



Republic of the Philippines  
Supreme Court  
Manila

EN BANC

ANONYMOUS  
COMPLAINT  
REYNALDO C. ALCANTARA,  
UTILITY WORKER I, BR. 70,  
AND JOSEPH C. JACINTO,  
ELECTRICIAN, HALL OF  
JUSTICE, BOTH OF THE  
REGIONAL TRIAL COURT,  
BURGOS, PANGASINAN

LETTER-  
AGAINST

A.M. No. P-15-3296

[Formerly OCA IPI No. 14-4364-P]

Present:

SERENO, C.J.,  
CARPIO,  
VELASCO, JR.,  
LEONARDO-DE CASTRO,  
BRION,\*  
PERALTA,  
BERSAMIN,  
DEL CASTILLO,  
VILLARAMA, JR.,  
PEREZ,  
MENDOZA,  
REYES,  
PERLAS-BERNABE,  
LEONEN, and  
JARDELEZA,\*\* JJ.

Promulgated:

February 17, 2015

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RESOLUTION

**PER CURIAM:**

This case stemmed from an undated Letter-Complaint, addressed to Executive Judge Elpidio N. Abella (Executive Judge Abella), Regional Trial

\* On leave.

\*\* On official leave.

Court, Alaminos City, Pangasinan, charging respondents Reynaldo C. Alcantara (Alcantara) and Joseph C. Jacinto (Jacinto) with the commission of several illegal activities in violation of Civil Service Rules.<sup>1</sup> Alcantara worked as Utility Worker I, Branch 70, Regional Trial Court, Burgos, Pangasinan, whereas Jacinto was an electrician at the Hall of Justice in the same city.<sup>2</sup>

The Letter-Complaint was indorsed to the Office of the Court Administrator.<sup>3</sup> The Office of the Court Administrator then directed Executive Judge Abella to conduct a discreet investigation and submit a report.<sup>4</sup>

In the Report dated July 17, 2013, Executive Judge Abella recommended that Alcantara and Jacinto be immediately dismissed from service.<sup>5</sup> He found that as early as 2009, Alcantara and Jacinto received and encashed checks of their co-workers without consent.<sup>6</sup> The investigating judge made the following factual findings:

- (1) Roger Ginez (Ginez), Junior Process Server, Municipal Circuit Trial Court, Burgos, Pangasinan, executed an affidavit pointing to Alcantara as the one who stole his two (2) salary checks amounting to ₱8,792.38, which covered the month of June 2009.<sup>7</sup> According to Ginez, Alcantara later confessed that he was the one who stole the checks. The incident was recorded in the blotter of the Philippine National Police, Burgos, Pangasinan;<sup>8</sup>
- (2) In May 2012, Annie Lyn R. Tugade (Tugade), then Officer-in-Charge, Regional Trial Court, Branch 70, Burgos, Pangasinan, lost her representation and transportation allowance check in the amount of ₱8,000.00 for May 2012.<sup>9</sup> She initially instructed Jacinto to verify the status of the check with the Checks Releasing Division of the Supreme Court.<sup>10</sup> Jacinto allegedly informed Tugade that the check was not ready. However, she discovered that her check for May was already released and sent through mail by the Supreme Court.<sup>11</sup> Bank records revealed that Tugade's signature was forged on July 30, 2012.<sup>12</sup> Alcantara and Jacinto

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<sup>1</sup> *Rollo*, p. 1.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.* at 5.

<sup>4</sup> *Id.* at 1, 10–11 and 26.

<sup>5</sup> *Id.* at 15.

<sup>6</sup> *Id.* at 12.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at 12 and 17.

<sup>9</sup> *Id.* at 12.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at 13.

<sup>12</sup> *Id.*

admitted to receiving and encashing Tugade's check without her permission;<sup>13</sup>

(3) Imelda Bruto Español (Español), Construction and Maintenance General Foreman, Hall of Justice, Burgos, Pangasinan averred that Alcantara and Jacinto stole and illegally encashed several checks.<sup>14</sup> A check for ₱790.00, which was due to one of the contractors of the Hall of Justice but was issued under Español's name, was illegally encashed by Alcantara.<sup>15</sup> Another check, in the amount of ₱4,724.00 and in Español's name, was taken and encashed by Alcantara and Jacinto without her consent.<sup>16</sup> Español's signature appeared to have been forged on June 21, 2012;<sup>17</sup> and

(4) Edwin Naval (Naval), Utility Worker, Hall of Justice, Burgos, Pangasinan, also alleged that Alcantara and Jacinto stole his salary check and encashed it at the bank through forgery. Naval, however, claimed that Alcantara and Jacinto had refunded him the amount taken.<sup>18</sup>

Executive Judge Abella found that Alcantara's and Jacinto's actions constituted grave misconduct and recommended their dismissal from service:

It could not be denied that they were the ones who committed these serious misconduct [sic] having admitted in the presence of their victims and. . . in the presence of Judge Aguilar, that they either stole or received their co-employee's checks without proper authorization and encashed them without the owner[s'] consent and us[ed] the cash proceeds for their own personal use and benefit to the detriment of their co-workers who are the owners of the checks.

It is likewise very clear that the checks were encashed in another bank. . . forging the signatures of the payees.<sup>19</sup>

The Office of the Court Administrator directed Alcantara and Jacinto to comment.<sup>20</sup>

In his Comment dated September 3, 2013, Alcantara admitted to the taking and encashing of Tugade's and Español's checks without

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<sup>13</sup> Id.

<sup>14</sup> Id. at 13-14.

<sup>15</sup> Id. at 13.

<sup>16</sup> Id. at 14.

<sup>17</sup> Id.

<sup>18</sup> Id.

<sup>19</sup> Id. at 15.

<sup>20</sup> Id. at 29-30.

permission.<sup>21</sup> He claimed, however, that he was not a thief.<sup>22</sup> He was only tempted to take and encash the checks because of his financial circumstances then to support his family.<sup>23</sup> He already asked for Tugade's and Español's forgiveness.<sup>24</sup> He denied all the other allegations, including Ginez's claims.<sup>25</sup>

Jacinto, in his Comment dated September 23, 2013, denied taking the checks.<sup>26</sup> He admitted that he accompanied Alcantara in encashing a check. However, he did not know that the check did not belong to Alcantara.<sup>27</sup> He received a portion of the proceeds from the check but when he found out that the check belonged to Tugade, he returned the amount and asked for her forgiveness.<sup>28</sup> He denied Español's claims.<sup>29</sup>

In its report dated October 14, 2014, the Office of the Court Administrator found that Alcantara and Jacinto are guilty of grave misconduct and dishonesty.<sup>30</sup> According to the Office of the Court Administrator:

In the case at bar, the acts of respondents Alcantara and Jacinto clearly amounted to dishonesty and grave misconduct. Respondent Alcantara admitted to stealing and encashing the checks of Tugade and Español and put up the lame excuse that he was forced to do it because of his dire financial situation at the time. The explanation of respondent Jacinto is even more absurd. He claimed that he had no idea that the checks were stolen but he admitted receiving proceeds from the scheme and allotting them to his personal needs.

. . . .

Under Rule 9, Section 46 of the Revised Rules on Administrative Cases in Civil Service, promulgated on 18 November 2011, Serious Dishonesty and Grave Misconduct are grave offenses punishable by dismissal from service even on the first offense. As correctly pointed by Executive Judge Abella, respondents Alcantara and Jacinto committed grave offenses and “do not deserve to stay with the judiciary even for a minute longer.”<sup>31</sup>

We adopt the findings and recommendations of the Office of the Court Administrator.

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<sup>21</sup> Id. at 32.

<sup>22</sup> Id.

<sup>23</sup> Id.

<sup>24</sup> Id.

<sup>25</sup> Id. at 33.

<sup>26</sup> Id. at 35.

<sup>27</sup> Id.

<sup>28</sup> Id.

<sup>29</sup> Id. at 36.

<sup>30</sup> Id. at 4.

<sup>31</sup> Id. at 3–4.

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.”<sup>32</sup>

Grave misconduct is committed when there has been “‘a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by a public officer.’ The misconduct is grave if it involves any of the additional elements of corruption, willful intent to violate the law, or to disregard established rules, all of which must be established by substantial evidence, and must necessarily be manifest in a charge of grave misconduct.”<sup>33</sup>

In *Rojas, Jr. v. Mina*,<sup>34</sup> respondent was found guilty of gross misconduct and dishonesty for stealing and encashing Special Allowance for Judges and Justices checks payable to several trial court judges without their consent. Similarly, in *Re: Loss of Extraordinary Allowance Check No. 11-6739 of Judge Eduardo Jovellanos*,<sup>35</sup> respondent Rosario Santos was held responsible for stealing, encashing, and converting for her personal use the amount covered by the check issued to Judge Eduardo U. Jovellanos.

In this case, Alcantara and Jacinto admitted to taking and encashing checks of their co-workers without permission. There is no doubt that their acts of repeatedly stealing the checks and forging the signatures of their co-workers constitute grave misconduct and dishonesty. Their alleged remorse for what they have done does not erase the transgression they committed. “This Court will not hesitate to rid its ranks of undesirables who undermine its efforts toward an effective and efficient administration of justice, thus tainting its image in the eyes of the public.”<sup>36</sup>

Under the Revised Rules on Administrative Cases in the Civil Service, Rule 10, Section 46, serious dishonesty and grave misconduct are punishable by dismissal from service even if for the first offense.<sup>37</sup> This court held that:

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<sup>32</sup> *Judge Corpuz v. Ramiterre, et al.*, 512 Phil. 506, 518 (2005) [Per Curiam, En Banc], citing *Re: Administrative Case for Dishonesty Against Elizabeth Ting, et al.*, 502 Phil. 264 (2005) [Per J. Chico-Nazario, En Banc]; *Office of the Court Administrator v. Yan*, 496 Phil. 843 (2005) [Per Curiam, En Banc]; *Alabastro v. Moncada, Sr.*, 488 Phil. 43 (2004) [Per Curiam, En Banc].

<sup>33</sup> *See Alconera v. Pallanan*, A.M. No. P-12-3069, January 20, 2014 714 SCRA 204, 217 [Per J. Velasco, Jr., Third Division], citing *Tan v. Quitarior*, A.M. No. P-11-2919, May 30, 2011, 649 SCRA 12 [Per J. Mendoza, Second Division].

<sup>34</sup> A.M. No. P-10-2867, June 19, 2012, 673 SCRA 592 [Per Curiam, En Banc].

<sup>35</sup> 441 Phil. 261 (2002) [Per Curiam, En Banc].

<sup>36</sup> *Cabanatan v. Molina*, 421 Phil. 664, 676 (2001) [Per Curiam, En Banc].

<sup>37</sup> Classification of Offenses – Administrative Offenses with corresponding penalties are classified into grave, less grave or light, depending on their gravity or depravity and effects on the government service.

A. The following grave offenses shall be punishable by dismissal from the service:

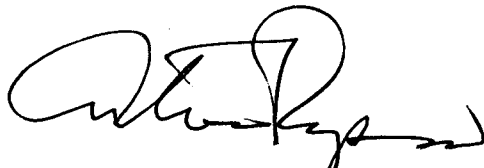
1. Serious Dishonesty;
2. Gross Neglect of Duty;
3. Grave Misconduct;

we have not hesitated to impose the ultimate penalty. This Court had never and will never tolerate nor condone any conduct which would violate the norms of public accountability, and diminish, or even tend to diminish, the faith of the people in the justice system.<sup>38</sup>


**WHEREFORE**, respondents Reynaldo C. Alcantara and Joseph C. Jacinto are **GUILTY** of Grave Misconduct and Dishonesty. Respondents are **DISMISSED FROM THE SERVICE**, with forfeiture of all retirement benefits due them, except accrued leave credits, and **WITH PREJUDICE** to re-employment in any branch, agency or instrumentality of the government, including government-owned or controlled corporations.

**SO ORDERED.**


  
**MARIA LOURDES P. A. SERENO**  
Chief Justice

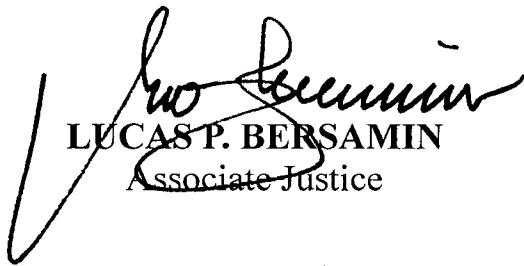
  
**ANTONIO T. CARPIO**  
Associate Justice

  
**PRESBITERO J. VELASCO, JR.**  
Associate Justice

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


On leave  
**ARTURO D. BRION**  
Associate Justice

  
**DIOSDADO M. PERALTA**  
Associate Justice

  
**LUCAS P. BERSAMIN**  
Associate Justice


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4. Being Notoriously Undesirable;
  5. Conviction of a crime involving moral turpitude;
  6. Falsification of official document;
  7. Physical or mental incapacity or disability due to immoral or vicious habits[.] . . .

<sup>38</sup> *Office of the Court Administrator v. Bernardino, et al.*, 490 Phil. 500, 532 (2005) [Per Curiam, En Banc].





**MARIANO C. DEL CASTILLO**  
Associate Justice




**MARTIN S. VILLARAMA, JR.**  
Associate Justice




**JOSE PORTUGAL BEREZ**  
Associate Justice



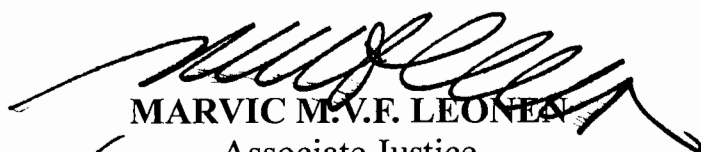
**JOSE CATRAL MENDOZA**  
Associate Justice



**BIENVENIDO L. REYES**  
Associate Justice



**ESTELA M. PERLAS-BERNABE**  
Associate Justice



**MARVIC M.V.F. LEONEN**  
Associate Justice

On official leave  
**FRANCIS H. JARDELEZA**  
Associate Justice

