ANNABELLE F. GARCIA, CLERK OF COURT, MUNICIPAL TRIAL COURT IN CITIES, BRANCH 2 OLONGAPO CITY, COMPLAINANT, VS. AMELIA C. BADA, COURT INTERPRETER, MUNICIPAL TRIAL COURT IN CITIES...

A.M. No. P-07-2311 (FORMERLY OCA-IPI NO. 05-2153-P). August 23, 2007

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PER CURIAM:

This is an administrative complaint against respondent Amelia C. Bada, court interpreter in Branch 2 of the Municipal Trial Court in Cities (MTCC) of Olongapo City.

In a memorandum[1] addressed to respondent, complainant Annabelle F. Garcia, clerk of court of Branch 2, MTCC, Olongapo City, stated that she personally saw the respondent handing the time card of one Herminio Reyes, another court interpreter in the same branch, to a security guard on December 23, 2004. When complainant confronted respondent about the incident, the latter allegedly admitted having "always" punched Reyes' time card for him in the month of December 2004. Thus, complainant asked respondent to explain in writing why she should not be administratively charged for violation of civil service rules and the Code of Conduct for Court Personnel.

In her written explanation,[2] respondent stated that Reyes asked her to punch his time card for him because he had to attend to a very important matter. She "felt obliged" to do so as Reyes was her officemate. She also emphasized that it was her first time to have done it and that it was the last time she would do so.

Thereafter, complainant filed a letter-complaint in the Office of the Court Administrator (OCA) charging respondent with grave misconduct. On April 4, 2005, the OCA directed respondent to file her comment.

In her comment,[3] respondent vehemently denied that she admitted having "always" punched Reyes' card for him in the month of December 2004. She reiterated that the December 23, 2004 incident was the first and last time she did it. She also justified her action as being impelled by "humanitarian reason(s)" as Reyes was then experiencing severe pain due to prostatitis. She stated that she felt constrained to help him as he was her kumpare. For these reasons, respondent stated she honestly believed that she did not commit grave misconduct nor did she violate civil service rules and the Code of Conduct for Court Personnel.

Respondent also alleged in her comment that she was being singled out by complainant because of the on-going feud in their office between the latter and Reyes. The latter allegedly protested the performance rating he received from complainant for the period July to December 2004. She surmised that had she punched the time card of a person other than Reyes, complainant would not have filed a case against her. Respondent also claimed that the records show that she had never been charged with any offense nor was there ever any question about her official performance and conduct in all her years of service in the government.

After evaluating the complaint and respondent's comment thereon, the OCA submitted its memorandum.[4] It stated that the reasons offered by respondent were not enough to warrant her exculpation from administrative

sanction. The OCA saw it fit to remind respondent that government officials and employees must devote their working hours in the service of the public.[5] A court employee therefore cannot leave the office before the working hours are over. Moreover, a court employee must not make it appear as if he left the office at a later time when he, in fact, did so earlier.

The OCA further stated that, although respondent did not directly benefit from punching Reyes' time card, she caused the commission of a wrong that tainted the integrity of the office she held. However, the OCA found that the offense committed by respondent was only simple, not grave, misconduct. Accordingly, it recommended that respondent be given a penalty of suspension for two months.

We disagree with the finding of the OCA that respondent's act was merely simple misconduct.

OCA Circular No. 7-2003[6] states that:

> 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:
>
> - 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 xxx. (emphasis supplied)

The said circular clearly 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. Equally important is the fact that this Court has already held that the punching of one's daily time record is a personal act of the holder. It cannot and should not be delegated to anyone else. This is mandated by the word every in the above-quoted circular.[7]

Respondent's act of punching another employee's time card falls within the ambit of falsification. She made it appear as though it was Reyes himself who punched his own card and, at the same time, made the card reflect a log-out time different from the actual time of departure. 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 xxx.

Falsification of daily time records is also an act of dishonesty. Under Rule XIV, Section 21 of the Civil Service Rules, falsification of official documents 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 for reemployment in government service.[8]

To temper the harshness of the rules, this Court has refrained from imposing the extreme penalty of dismissal in a number of cases.[9] The presence of such factors as length of service in the judiciary, acknowledgment of infractions and feeling of remorse and family circumstances, among other things, have had a mitigating effect in the imposition of penalties on erring court officials and personnel. However, we see no reason for leniency in the instant case as respondent did not even express any remorse for what she did and instead offered all sorts of excuses to justify the same. Furthermore, falsification of an official document is punishable as a criminal offense under Article 171 of the Revised Penal Code. We cannot tolerate the commission of a criminal act.

We have stated over and over again that:

> [c]ourt employees, from the presiding judge to the lowliest clerk, being public servants in an office dispensing justice, should always act with a high degree of professionalism and responsibility. Their conduct must not only be characterized by propriety and decorum, but must also be in accordance with the law and court

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> regulations. No position demands greater moral righteousness and uprightness from its holder than an office in the judiciary. Court employees should be models of uprightness, fairness and honesty to maintain the people's respect and faith in the judiciary. They should avoid any act or conduct that would diminish public trust and confidence in the courts. Indeed, those connected with dispensing justice bear a heavy burden of responsibility.[10]

WHEREFORE, respondent is hereby found GUILTY of falsification of official documents and dishonesty. She is ordered DISMISSED from the service with forfeiture of all benefits and privileges, except accrued leave credits, if any, with prejudice to reemployment in any branch or instrumentality of the government, including government owned or controlled corporations.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Azcuna, Tinga, Chico-Nazario, Garcia, Nachura, and Reyes, JJ., concur.
Velasco, Jr., J., no part.

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[1] The memorandum is erroneously dated January 6, 2004. It should read January 6, 2005, rollo, p. 3.

[2]Dated January 14, 2005, id., p. 4.

[3]Dated May 6, 2005, id., p. 6.

[4]Dated January 6, 2006, id., p. 9.

[5] Supreme Court Amended Memorandum Order No. 49-2003 dated December 1, 2003, Enjoining the Use of Bundy Clocks in All Courts.

[6]Re: Certificates of Service and Daily Time Records (DTRs)/Bundy Cards of Judges and Personnel of the Lower Courts.

[7] 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, 26 September 2006, 503 SCRA 52.

[8] Office of the Court Administrator v. Magno, 419 Phil 593, 602 (2001); Sec. 22 (a), Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292 (Administrative Code of 1987), as amended by CSC Memorandum Circular No. 19, s. 1999 (a).

[9]An example is the aforementioned case of 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. Razon asked Morales to log-in and log-out her time card for her on September 7, 2004. She alleged that she was going to the Supreme Court on official business and wanted to make it appear as though she reported for work that day. Morales acquiesced. However, it was Magtuloy who actually logged-in and logged-out her time card for he was the one near the bundy clock as he was then about to punch his own time card. The Court found respondents guilty of falsification of official document and dishonesty. However, they were not dismissed from the service. As to Magtuloy and Morales, the Court took into consideration the fact that the administrative case is their first administrative offense in their 9 years and 37 years, respectively, in government service. They were, however, given a stern warning that a repetition of the same or similar acts in the future shall merit a more severe sanction from the Court. As to Razon, the Court deemed it proper to impose upon her a fine

of P2,000 only with the same stern warning given to Magtuloy and Morales as she readily acknowledged her offense, offered her sincere apologies, and promised not to do it again. Although this case was already her second administrative case in her 27 years with the government, the records show that the first one was dismissed. As such, this is only her first administrative offense. Thus, there was no showing that their administrative liabilities merited their dismissal from the service.

[10]Office of the Court Administrator v. Juan, A.M. No. P-03-1726, 22 July 2004, 434 SCRA 654, 659, citing Albior v. Auguis, A.M. No. P-01-1472, 26 June 2003, 405 SCRA 1 and Castelo v. Florendo, A.M. No. P-96-1179, 10 October 2003, 413 SCRA 219.

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