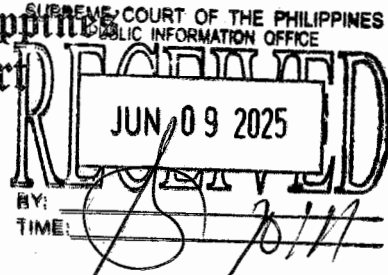




Republic of the Philippines  
**Supreme Court**  
Baguio City



EN BANC

**ALMYRA D. YAP**, Librarian,  
Regional Trial Court, Angeles  
City, Pampanga,

Complainant,

A.M. No. P-19-4001

[Formerly OCA IPI No. 19-4951-P]

Present:

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

- versus -

**NIDA GONZALES**, Legal  
Researcher, Branch 56, same  
court,

Respondent.

Promulgated:

April 2, 2025

X-----X

**DECISION**

**INTING, J.:**

The Court resolves the Letter-Complaint<sup>1</sup> dated January 10, 2018, filed by Almyra D. Yap (Yap) against Nida Gonzales (Gonzales), Legal Researcher, Branch 56, Regional Trial Court, Angeles City, Pampanga for allegedly submitting a falsified affidavit in relation to another administrative case with the Office of the Court Administrator (OCA).

\* No part.

\*\* On leave.

<sup>1</sup> Rollo, pp. 56-57.



*The Antecedents*

The case is rooted on the undated Complaint<sup>2</sup> that a certain Corazon Solarte (Corazon) filed against Gonzales before the OCA, docketed as D-21336 and D-21347 (*first* Complaint).

In her Complaint, Corazon alleged that Rebecca Solarte (Rebecca), her sister, and Elvira Lubguban (Elvira) were the private complainants and witnesses in a criminal case for Illegal Recruitment and Anti-Human Trafficking. She narrated that while Rebecca and Elvira were waiting for the trial, Gonzales hired them as housemaids for two months and thereafter gave them transportation fares and sent them home to their province. Corazon suspected that Gonzales had connived with the lawyer of the accused in the criminal case in order to have it dismissed for failure to prosecute.<sup>3</sup>

Meanwhile, on January 10, 2018, Yap filed the present administrative case against Gonzales before the OCA in which she averred that the latter submitted a falsified affidavit in relation to the *first* Complaint.<sup>4</sup> Yap explained that Gonzales asked her to execute an affidavit to attest to some facts and circumstances regarding the *first* Complaint and even volunteered to draft the document for her. Later on, Yap learned that Gonzales prepared, finalized, signed, and submitted the Affidavit<sup>5</sup> dated October 26, 2017 (subject affidavit) to the OCA which bore her name and purported signature without her knowledge and consent.<sup>6</sup>

In the Memorandum<sup>7</sup> dated March 7, 2018, the OCA closed and terminated the *first* Complaint for insufficiency of evidence but it directed Gonzales to file a comment on the Letter-Complaint of Yap.<sup>8</sup>

In her Comment,<sup>9</sup> Gonzales *admitted* that she prepared, signed, and had the subject affidavit notarized<sup>10</sup> by Atty. Maria Katrina P. Dayrit (Atty. Dayrit) without the knowledge of Yap. She explained that Yap was on leave at the time and she was pressed for time to duly file her comment on the *first* Complaint. To exculpate herself from any administrative liability, Gonzales

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<sup>2</sup> *Id.* at 2, 4.

<sup>3</sup> *Id.* at 4, 89.

<sup>4</sup> *Id.* at 116.

<sup>5</sup> *Id.* at 58–59.

<sup>6</sup> *Id.* at 56.

<sup>7</sup> *Id.* at 89–92. The March 7, 2018 Memorandum was approved by Court Administrator Jose Midas P. Marquez (now a member of the Court).

<sup>8</sup> *Id.* at 92.

<sup>9</sup> *Id.* at 96–98.

<sup>10</sup> *Id.* at 72–73.



asserted that she acted in good faith in submitting the subject affidavit to the OCA in order to shed light and to explain the circumstances as to how she and Yap employed Rebecca and Elvira as housemaids.<sup>11</sup>

*Report and Recommendation of the OCA*

In the Memorandum<sup>12</sup> dated April 3, 2019, the OCA found Gonzales guilty of Simple Misconduct for having executed the falsified affidavit in Yap's name. It rejected Gonzales' defense of good faith and opined that she should not have caused the execution of the affidavit without Yap's consent in the first place.<sup>13</sup>

As for the penalty, the OCA, applying the 2017 Rules on Administrative Cases in the Civil Service (RACCS), recommended that Gonzales be suspended from office for one month and one day to six months considering that this is her first offense.<sup>14</sup>

In the Resolution<sup>15</sup> dated September 9, 2019, the Court resolved to re-docket the Letter-Complaint of Yap as a regular administrative matter against Gonzales per the OCA's recommendation.

Then, in the Resolution<sup>16</sup> dated October 4, 2023, the Court directed the OCA to submit a status report as to whether Gonzales is still currently employed in the Judiciary and whether she has been found guilty of an administrative offense in a previous case.

In the Memorandum<sup>17</sup> dated March 19, 2024, the OCA informed the Court that: *first*, Gonzales is still active in the service from August 1, 1989 up to the present;<sup>18</sup> and *second*, she has been found guilty of habitual tardiness and reprimanded accordingly in the Resolution dated March 13, 2023 in A.M. No. P-23-090.<sup>19</sup>

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<sup>11</sup> *Id.* at 97–98.

<sup>12</sup> *Id.* at 116–119. The April 3, 2019 Memorandum was signed by Court Administrator Jose Midas P. Marquez (now a member of the Court) and Deputy Court Administrator Raul Bautista Villanueva.

<sup>13</sup> *Id.* at 118–119.

<sup>14</sup> *Id.* at 118.


<sup>15</sup> *Id.* at 121.

<sup>16</sup> *Id.* at 127–128.

<sup>17</sup> *Id.* at 129–131. The March 19, 2024 Memorandum was submitted by Court Administrator Raul B. Villanueva.

<sup>18</sup> *Id.* at 129.

<sup>19</sup> *Id.* at 131.





*The Issue*

The sole issue for the Court's resolution is *whether Gonzales should be held administratively liable for her actions.*

*The Ruling of the Court*

After a careful review, the Court concurs with the findings and conclusions of the OCA but *modifies* the designation of the offense and the penalty to be imposed upon Gonzales in accordance with Rule 140 of the Rules of Court, as further amended by A.M. No. 21-08-09-SC.<sup>20</sup>

Here, Gonzales already *admitted* that she did, in fact, prepare and sign the subject affidavit in Yap's name and even had the document notarized before submitting it as a part of her comment on the *first* Complaint to the OCA. Thus, the OCA is correct in ruling that Gonzales' administrative liability in the case is without question. However, instead of Simple Misconduct as the OCA opined, the Court finds that Gonzales' actions are tantamount to the offenses of Serious Dishonesty and Falsification of an Official Document which are both classified as *serious charges* under Section 14 (c) and (g) of Rule 140, as further amended.

Dishonesty is defined as "the concealment or distortion of truth, which shows a lack of integrity or a disposition to defraud, cheat, deceive or betray, or intent to violate the truth."<sup>21</sup> Pertinently, the offense is qualified as Serious Dishonesty in cases where the erring government official or personnel employed fraud and/or falsification of official documents in the commission of the dishonest act that is *related* to his or her employment, among others.<sup>22</sup>

Meanwhile, the Falsification of an Official Document, "as an administrative offense, is knowingly making false statements in official or *public documents.*"<sup>23</sup>

In the case, Gonzalez, by her own admissions, clearly committed the offense of Falsification of an Official Document when she affixed Yap's

<sup>20</sup> Titled, "Further Amendments in Rule 140 of the Rules of Court," which became effective on April 4, 2022.

<sup>21</sup> *Chen v. Field Investigation Bureau*, 922 Phil. 531, 549 (2022).

<sup>22</sup> *Id.*

<sup>23</sup> *Re: Allegation of Falsification Against Process Servers Legaspi and Tesiorna, Branch 43 and Office of the Clerk of Court*, 877 Phil. 352, 360 (2020), citing *Office of the Ombudsman v. Torres*, 567 Phil. 46, 59 (2008)





purported signature on the subject affidavit and then proceeded to have it *notarized* in order to serve her own personal agenda.<sup>24</sup> Worse, Gonzales then deliberately submitted the falsified affidavit to the OCA as part of her defense in an administrative case filed against her, which is tantamount to Serious Dishonesty.

Rule 140, Section 17, as further amended, lists the imposable sanctions for serious charges such as Serious Dishonesty and Falsification of an Official Document as follows:

SECTION 17. *Sanctions.* –

- (1) If the respondent is guilty of a serious charge, any of the following sanctions shall be imposed:
  - (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. *Provided, however,* that the forfeiture of benefits shall in no case include accrued leave credits;
  - (b) Suspension from office without salary and other benefits for more than six (6) months but not exceeding one (1) year; or
  - (c) A fine of more than P100,000.00 but not exceeding P200,000.00.

In similar cases involving Dishonesty and Falsification of Official Documents,<sup>25</sup> the Court, applying the RACCS, has imposed the penalty of dismissal from the service against erring court officials and employees *even for the first offense*. This should come as no surprise considering that these offenses, which distinctly evinces a person's serious lack of honor, virtue, and integrity, are neither tolerated nor simply brushed aside in the Judiciary.<sup>26</sup> After all, "the image of a court of justice is mirrored in the conduct, official and otherwise, of the personnel who work thereat, from the judge to the lowest of its personnel."<sup>27</sup>

<sup>24</sup> *Re: Allegation of Falsification Against Process Servers Legaspi and Tesiorna, Branch 43 and Office of the Clerk of Court, id.*

<sup>25</sup> *Id.* at 361. *See also* *Mayor Ramos v. Mayor*, 591 Phil. 21, 29–30 (2008); *Adm. Case for Dishonesty & Falsification against Luna*, 463 Phil. 878, 890 (2003); *De Guzman v. Delos Santos*, 442 Phil. 428, 436 (2002).

<sup>26</sup> *See Atty. Nava v. Prosecutor Artuz*, 817 Phil. 242, 255 (2017).

<sup>27</sup> *Re: Allegation of Falsification Against Process Servers Legaspi and Tesiorna, Branch 43 and Office of the Clerk of Court*, 877 Phil. 352, 361 (2020), *citing* *Adm. Case for Dishonesty and Falsification Against Luna*, 463 Phil. 878, 889 (2003).



Relatedly, Rule 40, Section 21, as further amended, provides the guidelines for the imposition of the penalty in instances where *multiple offenses* are involved in a single administrative proceeding, viz.:

SECTION 21. *Penalty for Multiple Offenses.* – If the respondent is found liable for more than one (1) offense arising from separate acts or omissions in a single administrative proceeding, the Court shall impose separate penalties for each offense. Should the aggregate of the imposed penalties exceed five (5) years suspension or P1,000,000.00 in fines, the respondent may, in the discretion of the Supreme Court, be meted with the penalty of dismissal from the service, forfeiture of all or part of the benefits as may be determined, and disqualification from reinstatement or appointment to any public office, including government-owned or -controlled corporations. *Provided, however*, that the forfeiture of benefits shall in no case include accrued leave credits.

On the other hand, 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.

The Court notes that Gonzales' administrative offenses in the case are rooted on a *series of actions* relating to the drafting of the falsified affidavit and its notarization and eventual submission to the OCA. Essentially, Gonzales *manufactured evidence* in her favor just because Yap, the supposed affiant in the falsified affidavit, was on leave at the time. That being said, the Court treats Gonzales' actions, which cannot be reasonably separated from each other, as a *single collective act* for the purpose of determining the proper penalty to be imposed against Gonzales, in line with *Banzuela-Didulo v. Santizo*.<sup>28</sup>

Given the peculiar circumstances of the case and taking into consideration the aggravating circumstance of a *previous finding of administrative liability*<sup>29</sup> for habitual tardiness in A.M. No. P-23-090,<sup>30</sup> the Court deems it proper to dismiss Gonzales from the service, with the forfeiture of her retirement benefits, except accrued leave credits, and disqualification from reinstatement or appointment to any public office, including government-owned or -controlled corporations.

Indeed, Gonzales, through her dishonest actions, has failed to measure up to the high and exacting standards set for all employees of the Judiciary.

<sup>28</sup> A.M. Nos. P-22-063 & 18-09-85-MTC, February 7, 2023.

<sup>29</sup> A.M. No. 21-08-09-SC, sec. 19(2)(a).

<sup>30</sup> *Rollo*, p.134, Clearance Certificate.



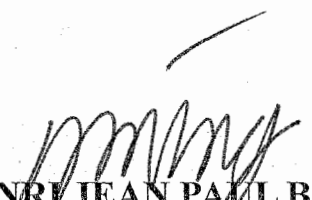
As a necessary consequence, she must be dismissed from the service. After all, “[i]t is the act of dishonesty itself that taints the integrity of government service . . . Such conduct should not be tolerated from government officials, even when official duties are performed well.”<sup>31</sup>

Finally, Atty. Dayrit, the notary public who notarized the subject falsified affidavit without the presence of the affiant therein, is directed to show cause why she should not be disciplined as a member of the Bar for violation of A.M. No. 02-8-13-SC,<sup>32</sup> or the 2004 Rules on Notarial Practice, and the Code of Professional Responsibility and Accountability.

**ACCORDINGLY**, the Court finds respondent Nida Gonzales, now Legal Researcher II, Branch 56, Regional Trial Court, Angeles City, Pampanga, **GUILTY** of Serious Dishonesty and Falsification of an Official Document. Accordingly, the Court **DISMISSES** her from the service, with forfeiture of all benefits, *except* her accrued leave credits, and disqualification from reinstatement or appointment to any public office, including government-owned and/or -controlled corporations.

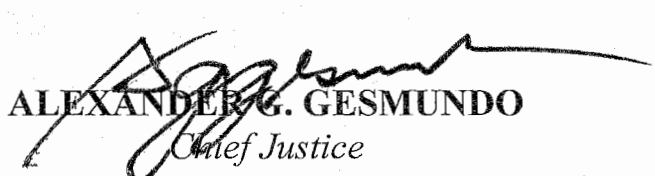
Atty. Maria Katrina P. Dayrit is directed to **SHOW CAUSE**, within a non-extendible period of 10 days from notice, why she should not be disciplined as a member of the Bar for violation of the 2004 Rules on Notarial Practice and the Code of Professional Responsibility and Accountability.

**SO ORDERED.**



**HENRI JEAN PAUL B. INTING**  
*Associate Justice*

WE CONCUR:



**ALEXANDER G. GESMUNDO**  
*Chief Justice*

<sup>31</sup> *Villordon v. Avila*, 692 Phil. 388, 398 (2012).

<sup>32</sup> Promulgated on July 6, 2004.

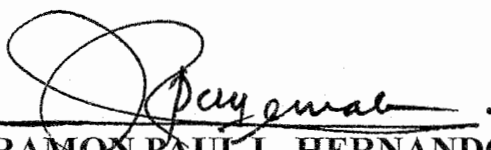




**MARVIC M.V.F. LEONEN**  
*Senior Associate Justice*



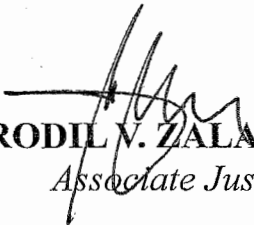
**ALFREDO BENJAMIN S. CAGUIOA**  
*Associate Justice*




**RAMON PAUL L. HERNANDO**  
*Associate Justice*



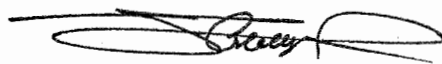
**AMY C. LAZARO-JAVIER**  
*Associate Justice*




**RODIL N. ZALAMEDA**  
*Associate Justice*




**MARIOW LOPEZ**  
*Associate Justice*



**SAMUEL H. GAERLAN**  
*Associate Justice*



**RICARDO R. ROSARIO**  
*Associate Justice*



**JHOSEP Y. LOPEZ**  
*Associate Justice*

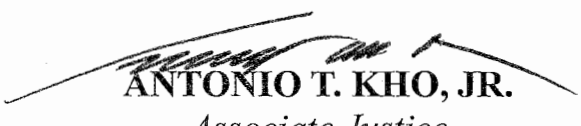


**JAPAR B. DIMAAMPAO**  
*Associate Justice*

*No part due to prior participation  
as GAA Administrator*



**JOSE MIDAS P. MARQUEZ**  
*Associate Justice*



**ANTONIO T. KHO, JR.**  
*Associate Justice*

(On leave)  
**MARIA FILOMENA D. SINGH**  
*Associate Justice*



