Republic of the Philippines
SUPREME COURT
Manila

CERTIFIED TRUE COPY
WILFREDO V. LAPUZAN
Division Clerk of Court
Third Division
FEB 07 2017

THIRD DIVISION

OFFICE OF THE COURT ADMINISTRATOR,
Complainant,

- versus -

Executive Judge ILLUMINADA P. CABATO, Regional Trial Court [RTC], Baguio City; Clerk of Court IV ARMANDO G. YDIA, Process Server I SONNY S. CARAGAY, Clerk of Court III OFELIA T. MONDIGUING, Sheriff III JOSE E. ORPILLA, and Clerk III VILMA C. WAYANG, all of the Office of the Clerk of Court, Municipal Trial Court in Cities [MTCC], Baguio City; Judge ROBERTO R. MABALOT, Clerk of Court III LOURDES G. CAOILI, and Utility Worker I ANTINO M. WAKIT, all of Branch I, MTCC, Baguio City; Judge JENNIFER P. HUMINDING, Court Stenographer II PERLA B. DELA CRUZ, Court Stenographer II GRACE F. DESIERTO, Court Stenographer II CAROLYN B. DUMAG, Court Stenographer II MARY ROSE VIRGINIA O. MATIC, and Clerk IV LOURDES D. WANGWANG, all of Branch 2, MTCC, Baguio City; Clerk of Court REMEDIOS BALDERAS-REYES, Sheriff IV RUBEN L. ATIJERA, Cash Clerk II MERLIN ANITA N. CALICA, Process Server EDWIN V. FANGONIL, Sheriff IV ROMEO R. FLORENDO, Librarian II NAMNAMA L. LOPEZ, Clerk III JEFFREY G. MENDOZA, Clerk II

A.M. No. RTJ-14-2401
(Formerly OCA IPI No. 12-3841-RTJ)

Present:

VELASCO, JR., *J.*, Chairperson,
BERSAMIN,
REYES,
JARDELEZA, and
CAGUIOA,* *JJ.*

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* Designated as Fifth Member of the Third Division per Special Order No. 2417 dated January 4, 2017.

ROLANDO G. MONTES, Court Stenographer III VENUS D. SAGUID, and Utility Worker I FRANCISCO D. SIAPNO, all of the Office of the Clerk of Court, RTC, Baguio City; Clerk of Court GAIL M. BACBAC-DEL ISEN, Court Stenographer III RESTITUTO A. CORPUZ, Court Stenographer MARLENE A. DOMAOANG, and Legal Researcher II FLORENCE F. SALANGO, all of Branch 3, RTC, Baguio City; Judge MIA JOY C. OALLARES-CAWED, Legal Researcher II ELIZABETH G. AUCENA, Clerk of Court V RUTH B. BAWAYAN, Court Stenographer III JOY P. CHILEM-AGUILBA, Court Stenographer III LEONILA P. FERNANDEZ, Process Server MARIA ESPERANZA N. JACOB, Court Clerk III REYNALDO R. RAMOS, Court Interpreter III MELITA C. SALINAS, and Court Clerk III WILMA M. TAMANG, all of Branch 4, RTC, Baguio City; Judge ANTONIO M. ESTEVES, Utility Worker JONATHAN R. GERONIMO, Court Stenographer III PRECY T. GOZE, Clerk of Court V ALEJANDRO EPIFANIO D. GUERRERO, and Court Stenographer III VIRGINIA M. RAMIREZ, all of Branch 5, RTC, Baguio City; Clerk of Court MYLENE MAY ADUBE-CABUAG, Process Server ROBERTO G. CORONÑA, JR., Court Stenographer III VICTORIA J. DERASMO, Clerk of Court III BOBBY D. GALANO, Utility Worker MANOLO V. MARIANO III, and Clerk III ROWENA C. PASAG, all of Branch 6, RTC, Baguio City; Judge MONA LISA TIONGSON-TABORA, Process Server ROMEO E. BARBACHANO, Court Stenographer EDNA P. CASTILLO, Court Stenographer III DOLORES

M. ESERIO, Court Interpreter III GEORGE HENRY A. MANIPON, Court Stenographer III ANITA MENDOZA, Clerk III DOMINADOR B. REMIENDO, and Clerk III DOLORES G. ROMERO, all of Branch 7, RTC, Baguio City; Utility Worker GILBERT L. EVANGELISTA, Process Server EDUARDO B. RODRIGO, Court Stenographer III ELIZABETH M. LOCKEY, Court Stenographer III ANALIZA G. MADRONIO, Clerk III EVANGELINE N. GONZALES, Court Stenographer III MARILOU M. TADAO, Court Stenographer III AGNES P. MACA-EY, Sheriff IV MARANI S. BACOLOD, Clerk III EDGARDO R. ORATE, and Legal Researcher JESSICA D. GUANSING, all of Branch 59, RTC, Baguio City; Clerk of Court ROGER NAFIANOG, Court Stenographer III RUTH C. LAGAN, Court Stenographer III ELEANOR V. NIÑALGA, Clerk III ANGELINA M. SANTIAGO, Utility Worker LEO P. VALDEZ, and Clerk III SAMUEL P. VIDAD, all of Branch 60, RTC, Baguio City; Judge ANTONIO C. REYES, Court Interpreter III ELEANOR I. BUCAYCAY, Legal Researcher II JOAN G. CASTILLO, Clerk of Court V JERICO G. GAY-YA, Clerk III CONCEPCION SOLIVEN Vda. PULMANO, and Sheriff IV ALBERT G. TOLENTINO, all of Branch 61, RTC, Baguio City,

Respondents.

Promulgated:

January 25, 2017

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DECISION

VELASCO, JR., *J.*:

The Case

For the consideration of the Court is the Administrative Matter for Agenda dated September 12, 2014[1] prepared by the Office of the Court Administrator.

The Facts

In a letter dated September 16, 2010, Sheriff IV Oliver N. Landingin of the Regional Trial Court (RTC), Branch 7 in Baguio City, complained of bias and partiality against Judge Mona Lisa T. Tabora of the same office. He submitted with the letter a video compact disc (VCD) showing two persons purportedly punching in the Daily Time Record (DTR) Bundy Cards of his other co-employees in the early hours of the morning. By doing so, Landingin alleges that it was made to appear that his co-employees arrived on time when in fact, they usually arrived late. Landingin, thus, concludes that Judge Tabora acted with partiality by refusing to sign his DTR Bundy Card while affixing her signature on the DTR Bundy Cards of his other co-employees.

Acting on the letter, the Office of the Court Administrator issued a Memorandum dated March 7, 2011 directing the conduct of a discreet investigation of the anomalies in the RTC and Municipal Trial Court in Cities (MTCC) in Baguio City.

Thus, a discreet investigation was conducted of the Baguio City courts from May 2 to 6, 2011. On May 3, 2011, the investigating team made a preliminary investigation at the Hall of Justice building housing the courts. They found that instead of using the bundy clocks, the court personnel were manually entering their arrival times in their bundy clock cards and office logbooks. The team also observed that numerous court personnel were arriving after 8:00am and leaving the court premises before 5:00pm, and that instances of loafing were prevalent.

On May 4, 2011, the team spoke with Landingin, who identified the person appearing in the VCD as Dominador Remiendo, Clerk III of RTC, Branch 7 in Baguio City.

Considering that the bundy clocks were not working at the time, the team decided to just inspect the logbooks of each and every branch/office of the Baguio courts to identify those making untruthful entries therein, thereby committing acts of dishonesty and falsification.

On May 5, 2011 at 4:45pm, the members of the investigating team divided themselves into three (3) pairs and conducted on-the-spot inspections of the logbooks of the MTCs, RTCs and OCCs and found that several employees indeed left the premises either without logging their time

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[1] Penned by Court Administrator Jose Midas P. Marquez, Deputy Court Administrator Raul Bautista Villanueva and OCA Chief of Office-Legal Office Wilhelmina D. Geronga; *Rollo*, pp. 1368-1460.

out or writing down a time-out of 5:00pm before 5:00pm. A roll call of the employees was conducted which netted the following findings:

MUNICIPAL TRIAL COURT IN CITIES

Office of the Clerk of Court

Employee Name	Position	Observation
Ofelia T. Mondiguing	Clerk of Court III	Not logged
Vilma C. Wayang	Clerk III	Not logged
Sonny S. Caragay	Process Server I	Left office without entering time-out
Jose E. Orpilla	Sheriff III	Left office without entering time-out

Branch 1

Lourdes G. Caoili	Branch Clerk of Court	Untruthful 5pm time-out
Antino M. Wakit	Utility Worker I	Left office without entering time-out

Branch 2

Perla B. Dela Cruz	Court Stenographer II	Untruthful 5pm time-out
Lourdes D. Wangwang	Clerk IV	Untruthful 5pm time-out
Grace F. Desierto	Court Stenogrpaher II	Left office without entering time-out
Carolyn B. Dumag	Court Stenogrpaher II	Left office without entering time-out
Mary Rose Virginia O. Matic	Court Stenogrpaher II	Left office without entering time-out

REGIONAL TRIAL COURT

Office of the Clerk of Court

Employee Name	Position	Observation
Ruben L. Atijera	Sheriff IV	Failed to enter his time-in and time-out for the afternoon session
Merlin Anita N. Calica	Cash Clerk III	Not logged
Edwin V. Fangonil	Process Server	Not logged
Namnama L. Lopez	Librarian II	Not logged
Romeo R. Florendo	Sheriff IV	Left office without entering time-out
Jeffrey G. Mendoza	Clerk III	Left office without entering time-out
Rolando G. Montes	Clerk II	Left office without entering time-out
Francisco D. Siapno	Utility Worker I	Left office without entering time-out
Venus D. Saguid	Court Stenographer III	Made double entries for the afternoon session

Branch 3

Restituto A. Corpuz	Court Stenographer III	Not logged
Marlene A. Domaoang	Court Stenographer III	Not logged
Florence F. Salango	Legal Researcher II	Not logged

Branch 4

Joy P. Chilem-Aguilba	Court Stenographer III	Not logged
Elizabeth G. Aucena	Legal Researcher II	Not logged
Ruth B. Bawayan	Clerk of Court V	Not logged (But she

		"certified" the photocopy of the logbook secured by the legal team)
Ronaldo B. Pangan	Sheriff IV	Not logged
Leonila P. Fernandez	Court Stenographer III	Left office without entering time-out
Maria Esperanza N. Jacob	Process Server	Left office without entering time-out
Melita C. Salinas	Court Interpreter III	Left office without entering time-out
Wilma M. Tamang	Court Clerk III	Left office without entering time-out
Reynaldo R. Ramos	Court Clerk III	Untruthful 5pm time-out

Branch 5

Precy T. Goze	Court Stenographer III	Not logged
Alejandro Epifanio D. Guerrero	Clerk of Court V	Not logged
Virgina M. Ramirez	Court Stenographer III	Not logged
Jonathan R. Geronimo	Utility Worker	Left office without entering time-out

Branch 6

Victoria J. Derasmo	Court Stenographer III	Untruthful 5pm time-out
Manolo V. Mariano, III	Utility Worker	Untruthful 5pm time-out
Rowena C. Pasag	Clerk III	Untruthful 5pm time-out
Roberto G. Coroña, Jr.	Process Server	Left office without entering time-out
Bobby D. Galano	Clerk III	Left office without entering time-out

Branch 7

Dolores M. Eserio	Court Stenographer III	Untruthful 5pm time-out
George Henry A. Manipon	Court Interpreter III	Untruthful 5pm time-out
Dolores G. Romero	Clerk III	Untruthful 5pm time-out
Romeo E. Barbachano	Process Server	Left office without entering time-out
Edna P. Castillo	Court Stenographer III	Left office without entering time-out
Anita A. Mendoza	Court Stenographer III	Left office without entering time-out
Dominador B. Remiendo	Clerk III	Left office without entering time-out

Branch 59

Jessica D. Guansing	Legal Researcher II	Not logged
Gilbert L. Evangelista	Utility Worker	Left office without entering time-out

Branch 60

Ruth C. Lagan	Court Stenographer III	Not logged
Eleonor V. Niñalga	Court Stenographer III	Not logged
Angelina M. Santiago	Clerk III	Not logged
Leo P. Valdez	Utility Worker	Not logged (in the p.m. entry)
Samuel P. Vidad	Clerk III	Left office without entering

		time-out

Branch 61

Eleonor I. Bucaycay	Court Interpreter III	Not logged
Joan G. Castillo	Legal Researcher II	Not logged
Jerico G. Gay-Ya	Clerk of Court V	Untruthful 5pm time-out
Concepcion Soliven Vda. Pulmano	Clerk III	Left office without entering time-out
Albert G. Tolentino	Sheriff IV	Left office without entering time-out

The team also made the following findings:

1. Ruth B. Bawayan, Clerk of Court V, Branch 4, RTC, Baguio City, affixed her signature, inscribed the correct time and date thereat, and certified as a true copy the photocopy obtained by the team during the inspection. However, she herself failed to make the proper entries for her attendance in their logbook for that day.

2. Venus D. Saguid, Court Stenographer III, OCC, RTC, Baguio City, made an untruthful "5:02" time-out, affixed her signature and certified as correct all the entries in the logbook for May 5, 2011, despite the fact that the entries therein were still incomplete.

3. For most of April 2011, Manolo V. Mariano, III, merely affixed his name and signature in their logbook for the morning session without the corresponding time-in and time-out and most of the time failed to make any entry for the afternoon session.

4. The following personnel of Branch 59 already left their office and were about to leave the building when the roll call was conducted prior to 5pm:

a. Gilbert L. Evangelista
b. Eduardo B. Rodrigo
c. Elizabeth M. Lockey
d. Analiza G. Madronio
e. Evangeline N. Gonzales
f. Marilou M. Tadao
g. Agnes P. Maca-ey
h. Marani S. Bacolod
i. Edgardo R. Orate

The team left the Hall of Justice building at 6:00pm.

Afterwards, the team coordinated with the Office of Administrative Services – Office of the Court Administrator and obtained certified true copies of the May 2011 Daily Time Records/bundy clock cards of the above-mentioned court personnel. The team members then compared their findings during the investigation and the entries made by the personnel concerned for May 5, 2011, as shown below:

MUNICIPAL TRIAL COURT IN CITIES

Office of the Clerk of Court

Employee Name	Position	Observation	Entry made in DTR/Cards
Ofelia T. Mondiguing	Clerk of Court III	Not logged	Domestic Emergency
Vilma C. Wayang	Clerk III	Not logged	Forced Leave
Sonny S. Caragay	Process Server I	Left office without entering time-out	5pm time-out
Jose E. Orpilla	Sheriff III	Left office without entering time-out	5pm time-out

Branch 1

Lourdes G. Caoili	Branch Clerk of Court	Untruthful 5pm time-out	5pm time-out
Antino M. Wakit	Utility Worker I	Left office without entering time-out	5pm time-out

Branch 2

Perla B. Dela Cruz	Court Stenographer II	Untruthful 5pm time-out	5pm time-out
Lourdes D. Wangwang	Clerk IV	Untruthful 5pm time-out	5pm time-out
Grace F. Desierto	Court Stenographer II	Left office without entering time-out	4:40pm time-out
Carolyn B. Dumag	Court Stenographer II	Left office without entering time-out	Blank
Mary Rose Virginia O. Matic	Court Stenographer II	Left office without entering time-out	5pm time-out

REGIONAL TRIAL COURT

Office of the Clerk of Court

Employee Name	Position	Observation	Entry made in DTR/Cards
Ruben L. Atijera	Sheriff IV	Failed to enter his time-in and time-out for the afternoon session	OB on field; 5pm time-out
Merlin Anita N. Calica	Cash Clerk III	Not logged	Sick leave
Edwin V. Fangonil	Process Server	Not logged	Sick leave
Namnama L. Lopez	Librarian II	Not logged	Sick leave
Romeo R. Florendo	Sheriff IV	Left office without entering time-out	OB on field; 5pm time-out
Jeffrey G. Mendoza	Clerk III	Left office without entering time-out	Half-day off (4/30 duty)
Rolando G. Montes	Clerk II	Left office without entering time-out	5pm time-out
Francisco D. Siapno	Utility Worker I	Left office without entering time-out	5pm time-out
Venus D. Saguid	Court Stenographer III	Made double entries for the afternoon session	5pm time-out

Branch 3

Restituto A. Corpuz	Court Stenographer III	Not logged	On leave
Marlene A. Domaoang	Court Stenographer III	Not logged	Sick leave
Florence F. Salango	Legal Researcher II	Not logged	On leave

Branch 4

Joy P. Chilem-Aguilba	Court Stenographer III	Not logged	Vacation leave
Elizabeth G. Aucena	Legal Researcher II	Not logged	Vacation leave
Ruth B. Bawayan	Clerk of Court V	Not logged (But she "certified" the photocopy of the logbook secured by the legal team)	7:10pm time-out
Ronaldo B. Pangan	Sheriff IV	Not logged	On LWOP (Bar Exams) per OAS-OCA communication
Leonila P. Fernandez	Court Stenographer III	Left office without entering time-out	5pm time-out
Maria Esperanza N. Jacob	Process Server	Left office without entering time-out	5:10pm time-out
Melita C. Salinas	Court Interpreter III	Left office without entering time-out	6:25pm time-out
Wilma M. Tamang	Court Clerk III	Left office without entering time-out	5pm time-out
Reynaldo R. Ramos	Court Clerk III	Untruthful 5pm time-out	5pm time-out

Branch 5

Precy T. Goze	Court Stenographer III	Not logged	On leave
Alejandro Epifanio D. Guerrero	Clerk of Court V	Not logged	On leave
Virgina M. Ramirez	Court Stenographer III	Not logged	Sick leave
Jonathan R. Geronimo	Utility Worker	Left office without entering time-out	Sick leave

Branch 6

Victoria J. Derasmo	Court Stenographer III	Untruthful 5pm time-out	5pm time-out
Manolo V. Mariano, III	Utility Worker	Untruthful 5pm time-out	5pm time-out
Rowena C. Pasag	Clerk III	Untruthful 5pm time-out	5pm time-out
Roberto G. Coroña, Jr.	Process Server	Left office without entering time-out	5pm time-out
Bobby D. Galano	Clerk III	Left office without entering time-out	5pm time-out

Branch 7

Dolores M. Eserio	Court Stenographer III	Untruthful 5pm time-out	5pm time-out

George Henry A. Manipon	Court Interpreter III	Untruthful 5pm time-out	5pm time-out
Dolores G. Romero	Clerk III	Untruthful 5pm time-out	5pm time-out
Romeo E. Barbachano	Process Server	Left office without entering time-out	5pm time-out
Edna P. Castillo	Court Stenographer III	Left office without entering time-out	5pm time-out
Anita A. Mendoza	Court Stenographer III	Left office without entering time-out	5pm time-out
Dominador B. Remiendo	Clerk III	Left office without entering time-out	5pm time-out

Branch 59

Jessica D. Guansing	Legal Researcher II	Not logged	On leave
Gilbert L. Evangelista	Utility Worker	Left office without entering time-out	5pm time-out

Branch 60

Ruth C. Lagan	Court Stenographer III	Not logged	Vacation leave
Eleonor V. Niñalga	Court Stenographer III	Not logged	Sick leave
Angelina M. Santiago	Clerk III	Not logged	PL
Leo P. Valdez	Utility Worker	Not logged (in the p.m. entry)	On leave
Samuel P. Vidad	Clerk III	Left office without entering time-out	Sick leave

Branch 61

Eleonor I. Bucaycay	Court Interpreter III	Not logged	Leave
Joan G. Castillo	Legal Researcher II	Not logged	Sick leave
Jerico G. Gay-Ya	Clerk of Court V	Untruthful 5pm time-out	5:02pm time-out
Concepcion Soliven Vda. Pulmano	Clerk III	Left office without entering time-out	Half-day/change to sick leave
Albert G. Tolentino	Sheriff IV	Left office without entering time-out	5pm time-out

On January 16, 2012, the investigating team issued a Memorandum,[2] recommending that several court personnel be made to file their comments on charges of Dishonesty within ten (10) days from notice. The team also recommended that the clerks of court and/or judges of the Baguio courts be, likewise, made to file their comments and explain why they verified as true and correct the bundy cards of the identified personnel despite the untruthful entries. Further, the team recommended that utility worker Manolo V. Mariano III of Branch 6, be made to file a comment why he made sporadic entries in the logbook for the Month of April 2011. Finally, the team recommended that Clerk III Dominador B. Remiendo be made to file a comment on the charge of Gross Misconduct.

[2] *Rollo*, pp. 1-19.

The Court Administrator's Recommendation

After the various respondents filed their respective comments, the Office of the Court Administrator issued Administrative Matter for Agenda (AMA) dated September 12, 2014, now subject of this review.

In the AMA, the OCA classified the above court personnel into four (4) groups: 1) the personnel who have no entries in the attendance log books/sheets; 2) the personnel who have no time-outs in the attendance log books/sheets; 3) the personnel who made untruthful time-outs in the attendance log books/sheets; 4) the Judges and the Clerks of Court who certified the DTRs of the above court personnel.

I. Personnel Who Have No Entries In The Attendance Log Books/Sheets

As to the first group, the OCA made the following findings in the AMA:

The OCA excused the following employees after verifying that they had filed the corresponding leave applications, explaining their failure to log their time-in and time-out:

1. Clerk of Court III Ofelia T. Mondiguing;
2. Clerk III Vilma C. Wayang;
3. Cash Clerk II Merlin Anita N. Calica;
4. Process Server Edwin V. Fangonil;
5. Librarian II Namnama L. Lopez;
6. Court Stenographer III Restituto A. Corpuz;
7. Court Stenographer Marlene A. Domaoang;
8. Legal Researcher II Florence F. Salango;
9. Legal Researcher II Elizabeth G. Aucena;
10. Court Stenographer III Joy P. Chilem-Aguilba;
11. Utility Worker Jonathan R. Geronimo;
12. Court Stenographer III Precy T. Goze;
13. Clerk of Court V Alejandro Epifanio D. Guerrero;
14. Court Stenographer III Virginia M. Ramirez;
15. Legal Researcher Jessica D. Guansing;
16. Court Steographer III Eleonor V. Ninalga;
17. Clerk III Angelina M. Santiago;
18. Utility Worker Leo P. Valdez;
19. Clerk III Samuel P. Vidad;
20. Court Interpreter III Eleanor I. Bucaycay; and
21. Clerk III Concepcion Soliven Vda. Pulmano.[3]

[3] Id. at 1430-1431.

Further, the following Sheriffs and Process Servers were also excused by the OCA after establishing that they were serving orders, returns and/or other court processes at the time:

1. Process Server I Sonny S. Caragay;
2. Sheriff III Jose E. Orpilla;
3. Process Server Roberto G. Coroña, Jr.;
4. Sheriff IV Bobby D. Galano; and
5. Sheriff IV Albert G. Tolentino.[4]

Meanwhile, the OCA identified the following personnel as present that day but were allowed by their superiors to leave due to some personal reasons, and failed to enter their time-outs:

1. Utility Worker Jonathan R. Geronimo;
2. Utility Worker Leo P. Valdez;
3. Clerk III Concepcion Soliven Vda. Pulmano;
4. Clerk III Samuel P. Vidad;
5. Court Stenographer II Carolyn B. Dumag; and
6. Court Stenographer II Grace F. Desierto.[5]

As to these six (6) court personnel, the OCA found them liable for simple negligence for having failed to enter their respective time-outs. Thus, the OCA recommends that they each be found liable for Simple Negligence and fined the amount of Two Thousand Pesos (P2,000.00) with a stern warning that a repetition of the same offense shall be dealt with more severely.[6]

II. Personnel Who Have No Time-Outs In The Attendance Log Books/Sheets

As to this group, the OCA made the following findings:

The OCA excused the following personnel from any sanction:

Clerk II Rolando G. Montes – the OCA found his explanation sufficient that he had not yet entered his time-out considering that he left the library, where he was assigned, at 5pm and it took him some time to reach the OCC where the logbooks could be found. Thus, he was not able to log his time-out as the investigating team was already holding the logbooks.[7]

Clerk III Jeffrey G. Mendoza - the OCA also found his explanation reasonable that he was on half-day, thus, his time-out at 12nn.[8]

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[4] Id. at 1433.
[5] Id. at 1431-1433.
[6] Id. at 1457.
[7] Id. at 1434.
[8] Id. at 1434-1435.

However, in the AMA, the OCA found the following negligent:

Utility Worker I Francisco D. Siapno – According to Siapno, he arrived at his office, OCC-RTC, while the OCA team was there at around 5pm. The team instructed him to remain in the office while they photocopied the logbooks. Despite such instructions, he left. Siapno's failure to heed the OCA team's instruction to stay constitutes negligence.[9]

Utility Worker Gilbert L. Evangelista – In his explanation, Evangelista discussed his failure to enter his afternoon time-in but failed to explain his failure to log his time-out. His lack of explanation for such failure is to be considered an admission and supports the finding of negligence on his part.[10]

Sheriff IV Ruben L. Atijera and Sheriff IV Romeo R. Florendo – In their Comment, both sheriffs explained that they were at the office when the investigating team arrived. However, they stated that they only entered their time-ins and time-outs the next day because the investigating team took the logbooks and photocopied the same. The OCA determined that they were negligent in not waiting for the logbook to be photocopied and then entering their time-ins and time-outs.[11]

Court Stenographer Mary Rose Virginia O. Matic – She admitted having left the office to go to her dentist without entering her time-out. This was clear negligence on her part.[12]

Utility Worker II Antino M. Wakit – Wakit claimed to have left the court at 4:45pm to go to Prosecutor Brian Sagsago with Clerk of Court Lourdes G. Caoili to deliver some case records. Thus, he claimed that he was in the Hall of Justice until 5:30pm. The OCA still found him liable for failing to log his time-out for the afternoon.[13]

Court Stenographer III Anita A. Mendoza, Court Stenographer III Edna P. Castillo, Process Server Romeo E. Barbachano, and Clerk III Dominador B. Remiendo – They all claim that they left their stations at 5:00pm and that the investigating team only arrived at their court at 5:10pm. However, they admitted that they inadvertently forgot to log their time-out in the logbooks. Such is an admission of their negligence.[14]

Court Stenographer III Leonila P. Fernandez, Process Server I Maria Esperanza N. Jacob, Court Interpreter III Melita C. Salinas and Clerk III Wilma M. Tamang – They refuted the OCA team's finding that they left the office without entering their timeouts. They alleged that they were present

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[9] Id. at 1435.
[10] Id. at 1435-1436.
[11] Id. at 1436.
[12] Id.
[13] Id. at 1436-1437.
[14] Id. at 1437-1438.

when the OCA team made their roll call for their court. The OCA, however, found that such contradiction cannot overcome the finding of the OCA team that they were not present when the roll call was conducted.[15]

Additionally, the OCA team found that Clerk of Court Ruth B. Bawayan failed to indicate her time-in and time-out that particular day in the logbooks.[16]

As such, the OCA recommended that the above court employees, considering that their mistakes were due to inadvertence more than anything else, were liable for simple negligence in the performance of their duties and that they pay a fine in the amount of Two Thousand Pesos (PhP2,000.00) each with a stern warning that a repetition of the same or any similar act or omission shall be dealt with more severely.[17]

III. Personnel Who Entered Untruthful Time-Outs In Their Attendance Log Books/Sheets

Anent this group, the OCA made the following findings:

Process Server Eduardo B. Rodrigo, Court Stenographer III Analiza G. Madronio, Clerk III Evangeline N. Gonzales, Court Stenographer Marilou M. Tadao, Court Stenographer Agnes P. Maca-ey, Sheriff Marani S. Bacolod, and Clerk III Edgardo Orate – These court personnel all claimed that they were in their court at 5:00pm when the OCA team arrived contrary to the latter's finding that they were about to leave the premises of the Hall of Justice. Upon examining the allegations of the court personnel, the OCA concluded that their arguments were self-serving coupled with serious inconsistencies and, thus, failed to discredit the unprejudiced and objective findings of the OCA team.[18]

Court Stenographer III Victoria J. Derasmo, Clerk III Rowena C. Pasag – They both claimed that they were at their posts until 5:00pm and correspondingly entered a timeout of 5:00pm and that the OCA team arrived at their court at 5:15pm after they had left. In support of their claim, they presented the affidavits of Branch Clerk of Courts Adube-Cabuag and officemate Jean Gonzales. The OCA dismissed their contentions stating that:

> This is evidently a gratuitous claim with no other purpose than to absolve [themselves] from any administrative liability. The same reasoning applies to the affidavits executed by Branch Clerk of Court Adube Cabuag and Jean Gonzales which, if accepted, would consequently exculpate each and every personnel of Branch 6, RTC from any

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[15] Id. at 1438.
[16] Id. at 1438-1439.
[17] 1457-1458.
[18] Id. at 1443.

> accountability and would reduce the team's findings into something futile and hollow.[19]

Court Interpreter Henry A. Manipon – He directly refuted the allegation of the OCA Team that he was not there when the team arrived at 5:10pm and not at 5:00pm. He further alleged that he entered his log-out as 5:00pm at the insistence of the OCA investigators. The OCA found such allegations preposterous and did not give the same any merit.[20]

Court Stenographer II Perla B. Dela Cruz – She admitted having logged her time-out as 5:00pm prior to such actual time.[21]

Court Stenographer III Dolores M. Eserio – Eserio alleged that she left the office at 5:05pm and that the OCA team arrived shortly after she left at 5:10pm. Her allegations are plainly self-serving and hearsay as she could not have known the exact time that the OCA team arrived as she had already left by then. The OCA concluded that her allegations are clearly unmeritorious.[22]

Clerk III Dolores G. Romero – She alleged that, contrary to the claim of the OCA team, she was present when a roll call was conducted and that upon the instructions of the team, she went ahead and entered a time-out of 5:00pm despite the time being later than that. The OCA found that her testimony is unbelievable considering that she followed the OCA team's instructions to enter a log-out of 5:00pm despite its, allegedly, being later than that.[23]

Clerk III Reynaldo R. Ramos – Ramos claimed that he correctly logged out at 5:00pm and was within the vicinity of the staff room when the OCA team arrived. He further alleged that he tried to go back to the staff room but was prevented from doing so. The OCA considered such allegations bereft of merit considering the lack of relevant information such as who prevented him from re-entering the staff room.[24]

Clerk of Court III Lourdes G. Caoili – She admitted having entered a time-out of 5:00pm at 4:45pm as she was still tasked to bring to Prosecutor Brian Sagsago the records of a criminal case and, thus, the Office of the Clerk of Court where the logbooks were kept would already be closed when she returned later on. The OCA found that despite her reason, her admission that she entered a false time-out renders her administratively liable.[25]

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[19] Id. at 1443-1444.
[20] Id. at 1444.
[21] Id.
[22] Id.
[23] Id. at 1445.
[24] Id. at 1445-1446.
[25] Id. at 1446.

Clerk IV Lourdes D. Wangwang – Wangwang also admitted having entered a time-out of 5:00pm despite the actual time being 4:53pm as she had to attend to an urgent personal matter.[26]

Utility Worker Manolo V. Mariano – He directly refuted the findings of the OCA team claiming to have been present when the team made a roll call in his court at past 5:00pm. Mariano's claim was considered by the OCA as self-serving and therefore bereft of merit.[27]

Clerk of Court V Jerico G. Gay-ya – He admitted having entered a false time-out of 5:02pm at 4:40pm as he still had to bring the records of a civil case to the Baguio City Legal Office. He alleged that he returned to the office at 5:05. The OCA determined that even if indeed he actually went to the Baguio City Legal Office, the fact remains that he made an untruthful time-out in the logbooks.[28]

From the foregoing, the OCA thus found the above court personnel liable for Serious Dishonesty and recommended that, considering that this would be their first time to be administratively liable, the above court personnel be fined in the amount of PhP10,000.00 each with a stern warning that a repetition of the same offense shall be dealt with more severely.

Court Stenographer Venus D. Saguid – Saguid explained that her double entry of her afternoon time-in was by sheer inadvertence. This coupled with the fact that she was present during the roll call by the OCA team shows that her entries were not untruthful. The OCA thus exonerated her from any administrative liability.[29]

IV. Certification by the Judges and Clerks of Court of the respondent Court Personnel's Daily Time Record

Insofar as the Judges and Clerks of Court who erroneously certified as correct the daily time records of the above respondent court personnel, the OCA made the following findings:

> x x x [T]he respondent judges and clerks of courts unwittingly and unwillingly abetted the commission by the respondents concerned of the charges leveled against them, except for Clerk of Court Armando G. Ydia (OCC, MTCC, Baguio City) and Clerk of Court Gail M. Bacbac-Del Isen (Branch 3, RTC, Baguio City) who were able to extricate themselves from any culpability since the court employees who are under their respective supervision x x x have given sufficient explanations as to why they should not be held administratively liable in the instant matter. For

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[26] Id. at 1447.
[27] Id.
[28] Id. at 1447-1448.
[29] Id. at 1448.

> their laxity and their neglect to strictly scrutinize the truthfulness of the entries in the DTRs of their subordinates, this Office believes that the following have committed simple negligence in the performance of their official duties:
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> 1. Judge Roberto R. Mabalot (Branch 1, MTCC)
> 2. Judge Jennifer P. Huminding (Branch 2, MTCC)
> 3. Judge Mia Joy C. Oallares-Cawed (Branch 4, RTC)
> 4. Judge Antonio M. Esteves (Branch 5, RTC)
> 5. Judge Mona Lisa Tiongson-Tabora (Branch 7, RTC)
> 6. Judge Illuminada P. Cabato (Branch 59, RTC)
> 7. Judge Antonio C. Reyes (Branch 61, RTC)
> 8. Clerk of Court Remedios Balderas-Reyes (Clerk of Court, OCC, RTC)
> 9. Clerk of Court Ruth B. Bawayan (Branch 4, RTC)
> 10. Clerk of Court Alejandro Epifanio D. Guerrero (Branch 5, RTC)
> 11. Clerk of Court Mylene May Adube-Cabuag (Branch 6, RTC)
> 12. Acting Clerk of Court Jessica Guansing (Branch 59, RTC)
> 13. Clerk of Court Roger L. Nafianog (Branch 60, RTC)
> 14. Clerk of Court Jerico G. Gay-ya (Branch 61, RTC)[30]

Additionally, Clerk of Court Jerico G. Gay-ya was also charged by the OCA team of prematurely certifying as true and correct all the entries in the log sheet for that day despite the fact that the entries thereat were still incomplete.

Thus, the OCA made the following disquisition on the penalties to be imposed on the above respondents:

> While this office believes that simple negligence attended the failure of the aforementioned judges and clerks of court to verify the truthfulness of the entries in their personnel's respective DTRs, we deemed it better to observe some leeway in the imposition of the penalty against them considering that they only indirectly derived their respective accountability from their personnel's transgression. Hence, insofar as the aforecited judges and clerks of courts are concerned, we deem it appropriate to recommend that they be merely reprimanded but with a stern warning that a repetition of the same will be dealt with more severely. Relative thereto, taking into consideration the fact that (1) Judge Antonio M. Esteves passed away on 10 January 2013, and that (2) Judge Illuminada P. Cabato compulsorily retired on 29 November 2012, reprimanding them would no longer be possible. Thus, the charge against the two (2) magistrates may be considered as already moot and academic.
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> Insofar as the recommended penalties for both respondents Ruth B. Bawayan (Clerk of Court, Branch 4, RTC, Baguio City) and Jerico G. Gay-ya (Clerk of Court, Branch 61, RTC, Baguio City) is concerned, however, Section 50, Rule 10 of the RRACCS provides that "[i]f the respondent is found guilty of two (2) or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge and the rest shall be considered as aggravating circumstances."

[30] Id. at 1449-1450.

> Hence it is recommended that Ruth B. Bawayan be found liable for simple negligence (on two [2] counts) and be fined the amount of Five Thousand Pesos (P5,000.00) while Jerico G. Gay-ya be found liable for serious dishonesty and simple negligence and be fined in the amount of Ten Thousand Pesos (P10,000.00).[31]

Utility Worker Manolo V. Mariano – He had very few entries in their logbooks for April 2011 indicating a pattern to completely disregard and ignore the duty to make entries therein. Mariano admitted his mistake and apologized for the same, vowing to never repeat the same while asking for compassion. His actions comprise a ground for serious dishonesty. Given the previous finding that Mariano was also guilty of serious dishonesty for making a false entry in their logbook, the OCA made the following recommendation:

> x x x However, considering that this could be the first time that Mariano may be held administratively liable for dishonesty, plus that fact that he admitted his wrongdoing and pleaded for compassion, this Office, applying the *OCA v. Cyril Jotic* case, deems it proper to recommend instead the penalty of suspension for a period of ten (10) months without pay and other benefits, with a stern warning that a repetition of the same will be dealt with more severely. Applying Section 50, Rule 10 of the RRACCS, the earlier recommended penalty of P10,000.00 for the first count of serious dishonesty against respondent Mariano is deemed absorbed by the penalty of suspension.[32]

Clerk III Dominador Remiendo – He was videotaped punching in the daily time records of his co-employees. Remiendo admitted his wrongdoing explaining that he did not intend to perpetuate fraud but to foster good relations and camaraderie as an act of goodwill and charity for his co-employees who were all in the staffrooms finishing their morning jobs and preparing for their lunch break. The OCA opined that such actions constitute a clear case of serious dishonesty and gross misconduct. Thus, the OCA recommends:

> For this, respondent Remiendo must be held administratively liable. As mentioned above, Section 46 (A) (1) and (3), Rule 10 of the RRACCS classifies serious dishonesty and grave misconduct as grave offenses punishable by dismissal from the service even on the first offense. While in a number of decisions, the Court deemed it necessary to temper the penalty from dismissal to suspension, this Office believes that it is crucial that in this case, the penalty of dismissal be imposed on the wrongdoer. It is high time that the Court send a strong message to all court employees nationwide that punctuality in going to work and honesty in the punching of DTRs and/or in making entries in attendance logbooks be taken with utmost seriousness and importance.[33]

Court Stenographer Ruth C. Lagan and Legal Researcher Joan G. Castillo – They both have resigned from their posts. The OCA thus concludes that since the Court has already lost jurisdiction over them, it is

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[31] Id. at 1451.
[32] Id. at 1452-1453.
[33] Id. at 1454.

recommended that the instant administrative matter be dismissed as to them.[34]

In summary, the OCA made the following recommendations in its AMA dated September 12, 2014.

The Court's Ruling

The Court is disposed to modify the recommendations of the OCA.

Court Personnel who had no entries in the logbooks or did not enter their log-out

The first two (2) groups delineated by the OCA as those who had no entries in the attendance log books/sheets and those who left their offices without entering their time-outs are correctly administratively liable. These are:

1. Utility Worker Jonathan R. Geronimo;
2. Utility Worker Leo P. Valdez;
3. Clerk III Concepcion Soliven Vda. Pulmano;
4. Clerk III Samuel P. Vidad;
5. Court Stenographer II Carolyn B. Dumag;
6. Court Stenographer II Grace F. Desierto.
7. Utility Worker Jonathan R. Geronimo
8. Utility Worker Leo P. Valdez
9. Clerk III Samuel P. Vidad
10. Court Stenographer II Carolyn B. Dumag
11. Court Stenographer II Grace F. Desierto
12. Utility Worker I Francisco D. Siapno
13. Utility Worker Gilbert L. Evangelista
14. Sheriff IV Ruben L. Atijera
15. Sheriff IV Romeo R. Florendo
16. Court Stenographer Mary Rose Virginia O. Matic
17. Utility Worker II Antino M. Wakit
18. Court Stenographer III Anita A. Mendoza
19. Court Stenographer III Edna P. Castillo
20. Process Server Romeo E. Barbachano
21. Court Stenographer III Leonila P. Fernandez
22. Process Server I Maria Esperanza N. Jacob
23. Court Interpreter III Melita C. Salinas
24. Clerk III Wilma M. Tamang

They are, however, not liable for simple negligence but rather for Violation of Reasonable Office Rules and Regulations.

OCA Circular 7-2003 requires that:

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[34] Id. at 1455.

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 the office**; (Emphasis supplied)

In *Contreras v. Monge*,[35] the Court classified the failure of court personnel to enter their time-in and time-out in the office logbook as a light offense, to wit:

Respondent was previously reprimanded in A.M. No. P-05-2040. **Her act of not logging in and out of the attendance logbook was**, without doubt, her second violation of civil service rules. **A light offense such as a violation of reasonable office rules and regulations**, if violated for the second time, is punishable by suspension for one to 30 days. (Emphasis supplied)

Relevantly, Rule 10, Article 46 (F) (3) of the Revised Rules on Administrative Case in the Civil Service provides:

F. The following light offenses are punishable by **reprimand** for the first offense; suspension of one (1) to thirty (30) days for the second offense; and dismissal from the service for the third offense:

x x x x

3. Violation of reasonable office rules and regulations; (Emphasis supplied)

Thus, considering that the above court personnel will only be administratively liable for the first time with this case, the proper punishment for them would only be a Reprimand with a stern warning that the repetition of the same or any similar act or omission shall be dealt with more severely.

Court Personnel who made untruthful time-outs

Anent the group of court personnel that entered untruthful time-outs in their attendance log books/sheets, most alleged that the OCA team arrived shortly after 5:00pm. Thus, they argued that they had already left when the investigators arrived. This is in direct contradiction to the report and findings of the OCA team who conducted their investigation and roll calls before 5:00pm. As such, the allegations of the court personnel on this matter are unmeritorious. These are:

1. Process Server Eduardo B. Rodrigo
2. Court Stenographer III Elizabeth M. Lockey
3. Court Stenographer III Analiza G. Madronio
4. Clerk III Evangeline N. Gonzales

[35] A.M. No. P-06-2264, September 29, 2009, 601 SCRA 218, 226.

5. Court Stenographer Marilou M. Tadao
6. Court Stenographer Agnes P. Maca-ey
7. Sheriff IV Marani S. Bacolod
8. Clerk III Edgardo R. Orate
9. Court Stenographer III Victoria J. Derasmo
10. Clerk III Rowena C. Pasag
11. Court Interpreter III George Henry A. Manipon
12. Court Stenographer II Perla B. Dela Cruz
13. Court Stenographer III Dolores M. Eserio
14. Clerk III Dolores G. Romero
15. Clerk III Reynaldo R. Ramos
16. Clerk of Court III Lourdes G. Caoili
17. Clerk IV Lourdes F. Wangwang
18. Utility Worker Manolo V. Mariano
19. Clerk of Court V Jerico G. Gay-ya

These court personnel effectively claim that the OCA team falsified their report. Having made such contention, they have the burden of proving the same; however, the OCA team had no motive for doing so. The rule, as stated in *Flores-Tumbaga v. Tumbaga*,[36] is that:

> The presumption is that witnesses are not actuated by any improper motive absent any proof to the contrary and that their testimonies must accordingly be met with considerable, if not conclusive, favor under the rules of evidence because it is not expected that said witnesses would prevaricate and cause the damnation of one who brought them no harm or injury.
>
> **Thus, respondent's bare denial vis-a-vis the positive testimonies of the witnesses, the latter should prevail.** (Emphasis supplied)

Here, the OCA team reported that they conducted the roll call of the court personnel before 5:00pm and found that the above court personnel already logged their time-out as 5:00pm. There was no reason for the OCA team to falsify its report. As such, petitioners' contention herein is bereft of merit.

Specifically as to Derasmo, Pasag, and Mariano, it bears noting that, after examining the Attendance – Log Sheet of RTC Branch 6 for May 5, 2011, they, along with Peralta, Ferrer, Sacpa, Fagel, and Gonzales logged time-outs of 5:00pm or after. It is, therefore, unbelievable that the OCA team would select the three court personnel at random and allege that they were no longer at the court when, in fact, they were. Respondents have not given any reason why the OCA team would do so.

The same principle applies to Manipon, Eserio and Romero who argue that they were also present when the roll call was conducted by the OCA team. Again, it is illogical for the OCA team to make false allegations

[36] A.M. No. P-06-2196, October 22, 2012, 684 SCRA 285, 290-291.

against them and yet say that the other court personnel of Branch 7, namely Fukai, Perez, Madayag and Pangan were present when the roll call was conducted.

As the Court ruled in *People v. Villaflores*:[37]

> **Well-entrenched is the rule that evidence should first be believable and logical before it can be accorded weight.** To be given any credence, it must not only proceed from the mouth of a credible witness; it must be credible in itself as a common experience and observation that mankind can deem probable under the circumstances. (Emphasis supplied)

Thus, unless the OCA team was motivated by some reason to distinguish respondents from the other personnel, the allegations cannot be given any credit.

With regard to the penalty, *Office of the Court Administrator v. Kasilag*[38] is relevant:

> Jurisprudence on this matter is clear. **Falsification of a DTR by a court personnel is a grave offense.** The nature of this infraction is precisely what the OCA states: **the act of falsifying an official document** is in itself grave because of its possible deleterious effects on government service. At the same time, it is also an act of dishonesty, which violates fundamental principles of public accountability and integrity. Under Civil Service regulations, falsification of an official document and dishonesty are distinct offenses, but both may be committed in one act, as in this case. (Emphasis supplied)

Section 46 (A) (6) of the RRACCS punishes Falsification of official documents with dismissal from the service:

> Section 46. *Classification of Offenses.* – Administrative offenses with corresponding penalties are classified into grave, less grave or light, depending on their gravity or depravity and effects on the government service.
>
> A. **The following grave offenses shall be punishable by dismissal from the service**:
>
> x x x x
>
> **6. Falsification of official document;** (Emphasis supplied)

In the instant case, however, the Court agrees with the penalty recommended by the OCA in consonance with the ruling in *Office of the Court Administrator v. Hernandez*,[39] to wit:

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[37] G.R. No. 135063-64, December 5, 2001, 371 SCRA 429, 442.
[38] A.M. No. P-08-2573, June 19, 2012, 673 SCRA 673, 588.
[39] A.M. No. P-13-3130, September 22, 2014, 735 SCRA 640, 645.

> In previous cases, the Court accorded some measure of compassion to erring employees. In *Office of the Court Administrator v. Magbanua*, 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, **the Court only imposed the penalty of a P5,000.00 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. (Emphasis supplied)

The OCA reached a middle ground from the penalties above and imposed a Fine of Ten Thousand Pesos (PhP10,000.00) on each erring court personnel. Considering, however, the fact that this is the first time that the herein respondents will be held administratively liable, the Court deems it proper to instead impose the fine of Five Thousand Pesos (PhP5,000.00) with a stern warning that a repetition of the same offense shall be dealt with more severely.

Judges and Clerks of Court that certified the DTRs of the erring court personnel

As to the findings and penalties for the certifications made by the judges and clerks of court of the Baguio courts, it would be in line with jurisprudence to admonish rather than reprimand them. In *Re: Complaint of Executive Judge Tito Gustilo, RTC, Iloilo City, Against Clerk of Court Magdalena Lometillo, RTC, Iloilo City*,[40] the Court ruled in this wise:

> WHEREFORE, for her failure to properly supervise the personnel under her, respondent Atty. Magdalena Lometillo, Clerk of Court, Regional Trial Court, Iloilo City, is **ADMONISHED** to be more circumspect in the discharge of her official duties xxx (Emphasis supplied)

In the more recent case of *Re: Audit Report on Attendance of Court Personnel of Regional Trial Court, Branch 32, Manila*,[41] the Court stated thus:

> As to the administrative liability of Judge Nabong, he would have been **admonished** for not being stricter with his subordinates in the observance of the rules on the use of the logbook. (Emphasis supplied)

Verily, the abovementioned judges and clerks of court must be Admonished for their failure to properly supervise their subordinates, particularly in the logging of their attendance.

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[40] A.M. No. 00-4-06-SC, January 15, 2002, 373 SCRA 83, 90.
[41] A.M. No. P-04-1838, August 31, 2006, 500 SCRA 351, 363.

Ruth B. Bawayan, Clerk of Court, Branch 4, RTC; Jerico G. Gay-ya, Clerk of Court, Branch 61, RTC

With regard to Bawayan, as discussed above, she is likewise guilty of failing to log her time-in and time-out on the day of the inspection and was penalized with Reprimand. The more serious penalty shall, therefore, be imposed pursuant to Section 50, Rule 10 of the RRACCS, which states:

> Section 50. *Penalty for the Most Serious Offense*. – If the respondent is found guilty of two (2) or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge and the rest shall be considered as aggravating circumstances.

Thus, her previous penalty of being Admonished for certifying as correct the DTRs of the erring court personnel will be absorbed by the penalty of Reprimand earlier imposed.

The same principle will apply to Gay-ya who was earlier found above to have entered an untruthful time-out in the logbooks and fined the amount of PhP5,000.00. Such fine shall, therefore, absorb the penalty herein imposed.

Utility Worker, Manolo V. Mariano III

As to the case of Utility Worker Manolo V. Mariano III, while it may seem that his situation is similar to the OCA's second group of personnel who failed to log their time-in and time-out in the log books, the extent of the proven failure of Mariano to perform his duty differentiates his case from the others.

The OCA recommends the imposition of the penalty of Suspension for ten (10) months on Mariano, following this Court ruling in the case of *Office of the Court Administrator v. Cyril Jotic* as Mariano committed a Grave Offense punishable at the first instance with dismissal from the service.

It is, however, submitted that Mariano's case is more factually similar to the case of *Dipolog v. Montealto*,[42] an administrative case against court personnel who, among others, "failed to comply with the requirement that they fill out their respective DTRs upon arrival at, and departure from, the office;" In that case, the Court ruled that the court personnel were guilty of Dishonesty but only imposed a penalty of six (6) months suspension.

Moreover, the Court takes notice of the fact that, as distinguished from *Jotic* and *Dipolog*, Mariano herein admitted his mistake, apologized for

[42] A.M. No. P-04-1901, November 23, 2004, 443 SCRA 465, 474.

the same, and undertakes never to repeat the same. Additionally, this would be the first time that Mariano will be held administratively liable. As such, Mariano shall be imposed a Suspension from work of three (3) months and one (1) day with the warning that a repetition of the same offense would be dealt with more severely.

Mariano was earlier found liable for making an untruthful time-out on the date of the inspection and was Fined the amount of PhP5,000.00. Such penalty is absorbed by the imposition of the instant penalty of Suspension.

Dominador B. Remiendo, Clerk III, Branch 7, RTC

Finally, as to Clerk III Dominador B. Remiendo, he was the person identified in the videotape punching in the DTRs of his officemates. This is clearly an act of Dishonesty and Falsification of Official Document, both of which are grave offenses punishable in the first instance with dismissal from the service. The OCA recommends the imposition of such extreme penalty to make him a strong example to all the court personnel in the country.

We disagree with this recommendation.

As aptly stated by the Court in *Velasco v. Obispo*,[43] dismissal should not be imposed if a less punitive penalty would suffice:

> The Court also ruled that where a penalty less punitive would suffice, whatever missteps may be committed by the employee ought not to be visited with a consequence so severe. It is not only for the law's concern for the workingman; there is, in addition, his family to consider. Unemployment brings untold hardships and sorrows on those dependent on wage earners. Applying the rationale in the aforesaid judicial precedents and rules, the Court considers as mitigating circumstances the fact that this is the first infraction of Obispo and more importantly, the lack of bad faith on his part in committing the act complained of. xxx

Here, this would be the first time that Remiendo would be held administratively liable. Further, he admits his error and apologized for the same. Considering the above extenuating circumstances and following the ruling in *Velasco*, Remiendo is hereby Suspended for a period of six (6) months with a stern warning that a repetition of this offense shall be met with a harsher penalty.

On a final note, court personnel are reminded of their sworn duty to always act with honesty, as eloquently put by this Court in the case of *Gubatanga v. Bodoy*:[44]

> This Court will not tolerate dishonesty. Persons involved in the dispensation of justice, from the highest official to the lowest employee,

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[43] A.M. No. P-13-3160, November 10, 2014, 739 SCRA 327, 335.
[44] A.M. No. P-16-3447, April 19, 2016.

> must live up to the strictest standards of integrity, probity, uprightness and diligence in the public service. As the assumption of public office is impressed with paramount public interest, which requires the highest standards of ethical standards, persons aspiring for public office must observe honesty, candor and faithful compliance with the law. It has been consistently stressed that even minor employees mirror the image of the courts they serve; thus, they are required to preserve the judiciary's good name and standing as a true temple of justice.

WHEREFORE, premises considered, the Court rules as follows:

1. Dominador B. Remiendo, Clerk III, Branch 7, Regional Trial Court, Baguio City, is hereby found **LIABLE** for Falsification of Official Document and Serious Dishonesty, and is hereby meted the penalty of **SUSPENSION** for a period of six (6) months without pay and other benefits during the said period, with a stern warning that a repetition of the same offense will be dealt with more severely;

2. Manolo V. Mariano III, Utility Worker, Branch 6, Regional Trial Court, Baguio City, is found **LIABLE** for Falsification of Official Document and Serious Dishonesty and is hereby meted the penalty of **SUSPENSION** for a period of three (3) months without pay and other benefits during the said period, with a stern warning that a repetition of the same offense will be dealt with more severely;

3. Jerico G. Gay-ya, Clerk of Court, Branch 61, Regional Trial Court, Baguio City, is found **LIABLE** for Falsification of Official Document and Simple Negligence and is hereby meted the penalty of **FINE** in the amount of Five Thousand Pesos (P5,000.00), with a stern warning that a repetition of the same offense shall be dealt with more severely;

4. The following employees are found **LIABLE** for Falsification of Official Document and are hereby meted the penalty of **FINE** in the amount of Five Thousand Pesos (P5,000.00) each, with a stern warning that a repetition of the same will be dealt with more severely:

a. Eduardo B. Rodrigo (Process Server, Branch 59, RTC, Baguio City)
b. Elizabeth M. Lockey (Court Stenographer III, Branch 59, RTC, Baguio City)
c. Analiza G. Madronio (Court Stenographer III, Branch 59, Baguio City)
d. Evangeline N. Gonzales (Clerk III, Branch 59, RTC, Baguio City)
e. Marilou M. Tadao (Court Stenographer, Branch 59, RTC, Baguio City)
f. Agnes P. Maca-ey (Court Stenographer, Branch 59, RTC, Baguio City)
g. Marani S. Bacolod (Sheriff IV, Branch 59, RTC, Baguio City)

h. Edgardo R. Orate (Clerk III, Branch 59, RTC, Baguio City)
i. Victoria J. Derasmo (Court Stenographer III, Branch 6, RTC, Baguio City)
j. Rowena C. Pasag (Clerk III, Branch 6, RTC, Baguio City)
k. George Henry A. Manipon (Court Interpreter III, Branch 7, RTC, Baguio City)
l. Perla B. Dela Cruz (Court Stenographer II, Branch 2, MTCC, Baguio City)
m. Dolores M. Eserio (Court Stenographer III, Branch 7, RTC, Baguio City)
n. Dolores G. Romero (Clerk III, Branch 7, RTC, Baguio City)
o. Reynaldo R. Ramos (Clerk III, Branch 4, RTC, Baguio City)
p. Lourdes G. Caoili (Clerk of Court III, Branch 1, MTCC, Baguio City)
q. Lourdes F. Wangwang (Clerk IV, Branch 2, MTCC, Baguio City);

5. Ruth B. Bawayan, Clerk of Court, Branch 4, Regional Trial Court, Baguio City, is found **LIABLE** for Violation of Reasonable Office Rules and Regulations and Simple Negligence and is hereby meted the penalty of **REPRIMAND**, with a stern warning that a repetition of the same offense shall be dealt with more severely;

6. The following employees are found **LIABLE** for Violation of Reasonable Office Rules and Regulations and are hereby meted the penalty of **REPRIMAND**, with a stern warning that a repetition of the same shall be dealt with more severely:

a. Jonathan R. Geronimo (Utility Worker, Branch 5, RTC, Baguio City)
b. Leo P. Valdez (Utility Worker, Branch 60, RTC, Baguio City)
c. Concepcion Soliven Vda. Pulmano (Clerk III, Branch 61, RTC, Baguio City)
d. Samuel P. Vidad (Clerk III, Branch 60, RTC, Baguio City)
e. Carolyn B. Dumag (Court Stenographer II, Branch 2, MTCC, Baguio City)
f. Grace F. Desierto (Court Stenographer II, Branch 2, MTCC, Baguio City)
g. Francisco D. Siapno (Utility Worker I, OCC, RTC, Baguio City)
h. Gilbert L. Evangelista (Utility Worker, Branch 59, RTC, Baguio City)
i. Ruben L. Atijera (Sheriff IV, OCC, RTC, Baguio City)

j. Romeo R. Florendo (Sheriff IV, OCC, RTC, Baguio City)

k. Mary Rose Virginia O. Matic (Court Stenographer, Branch 2, MTCC, Baguio City)

l. Antino M. Wakit (Utility Worker II, Branch I, MTCC, Baguio City)

m. Anita A. Mendoza (Court Stenographer III, Branch 7, RTC, Baguio City)

n. Edna P. Castillo (Court Stenographer III, Branch 7, RTC, Baguio City)

o. Romeo E. Barbachano (Process Server, Branch 7, RTC, Baguio City)

p. Leonila P. Fernandez (Court Stenographer III, Branch 4, RTC, Baguio City)

q. Maria Esperanza N. Jacob (Process Server I, Branch 4, RTC, Baguio City)

r. Melita C. Salinas (Court Interpreter III, Branch 4, RTC, Baguio City)

s. Wilma M. Tamang (Clerk III, Branch 4, RTC, Baguio City);

7. The following court officials are found **LIABLE** for Simple Negligence and are hereby **ADMONISHED**, with a stern warning that a repetition of the same will be dealt with more severely:

a. Judge Roberto R. Mabalot (Branch I, MTCC, Baguio City)

b. Judge Jennifer P. Humiding (Branch 2, MTCC, Baguio City)

c. Judge Mia Joy C. Oallares-Cawed (Branch 4, RTC, Baguio City)

d. Judge Mona Lisa Tiongson-Tabora (Branch 7, RTC, Baguio City)

e. Judge Antonio C. Reyes (Branch 61, RTC, Baguio City)

f. Remedios Balderas-Reyes (Clerk of Court, OCC, RTC, Baguio City)

g. Alejandro Epifanio D. Guerrero (Clerk of Court, Branch 5, RTC, Baguio City)

h. Mylene May Adube-Cabuag (Clerk of Court, Branch 6, RTC, Baguio City)

i. Jessica D. Guansing ([Acting] Clerk of Court, Branch 59, RTC, Baguio City)

j. Roger L. Nafianog (Clerk of Court, Branch 60, RTC, Baguio City);

8. The charges against the following respondents are hereby **DISMISSED** for lack of merit:

a. Ofelia T. Mondiguing (Clerk of Court III, OCC, MTCC, Baguio City)

b. Vilma P. Camit-Wayang (Clerk III, OCC, MTCC, Baguio City)

c. Merlin Anita N. Calica (Cash Clerk III, OCC, RTC, Baguio City)

d. Edwin V. Fangonil (Process Server, OCC, RTC, Baguio City)

e. Namnama L. Lopez (Librarian II, OCC, RTC, Baguio City)

f. Restituto A. Corpuz (Court Stenographer III, Branch 3, RTC, Baguio City)

g. Marlene A. Domaoang (Court Stenographer III, Branch 3, RTC, Baguio City)

h. Florence F. Salango (Legal Researcher, Branch 3, RTC, Baguio City)

i. Elizabeth G. Aucena (Legal Researcher II, Branch 4, RTC, Baguio City)

j. Joy P. Chilem-Aguilba (Court Stenographer III, Branch 4, RTC, Baguio City)

k. Precy T. Goze (Court Stenographer, Branch 5, RTC, Baguio City)

l. Virginia M. Ramirez (Court Stenographer, Branch 5, RTC, Baguio City)

m. Eleonor V. Niṇalga (Court Stenographer III, Branch 60, RTC, Baguio City)

n. Angelina M. Santiago (Clerk III, Branch 60, RTC, Baguio City)

o. Eleonor I. Bucaycay (Court Interpreter, Branch 61, RTC, Baguio City)

p. Sonny S. Caragay (Process Server I, OCC, MTCC, Baguio City)

q. Jose E. Orpilla (Sheriff III, OCC, MTCC, Baguio City)

r. Roberto G. Coroña, Jr. (Process Server, Branch 6, RTC, Baguio City)

s. Bobby D. Galano (Sheriff IV, Branch 6, RTC, Baguio City)

t. Albert G. Tolentino (Sheriff IV, Branch 61, RTC, Baguio City)

u. Rolando G. Montes (Clerk II, OCC, RTC, Baguio City)

v. Jeffrey G. Mendoza (Clerk III, OCC, RTC, Baguio City)

w. Venus D. Saguid (Court Stenographer III, OCC, RTC, Baguio City)

x. Armando G. Ydia (Clerk of Court, OCC, MTCC, Baguio City)

y. Gail M. Bacbac-Del Isen (Clerk of Court, Branch 3, RTC, Baguio City); and

9. Finally, the charges against Judge Antonio M. Esteves, Branch 5, RTC, Baguio City; Judge Illuminada P. Cabato, Branch 59, RTC, Baguio City; Joan G. Castillo, former Legal Researcher, Branch 61, RTC, Baguio City; and Ruth C. Lagan, former Court Stenographer III, Branch 60, RTC, Baguio City, are hereby **DISMISSED** for being moot and academic.

SO ORDERED.

PRESBITERO J. VELASCO, JR.
Associate Justice

WE CONCUR:

LUCAS P. BERSAMIN
Associate Justice

BIENVENIDO L. REYES
Associate Justice

FRANCIS H. JARDELEZA
Associate Justice

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

CERTIFIED TRUE COPY
WILFREDO V. LAPITAN
Division Clerk of Court
Third Division
FEB 07 2017