

FIRST DIVISION

[A.M. No. P-10-2784 (Formerly A.M. No. 05-3-138-RTC), October 19, 2011]

FALSIFICATION OF DAILY TIME RECORDS OF MA. EMCISA A. BENEDICTOS, ADMINISTRATIVE OFFICER I, REGIONAL TRIAL COURT, MALolos CITY, BULACAN

DECISION

LEONARDO-DE CASTRO, J.:

Before the Court is an administrative complaint charging Ma. Emcisa A. Benedictos (Benedictos), Administrative Officer I, Regional Trial Court (RTC), Office of the Clerk of Court (OCC), Malolos City, Bulacan, with dishonesty for falsifying her Daily Time Records (DTRs)/bundy cards.

The Office of the Court Administrator (OCA) sent a telegram^[1] dated November 5, 2004 requesting Executive Judge Guillermo Agloro of the RTC, OCC, Malolos City, Bulacan, to instruct Benedictos to submit her DTRs/bundy cards for September and October 2004 within five days, otherwise, the OCA would recommend the withholding of Benedictos's salaries.

Benedictos submitted her bundy cards for August, October, and November 2004, which the OCA referred to Atty. Emmanuel L. Ortega (Atty. Ortega), Clerk of Court VII, RTC, Malolos City, Bulacan, for verification of his signatures appearing thereon.

In a letter^[2] dated January 13, 2005 to the OCA, Atty. Ortega reported that only his signature on Benedictos's bundy card for November 2004 was true and genuine; and he disowned his purported signatures on Benedictos's bundy cards for August and October 2004.

On March 8, 2005, the OCA required Benedictos to file her comment on Atty. Ortega's letter within 10 days from notice,^[3] however, Benedictos failed to comply.

In a Resolution dated June 29, 2005, the Court withheld Benedictos's salaries and benefits until she submitted her DTRs/bundy cards for September 2004.

On February 6, 2006, the OCA again instructed Benedictos to file her comment on Atty. Ortega's letter within 10 days from notice,^[4] but Benedictos still failed to do so.

Consequently, in a Resolution^[5] dated June 25, 2007, the Court directed Benedictos (1) to show cause why she should not be administratively dealt with for refusing to submit her comment despite the two directives from the OCA; and (2) to submit the required comment within five days from notice, otherwise the Court shall take the necessary action against her and decide the administrative complaint on the basis of

the record on hand.

When Benedictos failed once more to file a comment, the Court issued a Resolution^[6] on March 26, 2008 ordering Benedictos to pay a fine of P1,000.00. Yet, Benedictos did not pay the fine nor submitted her comment on Atty. Ortega's letter.

Finally, in a Resolution^[7] dated August 17, 2009, the Court deemed Benedictos to have waived her right to file a comment on Atty. Ortega's letter. The Court already referred the case against Benedictos to the OCA for evaluation, report, and recommendation.

The OCA submitted its Report^[8] on October 15, 2009 with the following recommendations:

Foregoing considered, we respectfully recommend for the consideration of the Honorable Court:

1. that the instant case be RE-DOCKETED as a regular administrative matter;
2. that respondent Ma. E[m]cisa A. Benedictos, Administrative Officer I, Regional Trial Court, Office of the Clerk of Court, Malolos City, Bulacan be found GUILTY of Dishonesty; and
3. that considering that this is respondent's first administrative offense, the minimum penalty of SUSPENSION for six (6) months and one (1) day, effective immediately, be meted upon her.^[9]

On March 1, 2010, the Court re-docketed the case as a regular administrative matter and required the parties to manifest^[10] within 10 days from notice if they were willing to submit the matter for resolution based on the pleadings filed. Since both parties failed to submit such manifestations, they were considered to have waived their rights to file the same and the case was submitted for deliberation based on the pleadings filed.

As found by the OCA, Benedictos is guilty of dishonesty for falsifying her DTRs/bundy cards.

In his letter dated January 13, 2005, Atty. Ortega categorically stated that his purported signatures appearing on Benedictos's Bundy cards for August and October 2004 were not his. Conspicuously, despite the seriousness of the charge against her, Benedictos failed to comply with the repeated directives of the OCA and this Court for her to file a comment.

Benedictos's silence on a principal charge against her is admission, especially considering that she was given ample opportunity to deny the same.^[11] Benedictos's refusal to face the charges against her head-on is contrary to the