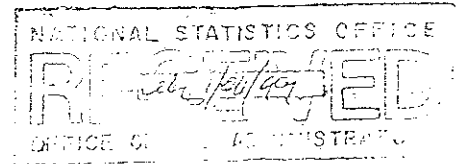


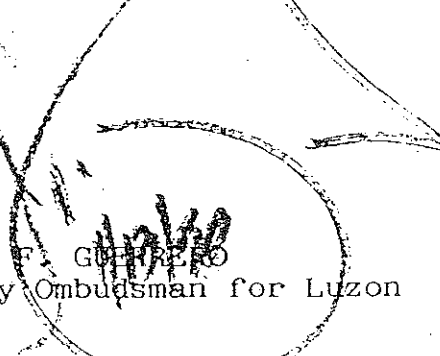


REPUBLIC OF THE PHILIPPINES
OFFICE OF THE DEPUTY OMBUDSMAN FOR LUZON
176 MWSS BLDG. ARROCEROS STREET 1099 MANILA, PHIL.



1st Indorsement
13 January 1999

Respectfully referred to HON. TOMAS P. AFRICA, Administrator, National Statistics Office, Magsaysay Blvd., Sta. Mesa, Manila, the herein DECISION and ORDER, dated 24 November 1998, in OMB-ADM-1-97-0075, entitled "Felipe L. Melchor versus Gerty R. Gironella, et al", for immediate implementation, of the penalty of DISMISSAL FROM THE SERVICE WITH ALL THE ACCESSORY PENALTIES UNDER THE LAW AND PERPETUAL DISQUALIFICATION FROM HOLDING ANY GOVERNMENT OFFICE imposed upon Respondent ELISEO L. FIRMALO, Local Civil Registrar, Bongabong, Oriental Mindoro, with the request that this Office be informed of the action taken thereon within TEN (10) DAYS from receipt hereof.


JESUS F. GUEREÑO
Deputy Ombudsman for Luzon

c.c.: THE HONORABLE CHAIRMAN
Civil Service Commission
Batansan Hills, Quezon City

MR. FELIPE L. MELCHOR
Alcantara, Romblon


/JHC

L. J. HUFANA



Republic of the Philippines
NATIONAL
STATISTICS
OFFICE
Quezon City

Office of the
Civil Registrar General
Corner Times St. & EDSA
West Triangle, Quezon City



Ref. No. 997000-069
(Please cite in your reply.)

04 February 1999

MEMORANDUM

To : All City/Municipal Civil Registrars

Subject : DISMISSAL OF CIVIL REGISTRAR FROM THE SERVICE
FOR ISSUING FAKE CERTIFICATE OF DEATH

We are providing you a copy of the decision of the Office of the Deputy Ombudsman for Luzon dated 10 June 1998 in connection with case number OMB-ADM-1-97-0075 (Felipe Melchor versus Gerty R. Gironella, Eliseo L. Firmalo and Jose L. Gironella, for dishonesty and conduct unbecoming of public officers). Mr. Eliseo L. Firmalo who is one of the respondents is the municipal civil registrar of Bongabong, Oriental Mindoro. In the decision, the Ombudsman said:

"...this Office is of the considered opinion and so holds that the respondent's act of issuing the questioned death certificate, altering the registry book and introducing the falsified document as evidence is a form of dishonesty and conduct unbecoming of a public officer. Dishonesty is a serious offense. It reflects on the person's character and exposes the moral decay which virtually destroys his honor, virtue and integrity. It is an absence of integrity, a disposition to betray, cheat, deceit or defraud, bad faith. Conduct unbecoming is a transgression of some established and definite rule of action, more particularly unlawful behavior by a public officer. It implies a wrongful intention and not a mere error of judgment.

This case derails the advocacy of this Office to improve the integrity of local civil registry offices, particularly the integrity of the certifications you are issuing. Let us join hands in this advocacy. May this case serves as a warning to some civil registrars, who take for granted the performance of their duties, and who willfully deviate from established rules and regulations in delivering civil registration services to the community.

For the Civil Registrar General:

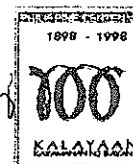

CARLITO B. LALICON, MNSA
Civil Registry Coordinator

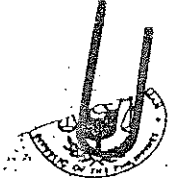
Encl.: a/s

Copy furnished:

All Regional Administrators & OICs
All Provincial Statistics Officers OICs

P.O. Box 779 Manila, Philippines
Cable Address: NSOPHIL
E-mail: c.lalicon@mail.census.gov.ph
Web: <http://www.census.gov.ph>
Telephone: (632) 926-7274 & (632) 926-7294
Fax: (632) 926-7422 & (632) 926-7329





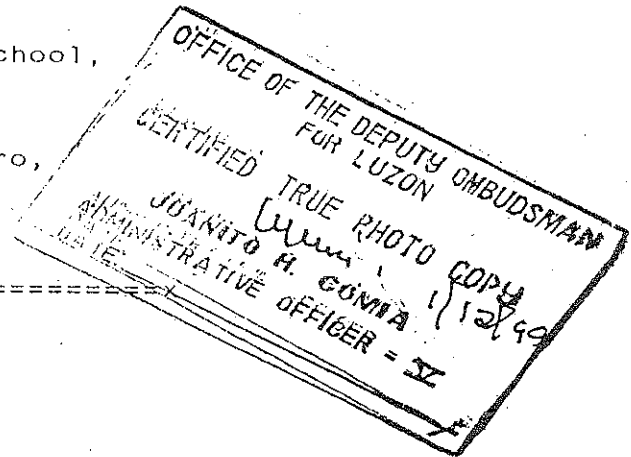
REPUBLIC OF THE PHILIPPINES
 OFFICE OF THE DEPUTY OMBUDSMAN FOR LUZON
 178 MWSS Bldg. ARROCELOS STREET 1099 MANILA, PHIL.

FELIPE MELCHOR,
 Alcantara, Romblon,
 Complainant,

= versus =

OMB-ADM-1-97-0075
 FOR: Dishonesty and
 Conduct Unbecoming
 of Public Officers.

GERTY R. GIRONELLA,
 Teacher,
 Alcantara National High School,
 Alcantara, Romblon,
 ELISEO L. FIRMALO,
 Local Civil Registrar,
 Bongabong, Oriental Mindoro,
 JOSE L. GIRONELLA,
 Alcantara, Romblon,
 Respondents.



x=====

DECISION

Complainant Felipe Melchor, a resident of Alcantara, Romblon, filed an administrative case of immorality against herein respondent Gerty R. Gironella with the DECS Regional Office No. IV and criminal case of bigamy against her and her spouse Jose Gironella for contracting marriage despite the fact that Gerty Gironella was still married to Jimmy Santiago. In the decision dated 15 August 1996 rendered by Director Dominador Cabasal, Gerty R. Gironella was found guilty of immorality and meted a penalty of suspension from the office for six (6) months and one (1) day without pay. The decision however, was later on reversed and the case was dismissed by Director Miguel F. Garcia acting on the Motion for Reconsideration filed by Gerty R. Gironella. The dismissal was anchored on the Certificate of Death of Jimmy Santiago presented by Gironella and issued by the Local Civil Registrar of Bongabong, Oriental Mindoro. The criminal case of bigamy was also dismissed by the Department of Justice relying on the presumed regularity of the Certificate of Death introduced by the Gironellas and issued by Firmalo.

Complainant *stpat*

Complainant alleged that the Certificate of Death issued by Eliseo Firmalo and introduced by the Gironellas is a falsity; that the respondents committed an act of dishonesty and conduct unbecoming of public officers, hence, the instant complaint.

The reasons cited by complainant are the following, to wit:

1. That there is no existing death record of Jimmy Santiago as appeared in the Certification issued by the respondent LCR on 18 April 1994 as verified by his Clerk Annie Villegas and as certified to by the Chief of the Archives Division of the NCSO at Manila;

2. That respondent LCR issued three (3) conflicting certifications regarding the death of Jimmy Santiago. Firstly, on 08 April 1994, upon the request of Jose Gironella, he certified that the death of Jimmy Santiago appears in the Register of Death on page 45 of Book No. 06 with LCR number 345 and the date of registration is June 24, 1980. Secondly, on 18 April 1994, upon the request of Renerio S. Maligo, Jr., half-brother of Jimmy Santiago, he certified that his office has no record of death of Jimmy Santiago, who is alleged to have died in 1980-1983. Thirdly, on 18 May 1994, respondent LCR again issued another certification stating that the death of Jimmy Santiago appears in the Register of Death in page 79 Book Number 4 with LCR Number 151, date of registration is July 30, 1980;

3. It is not true that Jimmy Santiago is dead because according to the declaration of his brother and sister in their sworn affidavit, he just went to Mindanao in 1993 to look for a job;

In their separate counter-affidavits, respondents Jose Gironella and his wife Gerty Gironella raised the following defenses, to wit:

1. That complainant resorted to forum shopping because the documents which he submitted as evidence were the very same documents which he introduced in the administrative case filed with DECS and bigamy case filed with the Provincial Prosecutor which were all dismissed;

2. That the Certificate of Death which is the subject of controversy did not come from them but from the Office of the Local Civil Registrar of Bongabong, Oriental Mindoro. That while there may be some discrepancies in the different certifications issued, the same are nevertheless consistent

tpht

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as regard the date and cause of death as well as the age of Jimmy Santiago;

3. That since the certificate of death was issued by the official who has custody of the records, the same is presumed regular;

4. That there is no conspiracy among them and the Local Civil Registrar because they do not personally know the latter. That Jose Gironella is a complete stranger at Bongabong, Oriental Mindoro.

Respondent Jose Gironella, likewise contended that this Office has no jurisdiction to conduct administrative proceedings against him because he is not a government employee.

In his letter dated 29 April 1997, respondent Firmalo contended that he was only performing a ministerial job when he issued the death certificate. Commenting on why he issued three conflicting certificates, Firmalo claimed that on 08 April 1994, the wife of complainant Felipe Melchor with Renerio S. Maligo, Jr., alleged half-brother of Jimmy Santiago went to his Office to ask for a copy of the death certificate of Jimmy Santiago. Since they were not sure of the exact date of his death, they, together with Annie Villegas, day care worker, tried to look in the book of Register of Death for the year 1980 to 1983. That unfortunately, they failed to locate, hence, they were issued a certificate of "No Records" prepared and verified by Annie Villegas.

Furthermore, he claimed that on 18 April 1994, Gerty Gironella knew the exact date of the death of Jimmy I. Santiago as she has been issued before by his former predecessor Local Civil Registrar. That still his clerk made erroneous entry on the said certification, thus, he made a certification rectifying it.

Moreover, respondent Firmalo denied having conspired with the spouses Gironella. He emphasized that although his parents hail from Romblon, he does not know the family of Geronilla and Melchor. He contended that the basis of complainant's allegation that he (Firmalo) falsified the Death Certificate of Santiago because the former LCR was already dead at the time of the registration of the death has no probative value because the Certifying Officer of the Death Certificate is the Physician who attend to the death and not the LCR who receives the certificate for record purposes.

For further scrutiny, the undersigned Investigator issued a Subpoena Duces Tecum for the respondent LCR to

bring

bring the Original Registry Book containing the records of death at Bongabong, Oriental Mindoro. Complainant manifested his desire to have the registry book xeroxed, hence, the undersigned together with respondent LCR supervised the reproduction of certain pages of the book including the one where the fact of death of Jimmy Santiago appeared.

By way of reply, complainant contended that the defense of forum shopping interposed by the respondents is not applicable because the cases previously filed with the other investigative bodies were entirely different with the cases filed with the Office of the Ombudsman. He stressed that the present cases filed with this Office are based on the falsified document issued by the Local Civil Registrar and introduction of this document by the spouses as evidence in the cases filed with the DECS and the Provincial Prosecutor.

Based on the Registry Book submitted by respondent LCR, complainant noted the following observations, which according to him, are manifestations that the fact of death of Jimmy Santiago was merely inserted to serve as evidence in the cases filed against the spouses Gironella and to show that the respondents committed an act of dishonesty and conduct unbecoming of public officers:

1. There appears a clear alteration in LCR No. 152. It shows that its previous number is 151;
2. There is a manifest alteration in the numbering beginning from LCR 152 and its subsequent numbers;
3. It can be gleaned that after the entry LCR No. 150, there was already a line drawn below which signifies that nothing follows, however, additional entry, i.e., the record of death of Jimmy Santiago was placed thereafter and numbered LCR 151.

Complainant submitted certified true copies of the Certificates of Death of Timotea G. Dela Cruz, Patricio Cordero, and Joaquina Sabida issued by the NCSO Manila. That the fact of death of Patricio Cordero as appeared in the altered Registry Book submitted by respondent Firmalo bears LCR No. 152 while in the Death Certificate of the same person issued by NCSO, it bears LCR No. 151, the same number as the Death Certificate of Jimmy Santiago. The Death Certificate of Joaquina Sabida furnished by the NCSO bears LCR No. 152 while under the altered Registry Book it bears Registry No. 153.

During the preliminary conference, respondents waived their right to a formal hearing and opted to submit their position papers instead.

In his . . . /

[Signature]

DECISION
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In his position paper, complainant maintained that the Certificate of death which was the basis of the dismissal of the two (2) cases was secured by the spouses by conspiring with their co-respondent Eliseo Firmalo. He averred that considering the complaints filed against the spouses with the Office of the Prosecutor and the DECS, they (spouses) conceived a plan on how they could defend themselves. That the only scheme they could consider under the situation is to secure documents that at the time of the marriage, Gerty Gironella has all the qualification in contracting marriage with Jose Gironella. Thus, the only solution was to secure documents that Jimmy Santiago was already dead. So they contacted Eliseo Firmalo, Local Civil Registrar of Bongabong, Oriental Mindoro who also hails from Romblon. The latter acceded the plan. However, the same was discovered when Annie Villegas issued certification.

Complainant attached a copy of the Decision of the DECS dated 15 August 1998 imposing a penalty of Suspension against Gerty Gironella for six (6) months and one (1) day. The basis of the Decision is the statement of Gerty Gironella herself.

In their position papers, respondents Jose and Gerty Gironella contended that the charge "conduct unbecoming" is an offense which the head of an office is in the best position to file a formal charge against his subordinate for such alleged act found on his actual observations and assessment of the employee's actions and evaluations in office. Hence, it should be the head of an agency who should conduct the necessary investigation. They reiterated their defense of forum-shopping and the regularity of the duty of the performance of the Local Civil Registrar who issued the Certificate of Death. They likewise contended that the issue of the falsity of the Certificate of Death is a prejudicial question that must first be resolved.

Respondent Eliseo Firmalo did not submit his position paper. He however, submitted his answer to the position paper of complainant Felipe Melchor.

In his answer, respondent Firmalo tried to discredit the allegation of conspiracy saying, though his parents hail from Romblon, he does not know the family of Gironella and Melchor. That he met Jose Gironella only twice in his office and twice in the Office of the Ombudsman, Gerty Gironella only one in the Ombudsman, Felipe Melchor's wife twice in his office and twice at the hearing and Felipe Melchor once in the hearing. He claimed that the issue of duplication of Registry number like the case of Jimmy I. Santiago and Patricio Cordero, usually happens during the period 1980-1988 as there is no strict system on Civil

Light

Registration at that on controlling numbers. He further claimed that alteration of Registry number does not violate Article 42 of the Civil Code because Registry number is use for administrative convenience and does not form a part of facts under Section 5 of Article 3753 of the Civil Code.

After a careful scrutiny of the records of the case and taking into account the documentary evidences presented by the parties, this Office finds substantial evidence against the public respondents.

The documentary evidences submitted by the complainants, the Registry Book presented by respondent Firmalo himself and the Certificates of Death submitted to this Office by the NCSO Manila are the best evidence to show that the Certificate of Death issued by the respondent LCR and introduced as defense by the spouses in the cases of bigamy as well as immorality filed against them is a falsity.

It can be inferred from the discussed facts and circumstances that the record of death of Jimmy Santiago was merely inserted possibly by the respondent LCR because he is the official custodian of the Registry Book and he was the person who issued the Certificate of Death of Jimmy Santiago and presumably in conspiracy with the Gironellas because the latter were the ones who requested for it and used the same as evidence.

The issuance of the three (3) conflicting Certifications of Death by respondent Firmalo has not been satisfactorily explained by him. His self-serving defense of human error and oversight cannot justify an illegal act. On 08 April 1994, upon the request of Gironella, he issued a Certificate of Death of Jimmy Santiago stating among others that facts of his death appear in the Register of Death on page 45 of Book number 06 with LCR No. 345 and the date of registration is June 24, 1980. Just few days thereafter, or on 18 April 1994, upon the request of Renerio S. Maligo, Sr., half-brother of Jimmy I. Santiago, same respondent issued another Certification of No Record of Death.

To our mind, respondent Firmalo cannot feign oversight in this case because the issuance of "No Record" was made few days after his first issuance of the Certificate of Death of Jimmy Santiago. It is highly unbelievable for him to have committed such an oversight considering the fact that he himself acknowledged in his letter dated 03 March 1998 that Jimmy I. Santiago was his playmate and neighbor at Barangay Labonan, Bongabong, Oriental Mindoro.

Furthermore, . . . / *[Handwritten signature]*

D E C I S I O N

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Furthermore, a mere glance at the Registry Book presented by respondent LCR patently shows the alterations made in the numbering in order to accommodate the fact of death of Jimmy Santiago. It appears therein that a line was already drawn after LCR number 150, which signifies that nothing follows in that page. It is highly questionable that after the said line, the fact of death of Jimmy Santiago was inserted and assigned LCR 151 which as can be gleaned from the Registry Book and according to NCSO, the same number is assigned to Patricio Cordero. That as a result of the insertion of the record of death of Jimmy Santiago, the LCR numbers in the subsequent pages of the Registry Book up to LCR No. 180-A were altered. The allegation that the record of death of Jimmy Santiago was merely inserted is further buttressed by the fact that there are patent dissimilarities in the manner and style on how the letters were written as compared to the preceding and subsequent entries.

Moreover, the same is corroborated by the sworn affidavit executed by the brother and sister of Jimmy Santiago to the effect that the latter is still alive and bade farewell to them sometime in 1993 to seek for greener pasture in Mindanao.

It is noteworthy to mention that respondent Gerty Gironella as her defense emphasized that she has not set foot in Bongabong, Oriental Mindoro in all her life. While in the sworn letter of respondent Eliseo Firmalo dated 29 April 1997, he stated that on 18 April 1994, Gerty Gironella went to his office to secure another certification to confirm the existence of the records of death of Jimmy Santiago. Firmalo further declared that she (Gerty) knew the exact date of the death of Jimmy Santiago because she was issued before a Certificate of Death by his former predecessor Local Civil Registrar.

It must be noted that accordingly, respondent Firmalo was appointed as Local Civil Registrar only on January 1, 1993. Hence, if it is true that Gerty Gironella was issued a Certificate of Death by his predecessor, this must have been secured before 1993.

If it is true that Gerty Gironella was issued a Certificate of Death by the predecessor of Firmalo sometime before 1993, why is it that during the hearing of the administrative case on March 8-11, 1994 at Alcantara, Romblon, she did not at all mention about it. Instead, she even testified that she learned from Mr. Onas and Mr. Perocho that her husband was salvaged at Mabini Street, Manila, when it would have been very easy for her to state that she has secured a Death Certificate of Jimmy Santiago declaring that he died in Bongabong, Oriental Mindoro.

With the . . . /

Jpb

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OFFICE OF THE DEPUTY OMBUDSMAN
FOR LUZON
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JUANITO H. COMIA
ADMINISTRATIVE OFFICER - IV
DATE: 6/29/98

With the foregoing facts, discussions and observations, this Office is of the considered opinion and so holds that the respondents' act of issuing the questioned Death Certificate, altering the Registry Book and introducing the falsified document as evidence is a form of dishonesty and conduct unbecoming of a public officer. Dishonesty is a serious offense. It reflects on the person's character and exposes the moral decay which virtually destroys his honor, virtue and integrity. It is an absence of integrity, a disposition to betray, cheat, deceit or defraud, bad faith. Conduct unbecoming is a transgression of some established and definite rule of action, more particularly unlawful behavior by a public officer. It implies a wrongful intention and not a mere error of judgment.

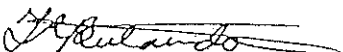
WHEREFORE, PREMISES CONSIDERED, this Office finds respondent Eliseo Firmalo and Gerty Gironella guilty of the charge of Dishonesty and Conduct Unbecoming of Public Officers and hereby meted a penalty of DISMISSAL from the service with all the accessory penalties under the law and perpetual disqualification from holding any government office.

The case against respondent Jose Gironella is hereby dismissed for lack of jurisdiction of this Office to impose administrative sanction against him because he is not connected with the government.

Let a copy of this Decision be furnished the Schools Division Superintendent of the Province of Romblon, the Office of the Civil Registrar General, Manila and the Mayor of Bongabong, Oriental Mindoro for appropriate action and information.

SO ORDERED.

Manila, Philippines, 10 June 1998.


TERESITA P. BUTARDO-TACATA
Graft Investigation Officer I
6/29/98

I Concur: . . . /

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X ===== X

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FOR LUZON
CERTIFIED TRUE PHOTO COPY
JUANITO H. COMIA
ADMINISTRATIVE OFFICER - IV

I Concur:

[Signature]
EMILIO A. GONZALEZ, III
Director 7/14/98

Recommending Approval:

[Signature]
JESUS F. [Signature]
Deputy-Ombudsman for Luzon
Approved/Disapproved:

[Signature]
ANIANO A. DESIERTO
Ombudsman
SEP 11 1998

TPBT/Ativo/zai



REPUBLIC OF THE PHILIPPINES
 OFFICE OF THE DEPUTY OMBUDSMAN FOR LUZON
 176 MWSS Bldg. ARROCCEROS STREET 1099 MANILA, PHIL.

FELIPE L. MELCHOR,
 Complainant,

OMB-ADM-1-97-0075

- versus -

For: Dishonesty/Conduct Unbecoming of
 Public Officers.

GERTY R. GIRONELLA,
 ELISEO L. FIRMALO, and
 JOSE Ll. GIRONELLA,
 Respondents.

x=====x

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 FOR LUZON
 CERTIFIED TRUE PHOTO COPY
 JUANITO H. COMIA
 ADMINISTRATIVE OFFICER - JATED
 1/12/99

O R D E R

This treats of the Motion for Reconsideration dated November 13, 1998 filed by counsel for respondent Eliseo L. Firmalo of the Decision dated June 10, 1998 which found him and his co-respondent Gerty R. Gironella guilty of dishonesty and conduct unbecoming of public officers and were meted the penalty of dismissal from the service, together with all its accessory penalties.

Respondent-movant raised the following grounds in his Motion for Reconsideration, viz:

- a. He is not responsible for the acts of his subordinate or clerk, Ann Villegas, on whom he relied in issuing the conflicting death certificates of Jimmy I. Santiago. (Citing MELCHEM, PUB. OFF., SEC. 739; ROBERTSON vs. SICHEL, 127 U.S. 507; 32 L. ED. 213). Apropos, he averred that it is ministerial on his part as Local Civil Registrar to issue the death certificates of Jimmy I. Santiago, based on the records of the Original Registry Book in his office. Moreover, upon discovery of the discrepancies in the death records of Jimmy I. Santiago, he immediately scrutinized the said records and made the necessary correction in the death certificates issued;
- b. It has not been established that he connived with the Spouses Jose Ll. Gironella and Gerty R. Gironella in the issuance of the questioned death certificates of Jimmy I. Santiago. The finding of this Office of conspiracy among respondents is purely conjectural; and
- c. The death of Jimmy I. Santiago between the period from 1980 to 1983 would render the instant case moot and academic, especially so if he died previous to the marriage contracted by the respondent Gironellas. In this regard, complainant and his witnesses have not proven that Jimmy I. Santiago is still alive.

JA

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The issue before Us is whether or not the instant Motion for Reconsideration proffers sufficient bases to warrant the setting aside or modification of the challenged decision.

While it may be true that a public officer has to rely to a reasonable extent on his subordinates yet the records of the case would show issuances of three (3) conflicting certifications regarding the record of death of Jimmy I. Santiago which does not speak well of the competence of respondent-movant in discharging his functions and duties as Local Civil Registrar of Bongabong, Oriental Mindoro. The records disclosed that the first death certificate was dated April 8, 1994 showing that Jimmy I. Santiago died on June 18, 1980 as appearing in LCR Registry Number 345, page 45, Book Number 06 of the Register of Deaths. A few days later or on April 18, 1994, a second certification was issued by respondent-movant to the effect that his office has no record of death of Jimmy I. Santiago. In both instances, verification of the record of death of Jimmy I. Santiago was made by Annie I. Villegas, Day Care Worker. The proximity of the dates of issuance between the first and second certifications tends to militate against any assertion of good faith on the part of respondent-movant. Respondent-movant could have readily detected the patent conflicting import of the first and second death certifications.

Respondent-movant would like to impress upon this Office that upon discovery of the first and second death certificates, he made the necessary correction by issuing a third death certification dated May 18, 1994 of Jimmy I. Santiago who died on June 18, 1980 as per LCR Registry Number 151, page 79, Book Number 04 of the Register of Deaths. However, an examination of the Registry Book containing the records of death on which the third death certification was verified reveals alterations in LCR No. 152, showing that its previous number was 151. Naturally, LCR 152 and its subsequent numbers had to be altered, too. The Registry Book likewise disclosed that the name of Jimmy I. Santiago was merely inserted and assigned LCR No. 151. This is supported by the records obtained from the National Statistics Office, Manila, where LCR No. 151 was assigned to Patricio Cordero and not to Jimmy I. Santiago as appearing in the death certificate dated May 18, 1994 issued by respondent-movant. Such an insertion could hardly qualify as a correction, more so when other evidence shows that it was irregularly done. Being the official custodian of the Civil Registry Book and offering no credible and plausible explanation for the alterations made, respondent-movant cannot escape responsibility therefor. Moreover, it was respondent-movant himself who did the verification of the record of death of Jimmy I. Santiago as regards the information contained in the death certificate dated May 18, 1994.

With respect to the second ground pleaded by respondent-movant, it has been held that "to establish conspiracy, it is not necessary to prove previous agreement

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x=====x

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JUANITO M. COMIA
ADMINISTRATIVE OFFICER - IV
DATE: 11/25/98

to commit a crime if there be proof that the malefactors have acted in concert and in pursuance of the same objective. Conspiracy may be inferred from the acts of the accused themselves when such point to a joint purpose and design. Their actions must be judged not by what they say, for what men do is the best index of their intentions." (People vs. Mada-I Santalani, et.al, L-29979, September 28, 1979). The subject death certificates were secured by the respondent Gironellas to be used as evidence in the complaints for bigamy and immorality filed against them. With the presentation of the death certificate dated May 18, 1994 of Jimmy I. Santiago, the complaints against respondent Gironellas would have no legal basis to stand on. However, the production of the aforesaid death certificate could not have materialized without the indispensable cooperation of respondent-movant. It is in this regard that conspiracy among respondents can be reasonably inferred as they were actuated by a common design and purpose which is to make it appear that the record of death of Jimmy I. Santiago exists in the Civil Registry Book of Bongabong, Oriental Mindoro as found in page 79, Book Number 04 thereof and with assigned LRC No. 151, when in truth and in fact, it was merely inserted to accomodate the respondent Gironellas.

Corollary thereto, the more pivotal issue in the instant case is not whether Jimmy I. Santiago is already dead or not but rather whether his record of death did in fact exist in the Register of Deaths of the Office of the Civil Registrar of Bongabong, Oriental Mindoro. To this question, this Office has answered in the negative.

WHEREFORE, premises considered, it is respectfully recommended that the instant Motion for Reconsideration filed by respondent Eliseo L. Firmalo thru counsel be denied for lack of merit.

Let a copy of this Order be furnished the Civil Service Commission for its information and guidance.

SO ORDERED.

Manila, Philippines, November 24, 1998

JOAQUIN B. SALAZAR
Graft Investigation Officer II
concur:

EMILIO A. GONZALEZ, III
Director 11/25/98

Recommending Approval:

JESUS M. MORALES
Deputy Ombudsman for Luzon

Approved/Disapproved:

ANIANO A. DESTERTO

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*****x

cc:

MR. FELIPE L. MELCHOR
Alcantara, Romblon

MR. ELISEO F. FIRMALO
Municipal Civil Registrar
Sangaong, Oriental Mindoro

ATTY. ROCKY F. CAPONONG
Counsel for respondent
3524 Mola Street,
La Paz, Makati City

HON. CORAZON ALMA G. DE LEON
Chairman
Civil Service Commission
Satasang Pambansa Complex
Constitutional Hills,
Diliman, Quezon City

JPS:rcb