

JUDGE SALVADOR D. SILERIO, PRESIDING JUDGE, REGIONAL TRIAL COURT, BRANCH 8, LEGASPI CITY, PETITIONER, VS. IGNACIO B. BALASULLA, PROCESS SERVER, AND JOSE BLANCA, DEPUTY SHERIFF, ...

A.M. No. P-96-1177. January 30, 1996

Ponente: BELLOSILLO, J.

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BELLOSILLO, J.:

This administrative case concerns the mysterious disappearance on 31 December 1994 of the attendance logbook of the court personnel of Branch 8, Regional Trial Court, Legaspi City. The circumstances surrounding the loss of the logbook were finally unravelled upon investigation by Presiding Judge Salvador D. Silerio on 11 January 1995. At the inquiry conducted by his Presiding Judge, Process Server Ignacio Balasulla promptly admitted having hidden the attendance logbook, purportedly upon instruction of Deputy Sheriff Jose Blanca, and immediately produced the missing logbook.

In his affidavit executed on 11 January 1995 before Judge Silerio, respondent Balasulla related that on 21 December 1994, upon invitation of respondent Jose Blanca, he had lunch at the Hangzhou Food Palace together with his co-employees Josefina Ocfemia, Leizel Balleta, Eden Dado and Marietta Padilla; that while eating lunch they conceived of the idea of hiding the attendance logbook; and, that it was respondent Blanca who instructed him to hide the logbook which he did immediately upon their return to the office.

Judge Silerio then referred the incident together with the affidavit of Balasulla to Executive Judge Rafael P. Santelices, RTC, Legaspi City, for appropriate action.

In the investigation conducted by Judge Santelices, respondent Balasulla executed another affidavit dated 10 March 1995 assuming full responsibility for the concealment of the logbook "considering that many persons will be involved x x x (and) if only to buy peace x x x x" Respondent Blanca on the other hand filed his answer and memorandum disclaiming any participation in the loss of the logbook. In support of his disclaimer he submitted a joint affidavit executed by Marietta Padilla and Eden Dado.

Executive Judge Santelices thereafter submitted a report to the Office of the Court Administrator (OCA) with the recommendation that (1) respondent Balasulla be suspended from office for a month without pay his misconduct being his first offense; (2) the case against respondent Blanca be dismissed for insufficiency of evidence; and, (3) Presiding Judge Salvador D. Silerio, RTC, Br. 8, Legaspi City, be directed (a) to submit to OCA for its perusal the attendance logbook for the whole year of 1994 and for 1995 only up to the month of May considering the number of times respondent Blanca and witnesses Padilla and Dado were late in reporting to office for the month of December alone, and (b) to inform OCA whether his personnel have been submitting their daily time records regularly or their leaves of absence whenever they did not report to office.

Acting on the investigation report of Judge Santelices, OCA prepared its own report to the Court and

recommended that respondent Balasulla be directed "to show cause why he should not be administratively dealt with for his act of hiding the logbook, and that the complaint against Deputy Sheriff Jose Blanca be dismissed for lack of sufficient proof." In view of such recommendation, the Court in its resolution of 14 August 1995 required respondent Balasulla to show cause why he should not be dealt with administratively, and dismissed the complaint against Sheriff Jose C. Blanca for lack of sufficient proof.

In his compliance respondent Balasulla averred that his admission of guilt arose out of his desire to put to rest the troubles and recriminations in the office; that the attendance logbook was an irritant and the cause of the troubles in the office as those who were always late were affected; that he was not among those always late hence did not have any reason to hide the logbook; and, that it was his poor judgment that made him assume full responsibility for the loss of the logbook. As a consequence, he prayed for leniency as he claimed it was never his intention to prejudice the operations of the court and that he was the sole breadwinner of his family of seven.

We need not stress that court employees are not allowed to take court records, papers or documents outside the court premises.[1] Before one could take them out he must first secure permission from the proper authorities. The unauthorized taking and concealing of any court record, paper or document within the office is equally prohibited and in fact administratively censurable.; otherwise, an absurd situation will result if an employee can get away with such mischief with impunity. It must be pointed out that in both cases it is the unauthorized taking of court records, papers or documents which subjects an employee to an administrative sanction, and in certain cases, criminal liability. The imposable penalty for such transgression varies depending on the attendant circumstances, e.g., on where the court records or documents were taken or used.

The attendance logbook of the employees of Br. 8, RTC, Legaspi City, contains the record of attendance of its personnel pursuant to Civil Service Rules.[2] As such, it becomes as it were a court record. Consequently, respondent Balasulla's act in taking away and concealing the logbook without permission or proper authority constitutes misconduct in office. Evidently, respondent's professed loyalty was misplaced. As a court employee he is mandated to safeguard the integrity of the court, to earn respect therefor, to maintain loyalty thereto and to the judge as his superior officer, and to preserve the authenticity and correctness of court records.[3]

As it is oft-repeated, a public office is a public trust. The conduct and behavior of all those involved in the administration of justice - from the presiding judge to the lowliest clerk - should be circumscribed with the heavy burden of responsibility and public accountability.[4] An employee should bear in mind that he owes his job to the public. Necessarily, he should be an example of integrity, uprightness and honesty.[5]

For failing to observe the norm of conduct required of a public servant, OCA recommends that respondent Balasulla be meted one (1) month suspension from office without pay his misconduct being his first offense in office. While we certainly disapprove of respondent's action, we note however his prompt admission of culpability upon being asked about the loss of the logbook. Respondent's spontaneous declaration of guilt paved the way for the early recovery of the logbook and averted the tedious process of investigation. On this basis and this being the first administrative offense of respondent, we reduce the recommended penalty to fifteen (15) days suspension from office without pay. But respondent Balasulla is warned that a repetition of the same or similar act will be dealt with more severely.

Finally, we note the observations of the investigating Judge regarding the number of times that Blanca, Padilla and Dado were late in reporting for work for the month of December alone. Consequently, we adopt the recommendation of the OCA that Judge Salvador D. Silerio be required (a) to submit to OCA the attendance logbook of his employees for the year 1994 and for 1995 up to the month of May; and, (b) to inform OCA whether the personnel of his court regularly submit their time records and/or leaves of absence whenever they fail

to report to office.

WHEREFORE, as recommended by the Office of the Court Administrator, the Court Resolves to SUSPEND from office for fifteen (15) days without pay effective upon receipt hereof respondent IGNACIO B. BALASULLA, Process Server, RTC, Br. 8, Legaspi City, with a warning that a repetition of the same or similar act will be dealt with more severely.

The Court further directs Presiding Judge Salvador D. Silerio to SUBMIT to the Office of the Court Administrator through the Leave Section, Office of the Administrative Services, the attendance logbook of his branch for the whole year 1994 and for 1995 up to the month of November, within ten (10) days from receipt hereof; and, to INFORM the Office of the Court Administrator likewise within the same period whether his personnel of Br. 8, RTC, Legaspi City, have been submitting their daily time records regularly and/or have been filing their leaves of absence as required whenever they fail to report to office.

SO ORDERED.

Padilla (Chairman), Vitug, Kapunan, and Hermosisima, Jr., JJ., concur.

[1] Apaga v. Ponce, A.M. No. P-95-1119, 21 June 1995.

[2] Rule XVIII, Sec. 2 of the Omnibus Civil Service Rules and Regulations.

[3] See Rudas v. Acedo, A.M. No. P-93-931, 14 August 1995.

[4] Office of the Court Administrator v. Gadon, A.M. No. P-95-1142, 16 June 1995.

[5] Re: Pio quinto Villapana, A.M. No. P-93-824, 7 February 1994, 229 SCRA 718, 722.

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