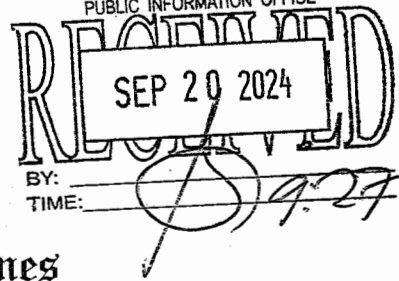




SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE



Republic of the Philippines
Supreme Court
Manila

EN BANC

JUDGE TOMAS D. LASAM,
Complainant,

A.M. No. P-15-3342
(Formerly OCA IPI No. 09-3074-P)

- versus -

Present:

RONALD L. MAMAUAG,
Clerk of Court II, Municipal
Trial Court, Rizal, Cagayan,
Respondent.

GESMUNDO, C.J.,
LEONEN,
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ, M.,
GAERLAN,
ROSARIO,
LOPEZ, J.,
DIMAAMPAO,
MARQUEZ,*
KHO, JR., and
SINGH, JJ.

Promulgated:

July 30, 2024

X-----X

DECISION

* No Part

PER CURIAM:

Before the Court is an administrative case filed against respondent Ronald L. Mamauag (Mamauag), Clerk of Court II of the Municipal Trial Court of Rizal, Cagayan (MTC) charging him with serious dishonesty and falsification of official documents.

The Facts

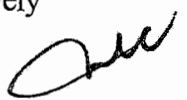
This administrative case stemmed from Mamauag's failure to submit his daily time records (DTRs) for the months of February to October 2008, which resulted to his salaries and other benefits for the said months being withheld. To remedy the situation, Mamauag submitted to the Office of the Court Administrator (OCA) his DTRs for the months of February to October 2008, albeit without the required certification by complainant Judge Tomas D. Lasam (Judge Lasam), then Presiding Judge of the MTC. Subsequently, in a 1st Indorsement dated November 11, 2008, then Deputy Court Administrator Reuben P. Dela Cruz (DCA Dela Cruz) referred the said DTRs to Judge Lasam for signature.¹

In a letter² dated December 11, 2008, Judge Lasam informed DCA Dela Cruz that he will not certify the DTRs based on the following observations:

1. Several entries in the log book on "time in" and "time out" do not tally with the entries in the subject Daily Time Records. Particular entries on February 5, 6, 13, 15, 19, 20, 22, 26, 27 and 28, 2008; March 3, 4, 5, 6, 10, 11, 12, 13, 17, 18, 19, 24, 25 and 26, 2008; April 1, 3, 9, 10, 15, 16, 21, 22, 25 and 29, 2008; May 5, 6, 8, 12, 13, 16, 19, 22, 23, 27, 28 and 29, 2008 show the apparent discrepancy.
2. There are entries in the log book which are not reflected in the Daily Time Records and vice-versa. Reference is made on March 31, 2008; May 9, 2008; June 3, 2008; July 9, 15 and 16, 2008; and September 5, 2008.
3. In his Daily Time Record for July 2, 2008, he indicated that it was a holiday but in the log book, he reported for work.
-
4. The entries in the log book for the months of February 2008 to October 2008 do not appear to have been filled up in the handwriting and signature of Ronald Mamauag. The initials "RLM" is not the initial or the usual signature of said Ronald Mamauag. A random sampling of the handwriting, initial and signature as appearing in the entries in the log book on March 1, 2, 3, 6, 7, 8, 9, 10 and 11, 2006 . . . clearly shows that the handwriting, initials and signature in the log book entries are entirely

¹ *Rollo*, p. 303.

² *Id.* at 2-3.



different from the handwriting, initial and signature as appearing in the log book entries from February 2008 to October 2008.

Further examination of the handwriting of Ronald Mamauag in the official documents on file in your office would show that entries in the attached copies of the log book are not of Ronald Mamauag's handwriting or signature. There is therefore a very strong probability that somebody other than Ronald Mamauag filled up the log book.³

The OCA then treated Judge Lasam's letter as a complaint and ordered Mamauag to file his Comment.⁴

In his Comment,⁵ Mamauag denied the allegations and explained that it was never his intention to falsify the logbook, which became the subject of the present matter. He claimed that he honestly believed that as Clerk of Court, he should only submit a Certificate of Service instead of a DTR under the 2002 Revised Manual for Clerks of Court. He asserted that he has been punctual in attending to his duties as Clerk of Court and was even recognized in Resolution No. 53⁶ of the Sangguniang Bayan of the Municipality of Rizal, Province of Cagayan entitled *A Resolution Attesting the Punctuality of Mr. Ronald L. Mamauag as a Public Servant Who Is Presently the Municipal Clerk of Court in the Municipality of Rizal, Province of Cagayan* passed by the Sangguniang Members of Rizal, Cagayan.⁷ He averred that he used to have many strokes in writing and inadvertently deviated from his usual or customary handwriting that was on file.⁸ Mamauag asked the OCA for mercy and compassion, to look upon the situation as purely human miscalculation, and promised not to repeat the same mistake again.⁹ In support of his claims, he submitted a copy of Resolution No. 53, and affidavits of Marygrace Guzman, Municipal Assessor of Rizal, Cagayan, and Margarita Datul, an employee of the Municipality of Rizal attesting to the honesty and competence of Mamauag.¹⁰

Judge Lasam submitted a Reply¹¹ stating that Mamauag failed to refute the specific charges and that the latter's irregularities, if admitted as purely human miscalculation, would set a dangerous precedent in disposing cases against an erring judicial employee as such defense would easily enable an employee to escape the serious effects of their wrongdoing.¹²

³ *Id.*

⁴ *Id.* at 86. 1st Indorsement dated February 27, 2009.

⁵ *Id.* at 90-97.

⁶ *Id.* at 98-99.

⁷ *Id.* at 91-92.

⁸ *Id.* at 96.

⁹ *Id.* at 95.

¹⁰ *Id.* at 100-103.

¹¹ *Id.* at 118-119.

¹² *Id.* at 119.

In a Resolution¹³ dated August 12, 2009, the Court resolved to refer the administrative case to the Executive Judge of the Regional Trial Court of Tuao, Cagayan for investigation, report, and recommendation.¹⁴ The case records were then forwarded to Judge Rolando R. Velasco (Judge Velasco), who proceeded with the investigation. In a letter¹⁵ dated April 4, 2011, Judge Velasco informed the Court that he retired from the service and requested that the investigation be transferred to the Honorable Judge Edmar P. Castillo, Sr. Thus, in a Resolution¹⁶ dated October 12, 2011, the Court resolved to direct Judge Edmar P. Castillo, Sr. (the Investigating Judge), to continue with the investigation of the instant administrative matter and to submit his report and recommendation within 60 days.

During the investigation, the MTC's Interpreter Jesus Mamba (Mamba) and Court Stenographer Priscilla Mangiduyos corroborated Judge Lasam. They both testified that they are familiar with Mamauag's handwriting and signature as the latter was the signatory of their DTRs. They attested that upon scrutiny of the logbook, the entries for February to October 2008 were not made under the usual signature and penmanship of Mamauag. In particular, Mamba stated that it was his first time to see the time in and time out of Mamauag written as "RL Mamauag" and initialed with "RLM," which appeared during the questioned period.¹⁷ He added that for the questioned period, he did not see Mamauag make any entry in the logbook.¹⁸

The Investigating Judge's Recommendation

In his Investigation Report/Recommendation¹⁹ dated August 27, 2014, the Investigating Judge recommended that Mamauag be found guilty of dishonesty and, consequently, be meted with the penalty of dismissal from the service. The Investigating Judge found that it was very apparent, even to the naked eye, that the 177 entries made in Mamauag's log from March 1, 2006 to August 23, 2006 and March 1, 2007 to June 3, 2007, as well as the 226 entries Mamauag made during the period of December 1, 2008 to November 19, 2009, when juxtaposed with his signatures and initials in Exhibit B and Exhibits E to E-10,²⁰ were written in his genuine signatures and initials. The Investigating Judge explained that these genuine signatures and initials are unquestionably different from the penmanship, signatures, and initials purportedly made by Mamauag in the logbook during the period of February 2008 to November 2008. The Investigating Judge concluded that, without a doubt, the entries in the logbook anent the attendance of Mamauag in office

¹³ *Id.* at 123–124.

¹⁴ *Id.* at 123.

¹⁵ *Id.* at 256.

¹⁶ *Id.* at 263.

¹⁷ *Id.* at 310.

¹⁸ *Id.* at 268.

¹⁹ *Id.* at 266–272. Penned by Investigating Judge Edmar P. Castillo, Sr.

²⁰ *Id.* at 150–161.



during the period of February 2008 to November 2008 were written and entered by a different person other than Mamauag.²¹

In a Resolution²² dated July 15, 2015, the Court: (1) noted the Investigation Report/Recommendation dated August 27, 2014 of the Investigating Judge; (2) re-docketed the instant administrative complaint as a regular administrative matter against Mamauag; and (3) required the parties to manifest if they are willing to submit the administrative matter for decision/resolution on the basis of the records/pleadings filed, within ten 10 days from notice hereof.²³

On January 14, 2016, Judge Lasam manifested his willingness to submit the administrative matter for decision/resolution based on the records/pleadings filed.²⁴ In a letter²⁵ dated May 24, 2022, the Court Administrator informed the Judicial Integrity Board (JIB) that to date, Mamauag has not filed any compliance with the Court's Resolution dated July 15, 2015. Thus, the JIB, in its Report²⁶ dated July 6, 2022, recommended to the Court to allow JIB to proceed with the case and accomplish its report based on the records of the case, which the Court, in a Resolution²⁷ dated December 7, 2022, approved.

The JIB Office of the Executive Director's Recommendation

In a Report and Recommendation²⁸ dated February 20, 2023, the JIB-Office of the Executive Director (OED) recommended that Mamauag be found guilty of serious dishonesty and falsification of public documents and, consequently, be dismissed from service with forfeiture of all benefits, excluding accrued leave credits, and disqualification from reinstatement or appointment to any public office, including government-owned or -controlled corporations.²⁹

Mainly echoing the findings of the Investigating Judge, the JIB-OED found that Mamauag was not the one who accomplished the logbook for the period of February to November 2008, which suggests that he was never around the office during the questioned period. It explained that Mamauag's genuine signatures as shown in his DTRs and the entries in the logbook before and after the questioned period are totally different from the entries in the period in issue.³⁰

²¹ *Id.* at 271.

²² *Id.* at 278.

²³ *Id.*

²⁴ *Id.* at 281.

²⁵ *Id.* at 285.

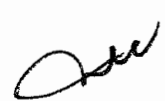
²⁶ *Id.* at 286–289.

²⁷ *Id.* at 292–293.

²⁸ *Id.* at 294–302.

²⁹ *Id.* at 301–302.

³⁰ *Id.* at 297–300.



The JIB Proper's Recommendation

In a Report³¹ dated April 3, 2023, the JIB Proper agreed with the JIB-OED's findings and recommendation. Finding substantial evidence to hold Mamauag administratively liable for dishonesty and falsification of official document, the JIB Proper explained that a plain perusal of the records would reveal that the signatures and handwritings of Mamauag in his submitted DTRs for February to October 2008 are not the same as appearing in the logbook. With this, the JIB Proper rejected Mamauag's defense that it was only a simple human miscalculation and that he inadvertently deviated from his usual or customary handwriting, which it found to be flimsy.³²

The Issue Before the Court

The issue for the Court's resolution is whether Mamauag should be held administratively liable for the acts complained of.

The Court's Ruling

The Court adopts the findings and recommendation of the JIB Proper, which essentially upholds the findings of the JIB-OED and the Investigating Judge.

At the outset, it is important to note that on February 22, 2022, the Court *En Banc* unanimously approved A.M. No. 21-08-09-SC, entitled Further Amendments to Rule 140 of the Rules of Court, which was published on April 3, 2022. Hence, Rule 140, as further amended (the Rules), is already effective. In this relation, Section 24 of the Rules explicitly provides that it will apply to all pending and future administrative disciplinary cases involving Members, officials, employees, and personnel of the Judiciary, to wit:

SECTION 24. *Retroactive Effect.* — All the foregoing provisions shall be applied to all pending and future administrative cases involving the discipline of Members, officials, employees, and personnel of the Judiciary, without prejudice to the internal rules of the Committee on Ethics and Ethical Standards of the Supreme Court insofar as complaints against Members of the Supreme Court are concerned.

In view of the foregoing, the Court shall resolve this case under the framework of the Rules.

³¹ *Id.* at 303–314. Submitted by Chairperson Justice Romeo J. Callejo, Sr. (Ret.) and concurred in by Vice-Chairperson Justice Angelina Sandoval-Gutierrez (Ret.), First Regular Member Justice Sesinando E. Villon (Ret.), Second Regular Member Justice Rodolfo A. Ponferrada (Ret.), and Third Regular Member Justice Cielito N. Mindaro-Grulla (Ret.).

³² *Id.* at 311.



The Court's own annotations to the Rules state that "[d]ishonesty has been defined as the concealment or distortion of truth, which shows lack of integrity or a disposition to defraud, cheat, deceive, or betray and an intent to violate the truth."³³ "To be punishable by dismissal, the dishonesty must be serious as determined by the Court under the circumstances of the case."³⁴ In *Re: Alleged Dishonesty and Grave Misconduct Committed by Bulaong*,³⁵ the Court *En Banc* reiterated:

Jurisprudence has defined dishonesty as "intentionally making a false statement in any material fact, or practicing or attempting to practice any deception or fraud in securing his examination, registration, appointment or promotion." It implies a "disposition to lie, cheat, deceive, or defraud; unworthiness; lack of integrity; lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray."

Hence, "like bad faith, [dishonesty] is not simply bad judgment or negligence... [it] is a question of intention. In ascertaining the intention of a person accused of dishonesty, consideration must be taken not only of the facts and circumstances which gave rise to the act committed by the respondent, but also of his state of mind at the time the offense was committed, the time he might have had at his disposal for the purpose of meditating on the consequences of his act, and the degree of reasoning he could have had at that moment." In other words, dishonesty is a willful and voluntary act which cannot be justified under the guise of negligence or ignorance.³⁶

Here, Mamauag is accused of falsifying the entries in the logbook relative to his attendance for the period of February to October 2008. To recall, Judge Lasam refused to certify Mamauag's DTRs for the questioned period because of the discrepancies in the details indicated in the logbook as against the submitted DTRs. In addition, the entries in the logbook supporting the DTRs for the questioned period appear to be not written by Mamauag. In his defense, Mamauag claimed that he used many strokes in writing and thus inadvertently deviated from his customary handwriting on file.

The Investigating Judge, the JIB-OED, and the JIB Proper uniformly found that the entries in the logbook in the questioned period were not written by Mamauag. The Court agrees.

A perusal of the records easily confirms that the entries in the logbook before and after the questioned period and Mamauag's signatures in his DTRs for the questioned period (Exhibits E to E-10) were evidently written in his usual penmanship, signatures, and initials. On the other hand, Mamauag's

³³ A.M. No. 21-08-09-SC (2022), sec. 14(c), *Re: Further Amendments to Rule 140 of the Rules of Court* (Annotated Version).

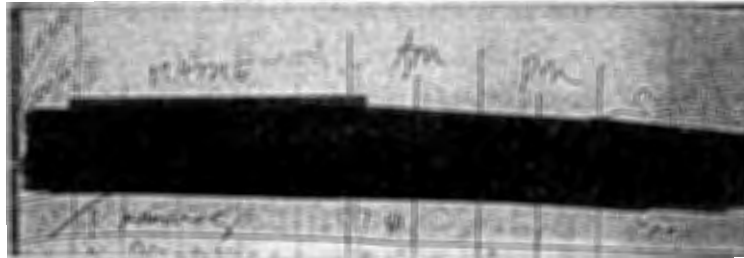
³⁴ *Id.*

³⁵ 900 Phil. 372 (2021) [*Per Curiam, En Banc*].

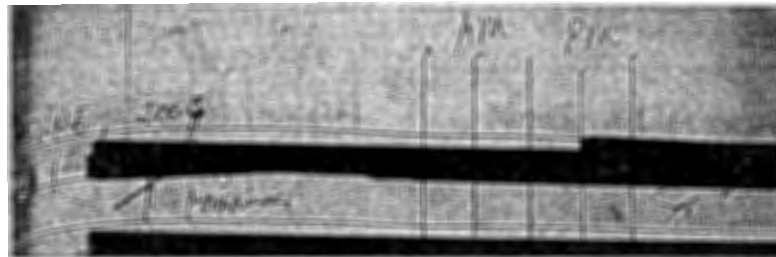
³⁶ *Id.* at 374-375.

names and signatures appearing on the questioned period were clearly differently written. For comparison, some of the entries in the logbook are reproduced below:

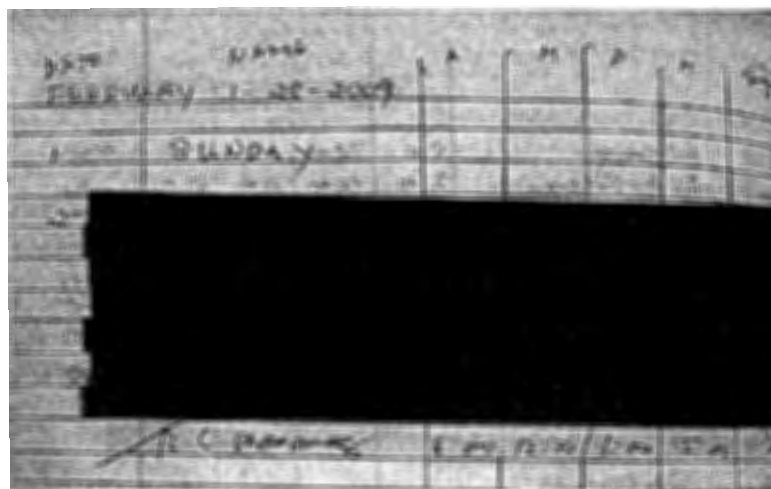
August 1, 2006



June 1, 2007



February 2, 2009



The three entries in logbook as shown above are in his usual handwriting and signature. While in his DTRs for the months of February,³⁷ March,³⁸ and April 2008,³⁹ he has these as his signatures:

³⁷ *Id.* at 152.

³⁸ *Id.* at 153.

³⁹ *Id.* at 154.

A handwritten signature in cursive script, located in the bottom right corner of the page.

TOTAL _____

I CERTIFY on my honor that the above is a true and correct report of the hours of work performed, record of which was made daily at the time of arrival at and departure from office.

[Signature]

Verified as to the prescribed office hours.

Exh E-1

TOTAL _____

I CERTIFY on my honor that the above is a true and correct report of the hours of work performed, record of which was made daily at the time of arrival at and departure from office.

[Signature] 2

Verified as to the prescribed office hours.

31 TOTAL _____

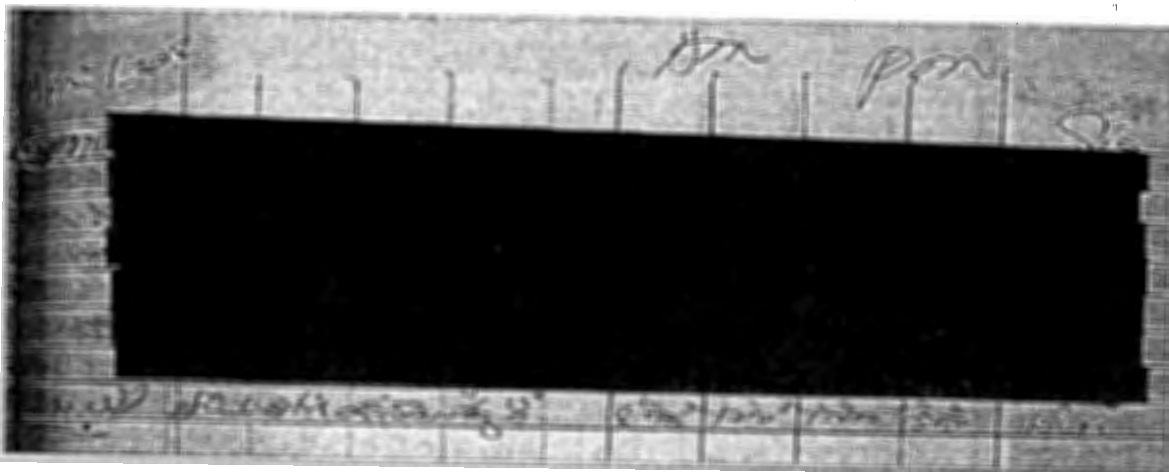
I CERTIFY on my honor that the above is a true and correct report of the hours of work performed, record of which was made daily at the time of arrival at and departure from office.

[Signature] 3

Verified as to the prescribed office hours.

While some of Mamauag's entries for the questioned period are below:

April 11, 2008



June 2, 2008



[Signature]

falsified the logbook and, consequently, his DTRs for nine months (February to October 2008). His acts cannot and must not be tolerated.

It is well to remind Mamauag that dishonesty is a malevolent act that has no place in the judiciary. The Court has emphasized that every employee of the judiciary should be an example of integrity, uprightness, and honesty, thus:

Public service requires utmost integrity and strictest discipline. A public servant must exhibit at all times the highest sense of honesty and integrity. The administration of justice is a sacred task. By the very nature of their duties and responsibilities, all those involved in it must faithfully adhere to, hold inviolate, and invigorate the principle solemnly enshrined in the 1987 Constitution that a public office is a public trust; and all public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency. The conduct and behavior of everyone connected with an office charged with the dispensation of justice, from the presiding judge to the lowliest clerk, should be circumscribed with the heavy burden of responsibility. Their conduct, at all times, must not only be characterized by propriety and decorum but, above all else, must be above suspicion. Indeed, every employee of the judiciary should be an example of integrity, uprightness and honesty.⁴¹

As Mamauag's acts of dishonesty and falsification been duly proven by substantial evidence, the Court now moves to the penalty to be imposed on him.

Section 14 of the Rules classifies both serious dishonesty and falsification of official of documents as serious charges, which under Section 17 of the same Rules, are punishable by any of the following: (a) dismissal from service, forfeiture of all or part of the benefits as the Supreme Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or -controlled corporations; (b) suspension from office without salary and other benefits for more than six months but not exceeding one year; or (c) a fine of more than PHP 100,000.00 but not exceeding PHP 200,000.00. Furthermore, Section 21 of the same Rules pertinently provides that "if a single act/omission constitutes more than one (1) offense, the respondent shall still be found liable for all such offenses, but shall, nonetheless, only be meted with the appropriate penalty for the most serious offense." While Section 19 of the Rules provides that in determining the appropriate penalty, the Court may, in its discretion, appreciate the following circumstances as mitigating: (a) first offense; (b) length of service of at least 10 years with no previous disciplinary record where respondent was meted with an administrative penalty; (c) exemplary performance; (d) humanitarian considerations; and (e) other analogous circumstances.

⁴¹ *Re: Alleged Violation by Mr. Efren Ascrate of Civil Service Rules on Absenteeism and Tardiness*, 484 Phil. 426, 435 (2004) [*Per Curiam, En Banc*].



Notably, in *Re: Alleged Violation by Mr. Efren Ascrate of Civil Service Rules on Absenteeism and Tardiness*,⁴² the Court *En Banc* dismissed Efren Ascrate (Ascrate) when he wrote in the logbook an earlier time of arrival, when in truth, he arrived an hour and five minutes later, and made it appear that he was present on a certain day, when he was not, to cover up his tardiness and absence, respectively. The Court *En Banc* noted that Ascrate committed two acts of falsification of a DTR, which, in this case, happens to be a logbook. The Court therein held that each act constitutes gross dishonesty or serious misconduct.

In *Office of the Court Administrator v. Almanoché*,⁴³ the Court *En Banc* exercised its discretion not to mitigate the penalty of dismissal imposed on Nemia Alma Y. Almanoché for serious dishonesty even in the presence of three mitigating circumstances (service in the judiciary for more than 20 years; the fact that she was a first-time offender; and that she did not receive the money she asked) “since personnel in the judiciary must adhere to high ethical standards to preserve the courts’ good name and standing, and any conduct, act or omission on the part of those who would violate the norm of public accountability and diminish or even just tend to diminish the faith of the people in the judiciary cannot be countenanced.”⁴⁴

Here, this is Mamauag’s first offense which may, in the sole discretion of the Court, mitigate the imposed penalty. However, considering that Mamauag repeatedly had someone write his attendance in the logbook for nine months and some of his entries in his submitted DTRs did not match that from the logbook, the magnitude of these repeated acts of dishonesty has no place in the judiciary. Thus, the Court finds it appropriate, as recommended by the JIB, to impose the penalty of dismissal from service, with forfeiture of benefits excluding the accrued leave credits, disqualification from reinstatement or appointment to any public office, including government-owned or -controlled corporations.

ACCORDINGLY, respondent Ronald L. Mamauag, Clerk of Court II of the Municipal Trial Court of Rizal, Cagayan, is found **GUILTY** of serious dishonesty and falsification of public documents. He is hereby **DISMISSED** from the service, with **FORFEITURE** of all the retirement and other benefits due him, except accrued leave credits, and **DISQUALIFICATION** from reinstatement or appointment to any public office, including government-owned or -controlled corporations.

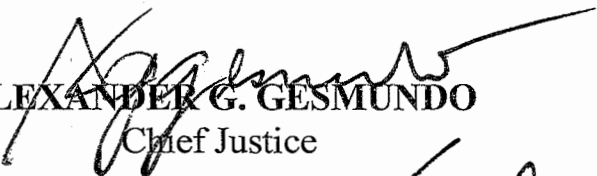
SO ORDERED.

⁴² *Id.*

⁴³ A.M. No. P-19-3923, January 30, 2024 [Per J. J. Lopez, *En Banc*].

⁴⁴ *Id.*

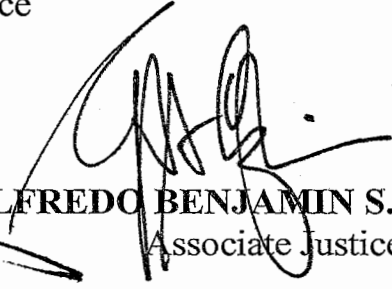




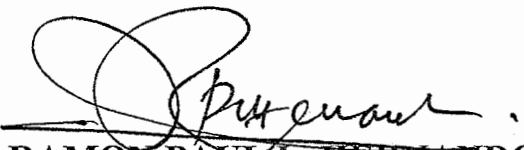
ALEXANDER G. GESMUNDO
Chief Justice



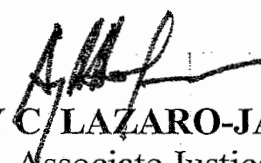
MARVIC M.V.F. LEONEN
Senior Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



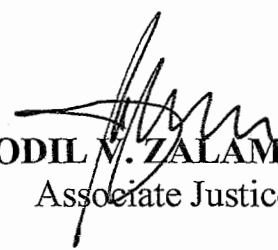
RAMON PAUL L. HERNANDO
Associate Justice



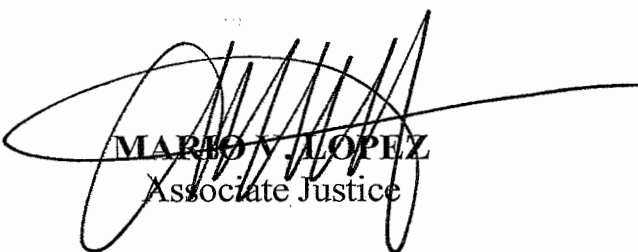
AMY C. LAZARO-JAVIER
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice



RODIL V. ZALAMEDA
Associate Justice



MARIO V. LOPEZ
Associate Justice



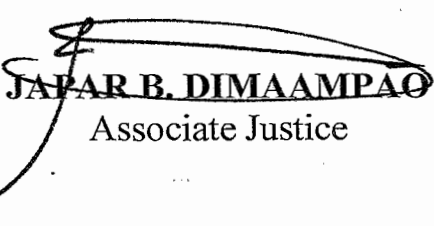
SAMUEL H. GAERLAN
Associate Justice



RICARDO R. ROSARIO
Associate Justice



JHOSEP V. LOPEZ
Associate Justice

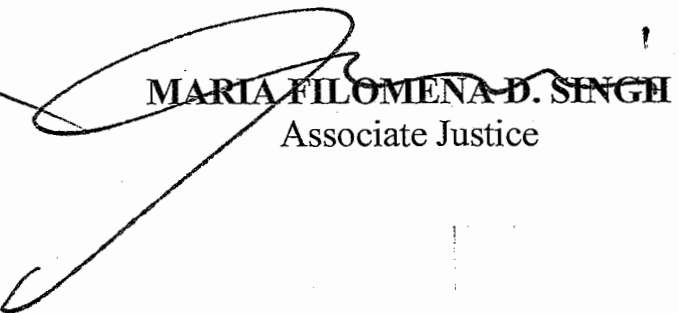


JAPAR B. DIMAAMPAO
Associate Justice

No Part
JOSE MIDAS P. MARQUEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice



MARIA FILOMENA D. SINGH
Associate Justice