

RE: IRREGULARITY IN THE USE OF BUNDY CLOCK BY SOPHIA M. CASTRO AND BABYLIN V. TAYAG, SOCIAL WELFARE OFFICERS II, BOTH OF THE REGIONAL TRIAL COURT, OFFICE OF THE CLERK OF COURT, A...

A.M. No. P-10-2763 [Formerly OCA IPI No. 09-3056-P]. February 10, 2010

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

By letter[2] of October 23, 2008, then Deputy Court Administrator Antonio H. Dujua directed Executive Judge Ma. Angelica B. Quiambao of the Regional Trial Court, Angeles City to report on the bundy cards for the month of August 2008 of Sophia Castro and Babylin Tayag, Social Welfare Officers of the Office of the Clerk of Court due to "irregularity of entries in the morning time-in on August 1, 2008 showing `19:30 and 19:31.'" It appeared that the bundy cards were punched in the evening.

Judge Quiambao complied with the directive by submitting her letter-report dated November 12, 2008[3] which the Office of the Court Administrator (OCA) noted as follows, quoted verbatim:

In her November 12, 2008 letter-report, Executive Judge Quiambao narrates that she was able to secure the attendance logbook of the RTC-OCC for August 1, 2008 and the names Castro and Tayag do not appear in the logbook. In their Joint Explanation submitted to Executive Judge Quiambao, Castro and Tayag admit that they did not report to the RTC-OCC in the morning of August 1, 2008 as they had to attend to an adoption matter in Magalang, Pampanga in the afternoon of the same day. Pressed for time, Castro and Tayag reveal that they proceeded to Magalang without the corresponding travel order. Upon realizing that they have not punched in their bundy cards, Castro and Tayag did the same at "19:30" and "19:31," (7:30 p.m., 7:31 p.m. under regular time) thinking it would register as "7:30 a.m." and "7:31 a.m." [4]

The OCA thereupon directed, by separate Indorsements dated February 12, 2009, Castro and Tayag to comment on the allegation of irregularity in the use of bundy card. The two complied with the directive by separate comments which the OCA synthesized as follows, quoted verbatim:

In her Comment dated March 3, 2009, Castro reiterates her earlier claim that she and Tayag had to go to Magalang, Pampanga in the afternoon of August 1, 2008 to conduct an impromptu interview with the parties in an adoption case. She explains that since moving to a new Hall of Justice in June 2008, she and Tayag maintained office at the first floor of the Maintenance Division. As she was also busy preparing to testify in the Family Court that afternoon, Tayag claims she forgot to go upstairs and punch in her bundy card. It was not until the clock reached "19:30" that she decided to punch in her card, thinking it would register as "7:30 a.m."

In her Comment dated March 4, 2009, Tayag claims she had thought of filing a leave of absence on August 1, 2008 but nixed the idea after she was able to finish the interview with her clients at 11:30 a.m. She went back to the court to punch in her card for the afternoon time slot. Tayag claims she resumed the interview with her clients and the session ended at 4:30 p.m. Tayag claims that it was upon returning to court that she and Castro thought of doing the "despicable act" of punching in their bundy cards to make it appear that they were present

the whole day of August 1, 2008.[5] (underscoring supplied)

The OCA thereupon came up with the following evaluation cum recommendation in its October 1, 2009 Report:[6]

There is sufficient reason to hold respondents administratively liable.

There was a clear attempt by Castro and Tayag to deceive the Court on their attendance for August 1, 2008. The attendance logbook of the RTC-OCC for August 1, 2008 does not contain their names, yet on their Bundy cards, Castro and Tayag made it appear that they were present on the day reckoned.

Castro and Tayag can only come up with the excuse that they had an afternoon session with their clients and was so pressed for time that they could no longer punch in their Bundy cards. The respondents, however, admit that the trip to Magalang, Pampanga for the interview with their clients was not covered by a travel order. As if going out of court premises without the required travel order was not enough, Castro and Tayag had the temerity to punch in their Bundy cards at "19:30" and "19:31," respectively, in the mistake belief that it would register as "7:30 a.m." and "7:31 a.m." The two punched in their cards after having dinner with their supposed "clients."

The actuations of Castro and Tayag are clearly in violation of OCA Circular No[.] 7-2003, which in part, reads:

In the submission of Certificates of Service and Daily Time Records (DTRs)/Bundy Cards by Judges and court personnel, the following guidelines shall be observed:

1. After the end of each month, every official and employee of each court shall accomplish the Daily Time Record (Civil Service Form No. 48)/Bundy Card, indicating therein truthfully and accurately the time of arrival in and departure from the office x x x.

The foregoing Circular provides that every court official and employee must truthfully and accurately indicate the time of his or her arrival at and departure from the office.

In Administrative Matter No. P-08-2494 (Re: Report on the Irregularity in the Use of Bundy Clock by Alberto Salamat, Sheriff IV, RTC, Branch 80, Malolos City; November 27, 2008), the Court held that "[falsification of the daily time records] is patent dishonesty, reflective of respondent's fitness as an employee to continue in office and of the level of discipline and morale in the service. Falsification of daily time records is an act of dishonesty. For this, respondent must be held administratively liable. Rule XVII, Section 4 of the Omnibus Civil Service Rules and Regulations (Civil Service Rules) provides:

Section 4. Falsification or irregularities in the keeping of time records will render the guilty officer or employee administratively liable x x x.

Under Rule XIV, Section 21 of the Civil Service Rules, falsification of official documents (such as daily time records) and dishonesty are both grave offenses. As such, they carry the penalty of dismissal from the service with forfeiture of retirement benefits, except accrued leave credits, and perpetual disqualification from reemployment in government service.

However, there had been several administrative cases involving dishonesty wherein the Court meted out a penalty lower than dismissal. In these cases, the Court took cognizance of mitigating circumstances such as the respondent's length of service in the judiciary, the respondent's acknowledgement of his or her infractions and feeling remorse, and family circumstances, among other things.

Castro and Tayag confessed to the irregularities they committed and feverishly sought the forgiveness of the Court. In her March 3, 2009 Comment, Castro revealed that she is suffering from Stage 2 Breast Cancer and is in

dire straits financially. For her part, Tayag vowed never to repeat the same mistake. The records of the respondents show that this is their first time to commit such an offense.

In A.M. No. P-06-2243 (Re: Irregularities in the Use of Logbook and Daily Time Record by Clerk of Court Raquel Razon, et al., MTC-OCC, Guagua, Pampanga), the Court did not impose the severe penalty of dismissal on the basis of the acknowledgement by respondents therein of their guilt, and also their remorse and long years of service. The Court imposed, instead, the penalty of fine in the amount of P2,000.00.

In Re: Failure of Jose Dante E. Guerrero to Register His Time In and Out in Chronolog Time Recorder Machine [for] Several Times (A.M. No. 2005-07-SC, 19 April 2006), the Court imposed the penalty of six-month suspension on Guerrero, who was found guilty of dishonesty for falsifying his time record. The Court considers as mitigating circumstances Guerrero's good performance rating, his 13 years of satisfactory service in the judiciary, and his acknowledgment of and remorse for his infractions.

The compassion extended by the Court in these cases was not without legal basis. Section 53, Rule IV of the Uniform Rules on Administrative Cases in the Civil Service (CSC Memorandum Circular No. 991936, August 31, 1999 grants the disciplining authority the discretion to consider mitigating circumstances in the imposition of the proper penalty.

Considering that Castro and Tayag actually committed no less than two (2) offenses, leaving the court premises without any travel order and fraudulently punching in their Bundy cards, the penalty of six-month suspension will suffice.[7] (*italics in the original; emphasis and underscoring supplied*)

By Resolution of January 27, 2010, the Court re-docketed the case as a regular administrative matter.

The Court finds in order the evaluation of the case by the OCA.

Respondents are indeed guilty of dishonesty, defined 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." [8] Dishonesty, which is a grave offense, is punishable by dismissal even for the first offense.[9]

Respondents are guilty too of violation of reasonable office rules and procedures. In *Estando-Teodoro v. Segismundo* where the therein respondent court personnel failed to secure permission for his travel to Manila to obtain summons in a civil case in a court and visited the residence of the defendants in that civil case, in violation of an office memorandum issued by the clerk of court and noted by the executive judge, the Court held that the therein respondent violated "reasonable office rules and procedures." Such violation is classified as a light offense.[10]

While respondents committed two offenses – leaving the court premises without any travel order, which is a light offense,[11] and dishonesty for fraudulently punching in their Bundy cards, which is a grave offense - the mitigating circumstances considered by the OCA justify the imposition of the recommended penalty of six-month suspension for each respondent.

WHEREFORE, respondents Sophia M. Castro and Babylin V. Tayag, Social Welfare Officers II, Angeles City Regional Trial Court, Office of the Clerk of Court, are **SUSPENDED** for Six Months without pay, with a **STERN WARNING** that a repetition of the same or similar acts shall be dealt with more severely.

SO ORDERED.

Puno, C.J., Chairperson, Leonardo-De Castro, Bersamin, and Villarama, Jr., JJ., concur.

[1] Sometimes Social Welfare Officers I, II or III in the records.

[2] Rollo, p. 9.

[3] Id. at 2.

[4] Id. at 21.

[5] Id. at 22.

[6] Id. at 21-25.

[7] Id. at 22-24.

[8] Estardo-Teodoro v. Segismundo, A.M. No. P-08-2523, April 7, 2009, 584 SCRA 18, 30.

[9] Section 52 (A) (1), CSC Memorandum Circular No. 19, series of 1999.

[10] Section 52 (C) (3), CSC Memorandum Circular No. 19, series of 1999.

[11] Ibid.

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