

## EN BANC

[ A.M. No. 2005-21-SC, September 28, 2010 ]

### RE: FAILURE OF VARIOUS EMPLOYEES TO REGISTER THEIR TIME OF ARRIVAL AND/OR DEPARTURE FROM OFFICE IN THE CHRONOLOG MACHINE

#### D E C I S I O N

**CARPIO, J.:**

#### The Facts

This administrative case arose from a Report of the Leave Division of the Supreme Court to the Complaints and Investigation Division of the Office of Administrative Services (OAS).<sup>[1]</sup> The Report referred to the failure of various Supreme Court employees to register their time of arrival to and/or departure from office in the Chronolog Time Recorder Machine (CTRM) for the first semester of 2005. Charged were the following:

1. Noemi B. Adriano, Development Management Officer V, Program Management Office (PMO), for various dates from January to June
2. Dennis Russell D. Baldago, Chief Judicial Staff Officer, PMO, for various dates from January to June
3. Edilberto A. Davis, Director IV, PMO, for various dates from January to June
4. Atty. Catherine Joy T. Comandante, Court Attorney V, PMO, for various dates in February and from April to June
5. Jonathan Riche G. Mozar, Bookkeeper I, PMO, for various dates from January to June
6. Mariles M. Sales, Executive Assistant IV, PMO, for various dates from January to June
7. Virginia B. Ciudadano, Court Stenographer IV, Court Management Office, Office of the Court Administrator (OCA) for various dates from March to June
8. Pia Claire C. Bernal, Clerk IV, Legal Office, OCA for various dates in January and from March to June
9. Teresita M. Aniñon, Human Resource Management Officer I, Leave Division, OAS, OCA, for various dates from January to March
10. Honradez M. Sanchez, Human Resource Management Assistant, Leave

Division, OAS, OCA, for various dates in the months of February, March, and May

11. Samuel R. Ruñez, Jr., Cashier III, Checks Disbursement Division, FMO, OCA, for various dates from January to March and in the month of May

12. Arturo G. Ramos, Engineering Aide A - Casual, Committee on Hall of Justice, for various dates from January to March, and from May to June

13. Zosimo D. Labro, Administrative Officer II, Property Division, OAS, OCA, for various dates from March to June

14. Leonarda Jazmin M. Sevilla, Clerk IV, Legal Office, OCA, for various dates from February to June

15. Ariel Conrad A. Azurin, Messenger, Finance Division, FMO, OCA, for various dates from January to June

In its Memorandum dated 2 September 2005,<sup>[2]</sup> the OAS directed respondent employees to explain why no administrative disciplinary action should be taken against them for their infraction. In compliance with the directive, respondent employees submitted the following comments/explanations:

1. Ma. Noemi B. Adriano offered the following reasons: (1) domestic and office concerns, (2) long travel time, (3) forgetfulness, and (4) malfunctioning CTRM. She pointed out her diligence in logging her attendance in the Daily Report of Absences and Tardiness (RAT) of their office.

2. Dennis Russell D. Baldago claimed that on several occasions he had meetings and activities outside the Court. In other instances, he admitted his neglect. He also faulted his ID for his failure to register in the CTRM and claimed consulting with the Management Information System Office (MISO) for the replacement of his ID.

3. Edilberto A. Davis asserted he never failed to register in the CTRM and in their office logbook. He admitted, however, that there were instances when he forgot his ID at home or when he forgot to register due to office meetings. He wondered how it appeared that he had not registered in the CTRM on the other dates stated in the Memorandum.

4. Atty. Catherine T. Comandante declared she was on official business on several occasions while on a few instances, she inadvertently failed to register in the CTRM.

5. Jonathan Riche G. Mozar reasoned that as Bookkeeper I in the PMO, there were times that he was tasked to perform other jobs requiring him to go out of the office. For this reason, he found it inconvenient and inappropriate to still drop by the office just to register in the CTRM.

6. Mariles M. Sales claimed that the CTRM malfunction on certain dates, while on the other dates specified in the Memorandum, she either forgot to bring her ID or was rushing home.

7. Virginia B. Ciudadano stated that she had religiously swiped her ID upon her arrival to and departure from office. However, for the month of March 2005, she admitted failing to register in the CTRM because she could not locate her ID. She did not bother to use the Bundy Clock Machine because she thought that her signature in their office logbook is sufficient to consider her attendance.

8. Pia Claire C. Bernal claimed that she regularly registered her daily attendance both in the CTRM and in their office logbook and was surprised to receive the Memorandum. She believed her ID was already defective, thus she requested for a new ID. On 26 April 2005, she did not register in the CTRM due to an official business outside the Court.

9. Teresita M. Aniñon admitted her absence on 14 and half day work on 19 January 2005, which were both approved by her superior. However, such leave application did not reach the Leave Division. On 18 March 2005, she claimed she swiped her ID but it appeared that the CTRM did not register her attendance, leading her to conclude that her ID was already defective. On the other dates, she forgot her ID at home. Nonetheless, she claimed that she never failed to register in their office logbook.

10. Honradez M. Sanchez blamed his failure to swipe his ID on his forgetfulness to bring the same. He claimed that on the dates mentioned in the Memorandum, he visited his parents' house in Fairview and still had to go home in Laguna. On 11 and 14 February, he alleged his ID was misplaced and was only found later.

11. Mr. Samuel R. Ruñez, Jr. claimed that he never failed to register during the period covered in the Memorandum. He maintained that his Monthly and Daily RAT for the months of January, February, March and April 2005 showed his attendance for the period. He faulted his ID for not being read by the CTRM, and averred that he already applied for a new ID.

12. Mr. Arturo G. Ramos alleged he regularly swiped his ID card in the CTRM. He attached copies of the RAT of their office for the months of January, February, March, May and June to prove his attendance on the questioned dates. He attributed his failure to register in the CTRM either to the malfunctioning CTRM or defective ID. He intended to coordinate with the MISO to remedy this and also request for a new ID.

13. Zosimo D. Labro, Jr. stated that his failure was due to his defective three-year old ID, and thus, he would apply for a new ID.

14. Ariel Conrad A. Azurin claimed that he was surprised to receive the Memorandum as he always made sure to hear a confirmation tone whenever he registered in the CTRM. He presented copies of the RAT of his office to support his attendance on the dates mentioned in the Memorandum. He surmised that his failure to register in the CTRM was due to his worn out ID. He also presented an official receipt to prove his request for a new ID.

15. Leonarda Jazmin M. Sevilla denied that she failed to register in the CTRM.

However, she claimed that she continued to use her old ID despite the fact that she had already secured a new one. She submitted copies of the RAT of her Office to prove her attendance.

### **The Recommendation of the OAS**

The OAS classified the reasons proffered in the comments as (1) personal, including household or domestic needs, workload, nature of office, distant travel, traffic, and forgetfulness, (2) malfunctioning CTRM, (3) misplaced, worn out, or defective ID cards, or (4) official business.

In ruling against respondent employees, the OAS cited the Court's ruling in *Re: Administrative Case for Dishonesty Against Elizabeth Ting, Court Sec. I and Angelita C. Esmerio, Clerk III, Off. Clerk of Court*,<sup>[3]</sup> an administrative case for dishonesty filed against two employees of this Court, where the Court held that "domestic concerns and other personal reasons cannot justify nor exonerate one's culpability for committing violation of such offense."

With respect to Leonarda Jazmin M. Sevilla, the OAS found her guilty of violation of reasonable office rules and regulations for maintaining two ID cards. Sevilla "used her old ID alternately with her new ID, that was why there were no entries [when] the old ID was used."

Insofar as Ariel Conrad A. Azurin is concerned, the OAS found that his omission to register in the CTRM constitutes dishonesty. According to the OAS, Azurin "deliberately did not swipe on the aforementioned dates and made it appear on the said dates that he reported on time to escape administrative liability for habitual tardiness for the 3<sup>rd</sup> time which is already punishable with the penalty of dismissal."

The OAS recommended that respondent employees, except Azurin, to be sternly warned for Violation of Reasonable Office Rules and Regulations, to wit:

WHEREFORE, in view of the foregoing, this Office respectfully recommends the following:

1. Finding Ms. Noemi B. Adriano, Mr. Dennis Russell D. Baldago, Mr. Edilberto A. Davis, Atty. Catherine Joy T. Comandante, Mr. Jonathan Riche G. Mozar, Ms. Mariles M. Sales, Ms. Virginia B. Ciudadano, Ms. Pia Claire C. Bernal, Ms. Teresita M. Aniñon, Mr. Honradez M. Sanchez, Mr. Samuel R. Ruñez, Jr., Mr. Arturo G. Ramos, Mr. Zosimo D. Labro, GUILTY of Violation of Reasonable Office Rules and Regulations and taking into consideration the mitigating circumstance that this is their first violation, that they be STERNLY WARNED that a repetition of similar acts in the future shall be dealt with severely. For the officials and employees of the PMO who attend meetings and/or seminars outside the Court's premises, appropriate office orders should be submitted to the Leave Division, this Office for proper recording in their office attendance files.

2. Finding Ms. Leonarda Jazmin M. Sevilla, GUILTY of Violating Reasonable Office Rules and Regulations, not for her failure to swipe her ID card in the CTRM but for maintaining and using two (2) ID cards

within the period from January to June 2005, that she be (a) STERNLY WARNED that a repetition of similar acts in the future shall be dealt with severely; and (b) directed to immediately surrender her old ID card to this Office; and

3. Finding the acts of Mr. Ariel Conrad A. Azurin as constituting Dishonesty, that he be directed by the Court to explain why he should not be held administratively liable for Dishonesty.<sup>[4]</sup>

### **The Court's Ruling**

The recommendations of the OAS are well taken, except as to Sevilla who is not guilty of Violation of Reasonable Office Rules and Regulations.

#### *I. Respondent employees are guilty of Violation of Reasonable Office Rules and Regulations*

Administrative Circular No. 36-2001<sup>[5]</sup> requires all employees (whether regular, coterminous or casual) to register their daily attendance, in the CTRM and in the logbook of their respective offices.

In *Re: Failure of Jose Dante E. Guerrero to Register his Time In and Out in the Chronolog Time Recorder Machine on Several Dates*,<sup>[6]</sup> the Court emphasized the importance of attendance registration via CTRM, to wit:

The CTRM registration is not being imposed as a tedious and empty requirement. The registration of attendance in office by public employees is an attestation to the taxpaying public of their basic entitlement to a portion of the public funds. Verily, the registration requirement stands as the first defense to any attempt to defraud the people of the services they help sustain. This requirement finds its underpinnings in the constitutional mandate that a public office is a public trust. Inherent in this mandate is the observance and efficient use of every moment of the prescribed office hours to serve the public.<sup>[7]</sup>

In that case, the Court found Guerrero's explanations for his failure to register his time of arrival and departure in the CTRM, namely, a defective ID and a malfunctioning CTRM, unbelievable. The Court affirmed Atty. Eden T. Candelaria's finding that "Guerrero deliberately avoided registering via the CTRM to make it appear that he had reported on time," thereby avoiding the ultimate penalty of dismissal for his habitual tardiness.

In *Re: Supreme Court Employees Incurring Habitual Tardiness in the 2nd Semester of 2005*,<sup>[8]</sup> which involved a charge of habitual tardiness where the justifications offered by respondent employees therein were similar to the reasons given in this case, the Court found the respondent employees' explanations untenable. The Court stated: