

ATTY. ANTONIO G. MIRANO, COMPLAINANT, VS. MARILYN O. SAAVEDRA, RESPONDENT.*A.M. No. P-89-383. August 04, 1993*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/dc78912cba56/>**PER CURIAM:**

This administrative case was initiated by a complaint[1] filed by Atty. Antonio G. Mirano, Branch Clerk of Court of the Regional Trial Court of Makati, Branch 142, against respondent Marilyn O. Saavedra, former stenographic reporter of the same court, for falsification of daily time records (hereinafter referred to as DTRs). Respondent Saavedra is presently employed in the Senate as Legislative Staff Officer IV.

The records show that respondent was formerly the court stenographer of the Regional Trial Court of Manila, Branch 8. On September 28, 1984, Judge Arsenio M. Gonong of said court issued Administrative Order No. 6[2] ordering the cancellation of respondent's appointment and inclusion as court stenographer in the plantilla of said trial court, without prejudice to the filing of the appropriate administrative charge. This was precipitated by several incidents as explained in the aforesaid order of Judge Gonong, to wit:

"In view of the fact that this court has been functioning with ONLY ONE stenographer since July, 1984 in the person of Mrs. Rebecca J. Herrera due to the fact that the other stenographer, Ms. Elizabeth San Juan had been on a prolonged sick leave since July, 1984 and the other one, Mrs. MARILYN O. SAAVEDRA, whose services as such (are) sorely needed, the services of the latter could not be effectively utilized since July, 1984 up to the present, reason being her frequent absences without any justifiable cause, which is a culpable violation of her oath of office amounting to abandonment of her position.

"As evidence of Mrs. Saavedra's indifference to her official duties and abandonment of her position are: (1) From the period covering the months of July, August and September she had, on several occasions, absented herself without justifiable cause and/or did not report for duty, and as regards her timecard, she leaves the court without punching it, in order to attend to her personal businesses, never to return again until the next day when she reports and punches again her timecard, making entries thereon in ballpen, thus falsifying her entries (Please refer to Mrs. Saavedra's Daily Time Card for the month of July (and) August, now with the Leave Section of the Supreme Court); (2) Sometime in the first week of September, 1984 Mrs. Saavedra requested permission to transfer to Branch LIII of this Court of (sic) which said request was granted and thereafter she did not report anymore to this court; (3) Surprisingly, on September 18, 1984 Mrs. Saavedra filed a letter requesting permission to transfer to Branch CXLII of the Regional Trial Court of Makati (NCJR), the same was again granted x x x; (4) Lately, Mrs. Saavedra appeared again in court requesting that a letter/order be issued for her to be detailed in any branch of the RTC-Makati, and there being no merit in it, the same was denied due course.

"With the above findings, this court is of the considered view that these actuations of Mrs. Marilyn O. Saavedra means (sic) only one thing, that is, SHE DOES NOT DESERVE TO BE WITH THE SERVICE, and that her continued stay would only serve as a blot to the good name of the judiciary and, above all, prejudicial to the interest of the litigants in court cases."

However, the administrative case did not proceed because respondent tendered her resignation,[3] which was

subsequently accepted by Judge Gonong and indorsed to the Supreme Court.[4] In the meantime, respondent applied for and was allowed to transfer to the Regional Trial Court of Makati, Branch 142, and started to discharge her duties therein as a stenographic reporter.

On November 27, 1989, a verified complaint containing the following charges and specifications was filed by Atty. Mirano with the Office of the Court Administrator against respondent:

X X X

"10. That just lately, however, Respondent committed acts which in the opinion of Complainant are unforgivable and deserve no compassion as they are clear violation(s) of the Civil Service (sic) and its Implementing Rules and Regulations, hence, Complainant charges Respondent with misrepresentation, dishonesty or lack of candor by falsifying her daily time records committed as follows:

That on September 16, 1989, without the knowledge of herein Complainant, the Respondent prepared and filled up her daily time records (Form No. 48) for the months of April, 1989 up to August, 1989 inclusive and presented the same for certification to the Presiding Judge of said sala. The Presiding Judge, not being aware that said daily time records were not in accord of (sic) what appeared in the logbook and acting on the impression that those daily time records were correct as the same were already signed by the Respondent, certified the correctness of said entries. Respondent then filed the said daily time records to (sic) the office of the Administrative Services of the Supreme Court.

Later, the Presiding Judge came to know that the daily time records were prepared without consulting the logbook, called complainant in his chamber, the former informing the latter that he was deceived by Respondent; the Complainant got the transmittal of the daily time records to the Office of the Clerk of Court, Regional Trial Court, Makati, Metro Manila, stamped received and showed the same to the Presiding Judge (Pls. see Annexes 'H', 'H-1' and 'H-2'). Complainant sent a telegram addressed to the Office of the Hon. Court Administrator not to allow Respondent to withdraw the daily time records already filed (Pls. see Annex 'I'), and also followed by a formal letter dated September 20, 1989 with the same tenor (Pls. see Annex 'J'). Respondent sensing that Complainant was already aware of the daily time records signed by the Presiding Judge, intended to fill up application forms for leave and with the intention of swapping the same with the daily time records already with the Supreme Court.

In answer to the telegram and letter, Ma. Rowena Castro-Benipayo, Asst. Chief of Office, Administrative Services, in her letter dated September 26, 1989 (Pls. see Annex 'K') furnished complainant with certified xerox copies of said daily time records on file with the Supreme Court attached thereto as Annexes 'L', 'M', 'N', 'O', 'P', and 'Q'."

"11. That upon examination and comparison of the aforesaid daily time records marked as Annexes 'L', 'M', 'N', 'O', 'P' and 'Q' inclusive, with the entries appearing in the logbook and transmittal of daily time records to the Clerk of Court, Complainant found the following discrepancies, to wit:

a) For the month of March, 1989, it appears from the logbook and transmittal of daily time records to the Office of the Clerk of Court that Respondent was absent on March 27, 28, 29, 30 and 31, 1989; the reason was that Respondent guided her balikbayan sisters in different places (Pls. see Annexes 'H' and 'H-1'; 'S'); in Annex 'S', her signature does not appear and yet in her daily time record for the month of March, 1989 marked as Annex 'L', she was present on those dates.

b) For the month of April, 1989, it appears from the logbook that Respondent was absent on April 3, 4, 5 and 6, 1989, reason: she did continue guiding her balikbayan sisters (Pls. see Annexes 'H', 'H-1' and 'I'), and yet in her

daily time record for the month of April furnished by the Supreme Court marked as Annex 'M', she was present on those dates;

c) For the month of (sic) April 24, 25, 26, 27 and 28, 1989, Respondent joined the personnel who initiated a mass leave of absence as substantiated by several Orders of the Court resulting in the resetting of trials scheduled for hearing on those dates (Pls. see Annexes 'T', 'T-1', 'T-2', 'U', 'U-1', 'U-2', 'U-3', 'V', 'V-1', 'V-2', 'V-3' & 'W'). In a resolution En Banc by the Hon. Supreme Court dated April 27, 1989, the same should have been charged against the accumulated leave credits of said employee (Pls. see Annexes 'X', 'X-1', 'X-2', and 'X-3') and yet in Respondent's daily time record for the month of April, 1989 (Pls. see Annex 'M'), it appears that she was present (o)n those dates. Another thing noticeable in Annex 'M', the name under the capitalized DAILY TIME RECORD written is Marilyn A. Oribiana while the signature below is MOSaavedra; (t)his is a sign of deception, an unauthorized use of name.

d) For the month of May, 1989, it appears from the logbook that Respondent was absent on May 16, 1989 (Pls. see Annex 'Y') and yet in Respondent's daily time record for the month of May, 1989 (Pls. see Annex 'N') it appears that she was present on that date.

e) For the month of June, 1989, it appears from the logbook that Respondent was absent on June 5, 1989 (Pls. see Annex 'Z') and yet in Respondent's daily time record for the month of June, 1989 (Pls. see Annex 'O') it appears that she was present on that date;

f) For the month of July, 1989, it appears from the logbook that Respondent was absent on July 10, 11, 12 and 28, 1989 (Pls. see Annexes 'AA' and 'AA-1') and yet in Respondent's daily time record for the month of July, 1989 (Pls. see Annex 'Q') it appears that she was present on those dates.

g) For the month of August, 1989 the name Marilyn A. Oribiana was typewritten below the capitalized words "DAILY TIME RECORD" and respondent's signature below is MOSaavedra; this is a sign of deception and an unauthorized use of name in public record."^[5]

x x x

In her Comment,^[6] respondent averred, inter alia:

"3. That as with regards (sic) to the undersigned's entries in her daily time record, that as far as her knowledge is concerned, the undersigned reported for duty on such dates and that the log book for (sic) which the complainant allegedly based his accusations is treated more of (sic) as his 'Diary' than a log book considering that the court personnel are not putting their time in and out regularly, but only when the complainant wants us to do so.

"4. That if the undersigned committed an error in making her entries in her daily time record (which she does not admit) she did not have the intention to commit 'falsification' in her daily time record considering that in her thirteen (13) years of service in the judiciary x x x, the undersigned has accumulated earned leave credits, and it would surely suffice to cover up for her absences, if she undergoes the same. x x x At this point in time, the undersigned is not ashamed to admit that she is presently begging for help and financial assistance from her parents, and sisters (who are living abroad) in order for them to survive, that would leave us the question of, "WHY THEN WOULD SHE PUT HER ENTIRE FUTURE & CAREER AND THAT OF HER CHILDREN AT STAKE" just for that issue which can be well covered by her earned leave credits? x x x."

In a resolution dated July 25, 1990,^[7] this Court, on the recommendation of then Court Administrator Meynardo A. Tiro,^[8] referred the case to the Executive Judge of the Regional Trial Court of Makati for investigation, report and recommendation. In said investigation, Atty. Mirano testified on his complaint. Respondent Saavedra merely submitted a sworn statement dated April 2, 1993.^[9] Thereafter, Executive Judge Salvador S. Abad Santos

submitted his report, dated May 26, 1993,[10] recommending the dismissal of respondent from the service after finding the latter guilty of falsifying her DTRs.

We agree with the findings of the investigating judge. A perusal of respondent's DTRs in question readily show that, purportedly, she had not incurred any absences from March, 1989 up to and until August, 1989.[11] This is the reason why, when she submitted her DTRs to Judge Salvador P. de Guzman for signature and certification, she did not attach any application for leave form. After affixing his signature thereon, Judge de Guzman, doubting the veracity of respondent's DTRs, immediately informed Atty. Mirano of his suspicions. Upon verification with the court personnel's logbook which was in the custody of Atty. Mirano, it was discovered that respondent had actually incurred several absences from March to July of 1989 but which absences were not reflected on the DTRs of respondent nor was there any application for leave filed by her therefor.

In his testimony, Atty. Mirano established that on March 27, 28, 29 and 31, 1989, as well as on April 3, 4, 5 and 6, 1989, respondent did not report for work because she acted as guide for her two balikbayan sisters. On April 24, 25, 26 and 27, 1989, respondent joined in the mass leave of court personnel initiated by the Philippine Association of Court Employees. Withal, she did not file any application for leave for these later dates, despite this Court's directive of April 17, 1989 to the effect that the absences of court personnel during the period from April 24 to April 28, 1989 must be charged against their respective accumulated leave credits.[12] Worse, she also made it appear that she was present on May 16, 1989, June 5, 1989 and July 10, 11, 12 and 28, 1989 although her signatures did not appear in the logbook on these respective dates.[13] Furthermore, the DTRs filed by respondent with this Court for the months of April and August, 1989, although apparently signed by her, indisputably reflected the name of Marilyn O. Oribiana on the top portions thereof.[14]

In her defense, respondent imputes ill motives as the compelling factor behind the filing of this administrative action against her. She asserts that she is being administratively charged by way of reprisal for a previous complaint[15] she had lodged against Atty. Mirano before the Executive Judge of the Regional Trial Court of Makati anent the latter's conduct in dealing with court personnel. She likewise claims that she accomplished her DTRs without first consulting the court logbook allegedly because Atty. Mirano refused to give it to her and she was already being required by the Office of the Court Administrator to submit the same, under pain of being declared absent without leave (AWOL) and dropped from the roll. In addition, respondent submits that if indeed she had incurred absences, the same could easily be charged against her earned leave credits which were more than enough to cover her absences.

What is worthy, of note, however, is that respondent does not refute, much less deny, the testimony of Atty. Mirano that she was indeed absent on certain specified dates and yet she failed to report the same by not filing the appropriate applications for leave. In a futile attempt to rectify her alleged mistakes, or so respondent claims, she tried to retrieve the DTRs which she submitted with the leave section of the Supreme Court but was deterred from doing so when Atty. Mirano advised then Court Administrator Tiro not to allow her to change her DTRs.[16] Ironically, this vain effort on the part of respondent to change the entries on her DTRs is, for all intents and purposes, an admission on her part that she actually falsified the same. The dishonesty of respondent in misrepresenting to the court that she was present during the dates specified, when in truth and in fact she did not report for work, constitutes serious misconduct which we cannot countenance.

Her contention that Atty. Mirano merely filed this case in retaliation for the complaint she filed before the Executive Judge of the Regional Trial Court of Makati against the former, even if true, is of no controlling significance. Whatever motivated Atty. Mirano to file the present administrative charge is beside the point when we consider the preponderance of evidence proving that respondent is guilty of falsifying her DTRs. Moreover, the Court has observed that it has long been the practice of respondent to falsify entries in her DTRs as this was

also the precise reason why Judge Gonong, in whose court she was previously employed, issued an administrative order directing the cancellation of her appointment as court stenographer. This only serves to fortify the postulation that Atty. Mirano was actually impelled by a sense of vindication in administratively charging herein respondent. Finally, and evidently, the fact that respondent has sufficient leave credits to cover her absences cannot in law absolve her from liability for falsification of her DTRs.

Public service requires utmost integrity and strictest discipline. A public servant must exhibit at all times the highest sense of honesty and integrity.[17] 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 solemnly enshrined in the 1987 Constitution that a public office is a public trust; and all public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, 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.[18]

Under Memorandum Circular No. 30 of the Civil Service Commission, dated July 20, 1989, falsification of an official document is considered a grave offense which warrants the penalty of dismissal. That factual situation and legal sanction are involved in this case before us.

WHEREFORE, respondent Marilyn O. Saavedra is hereby **DISMISSED** from the government service, with forfeiture of all retirement benefits and with prejudice to reemployment in any branch of the Government, including government-owned or controlled corporations.

SO ORDERED.

Narvasa, C.J., Cruz, Feliciano, Padilla, Bidin, Griño-Aquino, Regalado, Davide, Jr., Romero, Nocon, Melo, Quiason, Puno, and Vitug, JJ., concur.
Bellosillo, J., no part.

[1] Rollo, 1.

[2] Exhibit C; Rollo, 196.

[3] Exhibit D; *ibid.*, 198.

[4] Exhibit E; *ibid.*, 199.

[5] Rollo, 114-117.

[6] *Ibid.*, 55-56.

[7] *Ibid.*, 65.

[8] *Ibid.*, 62.

[9] *Ibid.*, 285.

[10] *Ibid.*, 265.

[11] Exhibits N to S; *ibid.*, 211-213.

[12] TSN, October 4, 1990, 11-14.

[13] Ibid., Id., 14-15.

[14] Exhibits O and S; Rollo, 211, 213.

[15] Exhibit J; *ibid.*, 207.

[16] Exhibit K; *ibid.*, 209.

[17] *Hipolito vs. Mergas, etc.*, 195 SCRA 6 (1991).

[18] *Sy vs. Academia, et al.* 198 SCRA 705 (1991).

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