

FIRST DIVISION

[A.M. No. P-06-2118 [Formerly OCA I.P.I. No. 05-2189-P], June 12, 2008]

TEOFILA C. DE VERA, LEGAL RESEARCHER II, REGIONAL TRIAL COURT, BRANCH 92, CALAMBA CITY, COMPLAINANT, VS. ANTHONY E. RIMAS, UTILITY, WORKER, REGIONAL TRIAL COURT, BRANCH 92, CALAMBA CITY, RESPONDENT.

D E C I S I O N

AZCUNA, J.:

Before this Court is an affidavit-complaint^[1] dated April 11, 2005 filed by Teofila C. De Vera (complainant), Court Legal Researcher II, against Utility Worker Anthony E. Rimas (respondent) of the Regional Trial Court (RTC), Branch 92, Calamba City charging him with grave misconduct (dishonesty, falsification of public document and harassment) and neglect of duty relative to OCA IPI No. 04-1846-P entitled "*Anthony E. Rimas vs. Teofila C. De Vera.*"

The affidavit^[2] alleges that complainant, who is the respondent in OCA IPI No. 04-1846-P, accuses herein respondent of willfully making false entries in his Daily Time Records (DTRs) for the months of March, April, June, July, August, September, October, November, and December of the year 2003. Complainant adds that the entries found in those DTRs do not tally with what appears in the court's Daily Attendance Sheet. She maintains that respondent's purpose in filing OCA IPI No. 04-1846-P was to harass her and to compel her to sign his DTRs despite the fact that the signatory appearing thereon was Presiding Judge Antonio S. Pozas. She claims that notwithstanding the fact that respondent was suspended in the past for his tardiness and habitual absenteeism, the latter never changed. Complainant further adds that among the five RTC branches in Calamba City, Branch 92 is the dirtiest because respondent is not doing his job as a utility worker. Lastly, complainant asserts that respondent acts like a sheriff of the court, fancies attending court hearings, and even introduces himself as the sheriff of RTC, Branch 92 to the public.

The Court Administrator thereupon ordered respondent, by 1st Indorsement of May 10, 2005,^[3] to submit his Comment within ten days from receipt.

In his Comment^[4] dated June 13, 2005, respondent vehemently denies the allegations in the complaint. He avers that all the DTRs which he had signed and submitted to this Court are correct as to the hours of work he performed in their office. He maintains that their office may not be the cleanest of all the offices in RTC, Calamba City but it definitely is not dirty. Respondent avows that he exerted efforts to maintain the cleanliness of their office, and when he wanted to clean it before 8:00 a.m. or after 5:00 p.m., he was not allowed to do so because his office keys were confiscated by the complainant. He narrates that at one time, while he

was mopping the floor, complainant shouted at him in front of so many people in their office. Respondent alleges that complainant is threatening to file a libel case against him because of the administrative complaint he filed. He argues that it should be the complainant who ought to be held liable for libelous statements in her Comment in OCA IPI No. 04-1846-P for imputing a crime (killing a person) against him. Respondent likewise accuses the complainant of being remiss in the performance of her duties at the time that she was the acting clerk of court of the RTC, Branch 92. He further charges the complainant not only of manipulating the daily attendance records, but also of deliberately disregarding, to his prejudice, the DTRs he submitted for her verification and signature. Respondent insists that complainant was impelled by a wrongful motive in filing her belated counter-charge and that she only wanted to get even with him because of the administrative case that was filed against her.

In a letter^[5] dated November 11, 2005, complainant submitted to the Office of the Court Administrator (OCA) a copy of the October 3, 2005 Resolution^[6] of the Third Division of this Court in A.M. No. P-04-1905 (OCA IPI No. 04-1846-P), dismissing the case. In the said Resolution, the Court noted the Memorandum dated September 2, 2005 of the OCA on the report and recommendation submitted by Executive Judge Jesus A. Santiago, RTC, Calamba City, Laguna, on the complaint against complainant for allegedly using her position as a means to harass her co-employees, finding that:

We agree with the findings and recommendation of the investigating judge. Resistance is always expected whenever a clerk of court or an officer-in-charge, as in this case, imposes discipline among her staff. The OIC would be an unpopular member of the court especially to those who are restrained from continuing their wrongdoings.

It is also expected from respondent De Vera to be wanting in management abilities considering that she is only a legal researcher designated as an officer-in-charge. Nevertheless, she made a commendable act when she put her foot down and refused to take part in an anomalous act, refusing to sign the erroneous DTRs.

If anybody should be held administratively liable, it is not respondent but the complainant in the instant administrative case. It is evident from the record that he is guilty of falsification by making it appear in his DTRs that he has no tardiness, undertime or absences in spite the fact that the logbook and attendance sheets of the court indicate otherwise.

As recommended in the said memorandum, the Court resolves to **DISMISS** the present administrative complaint against Ms. Teofila C. de Vera, Court Legal Researcher II/Officer-in-Charge, Regional Trial Court, Calamba City, Laguna, Branch 92, for lack of merit.^[7]

In the agenda report^[8] dated December 19, 2005, the OCA recommended that respondent be suspended from office for six months and one day without pay with a stern warning that a repetition of the same or similar acts in the future shall be dealt with more severely. The Court Administrator stated:

The parties presented conflicting versions of the incidents subject of the complaint. Such factual issues could not be determined and resolved merely on the basis of the pleadings submitted by the parties. However, since a formal investigation of A.M. No. P-04-1905 (formerly OCA IPI No. 04-1846-P) had already been conducted by Executive Judge Jesus A. Santiago of RTC, Calamba City, there is no need for the instant Informal Preliminary Inquiry (OCA I.P.I. 05-2189-P) to be redocketed as a regular administrative matter and be referred to the executive judge for investigation, report and recommendation because the issues raised herein are the same issues raised in A.M. No. P-04-1905 (OCA IPI No. 04-1846-P).

Based on the *Report and Recommendation* dated May 20, 2005 of Executive Judge Jesus A. Santiago, he found that Anthony E. Rimas falsified his Daily Time Records. He stated that *"the attendance sheets and logbook pages show that Anthony E. Rimas indeed had the propensity to indicate that he reported at the appointed hour of 8:00 A.M., when he was late most of the time; and to indicate that he worked until 5:00 P.M., even when he left the office earlier; or did not make any entry in the attendance sheets or logbooks as to the time of his arrival and/or departure."*

It is perhaps true that the daily time record, be it hand written or by Bundy clock, is the most violated civil service form. The absence of respondent Anthony E. Rimas from the office, even for a few hours in one day, is certainly inconsistent with his declaration in his DTRs that he was present in office during those hours. Such declarations in the DTRs undeniably amount to acts of falsification.

Falsification in an official document such as the DTR is considered a grave offense under CSC Revised Uniform Rules and is penalized with dismissal for the first offense. It is also punishable as a criminal offense under Article 171 of the Revised Penal Code.

The Supreme Court has repeatedly held that everyone in the judiciary, from the presiding judge to the clerk, must always be beyond reproach and must be circumscribed with the heavy burden of responsibility as to let them be free of any suspicion that may taint the judiciary. For this reason, the respondent should be penalized for knowingly making false entries in his DTRs. However, the Court has, in several cases, refrained from imposing the extreme penalty of dismissal where the erring employee had not been previously charged with an administrative offense. Inasmuch as the respondent in this case has not been administratively charged prior to this case, the same shall be considered as a mitigating circumstance in his favor.^[9]

The findings of the OCA are well-taken.

It must be stressed that judicial employees must exercise at all times a high degree of professionalism and responsibility, as service in the judiciary is not only a duty but also a mission.^[10] Moreover, the Code of Conduct and Ethical Standards for Public Officials and Employees (Republic Act No. 6713) articulates the state's policy