

## THIRD DIVISION

**[ A.M. No. P-08-2494 (Formerly OCA IPI No. 06-2399-P), November 27, 2008 ]**

**RE: REPORT ON THE IRREGULARITY IN THE USE OF BUNDY  
CLOCK BY ALBERTO SALAMAT, SHERIFF IV, RTC-BR.80,  
MALOLOS CITY,**

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

**CHICO-NAZARIO, J.:**

Before this Court is an administrative charge against Sheriff IV Alberto Salamat (respondent) of the Regional Trial Court (RTC) of Malolos City, Branch 80, accusing him of punching in the daily time cards for his co-employees.

Black Tiger Security Services, Inc. (Black Tiger) provides security services by assigning security guards to the Bulacan Halls of Justice. One of the security guards of Black Tiger, Glicerio Magbanua (Magbanua), was assigned to the lobby of the Bulacan Halls of Justice from 6:00 a.m. to 2:00 p.m. on 22 April 2005. At 7:40 a.m. and 7:45 a.m., Magbanua saw respondent punch in more than five daily time cards.

[1] Magbanua initially reminded respondent about the prohibition on punching in a multiple number of daily time cards but the latter answered, "*Isa isa lang naman ang punch ko.*"[2] When respondent persisted in punching in more daily time cards, Magbanua merely observed him and recorded the incident in the logbook.[3]

Thereafter, Magbanua reported the matter to his superiors at Black Tiger. The report was passed on from Deputy Detachment Commander Eduardo de Guzman (DDC De Guzman) to Detachment Commander Lino Quitoriano (DC Quitoriano). Finally, President/General Manager Dr. Celso B. Songcuya, Jr. (Dr. Songcuya) and Executive Vice President/Managing Director Rolando G. Macaoay (EVP/MD Macaoay) sent their letter-report dated 18 May 2005 to Atty. Peter John U. Javier (Atty. Javier), Officer-in-Charge of the Bulacan Halls of Justice-Secretariat. In said letter report, however, respondent was charged with punching in the daily time cards of his co-employees on **5 May 2005**, instead of 22 April 2005.

On 15 July 2005, Court Administrator now Associate Justice Presbitero J. Velasco, Jr., required[4] respondent to submit his comment within 10 days from receipt.

In his Comment[5] dated 18 August 2005 submitted to the Office of the Court Administrator (OCA), respondent denied the allegations against him. He argued that, as shown in the logbook of the daily time of arrival and departure kept by their office, he punched in his daily time card on 5 May 2005 at 8:01 a.m. and not 7:45 a.m. as claimed by Dr. Songcuya. Hence, it would be illogical and unlikely for him to punch in the daily time cards of his co-employees since some of them arrived at the office earlier than he.

On 6 March 2006, the First Division of this Court issued a Resolution<sup>[6]</sup> referring the administrative matter to the Executive Judge of the RTC of Malolos City, Bulacan, for investigation, report, and recommendation within 60 days from receipt of record. In a letter<sup>[7]</sup> dated 6 June 2006, then Executive Judge Petrita Braga Dime<sup>[8]</sup> of the Malolos City RTC informed this Court that the administrative matter was raffled to First Vice Executive Judge Herminia V. Pasamba (Judge Pasamba).

Investigation of the aforementioned administrative matter ensued.

On 23 June 2006, Judge Pasamba submitted a Final Report<sup>[9]</sup> finding that, based on the facts established and evidence adduced, the act complained of actually took place on **22 April 2005**, not on **5 May 2005**, the date stated in the letter-report charging respondent. Believing that any sanction on the respondent based on the standing charge would be violative of his procedural right to due process, Judge Pasamba recommended that the administrative matter be dismissed, but without prejudice to any further proper action against the respondent.

On 19 February 2007, the Third Division of this Court issued a Resolution<sup>[10]</sup> resolving, *inter alia*, to require respondent to submit his Comment on the charge that he punched in the daily time cards of his co-employees on 22 April 2005; and Judge Pasamba to undertake another investigation, report, and recommendation on this matter.

In his Comment<sup>[11]</sup> dated 9 April 2007, respondent argued that no irregular punching in of time cards occurred on 22 April 2005, and if it so happened, then the Bi-Monthly/Semi-Monthly Report of Black Tiger covering the period of 16 to 30 April 2005 should have reflected an entry on the same. Respondent concludes that the Black Tiger officers and personnel must have doctored, falsified, or irregularly inserted an entry in their logbook to support their belated claim that the correct and actual date of his commission of the offense charged took place on 22 April 2005 and not on 5 May 2005.

The administrative matter was again set for hearing by Judge Pasamba.

Subsequently, on 31 October 2007, Judge Pasamba rendered her Final Report,<sup>[12]</sup> the pertinent portions of which state:

#### "DISCUSSION

Respondent sheriff IV has been placed twice under investigation on the irregularity in the use of the bundy clock. The first administrative matter under AM No. 05-7-416 RTC was resolved on 19 February 2007. A correct date of the actual commission of the incident from May 5, 2005 to April 22, 2005, as a consequence, is now the subject of the present administrative charge. The officers of the Black Tiger Security Services Inc. EVP/Managing Director Rolando G. Macaoay and Detachment Commander Lino Quitoriano based here in the Halls of Justice, RTC Malolos City explained where the error lied. The erroneous entry appeared on the Report submitted by DC Lino Quitoriano to EVP/Managing Director Rolando G. Macaoay. The report on the incident

is rooted and sourced to the entry in the log book of Security Guard Eduardo de Guzman then on duty on Bldg. 3, Hall of Justice housing Branch 80 RTC where respondent Alberto Salamat was seen punching in on two occasions, around 7:40 and 7:45 am the time cards of his co-office mates. An examination of the blotter and record book under the custody of the security guard presented and marked as exhibit in this case showed that indeed the incident took place on April 22, 2005 not on May 5, 2005. Involved in the incident was Sheriff IV respondent Alberto Salamat. Respondent's offered defense is DENIAL and that the records on the charge were "doctored etc. (*sic*) by the people concerned in the Black Tiger Security Services Inc., who filed the present administrative matter upon insistence of Assistant Clerk of Court Atty. Geronimo Santos. Detachment Commander Lino Quitoriano cleared the issue and explained that such was not the case. They were merely acting on the instruction of the Asst. Clerk of Court to report to the Executive Judge through Atty. Santos those court personnel who punched in the time cards of others and proper action was taken because of their contractual obligation with the Supreme court (*sic*) to bring to its attention those who breached the said canon. The undersigned finds the explanation of DC Lino Quitoriano credible. And while the common stand and testimonies of three of the co employees of the respondent cannot be undermined, the undersigned cannot reconcile it with the fact that there appears no ulterior motive on the part of the witnesses Security Guards and the Detachment Commander of the Black Tiger Security Services Inc. to file a trumped up charge against the respondent. They have no ax to grind against him for them to fabricate the case. In a numberless of cases, the Highest Court has 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 free of any suspicion that may taint the judiciary. As the administration of justice is a sacred task, the persons involved in it ought to live up to the strictest standard of honesty and integrity. Their conduct, at all times, must not only be characterized by propriety and decorum but, above all else, must be above suspicion. Every employee must accurately enter his/her time of arrival and departure in the office. Punching of one's daily time record is a personal act of the holder. It should not be delegated to anyone else.

#### RECOMMENDATION

Given the foregoing, there is the likelihood that respondent Alberto Salamat [Sheriff IV] committed the complained irregularity. A strong admonition, as a sanction, is meted upon respondent with a stern warning that a repetition of a similar act will call for a more severe disciplinary action.

On 29 April 2008, the OCA submitted its report and recommendation to this Court, concurring in and adopting the factual findings of Judge Pasamba with modification of the recommended sanction, thus:

IN VIEW OF THE FOREGOING, the undersigned respectfully recommend (*sic*) that:

1. the instant administrative case be RE-DOCKETED as a regular administrative matter;
2. respondent Alberto Salamat, Sheriff IV, Regional Trial Court, Branch 80, Malolos City be found GUILTY of Dishonesty for his act of punching in the time cards of his co-employees; and
3. the said respondent be meted the penalty of DISMISSAL with forfeiture of all his retirement benefits, except his accrued leave credits, and with perpetual disqualification from re-employment in any government agency, including government owned and controlled corporation.<sup>[13]</sup>

On 9 July 2008, the Court required<sup>[14]</sup> the parties to manifest within 10 days from notice if they were willing to submit the matter for resolution based on the pleadings filed. Respondent submitted such a manifestation<sup>[15]</sup> on 10 September 2008. Resultantly, the case was already submitted for decision.

After a thorough review of the records of this case, the Court agrees in the finding of the OCA that respondent is guilty of dishonesty, but diverges from the recommended penalty.

This Court held in *Office of the Court Administrator v. Judge Bautista*,<sup>[16]</sup> citing *Mamba v. Garcia*,<sup>[17]</sup> that in administrative proceedings, only substantial evidence, or that amount of relevant evidence which a reasonable mind might accept as adequate to support a conviction, is required. In the case at bar, substantial evidence exists to hold respondent liable for the offense charged, particularly: (1) Black Tiger Security Guard Magbanua's testimony; (2) the Information Report filed by DCC De Guzman to his superiors at Black Tiger; (3) the letter report<sup>[18]</sup> dated 18 May 2005 of Black Tiger President/GM Dr. Songcuya and EVP/MD Macaoay to Atty. Javier charging respondent with punching in the daily time cards for his co-employees.

On the other hand, respondent merely denies the allegations against him. Instead, he alleges that it would be illogical and unlikely for him to punch in the daily time cards of his co-employees on 5 May 2005 since some of them arrived at the office much earlier than he; and the Black Tiger officers and personnel merely doctored, falsified, or irregularly inserted an entry in their logbook to make it appear that he committed the offense charged not on 5 May 2005, but on 22 April 2005.

It is settled that denial is inherently a weak defense. To be believed, it must be buttressed by strong evidence of non-culpability; otherwise, such denial is purely self-serving and is with nil evidentiary value. Like the defense of alibi, a denial crumbles in the light of positive declarations.<sup>[19]</sup>

Respondent undeniably failed to substantiate the allegations in his comment. He could have submitted evidence to substantiate his allegations, other than his mere denials, but respondent failed to submit any supporting proof. The basic rule is that mere allegation is not evidence and is not equivalent to proof.<sup>[20]</sup>