



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

**ANONYMOUS COMPLAINT
AGAINST OTELIA LYN G.
MACEDA, COURT
INTERPRETER, MUNICIPAL
TRIAL COURT, PALAPAG,
NORTHERN SAMAR**

A.M. No. P-12-3093
(Formerly OCA I.P.I. No. 12-3845-P)

Present:

SERENO, *CJ.*,
Chairperson,
LEONARDO-DE CASTRO,
BERSAMIN,
VILLARAMA, and
REYES, *JJ.*

Promulgated:

26 MAR 2014

X-----X

DECISION

LEONARDO-DE CASTRO, *J.*:

An anonymous complainant, claiming to be a student at the University of Eastern Philippines (UEP), filed a letter-complaint¹ dated June 28, 2010 before the Office of the Court Administrator (OCA) charging Otelia Lyn G. Maceda (Maceda), Court Interpreter, Municipal Trial Court (MTC), Palapag, Northern Samar, of falsifying her attendance in court so she could attend her law classes at UEP in Catarman, Norther Samar. The complainant wrote:

I am questioning her status now because she is enjoying the privilege of a regular employee and at the same time a regular student at the College of Law. She's been going to school for more than 4 years now, for this is just being tolerated by the Clerk of Court. She has been habitually tardy and absent from her office because she leaves the office everyday before 3:00 p.m. to catch up her classes, since the travel time from her office to her school is more or less 3 hours. The mode of transportation in going to her school is by means of water and land vehicles with a distance of about 50 to 70 kilometers away from Palapag,

¹ Rollo, p. 6.

Amte

Northern Samar, where the court is to the University of Eastern Philippines in Catarman, Northern Samar.

Your honors, is this allowed in our esteemed Highest Court that an employee is leaving the office early everyday and makes it appear in her Daily Time Records that she is still in office until 5:00 p.m. when in fact she is already in school? Under Civil Service Law and Rules, falsification of DTR is an act of dishonesty a grave offense, we know. With all due respect we believe that this act or conduct would dissipate and diminish public trust and confidence in the courts.

In a 1st Indorsement² dated November 10, 2010, the OCA referred the aforementioned letter-complaint to Executive Judge Jose F. Falcotelo (Judge Falcotelo), Regional Trial Court (RTC), Branch 22 of Laoang, Northern Samar, for investigation and report.

Judge Falcotelo submitted his Report³ dated April 5, 2011.

According to the Report, Judge Falcotelo personally spoke to Maceda. Maceda admitted that she has been enrolled at UEP since 2004 and that she is an irregular student. She also averred that she requested permission to continue her law studies from then MTC Presiding Judge Eustaquio C. Lagrimas (Judge Lagrimas), and that Judge Lagrimas granted her request.

Judge Falcotelo reported further that UEP in Catarman is about 70 kilometers away from the MTC in Palapag. From Palapag, one has to ride a motorboat to Barangay (Brgy.) Rawis in Laoang, Northern Samar, where the terminal for all passenger vehicles going to Catarman is located. From Brgy. Rawis, it will still take a one-hour jeepney ride to get to UEP, excluding the waiting time for the jeepney to fill up with passengers before leaving the terminal. Judge Falcotelo calculated that Maceda would have to leave Palapag at 4:00 p.m. or earlier to be able to attend her 5:30 p.m. classes at UEP.

In the end, Judge Facoltelo recommended the dismissal of the letter-complaint against Maceda, considering that Maceda pursued her law studies for self-improvement and that Maceda merely relied on Judge Lagrimas's permission for her to attend her classes at UEP.

Upon receipt of Judge Falcotelo's Report, the OCA directed Maceda to file her comment on the letter-complaint against her.

In her letter-comment⁴ dated May 3, 2012, Maceda made a general denial of any wrongdoing in the performance of her job and reporting of her

² Id. at 13.

³ Id. at 26-27.

⁴ Id. at 47-50.

official time. She had properly reported her daily attendance to the extent that she had already consumed all of her leave credits and she experienced working without pay/salary. Her only intention was to enrich her knowledge in relation to her work in the judiciary by pursuing her law studies, for which she was granted permission by the presiding judge of her court.

The OCA submitted its Report⁵ dated August 16, 2012 with the following recommendations:

RECOMMENDATION: It is respectfully submitted for the consideration of the Honorable Court that:

1. the instant administrative matter be **RE-DOCKETED** as a regular complaint for Dishonesty against O[t]elia Lyn G. Maceda, Court Interpreter, Municipal Trial Court, Palapag, Northern Samar; and
2. respondent Ms. Maceda be found **GUILTY** of Dishonesty and be **SUSPENDED** for six (6) months without pay, effective immediately, with a stern warning that a repetition of the same or similar acts shall be dealt with more severely.

On October 15, 2012, the Court issued a Resolution⁶ re-docketing the case as a regular administrative matter and requiring the parties to manifest within ten (10) days from notice if they are willing to submit the matter for resolution based on the pleadings filed.

Maceda filed her Manifestation⁷ dated February 5, 2012, stating that she was not willing to submit the instant case for decision or resolution by the Court based on the records/pleadings filed, for the reasons quoted below:

- a. The anonymity of the complainant supposedly a college student of the University of Eastern Philippines is a mere façade devised to conceal its (sic) true identity and thus avoid or elude from the disciplining power of this Court, as this scheming anonymous complainant may turn out to be a staff of the Municipal Trial Court of Palapag, N. Samar who has been interested in the position of the Branch Clerk of Court held at that time by a retireable officer which is now declared vacant but still not posted in the court's bulletin board or any public place for no reason at all;

Respondent had been recommended by the former Branch Clerk of Court to such position as the most qualified next in rank officer. However, the presiding judge has withheld his recommendation for the respondent as he favors another employee who is not qualified and should be disqualified;

⁵ Id. at 51-55.

⁶ Id. at 56.

⁷ Id. at 59-61.

- b. The Annexes attached to the complaint, namely: **1)** a photocopy of respondent's Certificate of Registration (COR) from the UEP Registrar's Office for the 2nd semester of school year 2009-2010; **2)** a photocopy of respondent's Student Grades Evaluation from the Office of the Registrar of UEP for the 1st, 2nd and 3rd year subjects, and **3)** photocopies of respondent's Daily Time Record from the Offices of the Branch Clerk of Court and/or of the Presiding Judge which may have apparently been the basis for initiating an investigation. These documents obtained by a supposed anonymous college student of UEP were definitely in violation of the rules of the Registrar's Office of UEP and the Office of the Clerk of Court and/or of the presiding judge of MTC of Palapag, N. Samar who have custody thereof, respectively, because respondent did not and has not authorized anybody to procure for said personal records neither did said respective officers in custody of said documents officially allowed such releases unless these officers or a member of their staff had assisted or conspired with the scheming anonymous complainant;
- c. During the investigation of this case conducted under the Office of the Court Administrator, respondent was not represented by counsel. In the instant case, respondent invokes her right to counsel as this regular administrative matter has and will still affect her present employment with the Judiciary, her law studies, her future and her very own life and that of her relatives. For this, respondent prays to this Honorable Court to give her sufficient time to engage the services of a counsel.

In a Resolution dated June 17, 2013, the Court required the OCA to comment on Maceda's foregoing Manifestation.

The OCA filed its Memorandum⁸ dated September 4, 2013 recommending as follows: (1) Maceda's Manifestation be noted, and (2) Maceda be found guilty of Less Serious Dishonesty and be suspended for six (6) months and one (1) day without pay, effective immediately, with a stern warning that a repetition of the same or similar offense will be dealt with more severely.

We first address Maceda's arguments in her Manifestation.

First, Maceda questions the anonymity of the complainant and suspects that the complainant is not really a student at UEP but another court employee, who is Maceda's rival for the same vacant Clerk of Court position. The complainant is concealing his/her true identity to avoid the disciplining authority of the Court.

At the outset, we stress that an anonymous complaint is always received with great caution, originating as it does from an unknown author.

⁸

Id. at 63-68.

However, a complaint of such sort does not always justify its outright dismissal for being baseless or unfounded for such complaint may be easily verified and may, without much difficulty, be substantiated and established by other competent evidence.⁹ As this Court ruled in *Anonymous Complaint Against Gibson A. Araula*¹⁰:

Although the Court does not as a rule act on anonymous complaints, cases are accepted in which the charge could be fully borne by public records of indubitable integrity, thus needing no corroboration by evidence to be offered by complainant, whose identity and integrity could hardly be material where the matter involved is of public interest. X X X.

Indeed, any conduct, act or omission on the part of all those involved in the administration of justice which would violate the norm of public accountability and would diminish or even just tend to diminish the faith of the people in the Judiciary cannot be countenanced.¹¹ Hence, anonymous complaints of this nature should be acted upon by this Court.

Second, Maceda contests the admissibility of the documentary evidence attached to the letter-complaint, particularly, the photocopies of her certificate of registration at UEP; her grades for the 1st, 2nd and 3rd year law subjects; and her Daily Time Records (DTRs) filed with the court, for said documents were obtained without her authorization/consent or that of the officers who are in custody of the documents. Maceda even insinuates the possibility of a conspiracy between the complainant and the custodian of the said documents.

Maceda's opposition to the documentary evidence against her was grounded on how the documents were obtained, but not on the falsity of the said documents or their contents. Maceda argues that her consent was necessary for the release of copies of the documents attached to the letter-complaint but she did not specifically cite the relevant court and school rules to this effect. In so far as Maceda's DTRs are concerned, these formed part of her employee records, which the OCA and the Court can freely access even without her consent.

Moreover, proceedings in administrative investigation are not strictly governed by the technical rules of evidence. They are summary in nature.¹² As we have declared in *Office of the Court Administrator v. Indar*¹³:

⁹ *Anonymous Complaint Against Peshing T. Yared, Sheriff IV, Municipal Trial Court in Cities, Canlaon City*, 500 Phil. 130, 136-137 (2005); *Anonymous v. Geverola*, 344 Phil. 688, 696-697 (1997).

¹⁰ 171 Phil. 427 (1978).

¹¹ *RTC Makati Movement Against Graft and Corruption v. Dumlao*, 317 Phil. 128, 148 (1995).

¹² *Burgos v. Aquino*, 319 Phil. 622, 628 (1995).

¹³ A.M. No. RTJ-10-2232, April 10, 2012, 669 SCRA 24, 37-38.

It is settled that “technical rules of procedure and evidence are not strictly applied to administrative proceedings. Thus, administrative due process cannot be fully equated with due process in its strict judicial sense.” It is enough that the party is given the chance to be heard before the case against him is decided. Otherwise stated, in the application of the principle of due process, what is sought to be safeguarded is not lack of previous notice but the denial of the opportunity to be heard. (Citations omitted.)

Maceda cannot claim that the admission and consideration of the documentary evidence attached to the letter-complaint violated her right to due process. She undeniably had the opportunity to contest the truth of the documents and/or submit controverting evidence to the same, but she failed to do so.

Lastly, Maceda prays for additional time before resolution of this administrative matter so she can engage the services of a lawyer to represent her. She points out that she was not assisted by counsel in the earlier proceedings.

Maceda has knowingly and voluntarily participated in the administrative investigation conducted by Judge Falcotelo, by the OCA, and finally, by this Court. The administrative investigation began as early as November 10, 2010, but it was only in Maceda’s Manifestation dated February 5, 2012 before this Court that she insisted on engaging the services of a legal counsel. We can no longer accommodate Maceda’s request this far along into the proceedings. Being a court employee and law student, Maceda is capable of understanding the charges against her and adducing her defenses herself.

We already clarified in *Carbonel v. Civil Service Commission*¹⁴ the extent of the right to counsel, thus:

However, it must be remembered that the right to counsel under Section 12 of the Bill of Rights is meant to protect a suspect during custodial investigation. Thus, the exclusionary rule under paragraph (2), Section 12 of the Bill of Rights applies only to admissions made in a criminal investigation but not to those made in an administrative investigation.

While investigations conducted by an administrative body may at times be akin to a criminal proceeding, the fact remains that, under existing laws, a party in an administrative inquiry may or may not be assisted by counsel, irrespective of the nature of the charges and of petitioner’s capacity to represent herself, and no duty rests on such body to furnish the person being investigated with counsel. **The right to counsel is not always imperative in administrative investigations** because such

¹⁴

G.R. No. 187689, September 7, 2010, 630 SCRA 202, 207-208.

inquiries are conducted merely to determine whether there are facts that merit the imposition of disciplinary measures against erring public officers and employees, with the purpose of maintaining the dignity of government service. (Emphasis ours, citations omitted.)

Maceda was accorded her right to due process during the administrative investigation conducted in the instant case. She was given an opportunity to answer and be heard on the charges against her, and that, it has often been said, is the essence of procedural due process.¹⁵

Now, we proceed to determining Maceda's liability for falsification of her DTRs.

We see no reason to disturb the finding of the OCA that Maceda did indeed falsify her DTRs and is, therefore, guilty of dishonesty.

Judge Falcotelo stated in his Report that for Maceda to make it on time to her law classes at UEP, she would have to leave the MTC at 4:00 p.m. or even earlier. Maceda's Summary of Scholastic Records, submitted by UEP College Secretary Alfredo D. Tico, showed that Maceda had law school subjects for the school years 2009-2010 and 2010-2011 which started at 5:30 p.m. Hence, it was impossible for Maceda to have left the MTC only at 5:00 p.m. as she had consistently logged in her DTRs during the months she was also attending her classes.

Specifically, Maceda's Summary of Scholastic Records for the Second Semester of school year 2009-2010 stated that her Criminal Law II class was scheduled every Friday, from 5:30 p.m. to 8:30 p.m. However, according to Maceda's DTRs, she logged out at 5:00 p.m. for the following Fridays of the said time period: October 23, 2009; November 6, 2009; November 13, 2009; November 20, 2009; November 27, 2009;¹⁶ December 4, 2009; December 11, 2009; December 18, 2009; January 8, 2010;¹⁷ February 5, 2010; February 12, 2010; February 19, 2010; February 26, 2010; March 5, 2010; and March 12, 2010.¹⁸ It can hardly be believed that Maceda could have traversed the 70-kilometer distance between the MTC and UEP, which would have necessitated a boat ride and a jeepney ride, in just 30 minutes.

Maceda only offered a general denial of any wrongdoing and asserted that someone at the MTC was just trying to destroy her reputation. She did not offer a clear explanation on how she could have attended her 5:30 p.m.

¹⁵ *Re: Pilferage of supplies in the stockroom of the Property Division, OCA committed by Teodoro L. Saquin, Clerk II*, 389 Phil. 45, 49-40 (2000).

¹⁶ *Rollo*, p. 16.

¹⁷ *Id.* at 17.

¹⁸ *Id.* at 18.

classes in UEP on time even when she supposedly left the MTC at only 5:00 p.m. Maceda's repeated assertion that she continued her law school classes for self-improvement and with the permission of the MTC Presiding Judge does little to exculpate her of administrative liability. These are not acceptable excuses for not properly declaring the time she logged-off from work in her DTRs. Time and again, the OCA and this Court have underscored the importance of court employees truthfully and accurately recording in their DTRs the time of their arrival in and departure from office.

Maceda's falsification of her DTRs is dishonesty. Dishonesty is defined as the "(d)isposition 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."¹⁹

Resolution No. 06-0538 dated April 4, 2006 of the Civil Service Commission, also known as the Rules on the Administrative Offense of Dishonesty, further classifies the offense into Serious Dishonesty, Less Serious Dishonesty, and Simple Dishonesty, depending on the attendant circumstances.

The presence of any of the following attendant circumstances in the commission of the dishonest act would constitute the offense of Less Serious Dishonesty:

1. The dishonest act caused damage and prejudice to the government which is not so serious as to qualify under the immediately preceding classification.
2. The respondent did not take advantage of his/her position in committing the dishonest act.
3. Other analogous circumstances.²⁰

Less Serious Dishonesty is deemed a grave offense punishable by suspension of six (6) months and one (1) day to one (1) year for the first offense.²¹

Considering that Maceda has not been previously charged with an administrative offense in her eleven (11) years in government service and that there is no proof of her being remiss in the performance of her duties as

¹⁹ *Re: Administrative Case for Dishonesty Against Elizabeth Ting, Court Sec. I & Angelita C. Esmerio, Clerk III, Office of the Division Clerk of Court*, 502 Phil. 264, 277 (2005).

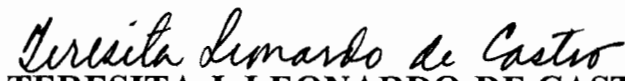
²⁰ Section 4 of CSC Resolution No. 06-0538.

²¹ Section 2(b) of CSC Resolution No. 06-0538; eventually incorporated as Rule 10, Section 46(B)(1) of the Revised Rules on Administrative Cases in the Civil Service, promulgated on November 18, 2011.


court interpreter or causing specific damage or prejudice to the court for her dishonest act, we find Maceda to be guilty of Less Serious Dishonesty, for which the penalty of suspension for six (6) months and one (1) day is proper.

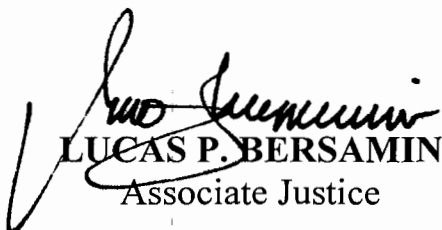
WHEREFORE, we find Otelia Lyn G. Maceda **GUILTY** of the offense of Less Serious Dishonesty and impose upon her the penalty of **SUSPENSION for SIX (6) MONTHS AND ONE (1) DAY**, effective immediately. We further issue a **STERN WARNING** to Maceda that a repetition of the same or similar acts shall be dealt with more severely.


SO ORDERED.


TERESITA J. LEONARDO-DE CASTRO
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson


LUCAS P. BERSAMIN
Associate Justice


MARTIN S. VILLARAMA, JR.
Associate Justice


BIENVENIDO L. REYES
Associate Justice