

OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. LIZA MARIA E. SIRIOS, CLERK III, OFFICE OF THE CLERK OF COURT, REGIONAL TRIAL COURT, MAKATI CITY, RESPONDENT.

A.M. No. P-02-1659. August 28, 2003

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

This administrative case stemmed from the Memorandum Report dated May 14, 2002 of Ms. Ma. Corazon M. Molo, then Officer-in-Charge of the Office of Administrative Services, Office of the Court Administrator (OCA), on the falsification of daily time record (DTR) committed by Liza Maria E. Sirios, Clerk III, Office of the Clerk of Court, Regional Trial Court, Makati City.

Ms. Molo in her Memorandum Report stated that on May 24, 2001, Sirios submitted to the Leave Division of the OCA her DTR for April 2001 duly verified and signed by Atty. Corazon Cecilia Pineda, Assistant Clerk of Court of the same court. Thereupon, Ms. Molo noticed alterations in the DTR, particularly in the entries regarding Sirios' daily arrival in office on April 10-11, 16-20, 23, 30, 2001. Upon verification, Atty. Pineda confirmed that the DTR submitted to this Court was different from that originally signed and retained on file with her office. Forthwith, Ms. Molo wrote Sirios requiring her to explain in writing, within seventy-two (72) hours from notice, why she should not be administratively charged for violating SC Administrative Circular No. 2-99.[1]

In her explanation, Sirios admitted falsifying her DTR for April 2001. She apologized, claiming that she is a single mother and in dire need of money to pay for the rental/deposit for another apartment to which she will transfer after she was ejected from her former place. She tried to borrow from relatives and friends but to no avail. She likewise applied for a loan with the Supreme Court Savings and Loan Association (SCSLA) but her application was disapproved because she has not yet acquired thirty (30) day leave credits. Consequently, she altered some entries in her DTR for April 2001 to make it appear that she has obtained the required leave credits.

According to her, she was constrained to commit a grave offense as she was desperate at that time. She regrets and pleads for understanding. Her daughter is only four years old and she has no means to support her if ever she loses her job. She promises never to falsify her DTR again.

Deputy Court Administrator Christopher O. Lock submitted his Report and Recommendation with the following evaluation:

"The Code of Conduct and Ethical Standards for Public Officials and Employees, RA 6713, enunciates the State's policy of promoting a high standard of ethics and utmost responsibility in the public service. And no other office in the government service exacts a greater demand for moral righteousness and uprightness than from an employee in the judiciary.

"Respondent admitted having altered some entries in her DTR for the month of April 2001, particularly the dates April 10, 11, 16, 17, 18, 19, 20, 23 and 30, 2001, after the same has been signed by her supervisor, Assistant Clerk of Court Ma. Corazon Cecilia H. Pineda. The tampering of the questioned DTR by respondent

is an act of falsification of official documents which, under Section 22 (f), Rule XI of the Omnibus Rules Implementing Book V of Executive Order No. 292 and other Pertinent Civil Service Law, is classified under grave offenses punishable by dismissal from the service even for the first offense.

"By her actuations, respondent clearly demonstrates her failure to observe the standard of conduct and behavior required of an employee in the Judiciary. x x x (A.M. No. P-1336, Clerk of Court T. F. Marbas-Vizcarra vs. Ma. Dina A. Bernardo, February 6, 2001)"

He then recommended that: (1) the Memorandum Report submitted by Ms. Molo be treated as an administrative complaint against Sirios and be re-docketed as an administrative matter; and (2) respondent be dismissed from the service for falsification of her Daily Time Record, with forfeiture of all benefits and accrued leave credits and with prejudice to reemployment in the government including government-owned and controlled corporations.

In a Resolution dated November 18, 2002, we required the parties to manifest whether they are submitting the case for decision based on the pleadings filed.

On January 6, 2003, respondent filed a manifestation and motion asking this Court to defer the resolution of the case to enable her to adduce evidence to prove her innocence. The OCA recommended its denial, pointing out that "respondent was already substantially afforded due process." In fact, she admitted having falsified her DTR for April 2001.

As can be gleaned from her explanation, respondent knows that falsifying her DTR is a grave offense, and that she could possibly lose her job if charged administratively. Hence, when she tampered her DTR, she manifested her lack of integrity and a perverse sense of responsibility. Indeed, she has fallen short of the degree of discipline exhorted from court personnel which we stressed in *Mirano vs. Saavedra*,^[2] thus:

"Public service requires utmost integrity and strictest discipline. A public servant must exhibit at all times the highest sense of honesty and integrity. The administration of justice is a sacred task. By the very nature of their duties and responsibilities, all those involved in it must faithfully adhere to, hold inviolate, and invigorate the principle solemnly enshrined in the 1987 Constitution that a public office is a public trust; and all public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency. The conduct and behavior of everyone connected with an office charged with the dispensation of justice, from the presiding judge to the lowliest clerk, is circumscribed with the heavy burden of responsibility. Their conduct, at all times, must not only be characterized by propriety and decorum but must be above suspicion. Indeed, every employee of the judiciary should be an example of integrity, uprightness and honesty."

Under Section II of Administrative Circular No. 2-99 entitled "Strict Observance Of Working Hours And Disciplinary Action for Absenteeism And Tardiness," falsification of DTR is considered gross dishonesty, thus:

"II. Absenteeism and tardiness, even if such do not qualify as "habitual" or "frequent" under Civil Service Commission Memorandum Circular No. 04, Series of 1991, shall be dealt with severely, and any falsification of daily time records to cover up for such absenteeism and/or tardiness shall constitute gross dishonesty or serious misconduct."

Under Section 52 (A)(1) and (6), Rule VI of the Revised Uniform Rules on Administrative Cases in the Civil Service,^[3] falsification of official document and dishonesty are grave offenses punishable by dismissal from the service for the first offense.^[4] Thus, the OCA recommended respondent's dismissal from the service.

However, we do not hastily inflict such an extreme penalty upon an erring employee, especially so in cases where there exist mitigating circumstances which could alleviate his or her culpability. Here, we note that respondent readily acknowledged her offense, offered her most sincere apologies and promised to reform her ways.^[5]

Furthermore, we perused respondent's records and noted that this is her first administrative case.[6] These extenuating factors warrant the reduction of the imposable penalty from dismissal from the service to suspension for three (3) months. In *Reyes-Domingo vs. Morales*, [7] we merely imposed a penalty of fine to a branch clerk of court who was found guilty of dishonesty in not reflecting the correct time on his DTR. We perceive no cogent reason why we cannot take the same benevolent stance in this case.

WHEREFORE, respondent LIZA MARIA E. SIRIOS is found guilty of falsification of official document and dishonesty, and is hereby SUSPENDED for three (3) months without pay. She is sternly warned that a repetition of a similar offense shall warrant a more severe penalty.

SO ORDERED.

Puno, (Chairman), and Panganiban, JJ., concur.
Corona, and Carpio-Morales, JJ., on leave.

[1] Strict Observance of Working Hours and Disciplinary Action for Absenteeism and Tardiness dated January 15, 1999.

[2] A.M. No. P-89-383, August 4, 1993, 225 SCRA 77, 85.

[3] CSC Memorandum Circular No. 19, Series of 1999.

[4] *Melinda F. Pimentel vs. Perpetua Socorro M. De Leoz*, A.M. No. P-02-1620, April 1, 2003; *Civil Service Commission vs. Sta. Ana*, A.M. No. OCA-01-5, August 1, 2002; *Marbas-Vizcarra vs. Bernardo*, A.M. No. P-99-1336, February 6, 2001, 351 SCRA 219; *Amane vs. Atty. Mendoza-Arce*, 376 Phil. 575 (1999); *Clerk of Court Marbas-Vizcarra vs. Florendo*, 369 Phil. 840 (1999).

[5] In *Office of the Court Administrator vs. Panganiban*, A.M. No. RTJ-96-1350, August 18, 1997, 277 SCRA 499, 505, we considered as a mitigating circumstance respondent's admission that she committed the administrative offense charged.

[6] In *Reyes-Domingo vs. Morales*, A.M. No. P-99-1285, October 4, 2000, 342 SCRA 6, 18, we held that commission of an administrative offense for the first time is an extenuating circumstance.

[7] *Id.*

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