

SECOND DIVISION

[**ADM. MATTER NO. P-05-1932 (FORMERLY A.M. OCA IPI NO. 01-1230-P), February 15, 2005**]

JUDGE ROLANDO G. HOW, REGIONAL TRIAL COURT, BRANCH 257, PARAÑAQUE CITY, COMPLAINANT, VS. TEODORA A. RUIZ, COURT STENOGRAPHER III, REGIONAL TRIAL COURT, BRANCH 257, PARAÑAQUE CITY, RESPONDENT.

RESOLUTION

AUSTRIA-MARTINEZ, J.:

The present administrative case stemmed from an Affidavit-Complaint dated August 20, 2001, executed by Rolando G. How, Presiding Judge of the Regional Trial Court of Parañaque, Branch 257, pertinent portions of which read as follows:

x x x x x x x x x

3. On August 16, 2001 at about 3:00 p.m., Teodora A. Ruiz submitted to me through the Branch Clerk her Daily Time Record for the month of July 2001 (Annex A);

x x x x x x x x x

4. I discovered that the entries she wrote in her Daily Time Record (Annex A) for the month of July 2001 are false and untrue;
5. Teodora A. Ruiz made it appear in her Daily Time Record (Annex A) that she reported for work at 8:00 a.m. on July 18, 2001 and at 8:00 a.m. on July 19, 2001 when in truth and in fact she reported for work on July 18, 2001 at 9:00 a.m. and on July 19, 2001 at 9:20 a.m.;
6. When her attention was called on the falsified entries, she changed the dates in her Daily Time Record (Annex A) to 9:00 a.m. on July 18, 2001 and 9:20 a.m. on July 19, 2001. The alterations she made are very visible in her Daily Time Record;
7. Teodora A. Ruiz made the falsifications contrary to her Oath written in her Daily Time Record x x x;
8. On August 14, 2001 at about 1:00 p.m. two days before she submitted the falsified Daily Time Record (Annex A) Teodora A. Ruiz falsified the entries in the attendance logbook (Annex B) by writing therein and making it appear that she reported for work at 8:00 a.m. on July 2, 2001, at 8:15 a.m. on July 6, 2001, at 8:10 a.m. on July 11, 2001, at 8:10 a.m. on July 12, 2001, at 8:00 a.m. on July 13, 2001, at 8:00 a.m. on July 16, 2001, at 8:00 a.m. on July 18, 2001, at 8:00 a.m. on July 19, 2001, at 8:00 a.m. on July 20, 2001, at 8:00

a.m. on July 24, 2001, at 8:00 a.m. on July 25, 2001, and at 8:00 a.m. on July 26, 2001, when in truth and in fact she did not report for work at 8:00 a.m. or at 8:10 a.m. or 8:15 a.m. on those dates. Because she was always very late (she arrived at 11:00 a.m. sometimes at 10:00 a.m. and sometimes at 9:30 a.m.) she did not anymore log her time of arrival in the attendance logbook. But on August 14, 2001 at about 1:00 p.m. as aforesaid she got the logbook and wrote therein the falsified time of her arrival in the office;

9. Teodora A. Ruiz with criminal intent made the false entries in the attendance logbook (Annex B) so that it would jibe and support the falsified entries she made in her Daily Time Record (Annex A). Thus, after falsifying the entries in the attendance logbook (Annex B) on August 14, 2001 at 1:00 p.m., two days later on August 16, 2001 she prepared her Daily Time Record (Annex A) containing the same falsified entries;
10. Also, about one month before August 14, 2001, the date when she falsified that attendance logbook (Annex B), on July 10, 2001 Teodora A. Ruiz falsified the time of her arrival for work by writing and making it appear in the attendance logbook (Annex B) that she reported for work at 8:00 a.m. That when the falsification was discovered and when she was confronted by her co-employees she changed the entry by writing therein "11:00 a.m. – half day." The alteration she made is very visible in the attendance logbook;
11. In summation, Teodora A. Ruiz committed three (3) counts of falsification of her Daily Time Record (Annex A) and the attendance logbook (Annex B) punishable under Art. 171 of the Revised Penal Code. x x x.^[1]

The complaint was originally filed with the Office of the Ombudsman. The Office of the Ombudsman, in turn, indorsed the case to the Office of the Court Administrator (OCA) of this Court.

In her Comment,^[2] respondent denies complainant's allegations. She contends that the complaint filed by Judge How against her is a manifestation of the complainant's habit and propensity to harass and oppress members of his staff. Respondent claims that she did not falsify entries in their office's attendance logbook as well as entries in her Daily Time Record (DTR) for the month of July. She maintains her innocence of complainant's charges and concludes that the complaint filed by Judge How is tainted with bad faith and ill motive and that it was filed by complainant with no other purpose but to harass and pressure respondent and to demoralize her in pursuing her earlier complaint filed against Judge How.^[3]

On June 30, 2003, this Court issued a Resolution dropping respondent from the rolls for having been absent without official leave since September 2, 2002 up to the time of the issuance of the said resolution. The Court declared her position vacant.

Per Resolution of the Court dated July 23, 2003 the Court Administrator designated consultant, retired Justice Romulo S. Quimbo as the Hearing Officer-Designate. Subsequently, Justice Quimbo issued subpoenas directing both complainant and respondent to appear and testify before him.

On September 10, 2003, respondent submitted to the OCA a Manifestation/Motion

contending that since this Court, by virtue of its Resolution dated June 30, 2003, had earlier resolved to drop her from the rolls, it thereby loses jurisdiction over the person of the respondent considering that she is no longer an employee of the court. Respondent then prayed that the instant administrative case be dismissed.

On June 10, 2004, respondent submitted another Manifestation reiterating her view that the OCA no longer has jurisdiction over her person and praying that she be excused from appearing during the hearing set on June 18, 2004.

Justice Quimbo proceeded with the hearing on June 18, 2004 and received evidence submitted by the complainant. Respondent failed to appear.

On June 21, 2004, Justice Quimbo submitted his report finding respondent guilty of dishonesty for having falsified the entries in their attendance logbook to conform to the equally false entries in her DTR. Justice Quimbo then recommended that the resolution dropping respondent from the roll of employees be amended and instead be considered a dismissal for cause, with forfeiture of any amount which may still be due respondent, and disqualifying her from reappointment in any instrumentality of the government and any government-owned or controlled corporation.

In a Memorandum dated October 6, 2004, addressed to Justice Reynato S. Puno, Chairman of the Second Division of this Court, the Court Administrator agreed with the findings and recommendation of Justice Quimbo.

We shall first discuss respondent's concern regarding the Court's jurisdiction over her person.

It is settled that the Court is not ousted of its jurisdiction over an administrative case by the mere fact that the respondent public official ceases to hold office during the pendency of respondent's case.^[4] In *Perez vs. Abiera*, this Court held that:

In other words, the jurisdiction that was Ours at the time of the filing of the administrative complaint was not lost by the mere fact that the respondent public official had ceased to be in office during the pendency of his case. The Court retains its jurisdiction either to pronounce the respondent official innocent of the charges or declare him guilty thereof. A contrary rule would be fraught with injustices and pregnant with dreadful and dangerous implications. x x x If only for reasons of public policy, this Court must assert and maintain its jurisdiction over members of the judiciary and other officials under its supervision and control for acts performed in office which are inimical to the service and prejudicial to the interests of litigants and the general public. If innocent, respondent official merits vindication of his name and integrity as he leaves the government which he served well and faithfully; if guilty, he deserves to receive the corresponding censure and a penalty proper and imposable under the situation.^[5]

In the present case, even if respondent has already been dropped from the rolls, her case still falls within the jurisdiction of the Court considering that the alleged infractions were committed and the instant administrative case was filed at the time that she was still a court employee.