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FIRST DIVISION

[A.M. No. P-127. December 28, 1973]

FLORENTINO BAGASO, *complainant, vs.* **EDILBERTO SUAREZ,** Janitor, Court of First Instance of Cebu, Cebu City, *respondent.*

SYLLABUS

ADMINISTRATIVE LAW; PUBLIC OFFICERS AND EMPLOYEES; JANITOR IN INSTANT CASE IS GUILTY OF FALSIFICATION OF DAILY TIME RECORD.— Respondent, janitor in the Court of First Instance of Cebu in Cebu City, admitted that he entered in his daily time record of March 28, 1969 that he was actually in office from 1:00 to 5:10 P.M. of that day when actually he was out from 1:00 to 4:00 P.M. *Held*: Respondent is guilty of falsification of his daily time record. His explanation that he was given permission by his superior is partly belied by the testimony of the latter to the effect that she does not remember whether on said date respondent asked permission; that she allows her subordinates to leave the office only for a short time, that half an hour is too long, and that she reprimanded her personnel for leaving the office for over an hour. Considering that this is his first offense and that he has been in the service for over 10 years he is fined in the amount equivalent to one month salary, with the warning that the commission thereafter by him of the same or any other irregularity will be dealt with more severely.

RESOLUTION

MAKASIAR, *J.*:

It appearing that respondent Edilberto Suarez, janitor in the Court of First Instance of Cebu in Cebu City, admitted that he entered in his daily time record of March 28, 1969 that he was actually in his office from 1:00 to 5:10 P.M. of that day, when as a matter of fact he was in the office of Atty. Garcillano at V. Rama Avenue from 1:00 to past 4:00 P.M. of said day;

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that his explanation that he was given permission by his superior, Mrs. Remedios Orson, to leave the office that afternoon, is partly belied by the testimony of Mrs. Orson to the effect that she does not remember whether in the afternoon of March 28, 1969 respondent asked her permission to leave the office, although she added that she usually verbally grants her subordinates permission to leave the office but only for coffee breaks or merienda and only for a short time, that half an hour is too long, and that she reprimanded some of her personnel for having gone out of the office for more than one hour; that therefore respondent is guilty of falsification of his daily time record; that in view however of the fact that respondent has been in the service for over ten years; and that this is his first infraction, respondent is hereby fined in an amount equivalent to one month salary, with the warning that the commission hereafter by him of the same or any other irregularity will be dealt with more severely.

Makalintal, C.J., Ruiz Castro, Teehankee, Esguerra, and *Muñoz Palma, JJ.*, concur.

FIRST DIVISION

[G.R. No. L-28109. December 28, 1973]

MATEO TOLENTINO, ET AL., *plaintiffs-appellants, vs.* **MATEA GROSPE, ET AL.,** *defendants-appellees.*

SYLLABUS

REMEDIAL LAW; JUDGMENT; JUDGMENT BASED ON STIPULATION OF FACTS; ABSENCE OF APPELLANTS' SIGNATURE ON STIPULATION OF FACTS DOES NOT AFFECT VALIDITY OF JUDGMENT. — In assailing the correctness and validity of the order of the court *a quo*