secretarial" was not a degree or certificate course being offered by PUP; and (3) that certain subjects listed therein were either incorrect or were not course requirements.<sup>[10]</sup>

Complainant refuted respondent's allegation that the former paid Manarang to draft decisions for the cases assigned to her sala, or that she allowed him to bring case records outside the court premises, saying that he was an applicant for the position of Branch Clerk of Court in her sala. She asserted that Manarang worked as a legal researcher for then Presiding Judge Santiago Ranada, who was previously stationed at Branch 137 and, later, joined him when he was elevated to the Court of Appeals as an Associate Justice in May 2004. According to complainant, in January 2007, Manarang contacted Ramos, intimating that he was looking for work, as he had a family to support. At that time, the Branch Clerk of Court, Atty. Gemma Turingan, was on maternity leave. She had previously informed complainant that she was applying for a position at the Public Attorney's Office (PAO) in Tuguegarao City. Complainant encouraged the transfer of Atty. Turingan to PAO and started looking for the latter's replacement, so she interviewed Manarang. Though impressed with his work experience, complainant decided to give him a try-out case, so as to test his ability to research and draft resolutions. She stated that during the last week of February 2007, Manarang researched for and prepared a draft resolution on several incidents in consolidated Criminal Case Nos. 06-877 and 06-882, entitled *People v. Piccio, et al.*, inside the office premises, using the computer assigned to Atty. Turingan, who was still on maternity leave. Complainant maintained that while she was satisfied with Manarang's work for that particular case, she did not adopt the discussion he made. She claimed that she had already issued a Resolution on the pending incidents of the case on February 20, 2007, while the records showed that Manarang borrowed books from the court library that he used for his try-out on February 23, 2007. As he failed the bar examinations, and Atty. Turingan's transfer to Tuguegarao City did not push through, Manarang eventually migrated to Australia with his family. Before leaving the country, he executed an Affidavit dated July 17,

2007 to disprove the accusation that he was a "ghost writer" for complainant.<sup>[11]</sup>

In her letter<sup>[12]</sup> dated April 3, 2008 addressed to Chief Justice Reynato S. Puno, complainant requested an investigation on the veracity of the scholastic records of respondent, and expressed dismay at being administratively charged by the latter.

In a Resolution<sup>[13]</sup> dated June 23, 2008, the Court referred the case to the OCA for evaluation, report and recommendation within sixty (60) days from notice.

In its Report<sup>[14]</sup> dated October 29, 2008, the OCA made the following observations, to wit:

### **EVALUATION AND RECOMMENDATION**

There are two (2) issues to resolve in this case, *to wit*: Whether or not the transcript of records Versoza submitted to the Court when she applied for the position of Clerk III in 2001 is a product of forgery; and whether or not Judge Delorino has been soliciting the help of an outsider to draft her decisions.

Anent the issue of the validity of the transcript of records submitted by Versoza to the court when she was applying for the position of Clerk III, we find the evidence adduced sufficient to hold Versoza administratively liable.

In her Comment dated July 13, 2007, Versoza admits that the transcript of records she submitted to the Court was tampered, albeit denying that the forgery was her handiwork. She instead lays the blame on Rowena Ramos, claiming it was the latter who caused the preparation of the transcript in exchange for money. Versoza's admission, coupled by the March 28, 2008 statement from Ms. Melba D. Abaleta, University Registrar of PUP, that the subject transcript is a "falsified document," sealed her fate. In her March 28, 2008 letter addressed to Judge Delorino, Ms. Abaleta specifically stated that "the transcript of records submitted to your office [by Versoza] is a falsified document and did not originate from us." The defense of Versoza is pregnant with admissions of the act complained of. Versoza admits of the basic fact in the complaint that she submitted falsified records when she applied for the position of Clerk III in the lower court.

Even if we assume for the nonce that somebody else led her into the falsification scheme, it is very clear that she consented to its commission as she even paid the person who allegedly prepared the forged documents. Thus did Versoza state in her letter to the Court Administrator that: *"Pero kapalit ng pag-aayos niya ng mga papeles ko ay hiningi niya po sa akin ang tatlong (3) buwang sahod ko noong lumabas na ang aking appointment bilang kabayaran ng kanyang pag-aayos sa aking mga papeles na kanyang ipinasa sa Supreme Court."*

It should be emphasized that the information that she finished a B.S.

Secretarial course in PUP is also reflected in Versoza's Personal Data Sheet (PDS) which she executed under oath on June 8, 2001. The position of Clerk III requires the completion of at least (two) 2 years of college studies and sub-professional eligibility from the Civil Service Commission (CSC). In her PDS, Versoza provided the information that she was able to finish a 2-year secretarial course in PUP. Without the said course, Versoza would not have qualified for the position. In *Dante de la Cruz Rivera vs. Acting Judge Reynaldo B. Bellosillo* (A.M. No. MTJ-00-1316, September 25, 2000), the Court held that "the truthful completion of Personal Data Sheet is a requirement for employment in the judiciary, the importance of answering the same with candor need not be gainsaid."

For having misrepresented in her PDS that she was able to finish a two-year course in college when in reality she did not, Versoza is liable for dishonesty by misrepresentation and falsification of a public document.

Under Section 23, Rule XIV of the Omnibus Rules Implementing Book V of EO 292 and other Pertinent Civil Service Laws, dishonesty and falsification of a public document are considered grave offenses for which the penalty of dismissal is prescribed even at the first instance. Section 9 of said Rule likewise provides that "The penalty of dismissal shall carry with it cancellation of eligibility, forfeiture of leave credits, and retirement benefits, and the disqualification for re-employment in the government service. This penalty is without prejudice to criminal liability of the respondent."

With respect to accrued leave credits, a distinction must be made with respect to any accrued leave credits Versoza earned *before* October 5, 2001, when she was designated as Clerk III (should be Clerk II) by then Court Administrator Presbitero J. Velasco Jr., to the credits Versoza may have earned from October 5, 2001 to the present, when she served as Clerk III of RTC, Branch 137, Makati City. Versoza is entitled to leave credits earned for the period January 2, 1992 to October 4, 2001, when she served as Clerk I, and Clerk II of the city government of Makati (albeit detailed at the RTC Branch 137, Makati City) the positions she was employed in for which her qualifications were not contested. Any credits earned from October 5, 2001 to the present are forfeited because of her ineligibility to assume the Clerk III position which requires a two-year college course.

Apropos the counter-complaint by Versoza against Judge Delorino, wherein the latter was accused of hiring an outsider to draft the decisions due from the court, this Office finds the allegation wanting in proof. The allegation, which was raised by Versoza in her Comment dated July 13, 2007, appears to have been concocted by her to divert the attention of the Court on the matter of her forged transcript of records. While the issue on the forged transcript was duly established by documentary evidence, the same cannot be said about the alleged outsider supposedly being paid by Judge Delorino to write court decisions.

In *Lopez vs. Fernandez* (99 SCRA 603), the Court held that "numerous