

THIRD DIVISION

[A.M. No. RTJ-14-2401 (Formerly OCA IPI No. 12-3841-RTJ), January 25, 2017]

OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. EXECUTIVE JUDGE ILLUMINADA P. CABATO, REGIONAL TRIAL COURT [RTC], BAGUIO CITY; CLERK OF COURT IV ARMANDO G. YDIA, PROCESS SERVER I SONNY S. CARAGAY, CLERK OF COURT III OFELIA T. MONDIGUING, SHERIFF III JOSE E. ORPILLA, AND CLERK III VILMA C. WAYANG, ALL OF THE OFFICE OF THE CLERK OF COURT, MUNICIPAL TRIAL COURT IN CITIES [MTCC], BAGUIO CITY; JUDGE ROBERTO R. MABALOT, CLERK OF COURT III LOURDES G. CAOILI, AND UTILITY WORKER I ANTINO M. WAKIT, ALL OF BRANCH I, MTCC, BAGUIO CITY; JUDGE JENNIFER P. HUMINDING, COURT STENOGRAPHER II PERLA B. DELACRUZ, COURT STENOGRAPHER II GRACE F. DESIERTO, COURT STENOGRAPHER II CAROLYN B. DUMAG, COURT STENOGRAPHER II MARY ROSE VIRGINIA O. MATIC, AND CLERK IV LOURDES D. WANGWANG, ALL OF BRANCH 2, MTCC, BAGUIO CITY; CLERK OF COURT REMEDIOS BALDERAS-REYES, SHERIFF IV RUBEN L. ATIJERA, CASH CLERK II MERLIN ANITA N. CALICA, PROCESS SERVER EDWIN V. FANGONIL, SHERIFF IV ROMEO R. FLORENDO, LIBRARIAN II NAMNAMA L. LOPEZ, CLERK III JEFFREY G. MENDOZA, CLERK II ROLANDO G. MONTES, COURT STENOGRAPHER III VENUS D. SAGUID, AND UTILITY WORKER I FRANCISCO D. SIAPNO, ALL OF THE OFFICE OF THE CLERK OF COURT, RTC, BAGUIO CITY; CLERK OF COURT GAIL M. BACBACDEL ISEN, COURT STENOGRAPHER III RESTITUTO A. CORPUZ, COURT STENOGRAPHER MARLENE A. DOMAOANG, AND LEGAL RESEARCHER II FLORENCE F. SALANGO, ALL OF BRANCH 3, RTC, BAGUIO CITY; JUDGE MIA JOY C. OALLARES-CAWED, LEGAL RESEARCHER II ELIZABETH G. AUCENA, CLERK OF COURT V RUTH B. BAWAYAN, COURT STENOGRAPHER III JOY P. CHILEMAGUILBA, COURT STENOGRAPHER III LEONILA P. FERNANDEZ, PROCESS SERVER MARIA ESPERANZA N. JACOB, COURT CLERK III REYNALDO R. RAMOS, COURT INTERPRETER III MELITA C. SALINAS, AND COURT CLERK III WILMA M. TAMANG, ALL OF BRANCH 4, RTC, BAGUIO CITY; JUDGE ANTONIO M. ESTEVES, UTILITY WORKER JONATHAN R. GERONIMO, COURT STENOGRAPHER III PRECY T. GOZE, CLERK OF COURT V ALEJANDRO EPIFANIO D. GUERRERO, AND COURT STENOGRAPHER III VIRGINIA M. RAMIREZ, ALL OF BRANCH 5, RTC, BAGUIO CITY; CLERK OF COURT MYLENE MAY ADUBECABUAG, PROCESS SERVER ROBERTO G. COROÑA, JR., COURT STENOGRAPHER III VICTORIA J. DERASMO, CLERK OF COURT III BOBBY D. GALANO, UTILITY WORKER MANOLO V. MARIANO III, AND CLERK III ROWENA C. PASAG, ALL OF BRANCH 6, RTC,

BAGUIO CITY; JUDGE MONA LISA TIONGSON-TABORA, PROCESS SERVER ROMEO E. BARBACHANO, COURT STENOGRAPHER EDNA P. CASTILLO, COURT STENOGRAPHER III DOLORES M. ESERIO, COURT INTERPRETER III GEORGE HENRY A. MANIPON, COURT STENOGRAPHER III ANITA MENDOZA, CLERK III DOMINADOR B. REMIENDO, AND CLERK III DOLORES G. ROMERO, ALL OF BRANCH 7, RTC, BAGUIO CITY; UTILITY WORKER GILBERT L. EVANGELISTA, PROCESS SERVER EDUARDO B. RODRIGO, COURT STENOGRAPHER III ELIZABETH M. LOCKEY, COURT STENOGRAPHER III ANALIZA G. MADRONIO, CLERK III EVANGELINE N. GONZALES, COURT STENOGRAPHER III MARILOU M. TADAO, COURT STENOGRAPHER III AGNES P. MACA-EY, SHERIFF IV MARANI S. BACOLOD, CLERK III EDGARDO R. ORATE, AND LEGAL RESEARCHER JESSICA D. GUANSING, ALL OF BRANCH 59, RTC, BAGUIO CITY; CLERK OF COURT ROGER NAFIANOG, COURT STENOGRAPHER III RUTH C. LAGAN, COURT STENOGRAPHER III ELEANOR V. NIÑALGA, CLERK III ANGELINA M. SANTIAGO, UTILITY WORKER LEO P. VALDEZ, AND CLERK III SAMUEL P. VIDAD, ALL OF BRANCH 60, RTC, BAGUIO CITY; JUDGE ANTONIO C. REYES, COURT INTERPRETER III ELEANOR I. BUCAYCAY, LEGAL RESEARCHER II JOAN G. CASTILLO, CLERK OF COURT V JERICO G. GAYYA, CLERK III CONCEPCION SOLIVEN VDA. PULMANO, AND SHERIFF IV ALBERT G. TOLENTINO, ALL OF BRANCH 61, RTC, BAGUIO CITY, RESPONDENTS.

D E C I S I O N

VELASCO JR., J.:

The Case

For the consideration of the Court is the Administrative Matter for Agenda dated September 12, 2014^[1] prepared by the Office of the Court Administrator.

The Facts

In a letter dated September 16, 2010, Sheriff IV Oliver N. Landingin of the Regional Trial Court (RTC), Branch 7 in Baguio City, complained of bias and partiality against Judge Mona Lisa T. Tabora of the same office. He submitted with the letter a video compact disc (VCD) showing two persons purportedly punching in the Daily Time Record (DTR) Bundy Cards of his other co-employees in the early hours of the morning. By doing so, Landingin alleges that it was made to appear that his co-employees arrived on time when in fact, they usually arrived late. Landingin, thus, concludes. that Judge Tabora acted with partiality by refusing to sign his DTR Bundy Card while affixing her signature on the DTR Bundy Cards of his other co-employees.

Acting on the letter, the Office of the Court Administrator issued a Memorandum dated March 7, 2011 directing the conduct of a discreet investigation of the anomalies in the RTC and Municipal Trial Court in Cities (MTCC) in Baguio City.

Thus, a discreet investigation was conducted of the Baguio City courts from May 2 to 6, 2011. On May 3, 2011, the investigating team made a preliminary investigation at the Hall of Justice building housing the courts. They found that instead of using the bundy clocks, the court personnel were manually entering their arrival times in their bundy clock cards and office logbooks. The team also observed that numerous court personnel were arriving after 8:00am and leaving the court premises before 5:00pm, and that instances of loafing were prevalent.

On May 4, 2011, the team spoke with Landingin, who identified the person appearing in the VCD as Dominador Remiendo, Clerk III of RTC, Branch 7 in Baguio City.

Considering that the bundy clocks were not working at the time, the team decided to just inspect the logbooks of each and every branch/office of the Baguio courts to identify those making untruthful entries therein, thereby committing acts of dishonesty and falsification.

On May 5, 2011 at 4:45pm, the members of the investigating team divided themselves into three (3) pairs and conducted on-the-spot inspections of the logbooks of the MTCs, RTCs and OCCs and found that several employees indeed left the premises either without logging their time out or writing down a time-out of 5:00pm before 5:00pm. A roll call of the employees was conducted which netted the following findings:

MUNICIPAL TRIAL COURT IN CITIES

Office of the Clerk of Court

<u>Employee Name</u>	<u>Position</u>	<u>Observation</u>
Ofelia T. Mondiguing	Clerk of Court III	Not logged
Vilma C. Wayang	Clerk III	Not logged
Sonny S. Caragay	Process Server I	Left office without entering time-out
Jose E. Orpilla	Sheriff III	Left office without entering time-out

Branch 1

Lourdes G. Caoili	Branch Clerk of Court	Untruthful 5pm time-out
Antino M. Wakit	Utility Worker I	Left office without entering time-out

Branch 2

Perla B. Dela Cruz	Court Stenographer II	Untruthful 5pm time-out
Lourdes D. Wangwang	Clerk IV	Untruthful 5pm time-out
Grace F. Desierto	Court Stenographer II	Left office without entering time-out
Carolyn B. Dumag	Court Stenographer II	Left office without entering time-out
Mary Rose Virginia O. Matic	Court Stenographer II	Left office without entering time-out

REGIONAL TRIAL COURT

Office of the Clerk of Court

<u>Employee Name</u>	<u>Position</u>	<u>Observation</u>
Ruben L. Atijera	Sheriff IV	Failed to enter his time-in and time-out for the afternoon session
Merlin Anita N. Calica	Cash Clerk III	Not logged
Edwin V. Fangonil	Process Server	Not logged
Namnama L. Lopez	Librarian II	Not logged
Romeo R. Florendo	Sheriff IV	Left office without entering time-out
Jeffrey G. Mendoza	Clerk III	Left office without entering time-out
Rolando G. Montes	Clerk II	Left office without entering time-out
Francisco D. Siapno	Utility Worker I	Left office without entering time-out
Venus D. Saguid	Court Stenographer III	Made double entries for the afternoon session

Branch 3

Restituto A. Corpuz	Court Stenographer III	Not logged
Marlene A. Domaoang	Court Stenographer III	Not logged
Florence F. Salango	Legal Researcher II	Not logged

Branch 4

Joy P. Chilem-Aguilba	Court Stenographer III	Not logged
Elizabeth G. Aucena	Legal Researcher II	Not logged
Ruth B. Bawayan	Clerk of Court V	Not logged (But she "certified" the photocopy of the logbook secured by the legal team)
Ronaldo B. Pangan	Sheriff IV	Not logged
Leonila P. Fernandez	Court Stenographer III	Left office without entering time-out
Maria Esperanza N. Jacob	Process Server	Left office without entering time-out
Melita C. Salinas	Court Interpreter III	Left office without entering time-out
Wilma M. Tamang	Court Clerk III	Left office without entering time-out
Reynaldo R. Ramos	Court Clerk III	Untruthful 5pm time-out

Branch 5

Precy T. Goze	Court Stenographer III	Not logged
Alejandro Epifanio D. Guerrero	Clerk of Court V	Not logged
Virgina M. Ramirez	Court Stenographer III	Not logged
Jonathan R.	Utility Worker	Left office without

Geronimo		entering time-out
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Branch 6

Victoria J. Derasmo	Court Stenographer III	Untruthful 5pm time-out
Manolo V. Mariano, III	Utility Worker	Untruthful 5pm time-out
Rowena C. Pasag	Clerk III	Untruthful 5pm time-out
Roberto G. Corona, Jr.	Process Server	Left office without entering time-out
Bobby D. Galano	Clerk III	Left office without entering time-out

Branch 7

Dolores M. Eserio	Court Stenographer III	Untruthful 5pm time-out
George Henry A. Manipon	Court Interpreter III	Untruthful 5pm time-out
Dolores G. Romero	Clerk III	Untruthful 5pm time-out
Romeo E. Barbachano	Process Server	Left office without entering time-out
Edna P. Castillo	Court Stenographer III	Left office without entering time-out
Anita A. Mendoza	Court Stenographer III	Left office without entering time-out
Dominador B. Remiendo	Clerk III	Left office without entering time-out

Branch 59

Jessica D. Guansing	Legal Researcher II	Not logged
Gilbert L. Evangelista	Utility Worker	Left office without entering time-out

Branch 60

Ruth C. Lagan	Court Stenographer III	Not logged
Eleonor V. Niñalga	Court Stenographer III	Not logged
Angelina M. Santiago	Clerk III	Not logged
Leo P. Valdez	Utility Worker	Not logged (in the p.m. entry)
Samuel P. Vidad	Clerk III	Left office without entering time-out

Branch 61

Eleanor I. Bucaycay	Court Interpreter III	Not logged
Joan G. Castillo	Legal Researcher II	Not logged
Jerico G. Gay-Ya	Clerk of Court V	Untruthful 5pm time-out
Concepcion Soliven Vda. Pulmano	Clerk III	Left office without entering time-out
Albert G. Tolentino	Sheriff IV	Left office without entering time-out