

MELINDA F. PIMENTEL, LEGAL RESEARCHER, REGIONAL TRIAL COURT, NAGA CITY, BRANCH 27, COMPLAINANT, VS. PERPETUA SOCORRO M. DE LEOZ, COURT STENOGRAPHER, REGIONAL TRIAL COURT, NAGA C...

A.M. No. P-02-1620 (Formerly OCA IPI No. 95-37-P). April 01, 2003

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PER CURIAM:

Before the Court are administrative matters which involve specific charges and counter-charges filed by the personnel of the Regional Trial Court of Naga City, Branch 27. Principally involved are Perpetua Socorro M. De Leoz, Court Stenographer, on one hand; and Branch Clerk of Court Atty. Amelia B. Vargas and Legal Researcher Melinda F. Pimentel, on the other.

The factual antecedents of these cases are as follows:

1. A.M. No. P-02-1620 (Formerly OCA IPI No. 95-37-P)

In a sworn complaint,[1] dated July 28, 1995, Melinda F. Pimentel, Legal Researcher of the Regional Trial Court of Naga City, Branch 27, charged her co-employee, Court Stenographer Maria Perpetua Socorro M. De Leoz, with violation of Supreme Court Circular No. 5-88.[2] The complaint alleged that De Leoz was engaged in the private business of selling undergarments and cosmetics as a result of which she incurred frequent absences during the months of May and June 1995. Pimentel further declared that De Leoz was a registered JOCKEY Sales Executive of Finchley Design, Inc. (Jockey Phil. Inc.) and a sales distributor of the House of SARA LEE.

In her verified comment/answer[3] to the complaint, De Leoz denied the allegations of Pimentel saying that as an employee of the court, she had served with “utmost dedication, honesty, punctuality, and competence.” De Leoz likewise denied that she was a sales agent of Finchley Design, Inc., (Jockey Phils. Inc.) attaching in support of her denial, an affidavit[4] of Ms. Merit R. Nollase, Network Director of Finchley Design, Inc. She further denied working as a sales distributor for the House of SARA LEE, submitting an affidavit[5] of Ms. Rosal Vergara Aton, Sales Dealer of the House of SARA LEE to that effect.

2. A.M. No. P-02-1621 (Formerly OCA IPI No. 95-41-P)

In their joint complaint[6] dated July 26, 1995, three (3) employees of the RTC of Naga City, Branch 27, namely: Rolando F. Orante, Perpetua Socorro M. De Leoz, and Maria Leonora S. Puto charged their co-employees, Branch Clerk of Court Atty. Amelia B. Vargas and Legal Researcher Melinda F. Pimentel with “Gross Dishonesty, Grave Misconduct and Falsification of Official Documents” allegedly committed as follows:

That on or about the period of April 1 to August 14, 1994, the above-named respondents conspiring and confederating with each other did then and there willfully, unlawfully and feloniously made it appear that Ms. Melinda F. Pimentel had reported for work during that period by submitting duly accomplished and signed daily time records (DTRs), duly verified and also signed by Atty. Amelia B. Vargas, Branch Clerk of Court, RTC Branch 27, Naga City, when in truth and in fact she had not reported for work/office as she was then

reviewing for the 1994 Bar Examination as the result of which Melinda F. Pimentel received her salaries, allowances and other benefits for said period to the damage and prejudice of the government.

ACTS CONTRARY TO LAW.[7]

In their verified answer,[8] Atty. Vargas and Pimentel denied the allegations and prayed for the dismissal of the instant case. They averred that complainants had malicious motives in filing the aforecited complaint. Respondent Pimentel admitted that she had attended a Pre-Bar Review Course at the University of Nueva Caceres, but stressed that said review classes were held only after office hours.

In their reply, complainants declared that they inquired from the Leave Section, Supreme Court if respondent Pimentel had gone on leave from April to August 1994. The Leave Section disclosed that as evidenced by her DTRs, duly verified and signed by respondent Vargas, Pimentel reported for work from April 1 to August 14, 1994, and applied for vacation leave from August 15 to September 16, 1994.[9]

3. A.M. No. P-02-1622 (Formerly OCA IPI No. 95-45-P)

In a sworn complaint[10] dated July 28, 1995, Atty. Amelia Vargas charged Perpetua Socorro M. De Leoz with falsifying entries in her DTRs for May and June 1995 by making it appear that she reported for work from 8:00 a.m. to 12:00 noon and from 1:00 p.m. to 5:00 p.m. during said months, when actually she was either late or absent.

In her answer,[11] De Leoz denied the allegations of Atty. Vargas, claiming that the latter only filed this case to harass her in view of the administrative case, A.M. No. P-02-1621, which she and her co-employees had filed against Atty. Vargas and Pimentel.

4. A. M. No. P-96-1194 (Formerly OCA IPI No. 95-73-P)

In a letter[12] to the Office of the Court Administrator (OCA), dated August 28, 1995, Perpetua Socorro M. De Leoz reported that the entries in the DTRs of Melinda F. Pimentel for June 19, 20, 22, 26, and 30, 1995, and for July 6, 7, 10, and 17, 1995 were false. De Leoz alleged that during those dates, Pimentel merely inserted her signature with the corresponding time in and time out to make it appear that she was present on those days. Then respondent Atty. Amelia B. Vargas certified co-respondent Pimentel's entries on said dates in these DTRs by affixing her own signature thereto, according to complainant.

In our Resolution of March 13, 1996,[13] we resolved to treat the said letter as an administrative complaint for falsification of official documents and required the respondents to comment thereon. The Court likewise resolved to consolidate A.M. No. P-02-1620, A.M. No. P-02-1621, A.M. No. P-02-1622, and A. M. No. P-96-1194.

On August 31, 1996, Pimentel, Orante, De Leoz, Puto, and Atty. Vargas sent a sworn letter[14] to the Chief Justice stating that they had finally settled their differences, had reconciled, and were now in a "state of harmonious relationship." The parties then prayed that the administrative cases filed against each other "be considered closed and terminated."

On November 17, 1997, we resolved to refer these consolidated administrative cases to Executive Judge Antonio N. Gerona of the RTC of Naga City for a thorough investigation, report, and recommendation.[15]

In his Report and Recommendation[16] dated January 15, 1998, Judge Gerona disclosed that Perpetua Socorro M. De Leoz had applied for optional retirement effective October 1, 1997, and was already residing in the United States. Judge Gerona concluded that inasmuch as De Leoz was no longer present to testify and present evidence in the aforementioned cases, A.M. No. P-96-1194, A.M. No. P-02-1620, and A.M. No. P-02-1622 should be dismissed. Judge Gerona likewise cited the joint letter of all the parties in all these cases requesting that A.M. No.

P-02-1621 be considered dismissed or withdrawn in view of their having reconciled their differences and misunderstandings. Judge Gerona then requested that the Court issue an order directing him to continue his investigation in A.M. No. P-02-1621 only.

In our Resolution[17] of November 25, 1998, we denied the recommendation of Judge Gerona, and directed that the records of all these cases be referred back to Executive Judge Jose T. Atienza of the RTC, Naga City for investigation, report, and recommendation.

In his Report[18] dated June 30, 1999, Judge Atienza, like his predecessor, found that De Leoz has left the country permanently and could no longer be investigated with respect to A.M. No. P-02-1620, A.M. No. P-02-1622, and A.M. No. P-96-1194. Judge Atienza then proceeded with the investigation of A.M. No. P-02-1621. The evidence presented by the parties at various hearings conducted at various dates from February 23 to June 21, 1999, led Judge Atienza to conclude that Pimentel had indeed falsified her DTRs for the period April 1 to August 14, 1994 and that Atty. Vargas had not only tolerated but had abetted the falsification. Judge Atienza then recommended that Atty. Vargas and Pimentel be dismissed from the service with forfeiture of benefits for dishonesty and falsification of a public document.

In its Resolution[19] of January 19, 2000, this Court expressed its dissatisfaction with Executive Judge Atienza's report and recommendation to dismiss A.M. No. P-02-1620, A.M. No. P-02-1622, as well as A.M. No. P-96-1194 and once more referred back said cases to the Executive Judge of the RTC of Naga City, for a more thorough investigation.

In her Report[20] dated January 15, 2002, Executive Judge Corazon A. Tordilla came up with the identical finding that De Leoz had already permanently moved to the United States and cannot be served with notice anymore. Executive Judge Tordilla concluded that evidently, she was no longer interested in pursuing A.M. No. P-96-1194. Hence, said case should be dismissed. Judge Tordilla also recommended that A.M. No. P-02-1620 and A.M. No. P-02-1622 be dismissed. Anent A.M. No. P-02-1621 she concluded that the thorough investigation conducted by Judge Atienza was in order.

On March 4, 2002, we resolved to refer the report of Executive Judge Corazon A. Tordilla to the OCA for evaluation, report, and recommendation.[21]

In its memorandum dated June 3, 2002, the OCA observed that a more thorough investigation of A.M. No. P-02-1620 and A.M. No. P-02-1622 would be an exercise in futility, because respondent De Leoz is no longer residing in the Philippines. Any further investigation in her absence would deprive her of due process, as she would be denied the opportunity to defend herself. Hence, said cases must be resolved on the basis of the evidence already submitted. With respect to A.M. No. P-96-1194, where the allegations of De Leoz are the same as those raised in A.M. No. P-02-1621, the former case should be deemed included in the investigation of the latter. The OCA then concluded that its evaluation should thus be limited to A.M. No. P-02-1620 and A.M. No. P-02-1622 only.

The OCA found that the filing of A.M. Nos. P-02-1620 and P-02-1622 were retaliatory acts on the part of Atty. Vargas and Pimentel against De Leoz for filing an administrative case against them. The OCA noted that not only were the charges against De Leoz made in bad faith, they were likewise unsubstantiated. The OCA then recommended that said cases be dismissed.

Regarding A.M. No. P-02-1621, the OCA memorandum adopted the findings and conclusions of Executive Judge Atienza, but found the recommended penalty of dismissal too harsh. Instead, the OCA proposed that Pimentel and Vargas be suspended for a period of six (6) months and one (1) day without pay.

On July 29, 2002, this Court resolved to re-docket these cases as regular administrative matters.

For our resolution now are the following matters: (1) the propriety of dismissing A.M. No. P-02-1620 and A.M. No. P-02-1622; (2) the correctness of the finding of guilt on the part of Atty. Amelia B. Vargas and Melinda F. Pimentel for falsification of official documents; and (3) the appropriateness of the penalty to be imposed, if any.

On the first matter, we note that after A.M. No. P-02-1620 and A.M. No. P-02-1622 were consolidated, they were referred not just once but thrice to the Executive Judge of the RTC of Naga City for investigation, report, and recommendation. Each of the investigating judges found that Perpetua Socorro M. De Leoz, the respondent in A.M. No. P-02-1620 and A.M. No. P-02-1622, had left the country to reside permanently in California, and could no longer be served summons, notices, or other papers. In their respective reports, said investigators recommended that these cases be dismissed since a thorough investigation was no longer possible in view of the absence of respondent De Leoz.

The disciplinary power of this Court over its erring personnel, in general, cannot be terminated just because one of the parties involved is now residing abroad. It is true, however, that to allow an investigation to proceed against one who could no longer be in a position to defend herself would be a denial of her right to be heard, our most basic understanding of due process.^[22] But even in the absence of respondent De Leoz, if there were sufficient records available, and other witnesses that could have been called to testify, investigators could have utilized those records and those witnesses to come out with a judicious recommendation based on the merits, rather than a recommendation to dismiss based solely on the absence of De Leoz.

Disciplinary proceedings like these administrative matters, in our view, involve not merely private interest, nor just the redress of private grievances. More important, they are undertaken and prosecuted for the public welfare, i.e., to maintain the faith and confidence of the people in the government and its agencies and instrumentalities. Hence, as far as feasible, they should proceed for the purpose of determining whether or not a respondent had erred, and if so, to impose the proper sanction. Otherwise, this Court's concern that every employee of the judiciary should be an example of integrity and honesty^[23] would be hollow.

Nevertheless, after carefully reviewing the records of A.M. No. P-02-1620 and A.M. No. P-02-1622, we agree with the observation of the OCA that the charges against De Leoz were filed with malice aforethought. Said cases were initiated by Atty. Vargas and Pimentel two (2) days after De Leoz and her co-employees had taken steps to file A.M. No. P-02-1621 against Atty. Vargas and Pimentel for dishonesty, grave misconduct, and falsification of public documents. Moreover, nowhere in the records do we find substantial evidence to support the allegations of Atty. Vargas and Pimentel, particularly with respect to the charge that De Leoz was engaged in selling undergarments and cosmetics during office hours. We find, instead, that De Leoz submitted convincing evidence to support her defense, which Atty. Vargas and Pimentel failed to rebut. These evidentiary matters include: (1) the ¹[st] Indorsement dated October 16, 1995 by then Executive Judge David Naval of the RTC of Naga City to the Office of Administrative Services (OAS), Supreme Court, recommending that her services from May to September 1995 be considered as evidence of her service as Court Stenographer III for said period; (2) the certification of Merit R. Nollase, Network Director of Finchley Design, Inc.; (Jockey Phils. Inc.) that she is not a sales agent of Jockey Phils. Inc.; and (3) the affidavit of the Rosal V. Aton, Sales Dealer of the House of SARA LEE attesting that De Leoz is not a sales representative of the House of SARA LEE.

On the basis of the foregoing, we find sufficient bases to hold that A.M. No. P-02-1620 and A.M. No. P-02-1622 are contrived and unsubstantiated. The charges were made in bad faith. They ought to be dismissed for lack of merit.

On the second matter, the investigation of Judge Atienza with regard to the culpability of Pimentel and Atty.

Vargas in A.M. No. P-02-1621 yielded the following findings, which were concurred in by the OCA, to wit:

- (1) In their letter of April 28, 1995, complainants Orante, Puto, and De Leoz inquired from Mrs. Rowena Castro-Benipayo, Chief, Leave Section, OAS, Supreme Court if Pimentel was on leave from April 1 to August 14, 1994 and if she submitted her DTRs for the period concerned as she did not report for work. On May 16, 1995, Mrs. Benipayo replied that Pimentel did not file any application for leave of absence for the period April 1 to August 14, 1995 and accordingly, submitted her DTRs for said period;
- (2) Judge Jose R. Panday, presiding judge of the RTC of Naga City, Branch 27, stated that from April to August 1994, he did not assign any research work to Pimentel, the Legal Researcher of Branch 27 as she was reviewing for the 1994 Bar Examinations and no longer reporting for work;
- (3) At around 9:30 a.m. of August 3, 1995, Remedios Genorga, Stenographer III of RTC of Naga City, Branch 27, discovered that the court's attendance logbook, where the employees recorded their daily "ins" and "outs" was missing. Said disappearance was reported to the Naga City police the following morning; and
- (4) Before the filing of A.M. No. P-02-1621, the personnel of Branch 27 uniformly wrote 8:00 a.m. and 1:00 p.m. as their time in and 12:00 noon and 5:00 p.m. as their time out. After said case was filed, however, Atty. Vargas required them to write down their actual time of arrival and departure from the office.

In view of the foregoing findings the investigator, Judge Atienza, concluded and the OCA concurred that both Atty. Vargas and Pimentel should be held culpable for dishonesty and falsification of official documents.

In administrative cases, the quantum of proof necessary is substantial evidence or such relevant evidence as a reasonable mind may accept as adequate to support a conclusion.[24] In A.M. No. P-02- 1621, we agree that the evidence adduced by the complainants at the hearing conducted by Judge Atienza was more than sufficient to hold respondents Pimentel and Atty. Vargas administratively liable for dishonesty and falsification of official documents.

We note that during the investigation conducted by Judge Atienza, several witnesses for the complainants testified that Pimentel either (1) did not report for work; or (2) did not regularly go to the office from April 1 to August 14, 1995, but she would stay only for a few minutes or an hour.[25] Judge Panday categorically declared that he did not assign any research work to Pimentel as she was then on leave to review for and take the 1994 Bar Examinations.[26] As against these positive statements, all that Pimentel could offer was a denial. She claimed that she was reporting for work during said period doing research work at the University of Nueva Caceres, as the court lacked the necessary materials.[27] Pimentel, however, failed to substantiate her claim. She could not even remember what cases she was working on or the books she borrowed. Nor could she explain why Judge Panday testified that he did not assign her any research duties from April to August 1994 as she was then on leave and reviewing for the 1994 Bar Examinations. Yet there is no showing in the evidence that Pimentel had applied for or had gone on official leave for said period. In a letter, the Chief of the Leave Division, OAS, Supreme Court, categorically attested to the fact that Pimentel submitted her DTRs for the months of April to August 1994. It thus appears that while Pimentel was reviewing for the Bar Examinations, she was credited for work done on official time for which she was duly compensated.

Pimentel's submission of DTRs to make it appear that she was religiously reporting for work during said period is an act of falsification, a gross and blatant act of dishonesty. Not only does it reveal her deplorable lack of candor, it disturbingly shows her disregard of office rules. Her duties and responsibilities required her presence at her workplace, not outside. Moreover, she unjustly enriched herself by receiving her salaries, allowances, and other benefits during said period without rendering the requisite services. Perforce, we must sustain the

recommendation of the OCA that respondent Pimentel be found liable for dishonesty and falsification of official documents.

As for Atty. Vargas, her signature on the falsified DTRs submitted by Pimentel is mute but eloquent evidence of her own role in acts of dishonesty. Note that by signing said DTRs, Atty. Vargas attested to the truthfulness of the entries therein despite her knowledge of their falsity. Not only did Atty. Vargas tolerate or turn a blind eye to the acts of dishonesty and falsification committed by respondent Pimentel, she in fact abetted the accomplishment thereof. We find particularly glaring the failure of Atty. Vargas to testify in her defense at the investigative hearings conducted by Judge Atienza. Surely a person innocent of the charges pressed against her would strive hard and seize every opportunity to prove her innocence and clear her name. Her actuation appears contrary to that expected of a truly innocent person, a matter that could not escape the investigator's attention.

The judiciary, like other branches of government, adheres strictly to the policy of the State promoting a high standard of ethics in the public service. No less than the Constitution mandates that a public office is a public trust and public officers must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency, act with patriotism and justice, and lead modest lives.[28] We have held that the conduct and behavior of a person connected with the dispensation of justice, from the presiding judge to the humblest clerk, is circumscribed by the heavy burden of responsibility.[29] Her conduct should at all times be characterized by propriety and decorum, and be like Caesar's wife, beyond suspicion. As Clerk of Court of Branch 27, Atty. Vargas is a ranking officer of the judiciary, performing delicate administrative functions vital to the prompt and proper administration of justice.[30] As administrative assistant to the presiding judge, a Clerk of Court occupies a delicate and confidential position, which should be honored rather than betrayed. She is required to be a person of competence, honesty and probity. Her responsibility includes safeguarding the integrity of the court and its proceedings, to earn respect therefor, to maintain the authenticity and correctness of court records, and to uphold the confidence of the public in the administration of justice.[31]

As Clerk of Court, Atty. Vargas has the duty to see to it that the data in the DTRs certified by her office and submitted to the Supreme Court is true and accurate. By abetting the acts of falsification committed by Pimentel, she acted in disregard of her sworn duties and obligations. She fell short of the exacting standards for public office. Her failure to live up to these standards of responsibility, uprightness, and honesty surely warrants disciplinary action. For this Court cannot countenance any conduct, act, or omission on the part of those involved in the administration of justice which will violate the norms of public accountability and diminish, or tend to diminish, the faith of the people in the judicial system.[32]

Coming now to the impossible penalties, Judge Atienza, in his report, recommended that both Pimentel and Vargas be dismissed from the service with forfeiture of benefits. The OCA, however, finds the penalty of dismissal too harsh and recommends that Pimentel and Atty. Vargas be suspended for six (6) months and one (1) day without pay. Considering the nature and circumstances of this matter, we are constrained to agree with Judge Atienza's recommendation.

The tampering of DTRs constitutes acts of falsification of official documents,[33] as well as dishonesty and duplicity, which deserve appropriate sanction from this Court.[34] Under Section 23 (a) and (f)[35] of the Omnibus Rules and Regulations Implementing Book V of Executive Order No. 292,[36] falsification of official documents is a grave offense punishable by dismissal from the service even for the first offense. This Court has not hesitated to dismiss an erring employee of the judiciary found guilty of falsification of DTRs.[37] In recommending a lighter penalty, the OCA has not cited any reason or basis for its recommendation. We find that the penalty as recommended by the OCA applies to frequent unauthorized absences, provided for in Section 23 (q)[38] of the Omnibus Rules and Regulations Implementing Book V of Executive Order No. 292. We note,

however, that in A.M. No. P-02-1621, the complaint against respondents Pimentel and Atty. Vargas was not for unauthorized absences but for “gross dishonesty, grave misconduct, and falsification of official document.”[39] In the report of Judge Atienza concurred in by the OCA, both Pimentel and Atty. Vargas were found culpable not for unauthorized absences, but for dishonesty and falsification of official documents. Harsh as the penalty may be, it is the penalty provided for the offense by law and this Court has no option but to apply the law which calls for dismissal.

WHEREFORE, in A.M. No. P-02-1621, entitled Rolando F. Orante, Perpetua Socorro M. De Leoz, and Maria Leonora S. Puto v. Atty. Amelia B. Vargas and Melinda F. Pimentel, respondents ATTY. AMELIA B. VARGAS, Branch Clerk of Court, Regional Trial Court of Naga City, Branch 27, and MELINDA F. PIMENTEL, Legal Researcher, Regional Trial Court of Naga City, Branch 27, are found GUILTY of dishonesty and falsification of official documents, and are hereby ordered DISMISSED FROM THE SERVICE, with forfeiture of all benefits except accrued leave credits; as well as with prejudice to reemployment in the government including government-owned and controlled corporations.

In A.M. No. P-02-1620, entitled Melinda F. Pimentel v. Perpetua Socorro M. De Leoz, and A.M. No. P-02-1622, entitled Atty. Amelia B. Vargas v. Perpetua Socorro M. De Leoz, the complaints are DISMISSED for lack of merit. In A.M. No. P-96-1194, entitled Perpetua Socorro M De Leoz v. Melinda F. Pimentel and Atty. Amelia B. Vargas, the complaint is likewise DISMISSED, for failure of complainant to pursue her complaint.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Puno, Vitug, Mendoza, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio Morales, Callejo, Sr., and Azcuna, JJ., concur.

[1] Rollo (OCA IPI No. 95-37-P), pp. 1-2.

[2] The Circular reads in full:

TO : ALL OFFICIALS AND EMPLOYEES OF THE JUDICIARY

SUBJECT : PROHIBITION TO WORK AS INSURANCE AGENT

In line with Section 12, Rule XVIII of the Revised Civil Service Rules, the Executive Department issued Memorandum Circular No. 17 dated September 4, 1986 authorizing heads of government offices to grant their employees permission to “engage directly in any private business, vocation or profession x x x outside of office hours.”

However, in its En Banc Resolution dated October 1, 1987, denying the request of Atty. Froilan L. Valdez of the Office of Associate Justice Ameurfina Melencio-Herrera to be commissioned as a Notary Public, the Court expressed the view that the provisions of Memorandum Circular No. 17 of the Executive Department are not applicable to officials or employees of the courts considering the express prohibition in the Rules of Court and the nature of their work which requires them to serve with the highest degree of efficiency and responsibility, in order to maintain public confidence in the Judiciary. The same policy was adopted in Administrative Matter No. 88-6-002-SC, June 21, 1988, where the court denied the request of Ms. Esther C. Rabanal, Technical Assistant II, Leave Section, Office of the Administrative Services of this Court, to work as an insurance agent after office hours including Saturdays, Sundays, and holidays. Indeed, the entire time of Judiciary officials and employees must be devoted to government service to insure efficient and speedy administration of justice.

ACCORDINGLY, all officials and employees of the Judiciary are hereby enjoined from being commissioned as insurance agents or from engaging in any such related activities, and, to immediately desist therefrom if presently engaged thereat.

[3] Supra, note 1 at 34-36.

[4] Id. at 42.

[5] Id. at 43.

[6] Rollo (OCA IPI NO. 95-41-P), p. 4.

[7] Ibid.

[8] Id. at 37-41.

[9] Id. at 67.

[10] Rollo (OCA IPI No. 95-45-P), pp. 1-2.

[11] Supra, note 10 at 10.

[12] Rollo (Adm. Matter No. P-96-1194), p. 3.

[13] Id. at 12.

[14] Id. at 18.

[15] Id. at 20.

[16] Rollo (OCA IPI No. 95-37-P), pp. 94-96.

[17] Id. at 264.

[18] Rollo (OCA IPI No. 95-41-P), pp. 433-450.

[19] Rollo (OCA IPI No. 95-37-P), p. 278.

[20] Rollo (OCA IPI No. 95-45-P), pp. 112-114.

[21] Rollo (OCA IPI No. 95-41-P), p. 465.

[22] Office of the Court Administrator v. Atty. Paulino I. Saguyod, A.M. Nos. P-96-1229-30, March 25, 2002, p. 8.

[23] Estreller v. Manatad, Jr., 335 Phil. 1077, 1086 (1997).

[24] Mercado v. Casida, A.M. No. P-02-1572, April 24, 2002, p. 4.

[25] See for instance, TSN, 23 February 1999, pp. 6-7 (Achilles Regalado); TSN, 23 February 1999, pp. 14-15 (Marie Jeanne Villareal-Miraflores); TSN, 7 April 1999, pp. 31-35 (Rolando F. Orante).

[26] TSN, 3 March 1999, p. 5.

[27] TSN, 26 April 1999, pp. 24-25.

[28] CONST. Art. XI, Sec. 1.

[29] Re: Absence Without Official Leave of Jacoba, 362 Phil. 486, 489 (1999), citing Re: Report on Habitual

Absenteeism of Ms. Sabido, 312 Phil. 513, 517 (1995); *Mirano v. Saavedra*, A.M. No. P-89-383, 4 August 1993, 225 SCRA 77; *Annang v. Vda. de Blas*, A.M. No. P-91-602, 15 October 1991, 202 SCRA 635.

[30] *Reyes-Domingo v. Morales*, A.M. No. P-99-1285, 4 October 2000, 342 SCRA 6, 15.

[31] *Rudas v. Acedo*, 317 Phil. 283, 292 (1995).

[32] Report of the Financial Audit of Zenaida Garcia, 362 Phil. 480, 485 (1999).

[33] *Marbas-Vizcarra v. Bernardo*, A.M. No. P-99-1336 (formerly OCA-IPI No. 95-11-P), 6 February 2001, 351 SCRA 219, 225.

[34] *Anonymous v. Geverola*, 344 Phil. 688, 698 (1997).

[35] SEC. 23. Administrative offenses with its (sic) corresponding penalties are classified into grave, less grave, and light, depending on the gravity of its (sic) nature and effects of said acts on the government service.

The following are grave offenses with corresponding penalties:

(a) Dishonesty

1[st] Offense - Dismissal.

xxx xxx xxx

(f) Falsification of official document

1[st] Offense - Dismissal.

[36] The Administrative Code of 1987.

[37] Clerk of Court *Marbas-Vizcarra v. Florendo*, 369 Phil. 840, 850 (1999).

[38] SEC. 23. Administrative offenses with its (sic) corresponding penalties are classified into grave, less grave, and light, depending on the gravity of its (sic) nature and effects of said acts on the government service.

The following are grave offenses with corresponding penalties:

xxx xxx xxx

(q) Frequent unauthorized absences or tardiness in reporting for duty, loafing or frequent unauthorized absences from duty during regular office hours.

1[st] Offense - Suspension of six (6) months and one (1) day to one (1) year.

2[nd] Offense - Dismissal

An officer or employee in the civil service shall be considered habitually absent if he incurs unauthorized absences exceeding the allowable 2.5 days monthly leave credit under the Leave Law for at least three (3) months in a semester or at least three (3) consecutive months during the year.

An employee shall considered habitually tardy if he incurs tardiness regardless of the number of minutes, ten (10) times for at least two (2) months in a semester or at least two (2) consecutive months during the year. In case of claim of ill-health, heads of department of agencies are encouraged to verify the validity of such claim, and if not satisfied with the reason given, should disapprove the application for sick leave. On the other hand, cases of employees who absent themselves from work before approval of the application should be disapproved outright.

In the discretion of the Head of any department, agency, or office, any government physician may be authorized to do a spot check on employees who are supposed to be on sick leave.

[39] Rollo (OCA IPI No. 95-41-P), p. 4.

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