

EN BANC

**[A.M. No. P-99-1336 [Formerly IPI No. 95-11-P],
February 06, 2001]**

**CLERK OF COURT ELEONOR T. F. MARBAS-VIZCARRA,
COMPLAINANT, VS. MA. DINA A. BERNARDO, RESPONDENT.**

D E C I S I O N

PER CURIAM:

This administrative case involves the tampering of Daily Time Records (DTRs) of several employees in the Regional Trial Court (RTC), Branch 30 of Cabanatuan City, by respondent Ma. Dina A. Bernardo, Clerk III, and her co-employee Gregoria R. Florendo, Court Interpreter, as reported by the then Clerk of Court of said branch, complainant Atty. Eleonor T.F. Marbas-Vizcarra, in an investigation conducted by her regarding said matter.

Atty. Vizcarra conducted her investigation in response to two letters from Atty. Adelaida Cabe-Baumann, Chief Administrative Officer of this Court. In an Indorsement dated January 16, 1995 addressed to Atty. Vizcarra, Atty. Baumann referred the matter of tampered DTRs for the month of November 1994 of Gregoria R. Florendo, Juanito F. Florendo, Linafe R. Quijano and Ma. Victoria Roque, all employees of RTC Branch 30 of Cabanatuan City. Subsequently, Atty. Baumann sent a second letter to Atty. Vizcarra, informing the latter of the discovery of tampered DTRs for the month of December 1994 of Gregoria Florendo, as well as those of Juanito Florendo and Josefina Cunanan who are also employees of said branch.

In her comment, Atty. Vizcarra reported that:

The November 1994 and December 1994 DTRs with the attached applications for leave and the transmittal letter were all entrusted to Ms. Gregoria Florendo for submission to the Supreme Court. Investigation made by the undersigned showed that the tampering was done by Ms. Florendo and Clerk Ma. Dina Bernardo while said DTRs were in Ms. Florendo's possession. The tampering was done in her own house the night before the DTRs were brought to the Supreme Court. Ms. Florendo and Ms. Bernardo tampered not only their own respective DTRs but also the DTR[s] of the other employees of this Branch, without their knowledge and consent. Ms. Linafe Quijano, Ms. Victoria Roque and Ma. Josefina Cunanan submitted their statements denying prior knowledge of the tampering. A careful perusal of the tampered DTRs showed that the tampered entries were not written by the following employees: Ms. Quijano, Ms. Cunanan, Ms. Roque and even Mr. Florendo, who was a witness to the tampering of the of the November 1994 DTRs.

In a meeting called by the undersigned regarding the tampering of DTRs, Ms. Florendo further admitted to the undersigned that they also tampered the DTRs of their co- employees and their reason for this is that and I quote: "kung yung amin lang ang tatamperin namin baka hindi ka mag-second thought na ireport kami, ngayon maraming DTR ang tampered baka sakaling hindi mo kami ireport at marami kami. What Ms. Florendo did not foresee is that it would be the people at the Supreme Court itself who would discover the falsification and not the undersigned. Also, contrary to Ms. Florendo's and Ms. Bernardo's expectations, their other office mates refused to join them in building up a lie and, instead, opted to tell the truth. Mr. Juanito Florendo, the branch Utility Worker and nephew of Ms. Florendo and who lives in the house of the latter, gave a statement under oath that when the November 1994 DTRs of Ms. Florendo, Ms. Bernardo and the rest of the staff were being tampered by Ms. Florendo and Ms. Bernardo, he was present but could not do anything about it for fear of his aunt.

x x x.^[1]

Subsequently, Atty. Vizcarra discovered that there were other tampered DTRs of the staff in the RTC. She then submitted a second Comment to this Court, and summarized her findings as follows:

1. The DTRs for the months of October 1994, November 1994 and December 1994 of certain personnel of this branch were tampered with;
2. The tamperings were committed by Ms. GREGORIA R. FLORENDO, & Ms. MA. DINA A. BERNARDO in the presence of Mr. JUANITO F. FLORENDO, the branch Utility Worker, nephew and household member of Ms. Gregoria Florendo;
3. The tamperings were committed in the house of Ms. Gregoria Florendo to whom the undersigned entrusted the DTRs for submission to the Supreme Court, insofar as the November and December 1994 DTRs are concerned;
4. Insofar as the October 1994 DTRs are concerned, only the DTR of Ms. Gregoria Florendo is tampered with. Ms. Florendo was also the one who submitted the October 1994 DTRs of this branch to the Supreme Court;
5. The DTRs were tampered with by Ms. Florendo and Ms. Bernardo without the knowledge and consent of their officemates;
6. The tampering came to the knowledge of the undersigned only when she received the letter form Atty. Adelaida Cabe-Baumann calling her attention regarding the tampered DTRs. The original DTRs which were tampered with were attached to said letter;

7. The DTR of Mr. Juanito Florendo for the month of November 1994 was likewise tampered with but he alleged that although he was present when said DTR was being tampered with, he was not able to do anything to stop it for fear of his aunt, Ms. Gregoria R. Florendo. Regarding his December 1994 DTR which was also tampered with, he alleged that he has nothing to do with its tampering;
8. Ms. Ma. Dina A. Bernardo, who admitted her participation in the tampering to the undersigned and her officemates, did otherwise in her written statement. She alleged that mechanical tampering of her DTR is a remote possibility. She did not categorically deny nor make mention of her participation in the tampering of her officemates' DTRs which was the subject of a memo sent to her by the undersigned. The November and December 1994 DTRs of Ms. Bernardo were both tampered with.
9. Ms. Gregoria Florendo did not submit any written explanation to the undersigned asking her to explain why there are tampered entries in her DTRs.
10. The following are the employees with tampered DTRs and the particular entries tampered with:
 1. GREGORIA R. FLORENDO - OCTOBER 5, 6, 10, 18, 19, 1994;
NOVEMBER 2, 3, 7, 15, 16, 17, 22, 29, 1994;
DECEMBER 1, 6, 9, 15, 19, 20, 21, 27, 1994.
 2. MA. DINA R. BERNARDO - NOVEMBER 8, 16, 18, 29, 1994
DECEMBER 1, 5, 8, 15, 1994;
 3. JUANITO F. FLORENDO - NOVEMBER 2, 15, 28, 1994;
DECEMBER 6, 12, 13, 19, 1994.
 4. CELIA G. LUNA - NOVEMBER 2, 18, 1994;
 5. JOSEFINA A. CUNANAN - NOVEMBER 11, 16, 18, 28, 1994;
DECEMBER 6, 12, 13, 26, 27, 29, 1994.
 6. LINAFA R. QUIJANO - NOVEMBER 2, 17, 18, 29, 1994;
DECEMBER 19, 20, 21, 22, 1994.
 7. VICTORIA D. ROQUE - NOVEMBER 2, 18, 1994;