

SECOND DIVISION

[A.M. No. P-13-3170 (Formerly OCA I.P.I. No. 12-3931-P), September 18, 2017]

**MA. ASUNCION SJ. SAMONTE COMPLAINANT, V. REY P. RODEN,
LEGAL RESEARCHER, BRANCH 36, METROPOLITAN TRIAL COURT,
QUEZON CITY, RESPONDENT.**

D E C I S I O N

PERALTA, J.:

Before us is the Affidavit-Complaint^[1] of complainant Ma. Asuncion SJ. Samonte (*Samonte*), Legal Researcher, Metropolitan Trial Court (MeTC), Branch 38, Quezon City against Rey T. Roden (*Roden*), Legal Researcher, MeTC, Branch 36 of the same court for dishonesty.

In her Complaint, Samonte alleged that, on July 24, 2012, at around 8:00 a.m., she saw Roden punched in his Daily Time Record (DTR) card in the bundy clock located at Branch 38, MeTC, Quezon City. However, a few minutes later, she saw Roden punched in again his DTR card. Thereafter, Samonte approached Roden and asked him why he punched in his DTR card again and at the same time got hold of the DTR where she discovered that it belonged to Theresa T. Banaban, the clerk in charge of civil cases in Branch 36, MeTC, Quezon City. Samonte then inquired the reason why Roden punched in the DTR card of Banaban and the latter's whereabouts. Samonte alleged that Roden told her that Banaban was already on her way to work. Samonte then told Roden that what he did was illegal and unfair to other employees who rush to work to be able to come in on time, but the latter instead requested her not to inform Judge Fama anymore since they are colleagues anyway.

Samonte reported the incident to Judge Nadine Jessica Corazon J. Fama, Executive Judge, MeTC, Quezon City, who, thereafter, directed Roden to explain why he punched in the DTR card of Banaban in violation of the Civil Service Rules and Regulations and OCA Circular No. 7-2003. Similarly, Judge Fama also directed Banaban to explain why she was not the one and instead it was Roden who punched in her DTR card in violation of the same rules.

In their compliance, Roden explained that out of compassion, he punched in the DTR card of Banaban after learning that the latter will be coming in late as she would still have to attend to her sick daughter. Roden averred that he did said act on his own volition and that no one, even Banaban, ordered him to do it.

For her part, Banaban denied that she either requested or instructed Roden to punch in her DTR card on July 24, 2012. She claimed that even her officemates can attest that she and Roden are not in speaking terms, and that she had no idea as to Roden's intention for doing it. Finally, Banaban requested the Court's indulgence to spare her from any sanction as she never gave her consent to such unauthorized punching-in of her DTR card.

Thereafter, Judge Fama referred the matter to the Office of the Court Administrator (OCA) for further investigation.^[2]

Thus, on September 3, 2012, the OCA directed Roden to comment on the complaint against him.^[3]

In his Comment^[4] dated September 26, 2012, Roden reiterated his earlier admission that he indeed punched in the DTR card of Banaban on July 24, 2012. He claimed that he did so out of pity because he overheard that Banaban will be coming in late that day as she was attending to her sick daughter. Roden expressed remorse for his action and begs the compassion of the Court. In seeking this Court's compassion and forgiveness, he cited his sixteen (16) years of unblemished service in the judiciary, and that this was his first infraction. He also promised not to commit the same mistake again, however, he will accept whatever sanction or penalty that may be meted against him.

On August 6, 2013, the OCA found Roden guilty of dishonesty and recommended that the instant administrative complaint be re-docketed as a regular administrative matter. It also recommended Roden be suspended from the service for six (6) months.^[5]

We adopt the findings of the OCA, except the recommended penalty.

The Court has repeatedly emphasized that everyone in the Judiciary, from the presiding judge to the clerk, must always be beyond reproach, free of any suspicion that may taint the Judiciary. Public service requires utmost integrity and discipline. A public servant must exhibit at all times the highest sense of honesty and integrity, for no less than the Constitution mandates the principle that "a public office is a public trust and all public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency." As the administration of justice is a sacred task, the persons involved in it ought to live up to the strictest standards of honesty and integrity. Their conduct, at all times, must not only be characterized by propriety and decorum, but must also be above suspicion. Thus, every employee of the judiciary should be an example of integrity, uprightness, and honesty.^[6]

In the instant case, it is apparent that Roden miserably failed to live up to the above-mentioned standard. By his own admission, Roden, purportedly out of pity, punched in Banaban's DTR card in the morning of July 24, 2012 after learning that the latter will be late because she was taking care of her sick child. However, despite his proffered justification for his action, We find that Roden violated OCA Circular No. 7-2003 dated January 9, 2003, to wit:

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:

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^[7]