

## SECOND DIVISION

**[ A.M. No. P-13-3147 (Formerly A.M. No. 11-4-78-RTC), July 02, 2014 ]**

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.  
PAZ P. CAPISTRANO, COURT STENOGRAPHER III, REGIONAL  
TRIAL COURT, QUEZON CITY, BRANCH 224, RESPONDENT.**

### R E S O L U T I O N

**PERLAS-BERNABE, J.:**

Before the Court is an administrative complaint<sup>[1]</sup> 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<sup>[2]</sup> 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.<sup>[3]</sup> (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<sup>[4]</sup> C. Mendieta (Atty. Mendieta), to submit a written explanation on the matter.

In compliance with the OCA's directive, Atty. Mendieta explained<sup>[5]</sup> 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<sup>[6]</sup> dated November 10, 2010, the OCA requested the Court's Office of Administrative Services for the original copies<sup>[7]</sup> of the subject Bundy cards. Thereafter, it directed Capistrano to file a formal comment.

In her Comment<sup>[8]</sup> 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.<sup>[9]</sup>

### **The Action and Recommendation of the OCA**

In a Report<sup>[10]</sup> dated July 23, 2013, the OCA recommended that Capistrano be held administratively liable for dishonesty in 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<sup>[11]</sup> 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:

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)

x x x x

Jurisprudence dictates that erring court employees who falsify their DTRs are guilty of dishonesty.<sup>[12]</sup> 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