



Republic of the Philippines
Supreme Court
Manila

EN BANC

MANOLITO C. VILLORDON,
Complainant,

A.M. No. P-10-2809

Present:

CARPIO,
VELASCO, JR.,
LEONARDO-DE CASTRO,
BRION,
PERALTA,
BERSAMIN,
DEL CASTILLO,
ABAD,
VILLARAMA, JR.,
PEREZ,
MENDOZA,
SERENO,
REYES, and
PERLAS-BERNABE, JJ.

- versus -

MARILYN C. AVILA, Court
Interpreter I, Municipal Trial
Court in Cities, Branch 3,
Cebu City,

Respondent.

Promulgated:

AUGUST 10, 2012

x

x

DECISION

PER CURIAM:

Before the Court is a Complaint for Dishonesty and Falsification of Official Document against respondent Marilyn C. Avila (respondent), Court Interpreter I, Municipal Trial Court in Cities (MTCC), Branch 3, Cebu City.

In a letter¹ to the Office of the Court Administrator (OCA) dated 27 October 2008, complainant Manolito C. Villordon (complainant) called the OCA's attention to certain false entries in respondent's Personal Data Sheet (PDS). Complainant alleged that respondent failed to declare her correct marital status and the fact that she has three illegitimate children. Further, complainant claimed that respondent submitted a falsified income tax return.

Then Court Administrator Jose P. Perez² referred the complaint to Judge Oscar D. Andrino (Judge Andrino), Executive Judge of the MTCC, Cebu City, for discreet investigation and report.³

In his Investigation Report⁴ dated 10 March 2009, Judge Andrino narrated the factual backdrop that led to the filing of the complaint.

Complainant, an employee of the Bureau of Jail Management and Penology (BJMP) in Minglanilla, Cebu, is married but separated from his wife, while respondent, a Court Interpreter of MTCC, Branch 3, Cebu City, was the common-law wife of a certain Junie Balacabas. Respondent and Balacabas have three daughters.

In 2001, complainant met respondent. Soon after, they started living together as husband and wife. Respondent was later appointed as Court Interpreter, the position vacated by complainant's father. Complainant and respondent parted ways in 2008, and both subsequently found other partners. After their break-up, respondent filed an administrative case against complainant before the BJMP.

¹ *Rollo*, p. 5.

² Now Associate Justice of this Court.

³ *Rollo*, p. 4.

⁴ *Id.* at 2-3.

On 29 January 2009, at about 6 o'clock in the evening, complainant and his partner, Maribel Caballero (Caballero), met respondent at the parking area of the Minglanilla Sports Complex. The three had an altercation. As a result, respondent filed a case against complainant for violation of Republic Act No. 9262 (RA 9262), or the *Anti-Violence Against Women and Children Act*. Meanwhile, Caballero filed a complaint for physical injuries against respondent before the Office of the Provincial Prosecutor.

Judge Andrino also examined respondent's PDS. He found that respondent did not indicate that she has three daughters and failed to disclose that there was a physical injuries complaint filed against her.

In her comment,⁵ respondent said that complainant has an axe to grind against her because they had an illicit affair, which she broke off when she entered government service. As to the information she omitted from her PDS, respondent admitted having left out the names of her three children. She argued, however, that she did so because they were never her dependents and were in the custody of her parents. She also claimed that she has never claimed tax exemptions for her children. Respondent also denied that she falsified her civil status, as she is in fact single. She claimed that the omission of her children's names did not mean that she was not acknowledging them or that she was concealing their existence from family and friends, and neither did it jeopardize the interest or violate any right of complainant.

Respondent pointed out that she has complied with the requirements of her employment, she possesses all the necessary qualifications, and she has performed her duties in accordance with the mandate of her position.

⁵ Id. at 28-29.

She prayed that the charges against her be dismissed.

In a manifestation⁶ received by the Court on 14 March 2011, respondent further argued that, when she filled out her PDS, the birth certificates of her children were not available so she heeded a co-worker's advice to leave the names blank. She reiterated that when she applied as court interpreter, she was qualified for the position. She insisted that all the information in her PDS are true and only the names of her three children were omitted.

In its report⁷ dated 15 February 2010, the OCA made the following recommendation:

Respondent wants this Office to believe that she is not liable for Dishonesty for her failure to state that she has three (3) children and had been charged with a criminal offense, as she has the necessary qualifications for the position of Court Interpreter and has been performing her functions efficiently and effectively.

This Office finds no merit on (sic) respondent's contention.

x x x x

It must be remembered that the accomplishment of the Personal Data Sheets is a requirement under the Civil Service Rules and Regulations in connection with employment in the government. As such, it is well settled that the accomplishment of untruthful statements therein is intimately connected with such employment[.] x x x

Notwithstanding that the making of untruthful statement in official documents is ultimately connected with one's employment, it bears stressing that dishonesty, to warrant the penalty of dismissal, need not be committed in the course of the performance of duty by the person charged.

x x x x

This Office cannot sustain respondent's attempt to escape liability by advancing the flimsy excuse that she did not list the names of her three children in her Personal Data Sheet because they always had been in the custody of her parents. The Personal Data Sheet requires the listing of the full names of a government employee's child/children and their

⁶ Id. at 43.

⁷ Id. at 31-35.

corresponding dates of birth. x x x Well entrenched is the rule that when official documents are falsified, the intent to injure a third person need not be present, because the principal thing punished is the violation of the public faith and the destruction of the truth as therein proclaimed x x x

RECOMMENDATION: Respectfully submitted, for the consideration of the Honorable Court, are the following recommendations that (sic):

1. that the instant case be RE-DOCKETED as a regular administrative matter;
2. that respondent MARILYN C. AVILA, Court Interpreter I, Municipal Trial Court in Cities, Branch 3, Cebu City, be found GUILTY of Dishonesty and Falsification of Official [] Document; and
3. that respondent MARILYN C. AVILA be meted the penalty of DISMISSAL from the service with forfeiture of all benefits, except accrued leave credits, with disqualification from employment in any government agency, including government owned and controlled corporations.⁸

In March 2011, the Court received an undated letter⁹ from complainant, who manifested that he was no longer interested in pursuing the case against respondent. He said he realized that he filed the case out of anger, that he was not a proper party affected by respondent's omission, and respondent's dismissal from work would be inhuman and unjust since respondent's civil status does not affect her performance as a court employee. Thus, complainant asked the Court to dismiss the case against respondent.

The Court finds respondent guilty of dishonesty and falsification of official documents.

Respondent herself admits that she failed to indicate the names of her children on her PDS, albeit proffering the argument that they were not in her

⁸ Id. at 35.

⁹ Id. at 40.

custody, and that she does not claim them as her dependents or claim tax exemption for them.

Respondent proffers mere excuses that should not be given credence.

Respondent's intent to commit the dishonest act is evident. She made the same omission twice. She submitted two accomplished PDS forms within one year, both times omitting the names of her children.

When respondent signed and submitted her PDS, she made the following declaration:

I declare under oath that this Personal Data Sheet has been accomplished by me, and is a **true, correct and complete** statement pursuant to the provisions of pertinent laws, rules and regulations of the Republic of the Philippines.

I also authorize the agency head/authorized representative to verify/validate the contents stated herein. I trust that this information shall remain confidential. (Emphasis supplied)

Note that the information required of government personnel must not only be true and correct, it must also be **complete**.

Whatever respondent's reasons may be, the fact remains that respondent filled out and signed her PDS fully aware that she had omitted the names of her three children. She was fully aware that the information she supplied was not "true, correct and complete," and yet she declared under oath that it is.

This Court has already ruled in the past that willful concealment of facts in the PDS constitutes mental dishonesty amounting to misconduct.¹⁰ Likewise, making a false statement in one's PDS amounts to dishonesty and falsification of an official document.¹¹ The omission of the names of her

¹⁰ *Administrative Case for Dishonesty and Falsification against Luna*, 463 Phil. 878, 888 (2003).

¹¹ *Civil Service Commission v. Bumogas*, G.R. No. 174693, 31 August 2007, 531 SCRA 780, 786.

children in her PDS is an act of dishonesty, which merits the imposition of penalties provided for under the law. Further, even as respondent knowingly provided incomplete information in her PDS, she signed the undertaking attesting that the same was true, correct and complete.

Dishonesty has been defined as “intentionally making a false statement on any material fact.”¹² Dishonesty evinces “a disposition to lie, cheat, deceive or defraud; untrustworthiness; lack of integrity, lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray.”¹³

Civil service rules mandate the accomplishment of the PDS as a requirement for employment in the government. Hence, making false statements in one’s PDS is ultimately connected with one’s employment in the government.¹⁴ The employee making false statements in his or her PDS becomes liable for falsification.¹⁵

Moreover, for respondent to be meted the penalty of dismissal, her dishonesty need not be committed in the performance of official duty.¹⁶ As the Court has previously ruled:

The rationale for the rule is that if a government officer or employee is dishonest or is guilty of oppression or grave misconduct, even if said defects of character are not connected with his office, they affect his right to continue in office. The Government cannot tolerate in its service a dishonest official, even if he performs his duties correctly and well, because by reason of his government position, he is given more and ample opportunity to commit acts of dishonesty against his fellow men, even against offices and entities of the government other than the office where he is employed; and by reason of his office, he enjoys and possesses a certain influence and power which renders the victims of his grave

¹² *Judge Aldecoa-Delorino v. Remigio-Versoza*, A.M. No. P-08-2433, 25 September 2009, 601 SCRA 27, 41.

¹³ *Retired Employee, MTC, Sibonga, Cebu v. Manubag*, A.M. No. P-10-2833, 14 December 2010, 638 SCRA 86, 91 citing *Bulalat v. Adil*, A.M. No. SCC-05-10-P, 19 October 2007, 537 SCRA 44, 48.

¹⁴ *Retired Employee, MTC, Sibonga, Cebu v. Manubag*, supra at 93.

¹⁵ *Re: Spurious Certificate of Eligibility of Tessie G. Quires*, 523 Phil. 21, 29 (2006).

¹⁶ *Faelnar v. Palabrica*, A.M. No. P-06-2251, 20 January 2009, 576 SCRA 392, 400.

misconduct, oppression and dishonesty less disposed and prepared to resist and to counteract his evil acts and actuations.¹⁷

The declarations that every government personnel makes in accomplishing and signing the PDS are not empty statements. Duly accomplished forms of the Civil Service Commission are considered official documents, which, by their very nature are in the same category as public documents, and become admissible in evidence without need of further proof. As an official document made in the course of official duty, its contents are *prima facie* evidence of the facts stated therein.¹⁸

Respondent's argument that her failure to indicate the names of her children in her PDS did not prejudice the government is incorrect. When official documents are falsified, respondent's intent to injure a third person is irrelevant because the principal thing punished is the violation of public faith and the destruction of the truth as claimed in that document.¹⁹ The act of respondent undermines the integrity of government records and therein lies the prejudice to public service. Respondent's act need not result in disruption of service or loss to the government. It is the act of dishonesty itself that taints the integrity of government service. A government officer's dishonesty affects the morale of the service, even when it stems from the employee's personal dealings. Such conduct should not be tolerated from government officials, even when official duties are performed well.²⁰

Under Rule IV, Section 52(A)(1) of the *Uniform Rules in Administrative Cases in the Civil Service*,²¹ dishonesty and falsification of official document are both grave offenses punishable by dismissal from

¹⁷ Id. citing *Remolona v. CSC*, 414 Phil. 590, 600 (2001).

¹⁸ *Re: Complaint of the Civil Service Commission, Cordillera Administrative Region, Baguio City against Rita S. Chulyao, Clerk of Court, MCTC-Barlig, Mountain Province*, A.M. No. P-07-2292, 28 September 2010, 631 SCRA 413, 423 citing *Donato, Jr. v. Civil Service Commission Regional Office I*, G.R. No. 165788, 7 February 2007, 515 SCRA 48, 61-62.

¹⁹ Supra note 16 at 402 citing *Ratti v. Mendoza-De Castro*, 478 Phil. 871, 883 (2004).

²⁰ *Anonymous v. Curamen*, A.M. No. P-08-2549, 18 June 2010, 621 SCRA 212, 219.

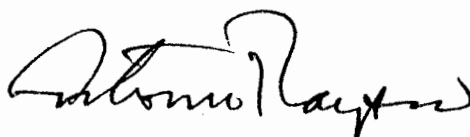
²¹ CSC Memorandum Circular No. 19-99, 14 September 1999.

government service, even for a first offense, without prejudice to criminal or civil liability.²² The penalty also carries with it the cancellation of respondent's eligibility, forfeiture of retirement benefits, and perpetual disqualification for reemployment in the government service, unless otherwise provided in the decision.²³

Employment in the judiciary demands the highest degree of responsibility, integrity, loyalty and efficiency from its personnel. All judiciary employees are expected to conduct themselves with propriety and decorum at all times.²⁴ An act that falls short of the exacting standards set for public officers, especially those in the judiciary, shall not be countenanced.²⁵ By her acts of dishonesty and falsification of an official document, respondent has failed to measure up to the high and exacting standards set for judicial employees and must, therefore, be dismissed from the service.

WHEREFORE, the Court finds respondent Marilyn C. Avila **GUILTY** of dishonesty and falsification of official document. She is forthwith **DISMISSED** from the service, with cancellation of eligibility, forfeiture of all benefits, except accrued leave credits, and disqualification for reemployment in the government service, including in government-owned or controlled corporations.

SO ORDERED.




ANTONIO T. CARPIO
Senior Associate Justice

²² CSC Memorandum Circular No. 19-99, 14 September 1999, Section 56.

²³ CSC Memorandum Circular No. 19-99, 14 September 1999, Section 58.

²⁴ *Disapproved Appointment of Lingas*, 491 Phil. 160 (2005).

²⁵ *Lorenzo v. Spouses Lopez*, A.M. No. 2006-02-SC, 15 October 2007, 536 SCRA 11, 19.



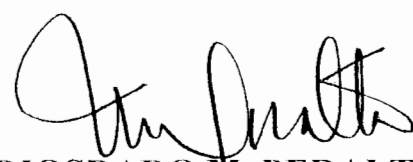
PRESBITERO J. VELASCO, JR.
Associate Justice



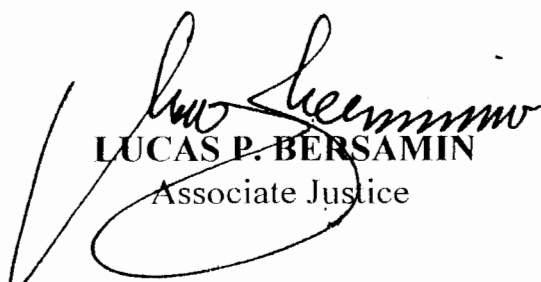
**TERESITA J. LEONARDO-
DE CASTRO**
Associate Justice



ARTURO D. BRION
Associate Justice




DIOSDADO M. PERALTA
Associate Justice



LUCAS P. BERSAMIN
Associate Justice



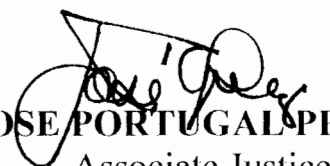
MARIANO C. DEL CASTILLO
Associate Justice



ROBERTO A. ABAD
Associate Justice



MARTIN S. VILLARAMA, JR.
Associate Justice



JOSE PORTUGAL PEREZ
Associate Justice



JOSE C. MENDOZA
Associate Justice

(On official leave)
MARIA LOURDES P. A. SERENO
Associate Justice



BIENVENIDO L. REYES
Associate Justice

(On official leave)
ESTELA M. PERLAS-BERNABE
Associate Justice