

REPORT ON THE ATTENDANCE IN OFFICE OF MR. GLENN B. HUFALAR, MUNICIPAL TRIAL COURT IN CITIES, BRANCH 1, SAN FERNANDO, LA UNION.

A.M. No. 04-10-296-MTCC. July 28, 2008

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-04-10-296/>

PER CURIAM:

This administrative case for Dishonesty and Absenteeism stemmed from the 2nd Indorsement dated 3 May 2004 of Executive Judge Eugenio A. Dacumos (Judge Dacumos) of the Municipal Trial Courts in Cities (MTCC) in San Fernando City, La Union.

In the 2nd Indorsement, Judge Dacumos informed then Deputy Court Administrator Jose P. Perez of the unreconciled entries in the Daily Time Record (DTR) of respondent Glenn Hufalar, Process Server of MTCC-Branch 1 as against the court's logbook of attendance for the months of September, November, and December 2003 and for the months of January and February 2004. Judge Dacumos further stated that, based on the logbook of attendance for the months of March and April 2004, respondent was often absent and if he was present at 8:00 a.m. or 1:00 p.m., he did not indicate his time out. Neither did respondent file any leave of absence. Judge Dacumos stated that he called the attention of the Clerk of Court, Mr. Jose Bautista (Bautista), regarding this matter and the latter issued several memoranda to respondent regarding his improper attitude, non-declaration of absences in his DTRs and leave forms, and non-performance of his duties in failing to serve subpoenas. Finally, Judge Dacumos further stated that respondent had not been reporting for work since 27 April 2004.

It appears that previously or on 20 September 2002, Bautista issued a memorandum to respondent directing him to report for work everyday not later than 8:30 a.m. and 1:30 p.m. and to file a leave of absence, if necessary. On 26 September 2003, Bautista issued another memorandum to respondent for not declaring his absences in his DTRs and leave forms, discrepancies between the DTRs and the court's logbook of attendance, and non-performance of his duties in failing to serve the subpoenas of the court. Respondent was warned that a repetition of his unprofessional acts may result in his separation from service. On 3 March 2004, Bautista issued another memorandum to respondent regarding his failure to submit the DTRs for the months of September, November, and December 2003 and for the months of January and February 2004. Respondent was further informed of the sanctions in case of violation of Administrative Circular No. 2-99 and Civil Service Commission Circular No. 04, Series of 1991 on absenteeism and tardiness.

Judge Ethelwolda Jaravata of the Municipal Trial Court of Aringay, La Union also issued an Order dated 17 March 2004 directing respondent to explain his neglect of duty for the unserved subpoena regarding a case, under pain of being cited for contempt of court. Respondent did not comply. In connection with the order, Judge Dacumos issued a memorandum to respondent to explain why he was not performing his duties. Despite this directive, respondent still did not submit any explanation. Respondent had not been reporting for work since 27 April 2004 and had been absent without official leave.

In the Memorandum dated 7 October 2004, the Office of the Court Administrator (OCA) found that there were indeed discrepancies in the entries in the DTRs submitted by respondent for the months of September, November, and December 2003 and for the months of January and February 2004. There cannot be a complete entry of arrival and departure for one whole day in office when there are notations of incurred half days. The OCA opined that the notations of half days in the DTRs should indicate in particular whether these were incurred in the morning or in the afternoon. But respondent reported a whole day attendance in office when in fact he was on a half day absence or worse, no entry was reflected in the court's logbook of attendance. The OCA is of the view that respondent's acts amount to tampering of public documents and the unreported undertime in office is tantamount to falsification of the DTRs and gross dishonesty.

In the Resolution dated 16 November 2004, the Court required respondent to comment on the 2nd Indorsement of Judge Dacumos. Notices were sent to respondent at his home address at 277 Cabarosa St., San Fernando City, La Union. The Resolutions dated 22 November 2005 and 6 June 2006 requiring him to show cause why he should not be disciplinarily dealt with or held in contempt for failure to file comment were sent to respondent. Despite receipt of the notices, respondent still failed to file his comment.

On 15 January 2008, the case was referred to the OCA for evaluation, report and recommendation.

The OCA, in its Memorandum dated 3 March 2008, recommended that respondent be found guilty of absenteeism and dishonesty and accordingly be dismissed from the service, with forfeiture of benefits, except as to accrued leave credits, and be disqualified from reinstatement or appointment to any public office, including government-owned or controlled corporations.

We agree with the OCA.

The requirement of due process has been satisfied when respondent was notified of the charges against him. He was given all the chances to explain or defend himself. A final disposition on this matter cannot be made to await indefinitely respondent's comment.

We take judicial notice of the fact that in some government offices there are no bundy clocks. It has been a practice that, upon arrival at work and before proceeding to their respective workstations, employees would first sign their names at the logbook of attendance when they enter that office. It is only at the end of each month that employees would fill up their DTRs reflecting the entries earlier made in the logbook of attendance. In other words, the entries in the DTR are based on the entries made daily in the logbook of attendance.

However, in the present case, records show that there are discrepancies between respondent's DTRs and the court's logbook of attendance. A simple comparison of these two documents would reveal glaring discrepancies. The entries on arrival and departure in respondent's DTRs do not reflect the entries made in the logbook of attendance. Some entries in the logbook of attendance did not indicate the time of arrival or departure but the DTRs showed respondent incurring half days and declaring sick and vacation leaves for the months of September, November, and December 2003 as well as for the months of January and February 2004.

Respondent's DTRs showed a consistent attendance of whole days indicating the arrival time at 8:00 a.m. and the departure time at 5:00 p.m. On certain days, there were notations of "1/2 day" on the column for undertime. As aptly observed by the OCA, there cannot be a complete entry in the DTR of arrival and departure for one whole day in office with a notation of incurred half day for that same day. Stated otherwise, attendance in office could be whole day or half day but it could never be both whole day and half day on a single day. And even if respondent incurred half days, he should have indicated in his DTR whether these were in the morning or in the afternoon.

Clearly, respondent is guilty of dishonesty when he made false entries in his DTRs which did not reflect the

entries he made in the logbook of attendance. The unreported undertime is tantamount to falsification of DTRs. Each false entry in respondent's DTR constitutes falsification of official documents and gross dishonesty.[1] Dishonesty is a serious offense which reflects on the person's character and exposes the moral decay which virtually destroys his honor, virtue, and integrity.[2] Dishonesty is a malevolent act that has no place in the judiciary.[3]

Under Section 52, Rule IV of the Uniform Rules on Administrative Cases in the Civil Service, dishonesty is classified as a grave offense punishable by dismissal even on a first offense. Dishonesty, being in the nature of a grave offense, carries the extreme penalty of dismissal from the service with forfeiture of retirement benefits except accrued leave credits, and perpetual disqualification from reemployment in government service.[4]

It is indubitable that respondent's DTRs are evidently not representative of the truth. He should be punished by dismissal from the service. While in some cases,[5] we have held that we do not hastily inflict such an extreme penalty of dismissal upon an erring employee, especially in cases where there are mitigating circumstances which could alleviate culpability, this is not so in the present case. Respondent has repeatedly defied and ignored the rules and directives despite the three memoranda issued by Bautista and the orders of Judge Dacumos and Judge Jaravata.

Respondent likewise did not file any leave of absence for those days he was absent for a half day, or when on sick or vacation leave. Records also showed he did not file any leave of absence from 1 March 2004,[6] and he was no longer reporting for work since 27 April 2004.[7] There is no question that respondent prejudiced public service with frequent absences. His conduct certainly falls short of the standards prescribed by the Constitution for public officers and employees. A public office is a public trust. Inherent in this mandate is the observance of prescribed office hours and the efficient use of every moment thereof for public service, if only to recompense the Government, and ultimately, the people who shoulder the cost of maintaining the Judiciary.[8] Strict observance of official time is necessary to inspire public respect for the justice system, court officials and employees.

We strongly emphasize this dictum to every person who has chosen to serve in the Judiciary:

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. x x x The conduct and behavior of everyone connected with an office charged with the dispensation of justice, from the presiding judge to the lowliest clerk, should be circumscribed with the heavy burden of responsibility. Their conduct, at all times, must not only be characterized by propriety and decorum but, above all else, must be above suspicion. Indeed, every employee of the judiciary should be an example of integrity, uprightness and honesty.[9]

The Third Division of this Court issued on 17 November 2004 a Resolution in A.M. No. 04-10-295-MTCC dropping respondent from the rolls for having been absent without leave since 1 March 2004 and declaring respondent's position vacant. Consequently, the extreme penalty of dismissal from the service is no longer appropriate in this case. We can, however, order the forfeiture of all his benefits, except accrued leave credits.

WHEREFORE, we find respondent Glenn B. Hufalar GUILTY of Dishonesty and Absenteeism. We declare the FORFEITURE of all benefits due him, except accrued leave credits, if any, with prejudice to reemployment in the government service, including government-owned or controlled corporations. This judgment is immediately executory.

SO ORDERED.

REYNATO S. PUNO

Chief Justice

LEONARDO A. QUISUMBING

Associate Justice

CONSUELO YNARES-SANTIAGO

Associate Justice

ANTONIO T. CARPIO

Associate Justice

MA. ALICIA AUSTRIA-MARTINEZ

Associate Justice

RENATO C. CORONA

Associate Justice

CONCHITA CARPIO MORALES

Associate Justice

ADOLFO S. AZCUNA

Associate Justice

DANTE O. TINGA

Associate Justice

MINITA V. CHICO-NAZARIO

Associate Justice

PRESBITERO J. VELASCO, JR.

Associate Justice

ANTONIO EDUARDO B. NACHURA

Associate Justice

RUBEN T. REYES

Associate Justice

TERESITA J. LEONARDO-DE CASTRO

Associate Justice

ARTURO D. BRION

Associate Justice

[1] Judge Lacurom v. Magbanua, 443 Phil. 711 (2003).

[2] Bartolata v. Julaton, A.M. No. P-02-1638, 6 July 2006, 494 SCRA 433.

[3] Cabanatanv. Molina, 421 Phil. 664 (2001); Judge Lacurom v. Magbanua, supra note 1.

[4] Office of the Court Administrator v. Magno, 419 Phil. 593 (2001); Sec. 58, Rule IV of the Uniform Rules on

Administrative Cases in the Civil Service.

[5] Re: Administrative Case for Dishonesty Against Elizabeth Ting, Court Sec. I & Angelita C. Esmerio, Clerk III, Off. Clerk of Court, A.M. No. 2001-7-SC & No. 2001-8-SC, 22 July 2005, 464 SCRA 1; Office of the Court Administrator v. Sirios, 457 Phil. 42 (2003).

[6] Per Certification dated 27 July 2004 issued by Hermogena F. Bayani, SC Chief Judicial Staff Officer, Leave Division, OCA.

[7] Per Letter dated 3 June 2004 of Jose F. Bautista, Clerk of Court IV and Ex-Officio Sheriff, MTCC-San Fernando, La Union.

[8] Re: Imposition of Corresponding Penalties for Habitual Tardiness Committed During the First and Second Semesters of 2003, 469 Phil. 535 (2004).

[9] Mirano v. Saavedra, A.M. No. P-89-383, August 4, 1993, 225 SCRA 77, 85.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.