

EN BANC

[A.M. No. P-08-2506, August 12, 2008]

MANUEL CALUMBA, COMPLAINANT, VS. BOBBY T. YAP, UTILITY WORKER, MUNICIPAL TRIAL COURT, GUIHULNGAN, NEGROS ORIENTAL, RESPONDENT.

DECISION

PER CURIAM:

On December 8, 2005, the Office of the Court Administrator (OCA) received a letter-complaint from Manuel C. Malumba charging Bobby Tiongco Yap, Utility Worker I in the Municipal Trial Court of Guihulngan, Negros Oriental, with Conduct Unbecoming a Court Personnel and Dishonesty. Malumba claimed that Yap had been previously charged with two counts of theft. Yap was allegedly found guilty as charged in Criminal Case No. 1492 while the Information in Criminal Case No. 1466 was dismissed.

Upon query from Judge Romeo L. Anasario of the 2nd Municipal Circuit Trial Court (Manjuyod-Bindoy-Ayungon), Bindoy, Negros Oriental, records showed that on August 25, 1965, respondent Yap was found guilty of theft of a fighting cock in Criminal Case No. 1492 and sentenced to suffer a penalty of 25 days imprisonment and to pay half of the cost.

In his Comment, Yap alleged that SPO4 Manuel Calumba filed the instant complaint in retaliation to the charges of Grave Threats and Illegal Discharge of Firearm that he filed against the latter before the Provincial Prosecution Office of Negros Oriental, and an administrative case before the Provincial Internal Affairs Service (PIAS) of the Philippine National Police in Negros Oriental.

He claimed that the complaints for theft against him were filed in 1965 when he was 18 years old; that he thought that both charges against him were dismissed; and that it was only upon the filing of the instant administrative complaint that he learned that he was convicted in 1965 of stealing a fighting cock in Criminal Case No. 1492. He alleged that he finished only 2nd year high school; and that he joined the Judiciary in 1986.

Respondent's Personal Data Sheet showed that he stated that he had never been convicted for violation of any law, decree, ordinance or regulations by any court of tribunal.

In its Evaluation, the OCA noted that in making untruthful statements in his personal data sheet, respondent was liable for falsification and dishonesty. It was thus recommended that respondent be dismissed from the service with forfeiture of all retirement benefits, except accrued leave credits, and with prejudice to reemployment in any branch or instrumentality of the government, including