

FIRST DIVISION

[A.M. No. HOJ-07-01, June 12, 2008]

HON. MOISES M. PARDO, EXECUTIVE JUDGE, REGIONAL TRIAL COURT, BRANCH 31, CABARROGUIS, QUIRINO, COMPLAINANT, VS. LUGEOGE N. DISCIPULO, ELECTRICIAN II, MAINTENANCE UNIT, HALLS OF JUSTICE, CABARROGUIS, QUIRINO, RESPONDENT.

R E S O L U T I O N

CARPIO, J.:

This case involves (1) a complaint for dishonesty against Lugeorge N. Discipulo (Discipulo), Electrician II, Halls of Justice, Cabarroguis, Quirino (Halls of Justice), filed by Judge Moises M. Pardo (Judge Pardo), Executive Judge, Regional Trial Court, Judicial Region II, Cabarroguis, Quirino (RTC); and (2) a counter-complaint for gross misconduct against Judge Pardo filed by Discipulo.

In his letter-complaint^[1] dated 20 March 2006 and addressed to the Office of Administrative Services (OAS), Judge Pardo charged Discipulo with falsifying his February 2006 time card and the logbook of the security guards at the Halls of Justice. Judge Pardo alleged that:

On February 9, 2006, at around 8:00 a.m., Mr. Discipulo arrived at the Hall[s] of Justice and [punched] his time card [in] the bundy clock. Immediately thereafter x x x, Mr. Discipulo left the Hall[s] of Justice and never came back on that day. For this reason, Mr. Discipulo did not [punch] his time card [in] the bundy clock [after office hours] on that day. For [the same] reason, Security Guards on duty Rodel de Guzman and Prudencio Ciano did not enter the [time of departure] of Mr. Discipulo on that date.

x x x x

[O]n February 17, 2006, Mr. Discipulo [punched] his time card [in] the bundy clock at 12:30 p.m. [After punching his time card, he] immediately left the Hall[s] of Justice and never came back on that day. For this reason, Security Guards on duty Estabillo and Bartido did not indicate [Discipulo's time of departure] in the attendance logbook on that date.

On March 1, 2006, at around 8:20 in the morning, Mr. Discipulo borrowed the Attendance Logbook from Security Guards on duty Rodel De Guzman and Prudencio Ciano and brought the same to the Office of the Clerk of Court. Without asking for the permission of the security guards, or even just informing them x x x, Mr. Discipulo [wrote "12:00" and "5:00" as his

time of departure on 9 and 17 February 2006, respectively]. x x x

Upon discovering what Mr. Discipulo did, the two (2) security guards [put a note and signed the pages where Discipulo made insertions]. They also issued to Judge Pardo [a] certification dated March 1, 2006 narrating the foregoing facts.

Also on March 1, 2006, at around 9:00 a.m., Mr. Discipulo [wrote on his time card "12:00" and "5:00" as his time of departure on 9 and 17 February 2006, respectively].^[2]

Judge Pardo submitted a photocopy of the time card^[3] and a photocopy of the certification^[4] of security guards Rodel de Guzman (De Guzman) and Prudencio Ciano (Ciano). On his time card, Discipulo inserted "12:00" and "5:00" as his time of departure from the office on 9 and 17 February 2006, respectively. In their certification, De Guzman and Ciano stated that Discipulo took the logbook and inserted "12:00" and "5:00" as his time of departure from the office on 9 and 17 February 2006, respectively.

In its Memorandum^[5] dated 31 May 2006, the OAS directed Discipulo to comment on Judge Pardo's letter-complaint. In his comment and counter-complaint^[6] dated 13 June 2006, Discipulo denied committing falsification of official document. According to him, he made the insertions on his time card because he forgot to punch it in the bundy clock on 9 and 17 February 2006. Discipulo submitted the affidavit^[7] of Atty. Jessie W. Tuldague (Tuldague), clerk of court of the RTC, and the joint affidavit^[8] of other court employees Vilma Agustin (Agustin), Naty S. Fernando (Fernando), George Mateo (Mateo), and Gil Orias (Orias) to vouch that he was present on 9 and 17 February 2006.

Discipulo charged Judge Pardo with gross misconduct: (1) Judge Pardo initiated and allowed drinking of alcohol during office hours on 6 July 2004; (2) he allowed court employees Luhlu M. Bugawan (Bugawan) and Lilia Casuple (Casuple) to leave the RTC during office hours without justifiable reason; (3) he ordered the security guards to consider Bugawan as present on 16 July 2004 when in fact she was absent; (4) he ordered the security guards to punch the time card of Jaime Calpatura (Calpatura), officer-in-charge at the RTC, in the bundy clock; (5) he declared an early dismissal on 18 May and 26 August 2004 without any justifiable reason; (6) he harassed court employees who testified against him in administrative cases pending before the Court; and (7) he did not observe official working hours.

In its Memorandum^[9] dated 16 June 2006, the OAS referred the matter to the Office of the Court Administrator (OCA) for appropriate action. In its 1st Indorsement^[10] dated 30 June 2006, the OCA required Judge Pardo to comment on Discipulo's counter-complaint.

In his comment and reply^[11] dated 9 August 2006, Judge Pardo (1) stated that Discipulo admitted in his comment and counter-complaint that he falsified the time card and the logbook; (2) stated that Discipulo falsely accused him of being motivated by bad faith in instituting the instant case; (3) questioned the credibility

of Tuldague, Agustin, Fernando, Mateo, and Orias; (4) denied condoning drinking of alcohol during office hours; (5) denied allowing Bugawan and Casuple to leave the RTC during office hours without justifiable reason; (6) denied ordering the security guards to consider Bugawan as present when in fact she was not; (7) denied ordering the security guards to punch the time card of Calpatura in the bundy clock; (8) denied declaring an early dismissal on 18 May and 26 August 2004; (9) denied harassing court employees; and (10) stated that he observed official working hours.

In its Report^[12] dated 17 October 2006, the OCA stated that Judge Pardo and Discipulo presented two contradicting sets of facts. It stated that liability could not be determined based on the records alone and recommended that the matter be referred to a consultant of the OCA for investigation, report, and recommendation. In its Resolution dated 13 December 2006, the Court resolved to refer the matter to a consultant of the OCA.

In his Report dated 19 March 2007, hearing officer-designate and retired Justice Narciso T. Atienza (Justice Atienza) found that Discipulo is liable for dishonesty and that Discipulo failed to prove his allegations against Judge Pardo. Justice Atienza recommended that Discipulo be suspended from office for six months and one day and that the charge against Judge Pardo be dismissed.

The Court agrees with Justice Atienza's findings and recommendations.

OCA Circular No. 7-2003 states that court personnel should indicate in their bundy cards the *truthful* and *accurate* times of their arrival at, and departure from, the office. In *Garcia v. Bada*^[13] and *Servino v. Adolfo*,^[14] the Court held that court employees must follow the clear mandate of OCA Circular No. 7-2003. Indeed, all judicial employees must devote their official time to government service and exercise a high degree of professionalism.^[15]

Justice Atienza and Judge Pardo described the procedure followed in keeping time records, respectively:

In the Regional Trial Court of Cabarroguis, Quirino, a bundy clock is used by the employees to register their time of arrival [at] the office, and [their time of departure from] the office. Complementing the bundy clock is [the] logbook where [the security guards on duty write the names of the employees who report for work, their time of arrival, and their time of departure.] x x x The names of [the] employees[, their time of arrival, and their time of departure] are all written by the security guards on duty. x x x [Whether an employee reported for work or not can be determined -- even if that employee forgot to punch his or her time card in the bundy clock -- by checking the records in the logbook.]^[16]

The Security Guards x x x make the entries in the Attendance Logbook. The Security guards on duty, two (2) at a time, are stationed at the entrance of the Hall[s] of Justice and the Attendance Logbook [is placed] on top of a table at the entrance of the Hall[s] of Justice. The Security Guards on duty make all the entries in the attendance logbook except for the signatures of the employees.^[17]