

SECOND DIVISION

[A.M. No. P-04-1801 (formerly A.M. OCA IPI No. 00-832-P), April 02, 2004]

JUDGE JOSE C. REYES, JR. EXECUTIVE JUDGE, REGIONAL TRIAL COURT – SAN MATEO, RIZAL, COMPLAINANT, VS. RICARDO CRISTI, CASH CLERK II, OFFICE OF THE CLERK OF COURT, REGIONAL TRIAL COURT – SAN MATEO, RIZAL, RIZAL, RESPONDENT.

D E C I S I O N

CALLEJO, SR., J.:

A Letter-Complaint dated December 23, 1999 was filed against Ricardo F. Cristi, Cash Clerk II, Office of the Clerk of Court, Regional Trial Court (RTC), San Mateo, Rizal, for habitual absenteeism and dishonesty.

The letter-complaint was written by Atty. Fermin M. Ofilas, Clerk of Court of the said RTC and addressed to Executive Judge Jose C. Reyes, Jr.^[1] Atty. Ofilas averred that he purposely did not sign the daily time record (DTR) of the respondent corresponding to the period of June up to November 1999, as it might be construed as a condonation of the acts of the latter, which are valid subject of serious disciplinary action.

It appears that over the said six-month period, the respondent reported to work for only seventy-five (75) days and was absent for fifty-seven (57) days, as follows:^[2]

	NO. OF DAYS PRESENT	NO. OF DAYS ABSENT
JUNE	9	13
JULY	15	7
AUGUST	13	9
SEPTEMBER	8	14
OCTOBER	13	8
NOVEMBER	13	6

When his attention was called to his habitual absenteeism, the respondent promised to mend his ways. But after showing up for work a few times thereafter, he reverted to his old conduct. Verification with the Leave Section of the Supreme Court revealed that as of April 1999, the respondent's leave credits had already been exhausted. Nonetheless, he continued to receive his salaries without deductions.

According to Atty. Ofilas, the respondent likewise committed acts of dishonesty when he repeatedly superimposed his signature on the lines drawn at the last column or space of the attendance sheet/logbook during certain days. The lines were drawn to indicate the close of office hours on those days. By superimposing his

signature thereon, the respondent made it appear that he was present on those days when in fact he was absent. He committed this act at least four (4) times in June, four (4) times in July and once in September 1999.

In his 1st Indorsement dated February 7, 2000, Judge Reyes forwarded the letter-complaint to the Office of the Court Administrator (OCA). The respondent was then directed to file his comment thereon.

In his Comment dated November 30, 2002, the respondent admitted his absences during the period of June to November 1999, but averred that he filed the corresponding applications for leave. For reasons not known to the respondent, Atty. Ofilas did not act upon these applications. The respondent denied making any untruthful statements in the logbook. He pointed out that the clerk-in-charge, Ms. Aranzazu Baltazar, had affixed her initials on his DTRs indicating that the entries therein had been verified by her.

The respondent further stated that he had already resigned from his position as of March 3, 2000 and that his resignation had been duly accepted by the OCA.

In this Court's Resolution dated July 9, 2003, the matter was referred to Hon. Elizabeth Balquin-Reyes, Acting Executive Judge, RTC, San Mateo, Rizal, for investigation, report and recommendation.

After conducting the investigation, the Investigating Judge submitted her Report dated October 3, 2003 and made the following findings:

Mr. Ricardo Cristi was guilty of Habitual Absenteeism having incurred unauthorized absences exceeding the allowable days prescribed by CSC Memoranda Circular. However, as to his Dishonesty, the same was not proven by the mere allegation that he was not really present on those days he signed the logbook. It would appear that he was only late on those days. A careful scrutiny of the logbook would show that respondent signed the logbook on the day he was alleged to have been absent. The succeeding days when there are no more employees to sign, there are no spaces left, while the days when respondent was allegedly only late, there are spaces. An example is Annex "D" under date of July 22, 1999. No. 6 is a space, then a line after which Cristi signed on the line. This was followed by July 23, 1999, where the last number again was 6 and the name Ricardo Cristi was absent as indicated. There was no space after that and followed immediately by July 26 and also on July 28. This practice could be seen in the pages of the logbook.

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1. Mr. Ricardo Cristi although appointed Cash Clerk II or Clerk III was not given the duties of his office.
2. The allegations that he had problems on those months he committed the unauthorized absences could be true, as there were no deficiency reports against him prior to those dates.
3. The dishonesty alleged in the report was not proved but a mere allegation.^[3]