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FIRST DIVISION

[A.M. No. P-10-2784. October 19, 2011]
(Formerly A.M. No. 05-3-138-RTC)

FALSIFICATION OF DAILY TIME RECORDS OF MA. EMCISA A. BENEDICTOS, ADMINISTRATIVE OFFICER I, REGIONAL TRIAL COURT, MALOLOS CITY, BULACAN

SYLLABUS

1. **POLITICAL LAW; ADMINISTRATIVE LAW; COURT EMPLOYEES; FALSIFICATION OF BUNDY CARDS IS TANTAMOUNT TO DISHONESTY; PENALTY.—** In determining the appropriate penalty, the Court deems Benedictos's falsification of her bundy cards tantamount to dishonesty. This Court has 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." Dishonesty, being in the nature of a grave offense, carries the extreme penalty of dismissal from the service with forfeiture of retirement benefits except accrued leave credits, and perpetual disqualification for reemployment in government service.

2. **ID.; ID.; ID.; ID.; THE COURT REFRAINED FROM IMPOSING ACTUAL PENALTY IN VIEW OF MITIGATING FACTORS.—** [I]n several administrative cases, the Court refrained from imposing the actual penalties in the presence of mitigating factors. There were several cases, particularly involving dishonesty, in which the Court meted a penalty lower than dismissal because of the existence of mitigating circumstances. x x x Section 53, Rule IV of the Revised Uniform Rules on Administrative Cases in the Civil Service, grants the disciplining authority the discretion to consider mitigating circumstances in the imposition of the proper penalty. In the case at bar, this is Benedictos's first administrative case in her 19 years in government service, for which six months suspension is already sufficient penalty.

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3. ID.; ID.; ID.; FAILURE TO COMPLY WITH THE COURT'S ORDER AND DIRECTIVE CONSTITUTES WILLFUL DISRESPECT; FINE, IMPOSED.— [T]he Court bears in mind Benedictos's failure to submit her comment, which constitutes clear and willful disrespect, not just for the OCA, but also for the Court, which exercises direct administrative supervision over trial court officers and employees through the former. In fact, it can be said that Benedictos's non-compliance with the OCA directives is tantamount to insubordination to the Court itself. Benedictos also directly demonstrated her disrespect to the Court by ignoring its Resolutions dated June 25, 2007 (ordering her to show cause for her failure to comply with the OCA directives and to file her comment) and March 26, 2008 (ordering her to pay a fine of ₱1,000.00 for her continuous failure to file a comment). A resolution of the Supreme Court should not be construed as a mere request, and should be complied with promptly and completely. Such failure to comply accordingly betrays not only a recalcitrant streak in character, but also disrespect for the Court's lawful order and directive. This contumacious conduct of refusing to abide by the lawful directives issued by the Court has likewise been considered as an utter lack of interest to remain with, if not contempt of, the system. Benedictos's insolence is further aggravated by the fact that she is an employee of the Judiciary, who, more than an ordinary citizen, should be aware of her duty to obey the orders and processes of the Supreme Court without delay. For her non-compliance with the show cause order and nonpayment of the fine imposed upon her in the Supreme Court Resolutions dated June 25, 2007 and March 26, 2008, respectively, Benedictos is ordered to pay an additional fine of ₱2,000.00, in addition to the original fine of ₱1,000.00.

D E C I S I O N

LEONARDO-DE CASTRO, *J.*:

Before the Court is an administrative complaint charging Ma. Emcisa A. Benedictos (Benedictos), Administrative Officer I, Regional Trial Court (RTC), Office of the Clerk of Court (OCC), Malolos City, Bulacan, with dishonesty for falsifying her Daily Time Records (DTRs)/bundy cards.

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The Office of the Court Administrator (OCA) sent a telegram[1] dated November 5, 2004 requesting Executive Judge Guillermo Agloro of the RTC, OCC, Malolos City, Bulacan, to instruct Benedictos to submit her DTRs/bundy cards for September and October 2004 within five days, otherwise, the OCA would recommend the withholding of Benedictos's salaries.

Benedictos submitted her bundy cards for August, October, and November 2004, which the OCA referred to Atty. Emmanuel L. Ortega (Atty. Ortega), Clerk of Court VII, RTC, Malolos City, Bulacan, for verification of his signatures appearing thereon. In a letter[2] dated January 13, 2005 to the OCA, Atty. Ortega reported that only his signature on Benedictos's bundy card for November 2004 was true and genuine; and he disowned his purported signatures on Benedictos's bundy cards for August and October 2004.

On March 8, 2005, the OCA required Benedictos to file her comment on Atty. Ortega's letter within 10 days from notice,[3] however, Benedictos failed to comply.

In a Resolution dated June 29, 2005, the Court withheld Benedictos's salaries and benefits until she submitted her DTRs/ bundy cards for September 2004.

On February 6, 2006, the OCA again instructed Benedictos to file her comment on Atty. Ortega's letter within 10 days from notice,[4] but Benedictos still failed to do so.

Consequently, in a Resolution[5] dated June 25, 2007, the Court directed Benedictos (1) to show cause why she should not be administratively dealt with for refusing to submit her comment despite the two directives from the OCA; and (2) to submit the required comment within five days from notice, otherwise the

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[1] *Rollo*, p. 15.

[2] *Id.* at 3.

[3] *Id.* at 8.

[4] *Id.* at 9.

[5] *Id.* at 19.

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Court shall take the necessary action against her and decide the administrative complaint on the basis of the record on hand.

When Benedictos failed once more to file a comment, the Court issued a Resolution[6] on March 26, 2008 ordering Benedictos to pay a fine of ₱1,000.00. Yet, Benedictos did not pay the fine nor submitted her comment on Atty. Ortega's letter.

Finally, in a Resolution[7] dated August 17, 2009, the Court deemed Benedictos to have waived her right to file a comment on Atty. Ortega's letter. The Court already referred the case against Benedictos to the OCA for evaluation, report, and recommendation.

The OCA submitted its Report[8] on October 15, 2009 with the following recommendations:

Foregoing considered, we respectfully recommend for the consideration of the Honorable Court:

1. that the instant case be RE-DOCKETED as a regular administrative matter;

2. that respondent Ma. E[m]cisa A. Benedictos, Administrative Officer I, Regional Trial Court, Office of the Clerk of Court, Malolos City, Bulacan be found GUILTY of Dishonesty; and

3. that considering that this is respondent's first administrative offense, the minimum penalty of SUSPENSION for six (6) months and one (1) day, effective immediately, be meted upon her.[9]

On March 1, 2010, the Court re-docketed the case as a regular administrative matter and required the parties to manifest[10] within 10 days from notice if they were willing to submit the matter for resolution based on the pleadings filed. Since both parties failed to submit such manifestations, they were considered to

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[6] *Id.* at 23.

[7] *Id.* at 30.

[8] *Id.* at 32-35.

[9] *Id.* at 35.

[10] *Id.* at 37.

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have waived their rights to file the same and the case was submitted for deliberation based on the pleadings filed.

As found by the OCA, Benedictos is guilty of dishonesty for falsifying her DTRs/bundy cards.

In his letter dated January 13, 2005, Atty. Ortega categorically stated that his purported signatures appearing on Benedictos's bundy cards for August and October 2004 were not his. Conspicuously, despite the seriousness of the charge against her, Benedictos failed to comply with the repeated directives of the OCA and this Court for her to file a comment.

Benedictos's silence on a principal charge against her is admission, especially considering that she was given ample opportunity to deny the same.[11] Benedictos's refusal to face the charges against her head-on is contrary to the principle in criminal law that the first impulse of an innocent person, when accused of wrongdoing, is to express his or her innocence at the first opportune time.[12]

Moreover, as a result of its own analytical study of the evidence on record, the Court is convinced that Atty. Ortega's signatures appearing on Benedictos's bundy cards for August and October 2004 were indeed forged. The marked differences between Atty. Ortega's purported signatures on Benedictos's bundy cards for August and October 2004, on one hand, and Atty. Ortega's admitted genuine signatures on Benedictos's bundy cards for September and November 2004, on the other, are easily discernible even to the naked eye.

In determining the appropriate penalty, the Court deems Benedictos's falsification of her bundy cards tantamount to dishonesty. This Court has 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,

[11] *Donton v. Loria*. 519 Phil. 212, 217 (2006).

[12] *Report on the Financial Audit Conducted at the Municipal Trial Courts of Bani, Alaminos and Lingayen in Pangasinan*, 462 Phil. 535, 543 (2003).

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deceive or betray."[13] Dishonesty, being in the nature of a grave offense, carries the extreme penalty of dismissal from the service with forfeiture of retirement benefits except accrued leave credits, and perpetual disqualification for reemployment in government service.[14]

However, in several administrative cases, the Court refrained from imposing the actual penalties in the presence of mitigating factors.There were several cases,[15] particularly involving dishonesty, in which the Court meted a penalty lower than dismissal because of the existence of mitigating circumstances.

In *Re: Ting and Esmerio*,[16] the Court 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, the Court 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.

The Court similarly imposed 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 of six

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[13] *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*, 502 Phil. 264, 277 (2005).

[14] *Office of the Court Administrator v. Magno*, 419 Phil. 593, 602 (2001); Sec. 22(a), Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292 (Administrative Code of 1987), as amended by CSC Memorandum Circular No. 19, s. 1999.

[15] *Concerned Employee v. Valentin*, 498 Phil. 347, 352 (2005); *Dipolog v. Montealto*, A.M. No. P-04-190, November 23, 2004, 443 SCRA 465, 478; *Re: Alleged Tampering of the Daily Time Records (DTR) of Sherry B. Cervantes, Court Stenographer III, Branch 18, Regional Trial Court, Manila*, A.M. No. 03-8-463-RTC, May 20, 2004, 428 SCRA 572, 576; *Office of the Court Administrator v. Sirios*, 457 Phil. 42, 48-49 (2003); *Reyes-Domingo v. Morales*, 396 Phil. 150, 164-165 (2000).

[16] *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*, *supra* note 13 at 280-281.

[17] 521 Phil. 482, 497-499 (2006).

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months suspension on an employee found guilty of dishonesty for falsifying his time record. The Court took into account as mitigating circumstances Guererro's good performance rating, 13 years of satisfactory service in the judiciary, and his acknowledgment of and remorse for his infractions.

The compassion extended by the Court in the aforementioned cases was not without legal basis. Section 53, Rule IV of the Revised Uniform Rules on Administrative Cases in the Civil Service,[18] grants the disciplining authority the discretion to consider mitigating circumstances in the imposition of the proper penalty.

In the case at bar, this is Benedictos's first administrative case in her 19 years in government service, for which six months suspension is already sufficient penalty.

Additionally, the Court bears in mind Benedictos's failure to submit her comment, which constitutes clear and willful disrespect, not just for the OCA, but also for the Court, which exercises direct administrative supervision over trial court officers and employees through the former. In fact, it can be said that Benedictos's non-compliance with the OCA directives is tantamount to insubordination to the Court itself.[19] Benedictos also directly demonstrated her disrespect to the Court by ignoring its Resolutions dated June 25, 2007 (ordering her to show cause for her failure to comply with the OCA directives and to file her comment) and March 26, 2008 (ordering her to pay a fine of ₱1,000.00 for her continuous failure to file a comment).

A resolution of the Supreme Court should not be construed as a mere request, and should be complied with promptly and completely. Such failure to comply accordingly betrays not only a recalcitrant streak in character, but also disrespect for the Court's lawful order and directive.[20] This contumacious

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[18] CSC Memorandum Circular No. 19, s. 1999.

[19] *Tan v. Sermonia*, A.M. No. P-08-2436, August 4, 2009, 595 SCRA 1, 13.

[20] *Tugot v. Judge Coliflores*, 467 Phil. 391, 402-403 (2004).

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conduct of refusing to abide by the lawful directives issued by the Court has likewise been considered as an utter lack of interest to remain with, if not contempt of, the system.[21] Benedictos's insolence is further aggravated by the fact that she is an employee of the Judiciary, who, more than an ordinary citizen, should be aware of her duty to obey the orders and processes of the Supreme Court without delay.[22]

For her non-compliance with the show cause order and nonpayment of the fine imposed upon her in the Supreme Court Resolutions dated June 25, 2007 and March 26, 2008, respectively, Benedictos is ordered to pay an additional fine of ₱2,000.00, in addition to the original fine of ₱1,000.00.

WHEREFORE, the Court finds Ma. Emcisa Benedictos *GUILTY* of dishonesty and imposes upon her the penalty of *SUSPENSION* for six (6) months, effective immediately. The Court further orders Benedictos to pay a *FINE* in the total amount of ₱3,000.00 for her failure to comply with the Resolutions dated June 25, 2007 and March 26, 2008. Finally, the Court issues a stern warning to Benedictos that a repetition of the same or similar acts shall be dealt with more severely.

SO ORDERED.

Corona, C.J. (Chairperson), Bersamin, del Castillo, and *Villarama, Jr., JJ.,* concur.

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[21] *Parane v. Reloza*, A.M. No. MTJ-92-718, November 7, 1994, 238 SCRA 1, 4.

[22] *Tan v. Sermonia*, *supra* note 19 at 14.