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EN BANC

[A.M. No. P-02-1560. March 20, 2002]
(Formerly OCA IPI No. 00-886-P)

THE COURT ADMINISTRATOR, *complainant, vs.* **LIZA MARIE F. ABDULLAHI, Court Interpreter III, RTC-Br. 15, Alfonso-Lista, Ifugao,** *respondent.*

SYNOPSIS

A concerned citizen reported to this Court that Liza Marie F. Abdullahi, Court Interpreter of the Regional Trial Court (RTC), Branch 15 of Alfonso-Lista, Ifugao submitted her Daily Time Records (DTRs) of alleged service at the said court from 1996 to 1999 when in truth and in fact she had been studying more than 200 kilometers away at St. Louis University, Baguio City and reported at her official station only to collect her salaries, which practice had long been tolerated by her superiors. In her comment, Abdullahi alleged that she had no intention of concealing the fact of her enrollment as her Transcript of Records was even attached to the letter of Judge Wilfredo Tumaliuan indorsing her promotion as Legal Researcher. She also invoked the memoranda of Acting Presiding Judge Demetrio D. Calimag, Jr. authorizing her to conduct research in Baguio City and to report for hearing during Fridays only. And that the Court Administrator approved her detail at RTC-Branch 59, Baguio City. After investigation, the Office of the Court Administrator recommended that respondent Abdullahi and Judge Demetrio D. Calimag, Jr. be dismissed from the service, Clerk of Court Paul R. Attolba, Jr. be fined ₱5,000.00. and the other persons namely, Theresa G. Tano, Clerk of Court, RTC, Br. 59, Baguio City, and former OIC Clerk of Court Aloysius Matib RTC Br. 15, Alfonso-Lista, Ifugao be absolved from any liability.

The Court ruled that dishonesty under Rule XIV, Sec. 23, of the *Omnibus Rules of Civil Service* is punishable by dismissal on commission of the first offense. The penalty becomes even more deserved when the honesty amounts also to falsification of an official document the penalty for which is dismissal from the service, it being grave in nature, under Memorandum Circular

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No.30, Series of 1989, of the Civil Service Commission re *Guidelines in the Application of Penalties in Administrative Cases*. Accordingly, for dishonesty and falsification of an official document, respondent Liza Marie F. Abdullahi was dismissed from service. For sanctioning and abetting respondent Abdullahi's falsification and for issuing a Memorandum in direct contravention of the letter dated 20 February 1998 of Court Administrator Alfredo L. Benipayo, Judge Demetrio D. Calimag, Jr., would have been dismissed from service had he not been already dismissed. And Clerk of Court Paul R. Attolba, Jr., was fined ₱2,000.00 for signing Abdullahi's DTRs knowing fully well that respondent did not render service as indicated.

SYLLABUS

1. **POLITICAL LAW; ADMINISTRATIVE LAW; CIVIL SERVICE RULES; DISHONESTY; FALSIFICATION OF OFFICIAL DOCUMENT, PUNISHABLE BY DISMISSAL ON COMMISSION OF FIRST OFFENSE.** — Dishonesty under Rule XIV, Sec. 23, of the *Omnibus Rules of the Civil Service* is punishable by dismissal on commission of the first offense. The penalty becomes even more deserved when the dishonesty amounts also to falsification of an official document the penalty for which is dismissal from the service, it being grave in nature, under Memorandum Circular No. 30, series of 1989, of the Civil Service Commission re *Guidelines in the Application of Penalties in Administrative Cases*. Thus we have not hesitated in previous cases to impose the ultimate penalty of dismissal on officials and employees found guilty of the offense.

2. **ID.; ID.; ID.; ID.; FALSIFICATION OF DAILY TIME RECORDS; CASE AT BAR.** — In the instant case, respondent Liza Marie F. Abdullahi submitted her DTRs (*Daily Time Records*, Civil Service Form No. 48) for June, September and October 1996, January to May 1997, July, October to December 1997, March 1998, August to December 1998, January to July 1999, and September to November 1999, all detailing alleged services rendered from 8:00 o'clock in the morning to 5:00 o'clock in the afternoon at RTC-Br. 15-Alfonso-Lista, Ifugao, and collected the corresponding salaries therefor. However, equally on record, which respondent did not deny, is the fact that she was also all the while enrolled and studying at the College of Law,

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St. Louis University, Baguio City, for the school years 1996-97, 1997-98, 1998-99 and 1999-2000. Respondent's class schedules furnished by the Office of the Registrar showed that respondent's classes usually began at 5:30 o'clock in the afternoon, sometimes even as early as 4:30 o'clock or 5:00 o'clock in the afternoon. Considering that Baguio City is 292 kilometers away from Alfonso-Lista *via* the Bontoc route and 201 kilometers *via* the Banawe route, and thus takes eight (8) to ten (10) hours, or seven (7) hours to travel, depending on the route, as certified by theDepartment of Public Works and Highways, we fail to see how respondent could have rendered services from 8:00 o'clock to 5:00 o'clock in the afternoon at her official station at RTC-Alfonso-Lista as recorded in the DTRs submitted by her, in time for her to attend classes in Baguio City at 4:30 o'clock, 5:00 o'clock or 5:30 o'clock in the afternoon.

3. **ID.; ID.; ID.; ABSENTEEISM; PERSONAL DIFFICULTIES AND FAMILY PROBLEMS ARE NOT LAWFUL GROUNDS AND VALID JUSTIFICATION FOR FREQUENT ABSENCES.** — Respondent admitted that she indeed spent the time in Baguio City. However, to escape administrative liability and as justification for her absences, respondent invoked Judge Calimag, Jr.'s *Memorandum* dated 3 June 1996 authorizing her "to conduct research" in Baguio City and to report for hearings during Fridays only. We cannot accept the offered justification. The purpose of writing the *Memorandum* was merely a front since Judge Demetrio D. Calimag, Jr. himself admitted that it was issued to provide respondent with the opportunity to get away from a stepfather who allegedly raped her. We have already ruled that personal difficulties and family problems are not lawful grounds and valid justification for frequent absences of a court employee. When a court employee is detailed at a specific station, she is expected to be *physically present there,* as recorded in the DTRs.

4. **ID.; ID.; ID.; ID.; DISCRETION OF PRESIDING JUDGE AUTHORIZING EMPLOYEE'S OCCASIONAL ABSENCES DUE TO OFFICIAL BUSINESS DOES NOT INCLUDE CONTINUED AND PROLONGED ABSENCES.** — Although a presiding judge may have the discretion to authorize an employee's occasional absences therefrom on *official business,* such discretion certainly does not include authorizing the

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continued and prolonged absence of an employee on the pretext of conducting "research" in Baguio City when there was not even an iota of proof to show that respondent indeed conducted "research" as directed. Moreover, the designation of her position is "Court Interpreter" whose job description did not include "doing research work."

5. **ID.; ID.; SUPREME COURT ADMINISTRATIVE CIRCULAR NO. 18-97 (GUIDELINES ON THE DETAIL AND REASSIGNMENT OF PERSONNEL OF THE LOWER COURTS); DETAIL OR REASSIGNMENT SHALL BE GRANTED ONLY FOR MERITORIOUS CASES BUT NOT FOR PURELY PERSONAL REASONS.** — Judge Calimag, Jr., contends that he only issued the *Memorandum* when respondent's stepfather again tried to rape her within two (2) months from her return to Alfonso-Lista. However, Circular No. 18-97 clearly provides that no detail or reassignment shall be granted for purely personal reasons but only for meritorious ones, or when the exigencies and the interest of the service require the same. To reiterate, personal difficulties are no justification for non-performance of official duties. Harsh or callous as it may seem, public service and public interest must always take precedence over personal ones. Aside from the obvious adverse effect on public service brought about by respondent's non-performance of her official duties at her official station, not to be likewise easily dismissed is the demoralization among the ranks, as Clerk of Court Attolba, Jr., himself had attested in his Letter to the Court Administrator.

6. **JUDICIAL ETHICS; A JUDGE IS SUPPOSED TO SET THE EXAMPLE FOR COURT PERSONNEL UNDER HIS ADMINISTRATIVE SUPERVISION TO FOLLOW; A JUDGE'S ACT OF GIVING AN EMPLOYEE THE PROTECTIVE MANTLE TO FALSIFY TIME RECORDS AND OF SIGNING THE SAME DESERVES DISMISSAL FROM SERVICE.** — With respect to Judge Calimag, Jr.'s liability on the matter, we have repeatedly said that a judge is supposed to set the example for court personnel under his administrative supervision to follow. He cannot expect to be effective in his judicial and administrative duties if he himself acts contrary to the law and the established rules and orders of this Court. Certainly, Judge Calimag, Jr.'s conduct in giving a court employee the protective mantle to falsify her official time records, the penalty for which is dismissal

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from the service, and signing the same, merits no less than the penalty meted to respondent. Moreover, as aforesaid, Judge Calimag, Jr.'s *Memorandum* authorizing respondent's further stay in Baguio City was issued in direct contravention of an official action and directive from the Court Administrator through whom this Court exercises administrative supervision over all lower courts and personnel thereof.

7. ID.; ID.; ID.; JUDGES SHOULD ASCERTAIN THE CURRENT CIRCUMSTANCES OF A PERSON BEFORE ISSUING RECOMMENDATIONS FOR PROMOTION. — As to Judge Wilfredo Tumaliuan, the OCA Consultant recommended absolution from his having recommended respondent for promotion in a Letter-Indorsement dated 29 April 1999. Judge Tumaliuan defended his Indorsement by saying that he worked with respondent for several years at RTC-Br. 15, Alfonso-Lista, and found her "competent, industrious, hardworking, and deserving of a promotion." He stressed however that he issued the Indorsement while he was at RTC-Br. 23, Roxas, Isabela, as Acting Presiding Judge thereof and only when respondent approached him for the Indorsement. While we agree with the recommendation that Judge Tumaliuan be absolved from liability for having issued the Indorsement, we nevertheless caution him to be more careful in ascertaining the current circumstances of a person before issuing recommendations for promotion. Acquaintance of several years past does not guarantee knowledge of present behavior and circumstances.

8. POLITICAL LAW; ADMINISTRATIVE LAW; COURT PERSONNEL; CLERKS OF COURT; SIGNING A SUBORDINATE'S FALSIFIED DTR'S MERITS ADMINISTRATIVE SANCTION; IMPOSITION OF FINE. — As to Clerk of Court Paul R. Attolba, Jr., we impose a fine of ₱2,000.00 instead of ₱5,000.00 as recommended by the OCA. He cannot escape administrative liability for signing respondent's falsified DTRs on the excuse that he, as a mere subordinate, could not question a memorandum issued by the Presiding Judge. Aside from the fact that court employees are supposed to know what is inherently right and inherently wrong, it appears from his Letter of 31 October 1997 that he was not entirely helpless in the matter of respondent's detail in Baguio City. In that Letter he informed the Court Administrator of the reasons why an extension of respondent's detail in Baguio

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City would not be in the interest of public service. As evidenced by the Court Administrator's response dated 20 February 1998 denying the extension, Clerk of Court Attolba, Jr. was in fact quite successful on the matter.

9. **ID.; ID.; CIVIL SERVICE RULES; DISHONESTY; FALSIFICATION OF AN OFFICIAL DOCUMENT; DISMISSAL FROM SERVICE, PROPER.** — [F]or Dishonesty and Falsification of an Official Document, respondent Liza Marie F. Abdullahi, Court Interpreter III, RTC-Br. 15, Alfonso-Lista, Ifugao, is *DISMISSED* from the service with forfeiture of all retirement benefits, except accrued leave credits, if any, with prejudice to reinstatement or appointment to any public office including government-owned or controlled corporations.

10. **JUDICIAL ETHICS; CODE OF JUDICIAL CONDUCT; SANCTIONING AND ABETTING EMPLOYEE'S FALSIFICATION; DISMISSAL OF JUDGE, NO LONGER NECESSARY AS HE HAD ALREADY BEEN DISMISSED EARLIER.** — Judge Demetrio D. Calimag, Jr., RTC-Br. 35, Santiago City, and former Acting Presiding Judge, RTC-Br. 15, Alfonso-Lista, Ifugao, for sanctioning and abetting respondent Abdullahi's falsification, and for issuing *Memorandum* dated 22 May 1998 in direct contravention of then Court Administrator Alfredo L. Benipayo's Letter dated 20 February 1998 denying respondent's further detail in Baguio City and directing her return to her official station, would have been *DISMISSED* from the service had he not been already dismissed per our Resolution dated 26 February 2002 in A.M. No. RTJ-99-1517 which was immediately executory.

11. **POLITICAL LAW; ADMINISTRATIVE LAW; CIVIL SERVICE RULES; CLERK OF COURT FINED ₱2,000.00 FOR SIGNING EMPLOYEE'S FALSIFIED DAILY TIME RECORDS.**— Clerk of Court Paul R. Attolba, Jr., RTC-Br. 15, Alfonso-Lista, Ifugao, id *FINED* ₱2,000.00 for signing respondent Abdullahi's DTR's for July 1997, March 1998, August 1998 to April 1999, June to July 1999, and September to November 1999 knowing fully well that respondent did not render service as indicated, with warning that repetition of the same or similar offense would merit a more severe sanction.

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DECISION

***PER CURIAM*:**

A "Concerned Citizen of Alfonso-Lista, Ifugao" reported to this Court on 23 July 1999 that Liza Marie F. Abdullahi, Court Interpreter III, RTC-Br. 15, Alfonso-Lista, Ifugao, submitted Daily Time Records (DTRs) of alleged service at RTC-Alfonso-Lista, Ifugao, from 1996 to 1999 when in truth and in fact she had been studying more than 200 kilometers away at St. Louis University, Baguio City, and reported at her official station only to collect her salaries.[1] The anonymous complainant alleged that this graft and corrupt practice and falsification of DTRs had long been tolerated by respondent Abdullahi's superiors.

Upon inquiry from the Office of the Registrar, St. Louis University, Baguio City, Asst. Registrar Carmen D. Sia certified that Liza Marie F. Abdullahi was enrolled in the second semester of the fourth year of the four-year law course of the University, and had previously attended the first and second semesters of the School Years 1996-97, 1997-98, 1998-99, 1999-2000.[2]

In her letter-comment respondent Abdullahi alleged that she had no intention of concealing the fact of her enrollment as her transcript of records was even attached to the Letter dated 29 April 1999[3] of Judge Wilfredo Tumaliuan, RTC-Alfonso-Lista, favorably indorsing her promotion as Legal Researcher. In addition, she invoked two (2) Memoranda dated 3 June 1996[4] and 22 May 1998[5] issued by Acting Presiding Judge Demetrio D. Calimag, Jr., RTC-Br. 15, Alfonso-Lista, Ifugao, authorizing her to conduct research in Baguio City since there were not

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[1] *Rollo*, p. 20.

[2] Certification issued by Asst. Registrar Carmen D. Sia dated 15 December 1999; *id.*, p. 8.

[3] *Id.*, p. 39.

[4] *Id.*, p. 40.

[5] *Id.*, p. 41.

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enough SCRA volumes in Alfonso-Lista and to report for hearings during Fridays only.[6] Respondent likewise contended that the Court Administrator approved her detail at RTC-Br. 59, Baguio City, as evidenced by a Letter dated 2 October 1997.[7]

Upon recommendation of the Office of the Court Administrator (OCA) on 3 July 2000 we treated this matter as an administrative complaint of the OCA against respondent and directed the following judges and court personnel to file their respective comments within ten (10) days from notice, namely: (a) Judge Demetrio D. Calimag, Jr., RTC-Br. 35, Santiago City, as to why he should not be held administratively liable for having issued Memoranda dated 3 June 1996 and 22 May 1998; (b) Judge Wilfredo Tumaliuan, RTC-Br. 15, Alfonso-Lista, Ifugao, as to why he should not be held administratively liable for having issued the Letter-Indorsement dated 29 April 1999; (c) OIC Clerk of Court Aloysius Matib, same court; (d) Clerk of Court Paul R. Attolba, Jr., same court; and, (e) OIC Ma. Theresa G. Tano, RTC-Br. 59, Baguio City, the latter three (3) as to why they should not be held administratively liable for having signed/approved respondent's DTRs.

In his undated *Comment*[8] Judge Demetrio D. Calimag, Jr. admitted that he issued Memorandum dated 3 June 1996 because he wanted to help respondent after she was allegedly raped by her stepfather who worked just a few meters away from RTC-Alfonso-Lista. As a remedy to the problem and considering that there were not enough law books in the court, he authorized respondent to conduct research in Baguio City whenever there were no scheduled hearings. When the OCA's authorization for respondent's detail at RTC-Br. 59, Baguio City, expired in 1998, he again authorized respondent to stay in Baguio City upon the latter's request since her stepfather again tried to rape her within two (2) months from her return in Alfonso-Lista. Judge Calimag Jr. assured the Court that respondent

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[6] *Id.*, p. 38.

[7] *Id.*, p. 42.

[8] See *Rollo*, no pagination.

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was not given full authority to stay in Baguio City since she was instructed to regularly attend court hearings during Fridays and to file official leave of absence whenever she could not. Moreover, he had no other motive except to help respondent regain her self-confidence, and be the same way she was before the rape.

In his *Comment* dated 13 September 2000[9] Judge Wilfredo Tumaliuan averred that he issued the Letter-Indorsement dated 29 April 1999 wherein he recommended respondent's promotion as Legal Researcher because he honestly found her competent, industrious, hardworking and deserving of a promotion. He reiterated that she would be an asset in the speedy administration of justice in the Cordillera if appointed as Legal Researcher. Judge Tumaliuan however stressed that he issued the Indorsement while he was away at RTC-Br. 23, Roxas, Isabela, as Acting Presiding Judge thereof, and only upon respondent's request.

Clerk of Court Paul R. Attolba, Jr., RTC-Br. 15, Alfonso-Lista, Ifugao, for his part, alleged that he already noticed respondent reporting for work only during court hearings from the first day he assumed position as Clerk of Court on 19 June 1997. He promptly issued Memorandum dated 30 June 1997[10] reminding court personnel to file official leave of absence whenever they were absent, noting that some were always absent without official leave but nevertheless received their salaries without deductions. However, upon being shown copies of Memoranda dated 3 June 1996 and 22 May 1998 issued by Acting Presiding Judge Demetrio D. Calimag, Jr. he stopped questioning respondent's absences because as a mere subordinate he could not question the validity of Judge Calimag's issuances. On the contrary he assumed them to be valid and issued for the improvement of the administration of justice. He assured the Court that he would not have signed respondent's DTRs were it not for that purpose.[11]

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[9] *Rollo*, pp. 57-58.

[10] Annex "A".

[11] *Id.*, pp. 48-49.

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With respect to former OIC Clerk of Court Aloysius T. Matib who signed some of respondent's DTRs a comment was no longer required since he already resigned on 24 March 1998 or long before this case was filed in August 1999. As to OIC Ma. Theresa G. Tano, RTC-Br. 59, Baguio City, the records show that she signed respondent's DTRs for October to December 1997 when respondent's stay in Baguio City was duly authorized by the OCA, hence, a comment would have also been unnecessary.

On 3 July 2000 we referred this case to the OCA for investigation, report and recommendation.

In his *Report* dated 8 February 2001, Justice Conrado M. Molina, OCA Consultant, recommended that respondent Abdullahi be dismissed from the service for grave misconduct in falsifying her DTRs from 1996-1999. However, he reserved his recommendation with respect to Judge Demetrio D. Calimag, Jr., Judge Wilfredo Tumaliuan and Clerk of Court Paul R. Attolba, Jr., thus leaving it to this Court to decide "whether to treat their case as another administrative matter or determine their culpability or lack of it on the *res ipsa loquitur* basis."

On 13 August 2001 we required Justice Molina to submit his recommendation with respect to Judges Calimag, Jr., and Tumaliuan, Clerk of Court Attolba, Jr., and OIC Ma. Theresa G. Tano who, although not named respondents in this case were nonetheless required to show cause why they should not be held administratively liable for the various acts mentioned in our Resolution of 3 July 2001. No recommendation however was required as to former OIC Clerk of Court Matib in view of the latter's resignation from the service long before this case was filed.

Subsequently, Justice Molina submitted his *Amended Report*[12] wherein he recommended that Judge Demetrio D. Calimag, Jr. be likewise dismissed from the service for serious misconduct in assigning respondent in Baguio City without proper authority; that Judge Wilfredo Tumaliuan be absolved from any liability;

[12] See *Rollo*, not paginated.

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that Clerk of Court Paul R. Attolba, Jr., be fined ₱5,000.00 for simple misconduct in signing some of respondent's DTRs knowing fully well that respondent did not render the service recorded; that Ma. Theresa G. Tano, Clerk of Court, RTC-Br. 59, Baguio City, be absolved from any liability for signing respondent's DTRs for October to December 1997 since respondent was duly authorized by the OCA to stay thereat; and, that the case against former OIC Clerk of Court Aloysius T. Matib, RTC-Br. 15, Alfonso-Lista, Ifugao, be considered closed in view of the latter's resignation on 24 March 1998 prior to the filing of this case.

We approve the recommendations of Justice Conrado M. Molina except that the recommended penalty of dismissal could no longer be imposed on Judge Demetrio D. Calimag, Jr., as he was already dismissed from the service per our Resolution dated 26 February 2002 in Adm. Matter No. RTJ-99-1517 entitled *"Purita T. Lim v. Judge Demetrio D. Calimag, Jr."* which was immediately executory. Moreover, we reduce the fine to be imposed on Clerk of Court Paul R. Attolba, Jr. from ₱5,000.00 to ₱2,000.00.

Dishonesty under Rule XIV, Sec. 23, of the *Omnibus Rules of the Civil Service* is punishable by dismissal on commission of the first offense.[13] The penalty becomes even more deserved when the dishonesty amounts also to falsification of an official document the penalty for which is dismissal from the service, it being grave in nature, under Memorandum Circular No. 30, series of 1989, of the Civil Service Commission *re Guidelines in the Application of Penalties in Administrative Cases.*[14] Thus we have not hesitated in previous cases to impose the ultimate penalty of dismissal on officials and employees found guilty of the offense.[15]

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[13] *Regalado v. Buena*, AM. No. P-96-1183, 29 June 1999, 309 SCRA 265.

[14] *Marbas-Vizcarra v. Florendo*, A.M. No. 95-11-P, 20 July 1999, 310 SCRA 592, 600.

[15] *Amane v. Mendoza-Arce*, A.M. No. P-94-1080, 19 November 1999, 318 SCRA 465.

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In the instant case, respondent Liza Marie F. Abdullahi submitted her DTRs *(Daily Time Records,* Civil Service Form No. 48) for June, September and October 1996, January to May 1997, July, October to December 1997, March 1998, August to December 1998, January to July 1999, and September to November 1999,[16] all detailing alleged services rendered from 8:00 o'clock in the morning to 5:00 o'clock in the afternoon at RTC-Br.15-Alfonso-Lista, Ifugao, and collected the corresponding salaries therefor.

However, equally on record, which respondent did not deny, is the fact that she was also all the while enrolled and studying at the College of Law, St. Louis University, Baguio City, for the school years 1996-97, 1997-98, 1998-99 and 1999-2000. Respondent's class schedules[17] furnished by the Office of the Registrar showed that respondent's classes usually began at 5:30 o'clock in the afternoon, sometimes even as early as 4:30 o'clock or 5:00 o'clock in the afternoon. Considering that Baguio City is 292 kilometers away from Alfonso-Lista *via* the Bontoc route and 201 kilometers *via* the Banawe route, and thus takes eight (8) to ten (10) hours, or seven (7) hours to travel, depending on the route, as certified by the Department of Public Works and Highways,[18] we fail to see how respondent could have rendered services from 8:00 o'clock to 5:00 o'clock in the afternoon at her official station at RTC-Alfonso-Lista as recorded in the DTRs submitted by her, in time for her to attend classes in Baguio City at 4:30 o'clock, 5:00 o'clock or 5:30 o'clock in the afternoon.

Respondent admitted that she indeed spent the time in Baguio City. However, to escape administrative liability and as justification for her absences, respondent invoked Judge Calimag, Jr.'s *Memorandum* dated 3 June 1996 authorizing her "to conduct research" in Baguio City and to report for hearings during Fridays only.

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[16] *Rollo,* pp. 22-36.

[17] *Id.,* pp. 9-12.

[18] OCA Report and Recommendation dated 8 February 2001, p. 8.

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We cannot accept the offered justification. The purpose of writing the *Memorandum* was merely a front since Judge Demetrio D. Calimag, Jr. himself admitted[19] that it was issued to provide respondent with the opportunity to get away from a stepfather who allegedly raped her. We have already ruled that personal difficulties and family problems are not lawful grounds and valid justification for frequent absences of a court employee.[20] When a court employee is detailed at a specific station, she is expected to be *physically present there*, as recorded in the DTRs. Although a presiding judge may have the discretion to authorize an employee's occasional absences therefrom on *official business,* such discretion certainly does not include authorizing the *continued and prolonged* absence of an employee on the pretext of conducting "research" in Baguio City when there was not even an iota of proof to show that respondent indeed conducted "research" as directed. Moreover, the designation of her position is "Court Interpreter" whose job description did not include "doing research work."

Although the OCA authorized respondent's detail at RTC-Br. 59, Baguio City, the detail was only for a period of three (3) months in accordance with Circular No. 18-97[21] dated 8 April 1997 and as stressed by then Court Administrator Alfredo L. Benipayo. Accordingly, respondent reported at RTC-Br. 59, Baguio City, from October to December 1997 as evidenced by DTRs signed by OIC Ma. Theresa G. Tano.

After the detail expired, respondent requested for extension but the Court Administrator in his Letter dated 20 February 1998 denied the request and directed respondent to *"return to* (her) *official station and resume duties thereat."*[22] In so

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[19] See Comments at an unpaginated portion of *Rollo.*

[20] *Sangco v. Hidalgo*, A.M. No. P-2315, 27 December 1979, 94 SCRA 816.

[21] *Re Guidelines on the Detail and Reassignment of Personnel of the Lower Courts* issued by then Court Administrator Alfredo L. Benipayo, par. 4.

[22] *Rollo*, p. 66.

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deciding, the Court Administrator took into serious consideration the Letter dated 31 October 1997 of Clerk of Court Paul R. Attolba, Jr., informing him that *"the present set-up where we have no court interpreter in this court and that other court personnel are advised to act as interpreter aside from their job in effect jeopardizes the speedy administration of justice and somewhat results to loss of morale of court personnel."*[23]

The *Memorandum* dated 22 May 1998 issued by Judge Calimag, Jr., after the denial by Court Administrator Benipayo of respondent's request, was therefore clearly unauthorized having been issued in direct contravention of the Court Administrator's directive for respondent to *"return to (her) official station and resume duties thereat."*

Judge Calimag, Jr., contends that he only issued the *Memorandum* when respondent's stepfather again tried to rape her within two (2) months from her return to Alfonso-Lista. However, Circular No. 18-97 clearly provides that no detail or reassignment shall be granted for purely personal reasons but only for meritorious ones, or when the exigencies and the interest of the service require the same.[24] To reiterate, personal difficulties are no justification for non-performance of official duties. Harsh or callous as it may seem, public service and public interest must always take precedence over personal ones. Aside from the obvious adverse effect on public service brought about by respondent's non-performance of her official duties at her official station, not to be likewise easily dismissed is the demoralization among the ranks, as Clerk of Court Attolba, Jr., himself had attested in his Letter to the Court Administrator.

With respect to Judge Calimag, Jr.'s liability on the matter, we have repeatedly said that a judge is supposed to set the example for court personnel under his administrative supervision to follow. He cannot expect to be effective in his judicial and administrative duties if he himself acts contrary to the law and

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[23] *Id.*, p. 67.

[24] Circular No. 18-97, par. 3.

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the established rules and orders of this Court. Certainly, Judge Calimag, Jr.'s conduct in giving a court employee the protective mantle to falsify her official time records, the penalty for which is dismissal from the service, and signing the same, merits no less than the penalty meted to respondent. Moreover, as aforesaid, Judge Calimag, Jr.'s *Memorandum* authorizing respondent's further stay in Baguio City was issued in direct contravention of an official action and directive from the Court Administrator through whom this Court exercises administrative supervision over all lower courts and personnel thereof.

As already said we would have imposed on Judge Calimag, Jr., the recommended penalty of dismissal had he not been already dismissed from the service on 26 February 2002 in Adm. Matter No. RTJ-99-1517 for willful failure to pay a just and lawful debt in 1997, gross misconduct, and violations of the Canons of Judicial Ethics and Code of Judicial Conduct. It is worthy to note moreover that Judge Calimag, Jr.'s record in the judiciary had been less than exemplary. On 28 May 1999 he was admonished in A.M. No. RTJ-99-1441[25] to *"conduct himself accordingly in all his activities at all times as to avoid any impropriety or even the appearance of impropriety"* in connection with the sale of a suspected carnapped vehicle in 1991; on 20 June 2000 he was fined ₱1,000.00 for inefficiency with warning in A.M. No. RTJ-99-1493[26] in connection with the non-observance of the proper court procedure in the issuance of a preliminary injunction in 1998; on 26 March 2001 he was suspended for six (6) months and fined ₱20,000.00 with warning in A.M. No. RTJ-00-1537[27] for disgraceful and immoral conduct, and conduct unbecoming of a Judge committed in 1998 to 1999; and on 20 September 2001 he was fined ₱2,000.00 with stern warning in A.M. No. RTJ-99-1742[28] for gross ignorance of

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[25] *Romulo F. Manuel v. Judge Demetrio D. Calimag, Jr.*

[26] *Jaime L. Co v. Judge Demetrio D. Calimag, Jr.*

[27] *Evelyn Tranquilino v. Judge Demetrio D. Calimag, Jr.*

[28] *Spouses Herminio and Mila Dizon, et al. v. Hon. Demetrio D. Calimag.*

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the law in taking cognizance of cases in 1998 over which he had no jurisdiction. However, regardless of the foregoing administrative cases, Judge Calimag. Jr. would have been dismissed from the service for acts committed in this case alone, had he not been already dismissed.

As to Judge Wilfredo Tumaliuan, the OCA Consultant recommended absolution from his having recommended respondent for promotion in a Letter-Indorsement dated 29 April 1999. Judge Tumaliuan defended his Indorsement by saying that he worked with respondent for several years at RTC-Br. 15, Alfonso-Lista, and found her "competent, industrious, hardworking, and deserving of a promotion." He stressed however that he issued the Indorsement while he was at RTC-Br. 23, Roxas, Isabela, as Acting Presiding Judge thereof and only when respondent approached him for the Indorsement.

While we agree with the recommendation that Judge Tumaliuan be absolved from liability for having issued the Indorsement, we nevertheless caution him to be more careful in ascertaining the current circumstances of a person before issuing recommendations for promotion. Acquaintance of several years past does not guarantee knowledge of present behavior and circumstances.

As to Clerk of Court Paul R. Attolba, Jr., we impose a fine of ₱2,000.00 instead of ₱5,000.00 as recommended by the OCA. He cannot escape administrative liability for signing respondent's falsified DTRs on the excuse that he, as a mere subordinate, could not question a memorandum issued by the Presiding Judge. Aside from the fact that court employees are supposed to know what is inherently right and inherently wrong,[29] it appears from his Letter of 31 October 1997[30] that he was not entirely helpless in the matter of respondent's detail in Baguio City. In that Letter

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[29] *Tay Chun Suy v. Court of Appeals*, G.R. No. 93640, 7 January 1994, 229 SCRA 151, 157; *Machinery & Engineering Supplies, Inc. v. Court of Appeals*, 96 Phil. 70 (1954).

[30] *Rollo*, p. 67.

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he informed the Court Administrator of the reasons why an extension of respondent's detail in Baguio City would not be in the interest of public service. As evidenced by the Court Administrator's response dated 20 February 1998 denying the extension,[31] Clerk of Court Attolba, Jr. was in fact quite successful on the matter.

With respect to former OIC Clerk of Court Aloysius T. Matib, RTC-Br. 15, Alfonso-Lista, Ifugao, we adopt the recommendation of OCA that the case be considered closed in view of his resignation from the service on 24 March 1998, long before this case was filed in August 1999. As to Clerk of Court Ma. Theresa G. Tano, RTC-Br. 59, Baguio City, who signed respondent's DTRs for October to December 1997, no administrative liability could be adjudged since respondent's stay in Baguio City during those months was authorized by the OCA, as already explained above.

WHEREFORE, for Dishonesty and Falsification of an Official Document, respondent Liza Marie F. Abdullahi, Court Interpreter III, RTC-Br. 15, Alfonso-Lista, Ifugao, is *DISMISSED* from the service with forfeiture of all retirement benefits, except accrued leave credits, if any, with prejudice to reinstatement or appointment to any public office including government-owned or controlled corporations.

Judge Demetrio D. Calimag, Jr., RTC-Br. 35, Santiago City, and former Acting Presiding Judge, RTC-Br. 15, Alfonso-Lista, Ifugao, for sanctioning and abetting respondent Abdullahi's falsification, and for issuing *Memorandum* dated 22 May 1998 in direct contravention of then Court Administrator Alfredo L. Benipayo's Letter dated 20 February 1998 denying respondent's further detail in Baguio City and directing her return to her official station, would have been *DISMISSED* from the service had he not been already dismissed per our Resolution dated 26 February 2002 in A.M. No. RTJ-99-1517 which was immediately executory.

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[31] See Note 22.

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Clerk of Court Paul R. Attolba, Jr., RTC-Br. 15, Alfonso-Lista, Ifugao, is *FINED* ₱2,000.00 for signing respondent Abdullahi's DTRs for July 1997, March 1998, August 1998 to April 1999, June to July 1999, and September to November 1999 knowing fully well that respondent did not render service as indicated, with warning that repetition of the same or similar offense would merit a more severe sanction.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Kapunan, Mendoza, Panganiban, Quisumbing, Buena, Ynares-Santiago, De Leon, Jr., Sandoval-Gutierrez, and *Carpio, JJ.,* concur.

Puno and *Vitug, JJ.,* on official leave.

THIRD DIVISION

[G.R. No. 106615. March 20, 2002]

SPOUSES ELIGIO P. MALLARI and MARCELINA I. MALLARI, *petitioners, vs.* **IGNACIO ARCEGA, PERCASIO CATACUTAN, BEN GARCIA, ALFREDO DE GUZMAN, MARIETA JACINTO, CELESTINO MAGAT, VICENTE MALLARI, RAFAEL MANALO, LORENZO MANARANG, EMILIO DE MESA, JUAN PANGILINAN, TOROBIA SERRANO, CELESTINA TORNO, and JUANITO VITAL,** *respondents.*

[G.R. No. 108591. March 20, 2002]

IGNACIO ARCEGA, PERCASIO CATACUTAN, BEN GARCIA, ALFREDO DE GUZMAN, MARIETA JACINTO, CELESTINO MAGAT, VICENTE MALLARI, RAFAEL MANALO, LORENZO