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WHEREFORE, this Court finds Timoteo A. Migriño, former Clerk of Court III, Metropolitan Trial Court, Branch 69, Pasig City, **GUILTY** of simple neglect of duty and imposes upon him a **FINE** equivalent to his one (1) month salary to be deducted from the retirement benefits due him. Thereafter, let this matter be considered **CLOSED AND TERMINATED** with regard to respondent Migriño.

Furthermore, let a separate administrative complaint be filed against Judge Jacqueline J. Ongpauco, Acting Presiding Judge, MeTC (Branch 69), Pasig City for undue delay in resolving the motion for the issuance of a writ of execution in Civil Case No. 6798, to be re-docketed as a regular administrative matter.

SO ORDERED.

Sereno, C.J. (Chairperson), Bersamin, Villarama, Jr., and *Reyes, JJ.,* concur.

FIRST DIVISION

[A.M. No. RTJ-11-2287. January 22, 2014]
(Formerly OCA I.P.I. No. 11-3640-RTJ)

OFFICE OF THE COURT ADMINISTRATOR, *complainant, vs.* **HON. CADER P. INDAR, AL HAJ, PRESIDING JUDGE and ABDULRAHMAN D. PIANG, PROCESS SERVER, BRANCH 14, both of the REGIONAL TRIAL COURT, BRANCH 14, COTABATO CITY,** *respondents.*

SYLLABUS

1. POLITICAL LAW; ADMINISTRATIVE LAW; COURT PERSONNEL; CHARGE OF DISHONESTY; FALSIFICATION OR IRREGULARITIES IN THE

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KEEPING OF TIME RECORDS WILL RENDER THE GUILTY OFFICER OR EMPLOYEE ADMINISTRATIVELY LIABLE, FOR TRUTHFULNESS AND ACCURACY IN THE DAILY TIME RECORDS SHOULD BE COMPLIED WITH IN ANY OFFICE, GOVERNMENT OFFICE MOST ESPECIALLY.— OCA Circular No. 7-2003 clearly states that court personnel should indicate in their bundy cards the "truthful and accurate times" of their arrival at, and departure from, the office. As we have ruled in *Garcia v. Bada* and *Servino v. Adolfo,* court employees must follow the clear mandate of OCA Circular No. 7-2003. Piang's entries in his February and March 2010 DTRs for dates that had not yet come to pass were a clear violation of OCA Circular No. 7-2003. Section 4, Rule XVII (on Government Office Hours) of the Omnibus Rules Implementing Book V of Executive Order No. 292 and Other Pertinent Civil Service Laws also provides that falsification or irregularities in the keeping of time records will render the guilty officer or employee administratively liable. There is no other way but for the Court to view Piang's falsification of his February and March 2010 DTRs as tantamount to dishonesty. He cannot claim honest mistake as he was fully aware when he accomplished his DTRs for February and March 2010 that there were dates that had not yet even come to pass and for which he could not have reported for work yet. He even meticulously and, thus, intentionally, entered varying time-in and time-out for each date in said DTRs. Piang need not be advised of the policies at RTC-Branch 14 of Cotabato City. Truthfulness and accuracy in the DTRs should be complied with in any office, government offices most especially.

2. **ID.; ID.; ID.; ID.; DISHONESTY, DEFINED; DISHONESTY CARRIES THE EXTREME PENALTY OF DISMISSAL FROM THE SERVICE; EXCEPTIONS.—** 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. Indeed, dishonesty is a malevolent act that has no place in the judiciary. 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

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betray." Nonetheless, the Court has recognized exceptions to the rule, and imposed penalties less severe than dismissal from service upon a dishonest employee. In *Falsification of Daily Time Records of Ma. Emcisa A. Benedictos, Administrative Officer I, Regional Trial Court, Malolos City, Bulacan*, the Court ratiocinated: [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. In *In Re: Ting and Esmerio*, 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. x x x. 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, grants the disciplining authority the discretion to consider mitigating circumstances in the imposition of the proper penalty. In the case at bar, considering that Piang readily admitted his infraction and that this is Piang's first administrative case, a similar penalty of six (6) months suspension, instead of dismissal, is already sufficient.

3. JUDICIAL ETHICS; JUDGES; LONG DELAY IN COMPLYING, AS WELL AS TOTAL NON-COMPLIANCE WITH THE DIRECTIVES OF THE OFFICE OF THE COURT ADMINISTRATOR AND THE SUPREME COURT, CONSTITUTE GROSS MISCONDUCT AND INSUBORDINATION, FOR A RESOLUTION OF THE SUPREME COURT REQUIRING AN OFFICIAL/ EMPLOYEE OF THE JUDICIARY TO COMMENT ON AN ADMINISTRATIVE COMPLAINT AGAINST HIM SHOULD NOT BE CONSTRUED AS A MERE REQUEST NOR SHOULD IT BE COMPLIED WITH PARTIALLY, INADEQUATELY OR SELECTIVELY.— It took three directives and three years for Judge Indar to submit his Comment on the present administrative matter against him and Piang. x x x. The conduct exhibited by Judge Indar constitutes no less than a clear act of defiance, revealing his deliberate

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disrespect and indifference to the authority of the Court. It is completely unacceptable especially for a judge. x x x. The Court x x x in *Soria v. Judge Villegas*, ruling as follows: Respondent should know that judges must respect the orders and decisions of higher tribunals, especially the Supreme Court from which all other courts take their bearings. A resolution of the Supreme Court is not to be construed as a mere request nor should it be complied with partially, inadequately or selectively. Respondent's failure to comply with the repeated directives of this Court constitutes gross disrespect to its lawful orders and directives, bordering on willful contumacy. In *Alonto-Frayna v. Astih*, it was held: A judge who deliberately and continuously fails and refuses to comply with the resolution of this Court is guilty of gross misconduct and insubordination. It is gross misconduct and even outright disrespect for this Court for respondent to exhibit indifference to the resolutions requiring him to comment on the accusations contained in the complaint against him. x x x. Judging by the foregoing standards, the Court can only conclude that Judge Indar is guilty of gross misconduct and insubordination for his long delay in complying, as well as for his total non-compliance, with the directives/ orders of the OCA and this Court.

4. ID.; ID.; FAILURE OF THE RESPONDENT JUDGE TO EXAMINE THE EMPLOYEE'S DAILY TIME RECORD BEFORE AFFIXING HIS SIGNATURE THEREIN CONSTITUTES NEGLIGENCE; A JUDGE IS ENJOINED, HIS HEAVY CASELOAD NOTWITHSTANDING, TO PORE OVER ALL DOCUMENTS WHEREON HE AFFIXES HIS SIGNATURE AND GIVES HIS OFFICIAL IMPRIMATUR.— [J]udge Indar's excuse – that he inadvertently signed Piang's DTRs for February and March 2010 as it was submitted for signature together with the DTRs of the other employees of RTC-Branch 14 of Cotobato City – is unacceptable. Judge Indar should be fully aware of the weight of his signature as a judge, and he should take care in affixing the same on the documents before him. In the discharge of the functions of his office, a judge must strive to act in a manner that puts him and his conduct above reproach and beyond suspicion. He must act with extreme care for his office indeed is laden with a heavy burden of responsibility. Certainly, a judge is enjoined, his heavy caseload notwithstanding, to pore over all documents whereon he affixes his signature and gives

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his official imprimatur. The cavalier attitude displayed by Judge Indar in this case simply cannot be countenanced. Therefore, Judge Indar is guilty of negligence in his failure to examine Piang's DTRs for February and March 2010 before signing the same. Even a cursory reading of the said DTRs would readily reveal that they were not yet due, since they covered dates that had not yet transpired.

5. ID.; ID.; GROSS MISCONDUCT, INSUBORDINATION, AND NEGLIGENCE; PROPER PENALTY.— This is now Judge Indar's fifth offense. x x x. Since Judge Indar had already been dismissed from the service, a penalty of fine would suffice. Upon verification with the Leave Division, OAS, Judge Indar still has accumulated leave credits, the monetary value of which has not been claimed. For Judge Indar's gross misconduct, insubordination, and negligence, a fine of ₱40,000.00, as recommended by the OCA, is proper, such amount to be deducted from the monetary value of his accumulated leave credits.

D E C I S I O N

LEONARDO-DE CASTRO, *J.*:

This concerns the anomalous compliance by respondent Process Server Abdulrahman D. Piang (Piang) with the requirements for the facilitation of his initial salary, particularly his Daily Time Records (DTRs) for the months of February and March of 2010.

Piang was appointed Process Server of the Regional Trial Court (RTC), Branch 14 of Cotabato City on January 25, 2010. He assumed office on February 15, 2010.

On January 26, 2010, the Office of the Court Administrator, Office of Administrative Services (OCA-OAS), required Piang to submit several documents, which included a complete DTR or Bundy Card, verified as to the prescribed office hours by the Presiding Judge/Clerk of Court, one month from the date of his assumption.[1]

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[1] *Rollo,* pp. 6-7.

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On February 22, 2010, Piang submitted the requirements to the OCA-OAS, including two DTRs with detailed time-in and time-out entries for the months of February and March 2010.[2] The DTR for the month of February 2010 reported Piang's time-in and time-out from February 15, 2010 to February 26, 2010, when it should only validly cover the period of February 15, 2010 up to February 21, 2010, the day prior to its submission to the OCA-OAS. In addition, the DTR for the month of March 2010 already contained complete time-in and time-out entries for the entire month even when the same had not yet transpired and become due.

Thus, Court Administrator Jose Midas P. Marquez (Marquez), in his *1st Indorsement*[3] dated April 5, 2010, required Piang to comment on his anomalous DTRs for February and March 2010.

In his explanation letter[4] dated February 22, 2010 addressed to the OCA-OAS, Piang said that it was an honest mistake caused by his lack of knowledge of the policies being implemented by the office. He claimed that he understood the OCA-OAS directive to submit "complete DTR or Bundy Card verified as to prescribed office hours by the Presiding Judge/Clerk of court, one month from the date of assumption" to mean that he should already submit DTRs for the remaining days of February and of the whole month of March 2010 even though he had not yet worked on those days. He further explained that he had no fraudulent intention and that the error was due to sheer inadvertence on his part alone, being too excited to perform his duties and to have the documents signed by former Judge Cader P. Indar (Indar). He simply forgot to seek advice from Judge Indar. Piang adopted the same explanation in his subsequent Comment[5] dated May 24, 2010.

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[2] *Id.* at 3.

[3] *Id.* at 11.

[4] *Id.* at 8.

[5] *Id.* at 52.

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Based on Piang's explanation, Court Administrator Marquez wrote a letter[6] dated April 20, 2010 addressed to Judge Indar requiring the judge to comment on why he signed the questioned DTRs even if these were not yet due.

In the Agenda Report[7] dated May 9, 2011, the OCA found sufficient reason to hold Piang administratively liable. The OCA opined that the punching of the remaining working days for the month of February and for the entire month of March 2010, even for dates that were not yet due, is an outright violation of OCA Circular 7-2003. Failure to submit true and accurate DTRs/Bundy Cards amounts to falsification which is punishable by dismissal, and under Civil Service Rules and Regulations, it is dishonesty. The OCA, however, took into consideration the mitigating circumstance of Piang acknowledging his infractions, as well as the fact that this is his first offense. Thus, the OCA submitted the following recommendations:

1. That the instant administrative complaint be **RE-DOCKETTED** as a regular administrative matter;

2. That respondent Abdulrahman D. Piang, Process Server, Regional Trial Court, Branch 14, Cotobato (sic) City be found liable for Dishonesty; be immediately **SUSPENDED** for one (1) year without pay; and **WARNED** that a repetition of the same offense shall be dealt with more severely;

3. That the salary of respondent Abdulrahman D. Piang for the months of February and March 2010 be **FORFEITED** in view of the fact that he doctored and falsified Daily Time Records covering said months; and

4. That Judge Cader P. Indar be required to submit a **COMMENT** within ten (10) days from receipt hereof with notices sent to his last known residence and to the Regional Trial Court of Cotobato (sic) City, Branch 14, otherwise he will be deemed to have waived the right to file the same and the matter shall be decided based on the records at hand.[8]

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[6] *Id.* at 10.

[7] *Id.* at 29-32.

[8] *Id.* at 32.

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In a Resolution[9] dated June 29, 2011, the Court required (1) Piang to manifest if he was willing to submit the case for decision/ resolution based on the pleadings filed, and (2) Judge Indar to submit his comment on the present matter, otherwise, it shall be deemed waived and the case against him will be decided based on the records at hand.

Piang filed his Manifestation[10] on September 15, 2011 expressing his willingness to submit the instant administrative case for resolution based on the submitted pleadings and requesting leniency of the Court in deciding his case.

In a Resolution[11] dated February 8, 2012, the Court required Judge Indar to show cause why he failed to comply with the earlier Resolution dated June 29, 2011 of the Court and directed him anew to submit the required comment.

Acting Presiding Judge Bansawan Z. Ibrahim (Ibrahim), Al Haj, RTC-Branch 14 of Cotabato City, informed the OCA, through a letter[12] dated April 23, 2012, that Judge Indar, who was by then already suspended because of another administrative case, had not been in touch with the court, thus, Judge Ibrahim believed that Judge Indar would no longer submit his comment on the present case. Judge Ibrahim also vouched for the absence of malice on the part of Piang when he prepared the subject DTRs; Piang was merely not advised properly.

Court Administrator Marquez submitted a report[13] dated April 3, 2013, in which he recommended that:

1. The OCA's findings and recommendation of a penalty of suspension for one (1) year without pay against Abdulrahman D. Piang, Process Server, Branch 14, Regional Trial Court, Cotabato City, be **APPROVED** and **ADOPTED**.

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[9] *Id.* at 33-34.

[10] *Id.* at 35.

[11] *Id.* at 41.

[12] *Id.* at 42.

[13] *Id.* at 62-66.

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2. Respondent Judge Cader P. Indar, former Presiding Judge of Branch 14, Regional Trial Court, Cotabato City, be found **GUILTY** of **GROSS MISCONDUCT** and **INSUBORDINATION**; and

3. A penalty of **FINE** in the amount of **FORTY THOUSAND PESOS (₱40,000.00)** be imposed against respondent Judge Indar, to be deducted from the monetary value of his unclaimed leave credits.[14]

Six months thereafter, Judge Indar finally submitted his Comment on October 7, 2013. In his Comment, Judge Indar was completely silent on the reason/s for his delay in filing the same and went straight ahead to explaining the circumstances surrounding Piang's February and March 2010 DTRs, thus:

4. That the undersigned had inadvertently signed the Daily Time Records (DTRs) for February 15, 2010 and March 2010 of Mr. Abdulrahman D. Piang, as it was submitted for signatures together with the other DTRs of the old employees of RTC, Branch 14, Cotabato City;

5. That during a talk with Mr. Piang, He explained to the undersigned that he was advised to prepare the subjects DTRs for the processing of his initial salary and that he complied right away by submitting the same for signatures;

6. That he confided to the undersigned that his act was an honest mistake as he failed to inquire about the rules on preparing DTRs, all that he was thinking at that time was to comply immediately with the directive of Administrative Services of the Office of the Court Administrator for the submission of the subject DTRs;

7. That the undersigned is convinced that Mr. Piang committed an honest mistake and that his act was never intended to violate or disregard the rules and law he being a first time appointee to the government service at that time, he cannot as yet be expected to know the rules and regulations pertaining to DTRs;

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[14] *Id.* at 66.

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8. That Mr. Piang deserves a second chance, as he has already suffered enough from such honest mistake as he has been performing his duties as Process Server of RTC, Branch 14, Cotabato City without salaries and benefits since his appointment to office.[15]

The charge of dishonesty against Piang

OCA Circular No. 7-2003 clearly states that court personnel should indicate in their bundy cards the "truthful and accurate times" of their arrival at, and departure from, the office. As we have ruled in *Garcia v. Bada*[16] and *Servino v. Adolfo*,[17] court employees must follow the clear mandate of OCA Circular No. 7-2003. Piang's entries in his February and March 2010 DTRs for dates that had not yet come to pass were a clear violation of OCA Circular No. 7-2003.

Section 4, Rule XVII (on Government Office Hours) of the Omnibus Rules Implementing Book V of Executive Order No. 292 and Other Pertinent Civil Service Laws also provides that falsification or irregularities in the keeping of time records will render the guilty officer or employee administratively liable.[18]

There is no other way but for the Court to view Piang's falsification of his February and March 2010 DTRs as tantamount to dishonesty. He cannot claim honest mistake as he was fully aware when he accomplished his DTRs for February and March 2010 that there were dates that had not yet even come to pass and for which he could not have reported for work yet. He even meticulously and, thus, intentionally, entered varying time-in and time-out for each date in said DTRs. Piang need not be advised of the policies at RTC-Branch 14 of Cotabato City. Truthfulness and accuracy in the DTRs should be complied with in any office, government offices most especially.

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[15] *Id.* at 69-70.

[16] 557 Phil. 526, 530 (2007).

[17] 538 Phil. 540, 550-551 (2006).

[18] *See* also *Duque v. Aspiras*, 502 Phil. 15, 23 (2005).

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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. Indeed, dishonesty is a malevolent act that has no place in the judiciary. 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."[19]

Nonetheless, the Court has recognized exceptions to the rule, and imposed penalties less severe than dismissal from service upon a dishonest employee. In *Falsification of Daily Time Records of Ma. Emcisa A. Benedictos, Administrative Officer I, Regional Trial Court, Malolos City, Bulacan,*[20] the Court ratiocinated:

> [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.
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> In *In Re: Ting and Esmerio*, 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.
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> 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* the penalty of six 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.

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[19] *Servino v. Adolfo, supra* note 17 at 552.

[20] A.M. No. P-10-2784, October 19, 2011, 659 SCRA 403, 408.

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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, grants the disciplining authority the discretion to consider mitigating circumstances in the imposition of the proper penalty. (Citations omitted.)

In the case at bar, considering that Piang readily admitted his infraction and that this is Piang's first administrative case, a similar penalty of six (6) months suspension, instead of dismissal, is already sufficient.

The charges of gross misconduct and insubordination against Judge Indar

It took three directives and three years for Judge Indar to submit his Comment on the present administrative matter against him and Piang. In a letter dated April 20, 2010, Court Administrator Marquez required Judge Indar to comment on why he signed Piang's DTRs for February and March 2010 even if these were not yet due. In a Resolution issued more than a year later, on June 29, 2011, the Court likewise ordered Judge Indar to submit his comment on the matter of Piang's anomalous DTRs. Then, in another Resolution dated February 8, 2012, the Court already required Judge Indar to show cause why he failed to comply with the Resolution dated June 29, 2011 and directed him once more to file his comment. Despite being given notices of the aforementioned letter and Resolutions, Judge Indar filed his Comment only on October 7, 2013, and even then, he did not offer any apology and/or explanation for his long delay in complying with the directives/orders of the OCA and this Court. In fact, Judge Indar has still not complied with the show-cause order of the Court contained in its Resolution dated February 8, 2012. It is worthy to note further that Judge Indar, at that time, was already suspended pending investigation of another administrative case against him,[21] and Judge Indar

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[21] *Office of the Court Administrator v. Indar*, A.M. No. RTJ-10-2232, April 10, 2012, 669 SCRA 24.

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failed to file his comment and compliance with the directives/ orders of the Court in said other case.

The conduct exhibited by Judge Indar constitutes no less than a clear act of defiance, revealing his deliberate disrespect and indifference to the authority of the Court. It is completely unacceptable especially for a judge.

In *Martinez v. Zoleta*[22] the Court declared:

> Certainly, this Court can never turn a blind eye, much less tolerate respondent's impiety and its odious effects on the administration of justice in this part of the judicial hemisphere. Again, we find the need and occasion to rule that a resolution of the Supreme Court requiring comment on an administrative complaint against officials and employees of the judiciary should not be construed as a mere request from the Court. Nor should it be complied with partially, inadequately or selectively. Respondents in administrative complaints should comment on all accusations or allegations against them in the administrative complaints because it is their duty to preserve the integrity of the judiciary. Moreover, the Court should not and will not tolerate future indifference of respondents to administrative complaints and to resolutions requiring comment on such administrative complaints. (Citation omitted.)

In the *Benedictos* case, previously cited herein, the Court also made the following significant pronouncements:

> 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. 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).

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[22] 374 Phil. 35, 47 (1999), citing *Josep v. Abarquez*, 330 Phil. 352, 359 (1996).

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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.[23] (Citations omitted.)

The Court was even more severe in *Soria v. Judge Villegas*,[24] ruling as follows:

Respondent should know that judges must respect the orders and decisions of higher tribunals, especially the Supreme Court from which all other courts take their bearings. A resolution of the Supreme Court is not to be construed as a mere request nor should it be complied with partially, inadequately or selectively.

Respondent's failure to comply with the repeated directives of this Court constitutes gross disrespect to its lawful orders and directives, bordering on willful contumacy. In *Alonto-Frayna v. Astih*, it was held:

> A judge who deliberately and continuously fails and refuses to comply with the resolution of this Court is guilty of gross misconduct and insubordination. It is gross misconduct and even outright disrespect for this Court for respondent to exhibit indifference to the resolutions requiring him to comment on the accusations contained in the complaint against him.

Respondent's continued refusal to comply with the lawful orders underscores his lack of respect for authority and a defiance for law and order which is at the very core of his position. This is anathema to those who seek a career in the judiciary because obedience to the

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[23] *Falsification of Daily Time Records of Ma. Emcisa A. Benedictos, Administrative Officer I, Regional Trial Court, Malolos City, Bulacan*, *supra* note 20 at 409.

[24] 461 Phil. 665, 669-670 (2003).

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dictates of the law and justice is demanded of every judge. How else would respondent judge endeavor to serve justice and uphold the law, let alone lead his peers, when he disdains to follow even simple directives?

In the Judiciary, moral integrity is more than a cardinal virtue, it is a necessity. The exacting standards of conduct demanded from judges are designed to promote public confidence in the integrity and impartiality of the judiciary. When the judge himself becomes the transgressor of the law which he is sworn to apply, he places his office in disrepute, encourages disrespect for the law and impairs public confidence in the integrity of the judiciary itself. (Citations omitted.)

Judging by the foregoing standards, the Court can only conclude that Judge Indar is guilty of gross misconduct and insubordination for his long delay in complying, as well as for his total non-compliance, with the directives/orders of the OCA and this Court.

Lastly, Judge Indar's excuse – that he inadvertently signed Piang's DTRs for February and March 2010 as it was submitted for signature together with the DTRs of the other employees of RTC-Branch 14 of Cotabato City – is unacceptable. Judge Indar should be fully aware of the weight of his signature as a judge, and he should take care in affixing the same on the documents before him.

In the discharge of the functions of his office, a judge must strive to act in a manner that puts him and his conduct above reproach and beyond suspicion. He must act with extreme care for his office indeed is laden with a heavy burden of responsibility. Certainly, a judge is enjoined, his heavy caseload notwithstanding, to pore over all documents whereon he affixes his signature and gives his official imprimatur.[25] The cavalier attitude displayed by Judge Indar in this case simply cannot be countenanced.

Therefore, Judge Indar is guilty of negligence in his failure to examine Piang's DTRs for February and March 2010 before signing the same. Even a cursory reading of the said DTRs

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[25] *Padilla v. Silerio,* 387 Phil. 538, 543 (2000).

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would readily reveal that they were not yet due, since they covered dates that had not yet transpired.

This is now Judge Indar's fifth offense. In A.M. No. RTJ-05-1953,[26] the Court imposed upon him a fine of ₱10,000.00 for violating Rule 58, Section 5 of the Rules of Court, when he issued a preliminary injunction without any hearing and prior notice to the parties. In another case, A.M. No. RTJ-07-2069,[27] the Court found him guilty of gross misconduct for committing violations of the Code of Judicial Conduct, for which he was fined ₱25,000.00. For his third offense, in A.M. No. RTJ-10-2332,[28] he was already dismissed from the service for gross misconduct and dishonesty. In A.M. No. RTJ-11-2271,[29] he was fined once more for ₱20,000.00 for gross ignorance of the law and conduct unbecoming a judge. As per records, Judge Indar still has several more cases pending before the Court. All of these cases aggravate the imposable penalty against Judge Indar.

Since Judge Indar had already been dismissed from the service, a penalty of fine would suffice. Upon verification with the Leave Division, OAS, Judge Indar still has accumulated leave credits, the monetary value of which has not been claimed. For Judge Indar's gross misconduct, insubordination, and negligence, a fine of ₱40,000.00, as recommended by the OCA, is proper, such amount to be deducted from the monetary value of his accumulated leave credits.

WHEREFORE, in view of the foregoing, the Court hereby renders judgment:

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[26] *Sampiano v. Indar*, A.M. No. RTJ-05-1953, December 21, 2009, 608 SCRA 597.

[27] *Espina & Madarang, Co. v. Indar Al Haj*, A.M. No. RTJ-07-2069, December 14, 2011, 662 SCRA 380.

[28] *Office of the Court Administrator v. Indar*, *supra* note 21.

[29] *Magtibay v. Indar*, A.M. No. RTJ-11-2271, September 24, 2012, 681 SCRA 510.

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(1) Finding Abdulrahman D. Piang **GUILTY** of dishonesty and imposing upon him the penalty of **SUSPENSION** for six (6) months to take effect immediately upon receipt of a copy of this judgment;

(2) Giving a **STERN WARNING** to Abdulrahman D. Piang that a repetition of the same or similar acts shall be dealt with more severely; and

(3) Finding former Judge Cader P. Indar **GUILTY** of gross misconduct, insubordination, and negligence, and imposing upon him a **FINE** in the amount of ₱40,000.00, to be deducted from the monetary value of his accumulated leave credits.

SO ORDERED.

Sereno, C.J. (Chairperson), Bersamin, Villarama, Jr., and *Reyes, JJ.,* concur.

FIRST DIVISION

[G.R. No. 163109. January 22, 2014]

MARICHU G. EJERA, *petitioner, vs.* **BEAU HENRY L. MERTO and ERWIN VERGARA,** *respondents.*

SYLLABUS

1. POLITICAL LAW; ADMINISTRATIVE LAW; ADMINISTRATIVE PROCEEDINGS; PERSONNEL ACTIONS THAT MAY BE TAKEN IN THE GOVERNMENT SERVICE.— Section 26, Chapter 5, Title I-A of the *Administrative Code of 1987* lists the personnel actions that may be taken in the government service, namely: (1) appointment through certification; (2) promotion; (3) transfer; (4) reinstatement; (5) reemployment; (6) detail; and (7) reassignment.