

JUDGE SALVADOR G. CAJOT, PETITIONER, VS. MA. THELMA JOSEPHINE V. CLEDERA, LEGAL RESEARCHER, REGIONAL TRIAL COURT, BRANCH 29, LIBMANAN, CAMARINES SUR, RESPONDENT.

A.M. No. P-98-1262. February 12, 1998

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PER CURIAM:

This matter was treated and so ordered to be docketed as an administrative case in the resolution, dated 21 January 1998, of the Court.

On 28, October, 1996, Security Guard (“SG”) Jay Din, the “on duty” guard at the Bulwagan ng Katarungan in Libmanan, Camarines Sur, caught Ma. Thelma Josephine V. Cledera, Legal Researcher of the Regional Trial Court “RTC” of Libmanan, Camarines Sur, Branch 29, in the act of pouring grains of salt into the court’s Bundy clock. SG Din promptly reported the misdemeanor to his supervisor, SG Jesus H. Puso, who, in turn, submitted a written report to RTC Executive Judge Salvador G. Cajot. Cledera, following the submission of the report, ceased from further reporting for work.

On 07 November 1996, Judge Cajot issued a memorandum addressed to Cledera directing her to explain why she should not be administratively dealt with for grave misconduct, as well as for habitual absenteeism and habitual tardiness during the period from July to October 1996, and be made to answer accordingly. Cledera’s Daily Time Records (“DTRs”) revealed that she went on sick leave for four (4) days in July 1996, four (4) days in August 1996 and twenty two (22) days in September 1996. In addition, the DTRs showed that she would frequently arrive at the office after nine o’clock in the morning and would leave four-thirty in the afternoon. Cledera did not heed the memorandum.

In a letter, dated 03 January 1997, Judge Cajot apprised the Supreme Court of the above matter and charged Cledera with grave misconduct, habitual absenteeism and habitual tardiness. In the meantime, Cledera submitted her resignation, dated 14 February 1997, to Judge Cajot. A copy of the resignation letter was furnished to Atty. Adelaida Cabe-Baumann, Chief of the Office of Administrative Services, of the Supreme Court.

On 05 March 1997, Judge Cajot sent a letter to Atty. Baumann inquiring about any action taken on Cledera’s case. In a “1[st] Indorsement,” dated 01 April 1997, Miss Rosario Salvador, Officer in Charge of the Office of Administrative Services, Office of the Court Administrator, referred back Cledera’s resignation letter to Judge Cajot for his comment and recommendation. In a “2[nd] Indorsement,” dated 22 April 1997, Judge Cajot recommended that Cledera should not be allowed to resign without first being meted the corresponding administrative sanction for her infractions.

The Office of the Court Administrator (“OCA”) has found merit in the recommendation. The Court finds no cogent reason for disagreement.

The charge of grave misconduct is supported by the sworn statement of SG Jay Din taken by Judge Cajot in the course of his investigation. Thus:

“Judge: According to the report of Mr. Jaime A. Fabre, another Security Guard of the Marino Security Agency that you were the one who ‘caught in the act Mrs. Ma. Thelma Josephine Cledera putting grains of salt inside the bundy clock.’ Will you tell this investigator how did you see or catch Mrs. Cledera putting or pouring salt in the bundy clock at the Hall of Justice of Libmanan on October 28, 1996 about 12:05 P.M.

“Answer: While I was sitting by the table of the security guard, Mrs. Ma. Thelma Josephine Cledera came to punch her card. It was quite long already and she was still there. So I look at her and I saw her trying to insert the grains of salt inside the punch hold of the bundy clock and I saw some salt falling on the floor.

“Judge: So what did you do?

“Answer: I stood up and confronted her why she was pouring salt inside the bundy clock.

“Judge: What was her answer?

“Answer: She answered back ‘Can’t you see that I am eating something with salt?’

“Judge: What is that something she was eating with salt?

“Answer: There was nothing she was eating, sir.

“Judge: Then what happened?

“Answer: I gathered the grains of salt on the rim of the punch hole and also those grains of salt that fell on the floor.

“Judge: What did you do?

“Answer: I brought it to you, sir.

“Judge: That was the time when you showed it to me?

“Answer: Yes, sir.

“Judge: Then what happened to the salt?

“Answer: I was instructed by you, the Executive Judge, to wrap it in a clean paper to be placed inside an envelope.

“Judge: Where is that salt now?

“Answer: It is now here, sir, but perhaps melted already.

(witness got the salt wrapped by a bond paper inside his wallet and presented it to the Judge).

The investigator, Judge Cajot, opened the folded bond paper and found that after the first wrapper there still another bond paper wrapping the salt.

When it was opened, it was found that the salt already melted.

“Judge: Did you not throw the salt?

“Answer: No, sir. But the salt already melted.

“Judge: According to the report of Mr. Jaime A. Fabre, it was allegedly you who told Mrs. Cledera to bring salt to be put in the Bundy clock, what can you say to that?

“Answer: Some days ago, I noticed that Mrs. Cledera usually punches her time card very much late. Then, she uttered twice when she was punching her time card ‘I think I should bring salt next time.’ She also uttered ‘I

think everytime I punch the time card, I will put salt in the bundy clock.'

"Judge: What did you tell her?

"Answer: Since, as if that she was challenging me, I told her 'It is up to you to bring salt.'"[1]

Respondent's habitual tardiness is evident from her own DTRs clearly showing that for the months of July to September 1996, "there has no single day x x x that respondent complied with the required eight hours of work." [2]

With respect to the charge for habitual absenteeism, it would appear that while Cledera had approved leave applications for the months of July to September 1996, she, however, did not submit any leave application for October 1996, [3] during which month, she failed to report for work except for nine (9) days. From 04 November 1996, despite the call order sent to her by Assistant Chief Rowena Castro Benipayo, Office of the Administrative Services, Supreme Court, she stopped altogether from reporting for work.

The OCA has recommended that respondent Cledera should be dismissed from the service.

The Court adopts the recommendation. The Court cannot, under the circumstances, simply accept the resignation being proffered by respondent. Resignation should be used neither as an escape nor as an easy way out to evade administrative liability by a court personnel facing administrative sanction.

While the penalty prescribed for the first offense of frequent unauthorized absences or tardiness in reporting for duty and loafing or frequent unauthorized absences from duty during regular office hours is mere suspension from six (6) months and one (1) year, [4] here, however, respondent has likewise refused to acknowledge the call that she report for work. Her lack of concern, if not defiance, has prejudiced the cause of public services; coupled with the grave misconduct she has committed, [5] her case warrants a penalty of dismissal and its concomitants.

The court could not help but express great disappointment over the behavior of respondent who, being a law graduate herself, should have been among the first to set an example to fellow civil servants. Instead, she has badly tainted the image of the judiciary. The Court must emphasize anew that –

"(T)he image of a court of justice is necessarily mirrored in the conduct, official or otherwise, of the men and women who work thereat, from the judge to the least and lowest of its personnel – hence, it becomes the imperative sacred duty of each and everyone in the court to maintain its good name and standing as a true temple of justice." [6]

WHEREFORE, respondent Ma. Thelma Josephine V. Cledera is DISMISSED from the service for grave misconduct, habitual tardiness and habitual absenteeism, with forfeiture of all benefits and with prejudice to re-employment in the government including government owned or controlled corporations.

SO ORDERED.

Narvasa, C.J., Regalado, Davide, Jr., Romero, Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Francisco, Panganiban, Martinez, Quisumbing, and Purisima, JJ., concur.

[1] Memorandum of DCA Reynaldo L. Suarez for Chief Justice Andres R. Narvasa, dated 15 October 1997, pp. 3-4.

[2] Ibid., p. 4.

[3] October 7, 8, 10, 11, 21, 23, 24, and 28.

[4] Revenue Memorandum Circular No. 49-89 (Guidelines in the Application of Penalties in Administrative Cases).

[5] Punishable with Dismissal per RMC 49-89.

[6] Sy vs. Cruz, 250 SCRA 639; Citing Lim-Arce vs. Arce, et al., 205 SCRA 21.

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