

ANNABELLE F. GARCIA, CLERK OF COURT, MUNICIPAL TRIAL COURT IN CITIES, BRANCH 2, OLONGAPO CITY, COMPLAINANT, VS. HERMINIO C. REYES AND ZOSIMA S. DE VERA, INTERPRETER AND STENOGRAPHER...

A.M. No. P-06-2111. February 08, 2012

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

A.M. No. P-06-2111 originates from a Memorandum^[1] issued by Annabelle F. Garcia (Garcia), in her capacity as Clerk of Court of Branch 2, Municipal Trial Court in Cities (MTCC), Olongapo City, to Court Interpreter Herminio C. Reyes (Reyes) and Court Stenographer Zosima S. De Vera (De Vera). Pairing Judge Merinnisa O. Ligaya (Judge Ligaya) indorsed the memorandum to the Office of the Court Administrator (OCA). The OCA recommended that the memorandum be redocketed as a regular administrative matter, and that Reyes and De Vera be penalized with a fine in the amount of P5,000.00 and a warning that repetition of the same or similar acts shall be dealt with more severely.

This Court referred the administrative matter to the OCA for designation of an investigating judge to conduct an investigation, report and recommendation. Executive Judge Ndrman V. Pamintuan (Judge Pamintuan) recommended penalties for Reyes and De Vera, as well as the conduct of an investigation to assess the culpability of complainant Garcia and of witness Amelia Gonzales Pronto (Pronto). In turn, the OCA recommended penalties for Reyes, De Vera, and Pronto.

The Facts

On 26 November 2004, Reyes and De Vera, for different reasons, left their stations and instructed Pronto to punch their respective time cards to make it appear that they were in the office until 5:00 p.m. Garcia later issued a Memorandum to Reyes and De Vera, and directed them to explain in writing why no disciplinary action should be taken against them for their violation of Civil Service rules. Judge Ligaya noted Garcia's memorandum and indorsed it to the OCA. OCA's Memorandum^[2] to this Court summarized Reyes and De Vera's explanations, which read:

In his written explanation dated 10 January 2005 in compliance with the Memorandum aforementioned which he adopts as his Comment, respondent Herminio Reyes admits having left the office at around 11:40 a.m. and requested Ms. Pronto to punch out his time card for lunch break.

He avers, however, that he readily went back to the office after a thirty-minute consultation with his physician about his back pain, thus denying the allegation that he was out of the office the entire afternoon on 26 November 2004. He asserts that it was he who personally punched out his card at 5:00 o'clock in the afternoon on that day, and not Ms. Pronto.

In her "Manifestation with Additional Comment" dated 6 March 2005, respondent Zosima De Vera, repleads and incorporates her written explanation dated 13 January 2005, as her Comment where she admitted that she left the office at around 4:30 p.m. that day to escort her relatives to the Binictican Housing SBMA. She claims that she intended to be back at the office before 5:00 p.m. that was why she requested Ms. Pronto to punch out her card only if she could not manage to be back on time and since she failed to return to the office on time, it was Ms. Pronto [who punched out her Daily Time Record]. She avers that she tried to ask for [Garcia's] permission before leaving as a precautionary measure, in view of the pendency of a previous complaint that [Garcia] had filed against her for Gross Insubordination. [Garcia] herself, however, was not in the office when [De Vera] left. [De Vera] contends that [Garcia] should be similarly charged with falsification because when [Garcia] signed [De Vera's] DTR, [Garcia] attested to its truth, veracity and due execution. [De Vera] likewise claims that [Garcia] filed this instant complaint to get even with her as she, too, had earlier filed two administrative complaints against [Garcia] for falsification of Time Record and Grave Abuse of Authority.

OTHER RELEVANT INFORMATION: Respondent Zosima De Vera is also the respondent in OCA IPI No. 04-1936, entitled "Annabelle F. Garcia vs. Zosima De Vera" for Insubordination and Unworthy Behavior. In said complaint, [Garcia] charges [De Vera] with improper conduct for uttering defamatory words and acting rudely to show [De Vera's] disrespect for [Garcia], who is the Acting Clerk of Court of Branch 2, MTCC, in Olongapo City, where [De Vera] is detailed.[3]

The OCA's Recommendation

The OCA docketed the present complaint as OCA IPI No. 05-2120-P. The OCA issued a Memorandum on 22 November 2005, the Evaluation and Recommendation of which read as follows:

EVALUATION: [Reyes and De Vera] admitted that they left the office before the lapse of the official office hours, and also admitted that they requested Ms. Pronto to punch their respective time cards. With [Reyes and De Vera's] admissions, they can be held liable for misconduct for making it appear in their respective daily time records that they were in their office from 8:00 A.M. to 12:00 Noon and from 1:00 P.M. to 5:00 P.M. in violation of Supreme Court Circular No. 2-99 and reiterated in Circular No. 03-2001 entitled "Strict Observance of Prescribed Working Hours and Session Hours and Rules on Punctuality and Attendance" which provides that: "by reason of the nature and functions of their office, the officials and employees of the judiciary must be role models in the faithful observance of the constitutional canon that public office is a public trust. Inherent in this mandate is the observance of prescribed office hours and the efficient use of every month thereof for public service if only to recompense the government and ultimately, the people, who shoulder the cost of maintaining the cost of judiciary. Accordingly, all courts must observe the following office hours, without, however, prejudice to the approved flexi-time of certain personnel:

Monday to Friday 8:00 A.M. to 12:00 [Noon] 1:00 P.M. to 5:00 P.M. "

Under Section 22[a] Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292 as amended by CSC Memorandum Circular No. 19, s. 1999, [Reyes and De Vera's] dishonesty may be meted with the penalty of dismissal from service even if it is their first offense. However, considering Section 53 of the Revised Uniform Rules on Administrative Cases in the Civil Service which provides that in the determination of penalties to be imposed, the extenuating, mitigating, aggravating or alternative circumstances may be considered. As the act constituting the charge was committed only at one instance and that respondents duly admitted the act being complained of, the same may be considered as a mitigating circumstance.

It is well to remind [Reyes and De Vera] once again that public service requires outmost [sic] 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. By the very nature of their duties and responsibilities, all those involved in it must faithfully adhere to hold inviolate, and invigorate the principle that is solemnly enshrined in the 1987 Constitution that a public office is a public trust; and all public officers and employees must be at all times accountable to the people, serve them with outmost [sic] responsibility, loyalty and efficiency. 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.

RECOMMENDATION: Respectfully submitted for the consideration of the Honorable Court is our recommendation that: [1] the instant IPI be REDOCKETED as regular administrative matter and; [2] Respondents, Interpreter Elerminio C. Reyes and Stenographer Zosima C. De Vera, be penalized to pay a FINE in the amount of Five Thousand Pesos [P5,000.00] each and they be WARNED that repetition of the same or similar act in the future shall be dealt with more severely.[4]

In its Resolution[5] dated 6 February 2006, this Court resolved to redocket OCA IPI No. 05-2120-P as a regular administrative matter. In a 14 June 2006 Resolution, the Court required the parties to manifest within ten days from notice whether they are willing to submit the case for decision on the basis of the pleadings and records already filed and submitted. On 27 September 2006, the Court noted that Reyes and De Vera failed to make any manifestation within the period granted; hence, the Court resolved that the filing of manifestation was deemed waived by Reyes and De Vera.

In a letter dated 25 October 2006, Garcia submitted documents to form part of the records of the case. The documents included a 22 February 2005 letter of Judge Ligaya withdrawing her certification as to the correctness of the entries of the time cards of Reyes and De Vera, particularly the entry of 26 November 2004, because of the reported falsification, and a photocopy of Reyes' December 2004 timecard. Garcia manifested her willingness to submit the case for decision on the basis of the pleadings filed in a letter dated 3 September 2007. She stated that her late compliance was brought about by "inadvertence in not immediately forwarding the same to [her], thus preventing her to submit the required compliance." [6]

In a letter dated 7 September 2007, Reyes claimed that he was unable to comply with the 14 June 2006 Resolution because he did not receive a copy. Upon checking, he saw that the Resolution dated 14 June 2006 was sent to "Municipal Trial Court in Cities, Br. 2, San Fernando, La Union" instead of "Municipal Trial Court in Cities, Br. 2, Olongapo City." Reyes asked for an opportunity to submit his Manifestation before the case is deemed considered submitted for decision.[7] Reyes and De Vera jointly filed a Manifestation with Motion for Reconsideration on 17 September 2007. In the attached Comment, Reyes and De Vera stated that, apart from the 16 June 2006 Resolution, they did not receive copies of documents related to the present case: Garcia's 25 October 2006 letter and, because it is attached to Garcia's letter, Judge Ligaya's 22 February 2005 letter. Reyes and De Vera reiterated the explanations for their actions and appealed to this Court to relax the stringent application of the rules on discipline of government employees. Reyes and De Vera also asked the Court to consider their remorse, the number of years of their service to the government without any derogatory record, and their sincere promise not to repeat the same mistake.

Both parties filed various submissions (i.e., reply, rejoinder, sur-rejoinder) before this Court. In a Resolution[8] dated 17 June 2009, the Court resolved to refer the administrative matter to the OCA for the designation of an investigating judge to conduct an investigation, report and recommendation.

Judge Pamintuan of MTCC Olongapo City conducted hearings from 9 to 10 November 2009, and submitted his report to the OCA on 15 December 2009.

FINDINGS AND RECOMMENDATIONS:

Culled from the records of the case, the testimonies of the parties as well as the lone witness in this case, the

hereunder Executive Judge reports his findings of facts, applicable jurisprudence and recommended penalties for the respondents herein as well as the possible culpabilities of other parties involve [sic] in this Administrative Matter.

This Administrative Matter although deeply rooted on the animosities between the complainant and respondents herein is just one of several cases involving the parties who are on guard for possible sanctions on perceived violations of each other and the lodging of the same with the Office of the Court Administrator, to wit:

- 1) OCA I PI No. 04-1936-P filed by complainant Annabelle F. Garcia against Zosima S. De Vera;
- 2) Adm. Matter OCA IPI No. 04-2052-P filed by Zosima S. De Vera charging Annabelle F. Garcia with grave misconduct (falsification of DTR), grave abuse of authority and conduct unbecoming of a public officer/employee; Resolved by the First Division on September 12, 2005 admonishing the latter for not reflecting in her daily time record that she was actually on official business on June 25, 2004 and on July 7, 12, 14 and 23, 2004 and May 17, 2004 with a stern warning that a repetition of the same or similar acts shall be dealt with more severely;
- 3) Adm. Matter No. P-07-2311 - Annabelle F. Garcia vs. Amelia C. Bada resulting in the Dismissal of respondent Amelia Bada, Clerk III of Branch 2, MTCC, Olongapo City in an en bane decision of the Supreme Court dated August 23, 2007.

I. Herminio C. Reyes

Respondent Herminio C. Reyes (Reyes, for brevity) admitted that he left the office 11:40 A.M. on November 26, 2004 and requested Amie Pronto (Amelia Gonzales Pronto) now a Utility Aide and a Supreme Court employee assigned at MTCC, Branch 2, Olongapo City, to punch out his time card for lunch break only. [TSN, November 9, 2009 @ 3:00 P.M., pages 11 and 12].

When asked by the Court the number of times he requested other people to punch his time card, he replied that it was the first and last time. [TSN, November 9, 2009 @ 3:00 P.M., page 24J.

With his admission, he is liable not only for violation of Supreme Court Circular No. 2-99 as reiterated in Supreme Court Circular 03-2001 which provides for the Strict Observance of Prescribed Working Hours and Session Hours and Rules on Punctuality and Attendance prescribing the office hours as Monday to Friday, 8:00 a.m. to 12:00 noon and 1:00 p.m. to 5:00 p.m.

He is also liable under Section 22(a), Rule IV of the Omnibus Rules Implementing Book V of Executive Order No. 292 as amended by CSC Memorandum Circular No. 19, Series of 1999 for dishonesty which provides for dismissal even for the first offense.

Instead of being honest and remorseful in the wrongdoing which he admitted he did, he even lied to the Court when he replied it was the first and last time he did the same.

In a related case, a co-employee, Amelia C. Bada was dismissed from service for falsification of a public document and dishonesty [Annabelle F. Garcia vs. Amelia C. Bada, A.M. No. P-07-2311, August 23, 2007] for having admitted that she punched the time card of respondent here, Herminio C. Reyes, on December 23, 2004. A co-employee has been dismissed by acceding [sic] to the request of respondent Reyes which happened on another date.

It must be noted that during the hearing conducted by the Investigating Judge on November 09, 2009, Reyes already knew that his fellow officemate [sic] Amelia C. Bada was dismissed because of acceding [sic] to his request on December 23, 2004 to punch his time card. [It must be noted that this happened on a later date (later than November 26, 2004, the date of the incident subject of this case).

Instead of showing remorse, he has even the gull [sic] to try to mislead the Investigating Judge that indeed it was the first time last time that he did the act of asking another person to punch his time card. [TSN dated November 9, 2009 @ 3:00 P.M., page 24] This actuation of respondent Reyes is an indicia that he has shown no remorse on what he has done. By lying, he tried to make a mockery of the proceedings being conducted by the Investigating Judge.

Under Rule 14, Section 21 of the Civil Service Rules, dishonesty is a grave offense which provides for the penalty of dismissal even if committed for the first time. Obviously, respondent has shown a propensity to commit the same acts if given the opportunity. Respondent has not learned his lesson; neither was he repentant for the act of asking a co-employee to punch his card for him. The admission of Amelia Bada that she punched the card of respondent Reyes caused her dismissal from service.

Considering the aforementioned, respondent Reyes no longer deserves to stay in the service a minute more and even his long years of stay in government service will not tilt the balance in his favor. This Investigating Judge therefore recommends that respondent Herminio C. Reyes, Court Interpreter, Branch 2, Municipal Trial Court in Cities, Olongapo City be dismissed from service with the forfeiture of all retirement benefits with perpetual disqualification for re-employment in government service.

II. Zosima S. De Vera

With respect to respondent Zosima S. De Vera (De Vera for brevity), she admitted that she requested Amie Pronto (Amelia Gonzales Pronto) now an employee of the Supreme Court with an item of Utility Aide assigned at MTCC, Branch 2, Olongapo City, to punch her time card in her letter compliance [Exhibits "2" and "2-A" - De Vera, pages 5 and 6, case folio] to the Memorandum.

However, upon thorough questioning by the Investigating Judge, she divulged that indeed the one she requested to punch her time card was not Amie Pronto but respondent Herminio Reyes [TSN dated November 10, 2009 @ 10:00 A.M., page 14].

She attested to the fact that she did not personally punch out her time card on November 26, 2004 [TSN dated November 10, 2009 @ 10:00 A.M., page 13]. She was remorseful and was even crying for the wrongful act which she has committed. [TSN dated November 10, 2009 @ 10:00 A.M., pages 44-46].

Her revelations to the Investigating Judge served as an eye-opener to the Court authorities that there were two (2) controls being implemented in their Court then, insofar as attendance is concerned, namely: (1) the use of a bundy clock; and (b) the use of a logbook.

She revealed in between sobs that everybody in their Court makes use of the bundy clock and the logbook in logging their attendance for a particular date. However, the logbook entries are not being filled up properly (not on the same date) and some of the entries are only entered at the end of the month and by using the time card as a guide, by copying the entries reflected in their time cards.

The system being implemented therefore during that time insofar as recording of their attendance is concerned as revealed by respondent De Vera is faulty. The system itself would encourage animosities between the employees and is prone to encourage irregularities among the employees thereat. The request of Zosima De Vera for her time card to be punched by another person is also dishonesty.

Under Section 22 (a) Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292 as amended by the CSC Memorandum Circular No. 19, Series of 1999, respondents' dishonesty may be meted with the penalty of dismissal from service even if it is her first offense. However, considering Section 53 of the Revised Uniform Rules on Administrative Cases in the Civil Service which provides that in the determination of penalties to be imposed, the extenuating, mitigating, aggravating or alternative circumstances may be considered. As the act constituting the charge was committed only at one instance and that respondent duly admitted the act being complained of, the same may be considered as a mitigating circumstance.

Therefore, with the mitigating circumstance of committing this impropriety for the first time, this Investigating Judge recommends that respondent Stenographer Zosima S. De Vera, now with the Regional Trial Court, Branch 72, this city, be meted a fine of FIVE THOUSAND PESOS (P5,000.00) and WARNED that a repetition of the same or similar act in the future shall be dealt with more severely, as earlier recommended by the Office of the Court Administrator, Supreme Court, in OCA IP1 No. 05-2120-P before this case was redocketed as a regular Administrative Matter.

III. Amelia Gonzales Pronto

In so far as witness Amelia Gonzales Pronto (Pronto, for brevity), now a Supreme Court employee with the item of Utility Aide at MTCC, Branch 2, Olongapo City who was implicated by the complainant Garcia. The latter categorically admitted before the Investigating Judge that she has personal knowledge that Pronto punched the time card of respondent Reyes as well as the time card of respondent De Vera (TSN dated November 9, 2009 @ 10:00 A.M., pages 28-29; 32-22] because Pronto herself confessed to her.

In so far as respondent Reyes is concerned, he admitted when he testified that indeed Pronto punched for him his time card. [TSN dated November 9, 2009 @ 3:00 P.M., page 21].

The statements of respondent Reyes implicating Pronto as the one who punched his time card for him as well as the statement of complainant Garcia implicating likewise Pronto for punching the time cards of respondents Reyes and De Vera clearly indicate the culpability of Amelia G. Pronto.

This is no different from the case of Amelia C. Bada, their co-employee, who was dismissed from the service for punching the time card of Herminio Reyes, who is the same respondent in this case. Citing the aforesaid case against Amelia C. Bada entitled "A.M. No. P-07-231J, Annabelle F. Garcia, Clerk of Court, Municipal Trial Court in Cities, Branch 2, Olongapo City versus Amelia C. Bada, Court Interpreter, Municipal Trial Court in Cities, Branch 2, Olongapo City" wherein respondent's act of punching another employee's time card falls within the ambit of falsification. She made it appear as though it was Reyes (also the same respondent in this case) himself who punched his own card and at the same time made the card reflect a log out time different from the actual time of departure from the office. Respondent Amelia C. Bada was administratively held liable for violation of Rule XVII Sec. 4 of the Omnibus Civil Service Rules and Regulations (Civil Service Rules) which provides, to wit:

Section 4. - Falsification 6r irregularities in the keeping of time records will render the guilty officer or employee administratively liable, x x x

In the same context the Supreme Court En Bane ruled that falsification of Daily Time record is also an act of dishonesty under Rule XIV, Sec. 21 of the Civil Service Rules which as such carry [sic] the penalty of dismissal from service with forfeiture of retirement benefits except accrued leave credits and perpetual disqualification from re-employment in government service.

Further in the said Supreme Court ruling it reiterated that falsification of an official document is a criminal offense and is punishable under Art. 171 of the Revised Penal Code.

Although Pronto vehemently denied that she punched the Daily Time Records of respondents Reyes and De Vera when she testified on November 13, 2009 at 3:00 o'clock in the afternoon, she did not submit any documentary evidence to support her denial except her self-serving Affidavit denying that she punched the daily time records/time cards of the respondents. Her denial will not overturn the testimonies and documentary evidences of the complainant and respondent Reyes implicating her.

The Investigating Judge therefore recommends that the Office of the Court Administrator undertakes the necessary investigation to assess the culpability of witness Amelia Gonzales Pronto, now a Supreme Court

employee with the item of Utility Aide at MTCC Branch 2, Olongapo City.

IV. Annabelle Florita Garcia

The complainant in this case, Branch Clerk of Court, Annabelle F. Garcia has been implicated by respondent Zosima De Vera [Exhibit "2-A-De Vera" and Exhibit "M" series for the complainant appearing on pages 5-6 of the case folio] particularly in paragraph "f" which states and I quote: "That it is not true that I was not in the office after lunch from 1:00 to 5:00 p.m. or half day because when I received the call from my relatives, I [was] supposed to ask permission from you to leave the office thirty (30) minutes before 5:00 at that time but you are not in the office and you left after lunch together with Ma. Theresa V. Antes (where [sic] I used to ask permission/inform her whenever you are out in [sic] the office), Sally Nera and Noel Domingo until 4:30, where I need to go out because they are waiting for me in front of the City Hall x x x."

The above-cited statement of respondent De Vera clearly imputes upon complainant Garcia that she was not in the office during office hours on said date, November 26, 2004.

Although the same was denied by Garcia in her "Comment" dated November 18, 2009 to respondent De Vera's "Manifestation" dated March 16, 2005 which she submitted to this Investigating Judge almost four (4) years from the submission of the said "Manifestation" by respondent De Vera, the same was not substantiated with any documentary proof to belie such imputation except her claim in par. 1 that "it appears on record that on the date referred to, complainant was on sick leave."

It must be noted that this is a complete reversal of her testimony wherein she claimed that she was in the office at that time (November 26, 2004 particularly after lunch and specifically at around 4:30 in the afternoon when respondent De Vera claimed that she left the office failing to ask permission from complainant Garcia because she herself was not at the office at that time). Garcia even claimed that she was in the office but respondent De Vera did not ask permission from her. [TSN dated November 9, 2009 @ 10:00 A.M., pages 31 and 32.]

It must be noted that this is a serious allegation which deserves close scrutiny and careful evaluation since this also involves a violation of Supreme Court Circular 2-99 and reiterated in Supreme Court Circular 03-2001 entitled "Strict Observance of Prescribed Working Hours and Session Hours and Rules on Punctuality and Attendance" which provides among others that all Courts must observe the following office hours: Monday to Friday, 8:00 a.m. to 12:00 noon, 1:00 p.m. to 5:00 p.m.

Under Sec. 22 (a) Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292 as amended by CSC Memorandum Circular No. 19, series of 1999, if the allegations of respondent De Vera are proven true, the complainant herein Annabelle F. Garcia, Clerk of Court, MTCC Branch 2, Olongapo City, is liable for dishonesty and may be meted with the penalty of dismissal from the service even if it is for the first offense.

Complainant Annabelle F. Garcia has been charged with grave misconduct (falsification of DTR), grave abuse of authority and conduct unbecoming a public officer/employee in Administrative Matter OCA IPI No. 04-2052-P entitled Zosima S. De Vera vs. Annabelle F. Garcia, Clerk of Court HI, Municipal Trial Court in Cities, Branch 2, Olongapo City.

In the said Administrative Matter the Supreme Court First Division in its Resolution dated September 12, 2005, resolved and which the Investigating Judge quotes:

"xxx

(b) ADMONISH respondent Annabelle F. Garcia x x x with [a] STERN WARNING that a repetition of the same or similar acts shall be dealt with more severely, x x x"

Therefore, in view of the aforementioned, the Investigating Judge hereby recommends that the Office of the Court Administrator undertakes [sic] the necessary investigation to assess the culpability as well of complainant Annabelle F. Garcia.[9]

The OCA submitted its Memorandum on the present case on 25 October 2011. The OCA stated:

This Office concurs with the findings and recommendations of Investigating Judge Pamintuan relative to the charges raised against respondents Reyes and De Vera. However, this Office also finds the evidence adduced during the investigation sufficient to warrant the inclusion of Utility Aide Ms. Pronto as a respondent. Respondents Reyes and De Vera both identified Ms. Pronto as the one who punched out their time cards. In the Investigation Report, it was also mentioned that an unnamed RTC employees [sic] of Olongapo City saw Ms. Pronto punching two (2) time cards sometime in November 2004.

There is no need to further investigate the matter concerning Ms. Pronto's culpability, as the same has been sufficiently established. Moreover, Ms. Pronto was given full opportunity to refute her participation in the irregularities committed by respondents De Vera and Reyes, but based on the assessment made by Investigating Judge Pamintuan, the Affidavit that Ms. Pronto submitted contained self-serving statements. At the very least, the penalty for Ms. Pronto should be tempered. It is clear from the findings of Investigating Judge Pamintuan that it was respondents Reyes and De Vera who instructed Ms. Pronto to punch their time cards. Ms. Pronto was unknowingly an accomplice in the case.

PREMISES CONSIDERED, we respectfully submit for the consideration of the Honorable Court the following recommendations:

(1)

Respondent Herminio C. Reyes, Interpreter, Municipal Trial Court in Cities, Branch 2, Olongapo City, be held liable for DISHONESTY for falsification of his DTR and be meted with the penalty of DISMISSAL from the service, with forfeiture of all retirement benefits excluding accrued leave benefits, and disqualification or appointment to any public office including government-owned or controlled corporations;

(2)

Respondent Zosima S. De Vera, Stenographer, Municipal Trial Court in Cities, Branch 2, Olongapo City, be meted with a FINE of FIVE THOUSAND PESOS (P5,000.00) to be paid within fifteen (15) days from receipt of notice, with a WARNING that a repetition of the same or similar act in the future shall be dealt with more severely; and

(3)

Amelia G. Pronto, Utility Aide, Municipal Trial Court in Cities, ' Branch 2, Olongapo City, be INCLUDED AS A RESPONDENT in the administrative case and be FINED in the amount of Two Thousand Pesos (P2,000.00) to be paid within fifteen (15) days from receipt of notice, with a WARNING that a repetition of the same or similar act in the future shall be dealt with more severely.[10]

The Court's Ruling

We approve and adopt the OCA's findings with modifications as to its recommended penalties.

Section 4, Rule XVII on Government Office Hours of the Omnibus Rules Implementing Book V of Executive Order No. 292 and other Civil Service Laws (Omnibus Rules) provides:

Falsification or irregularities in the keeping of time records will render the guilty officer or employee administratively liable without prejudice to criminal prosecution as the circumstances warrant.

Falsification of time records amounts to dishonesty.[11] Section 22(a), Rule XIV on Discipline of the Omnibus

Rules considers dishonesty as a grave offense punishable by dismissal.

Section 1, Canon 4 on Performance of Duties of the Code of Conduct for Court Personnel¹² provides that "[c]ourt personnel shall at all times perform official duties properly and with diligence. They shall commit themselves exclusively to the business and responsibilities of their office during working hours."

OCA Circular No. 7-2003 provides the guidelines for keeping the record of attendance of judges and lower court personnel. It underscores the importance of truthful and accurate record of the time of arrival in and departure from office. OCA Circular No. 7-2003 reads:

In the submission of Certificates of Service and Daily Time Records (DTRs)/Bundy Cards by Judges and court personnel, the following guidelines shall be observed:

1. After the end of each month, every official and employee of each court shall accomplish the Daily Time Record (Civil Service Form No. 48)/Bundy Card, indicating therein truthfully and accurately the time of arrival in and departure from the office. For Judges and Clerks of Court in the Regional Trial Court (RTC), they shall accomplish, in lieu of DTRs, Certificates of Service;
2. Certificates of Service for Clerks of Court in the RTC shall be certified correct by the Presiding Judge and Certificates of Service for Clerks of Court in the OCC of the RTC shall be | certified correct by the Executive Judge;
3. DTRs/Bundy Cards shall be certified correct by the Executive/ Presiding Judge or, in his absence, by the Clerk of Court;
4. Every Clerk of Court shall:
 - 4.1. maintain a registry book (logbook) in which all officials and employees of that court shall indicate their daily time of arrival in and departure from office;
 - 4.2. check the accuracy of the DTRs prepared by the court employees by comparing them with the entries in the logbook; and
 - 4.3. prepare a Monthly Report on Absences, Tardiness and Undertime, in accordance with the attached form.

A.M. No. 03-06-13-SC (2004).

5. The Clerk of Court shall thereafter forward, within five (5) days after the end of each month, the said Certificates of Service; DTRs/Bundy Cards and Monthly Report of Absences, Tardiness and Undertime in one batch to the:

Leave Division

Office of Administrative Services Office of the Court Administrator Supreme Court
1000 Manila

6. Failure to submit Certificates of Service and DTRs/Bundy Cards shall warrant the withholding of the salaries and benefits of the officers and employees concerned.

For strict compliance.

There have been administrative cases where the Court did not impose the actual penalties because of mitigating factors. Factors such as the respondent's length of service in the judiciary, the respondent's acknowledgment of his or her infractions and feeling of remorse, and family circumstances, among others, have had varying significance in the Court's determination of the imposable penalty.[13]

In *Office of the Court Administrator v. Sirios*, 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*, 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*, 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*, 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.^[14]

In the present case, Reyes asked another person to punch out his time card for him on at least two occasions: 26 November and 23 December, both in 2004. Reyes lied to Judge Pamintuan that the 26 November 2004 incident was the first and last time that he asked another person to punch out his time card for him. However, Reyes has, as of 2007, served the judiciary for 35 years and the present case is the first complaint ever filed against him. De Vera also admitted that she asked another person to punch out her time card for her. However, De Vera stated that the act constituting the charge was committed at only one instance. We consider Reyes' length of service and De Vera's admission as circumstances that serve to mitigate their liability. Reyes and De Vera both implicated Pronto, and pointed to her as the person who punched out their time cards for them.

All parties in this case are reminded that "in performing their duties and responsibilities, court personnel serve as sentinels of justice and any act of impropriety on their part immeasurably affects the honor and dignity of the Judiciary and the people's confidence in it."^[15] Strained relations among its personnel should not detract from the efficient working of the Judiciary. All court personnel should bear in mind that the dispensation of justice is their basic duty and responsibility.^[16]

WHEREFORE, the Court finds the respondents administratively liable for DISHONESTY and imposes upon them the corresponding penalties, as follows:

(1) a FINE in the amount of Ten Thousand Pesos (P10,000.00) on Herminio C. Reyes, Interpreter, Municipal Trial Court in Cities, Branch 2, Olongapo City, because he committed the same infraction twice. His liability is mitigated by his length of service.

(2) a FINE in the amount of Seven Thousand Pesos (P7,000.00) on Zosima S. De Vera, Stenographer, Municipal Trial Court in Cities, Branch 2, Olongapo City. Her liability is mitigated by her admission of her offense.

As for Amelia G. Pronto, Utility Aide, Municipal Trial Court in Cities, Branch 2, Olongapo City, this Court directs the Office of the Court Administrator to file the necessary administrative complaint against her and render her due process.

All penalties shall be paid within fifteen (15) days from receipt of this Decision, with a WARNING that a repetition of the same or similar act in the future shall be dealt with more severely.

SO ORDERED.

Brion, Perez, Sereno, and Reyes, JJ., concur.

[1] Rollo, p. 2.

[2] Signed by then Court Administrator (now Supreme Court Justice) Presbitero J. Velasco, Jr. and Consultant

Narciso T. Atienza. Id. at 35-37.

[3] Id. at 35-36.

[4] Id. at 36-37.

[5] Id. at 37-a.

[6] Id. at 56.

[7] Id. at 59.

[8] Id. at 225.

[9] Id. at 267-278.

[10] Signed by Court Administrator Jose Midas P. Marquez, Deputy Court Administrator Raul Bautista Villanueva, and OCA Chief of Office, Legal Office Wilhelmina D. Geronga. Id. at 554-555.

[11] *Servino v. Adolfo*, A.M. No. P-06-2204, 30 November 2006, 509 SCRA 42, 53.

13 Re: *Employees Incurring Habitual Tardiness in the First Semester of 2005*, 527 Phil. 1,10 (2006).

[14] *Office of the Court Administrator v. Isip*, A.M. No. P-07-2390, 19 August 2009, 596 SCRA 407, 412-413. Citations omitted.

[15] Fourth Whereas Clause, *supra* note 12.

[16] First Whereas Clause, *supra* note 12.

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