



Republic of the Philippines
Supreme Court
Manila

EN BANC

EXECUTIVE JUDGE HENEDINO P. EDUARTE, Regional Trial Court,
Branch 20, Cauayan, Isabela,
Complainant,

A.M. No. P-12-3100

Present:

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

- versus -

ELIZABETH T. IBAY, Clerk II,
Municipal Trial Court in Cities,
Cauayan, Isabela,¹

Respondent.

Promulgated:

NOVEMBER 12, 2013

X-----X

DECISION

PER CURIAM:

For our resolution is this administrative case, which arose from the complaint of Geraldine V. De Ocampo (De Ocampo), Court Interpreter of the Municipal Trial Court, Cordon, Isabela (MTC-Cordon).

In her complaint-inquiry, De Ocampo alleged that she did not receive her check for ₱3,000.00 representing her clothing allowance. Upon

¹ Formerly Municipal Trial Court, Cauayan, Isabela. *Rollo*, p. 94.

verification, the Office of the Court Administrator (OCA) found that her check, specifically Land Bank Check No. 890956, was mailed to the now Municipal Trial Court in Cities, Cauayan, Isabela (MTCC-Cauayan), on 2 September 1999, under Registry Receipt No. 864.

In his letter dated 1 October 1999, Fortunato C. Villanueva (Villanueva), Clerk of Court of the MTCC-Cauayan, denied receiving De Ocampo's check. Thus, the OCA requested the Land Bank of the Philippines (LBP) to stop the payment of the check. LBP, however, reported that the check had already been negotiated and deposited with United Coconut Planters Bank, Cauayan Branch (UCPB-Cauayan), on 9 September 1999. Significantly, the OCA observed that the signature of De Ocampo appearing in her complaint-inquiry is very different from her alleged endorsement at the dorsal portion of the check.

Accordingly, the OCA, through then Court Administrator Alfredo L. Benipayo, directed Executive Judge Henedino P. Eduarte (Judge Eduarte), Regional Trial Court, Cauayan, Isabela, to investigate the matter.

In his Report dated 6 March 2000, Judge Eduarte stated that he investigated the following persons: (1) De Ocampo; (2) Villanueva; (3) Elizabeth T. Ibay (Ibay), Clerk II, MTCC-Cauayan; (4) Anselma Meris (Meris), Stenographer, MTCC-Cauayan; (5) Juan R. Bigornia, Jr., employee of UCPB-Cauayan; (6) Catherine Semana (Semana), an owner of a store inside a commercial complex in Cauayan, Isabela; and (7) Gaudioso Talavera.

The investigation conducted by Judge Eduarte established the following facts:

Ibay, as the receiver of mails addressed to MTCC-Cauayan, took the envelope containing the checks for clothing allowance from the post office of Cauayan, Isabela. Ibay alleged that upon her arrival in the stenographers' room in MTCC-Cauayan, she gave the unopened envelope to Meris who allegedly opened the envelope by tearing its side. Seven checks were found inside the envelope. These checks were for Villanueva, Ibay, Meris, Judge Sergio Plan, Melchor Meris, Aida Magpantay (Magpantay), and Marivic Villanueva (Marivic). After getting her check, Ibay left the other checks with Meris.

Meris confirmed that Ibay took the envelope from the post office of Cauayan, Isabela. Meris narrated that she and Marivic were typing inside the stenographers' room when Ibay arrived. While holding the envelope, Ibay announced, "*Oh, dumating na ang clothing allowance.*" Ibay, then, gave the envelope and the paycheck to Meris. Meris observed that the envelope was already opened but she did not see Ibay open the envelope.

After comparing Ibay's handwriting in a five-page Inventory of Cases, wholly written by her, with the endorsement on the check, the following were found to have striking similarities, to wit:

- (1) The letter "G" in Geraldine to the letter "G" in "Goderei Gasmen," page 2, Inventory; "Godofredo Garcia," page 4, Inventory; "Grave Oral Def.," "Grave Threat," page 5, Inventory;
- (2) Letter "d" in Geraldine and de Ocampo to the letter "d" in "do," pages 1, 2, 4, Inventory; in "Rolando," page 2, Inventory; in "Flordeliza," page 5, Inventory;
- (3) "O" in Ocampo to the "O" in "Grave oral Def.," page 5, Inventory;
- (4) "G" in Geraldine written in script to the "G" in "Galindo," page 4, Inventory;
- (5) "T" in Turayong to the "T" in "Trespass," "Theft," page 1, Inventory; "Tecson," "Truyen," page 5, Inventory;
- (6) "C" in Cauayan to the "C" in "Christine," page 2, Inventory; "Campos," page 4, Inventory;
- (7) "S" in Isa to the "S" in "Sia," "Santiago," and "Sebastian," page 1, Inventory.²

Semana admitted that she is in the business of changing government checks with cash at a discount, and that she discounts Ibay's paychecks. However, Semana claimed that she could not remember De Ocampo's check.

Finally, De Ocampo's check was deposited with UCPB-Cauayan, and cleared by LBP.

In its 1st Indorsement dated 5 September 2001, the OCA required Ibay to comment on the report of Judge Eduarte.

In her letter-comment dated 28 September 2001, Ibay admitted that she took the envelope containing the checks, even though she does not receive the mails to their office all the time. Ibay further admitted that in the inventory, there were similarities between her handwriting and the indorsement in the check.³ However, she added that anyone could imitate her handwriting and that it would be unfair if only her specimen signature would be taken into consideration.⁴ Ibay also claimed that she would usually ask Magpantay to accompany her whenever she needed to encash her check since she is a resident of San Pablo, Isabela and unfamiliar with Cauayan, Isabela. Finally, Ibay vehemently denied the allegations of Meris and Semana.

² Id. at 11-12.

³ Id. at 16.

⁴ Id.

In its Resolution dated 14 August 2002,⁵ the Court, upon recommendation of the OCA, referred this case to the National Bureau of Investigation (NBI) for further investigation and examination of the questioned document by handwriting experts to determine who committed the forgery. The Court likewise directed the NBI to submit a report within 30 days from receipt of the records of this case.

In its Resolution dated 13 April 2011, the Court noted, among others, that: (a) the NBI, despite receipt of the records on 23 September 2002 by Efren B. Flores of the Questioned Documents Division, failed to submit the required report; (b) in his letter-compliance dated 31 August 2010, NBI Director Magtanggol B. Gatdula (Director Gatdula) informed the Court that they could not proceed with the desired examination due to the absence of the original copy of the check; (c) per records, Atty. Virginia A. Soriano (Soriano), then First Division Clerk of Court, already transmitted the original copy of the check with other documents to the NBI, as evidenced by the stamped “received” by the NBI Questioned Documents Division indicating the date “1/14/03”; (d) further verification with the OCA’s Financial Management Office revealed that the check was no longer in its custody; (e) although the result of the laboratory examination of the original copy of the check would significantly help in determining the person who may have forged the signature of De Ocampo, under the present circumstances such laboratory examination may no longer be possible due to the apparent loss of the check in question; and (f) nevertheless, any administrative liability of Ibay in this case may still be determined on the basis of Judge Eduarte’s report and Ibay’s comment thereon, as well as the other documents on hand.

Accordingly, the Court, upon recommendation of the OCA, resolved on 13 April 2011 to dispense with the NBI Investigation Report as required in the 14 August 2002 Resolution and reiterated in two subsequent resolutions dated 20 June 2005 and 21 July 2010. The Court also required Director Gatdula to cause the return of the records of this case and the 14 January 2003 transmittal of Soriano including the original copy of the check.

In a separate Resolution also dated 13 April 2011, the Court granted the OCA a period of 30 days from receipt of the records from the NBI to submit its report and recommendation.

In his letter-compliance dated 6 June 2011, Director Gatdula informed the Court that the original copy of the check was found. He suggested that seven or more sample signatures of De Ocampo appearing in public/official documents executed on dates contemporaneous with the date of the check be submitted to the NBI for comparative examination.

⁵ Id. at 25.

In its Resolution dated 27 June 2011, the Court noted Director Gatdula's letter, and directed him to fully comply with the 13 April 2011 Resolution. Accordingly, Director Gatdula returned the records of this case to the Court.

In its Memorandum dated 28 August 2012, the OCA found that the circumstances prior to the discovery of the loss of De Ocampo's check, together with the findings of Judge Eduarte, point to Ibay as the one fully responsible for the check's loss. Thus, the OCA recommended that:

- (1) this case be TREATED as a regular administrative matter;
- (2) respondent Elizabeth T. Ibay, Clerk II, Municipal Trial Court in Cities, Cauayan City, Isabela, be ADJUDGED GUILTY of dishonesty and be DISMISSED from the service with forfeiture of all retirement benefits, except accrued leave credits, and disqualification from reinstatement or appointment to any public office, including government-owned and controlled corporations; and
- (3) Ms. Ibay be REQUIRED to pay Ms. Geraldine V. De Ocampo, Court Interpreter, Municipal Trial Court, Cordon, Isabela, the amount of Three Thousand Pesos (Php3,000.00) within fifteen (15) days from notice, with legal interest from September 1999 until the same shall have been fully paid.⁶

The recommendations of the OCA are well-taken.

In administrative proceedings, the quantum of proof necessary for a finding of guilt is substantial evidence or such relevant evidence as a reasonable mind may accept as adequate to support a conclusion.⁷ Well-entrenched is the rule that substantial evidence, and not clear and convincing evidence or proof beyond reasonable doubt, is sufficient as basis for the imposition of any disciplinary action upon the erring employee.⁸ The standard of substantial evidence is satisfied where the employer, in this case the Court, has reasonable ground to believe that the employee is responsible for the misconduct and his participation therein renders him unworthy of the trust and confidence demanded by his position.⁹

While there is no direct evidence to suggest that Ibay actually took the check, forged De Ocampo's signature and encashed the check, the surrounding circumstances point towards her administrative liability. The circumstances, as pointed out by the OCA, consist of the following:

⁶ Id. at 103.

⁷ Rules of Court, Rule 133, Section 5.

⁸ *Re: (1) Lost Checks Issued to the Late Melliza, Former Clerk II, MCTC, Zaragga, Iloilo; and (2) Dropping from the Rolls of Andres*, 537 Phil. 634 (2006).

⁹ Id., citing *Reyno v. Manila Electric Co.*, 478 Phil. 830 (2004).

First, per verification from the records of the Financial Management Office, OCA, the check in question in the name of x x x De Ocampo x x x was inadvertently mailed to the [MTCC-Cauayan], together with the checks intended for the Judge and personnel of the latter court, on September 2, 1999 under Registry Receipt No. 864. *Second*, while Mr. Villanueva, the Clerk of Court of the latter court, denied having received the check in question, based on the investigation of former Executive Judge Eduarte, it was respondent Ibay who took the envelope containing the check in question from the Post Office of Cauayan, Isabela, which she confirmed in her letter-comment dated September 28, 2001. *Third*, instead of handing over the said envelope to Mr. Villanueva, who is her immediate supervisor, respondent Ibay gave the same to Court Stenographer Meris, who insisted that the envelope was already open when respondent Ibay presented it to her. *Fourth*, the check in question was deposited with UCPB, Cauayan, Isabela Branch on September 9, 1999, or shortly after it was mailed to and received by the [MTCC-Cauayan] through respondent Ibay. *Fifth*, Ms. Semana, who owns a store inside a commercial complex in Cauayan, Isabela and who is into the business of rediscounting government checks, claimed that respondent Ibay “had been discounting her paychecks.” *Finally*, as established by former Executive Judge Eduarte, there are “striking similarities” between the handwriting of respondent Ibay in the five-page Inventory of Cases of the [MTCC-Cauayan] and the handwritten name and signature of x x x De Ocampo, as well as the handwritten words “Turayong Cauayan, Isa.” appearing at the dorsal portion of the check in question.¹⁰

Ibay admitted that she took the envelope from the post office and she gave the envelope containing only seven checks, without De Ocampo’s check, to Meris. Ibay did not explain the whereabouts of De Ocampo’s check, which the OCA found to have been inadvertently included in the envelope Ibay received from the post office. Ibay merely denied the charges against her. It is settled that denial is inherently a weak defense. To be believed, it must be buttressed by a strong evidence of non-culpability; otherwise, such denial is purely self-serving and without evidentiary value.¹¹

In the absence of substantial defense to refute the charges against her, we hold Ibay liable for the loss of the check and the forgery of De Ocampo’s signature, leading to the check’s encashment. The case against Ibay is bolstered by the fact that Judge Eduarte found striking similarities between her handwriting in the inventory of cases and the forged endorsement in the check. Ibay even confirmed the same in her comment, where she admitted that her handwriting in the inventory bears similarities to that of the endorser of the check.

In fine, we find that there is substantial evidence to support Ibay’s dismissal on the ground of dishonesty. In *Filoteo v. Calago*,¹² we held that

¹⁰ *Rollo*, pp. 99-100.

¹¹ *Re: (1) Lost Checks Issued to the Late Melliza, Former Clerk II, MCTC, Zaragga, Iloilo; and (2) Dropping from the Rolls of Andres*, supra note 8, citing *Jugueta v. Estacio*, 486 Phil. 206 (2004).

¹² 562 Phil. 474 (2007), citing *Judge Layosa v. Salamanca*, 455 Phil. 28 (2003) and *Court Administrator v. Seville*, 336 Phil. 931 (1997).

stealing a check and encashing it is considered gross dishonesty. We defined dishonesty as the disposition to lie, cheat, deceive or defraud; untrustworthiness; lack of integrity; lack of honesty, probity or integrity in principle; and lack of fairness and straightforwardness.¹³

Section 52(A) (1) of the Revised Uniform Rules on Administrative Cases in the Civil Service provides that dishonesty is a grave offense punishable by dismissal from the service even when committed for the first time. In *Office of the Court Administrator v. Ibay*,¹⁴ we found Ibay guilty of dishonesty for stealing and encashing a check of Magpantay. We suspended her for seven months without benefits, considering that she admitted the offense and she was not administratively charged in the past. Since this is no longer Ibay's first offense and we already warned her before that a similar act would warrant a more severe penalty, we now find it imperative to impose upon her the extreme penalty of dismissal from the service.

Time and again, we held that persons involved in the dispensation of justice, from the highest official to the lowest clerk, must live up to the strictest standards of integrity, probity, uprightness, honesty and diligence in the public service.¹⁵ This Court will not tolerate dishonesty, for the judiciary deserves the best from all its employees.¹⁶

WHEREFORE, the Court finds respondent Elizabeth T. Ibay, Clerk II, Municipal Trial Court in Cities, Cauayan, Isabela, **GUILTY** of dishonesty. She is **DISMISSED** from the service with forfeiture of all retirement benefits, except accrued leave credits, with prejudice to reemployment in any branch or instrumentality of the government, including government-owned and controlled corporations. She is further directed to pay Geraldine V. De Ocampo the amount of Three Thousand (₱3,000.00) Pesos representing the face value of one (1) check she encashed plus 6% interest from September 1999 until the finality of this Decision.

SO ORDERED.



MARIA LOURDES P. A. SERENO
Chief Justice

¹³ Id., citing *Re: Administrative Case for Dishonesty Against Elizabeth Ting*, 502 Phil. 264 (2005).

¹⁴ 441 Phil. 474 (2002).

¹⁵ *Civil Service Commission v. Perocho, Jr.*, 555 Phil. 156 (2007), citing *Office of the Court Administrator v. Capalan*, 513 Phil. 125 (2005).

¹⁶ Id., citing *Judge Salvador v. Serrano*, 516 Phil. 412 (2006).



ANTONIO T. CARPIO
Associate Justice

No part due to prior action in OCA

PRESBITERO J. VELASCO, JR.
Associate Justice

Terresita Leonardo de Castro
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

Unvoted
ROBERTO A. ABAD
Associate Justice

MARTIN S. VILLARAMA, JR.
Associate Justice

*No part. Acted as
Dec on matters*

JOSE PORTUGAL PÉREZ
Associate Justice

JOSE CATRAL MENDOZA
Associate Justice

BIENVENIDO L. REYES
Associate Justice

M. Bernabe
ESTELA M. PERLAS-BERNABE
Associate Justice

MARVIC MARIO VICTOR F. LEONEN
Associate Justice