

FIRST DIVISION

[A.M. No. P-07-2390, August 19, 2009]

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
LYNDON L. ISIP, SHERIFF IV, REGIONAL TRIAL COURT, OFFICE
OF THE CLERK OF COURT, CITY OF SAN FERNANDO, PAMPANGA,
RESPONDENT.**

R E S O L U T I O N

CARPIO, J.:

The Facts

Three anonymous letters purportedly coming from disgruntled employees of the Regional Trial Court, City of San Fernando, Pampanga (RTC-San Fernando), alleged that Lyndon L. Isip (respondent) of the same court had been falsifying his daily time record (DTR) by timing in at the Regional Trial Court of Guagua (RTC-Guagua) where his wife works to avoid being late. Respondent allegedly brings the DTR home after office hours and punches it in the bundy clock located at the RTC-Guagua the following morning before going to his official work station at the RTC-San Fernando.

The matter was referred to Executive Judge Adelaida Ala-Medina (Investigating Judge) of the RTC-San Fernando for investigation, report and recommendation.

Report of the Investigating Judge

During the formal investigation, security guard Amir Karon (Karon) testified that he saw respondent arrive on 22 November 2004 and proceeded directly to the Office of the Clerk of Court (OCC), San Fernando, Pampanga without punching in his DTR in the bundy clock. Karon purportedly confronted respondent and the latter readily admitted punching in at the RTC-Guagua. Because of what transpired, Karon reported the matter to head guard Raoul Pelinio (Pelinio).

Pelinio testified that he would enter in the OCC logbook the names of the employees whose DTRs were missing at the DTR rack and one of those was respondent's DTR. Pelinio noticed that respondent's DTR did not correspond to his actual time of arrival in the office.

Florenda Ordoñez, Administrative Officer of the OCC, San Fernando, Pampanga, explained that some employees might not have logged-in the time they actually arrived as there were three bundy clocks which were set at intervals reflecting different times while others just simply forgot or did not record their time-in in the OCC logbook. The employees might have gone to some other place before logging in at the OCC which explains the non-consecutive entries in the logbook.

During the investigation, respondent readily admitted his misdeed. The Investigating Judge examined the logbook of the OCC, RTC-San Fernando, to check the hours respondent reported for work during the period he was timing in at RTC-Guagua. It appeared that respondent began timing in at RTC-Guagua on 11 October 2004. Respondent would write in the OCC logbook the time as reflected in his DTR although his actual time of arrival at the RTC-San Fernando was actually later than the time reflected in the DTR. The Investigating Judge was of the opinion that since employees sign in the logbook as soon as they arrive in the office, it did not make sense that respondent's time of arrival as recorded in the logbook was earlier than the person who came before him. The Investigating Judge concluded that these "discrepancies" in the hours of arrival recorded in the logbook and the hours of arrival as reflected in the DTR support the allegation that respondent was timing in at another place before going to the RTC-San Fernando, his official work station.

In his Investigation Report and Recommendation dated 30 January 2007, the Investigating Judge pointed out that while dishonesty is a grave offense punishable by dismissal from the service even if on a first offense, an examination of the entries in the logbook would reveal that respondent was still coming in before 8:00 in the morning. Respondent had been in the service for many years and this case is his first offense. These and respondent's admission are circumstances which would seem to mitigate his liability. The Investigating Judge was convinced that respondent was sincerely remorseful and deserved a second chance. The Investigating Judge recommended the imposition of the penalty of suspension for one year without pay.

The OCA Report and Recommendation

The OCA opines that respondent's conduct fell short of the exacting standards of public office. Respondent admitted punching in his DTR at RTC-Guagua, which is not his official work station. The OCA adopted the recommendation of the Investigating Judge and recommended that respondent be suspended for one year without pay for falsification of the DTR amounting to dishonesty. The OCA, however, refrained from imposing the penalty of dismissal from the service considering that this is respondent's first offense. The OCA further considered respondent's admission of punching in at another place other than his official work station, his more than 12 years of service in the judiciary, and his promise to reform as mitigating circumstances.

The Court's Ruling

It was established that the OCC logbook indicated the time as reflected in respondent's DTR but his actual time of arrival at the RTC-San Fernando was actually later than the time as reflected in the DTR. The discrepancy was explained by the fact that, as respondent himself admitted, he punched in at the RTC-Guagua which is not his official work station.

OCA Circular No. 7-2003 is clear and states that court personnel should indicate in their Bundy cards the "truthful and accurate times" of their arrival at, and departure from, the office. That office is the official work station of the court personnel. In the present case, respondent's official work station is RTC-San Fernando and not RTC-