

SECOND DIVISION

[A.M. NO. 04-11-671-RTC, October 14, 2005]

**RE: FINDINGS OF IRREGULARITY ON THE BUNDY CARDS OF
PERSONNEL OF THE REGIONAL TRIAL COURT, BRANCH 26 AND
MUNICIPAL TRIAL COURT, MEDINA, MISAMIS ORIENTAL**

D E C I S I O N

CALLEJO, SR., J.:

On November 11, 2004, a judicial audit team of the Office of the Court Administrator (OCA), headed by Atty. Elizabeth S. Tanchoco, conducted a judicial audit and physical inventory of cases in the Municipal Trial Court (MTC) of Medina, Misamis Oriental. The team inspected the courts at about 8:11 a.m. and observed that only a few court employees in the MTC and the Regional Trial Court (RTC), Branch 26, were present in their respective places of work. While their time cards had all been punched in (indicating that the employees reported for work before 8:00 a.m.), they were not in their respective posts.

The findings of the audit team on this matter are contained in its Report dated November 23, 2004, to wit:

There are three (3) bundy clocks in the Hall of Justice of Medina, Misamis Oriental. One for each Regional Trial Court (RTC), Branches 26 and 42 and one for the Municipal Trial Court. Only RTC 42 has a rack for their bundy cards. On the day of the audit, November 11, 2004, the team discovered that as of **8:11 a.m.** most of the bundy cards of employees in the MTC and RTC, Branch 26 have already been punched in although the employees concerned were not yet in the office in violation of the rules on the strict observance of prescribed working hours and rules on punctuality and attendance (Administrative Circular Bo. 2-99, dated January 15, 1999, Circular Nos. 63-2001, dated October 3, 2001 and 87-2001 dated November 29, 2001). In connection therewith the bundy cards of the staff of the two courts (xerox copies of which are hereby attached as Annexes :A: to :A-5:) were taken by the team for indorsement to the Legal Office, Office of the Court Administrator and the Office of Administrative Services for the appropriate action.

The personnel of the MTC, Medina are the following:

Name	Time in on Nov. 11, 2004	Remarks
Pamfilo Sanches	6:13	Already in court when the team arrived
Cecilia P. Bagsican	7:20	Already in court when the team arrived
Anita Pupos	7:21	Already in court when the

		team arrived
Necias C. Abuzo	7:22	
Ireneo M. Baja	7:23	
Roderick S. Orimaco	7:23	Already in court when the team arrived
Jaime D. Aguilar	-	On leave
Victoria C. Alaba	-	On leave

When informed of the team's findings, the presiding judge was surprised as she had advised them when she assumed her post of the Court's strict policy on punctuality of court personnel.

The following are the personnel of the RTC, Branch 26, Medina:

Name	Time in on Nov. 11, 2004	Remarks
Rodriguez J. Orimaco	-	On leave
Ellogene C. Atienza	7:45	Not in court
Elsie B. Sabuga	7:46	In court
Dina D. Adran	7:47	Not in court
Atty. Michael Duce Juson	7:48	Erased but indentation remains
Syvil J. Pajaron	7:49	In court
Mary Ann M. Redondo	7:50	Erased but indentation remains
Lizandro P. Simon, Jr.	7:50	Not in court
Manolita D. Torayno	7:50	In court
Servando C. Simon, Jr.	8:12	In court

The audit team was not able to take the Bundy cards of Mr. Arthur G. Mondigo and Salde G. Elago.

Looking over these cards, one has to notice the **one-minute** interval of the entries. It is not unlikely to presume that only one person is "assigned" to punch the cards.

It is also worthy to note that the security guard Candido Dumalo-an of the Fidelity Security and Manpower Services, Corp. was on duty at that time. When confronted about the anomaly, he reasoned out that it was not his duty to monitor the attendance of the employees and the regularity in the punching of their cards.^[1]

The audit team then forwarded the time cards of the employees involved and referred the matter to the OCA Legal Office and the Office of Administrative Services

for appropriate action. Pursuant thereto, the said employees were required to comment on the findings of the judicial audit team.

Cecilia P. Bagsican, Clerk of Court II, alleged that she personally punched her time card in the morning of November 11, 2004 at the Hall of Justice lobby where the bund clock was installed. While she admitted that she was not in her official workstation when the audit team arrived, she averred that she was at the San Isidro Labrador Parish across the road fronting the Municipal Hall building to attend the 8:00 a.m. funeral mass for Lutherdy N. Cabus, a meat inspector who had worked for the municipal government for 17 years. She alleged that she was merely showing her respect for the dead and presented a certification from the parish priest stating that such a mass was celebrated that morning. She reiterated that she was physically present in her workstation as she was even included in the group picture-taking personally done by Atty. Tanchoco in the presence of Atty. Galo Macasinag.

Anita C. Pupos, Clerk II, also had the same explanation. She averred that she personally punched her time card in the morning of November 11, 2004 at the Hall of Justice where the bundy clock was installed and that it registered 7:50. She was not at her work station when the audit team arrived because she went back home, about a block away, to pick up her umbrella, and from there proceeded to the church to attend the funeral mass. She was, however, unable to attend the mass because Roderick Orimaco had called, as instructed, and informed her that the audit team had arrived. She then rushed to her workstation.

Necias A. Abuzo, Stenographer I, also claimed to have punched in her time card personally. She was not in her official workstation when the audit team arrived because she had rushed back home to give her husband his morning medicine. She explained that her husband was suffering from Parkinson's disease. In her worry that the audit team might come very early, she completely forgot to give her husband his medicine. She also explained that her house was only three blocks away from the office and that it did not take her long to get back to her station. The audit team was already there when she arrived.

Roderick S. Orimaco, Court Stenographer I, also claimed to have been physically present in his workstation when the audit team arrived. He stated that he was even included in the group picture taken personally by the members of the audit team.

Ireneo M. Baja, Junior Process Server, declared that he personally punched his time card at 7:23 a.m. He explained that he was not in his work- station because after punching in his card, he served the notices to the parties in a criminal case. This did not take long, and he immediately went back to the office where he learned of the arrival of the audit team.

Pamfilo O. Sanchez, Jr., Utility Worker I, denied the allegations against him. He claimed that he personally punched his bundy card at 6:09 a.m. on November 11, 2004. He explained that, as part of his duties, he reports to his workstation ahead of the others. In the morning of November 11, 2004, he came early, at 6:09 a.m., to clean the chamber, the courtroom, staffroom, and other premises within his assignment. He then went home for breakfast and took a bath. He returned to his workstation at around 8:15 a.m. with the permission of the Judge. However, he was not among the MTC personnel included in the group picture-taking together with Judge Marites Filomena Rana-Bernales.

Lizandro P. Simon, Process Server, likewise claimed that he personally punched his bundy card at 7:50 a.m. on November 11, 2004. He was aware that the audit team was coming that day, so he hurriedly served a court Order dated November 9, 2004 to a complaining witness in a criminal case who resided in Mimbolo, Tambagan, Medina, which is about a few kilometers from his station. When he arrived at the office at 8:30 a.m., the audit team was already there.

Syvil J. Pajaron, Clerk III, claimed that she personally punched her bundy card at 7:48 a.m. on November 11, 2004. She was physically present when the audit team entered their office. She was also included in the group picture-taking personally done by team leader Atty. Tanchoco.

Ellogene C. Atienza, Clerk III, Mary Ann M. Redondo, Court Stenographer III, and Dina D. Adran, Court Interpreter III, admitted that they were not in their official workstation when the audit team arrived, but claimed that they personally punched their bundy cards that morning. They explained that they attended the 8:00 a.m. funeral mass for Lutherdy N. Cabus, as a sign of respect for a co-government employee and a deceased member of the municipality.

Rodriguez J. Orimaco, Sheriff IV, alleged that his bundy card had not been punched at all when the team conducted the judicial audit. He declared that, at the time the audit team came to Medina, he was already on sick leave for 11 working days, specifically November 4-5, 8-12, and 16-19, 2004. He had also been on sick leave for 13 working days even before the audit team came (from October 5-6; 18-22; and 26-29, 2004).

Manolita D. Torayno, Court Stenographer III, and Elsie B. Sabuga, Court Stenographer III, claimed that they personally punched in their time cards and were there when the audit team entered the RTC, Branch 26 Office. They were also among those who were included in the group picture-taking personally done by team leader Atty. Tanchoco.

Atty. Michael D. Juson, Branch Clerk of Court V, claimed that, when the audit team arrived at his station on November 11, 2004, he was at the nearby Office of the Clerk of Court to return reference materials he had borrowed from the RTC law library. He claimed that, after disembarking from a public utility vehicle within the vicinity of their court station with the books and reference materials in his hands, he called out to one of his staff through the side windows of the RTC Branch 26 and requested her to punch in his bundy card as he still had to go to the Office of the Clerk of Court/RTC Branch 42 building. As he returned the materials, he and Atty. Candida N. Casiño had a short discussion on the synchronization of their individual court schedules of hearing and judicial auditing, including the proposed year-end party of the personnel of RTC Branches 26 and 42, MTC Medina, and the Medina-based personnel of the Office of the Provincial Prosecutors and Public Attorney. He contends that their discussion was cut short because he was notified that the audit team was already at their office in the RTC Branch 26. The respondent attached the affidavits of Atty. Ana Candida N. Casiño, Jocelyn C. Sala, and Ligaya D. Barlosa to vouch for his presence at the Office of the Clerk of Court before 8:00 a.m. on November 11, 2004. He also clarified the whereabouts of the following personnel that day: