

Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

OFFICE OF THE COURT
ADMINISTRATOR,

Petitioner,

A.M. No. P-13-3130

[Formerly OCA I.P.I. No. 11-3668-P]

Present:

VELASCO, JR., J., *Chairperson*,
PERALTA,
VILLARAMA, JR.,
REYES, and
JARDELEZA, JJ.

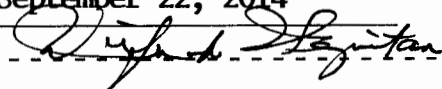
- versus -

MAY F. HERNANDEZ, Clerk
III, Regional Trial Court, Branch
199, Las Piñas City,

Respondent.

Promulgated:

September 22, 2014

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RESOLUTION

PERALTA, J.:

For Resolution is the administrative complaint against respondent May F. Hernandez, Clerk III, Regional Trial Court, Branch 199, Las Piñas City, charging her with dishonesty.

The Office of the Court Administrator (OCA) received an anonymous letter reporting the conduct of respondent May F. Hernandez, Clerk III, Branch 199, Regional Trial Court (RTC) of Las Piñas City. The letter sender alleged that respondent would arrive late for work, but to make it appear that she arrived on time, she would insert her name right above or almost on the same line as the series of "X" marks in the court's attendance logbook, which is the dividing line between the list of names of people who arrived on time and those who were already tardy. Respondent had allegedly been doing this for more than a year and her actuations had started to affect the morale of other employees.¹

¹ Anonymous letter, *rollo*, pp. 59-60.



The OCA then referred the matter to Executive Judge Elizabeth Yu-Guray of the RTC of Las Piñas City for discreet investigation and report. In a Report dated January 24, 2011, Executive Judge Guray stated that she issued a Resolution reprimanding respondent.² The OCA, finding the Executive Judge's action to be insufficient, directed Executive Judge Guray to conduct a more thorough investigation.

Thus, in a Report dated March 22, 2011, Executive Judge Guray held that evidence on record shows that respondent Hernandez may be held liable for dishonesty. Executive Judge Guray recounted that in the past, her office had also received an anonymous letter about respondent's conduct and referred the matter to Presiding Judge Joselito DJ Vibandor of Branch 199, RTC of Las Piñas City, the branch where respondent rendered service. Respondent then submitted a letter-explanation dated November 17, 2010 to Judge Vibandor, wherein she begged for the indulgence of the court, explaining that she was then heavily stressed due to her marriage annulment and burdened with serious health issues at that time.³

The OCA then sent a 1st Indorsement dated July 7, 2011, directing respondent to comment on the Report of Executive Judge Guray finding her liable for dishonesty.⁴

Respondent submitted her Comment dated July 25, 2011 and therein, she readily admitted her wrongdoing, stating that she had actually been tardy for the months of September and October 2010.⁵ She also attached the previously mentioned letter dated November 17, 2010 to the Presiding Judge.

Thereafter, the OCA proceeded to determine whether respondent was liable for the charge of dishonesty, and issued the present Administrative Matter for Agenda. An examination of the records and applicable rules would reveal that the OCA correctly observed, thus:

No less than respondent Hernandez herself admitted tampering with her entries in the court's attendance logbook by inserting her name barely above or almost inside the "X" bar that separates those who arrived on time from those who arrived late. The falsified entries were carried over to respondent Hernandez's Daily Time Record (DTR), thus making said DTRs a product of forgery as well.

The actuations of respondent Hernandez amount to a violation of OCA Circular No. 2-2003 (dated 9 January 2003) which in part reads:

² *Rollo*, p. 86.

³ *Id.* at 91.

⁴ *Id.* at 88.

⁵ *Id.* at 90.

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 truth fully and accurately the time of arrival in and departure from the office x x x.** (Emphasis supplied.)

x x x x

Under Section 46, Rule 10 of the Revised Rules on Administrative Cases in the Civil Service, promulgated on 19 November 2011, falsification of official document such as an employee's DTR is classified as a grave offense that is punishable by dismissal from the service. As such, it carries the penalty of dismissal from the service with forfeiture of retirement benefits, except accrued leave credits, and perpetual disqualification from reemployment in government service.⁶

Based on the foregoing, the OCA recommended that respondent be found guilty of dishonesty and meted the penalty of suspension for a period of six months without pay, effective immediately, with a STERN WARNING that a repetition of the same or similar acts shall be dealt with more severely by the Court.⁷

The Court agrees with the evaluation of the OCA that respondent is guilty of dishonesty. Respondent readily admitted that she tampered with the court's attendance logbook by inserting her name above the series of "X" marks to make it appear that she was not tardy. In *Rufon v. Genita*,⁸ the Court categorically pronounced that:

Falsification of time records constitutes dishonesty. Dishonesty has been defined as "the disposition 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."⁹

Such conduct of making it appear that she always reported for work on time although, in fact, she was often tardy, is deplorable and falls way below the standard set for employees of the Judiciary.

Section 46, Rule 10 of the Revised Rules on Administrative Cases in the Civil Service, promulgated on November 18, 2011, states that

⁶ *Id.* at 99-100.

⁷ *Id.* at 101.

⁸ A.M. No. P-12-3044 [Formerly OCA I.P.I. No. 09-3267-P], April 8, 2013, 695 SCRA 253.

⁹ *Rufon v. Genita*, *supra*, at 261.

falsification of official document, such as an employee's Daily Time Record (*DTR*), is a grave offense that is punishable by dismissal from the service. Under the circumstances, however, the Court does not believe that such extreme penalty should be imposed on respondent. Section 48, Rule 10 of the Revised Rules on Administrative Cases in the Civil Service provides that the disciplining authority may consider mitigating circumstances in imposing the proper penalty.

In previous cases, the Court accorded some measure of compassion to erring employees. In *Office of the Court Administrator v. Magbanua*,¹⁰ the Court found Process Server Magbanua guilty of dishonesty for making false and inaccurate entries in his *DTR* and yet only imposed a fine equivalent to one month salary. The Court ratiocinated that the law is concerned for the working man, and respondent's unemployment would bring untold hardships and sorrows on his dependents. In addition, the Court regarded as mitigating circumstance, the fact that Magbanua had been an employee of the court since 1985. Also, in *Leave Division, Office of Administrative Services, Office of the Court Administrator v. Gutierrez III*,¹¹ the Court only imposed the penalty of a ₱5,000.00 fine for therein respondent's falsification of his *DTR*, since he readily admitted his wrongdoing and it was the very first time that an administrative case was filed against him in the five years that he had been in government service.

There are also reasons to exercise leniency in this case. Respondent readily admitted her offense, explaining that she had been going through some very difficult marital problems at the time, and even became ill with bronchopneumonia, for which she was taking medication that caused lethargy.¹² Respondent likewise showed remorse for her wrongdoing, assuring the Court that she would work with "utmost commitment to punctuality."¹³ Such circumstances are sufficient for the Court to impose a lower penalty on respondent. However, the penalty to be imposed on her should be heavier than those meted on respondents in the above-mentioned cases since, by her own admission, she falsified her *DTR* for the entire two months of September and October 2010.

WHEREFORE, May F. Hernandez, Clerk III, Branch 199, Regional Trial Court, Las Piñas City, is found **GUILTY** of **DISHONESTY**, and is meted the penalty of **SUSPENSION** for six (6) months without pay, effective immediately, with a **STERN WARNING** that the commission of the same or similar act in the future will be dealt with more severely.


¹⁰ A.M. No. P-12-3048 [Formerly A.M. No. 11-3-29-MCTC], June 5, 2013, 697 SCRA 166.

¹¹ A.M. No. P-11-2951 [Formerly A.M. No. 10-3544-P], February 15, 2012, 666 SCRA 29.

¹² Respondent's letter dated November 17, 2010, *rollo*, p. 91.


¹³ Respondent's letter dated July 25, 2011, *id.* at 95.

SO ORDERED.



DIOSDADO M. PERALTA
Associate Justice

WE CONCUR:


PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson


MARTIN S. VILLARAMA, JR.
Associate Justice


BIENVENIDO L. REYES
Associate Justice


FRANCIS H. JARDELEZA
Associate Justice