OFFICE OF THE COURT ADMINISTRATOR, PETITIONER, VS. ROLANDO SAA, RESPONDENTS.

A.M. No. P-01-1507. August 28, 2003

Ponente: AZCUNA, J.

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AZCUNA, J.:

The matter before this Court involves the charge of falsification by respondent Rolando Saa of his Daily Time Record (DTR) for the month of June 1997.

The antecedent facts are as follows:

Respondent Rolando Saa, a Clerk of Court for the Municipal Circuit Trial Court of Camarines Norte (MCTC), is the complainant in A.M. No. 97-336-P which was filed against Rosalyn D. Mislos-Loja, Sandra S. Cimafranca, and Dennis C. Cruz. Respondent Saa accused these employees of dishonesty, neglect of duty, misconduct, inefficiency and incompetence in the performance of their official duties relative to Civil Case No. 12810, entitled "Gravel Arts Services, Inc., and Affiliated Publications, Inc., v. Rolando Saa" pending before the Metropolitan Trial Court of Quezon City (MeTC), Branch 42. Mislos-Loja is the Clerk of Court of Branch 218 of the Regional Trial Court of Quezon City, but was then with Branch 42 of the MeTC as the OIC of the Office of the Branch Clerk of Court. The other two respondents therein, Cimafranca and Cruz, are working in Branch 42 of the MeTC as Court Interpreter and Process Server, respectively.

Respondent Saa alleged in his complaint that, being a defendant in the above-entitled case, he traveled all the way from Camarines Norte to Quezon City to attend the hearings before the MeTC scheduled on June 5, 1997 and June 6, 1997, only to find out that the presiding judge was abroad. Upon inquiry on why he received no notice of postponement, he was told by a certain employee of said court that a copy of the notice was sent to him the week before. When respondent Saa returned to Camarines Norte two days later, he received the notice which was apparently signed by Mislos-Loja on May 16, 1997. However, he examined the envelope and found out that the same was only registered in the Office of the Court on June 7, 1997 and was received by the New Quezon City Post Office on June 9, 1997, or four days after respondent Saa went to the court and was told that the notice had been sent to him. Appalled by this development, respondent Saa filed an administrative case against the above named court employees whom he deemed were accountable for the belated mailing.

Mislos-Loja, Cimafranca and Cruz filed their comments on the complaint. Respondent Saa's complaint was subsequently referred to the Office of the Court Administrator (OCA) for evaluation, report and recommendation.

The OCA, in its memorandum dated July 17, 2000, recommended the dismissal of the charges against Mislos-Loja, Cimafranca and Cruz. It found that after Mislos-Lojas signed the Notice of Cancellation on May 16, 1997, it was directly given to Utility Worker Alelei J. Dispo for mailing. However, Dispo failed to mail it immediately and was able to do so only on June 3, 1997. Cimafranca, on the other hand, had nothing to do with the mailing of the notices, while Cruz was not yet appointed as process server at the time the notice was sent. Thus, the OCA determined that the late mailing was solely the fault of Dispo.

The memorandum of the OCA, however, did not end there. During the course of its investigation, it was discovered that while respondent Saa claimed to have been in Quezon City to attend the hearings of his case on June 5, 1997 and June 6, 1997, his Daily Time Record (DTR) for June 1997 showed him to have been present in the MCTC of Camarines Norte. Thus, it would seem that respondent Saa had falsified his DTR to make it appear that he had reported for work on those days when, from the account in his own complaint, he did not.

On the basis of the OCA memorandum, the Court issued a resolution on September 4, 2000, under which it acted to:

> (a) DISMISS the charges against Clerk of Court V Rosalyn D. Mislos-Loja, Interpreter Sandra S. Cimafranca and Process Server Dennis C. Cruz for lack of merit;
>
> (b) ADMONISH respondent Alelei J. Dispo for being negligent in the performance of her duties with a stern warning that a repetition of similar acts shall be dealt with more severely; and
>
> (c) REQUIRE complainant Rolando B. Saa, Clerk of Court II, MCTC, Capalonga-Sta. Elena, Camarines Norte, to explain within ten (10) days from notice hereof why no administrative and criminal charges should be filed against him for falsifying his daily time record for the month of June 1997." x x x[1]

Respondent Saa submitted his explanation dated September 27, 2000, stating that he had inadvertently placed in his DTR as his vacation leave June 25, 1997 when it should have been June 5, 1997, the actual date when he went on leave, and attributed his honest mistake to, among others, lapses in memory, volume of work and age. He therefore pleaded for understanding from this Court. The Court referred the matter to the OCA for evaluation, report and recommendation.

The OCA did not give credence to respondent Saa's explanation. Said the OCA in its memorandum dated December 21, 2000:

> ... Assuming arguendo that there was inadvertence on his part when he declared that his vacation leave was on June 25, 1997 instead of June 5, 1997, complainant [Saa] should however be reminded that he was absent not for one (1) day but for two (2) consecutive days when he appeared before the MeTC, Branch 42, Quezon City for his scheduled hearings on June 5 and 6, 1997. That he was absent for two (2) consecutive days was even confirmed by complainant himself in his administrative complaint (Rollo, p. 2, Paragraph No. 9) against the respondents. Thus if there was really inadvertence on his part then he should have at least indicated June 25 and 26, 1997 (for June 5 and 6, 1997) as part of his leave of absences for the month of June 1997, but he did not.

The OCA thus recommended that respondent Saa be found guilty of dishonesty and gross misconduct and fined in the amount of P5,000.

After a careful study, the Court upholds the findings of the OCA as to the guilt of respondent Saa and the recommendation that he should be sanctioned accordingly. The explanation of respondent Saa is indeed unsatisfactory, for while it tries to account for the anomaly regarding his June 5, 1997 entry, it does not explain his June 6, 1997 entry. Respondent Saa's claim that it was an honest mistake due perhaps to lapses in memory, volume of work and age, does not exonerate him from liability but may only, at most, mitigate it.

Respondent Saa holds the position of a Clerk of Court which is an essential and ranking position of our judicial system.[2] Clerks of Court are required to be persons of competence, honesty and probity since they are specifically imbued with the mandate of safeguarding the integrity of the court and its proceedings, to earn and preserve respect therefor, to maintain loyalty thereto and to the judge as a superior officer, to maintain the authenticity and correctness of court records and to uphold the confidence of the public in the administration of justice.[3] This Court condemns any conduct, act or omission on the part of those involved in the administration

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of justice which would violate the norms of public accountability and diminish or even just tend to diminish the faith of the people in the Judiciary.[4]

WHEREFORE, in view of all the foregoing, respondent Saa is hereby FINED Five Thousand (P5,000.00) Pesos and STERNLY WARNED that the commission of a similar offense will be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J., Vitug, Ynares-Santiago, and Carpio, JJ., concur.

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[1] Rollo, p. 66.

[2] Juntilla v. Calleja, 262 SCRA 291 (1996).

[3] Marasigan v. Buena, 284 SCRA 1 (1998).

[4] Mendoza v. Mabutas, 223 SCRA 411 (1993).

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