

**MA. ASUNCION SJ. SAMONTE COMPLAINANT, V. REY P. RODEN,
LEGAL RESEARCHER, BRANCH 36, METROPOLITAN TRIAL COURT,
QUEZON CITY, RESPONDENT.**

A.M. No. P-13-3170 (Formerly OCA I.P.I. No. 12-3931-P). September 18, 2017

Ponente: PERALTA, J.

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PERALTA, J.:

Before us is the Affidavit-Complaint[1] of complainant Ma. Asuncion SJ. Samonte (Samonte), Legal Researcher, Metropolitan Trial Court (MeTC), Branch 38, Quezon City against Rey T. Roden (Roden), Legal Researcher, MeTC, Branch 36 of the same court for dishonesty.

In her Complaint, Samonte alleged that, on July 24, 2012, at around 8:00 a.m., she saw Roden punched in his Daily Time Record (DTR) card in the bundy clock located at Branch 38, MeTC, Quezon City. However, a few minutes later, she saw Roden punched in again his DTR card. Thereafter, Samonte approached Roden and asked him why he punched in his DTR card again and at the same time got hold of the DTR where she discovered that it belonged to Theresa T. Banaban, the clerk in charge of civil cases in Branch 36, MeTC, Quezon City. Samonte then inquired the reason why Roden punched in the DTR card of Banaban and the latter's whereabouts. Samonte alleged that Roden told her that Banaban was already on her way to work. Samonte then told Roden that what he did was illegal and unfair to other employees who rush to work to be able to come in on time, but the latter instead requested her not to inform Judge Fama anymore since they are colleagues anyway.

Samonte reported the incident to Judge Nadine Jessica Corazon J. Fama, Executive Judge, MeTC, Quezon City, who, thereafter, directed Roden to explain why he punched in the DTR card of Banaban in violation of the Civil Service Rules and Regulations and OCA Circular No. 7-2003. Similarly, Judge Fama also directed Banaban to explain why she was not the one and instead it was Roden who punched in her DTR card in violation of the same rules.

In their compliance, Roden explained that out of compassion, he punched in the DTR card of Banaban after learning that the latter will be coming in late as she would still have to attend to her sick daughter. Roden averred that he did said act on his own volition and that no one, even Banaban, ordered him to do it.

For her part, Banaban denied that she either requested or instructed Roden to punch in her DTR card on July 24, 2012. She claimed that even her officemates can attest that she and Roden are not in speaking terms, and that she had no idea as to Roden's intention for doing it. Finally, Banaban requested the Court's indulgence to spare her from any sanction as she never gave her consent to such unauthorized punching-in of her DTR card.

Thereafter, Judge Fama referred the matter to the Office of the Court Administrator (OCA) for further investigation.[2]

Thus, on September 3, 2012, the OCA directed Roden to comment on the complaint against him.[3]

In his Comment[4] dated September 26, 2012, Roden reiterated his earlier admission that he indeed punched in

the DTR card of Banaban on July 24, 2012. He claimed that he did so out of pity because he overheard that Banaban will be coming in late that day as she was attending to her sick daughter. Roden expressed remorse for his action and begs the compassion of the Court. In seeking this Court's compassion and forgiveness, he cited his sixteen (16) years of unblemished service in the judiciary, and that this was his first infraction. He also promised not to commit the same mistake again, however, he will accept whatever sanction or penalty that may be meted against him.

On August 6, 2013, the OCA found Roden guilty of dishonesty and recommended that the instant administrative complaint be re-docketed as a regular administrative matter. It also recommended Roden be suspended from the service for six (6) months.[5]

We adopt the findings of the OCA, except the recommended penalty.

The Court has repeatedly emphasized that everyone in the Judiciary, from the presiding judge to the clerk, must always be beyond reproach, free of any suspicion that may taint the Judiciary. Public service requires utmost integrity and discipline. A public servant must exhibit at all times the highest sense of honesty and integrity, for no less than the Constitution mandates the principle 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." As the administration of justice is a sacred task, the persons involved in it ought to live up to the strictest standards of honesty and integrity. Their conduct, at all times, must not only be characterized by propriety and decorum, but must also be above suspicion. Thus, every employee of the judiciary should be an example of integrity, uprightness, and honesty.[6]

In the instant case, it is apparent that Roden miserably failed to live up to the above-mentioned standard. By his own admission, Roden, purportedly out of pity, punched in Banaban's DTR card in the morning of July 24, 2012 after learning that the latter will be late because she was taking care of her sick child. However, despite his proffered justification for his action, We find that Roden violated OCA Circular No. 7-2003 dated January 9, 2003, to wit:

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. x x x[7]

Clearly, as provided by the above-mentioned circular, every court official and employee must truthfully and accurately indicate the time of his or her arrival at and departure from the office. The failure of an employee to reflect in the DTR card the actual times of arrival and departure not only reveals the employee's lack of candor but it also shows his/her disregard of office rules.[8]

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.[9] Thus, in this case, Roden's act of punching in another employee's DTR card was in violation of OCA Circular No. 7-2003.

Furthermore, by Roden's act of punching in Banaban's DTR card, he also, in effect, made it appear as though Banaban personally punched in her DTR card and, at the same time, made the card reflect a log-in time different from the actual time of arrival. The act of punching in another employee's DTR card falls within the ambit of falsification.[10] It is patent dishonesty, which inevitably reflects on Roden's fitness as an employee to continue in office and on the level of discipline and morale in the service.[11] More so, when Section 4, Rule XVII (on

Government Office Hours) of the Omnibus Rules Implementing Book V of Executive Order No. 292 and Other Pertinent Civil Service Laws also provides that falsification or irregularities in the keeping of time records will render the guilty officer or employee administratively liable.[12]

We have repeatedly held that dishonesty is a malevolent act that has no place in the Judiciary. 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." Falsification of daily time records is an act of dishonesty, for which respondent must be held administratively liable.[13]

PENALTY

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, dishonesty may be meted with the penalty of dismissal from service even if it is their first offense. However, in several administrative cases,[14] We refrained from imposing the actual penalties in the presence of mitigating factors 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.

In a similar case, 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 O. Morales, MTC-OCC, Guagua Pampanga*,[15] respondents were found guilty of dishonesty for actually punching-in another employee's time card, and were merely imposed a penalty of a stern warning that a repetition of the same or similar act shall be dealt with a more severe sanction from the Court. The Court considered that that the case was respondents' first administrative offense in their 37 years and 9 years, respectively, in government service.

However, in *In Re: Administrative Case for Dishonesty Against Elizabeth Ting, Court Secretary I & Angelita C. Esmerio, Clerk III, Office of the Division Clerk of Court, Third Division*,[16] We did not impose the severe penalty of dismissal because the respondents acknowledged their infractions, demonstrated remorse, and had dedicated long years of service to the Judiciary. Instead, We imposed the penalty of suspension for six months on Ting, and the forfeiture of Esmerio's salary equivalent to six months on account of the latter's retirement. Also, in *In Re: Failure of Jose Dante E. Guerrero to Register his Time In and Out in the Chronolog Time Recorder Machine on Several Dates*,[17] the penalty meted was six months suspension on an employee found guilty of dishonesty for falsifying his time record, taking into account as mitigating circumstances such as good performance rating, 13 years of satisfactory service in the Judiciary, and his acknowledgment of, and remorse for, his infractions.

Thus, following the above-quoted jurisprudence, and considering that said circumstances are extant in the instant case, particularly: (1) respondent's 16 years of service in the Judiciary; (2) respondent's first infraction; and (3) respondent's acknowledgment of his infraction and feelings of remorse, We are also persuaded to exhibit a degree of leniency towards him. Thus, We deem the penalty of one-month suspension for Roden to be more appropriate.

WHEREFORE, respondent Rey P. Roden, Legal Researcher, Branch 36, Metropolitan Trial Court, Quezon City, is found GUILTY of DISHONESTY and is hereby SUSPENDED from service for one (1) month, effective immediately. He is further warned that a repetition of the same or similar act in the future shall be dealt with more severely.

SO ORDERED.

Carpio, (Chairperson), Caguioa, and Reyes, Jr., JJ., concur.

Perlas-Bernabe, J., on official leave.

[1] Rollo, p.3.

[2] Id. at 2.

[3] Id. at 5.

[4] Id. at 6.

[5] Id. at 12.

[6] Re: Report on the Irregularity in the Use of Bundy Clock by Alberto Salamat, Sheriff IV, RTC-Br. 80, Malolos City, 592 Phil. 404, 414 (2008); OCAD v. Isip, 613 Phil. 32, 39 (2009).

[7] Emphasis ours.

[8] Absence Without Leave (AWOL) of Ms. Lydia A. Ramil, Court Stenographer III, RTC-Branch 14, Davao City, 588 Phil. 1, 7 (2008).

[9] 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, 534 Phil. 139, 149 (2006).

[10] Re: Report on the Irregularity in the Use of Bundy Clock by Alberto Salamat, Sheriff IV, RTC-Br. 80 Malolos City, supra note 6, at 413.

[11] Alabastro v. Moncada, Sr., 488 Phil. 43, 61 (2004); Nera v. Garcia and Elicao, 106 Phil. 1031 1036 (1960).

[12] See also Duque v. Aspiras, 502 Phil. 15 (2005).

[13] Re: Report on the Irregularity in the Use of Bundy Clock by Alberto Salamat, Sheriff IV, RTC, Branch 80, Malolos City, supra note 6.

[14] Geocadin v. Hon. Remigio Peña, 195 Phil. 344 (1981); In re: Delayed Remittance of Collections of Teresita Lydia Odtuhan, 445 Phil. 220 (2003); Sarenas-Ochagabia v. Atty. Balmes Ocampos, 466 Phil. 1 (2004); In Re: Misappropriation of the Judiciary Fund Collections by Ms. Juliet C. Banag, 465 Phil. 24 (2004); In Re: Imposition of Corresponding Penalties For Habitual Tardiness Committed During the First and Second Semesters of 2002 by the Following Employees of this Court: Gerardo H. Alumbro, et al., 469 Phil. 534 (2004).

[15] Supra note 9, at 153.

[16] 502 Phil. 265 (2005).

[17] 521 Phil. 482 (2006).

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