

RE: REPORT OF ATTY. ELENITA MACATANGAY-ALVIAR, BRANCH CLERK OF COURT, REGIONAL TRIAL COURT, BRANCH 102 OF QUEZON CITY ON THE ALLEGED TARDINESS AND ALSIFICATION OF TIME CARDS OF ...*A.M. No. P-07-2303. July 04, 2008*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/e1f3e6f520d9/>**PER CURIAM:**

Atty. Elenita Macatangay-Alviar, branch clerk of court of the Regional Trial Court (RTC), Branch 102 in Quezon City, reported that Jovencio G. Oliveros, Jr., utility worker in the said RTC, had habitually been tardy and had falsified his daily time records. Certified true copies of Oliveros' time cards from July 2004 to June 2006 and his monthly record of absences and tardiness for May to June 2004, April to May and August to December 2005, and January to June 2006 accompanied Atty. Alviar's report.

In his Comment, Oliveros denied the charges against him, claiming, with respect to his reported absences, that it was Atty. Alviar, as branch clerk of court, who failed to verify whether or not the presiding judge signed his (Oliveros') applications for leave of absence. Oliveros likewise denied allegations of time card tampering, contending that what he did was to make corrections, with the permission of Atty. Alviar, in the entries punched which were pale in appearance and hardly discernible. He said, however, that due to a personal misunderstanding, Atty. Alviar denied having consented to the said corrections. Lastly, as to his tardiness, Oliveros explained that, although he usually arrives early, he sometimes forgets, as he had in fact forgotten, to punch his time cards owing to his preoccupation with his early chores in court.

Upon investigation, the Office of the Court Administrator (OCA) found Oliveros' explanation as to his tardiness unconvincing. His acts, the OCA found, were in violation of Civil Service Memorandum Circular No. 23, Series of 1998, which provides that "[a]ny employee shall be considered habitually tardy if he incurs tardiness, regardless of the number of minutes, ten (10) times a month for at least two (2) months in a semester or at least two consecutive months during the year."

We agree with the OCA.

As the records show, Oliveros came in and reported for work late on ten (10) occasions in July 2005 and again in August 2005.[1] This conduct, which indicates a pattern of misfeasance, violates the above-mentioned circular and amounts to habitual tardiness.

Oliveros' proffered explanation about going to work early but forgetting to register his exact time of arrival by punching in his card on time because he was preoccupied with his early chores at the office strains credulity. The proof that an employee arrives on time is his time card or the attendance logbook. Punching in one's attendance card time upon arrival is a repetitive procedure which, in time, becomes a habit. It is thus highly unlikely that one would forget to punch his time card upon or shortly after arrival in office, at least not 20 times in a period of two months, as here. Considering his record of tardiness, Oliveros's explanation for his frequent tardiness cannot be due merely to forgetfulness to punch in his time of arrival.

The best evidence to prove attendance in office is the daily time record duly signed by the employee and verified by his or her immediate superior. In this case, Oliveros' time card for April 2006 was not signed by Atty. Alviar, who is duty bound to compare the entries in the office attendance logbook with the time cards submitted by the employees in order to check for variance. She observed that the entry for April 19, 2006 was tampered with and punched in on April 4, 2006.

By his acts, Oliveros betrayed his lack of regard for the norm of conduct expected to be observed by an employee of the judiciary. As the Court has repeatedly stressed, the conduct and behavior of a person 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.[2] Olivares ought to be reminded that the nature and responsibility of men and women of the judiciary, as defined in different canons of conduct, the Code of Conduct for Court Personnel[3] among them, are neither pure jargon nor idealistic sentiments, but working standards and attainable goals that should be matched with actual deeds.

Tampering with the entries in the time cards constitutes falsification of official documents, which, under Section 22(f) of the Civil Service Omnibus Rules and Regulations, is a grave offense punishable by dismissal from the service even for the first offense.

WHEREFORE, we find Jovencio G. Oliveros, Jr. GUILTY of habitual tardiness and falsification of official documents. He is hereby DISMISSED from the service with forfeiture of all benefits, except accrued leave credits, with prejudice to reemployment in any agency of the government, including government-owned and controlled corporations.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Carpio, Austria-Martinez, Corona, Carpio Morales, Azcuna, Tinga, Chico-Nazario, Velasco, Jr., Nachura, Reyes, Leonardo-De Castro, and Brion, JJ., concur.

[1] Monthly Report on Absences, Tardiness and Undertime submitted by Branch Clerk of Court Alviar as certified by Amelia S. Serafico, Supervising Judicial Staff Officer of the Leave Division, Office of Administrative Services, OCA.

[2] *Pagulayan-Torres v. Gomez*, A.M. No. P-03-1716, June 9, 2005, 460 SCRA 19, 25.

[3] A.M. No. 03-06-13-SC, promulgated on April 13, 2004 and took effect on June 1, 2004.

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