

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
LYNDON L. ISIP, SHERIFF IV, REGIONAL TRIAL COURT, OFFICE OF
THE CLERK OF COURT, CITY OF SAN FERNANDO, PAMPANGA,
RESPONDENT.**

A.M. No. P-07-2390. August 19, 2009

Ponente: CARPIO, J.

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CARPIO, J.:

The Facts

Three anonymous letters purportedly coming from disgruntled employees of the Regional Trial Court, City of San Fernando, Pampanga (RTC-San Fernando), alleged that Lyndon L. Isip (respondent) of the same court had been falsifying his daily time record (DTR) by timing in at the Regional Trial Court of Guagua (RTC-Guagua) where his wife works to avoid being late. Respondent allegedly brings the DTR home after office hours and punches it in the bundy clock located at the RTC-Guagua the following morning before going to his official work station at the RTC-San Fernando.

The matter was referred to Executive Judge Adelaida Ala-Medina (Investigating Judge) of the RTC-San Fernando for investigation, report and recommendation.

Report of the Investigating Judge

During the formal investigation, security guard Amir Karon (Karon) testified that he saw respondent arrive on 22 November 2004 and proceeded directly to the Office of the Clerk of Court (OCC), San Fernando, Pampanga without punching in his DTR in the bundy clock. Karon purportedly confronted respondent and the latter readily admitted punching in at the RTC-Guagua. Because of what transpired, Karon reported the matter to head guard Raoul Pelinio (Pelinio).

Pelinio testified that he would enter in the OCC logbook the names of the employees whose DTRs were missing at the DTR rack and one of those was respondent's DTR. Pelinio noticed that respondent's DTR did not correspond to his actual time of arrival in the office.

Florenda Ordoñez, Administrative Officer of the OCC, San Fernando, Pampanga, explained that some employees might not have logged-in the time they actually arrived as there were three bundy clocks which were set at intervals reflecting different times while others just simply forgot or did not record their time-in in the OCC logbook. The employees might have gone to some other place before logging in at the OCC which explains the non-consecutive entries in the logbook.

During the investigation, respondent readily admitted his misdeed. The Investigating Judge examined the logbook of the OCC, RTC-San Fernando, to check the hours respondent reported for work during the period he was timing in at RTC-Guagua. It appeared that respondent began timing in at RTC-Guagua on 11 October 2004. Respondent

would write in the OCC logbook the time as reflected in his DTR although his actual time of arrival at the RTC-San Fernando was actually later than the time reflected in the DTR. The Investigating Judge was of the opinion that since employees sign in the logbook as soon as they arrive in the office, it did not make sense that respondent's time of arrival as recorded in the logbook was earlier than the person who came before him. The Investigating Judge concluded that these "discrepancies" in the hours of arrival recorded in the logbook and the hours of arrival as reflected in the DTR support the allegation that respondent was timing in at another place before going to the RTC-San Fernando, his official work station.

In his Investigation Report and Recommendation dated 30 January 2007, the Investigating Judge pointed out that while dishonesty is a grave offense punishable by dismissal from the service even if on a first offense, an examination of the entries in the logbook would reveal that respondent was still coming in before 8:00 in the morning. Respondent had been in the service for many years and this case is his first offense. These and respondent's admission are circumstances which would seem to mitigate his liability. The Investigating Judge was convinced that respondent was sincerely remorseful and deserved a second chance. The Investigating Judge recommended the imposition of the penalty of suspension for one year without pay.

The OCA Report and Recommendation

The OCA opines that respondent's conduct fell short of the exacting standards of public office. Respondent admitted punching in his DTR at RTC-Guagua, which is not his official work station. The OCA adopted the recommendation of the Investigating Judge and recommended that respondent be suspended for one year without pay for falsification of the DTR amounting to dishonesty. The OCA, however, refrained from imposing the penalty of dismissal from the service considering that this is respondent's first offense. The OCA further considered respondent's admission of punching in at another place other than his official work station, his more than 12 years of service in the judiciary, and his promise to reform as mitigating circumstances.

The Court's Ruling

It was established that the OCC logbook indicated the time as reflected in respondent's DTR but his actual time of arrival at the RTC-San Fernando was actually later than the time as reflected in the DTR. The discrepancy was explained by the fact that, as respondent himself admitted, he punched in at the RTC-Guagua which is not his official work station.

OCA Circular No. 7-2003 is clear and states that court personnel should indicate in their Bundy cards the "truthful and accurate times" of their arrival at, and departure from, the office. That office is the official work station of the court personnel. In the present case, respondent's official work station is RTC-San Fernando and not RTC-Guagua. Respondent's punching in at RTC-Guagua was a clear violation of OCA Circular No. 7-2003. As we have ruled in *Garcia v. Bada*[1] and *Servino v. Adolfo*,[2] court employees must follow the clear mandate of OCA Circular No. 7-2003.

Section 4, Rule XVII (on Government Office Hours) of the Omnibus Rules Implementing Book V of Executive Order No. 292 and Other Pertinent Civil Service Laws also provides that falsification or irregularities in the keeping of time records will render the guilty officer or employee administratively liable.[3] Falsification of time records constitutes dishonesty, which is a grave offense punishable by dismissal from the service.[4]

However, there have been several administrative cases involving dishonesty in which the Court meted out a penalty lower than dismissal from the service and in these cases, mitigating circumstances merited the leniency of the Court. Factors such as length of service, acknowledgment of respondent's infractions and feeling of remorse, and family circumstances, among other things, have had varying significance in the Court's determination of the

imposable penalty.[5]

In *Office of the Court Administrator v. Sirios*,^[6] suspension of three months without pay was imposed for falsification of the DTR to cover up for absenteeism or tardiness.

In *Office of the Court Administrator v. Saa*,^[7] respondent there was fined P5,000 for falsifying his DTR to make it appear that he had reported for work on those days when he attended hearings of his case.

In *Reyes-Domingo v. Morales*,^[8] where the branch clerk of court was found guilty of dishonesty in not reflecting the correct time in his DTR, a fine of P5,000 was imposed.

In *Servino v. Adolfo*,^[9] respondent there readily acknowledged that some entries in her time card were falsified. The Court noted that this was her first administrative case in her three years in government service. A fine of P2,000 was imposed.

In the present case, circumstances exist that mitigate respondent's liability. The Investigating Judge pointed out that respondent appeared to still be coming in before 8:00 in the morning, judging from the entries in the OCC logbook, which would tend to show that had respondent properly timed in at the RTC-San Fernando, he would still not have been late for work.^[10] In punching in not at his official work station, respondent readily admitted his wrongdoing and vowed to mend his ways. Respondent never repeated such irregularity.^[11] Respondent has been in the service in the judiciary for more than 12 years and this is his first offense. Respondent certainly deserves a second chance. Consequently, a fine of P10,000 will suffice.

It must be stressed that all court employees must exercise at all times a high degree of professionalism and responsibility, as service in the Judiciary is not only a duty but also a mission.^[12] The Court has repeatedly emphasized that everyone in the judiciary, from the presiding judge to the clerk, must always be beyond reproach, free of any suspicion that may taint the judiciary. Public service requires utmost integrity and discipline. A public servant must exhibit at all times the highest sense of honesty and integrity, for no less than the Constitution mandates the principle 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." As the administration of justice is a sacred task, the persons involved in it ought to live up to the strictest standards of honesty and integrity. Their conduct, at all times, must not only be characterized by propriety and decorum, but must also be above suspicion. Thus, every employee of the judiciary should be an example of integrity, uprightness, and honesty.^[13]

WHEREFORE, we find respondent Lyndon L. Isip, Sheriff IV of the Regional Trial Court of the City of San Fernando, Pampanga, GUILTY of DISHONESTY and we FINE him P10,000. He is warned that a repetition of the same or similar act in the future shall be dealt with more severely.

SO ORDERED.

Puno, C.J., (Chairperson), Corona, Leonardo-De Castro, and Bersamin, JJ., concur.

[1] A.M. No. P-07-2311, 23 August 2007, 530 SCRA 779, 783.

[2] A.M. No. P-06-2204, 30 November 2006, 509 SCRA 42, 52.

[3] See also *Duque v. Aspiras*, A.M. No. P-05-2036, 15 July 2005, 463 SCRA 447, 454.

[4] *Servino v. Adolfo*, supra note 2 at 53; *Anonymous v. Grande*, A.M. No. P-06-2114, 5 December 2006, 509 SCRA 495, 501.

[5] 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, 62-64; In Re: Employees Incurring Habitual Tardiness in the First Semester of 2005, A.M. No. 2005-25-SC, 6 July 2006, 494 SCRA 422.

[6] 457 Phil. 42, 49 (2003).

[7] 457 Phil. 25, 28, 30 (2003).

[8] 396 Phil. 150, 165-166 (2000).

[9] Supra note 2 at 57.

[10] Report and Recommendation dated 2 August 2005, p. 8. Rollo; OCA Memorandum dated 4 October 2007, p. 3.

[11] OCA Memorandum dated 4 October 2007, p. 7; Investigation Report and Recommendation dated 30 January 2007, p. 4.

[12] Re: Findings of Irregularity on the Bundy Cards of Personnel of the Regional Trial Court, Branch 26 and Municipal Trial Court, Medina, Misamis Oriental, A.M. No. 04-11-671-RTC, 14 October 2005, 473 SCRA 1, 12-13.

[13] Re: Report on the Irregularity in the Use of Bundy Clock by Alberto Salamat, Sheriff IV, RTC-Br. 80, Malolos City, A.M. No. P-08-2494, 27 November 2008, 572 SCRA 19.

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