RE: FAILURE OF VARIOUS EMPLOYEES TO REGISTER THEIR TIME OF ARRIVAL AND/OR DEPARTURE FROM OFFICE IN THE CHRONOLOG MACHINE

A.M. No. 2005-21-SC. September 28, 2010

Ponente: CARPIO, J.

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CARPIO, J.:

The Facts

This administrative case arose from a Report of the Leave Division of the Supreme Court to the Complaints and Investigation Division of the Office of Administrative Services (OAS).[1] The Report referred to the failure of various Supreme Court employees to register their time of arrival to and/or departure from office in the Chronolog Time Recorder Machine (CTRM) for the first semester of 2005. Charged were the following:

1. Noemi B. Adriano, Development Management Officer V, Program Management Office (PMO), for various dates from January to June

2. Dennis Russell D. Baldago, Chief Judicial Staff Officer, PMO, for various dates from January to June

3. Edilberto A. Davis, Director IV, PMO, for various dates from January to June

4. Atty. Catherine Joy T. Comandante, Court Attorney V, PMO, for various dates in February and from April to June

5. Jonathan Riche G. Mozar, Bookkeeper I, PMO, for various dates from January to June

6. Mariles M. Sales, Executive Assistant IV, PMO, for various dates from January to June

7. Virginia B. Ciudadano, Court Stenographer IV, Court Management Office, Office of the Court Administrator (OCA) for various dates from March to June

8. Pia Claire C. Bernal, Clerk IV, Legal Office, OCA for various dates in January and from March to June

9. Teresita M. Aniñon, Human Resource Management Officer I, Leave Division, OAS, OCA, for various dates from January to March

10. Honradez M. Sanchez, Human Resource Management Assistant, Leave Division, OAS, OCA, for various dates in the months of February, March, and May

11. Samuel R. Ruñez, Jr., Cashier III, Checks Disbursement Division, FMO, OCA, for various dates from January to March and in the month of May

12. Arturo G. Ramos, Engineering Aide A - Casual, Committee on Hall of Justice, for various dates from January to March, and from May to June

13. Zosimo D. Labro, Administrative Officer II, Property Division, OAS, OCA, for various dates from March to June

14. Leonarda Jazmin M. Sevilla, Clerk IV, Legal Office, OCA, for various dates from February to June

15. Ariel Conrad A. Azurin, Messenger, Finance Division, FMO, OCA, for various dates from January to June

In its Memorandum dated 2 September 2005,[2] the OAS directed respondent employees to explain why no administrative disciplinary action should be taken against them for their infraction. In compliance with the directive, respondent employees submitted the following comments/explanations:

1. Ma. Noemi B. Adriano offered the following reasons: (1) domestic and office concerns, (2) long travel time, (3) forgetfulness, and (4) malfunctioning CTRM. She pointed out her diligence in logging her attendance in the Daily Report of Absences and Tardiness (RAT) of their office.

2. Dennis Russell D. Baldago claimed that on several occasions he had meetings and activities outside the Court. In other instances, he admitted his neglect. He also faulted his ID for his failure to register in the CTRM and claimed consulting with the Management Information System Office (MISO) for the replacement of his ID.

3. Edilberto A. Davis asserted he never failed to register in the CTRM and in their office logbook. He admitted, however, that there were instances when he forgot his ID at home or when he forgot to register due to office meetings. He wondered how it appeared that he had not registered in the CTRM on the other dates stated in the Memorandum.

4. Atty. Catherine T. Comandante declared she was on official business on several occasions while on a few instances, she inadvertently failed to register in the CTRM.

5. Jonathan Riche G. Mozar reasoned that as Bookkeeper I in the PMO, there were times that he was tasked to perform other jobs requiring him to go out of the office. For this reason, he found it inconvenient and inappropriate to still drop by the office just to register in the CTRM.

6. Mariles M. Sales claimed that the CTRM malfunction on certain dates, while on the other dates specified in the Memorandum, she either forgot to bring her ID or was rushing home.

7. Virginia B. Ciudadano stated that she had religiously swiped her ID upon her arrival to and departure from office. However, for the month of March 2005, she admitted failing to register in the CTRM because she could not locate her ID. She did not bother to use the Bundy Clock Machine because she thought that her signature in their office logbook is sufficient to consider her attendance.

8. Pia Claire C. Bernal claimed that she regularly registered her daily attendance both in the CTRM and in their office logbook and was surprised to receive the Memorandum. She believed her ID was already defective, thus she requested for a new ID. On 26 April 2005, she did not register in the CTRM due to an official business outside the Court.

9. Teresita M. Aniñon admitted her absence on 14 and half day work on 19 January 2005, which were both approved by her superior. However, such leave application did not reach the Leave Division. On 18 March 2005, she claimed she swiped her ID but it appeared that the CTRM did not register her attendance, leading her to conclude that her ID was already defective. On the other dates, she forgot her ID at home. Nonetheless, she claimed that she never failed to register in their office logbook.

10. Honradez M. Sanchez blamed his failure to swipe his ID on his forgetfulness to bring the same. He claimed that on the dates mentioned in the Memorandum, he visited his parents' house in Fairview and still had to go home

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in Laguna. On 11 and 14 February, he alleged his ID was misplaced and was only found later.

11. Mr. Samuel R. Ruñez, Jr. claimed that he never failed to register during the period covered in the Memorandum. He maintained that his Monthly and Daily RAT for the months of January, February, March and April 2005 showed his attendance for the period. He faulted his ID for not being read by the CTRM, and averred that he already applied for a new ID.

12. Mr. Arturo G. Ramos alleged he regularly swiped his ID card in the CTRM. He attached copies of the RAT of their office for the months of January, February, March, May and June to prove his attendance on the questioned dates. He attributed his failure to register in the CTRM either to the malfunctioning CTRM or defective ID. He intended to coordinate with the MISO to remedy this and also request for a new ID.

13. Zosimo D. Labro, Jr. stated that his failure was due to his defective three-year old ID, and thus, he would apply for a new ID.

14. Ariel Conrad A. Azurin claimed that he was surprised to receive the Memorandum as he always made sure to hear a confirmation tone whenever he registered in the CTRM. He presented copies of the RAT of his office to support his attendance on the dates mentioned in the Memorandum. He surmised that his failure to register in the CTRM was due to his worn out ID. He also presented an official receipt to prove his request for a new ID.

15. Leonarda Jazmin M. Sevilla denied that she failed to register in the CTRM. However, she claimed that she continued to use her old ID despite the fact that she had already secured a new one. She submitted copies of the RAT of her Office to prove her attendance.

The Recommendation of the OAS

The OAS classified the reasons proffered in the comments as (1) personal, including household or domestic needs, workload, nature of office, distant travel, traffic, and forgetfulness, (2) malfunctioning CTRM, (3) misplaced, worn out, or defective ID cards, or (4) official business.

In ruling against respondent employees, the OAS cited the Court's ruling in Re: Administrative Case for Dishonesty Against Elizabeth Ting, Court Sec. I and Angelita C. Esmerio, Clerk III, Off. Clerk of Court,[3] an administrative case for dishonesty filed against two employees of this Court, where the Court held that "domestic concerns and other personal reasons cannot justify nor exonerate one's culpability for committing violation of such offense."

With respect to Leonarda Jazmin M. Sevilla, the OAS found her guilty of violation of reasonable office rules and regulations for maintaining two ID cards. Sevilla "used her old ID alternately with her new ID, that was why there were no entries [when] the old ID was used."

Insofar as Ariel Conrad A. Azurin is concerned, the OAS found that his omission to register in the CTRM constitutes dishonesty. According to the OAS, Azurin "deliberately did not swipe on the aforementioned dates and made it appear on the said dates that he reported on time to escape administrative liability for habitual tardiness for the 3[rd] time which is already punishable with the penalty of dismissal."

The OAS recommended that respondent employees, except Azurin, to be sternly warned for Violation of Reasonable Office Rules and Regulations, to wit:

> WHEREFORE, in view of the foregoing, this Office respectfully recommends the following:
>
> 1. Finding Ms. Noemi B. Adriano, Mr. Dennis Russell D. Baldago, Mr. Edilberto A. Davis, Atty. Catherine Joy T. Comandante, Mr. Jonathan Riche G. Mozar, Ms. Mariles M. Sales, Ms. Virginia B. Ciudadano, Ms. Pia

> Claire C. Bernal, Ms. Teresita M. Aniñon, Mr. Honradez M. Sanchez, Mr. Samuel R. Ruñez, Jr., Mr. Arturo G. Ramos, Mr. Zosimo D. Labro, GUILTY of Violation of Reasonable Office Rules and Regulations and taking into consideration the mitigating circumstance that this is their first violation, that they be STERNLY WARNED that a repetition of similar acts in the future shall be dealt with severely. For the officials and employees of the PMO who attend meetings and/or seminars outside the Court's premises, appropriate office orders should be submitted to the Leave Division, this Office for proper recording in their office attendance files.
>
> 2. Finding Ms. Leonarda Jazmin M. Sevilla, GUILTY of Violating Reasonable Office Rules and Regulations, not for her failure to swipe her ID card in the CTRM but for maintaining and using two (2) ID cards within the period from January to June 2005, that she be (a) STERNLY WARNED that a repetition of similar acts in the future shall be dealt with severely; and (b) directed to immediately surrender her old ID card to this Office; and
>
> 3. Finding the acts of Mr. Ariel Conrad A. Azurin as constituting Dishonesty, that he be directed by the Court to explain why he should not be held administratively liable for Dishonesty.[4]

The Court's Ruling

The recommendations of the OAS are well taken, except as to Sevilla who is not guilty of Violation of Reasonable Office Rules and Regulations.

I. Respondent employees are guilty of Violation
of Reasonable Office Rules and Regulations

Administrative Circular No. 36-2001[5] requires all employees (whether regular, coterminous or casual) to register their daily attendance, in the CTRM and in the logbook of their respective offices.

In Re: Failure of Jose Dante E. Guerrero to Register his Time In and Out in the Chronolog Time Recorder Machine on Several Dates,[6] the Court emphasized the importance of attendance registration via CTRM, to wit:

> The CTRM registration is not being imposed as a tedious and empty requirement. The registration of attendance in office by public employees is an attestation to the taxpaying public of their basic entitlement to a portion of the public funds. Verily, the registration requirement stands as the first defense to any attempt to defraud the people of the services they help sustain. This requirement finds its underpinnings in the constitutional mandate that a public office is a public trust. Inherent in this mandate is the observance and efficient use of every moment of the prescribed office hours to serve the public.[7]

In that case, the Court found Guerrero's explanations for his failure to register his time of arrival and departure in the CTRM, namely, a defective ID and a malfunctioning CTRM, unbelievable. The Court affirmed Atty. Eden T. Candelaria's finding that "Guerrero deliberately avoided registering via the CTRM to make it appear that he had reported on time," thereby avoiding the ultimate penalty of dismissal for his habitual tardiness.

In Re: Supreme Court Employees Incurring Habitual Tardiness in the 2nd Semester of 2005,[8] which involved a charge of habitual tardiness where the justifications offered by respondent employees therein were similar to the reasons given in this case, the Court found the respondent employees' explanations untenable. The Court stated:

> Except for the claims of respondents Davis, Labro, Jr., Adriano and Benologa, all the reasons given by the other respondents for their tardiness fall under the following categories: illness, moral obligation to family and relatives, performance of household chores, traffic and health or physical condition.
>
> These justifications are neither novel nor persuasive and hardly evokes sympathy. Moral obligations, performance of household chores, traffic problems, health conditions, domestic and financial concerns are not sufficient reasons to excuse habitual tardiness. If at all, they would mitigate, but not exempt them from the

> infraction.[9]

Considering the various justifications proffered by respondent employees for failure to register their time of arrival and departure in the CTRM, the Court finds no error in the recommendation of the OAS finding them guilty of Violation of Reasonable Office Rules and Regulations, more specifically Administrative Circular No. 36-2001. As stated by the OAS, "rules and regulations are [issued] to attain harmony, smooth operation, maximize efficiency and productivity, with the ultimate objective of realizing the functions of particular offices and agencies of the government."[10] Thus, any breach of such rules and regulations cannot be countenanced.

Under the Uniform Rules on Administrative Cases in the Civil Service, Violation of Reasonable Rules and Regulations is a light offense punishable with the penalty of Reprimand for the first offense. Adopting the recommendation of the OAS, we find that a stern warning against a repetition of the same or similar infraction is proper since this is the first violation of respondent employees, except for Azurin,

II. Sevilla is not guilty of Violation of
Reasonable Office Rules and Regulation

Insofar as Sevilla is concerned, the OAS stated:

> On the other hand, we also treat the case of Ms. Sevilla differently from the others. Ms. Sevilla used her old ID alternately with her new ID that was why there were no entries if the old ID was used. Her DTRS, particularly for the months of May and June were completely without entries while the rest lacked entries on various dates as reflected on the Memorandum of this Office. Based on her own admission, she has two (2) IDs. Nevertheless, one was allegedly lost so she requested for a replacement. After a while, the alleged lost ID was found but she never presented nor informed this Office about it.
>
> This Office verified with the MISO whether her DTRs on the reported dates she allegedly failed to swipe have generated data thereon. Consistent with her claim, it was confirmed that her DTRs reflected regular attendance which also showed her being punctual.[11] (Emphasis supplied)

The OAS recommended that Sevilla be sternly warned for Violation of Reasonable Office Rules and Regulations "for maintaining and using two (2) ID cards within the period from January to June 2005." We disagree with the recommendation of the OAS considering that the OAS failed to cite any specific office rule or regulation which Sevilla allegedly violated. It must be pointed out that Sevilla was charged with Violation of Reasonable Office Rules and Regulations for failure to register in the CTRM. Since the OAS confirmed that she indeed swiped her ID card, albeit the old one, on those dates specified in the Memorandum, Sevilla cannot be found guilty of failing to register in the CTRM. In fact, the OAS even found, upon verification with the MISO, that Sevilla's DTRs "reflected regular attendance which also showed her being punctual." Nevertheless, Sevilla must immediately cease using her old ID card, and instead use her new ID card exclusively in registering in the CTRM to avoid any confusion regarding her attendance and time of arrival and departure in the office.

III. Azurin is guilty of dishonesty

In Azurin's case, the OAS found that his omission to register in the CTRM constitutes dishonesty. The OAS stated:

> x x x Azurin deliberately did not swipe on the aforementioned dates and made it appear on the said dates that he reported on time to escape administrative liability for habitual tardiness for the 3[rd] time which is already punishable with the penalty of dismissal. The RATs he submitted x x x have raised doubts on the correctness of his entries thereon. It is noted that almost all his time-ins were not entered in accordance with the chronological order of time reflective of correct and true arrival in office. Logically, it can be deduced that his failure to swipe was to cover-up the actual time of his arrival to his workstation.[12]

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The records reveal that Azurin has previously been suspended twice for habitual tardiness. In 2001, Azurin was suspended for one month and then for three months for having been found habitually tardy for 1999 and 2000, and for the first semester of 2001.

In his Comment, Azurin did not specifically deny that he failed to swipe his ID in the CTRM. Instead, he blamed the CTRM for not registering his entries thereon, and added that such problem might also be caused by his ID. In Esmerio and Ting,[13] where the employees similarly blamed the CTRM and their ID cards for their infraction, the Court disbelieved such justification, thus:

> More importantly, the respondents have asserted that the machines and their bar coded IDs are partly to blame for their failure to swipe their ID cards. This assertion, however, is belied by the report of Atty. Ivan Uy, Chief of the Supreme Court Management Information Systems Office. In his report, Atty. Uy avowed that, contrary to the claims of the respondents, the machines were working properly during the date and time of the incidents subject of the cases at bar. His report was backed up by verifiable evidence as well as the expertise of the division. Machines, unlike humans have no self-interest to protect. Hence, the data collected from them deserve great weight.
>
> Besides, if, as claimed by the respondents, the Chronolog Time Recorder Machine truly refused to record their IDs' bar codes, repeatedly, then they should have had them replaced at the soonest possible time or at the very least, complained about them to the MISO or, again, had their supervisor countersign their logbook entries. Respondents did nothing to rectify the matter until they were made to explain their delinquency.
>
> The respondents made use of the alleged failure of their ID cards and the Chronolog Time Recorder machines as their proverbial scapegoat. Instead of being their salvation, said objects only proved the respondents' propensity or disposition to lie.
>
> In fine, respondents' conducts clearly show lack of forthrightness and straightforwardness in their dealings with the Court amounting to dishonesty. x x x.[14]

In Azurin's case, which is essentially identical to the case of Esmerio and Ting,[15] there is substantial evidence that he intentionally did not register in the CTRM to conceal his tardiness to avoid dismissal from service. First, Azurin did not deny that he failed to swipe his ID in the CTRM on the dates mentioned in the Memorandum. Second, the correctness of the entries in the RATs he presented is doubtful since the times of his arrival were not entered in accordance with the chronological order of time. Third, there is no proof that the CTRM malfunctioned on those dates specified in the Memorandum.

Azurin's act of deliberately not registering in the CTRM to hide his habitual tardiness for the third time, which is punishable by dismissal, constitutes dishonesty. Dishonesty refers to a person's "disposition to lie, cheat, deceive, or defraud; untrustworthiness; lack of integrity; lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray."[16] By repeatedly making it appear that he has consistently rendered a full day's service, when he had actually been tardy, Azurin defrauded the public and betrayed the trust reposed in him as an employee of the highest Court. Azurin's dishonesty definitely falls short of the strict standards required of every court employee, that is, to be an example of integrity, uprightness and honesty.[17] Once again, we remind every Court employee that their conduct should, at all times, be geared towards maintaining the prestige and integrity of the Court,[18] for the image of this Court is mirrored in the conduct, not only of the Justices, but of every man and woman working thereat.[19]

Rule IV of CSC Memorandum Circular No. 19-99 provides:

> Section 52. Classification of Offenses. -- Administrative offenses with corresponding penalties are classified into grave, less grave, or light, depending on their gravity or depravity and effects on the government service.

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A. The following are grave offenses with their corresponding penalties:

1. Dishonesty

1[st] offense - Dismissal

Hence, dishonesty, being a grave offense, warrants the harshest penalty of dismissal from service, even upon the commission of only the first offense.

However, Section 53, Rule IV of the Revised Uniform Rules on Administrative Cases in the Civil Service,[20] grants the disciplining authority the discretion to consider mitigating circumstances in the imposition of the proper penalty. As recommended by Edwin B. Andrada, Officer-in-Charge, OAS,[21] and consistent with jurisprudence,[22] we consider as mitigating circumstances Azurin's length of service in the Court, pleas for compassion, and firm resolve to be more cautious in the performance of his duties and responsibilities. Accordingly, we impose upon Azurin the penalty of suspension of six (6) months with a warning that a repetition of the same or similar act in the future shall be dealt with more severely.

WHEREFORE, we find Noemi B. Adriano, Dennis Russell D. Baldago, Edilberto A. Davis, Atty. Catherine Joy T. Comandante, Jonathan Riche G. Mozar, Mariles M. Sales, Virginia B. Ciudadano, Pia Claire C. Bernal, Teresita M. Aniñon, Honradez M. Sanchez, Samuel R. Ruñez, Jr., Arturo G. Ramos, Zosimo D. Labro, Jr., GUILTY of Violation of Reasonable Office Rules and Regulations and STERNLY WARN them that a repetition of similar acts in the future shall be dealt with more severely.

We find Ariel Conrad A. Azurin GUILTY of Dishonesty and SUSPEND him for six (6) months without pay, effective immediately, with a STERN WARNING that a repetition of the same or similar act in the future shall be dealt with more severely.

We ABSOLVE Leonarda Jazmin M. Sevilla from the charge of Violation of Reasonable Office Rules and Regulations.

SO ORDERED.

Corona, C.J., Carpio Morales, Velasco, Jr., Nachura, Leonardo-De Castro, Brion, Peralta, Bersamin, Del Castillo, Abad, Villarma, Jr., Perez, Mendoza, and Sereno, JJ., concur.

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[1] Dated 8 July 2005.

[2] Addressed to then Chief Justice Hilario G. Davide, Jr. Signed by Deputy Clerk of Court and Chief Administrative Officer Eden T. Candelaria.

[3] 502 Phil. 264 (2005).

[4] Memorandum dated 2 September 2005, pp. 12-13.

[5] Issued on 13 July 2001 and took effect on 1 August 2001.

[6] A.M. No. 2005-07-SC, 19 April 2006, 487 SCRA 352.

[7] Id. at 361.

[8] A.M. No. 2006-11-SC, 13 September 2006, 501 SCRA 638.

[9] Id. at 645-646.

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[10] Memorandum dated 2 September 2005, p. 12.

[11] Id.

[12] Id. at 11.

[13] Supra note 3.

[14] Supra note 3 at 276.

[15] Supra note 3.

[16] Supra note 3 at 276.

[17] Id.

[18] Punzalan-Santos v. Arquiza, 314 Phil. 460 (1995), cited in Guanco v. Fuentas, Jr., A.M. No, P-98- 1268, 3 July 1998.

[19] Supra note 3 at 276.

[20] CSC Memorandum Circular No. 19-99, 14 September 1999.

[21] In the Memorandum, dated 15 February 2006, addressed to then Chief Justice Artemio V. Panganiban.

[22] Re: Failure of Jose Dante E. Guerrero to Register his Time In and Out in the Chronolog Time Recorder Machine on Several Dates, supra note 6, citing Concerned Employee v. Valentin, 498 Phil. 347 (2005); Dipolog v. Montealto, 486 Phil. 66 (2004); Re: Alleged Tampering of the Daily Time Records (DTR) of Sherry B. Cervantes, Court Stenographer III, Br. 18, RTC, Manila, Adm. Matter No. 03-8-463-RTC, 20 May 2004, 428 SCRA 572; Office of the Court Administrator v. Sirios, 457 Phil. 42 (2003); Reyes-Domingo v. Morales, 396 Phil. 150 (2000).

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