

EN BANC

[A.M. No. P-07-2303, July 04, 2008]

RE: REPORT OF ATTY. ELENITA MACATANGAY-ALVIAR, BRANCH CLERK OF COURT, REGIONAL TRIAL COURT, BRANCH 102 OF QUEZON CITY ON THE ALLEGED TARDINESS AND ALSIFICATION OF TIME CARDS OF MR. JOVENCIO G. OLIVEROS, JR., UTILITY WORKER, RTC, BRANCH 102, QUEZON CITY.

D E C I S I O N

PER CURIAM:

Atty. Elenita Macatangay-Alviar, branch clerk of court of the Regional Trial Court (RTC), Branch 102 in Quezon City, reported that Jovencio G. Oliveros, Jr., utility worker in the said RTC, had habitually been tardy and had falsified his daily time records. Certified true copies of Oliveros' time cards from July 2004 to June 2006 and his monthly record of absences and tardiness for May to June 2004, April to May and August to December 2005, and January to June 2006 accompanied Atty. Alviar's report.

In his *Comment*, Oliveros denied the charges against him, claiming, with respect to his reported absences, that it was Atty. Alviar, as branch clerk of court, who failed to verify whether or not the presiding judge signed his (Oliveros') applications for leave of absence. Oliveros likewise denied allegations of time card tampering, contending that what he did was to make corrections, with the permission of Atty. Alviar, in the entries punched which were pale in appearance and hardly discernible. He said, however, that due to a personal misunderstanding, Atty. Alviar denied having consented to the said corrections. Lastly, as to his tardiness, Oliveros explained that, although he usually arrives early, he sometimes forgets, as he had in fact forgotten, to punch his time cards owing to his preoccupation with his early chores in court.

Upon investigation, the Office of the Court Administrator (OCA) found Oliveros' explanation as to his tardiness unconvincing. His acts, the OCA found, were in violation of Civil Service Memorandum Circular No. 23, Series of 1998, which provides that "[a]ny employee shall be considered habitually tardy if he incurs tardiness, regardless of the number of minutes, ten (10) times a month for at least two (2) months in a semester or at least two consecutive months during the year."

We agree with the OCA.

As the records show, Oliveros came in and reported for work late on ten (10) occasions in July 2005 and again in August 2005.^[1] This conduct, which indicates a pattern of misfeasance, violates the above-mentioned circular and amounts to habitual tardiness.