

**EN BANC**

**[ A.M. NO. P-03-1708 (FORMERLY A.M. NO. 02-10-1275-METC), February 16, 2005 ]**

**ATTY. JOSE R. ORTIZ, JR., CLERK OF COURT VI, METROPOLITAN TRIAL COURT, QUEZON CITY, COMPLAINANT, VS. LARRY DE GUZMAN, BRANCH CLERK OF COURT, METROPOLITAN TRIAL COURT, BRANCH 31, QUEZON CITY, RESPONDENT.**

**R E S O L U T I O N****PER CURIAM:**

This administrative case stems from the letter<sup>[1]</sup> of Atty. Jose R. Ortiz, Jr.,<sup>[2]</sup> regarding falsified receipts and other documents emanating from Branch 31, Metropolitan Trial Court (MeTC) of Quezon City. The falsifications were allegedly committed by respondent branch clerk of court Larry de Guzman.<sup>[3]</sup>

Atty. Ortiz's initial investigation<sup>[4]</sup> revealed that on various dates, respondent demanded and received cash bond deposits in violation of standing regulations of this Court. After issuing either fake receipts or unauthorized provisional receipts, he then overstepped the limits of his authority by ordering jail officers to release the accused in each of the following cases:

<u>Parties</u>	<u>Case No.</u>	Provisional Receipt <b>Fake</b> <u>Receipt No.</u>	<u>Date of Issuance</u>	<u>Amount</u>
PP vs. Orlando Barlaan	31-10609	8903326	8-20-98	P 5,000.00
PP vs. Nympha Magalona	31-42077-82	Prov. Rec.	undated	26,000.00
PP vs. Bernadeth A. Ramos	31-42823	8903327	7-24-98	15,000.00
PP vs. Rolando Noynay	31-14170	13490965	11-22-00	3,000.00
PP vs. Florence Pua	31-107377	written notice	undated	5,000.00
PP vs. Dandy L. Dimapiles	31-110282 & 35279			4,000.00

According to Atty. Ortiz, the falsifications committed were apparent after comparing the fake receipts with the original receipts duly issued by the property division of the Office of the Court Administrator (OCA) of the Supreme Court.

He requested that a formal investigation be conducted.

Meanwhile, Judge Henri Jean-Paul Inting<sup>[5]</sup> brought to the attention of the Honorable Chief Justice Hilario G. Davide, Jr. other irregularities respondent was involved in. He submitted to the Deputy Court Administrator photocopies of complaints, fake receipts and a copy of a criminal complaint<sup>[6]</sup> for falsification of public document and estafa against respondent.

A second report<sup>[7]</sup> was submitted, as follows:

<u>Parties</u>	<u>Case No.</u>	<u>Provisional Receipt Fake Receipt No.</u>	<u>Date of Issuance</u>	<u>Amount</u>
PP vs. Jeremy S. Ong	31-014826		3-07-01	P 5,000.00
PP vs. Onofre Timbang	31-103558	12586906	5-15-01	1,000.00
PP vs. Ruth Timbang	31-103558	12586907	5-15-01	1,000.00
PP vs. Grace Timbang	31-103558	12586908	5-15-01	1,000.00
PP vs. Feliciano Legaspi	31-109136	Prov. Rec.	3-08-02	12,000.00
PP vs. Adela Vidad	31-97114	11770955	8-18-00	1,500.00
PP vs. Remedios Cullamco	31-102927	13490968	12-14-00	1,000.00

On November 25, 2002, the OCA recommended that respondent be suspended and ordered to comment on the allegations against him.

The OCA also noted the arrest of respondent in an entrapment operation conducted by the National Bureau of Investigation. Together with another court employee, he was caught extorting P5,000 from a winning party litigant for the implementation of a certain court decision. This case is now the subject of A.M. No. 02-8-198.<sup>[8]</sup> The Third Division of this Court then issued a resolution<sup>[9]</sup> placing respondent under

preventive suspension pending the investigation of the case.

A third report<sup>[10]</sup> was submitted on January 9, 2003, as follows:

<u>Complainants</u>	<u>Case No.</u>	Provisional Receipt <b>Fake</b> <u>Receipt No.</u>	<u>Date of Issuance</u>	<u>Amount</u>
Ana Marie J. Carticiano				3,000.00
Teodorico C. Braga, Jr.			7-23-02	2,500.00
Jovito Arias	31-104546	12586893	3-22-01	12,000.00
SPO3 Ariel & Engracia Aguilar	31-84391	6323262-63	6-6-97	2,000.00
Maria Ting	31-56584	20293697	3-22-99	10,000.00
Susan Gallardo	42-48651			45,000.00
Jimmy Tong	31-107576	12327477	9-19-01	12,000.00

This report was also referred to the OCA for evaluation, report and recommendation.

On April 21, 2003, the OCA issued a resolution again directing the respondent to comment on the allegations against him. Atty. Ortiz was also directed to submit an additional report to then Executive Judge Jose Catral Mendoza<sup>[11]</sup> who was tasked to conduct an investigation on the matter.

However, on April 23, 2003, in A.M No. 03-3-71-MeTC, the Third Division of this Court resolved to drop the respondent from the rolls for going on AWOL beginning October 3, 2002. His salaries and benefits were likewise ordered withheld.

Nonetheless, the investigation of the case at hand continued.

On June 18, 2003, the Third Division adopted the April 21, 2003 resolution of the OCA.

On September 3, 2003, additional cases of falsified receipts were reported, as follows:

Complainants	Case No.	Provisional Receipt No./ <b>Fake</b> Receipt No.	Date of Issuance	Amount
1. SPO4 Feliciano	99758	11770953	5-8-	P6,000.00