# RE: UNAUTHORIZED DISPOSAL OF UNNECESSARY AND SCRAP MATERIALS IN THE SUPREME COURT BAGUIO COMPOUND, AND THE IRREGULARITY ON THE BUNDY CARDS OF SOME PERSONNEL THEREIN.

*A.M. No. 2007-17-SC. July 07, 2009*

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This administrative matter before Us involves Oscar M. Estonilo (Estonilo), Danilo S. Padilla (Padilla) and Moises R. Bambilla, Jr. (Bambilla), employees of the Supreme Court in Baguio City, who were charged with (1) irregularities in their daily time cards; and (2) unauthorized disposal of some unnecessary and scrap materials from the Cottage and Administrative Compounds of the Supreme Court in Baguio City, as well as the unauthorized use of the court vehicle.

The aforementioned employees were hired as casual Utility Workers II of the Supreme Court Maintenance Unit in Baguio City: Padilla, in 1993; Bambilla, in 1994; and Estonilo, in 1996. They are still presently holding the same positions.

On 7 February 2007, Johannes R. Granil (Granil), Watchman II and guard on-duty at the gate of the Cottage Compound, saw Estonilo personally punching in more than one card. After five minutes, Estonilo and Padilla boarded a court vehicle, the Toyota Tamaraw FX with Plate No. SDX 797. When the Tamaraw FX was about to leave the Cottage Compound, Granil asked Estonilo and Padilla where they were going, and the two answered that they were going to San Fabian, Pangasinan, to pick up the sacks of carabao manure to be used as fertilizer. Granil also inquired about the materials loaded inside the Tamaraw FX. The materials consisted of three pieces of GI pipes and cyclone wires. Estonilo replied that they were unnecessary and scrap materials cleared for disposal by Engr. Bernardito R. Bundoc (Engr. Bundoc), Chief Judicial Staff Officer of the Supreme Court and former Officer-in-Charge of the Maintenance Unit of the Supreme Court in Baguio City. After leaving the Cottage Compound, Estonilo and Padilla proceeded, on board the Tamaraw FX, to the Administrative Compound where they loaded one used toilet bowl onto the vehicle.

Although neither of the security guard's logbooks at the Cottage Compound nor at the Administrative Compound contained detailed entries on the foregoing incidents, Granil did immediately inform his supervisor, Mr. Ramon D. Torres (Torres), Security Officer I and Shift-in-Charge, of the same.

After receiving the information from Granil, Torres prepared a report[1] dated 7 February 2007 detailing the irregularity committed by Estonilo in punching in the time cards of his co-employees, and the unauthorized bringing of some scrap materials out of the Supreme Court Cottage and Administrative Compounds by Estonilo and Padilla.

On 17 February 2007, Rommel Rique (Rique), the Supervising Judicial Staff Officer of the Supreme Court Security Division in Baguio City, submitted his own report,[2] which contained the following additional information:

> Follow up investigation was initiated. By this time, I invited Oscar Estonilo to shed light on the allegations

against them and he narrated the following facts surrounding the incident.

- That he was the one who punched in the time cards of Messrs. Bambilla and Padilla.

- That since Mr. Bambilla was in their house in Pozorubio, Pangasinan which is near in (sic) San Fabian where they will get carabao manure and to minimize travel expenses on the part of Mr. Bambilla, they decided to meet in San Fabian at the house of Mr. Padilla.

- That they boarded a Tamaraw FX with Plate No. SDX 797, three g.i. pipes, cyclone wires and one toilet bowl.

- That they proceeded first in (sic) his residence in Tubao, La Union and unloaded the toilet bowl, then proceeded at the house of Mr. Padilla and unloaded two g.i pipes and the cyclone wires. After that, they loaded sacks of manure. Finally, they went at (sic) the residence of Mr. Bambilla in Pozorubio, Pangasinan wherein they dropped one g.i pipe and loaded another five sacks of manure.

- That they were on their way back here at around 2:30 p.m. which is about 15 kilometers away from the house of Mr. Bambilla when they met [an] accident at around 3 p.m.

As narrated in the incident report dated 9 February 2007 submitted by Police Chief Inspector Frankie Castro Candelario of the Pozorrubio Police Station, the Tamaraw FX used by Estonilo, Padilla and Bambilla sustained damages as follows:

> Its right rear wheel blew out thereby, it lost control of its steering wheel and swerved to the right shoulder of the road incidentally sideswiped a narra tree and four (4) small concrete post owned by Brgy. council of Brgy. Bobonan, this town and bumped a steel sign board of Bobonan metal craft owned by Juan Bautista of Brgy. Bobonan, this town, as a result thereof, said vehicle incurred heavy damages on its right side portion, front bumper, right roof top, right side window glass, right rear wheel rim, left front flasher, and rear door, while the concrete post and metal sign board incurred damages. No injury reported.[3]

The Office of Administrative Services (OAS) of the Supreme Court issued a Memorandum on 20 February 2007, directing Estonilo, Padilla, and Bambilla, to explain the reported incidents.

The three employees concerned complied by submitting their respective explanations, all dated 23 February 2007.

Estonilo admitted that he personally punched in his time card at 6:12 a.m. on 7 February 2007, and immediately thereafter also punched in the time cards of his co-employees, Padilla and Bambilla, without the knowledge and consent of the latter two. Estonilo punched in the time cards of his co-employees to (1) return a favor to Padilla who prepared the food for the trip; and (2) show kindness to Bambilla by helping him save his transportation expenses since he need not go anymore to the Supreme Court in Baguio for that day. Estonilo believed that he was not violating any rule or law. Estonilo also alleged that he and his co-employees brought several unnecessary and scrap materials out of the Supreme Court Compound in Baguio City, with the permission of and clearance from Engr. Bundoc. In the end, Estonilo, nonetheless, pleaded for understanding and sympathy for his infractions and promised that he would endeavor to be more circumspect in his duties.

Padilla, on his part, explained that he was with Estonilo when they left the Supreme Court premises in Baguio City to get some carabao manure. Although he was physically present at the Supreme Court in Baguio City on the day in question, he was busy preparing the things they were bringing for the trip. Padilla averred that he did not request or permit Estonilo to punch in his time card for him. According to Padilla, he learned about what Estonilo had done only when Estonilo admitted it to him, supposedly as the latter's way of returning a favor and showing his gratitude to Padilla. Like Estonilo, Padilla claimed that the bringing of several scrap materials, already deemed unserviceable, out of the Supreme Court premises, was with the knowledge and consent of Engr. Bundoc.


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Bambilla narrated that on 6 February 2007, a day before the scheduled trip, he went home to Pozorrubio, Pangasinan, to just wait for and meet with his co-employees there. He denied, however, giving permission to Estonilo to punch in his time card for him on 7 February 2007. Only when Bambilla reported to work at the Supreme Court in Baguio City on 8 February 2007 that he learned, from Estonilo's own admission, of the latter's punching in his time card for him. Bambilla also pointed out that he was not with Estonilo and Padilla when the scrap materials were loaded and brought out of the Supreme Court premises. Bambilla maintained, however, that one of the items, particularly, a piece of G.I. pipe, was not among the scrap materials belonging to the Court. He alleged having found the said pipe outside the Supreme Court premises which he brought inside the Cottage Compound thinking that somebody might claim it later. Since nobody had come for the pipe, he requested, as a favor, that Estonilo and Padilla bring it with them to Bambilla's house in the course of the scheduled trip. Bambilla insisted that the pipe was erroneously included among the scrap materials for disposal by the Supreme Court. Noticeably, Bambilla failed to submit any evidence in support of his claims.

In compliance with a directive from the OAS, Engr. Bundoc submitted his Comment dated 8 March 2007, categorically stating therein that he "does not have any authority for the disposal of any used or unused materials of the Court and x x x did not allow or give them permission to bring out used materials."[4]

The OAS then required Estonilo, Padilla, and Bambilla, together with Granil, Torres, Rique, and Rommel H. Pindug (Watchman II), to appear before an investigating team, which would be at the Supreme Court in Baguio City, on 31 July 2008.

After investigation, the OAS, through Atty. Eden Candelaria, submitted its report dated 2 September 2008, with the following recommendations:

> In view of the foregoing, this Office respectfully submits for the consideration and approval of the Court the following recommendations:
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> - That Mr. Oscar M. Estonilo, Utility Worker II, be found guilty of two (2) counts of Simple Misconduct, as principal by direct participation, for the irregularity he committed in punching in the time cards of his two (2) co-employees; and the unauthorized disposal and taking of unnecessary and scrap materials of the Court aggravated by taking advantage of the use of vehicle to facilitate its commission. It is recommended that he be SUSPENDED for one (1) month without pay with a WARNING that a commission of the same or similar acts in the future shall be dealt with more severely;
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> - That Mr. Danilo S. Padilla, Utility Worker II, be found guilty of Simple Misconduct, as principal by cooperation, for the unauthorized disposal and taking of unnecessary and scrap materials of the Court aggravated by taking advantage of the use of vehicle to facilitate its commission. It is recommended that he be SUSPENDED for two (2) weeks without pay with a WARNING that a commission of the same or similar acts in the future shall be dealt with more severely;
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> - That Mr. Moises R. Bambilla, Jr., Utility Worker II, be found guilty of Simple Misconduct, as principal by cooperation, for the unauthorized disposal and taking of unnecessary and scrap materials of the Court. It is recommended that he be SUSPENDED for one (1) week with a WARNING that a commission of the same or similar acts in the future shall be dealt with more severely;
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> - That the Court should impose upon the three (3) respondents an additional or accessory penalties such as: (a) forfeiture of Additional Cost of Living Allowance from the Judiciary Development Fund [JDF] in the month the decision is handed down; (b) forfeiture of year-end benefits such as 13[th] month pay and Cash Gift, and Productivity Incentive Benefit in the year the decision is handed down; and (c) forfeiture of other fringe benefits in the year the decision is handed down;
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> - That the present Officer-in-Charge of the SC Maintenance Unit, Baguio compound be directed to strictly


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> implement the procedure in authorizing the trips of vehicle/s issued thereat for official purpose outside the Court compound; and
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> - That the present Officer-in-Charge of the SC Security Unit, Baguio compound be directed to strictly implement and carry out all the preventive, corrective and other safety measures against the commission of theft of Court's property and the property of the employees as well as maintain a high visibility presence at all times in the premises of the Court.[5]

On 7 October 2008, we required[6] the parties to manifest within 10 days from notice if they were willing to submit the matter for resolution based on the pleadings filed. The parties complied by filing their respective manifestations: Teofilo Sanchez, Engineer III, for the Supreme Court in Baguio City, on 30 October 2008;[7] and respondents Estonillo, Padilla, and Bambilla, on 4 November 2008.[8] Resultantly, the case was submitted for decision based on the pleadings filed.

We agree to the findings of the OAS, except for the penalties imposed.

As to the punching in of bundy cards for other employees

By Estonilo's own admission, he not only punched in his time card on the morning of 7 February 2007, but also those of Padilla and Bambilla, purportedly to return a favor and show his gratitude to Padilla, and to help Bambilla save his transportation expenses for the day.

Despite his proffered justification for his action, we find that Estonilo violated Supreme Court Administrative Circular No. 36-2001,[9] pertinent portions of which read:

> WHEREAS, CSC MC No. 21 s. 1991 requires all employees to record their daily attendance on the proper forum or, whenever possible, to have their attendance registered in the bundy clock but allows any other means of recording attendance provided that the names and signatures of employees as well as their actual time of arrival to and departure from office are indicated;
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> x x x x
>
> ACCORDINGLY, all employees (whether regular, coterminous or casual) are required to register their daily attendance in the Chronolog Time Recorder Machine and in the logbook of their respective offices. (Emphases supplied.)

The foregoing SC Circular clearly provides that every court official and employee must truthfully and accurately indicate the time of his or her arrival at and departure from the office. Equally important is the fact that this Court has already held that the punching in of one's daily time record is a personal act of the holder. It cannot and should not be delegated to anyone else.[10] This is mandated by the word "all" and "their" in the above-quoted Circular.

Estonilo's act of punching in another employee's daily time card falls within the ambit of falsification. Worse, he did not do it for only one co-employee, but for two others. He made it appear as though his co-employees personally punched in their daily time cards. Estonilo also made Padilla's daily time card reflect a log-in time different from the latter's actual time of arrival, as well as made Bambilla's daily time card falsely show that the latter was at the Supreme Court premises in Baguio City when he was not there at all. It is patent dishonesty, which inevitably reflects on Estonilo's fitness as an employee to continue in office and on the level of discipline and morale in the service.[11]

Padilla and Bambilla should also be held liable to a certain extent for dishonesty, because even though they did not request or permit Estonilo to punch in their daily time cards for them, they failed to take the necessary action, i.e., informing the proper authorities and correcting their attendance records, as soon as they found out what

Estonilo had done. They were content to let their daily time cards bear the false information. They waited until they were asked to explain on the report by the security personnel. We can only read Padilla and Bambilla's actions -- or more appropriately, inaction, subsequent to learning that Estonilo punched in their daily time cards for them -- as implied accession to the same.

Respondents violated their sacred trust as public servants and judicial officers. We shall never be less strict in applying only the highest standards of propriety, decorum, integrity, uprightness and honesty from the highest judicial officer of the land to the humblest court employee, for the ultimate power of this court lies in its incorruptibility.[12]

Indeed, dishonesty is a malevolent act that has no place in the judiciary.[13] We have defined dishonesty as the "(d)isposition 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."[14] Falsification of daily time records is an act of dishonesty, for which all three respondents must be held administratively liable under Rule XVII, Section 4 of the Omnibus Civil Service Rules and Regulations (Civil Service Rules).[15]

Under Rule XIV, Section 21 of the Civil Service Rules, falsification of official documents (such as daily time records) and dishonesty are both grave offenses. As such, they carry the penalty of dismissal from the service with forfeiture of retirement benefits, except accrued leave credits, and perpetual disqualification from reemployment in government service.[16]

As to the act of taking alleged scrap materials and unauthorized use of Court vehicle.

Respondents' allegations that the taking was with the knowledge and consent of Engr. Bundoc was belied by the latter in his Comment, in which he categorically stated that he did not allow or give respondents permission to bring out the said materials out of the Supreme Court premises.

Respondents' claim that what they took were mere scrap materials, which were already deemed unserviceable, it does not exculpate them as the mere act of unauthorized taking, no matter how small the value, is a blatant disregard and violation of Revised Administrative Circular No. 7-2004, entitled "Providing a Program for the Management of Unnecessary Property of the Judiciary," issued on 3 March 2004. Said Circular enumerates the modes of disposal of unnecessary property, thus:

> IV. Modes of Disposal
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> Unnecessary property may be disposed by trade-in, transfer to other offices of the Judiciary, sale to personnel, public auction or bidding, sale through negotiation after two (2) unsuccessful public biddings or failure of public auction, transfer without costs to other government agencies, or destruction or condemnation. The Disposal Committee shall undertake that mode of disposal which is most advantageous to the Judiciary.

Under the aforequoted Circular, the modes of disposing of court property are by 1) trade-in; 2) transfer to other offices of the Judiciary; 3) sale to personnel; 4) public auction or bidding; 5) sale of unserviceable property; 6) transfer without costs to other government agencies; and 7) destruction or condemnation of the property. The bringing of the scrap materials out of the court premises by respondents and leaving the same at their houses do not fall under any of these recognized modes. Disposal of court property, albeit deemed unserviceable, not in accordance with Revised Administrative Circular No. 7-2004, is an act of impropriety.

As to the use of the vehicle, we take note that no trip ticket was ever issued to Estonilo or to Padilla by their superior authorizing them to use the court vehicle on 7 February 2007 for their trip to Pangasinan and La Union, even though said trip was for an official purpose.


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Respondents asserted that they were directed by Engr. Bundoc, through a text message, to make the trip; and for said reason, they were allowed by the guard on-duty to leave the court premises using the Tamaraw FX. Engr. Bundoc confirmed that for quite some time, this was the practice followed by the Supreme Court Maintenance Unit in Baguio City whenever Engr. Bundoc was at the Supreme Court main office in Manila, since it was more practical, reasonable and convenient, considering the difficulty of sending with dispatch written communication to Baguio City. Engr. Bundoc added that even though no written authority was sent for the use of the court vehicle, it was duly entered in the security guard's log book for record purposes.

As far back as 1975, the Commission on Audit (COA) issued COA Circular No. 75-6[17] "Regulating the Use of Government Motor Vehicles, Aircrafts, and Watercrafts." It was issued then in line with the effort of the government to conserve fuel and to economize on expenditures relating to the use, operation and maintenance of government motor vehicles, aircrafts and watercrafts of all kinds. Pursuant to the said Circular, the use of a government motor vehicle shall be authorized only through the issuance of a trip ticket, duly signed by the chief or administrative officer of the bureau, office or entity concerned, to wit:

> V. Regulations in the Proper Use of Government Vehicles-
>
> The use of government motor vehicles by the bureaus and offices enumerated under Section 12 of Presidential Decree No. 733 for the purpose herein indicated shall be authorized only through the issuance of each trip ticket, duly signed by the Chief or Administrative Officer of the bureau, office or entity concerned....
>
> Except in emergency cases, under no circumstance should government motor vehicles be used without the corresponding trip ticket having been duly issued by the official designated for the purpose. In case of use of said vehicles without such trip tickets, the official to whom the vehicle is assigned, his driver and other passengers shall be personally liable for the unauthorized use thereof. (Emphases supplied.)

The proper procedure for official travel using a court vehicle is as follows: the personnel must request the use of a court vehicle by accomplishing a trip ticket form in two copies, stating therein the name of the driver, purpose, and destination of the travel; the trip ticket must be duly approved by the official authorizing the travel; and one copy of the trip ticket shall be surrendered to the guard on-duty upon departure, and the other copy to be retained by the driver for audit purposes.[18]

Considering the above, respondents' trip on 7 February 2007 was indeed beset by certain lapses. Respondents did not secure a trip ticket for the use of the Tamaraw FX. The authority and instructions given by Engr. Bundoc to respondents through cellular phone calls or text messages were not in official form. Picking up of carabao manure, to be used as fertilizer, can hardly be considered an emergency situation, excepted from the requirement of a trip ticket.

If there are specific rules and regulations issued and procedures laid down on how certain things must be done, then the court employee must adhere to the same as far as practicable and reasonable, given the circumstances.

The Court has repeatedly emphasized that everyone in the judiciary, from the presiding judge to the clerk, must always be beyond reproach and must be circumscribed with the heavy burden of responsibility as to let them free of any suspicion that may taint the judiciary.[19] Any impression of impropriety, misdeed or negligence in the performance of official functions must be avoided.[20] As the administration of justice is a sacred task, the persons involved in it ought to live up to the strictest standard of honesty and integrity.[21] Their conduct, at all times, must not only be characterized by propriety and decorum but, above all else, must be above suspicion. Thus, every employee of the judiciary should be an example of integrity, uprightness and honesty.[22]

Grave Misconduct is a malevolent transgression of some established and definite rule of action, more particularly,

unlawful behavior or gross negligence by the public officer or employee which threatens the very existence of the system of administration of justice.[23] Estonilo, Padilla, and Bambilla committed grave misconduct in unlawfully bringing scrap materials out of the court premises and using the court vehicle for the purpose, deviating from the established or definite rule of action.

Section 52(A)(3) of the Revised Rules on Administrative Cases in the Civil Service classifies grave as a grave offense punishable by dismissal for the first offense.

As to the penalty to be imposed

In several administrative cases, we refrained from imposing the actual penalties in the presence of mitigating factors. Factors such as, the employee's length of service, acknowledgement of his or her infractions and feelings of remorse for the same, advanced age, family circumstances, and other humanitarian and equitable considerations, had varying significance in our determination of the imposable penalty.[24]

The compassion we extended in these cases was not without legal basis. Section 53, Rule IV of the Revised Rules on Administrative Cases in the Civil Service,[25] grants the disciplining authority the discretion to consider mitigating circumstances in the imposition of the proper penalty.

We also ruled that where a penalty less punitive would suffice, whatever missteps may be committed by the employee ought not to be visited with a consequence so severe.[26] It is not only for the law's concern for the workingman; there is, in addition, his family to consider. Unemployment brings untold hardships and sorrows on those dependent on wage earners.[27]

Following judicial precedent, certain circumstances extant in the case at bar also persuade us to exhibit a degree of leniency towards respondents, particularly: (1) respondents' long years of service in the judiciary: Estonilo, for 13 years; Padilla, for 16 years; and Bambilla, for 15 years; (2) this is the first time respondents were found administratively liable per available records; (3) respondents' acknowledgment of their infractions and feelings of remorse; and (4) respondents' Performance Ratings which had been consistently "Very Satisfactory" for the past three consecutive years.

Thus, we deem the penalties of two-year suspension for Estonilo, Padilla and Bambilla, to be appropriate.

WHEREFORE, in view of the foregoing, judgment is hereby rendered as follows:

> - Mr. Oscar M. Estonilo, Utility Worker II, is found guilty of dishonesty, as principal by direct participation, for the irregularity he committed in punching in the time cards of his two (2) co-employees; and grave misconduct for the unauthorized disposal and taking of unnecessary and scrap materials out of the Court aggravated by taking advantage of the use of the court's vehicle to facilitate its commission. Taking into consideration the mitigating circumstances discussed above, he is hereby SUSPENDED for two (2) years without pay with a WARNING that a commission of the same or similar acts in the future shall be dealt with more severely;
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> - Mr. Danilo S. Padilla, Utility Worker II, is found guilty of dishonesty, as an accessory to the irregular punching in of his time card by his co-employee Oscar M. Estonilo; and Grave Misconduct, as principal by cooperation, for the unauthorized disposal and taking of unnecessary and scrap materials out of the Court aggravated by taking advantage of the use of the Court's vehicle to facilitate its commission. Taking into consideration the mitigating circumstances discussed above, he is hereby SUSPENDED for two (2) years without pay with a WARNING that a commission of the same or similar acts in the future shall be dealt with more severely;
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> - Mr. Moises R. Bambilla, Jr., Utility Worker II, is found guilty of dishonesty, as an accessory to the irregular

punching in of his time card by his co-employee Oscar M. Estonilo; and Grave Misconduct, as principal by cooperation, for the unauthorized disposal and taking of unnecessary and scrap materials out of the Court. Taking into consideration the mitigating circumstances discussed above, he is hereby SUSPENDED for two (2) years with a WARNING that a commission of the same or similar acts in the future shall be dealt with more severely;

- In the course of their two-year suspension, additional or accessory penalties are hereby IMPOSED upon the three (3) respondents, such as: (a) forfeiture of Additional Cost of Living Allowance from the Judiciary Development Fund;[28] (b) forfeiture of year-end benefits such as 13[th] month pay and Cash Gift,[29] and Productivity Incentive Benefit;[30] and (c) forfeiture of other fringe benefits;[31]

- The present Officer-in-Charge of the Supreme Court Maintenance Unit in Baguio City is hereby DIRECTED to strictly implement the procedure in authorizing the trips using the court vehicle/s for official purpose outside the Court premises; and

- The present Officer-in-Charge of the Supreme Court Security Unit in Baguio City is hereby DIRECTED to strictly implement and carry out all the preventive, corrective and other safety measures against the commission of theft of the property of the Court and of its employees, as well as to maintain a high visibility presence at all times in the premises of the Court.

**SO ORDERED.**

Puno, C.J., Quisumbing, Ynares-Santiago, Carpio, Corona, Carpio Morales, Velasco, Jr., Nachura, De Castro, Brion, Peralta, and Bersamin, JJ., concur.

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[1] Rollo, pp. 89-90.

[2] Id. at 87.

[3] Id. at 76.

[4] Id. at 66.

[5] Id. at 11-12.

[6] Id. at 3.

[7] Id at p. 1

[8] Id. at 2.

[9] Requiring All Employees to Register their Daily Attendance in the Chronolog Time Recorder Machine.

[10] 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, 61.

[11] Alabastro v. Moncada, Sr., A.M. No. P-04-1887, 16 December 2004, 447 SCRA 42, 59; Nera v. Garcia and Elicaño, 106 Phil. 1031, 1036 (1960).

[12] Sy v. Mongcupa, 335 Phil. 182, 187 (1997).

[13] Office of the Court Administrator v. Magno, 419 Phil. 593, 602 (2001); Sec. 22(a), Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292 (Administrative Code of 1987), as amended by CSC


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Memorandum Circular No. 19, s. 1999(a).

[14] 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, 15.

[15] Which reads: "Section 4. Falsification or irregularities in the keeping of time records will render the guilty officer or employee administratively liable x x x."

[16] Office of the Court Administrator v. Magno, supra note 13; Sec. 22(a), Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292 (Administrative Code of 1987), as amended by CSC Memorandum Circular No. 19, s. 1999(a).

[17] Dated 7 November 1975

[18] COA Circular No. 75-6A, 15 December 1975.

[19] Dipolog v. Montealto, A.M. No. P-04-190, 23 November 2004, 443 SCRA 465, 476.

[20] Velasquez v. Inacay, 432 Phil. 140, 146-147 (2002).

[21] Hernandez v. Borja, 312 Phil. 199, 204 (1995).

[22] Basco v. Gregorio, 315 Phil. 681, 688 (1995).

[23] Fernandez, Jr. v.Gatan, A.M. No. P-03-1720, 28 May 200, 430 SCRA 19, 23.

[24] In Re: Administrative Case for Dishonesty Against Elizabeth Ting, Court Secretary I, and Angelita C. Esmerio, Clerk III, Office of the Division Clerk of Court, Third Division (supra note 14), where therein respondents were found guilty of dishonesty, the Court, for humanitarian considerations, in addition to various mitigating circumstances in respondents' favor, meted out a penalty of six months suspension instead of imposing the most severe penalty of dismissal from service. In imposing a lower penalty, the court, for humanitarian considerations, took note of various mitigating circumstances in respondents' favor, to wit: (1) for respondent ANGELITA C. ESMERIO: her continued long years of service in the judiciary amounting to 38 years; her faithful observance of office rules and regulations from the time she submitted her explanation-letter up to the present; her acknowledgment of her infractions and feelings of remorse; her retirement on 31 May 2005; and her family circumstances (i.e., support of a 73-year old maiden aunt and a 7-year old adopted girl); and (2) for ELIZABETH L. TING: her continued long years of service in the judiciary amounting to 21 years; her acknowledgment of her infractions and feelings of remorse; the importance and complexity of the nature of her duties (i.e., the preparation of the drafts of the Minutes of the Agenda); the fact that she stays well beyond office hours in order to finish her duties; and her Performance Rating which has always been "Very Satisfactory" and her total score of 42 points which is the highest among the employees of the Third Division of the Court

In Reyes-Domingo v. Morales (396 Phil 150,165-166 [2000]), the branch clerk of court, Miguel C. Morales, who was found guilty of dishonesty in not reflecting the correct time in his Daily Time Record (DTR) was merely imposed a penalty of P5,000.00. In this case, respondent did not indicate his absences on 10th and 13th May 1996, although he was at Katarungan Village, interfering with the construction of the Sports Complex therein, and at the Department of Environment and Natural Resources-National Capital Region, pursuing his personal business.

In Office of the Court Administrator v. Saa (457 Phil. 25 [2003]) the clerk of court of the Municipal Circuit Trial Court of Camarines Norte, Rolando Saa, who made it appear in his DTR that he was present in court on the 5th and 6th June 1997, when all the while, he was attending hearings of his own case in Quezon City, was fined P5,000.00.


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The Court in 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 Morales, MTC-OCC, Guagua, Pampanga (supra note 10) deemed it proper to impose a fine of P2,000.00 on Raquel Razon for making it appear that she was present in the office on 7 September 2004. The Court further noted that Razon readily acknowledged her offense, offered sincere apologies, and promised not to do it again. The fact that it was only her second administrative case in her 27 years in government service was also in her favor. She was previously charged with discourtesy, insubordination and violation of office regulation and procedure in A.M. No. P-97-89, but the same was dismissed on 10 October 1989.

In Concerned Taxpayer v. Doblada, Jr. (A.M. No. P-99-1342, 20 September 2005, 470 SCRA 218), the penalty of dismissal was reduced by the Court to six months suspension without pay for the attendant equitable and humanitarian considerations therein: Norberto V. Doblada, Jr. had spent 34 years of his life in government service and he was about to retire; this was the first time that he was found administratively liable per available record; Doblada and his wife were suffering from various illnesses that required constant medication, and they were relying on Doblada's retirement benefits to augment their finances and to meet their medical bills and expenses.

In De Guzman, Jr. v. Mendoza (A.M. No. P-03-1693, 17 March 2005, 453 SCRA 545, 574), Sheriff Antonio O. Mendoza was charged with conniving with another in causing the issuance of an alias writ of execution and profiting from the rentals collected from the tenants of the subject property. Mendoza was subsequently found guilty of Grave Misconduct, Dishonesty and Conduct Prejudicial to the Best Interest of the Service; but instead of imposing the penalty of dismissal, the Court meted out the penalty of suspension for one year without pay, it appearing that it was Mendoza's first offense.

In Buntag v. Pana (G.R. No. 145564, 24 March 2006, 485 SCRA 302), the Court affirmed the findings of the Court of Appeals and the Ombudsman when they took into consideration Corazon G. Buntag's length of service in the government and the fact that this was her first infraction. Thus, the penalty of dismissal for Falsification of Official Document was reduced to merely one-year suspension.

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

[26] Re: Habitual Absenteeism of Mr. Fernando P. Pascual, A.M. No. 2005-16-SC, 22 September 2005, 470 SCRA 569, 573.

[27] Mendoza, Jr. v. Navarro, A.M. No. P-05-2034, 11 September 2006, 501 SCRA 354, 364.

[28] Part III, Section 5 (Guidelines on the Grant of Additional Cost of Living Allowance (COLA) from Judiciary Development Fund) of Administrative Circular No. 5-2001 issued on 9 January 2001.

[29] Pursuant to DBM Budget Circular and Guidelines implementing the Grant of Year-End Bonus and Cash Gift.

[30] Part I, Sec. 5 (Guidelines on the Grant of Productivity Incentive Benefits) of A.C. No. 5-2001.

[31] Part II, Sec. 5 (Guidelines on the Grant of Fringe Benefits) of A.C. No. 5-2001.

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