

## EN BANC

**[ A.M. No. P-07-2311 (FORMERLY OCA-IPI NO. 05-2153-P), August 23, 2007 ]**

**ANNABELLE F. GARCIA, CLERK OF COURT, MUNICIPAL TRIAL COURT IN CITIES, BRANCH 2 OLONGAPO CITY, COMPLAINANT, VS. AMELIA C. BADA, COURT INTERPRETER, MUNICIPAL TRIAL COURT IN CITIES, BRANCH 2, OLONGAPO CITY, RESPONDENT.**

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

#### PER CURIAM:

This is an administrative complaint against respondent Amelia C. Bada, court interpreter in Branch 2 of the Municipal Trial Court in Cities (MTCC) of Olongapo City.

In a memorandum<sup>[1]</sup> addressed to respondent, complainant Annabelle F. Garcia, clerk of court of Branch 2, MTCC, Olongapo City, stated that she personally saw the respondent handing the time card of one Herminio Reyes, another court interpreter in the same branch, to a security guard on December 23, 2004. When complainant confronted respondent about the incident, the latter allegedly admitted having "always" punched Reyes' time card for him in the month of December 2004. Thus, complainant asked respondent to explain in writing why she should not be administratively charged for violation of civil service rules and the Code of Conduct for Court Personnel.

In her written explanation,<sup>[2]</sup> respondent stated that Reyes asked her to punch his time card for him because he had to attend to a very important matter. She "felt obliged" to do so as Reyes was her officemate. She also emphasized that it was her first time to have done it and that it was the last time she would do so.

Thereafter, complainant filed a letter-complaint in the Office of the Court Administrator (OCA) charging respondent with grave misconduct. On April 4, 2005, the OCA directed respondent to file her comment.

In her comment,<sup>[3]</sup> respondent vehemently denied that she admitted having "always" punched Reyes' card for him in the month of December 2004. She reiterated that the December 23, 2004 incident was the first and last time she did it. She also justified her action as being impelled by "humanitarian reason(s)" as Reyes was then experiencing severe pain due to prostatitis. She stated that she felt constrained to help him as he was her *kumpare*. For these reasons, respondent stated she honestly believed that she did not commit grave misconduct nor did she violate civil service rules and the Code of Conduct for Court Personnel.

Respondent also alleged in her comment that she was being singled out by complainant because of the on-going feud in their office between the latter and Reyes. The latter allegedly protested the performance rating he received from

complainant for the period July to December 2004. She surmised that had she punched the time card of a person other than Reyes, complainant would not have filed a case against her. Respondent also claimed that the records show that she had never been charged with any offense nor was there ever any question about her official performance and conduct in all her years of service in the government.

After evaluating the complaint and respondent's comment thereon, the OCA submitted its memorandum.<sup>[4]</sup> It stated that the reasons offered by respondent were not enough to warrant her exculpation from administrative sanction. The OCA saw it fit to remind respondent that government officials and employees must devote their working hours in the service of the public.<sup>[5]</sup> A court employee therefore cannot leave the office before the working hours are over. Moreover, a court employee must not make it appear as if he left the office at a later time when he, in fact, did so earlier.

The OCA further stated that, although respondent did not directly benefit from punching Reyes' time card, she caused the commission of a wrong that tainted the integrity of the office she held. However, the OCA found that the offense committed by respondent was only simple, not grave, misconduct. Accordingly, it recommended that respondent be given a penalty of suspension for two months.

We disagree with the finding of the OCA that respondent's act was merely simple misconduct.

OCA Circular No. 7-2003<sup>[6]</sup> states that:

In the submission of Certificates of Service and Daily Time Records (DTRs)/Bundy Cards by Judges and court personnel, the following guidelines shall be observed:

1. After the end of each month, **every official and employee of each court shall accomplish the Daily Time Record (Civil Service Form No. 48)/Bundy Card, indicating therein truthfully and accurately the time of arrival in and departure from the office xxx.** (emphasis supplied)

The said circular clearly provides that every court official and employee must truthfully and accurately indicate the time of his or her arrival at and departure from the office. Equally important is the fact that this Court has already held that the punching of one's daily time record is a *personal act* of the holder. It cannot and should not be delegated to anyone else. This is mandated by the word *every* in the above-quoted circular.<sup>[7]</sup>

Respondent's act of punching another employee's time card falls within the ambit of falsification. She made it appear as though it was Reyes himself who punched his own card and, at the same time, made the card reflect a log-out time different from the actual time of departure. For this, respondent must be held administratively liable. Rule XVII, Section 4 of the Omnibus Civil Service Rules and Regulations (Civil Service Rules) provides:

Section 4. Falsification or irregularities in the keeping of time records will render the guilty officer or employee administratively liable xxx.