

SECOND DIVISION

[A.M. No. 03-8-463-RTC, May 20, 2004]

**RE: ALLEGED TAMPERING OF THE DAILY TIME RECORDS (DTR)
OF SHERRY B. CERVANTES, COURT STENOGRAPHER III, BRANCH
18, REGIONAL TRIAL COURT MANILA.**

AUSTRIA-MARTINEZ, J.:

Atty. Caridad A. Pabello, the Officer-in-Charge of the Office of the Administrative Services (OAS) in the Office of the Court Administrator (OCA) submitted a Memorandum ^[1] dated 18 August 2003 to the OCA, relative to the alleged tampering by herein respondent, Sherry B. Cervantes, Court Stenographer III, Regional Trial Court, Branch 18, Manila (RTC for brevity) of her Daily Time Record (DTR) for October 2002.

Atty. Pabello reported that she noticed some alterations made on the DTR of respondent, particularly on October 1, 2, 10, 11, 16, 17, 24 and 29, 2002. She referred the matter to Atty. Carolina V. Peralta-Comon, Clerk of Court V of the RTC, who required respondent to comment on said report.

In her Explanation dated January 14, 2003, respondent alleges:

In this regard, the undersigned desire to state on record that although the questioned entries in her DTR seemed to be tampered such impression is more apparent than real and illusory. The deceiving appearance of tampering was due to the inkblot or stain caused by the defective signpen that I used in making the entries^[2].

Atty. Comon found the explanation to be satisfactory. Upon request of the OAS, Elena Arcenal, the employee in-charge of the logbook, submitted the original logbook of Branch 18. Upon evaluation thereof, the OAS concluded that the dates written on the logbook, particularly October 1, 2, 3, 4, 7 and 8, 2002 appear to be tampered.

In compliance with the OCA's 1st Indorsement^[3] dated August 26, 2003, respondent filed her Comment,^[4] dated September 24, 2003, asserting that she has nothing to do nor did she have any participation in the tampering of the dates in the logbook of RTC, Branch 18, Manila and referred the matter to Arcenal to clarify said matter.

On October 10, 2003, the OCA directed Arcenal to comment on respondent's asseverations. ^[5] On even date, the OCA likewise directed Atty. Comon to comment on the photocopies of the logbook wherein the dates covering October 1, 2, 3, 4, 7 and 8, 2002 seem to be tampered.^[6]

In her Comment^[7] dated October 28, 2003, Arcenal gave the following explanations: The last date on the old logbook that was filled up with signatures and dates of arrival and departures of court employees was September 23, 2002. On September 24, 2002, she entered the dates beginning September 24, 2002 up to October 1, 2002 on the new logbook as the old logbook has been almost consumed. While she was doing this, a court employee suggested to her that the new logbook should start with October 1, 2002 instead of September 24, 2002. Finding the suggestion to be more proper and logical, she erased the newly entered dates of September 24, 2002 to October 1, 2002 on the new logbook through a liquid paper correction and superimposed on the erased dates, the new dates starting October 1 to 8, 2002; and she wrote the dates of September 24, 2003 up to September 30, 2003 at the dorsal portions of the old logbook to avoid confusion. She attests that no tampering transpired in the new logbook.

In her Comment^[8] dated November 3, 2003, Atty. Comon corroborated the statements made by Arcenal and attested that there was no tampering that took place but plain and simple imprudence innocently committed by Arcenal, which the OCA finds plausible.

However, the OCA found that respondent Cervantes is guilty of gross dishonesty or serious misconduct insofar only as the respondent's entry in her DTR on October 2, 2002 is concerned. It recommended that respondent be fined P5,000.00 with a stern warning that a repetition of the same will be dealt with more severely.

We approve the OCA's findings and recommendation as to respondent Cervantes. As to Arcenal, she deserves to be admonished to be more efficient in the performance of her duties.

An examination of the DTR of respondent Cervantes reveals that on October 2, 10, 11, 17, 24 and 29, 2002, the entries thereat show superimpositions or alterations made by her on said dates. The altered handwritten entries of "8:00" as respondent's time of arrival on October 11, 17 and 24 in her DTR tally with the entries in the logbook. But a doubt is created when the handwritten entry of the time under the column for arrival in her DTR on October 10, 2002 appears to have been altered from "9:00" to "8:00." For October 29, 2003, the entry of arrival cannot be readily discerned whether it is "8:00" or "8:30" because of what appears to be superimpositions or alterations on the written time. Respondent explains that the superimpositions or alterations referred to were caused by inkblots or stains due to her defective signpen. There being no controverting evidence, we give her the benefit of the doubt as the possibility that what appears to be superimpositions or alterations, may, indeed, have been caused by her defective signpen is not remote.

However, the entry of respondent under the column for arrival in the DTR for October 2, 2002 does not only show a superimposition or alteration to reflect that the time of respondent's arrival is "8:00," it also contradicts the entry in the logbook for the same date wherein it appears that the time of her arrival is clearly written as "8:30," sans any inkblot or stain. Evidently, there is no way that it can be attributed to a defective signpen. Thus, the OCA is correct in concluding that respondent had deliberately made it appear on her DTR that she was not late by 30 minutes on October 2, 2002.