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REPORT OF CASES

DETERMINED IN THE

SUPREME COURT OF THE PHILIPPINES

SECOND DIVISION

[A.M. No. P-13-3147. July 2, 2014]
(Formerly A.M. No. 11-4-78-RTC)

OFFICE OF THE COURT ADMINISTRATOR, *complainant, vs.* **PAZ P. CAPISTRANO, COURT STENOGRAPHER III, REGIONAL TRIAL COURT, QUEZON CITY, BRANCH 224,** *respondent.*

SYLLABUS

POLITICAL LAW; ADMINISTRATIVE LAW; COURT PERSONNEL; DUTY OF EVERY COURT PERSONNEL TO INDICATE EXACTLY IN THEIR DAILY TIME RECORD (DTR)/ BUNDY CARD THE TIME OF THEIR ARRIVAL AND DEPARTURE; VIOLATION THEREOF IS DISHONESTY; MITIGATING CIRCUMSTANCES MAY BE CONSIDERED IN THE IMPOSITION OF PENALTY.— Under OCA Circular No. 7-2003 dated January 9, 2003, it is incumbent upon every court official and employee **to truthfully and accurately** indicate the time of their arrival in and departure from office in their respective Daily Time Records (DTRs)/Bundy Cards. x x x Jurisprudence dictates that erring court employees who falsify their DTRs are guilty of dishonesty. Further, under Rule XIV, Section 21 of the Civil Service Rules, falsification of official documents, which includes DTRs, and dishonesty are treated as grave offenses. Accordingly, the commission of these acts carries the penalty of dismissal from service with forfeiture of retirement benefits, except accrued

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leave credits, and perpetual disqualification from reemployment in government service. These notwithstanding, Section 53, Rule IV of the Revised Uniform Rules on Administrative Cases in the Civil Service grants the disciplining authority, the Court in this case, the discretion to consider mitigating circumstances in the imposition of the final penalty. These factors range, among others, from the erring individual's admission of guilt, remorse, length of service, or high performance rating.

R E S O L U T I O N

PERLAS-BERNABE, *J.*:

Before the Court is an administrative complaint[1] for dishonesty against respondent Paz P. Capistrano (Capistrano), Court Stenographer III of the Regional Trial Court of Quezon City, Branch 224 (RTC), which arose from the questionable entries found in her April and May 2009 bundy cards.

The Facts

In a Letter[2] dated June 7, 2010, complainant the Office of the Court Administrator (OCA), acting through then Assistant Court Administrator Jenny Lind R. Aldecoa-Delorino (now Deputy Court Administrator), informed RTC Presiding Judge Tita Marilyn P. Villordon that the April and May 2009 bundy cards (bundy cards) of her staff, namely, Capistrano, Lolita C. Canque (Canque), and Rustico S. Terrado, Jr.[3] (Terrado, Jr.), all with the item Court Stenographer III, contained irregular entries. In particular, the OCA observed that their respective times of arrival in the morning bore overbars, thus, indicating that the bundy cards were punched in the evening. In view of these discrepancies, the OCA, in the same letter, required them, as well as the RTC Clerk of Court V, Atty. Arnaldo[4] C.

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[1] *Rollo*, p. 40. See Notice dated September 16, 2013, re-docketing the administrative complaint as a regular administrative matter against Capistrano.

[2] *Id*. at 11.

[3] For the month of May 2009 only; *id.* at 8 and 11.

[4] "Ronaldo" in some parts of the record.

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Mendieta (Atty. Mendieta), to submit a written explanation on the matter.

In compliance with the OCA's directive, Atty. Mendieta explained[5] that his signatures on the subject bundy cards were affixed in good faith, with the concomitant presumption that the entries thereon were regular and made in the usual performance of their duties. He also apologized for his failure to notice the overbars and likewise signified his intention to withdraw his signatures had Capistrano, Canque, and Terrado, Jr. tampered with their bundy cards.

In a Letter[6] dated November 10, 2010, the OCA requested the Court's Office of Administrative Services for the original copies[7] of the subject bundy cards. Thereafter, it directed Capistrano to file a formal comment.

In her Comment[8] dated April 11, 2011, Capistrano expressly admitted falsifying her bundy cards. She further appealed for judicial clemency and pleaded for another opportunity to serve the judiciary, considering her length of service and dedication to her work.

Meanwhile, the administrative complaints against Canque and Terrado, Jr., have been docketed separately as A.M. Nos. 11-4-80-RTC and 11-4-79-RTC, respectively, leading the OCA to resolve Capistrano's case on its own.[9]

The Action and Recommendation of the OCA

In a Report[10] dated July 23, 2013, the OCA recommended that Capistrano be held administratively liable for dishonesty in

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[5] *Rollo*, p. 12.

[6] *Id*. at 8.

[7] *Id*. at 6-7.

[8] *Id*. at 1.

[9] *Id*. at 38.

[10] *Id*. at 37-39. Signed by Court Administrator Jose Midas P. Marquez and OCA Chief of Office, Legal Office, Atty. Wilhelmina D. Geronga.

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view of the false entries in her bundy cards, and thereby be suspended for a period of six (6) months without pay, with a stern warning that a repetition of the same and similar acts shall be dealt with more severely.

The OCA found that on April 3 and 30, 2009 and May 5, 8, 12, 13, 21, 22, 27, and 28, 2009, Capistrano actually punched her bundy cards in the evening, but made it appear that it was the time of her arrival in the morning. Despite her infractions, however, the OCA, deemed it apt not to impose the supreme penalty of dismissal, considering that Capistrano admitted her fault and that she had never been charged with a similar offense.

The Issue Before the Court

The essential issue in this case is whether or not Capistrano should be held administratively liable for dishonesty.

The Court's Ruling

The Court concurs with the OCA's findings and recommendation.

Under OCA Circular No. 7-2003[11] dated January 9, 2003, it is incumbent upon every court official and employee **to truthfully and accurately** indicate the time of their arrival in and departure from office in their respective Daily Time Records (DTRs)/Bundy Cards, *viz.*:

> In the submission of Certificates of Service and Daily Time Records (DTRs)/Bundy Cards by Judges and court personnel, the following guidelines shall be observed:
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> 1. After the end of each month, every official and employee of each court shall accomplish the Daily Time Record (Civil Service Form No. 48)/Bundy Card, indicating therein truthfully and accurately the time of arrival in and departure from the office. x x x; (Underscoring supplied)
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> x x x x x x x x x

[11] Entitled "RE: CERTIFICATES OF SERVICE AND DAILY TIME RECORDS (DTRS)/BUNDY CARDS OF JUDGES AND PERSONNEL OF THE LOWER COURTS."

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Jurisprudence dictates that erring court employees who falsify their DTRs are guilty of dishonesty.[12] Further, under Rule XIV, Section 21 of the Civil Service Rules, falsification of official documents, which includes DTRs, and dishonesty are treated as grave offenses. Accordingly, the commission of these acts carries the penalty of dismissal from service with forfeiture of retirement benefits, except accrued leave credits, and perpetual disqualification from reemployment in government service.[13]

These notwithstanding, Section 53, Rule IV of the Revised Uniform Rules on Administrative Cases in the Civil Service[14] grants the disciplining authority, the Court in this case, the discretion to consider mitigating circumstances in the imposition of the final penalty. These factors range, among others, from the erring individual's admission of guilt, remorse, length of service, or high performance rating.[15]

In this case, Capistrano readily admitted to the fact that she indeed falsified the entries in her April and May 2009 bundy cards, and concomitantly, has expressed her remorse and promised not to commit the same. Thus, considering too that said infraction would be Capistrano's first administrative offense, the Court finds it proper to adopt the OCA's recommendation to impose against her the penalty of suspension for a period of

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[12] "[He] made the card reflect a log-in time different from their actual times of arrival. It is patent dishonesty, reflective of respondent's fitness as an employee to continue in office and of the level of discipline and morale in the service. **Falsification of daily time records is an act of dishonesty**. x x x." (*Re: Report on the Irregularity in the Use of Bundy Clock by SALAMAT, Sheriff IV, RTC-Br. 80, Malolos City,* 592 Phil. 404, 414 [2008]; emphasis supplied.)

[13] *Id.* at 415.

[14] See CSC Memorandum Circular No. 19-99, September 14, 1999.

[15] See *Falsification of Daily Time Records of Ma. Emcisa A. Benedictos, Administrative Officer I, Regional Trial Court, Malolos City, Bulacan,* A.M. No. P-10-2784, October 19, 2011, 659 SCRA 403, 408, citing *Re: Failure of Jose Dante E. Guerrero to Register his Time In and Out in the Chronolog Time Recorder Machine on Several Dates,* 521 Phil. 482, 497-499 (2006).

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six (6) months, without pay, and not the supreme penalty of dismissal in view of the mitigating factors attendant herein.

The Court reminds every employee of the Judiciary to be an exemplar of integrity, uprightness, and honesty, considering that the sacrosanct image of a Court dispensing justice is mirrored in its very own personnel. As pronounced in *Re: Falsification of Daily Time Records of Maria Fe P. Brooks, Court Interpreter, Regional Trial Court, Quezon City, Br. 96, and Andria Forteza-Crisostomo, Clerk III, Regional Trial Court, Manila, Branch 39*:[16]

> [N]o other office in the government service exacts a greater demand for moral righteousness and uprightness from an employee than in the Judiciary. [The Court has] repeatedly emphasized that the conduct of court personnel, from the presiding judge to the lowliest clerk, must always be beyond reproach and must be circumscribed with the heavy burden of responsibility as to let them be free from any suspicion that may taint the judiciary. The Court condemns and would never countenance any conduct, act or omission on the part of all those involved in the administration of justice, which would violate the norm of public accountability and diminish or even just tend to diminish the faith of the people in the Judiciary.[17]

WHEREFORE, respondent Paz P. Capistrano, Court Stenographer III of the Regional Trial Court of Quezon City, Branch 224, is found **GUILTY** of dishonesty for falsifying her bundy cards for the periods of April and May 2009 and is thus **SUSPENDED** for a period of six (6) months without pay. She is **STERNLY WARNED** that a repetition of the same or similar offense shall be dealt with more severely.

SO ORDERED.

Carpio, C.J. (Chairperson), Brion, del Castillo, and *Perez, JJ.,* concur.

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[16] A.M. No. P-05-2086, October 20, 2005, 473 SCRA 483.

[17] *Id.* at 487-488; citations omitted.