

CLERK OF COURT MARICRIS GILLAMAC-ORTIZ, COMPLAINANT, VS. SHERIFF ARCHIMEDES D. ALMEIDA, JR., RESPONDENT.

A.M. NO. P-07-2401 (FORMERLY OCA IPI NO. 07-2581-P). November 28, 2007

Ponente: NACHURA, J.

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NACHURA, J.:

This administrative case commenced with Memorandum No. 02-2007[1] issued by Maricris Gillamac-Ortiz (Ortiz), Clerk of Court IV, Metropolitan Trial Court (MeTC), Branch 54, Navotas, Metro Manila, to respondent Archimedes Almeida, Jr., Deputy Sheriff of the same court.

It appears that respondent was absent on the following dates: 1) February 2 and 6, 2007 and 2) March 1, 2, 5, 6 and in the morning of March 7, 2007.[2] Yet, the office's designated timekeeper, Ms. Evelyn Atienza Liquido (Liquido), noticed that respondent made entries in the logbook of attendance indicating his time of arrival and departure on said dates, making it appear that he was present when in fact he was not.[3] Upon verification of the daily attendance sheet prepared by Liquido and certified correct by Ortiz, it was confirmed that he was not present during the aforesaid dates.[4] Ortiz then issued Memorandum No. 02-2007, directing respondent to explain within 72 hours from notice why no administrative sanction should be imposed on him for dishonesty or serious misconduct.[5] In response, respondent sent a letter[6] dated March 14, 2007.

The memorandum was then forwarded to the Office of the Court Administrator (OCA) which directed respondent to comment thereon within ten (10) days from receipt.[7] In his Comment,[8] respondent states that it was not his intention to falsify the entries in the daily attendance sheet on the dates mentioned by Ortiz. He explains that he was undergoing medication for high blood pressure, blood sugar and pneumonia which required him to regularly consult his physician from time to time.[9] Respondent further claims that on March 7, 2007, he reported for work; his officemates later told him to prepare his Daily Time Record (DTR) for the month of February. Despite his lingering illness and dizziness due to the effects of his medicines, he put entries on the logbook. He was then too weak, according to him, to recall the days he reported for work; and he could not remember the dates of said entries until he received the memorandum.[10]

Respondent expresses remorse for his recklessness. He already asked for forgiveness from his superiors and promised that he will never do it again. Respondent, thus, begs the Court to give him a chance to rectify what he had done.[11]

On September 13, 2007, the OCA submitted its report, and its recommendation[12] reads:

RECOMMENDATION: Respectfully submitted for the consideration of the Honorable Court that:

- The memorandum of Clerk of Court Maricris G. Ortiz be treated as a complaint against Mr. Archimedes D. Almeida, Jr.;
- The instant administrative complaint be docketed as a regular administrative matter; and
- Respondent be REPRIMANDED and WARNED that a repetition of the same or similar acts in the future

shall be dealt with more severely.[13]

We adopt the findings and recommendation of the OCA.

Judicial notice should be taken of the fact that in government offices, where there are no bundy clocks, it is a matter of practice for employees, upon arrival at work and before proceeding to their respective workstations, to first sign their names on the attendance logbook, usually placed in a location easily accessible to all the employees when they enter the office. It is only at the end of each month that employees fill out their DTRs reflecting therein the entries earlier made in the logbook. In other words, the entries in the DTR are based on the entries made daily in the logbook.[14]

It is settled that respondent was absent on the dates specified by Ortiz. His absences were admitted by respondent himself and they were further reflected in the Daily Report on Absences and Tardiness, as well as in his DTR for the month of February. The fact, however, remains that respondent made entries to the office logbook to make it appear that he was present on those dates when the truth is otherwise.

It is well to remind respondent that dishonesty is a malevolent act that has no place in the judiciary.[15] Public service requires utmost integrity and discipline. A public servant must exhibit at all times the highest sense of honesty and integrity, for no less than the Constitution declares that a public office is a public trust, and all public officers and employees must at all times be accountable to the people, and serve them with utmost responsibility, integrity, loyalty and efficiency.[16] These are not mere rhetorical words to be taken lightly as idealistic sentiments, but as working standards and attainable goals that should be matched with actual deeds.[17]

Respondent's act of entering untrue statements in the logbook is a deliberate attempt to conceal or suppress his tardiness and absence on said dates.[18] Consequently, when he tampered with the logbook, respondent manifested his lack of integrity and responsibility.[19] His act constitutes dishonesty.

This Court has defined dishonesty as "the disposition to lie, cheat, deceive, or defraud; untrustworthiness; lack of integrity; lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray." [20] Dishonesty is classified as a grave offense which warrants the severe penalty of dismissal from service upon the commission of even the first offense.[21]

However, in several administrative cases, the Court has refrained from imposing dismissal as penalty in the presence of mitigating factors.[22] Factors such as respondent's length of service in the judiciary, respondent's acknowledgment of his or her infractions and feeling of remorse, and family circumstances, among other things, have had varying influence on the Court's determination of the imposable penalty. In such cases, the Court has invariably imposed a lighter penalty.

In this case at bench, for humanitarian reasons and considering the following circumstances:

1.)

his long years of service in the judiciary for 32 years;

2.)

his acknowledgement of his infractions and feelings of remorse;

3.)

his physical and psychological condition for being under medical examination and treatment for pulmonary and vascular ailments; and

4.)

though he tampered with the office logbook, his correct attendance was reflected in the daily report of absences and tardiness as well as in his daily time record.

the Court is persuaded to exhibit a degree of leniency toward the respondent.[23] Thus, we agree with the OCA, and believe that the penalty of reprimand with warning is in order. This is in keeping with the Implementing Rules which imposes the penalty of reprimand for violation of reasonable office rules and regulations.[24]

WHEREFORE, respondent Archimedes D. Almeida, Jr. is hereby REPRIMANDED with a WARNING that a commission of similar acts in the future will be dealt with more severely.

SO ORDERED.

Ynares-Santiago, Acting C.J., (Chairperson), Austria-Martinez, Chico-Nazario, and Reyes, JJ., concur.

[1] Rollo, p. 4.

[2] Id. at 4.

[3] Id. at 5-7, 9, 11, 13 and 15.

[4] Id. at 8, 10, 12, 14 and 16.

[5] Id. at 4.

[6] Id. at 17.

[7] Id. at 18.

[8] Id. at 32-33.

[9] Id. at 1.

[10] Id. at 32.

[11] Id. at 32-33.

[12] Id. at 1-3.

[13] Id. at 2.

[14] Duque v. Aspiras, A.M. No. P-05-2036, July 15, 2005, 463 SCRA 447, 454.

[15] Re: Alleged Violation by Mr. Efren Ascrate of Civil Service Rules on Absenteeism and Tardiness, A.M. No. 2004-19-SC, November 4, 2004, 441 SCRA 451, 458.

[16] Servino v. Adolfo, A.M. No. P-06-2204, November 30, 2006, 509 SCRA 42, 52; In re: Irregularities in the Use of Logbook and Daily Time Records by Clerk of Court Raquel D.J. Razon, Cash Clerk Joel M. Magtuloy and Utility Worker Tiburcio O. Morales, MTC-OCC, Guagua, Pampanga, A.M. No. P-06-2243, September 26, 2006, 503 SCRA 52, 61.

[17] Atty. Reyes-Domingo v. Morales, 396 Phil. 150, 161-162 (2000).

[18] Re: Alleged Violation by Mr. Efren Ascrate of Civil Service Rules on Absenteeism and Tardiness, supra note 15, at 458.

[19] Id. at 459.

[20] Re: Administrative Case for Dishonesty Against Elizabeth Ting, Court Sec. I & Angelita C. Esmerio, Clerk III, Office of the Clerk of Court, A.M. No. 2001-7 SC & No. 2001-8-SC, July 22, 2005, 464 SCRA 1, 15

[21] Dishonesty is specifically classified as a grave offense in CSC Memorandum Circular No. 19, s. of 1999 which provides:

Section 22. Administrative offenses with its corresponding penalties are classified into grave, less grave, and light, depending on the gravity of its nature and effects of said acts on the government service.

The following are grave offenses with corresponding penalties:

(a) Dishonesty
1[st] Offense-Dismissal.

[22] Servino v. Adolfo, supra note 16; In re: Irregularities in the Use of Logbook and Daily Time Records by Clerk of Court Raquel D.J. Razon, Cash Clerk Joel M. Magtuloy and Utility Worker Tiburcio O. Morales, MTC-OCC, Guagua, Pampanga, supra.; Re: Administrative Case for Dishonesty Against Elizabeth Ting, Court Sec. I & Angelita C. Esmerio, Clerk III, Office of the Clerk of Court, supra; and Atty. Reyes-Domingo v. Morales, supra.

[23] Id.

[24] Duque v. Aspiras, supra note 14, at 455-456.

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