

THIRD DIVISION

[A.M. No. P-08-2542 (Formerly A.M. No. 08-1-09-RTC), November 28, 2008]

OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. CYRIL JOTIC, COURT INTERPRETER III, REGIONAL TRIAL COURT, BRANCH 64, TARLAC CITY; AND JOSELITO R. ESPINOSA, PROCESS SERVER, OFFICE OF THE CLERK OF COURT, REGIONAL TRIAL COURT, TARLAC CITY, RESPONDENTS.

DECISION

NACHURA, J.:

On September 5, 2007, the Office of the Court Administrator (OCA) received an anonymous complaint^[1] on the alleged anomalies in the Regional Trial Court (RTC), Tarlac City. According to the informant, certain employees were designated to punch in the Daily Time Records (DTRs) of the personnel of RTC, Tarlac City.

A team was dispatched to conduct a discreet investigation in order to validate the complaint.^[2] The investigation was conducted on November 15 and 16, 2007.^[3]

In a Memorandum^[4] dated January 3, 2008 submitted to the Court, the OCA reported that on November 16, 2007, Court Interpreter Cyril Jotic, RTC, Branch 64; and Process Server Joselito Espinosa, Office of the Clerk of Court (OCC) of the same RTC, both of Tarlac City, made *untruthful statements* in their respective logbooks when they entered their time of attendance therein.

Quoted hereunder are the pertinent portions of the Memorandum:

On November 16, 2007, the team arrived at RTC, Tarlac City around 8:05 a.m. Immediately, the team noticed that only a few employees were present. The Office of the Clerk of Court (OCC) and the staff room of Br. 63 were still closed. At the ground floor, only Sheriff Antonio Leano Jr., of the OCC was spotted who had not logged in at the [logbook] because the office was closed.

x x x x

When the team returned to the OCC, it was already open and only two personnel were present. However, upon inspection of the [logbook] it was discovered that Process Server Joselito Espinosa made a superimposition of 8:05 a.m. over the originally written 7:40 a.m. When asked about the matter he reasoned that his watch was allegedly malfunctioning.

Around 9:00 a.m., the team decided to check again the logbook of RTC,

Br. 64. Upon arrival thereat, it was noticed that Court Interpreter Cyril Jotic was writing on the logbook. Upon checking the same, the team found that Jotic logged her time at 7:58 a.m. below the delineation line made by the team. When asked why she logged in the time 7:58 a.m. she explained that she was a bit "*rattled*" and she really intended to write "8:58 a.m." Based on her declaration, the team wrote the time "8:58 a.m." in the logbook and signed the same. After the correction, Jotic started *acting discourteously by slamming the several chairs in the presence of the team* before she started working.

x x x x

While the team was still in Br. 63, Jotic, accompanied by Atty. Marilyn Martin, Branch Clerk of Court, Br. 64 who was then carrying the logbook, barged in and angrily confronted the team. Jotic, raising her voice insisted that the team made a mistake in indicating her time of arrival. She claimed that she really arrived at 8:28 a.m. and not 8:58 a.m. Jotic rudely accused the team, particularly Atty. George B. Molo, of forcing her to indicate her alleged time of arrival as "8:58 a.m." Atty. Molo clarified that she could give her explanation regarding the matter should the Court require her to do so.

In a Resolution^[5] of February 13, 2008, the Court directed both Process Server Joselito Espinosa and Court Interpreter III Cyril Jotic to comment on the charge.

In her Comment^[6] dated April 3, 2008, Court Interpreter III Cyril Jotic states that on November 16, 2007, she arrived at the court at 8:28 a.m. and she was informed by Utility Worker Arsenia Bucad of the presence of an Investigating Team (team) from the Supreme Court conducting a spot inspection. She admitted that she wrote 7:58 a.m. instead of 8:28 a.m. on the logbook because she was "rattled" by the presence of the investigating team.

Respondent Jotic narrates that her attention was called by the team on why she wrote 7:58 a.m. in the logbook when in fact she was not present at that time. She replied, "*Ay sorry po sir, nagkamali ako ng sinulat, dapat 8:58 yan.*" Thereafter, Atty. George Molo (team member) indicated the time "8:58 a.m." as her time of arrival and initialed the said entry. The respondent argues that the team was not present when she made the entry in the logbook because she and her officemates had already signed the logbook when the team returned to their office at about 9:00 a.m.

After the team left RTC Br. 64, Civil Clerk Joy Agnes notified respondent Jotic that the superimposed entry of 8:58 a.m. was improbable, considering that the former arrived later and wrote 8:30 a.m. in the logbook. Branch Clerk of Court Marilyn Martin then decided to accompany respondent Jotic to explain the erroneous entry that the respondent made in the logbook.

The respondent denies that she barged into RTC Br. 63 and angrily confronted the team. She claims that she was "*hurt*" when the team refused to make the necessary correction because it was the respondent herself who declared that she arrived at 8:58 a.m. She, in turn, accuses the team of rude behavior in dealing with her and the personnel of RTC, Tarlac City.

In his Comment^[7] dated April 2, 2008, Process Server Joselito Espinosa states that he did not commit dishonesty in indicating his time of arrival in the logbook. He *initially* entered the time 7:40 a.m. in the logbook based on his watch. He reasons that he made the entry 7:40 a.m. because it was the time indicated in his watch which was malfunctioning at that time. His attention was, however, called by Sheriff Leaño informing him that the correct time was 8:05 a.m. He then superimposed the time 8:05 a.m. over 7:40 a.m. to indicate the correct time of his arrival. To bolster his claim, he attached a copy of the affidavit^[8] of Sheriff Leaño.

He admits that he made the superimposition, but the same was made in good faith to reflect the true time of his arrival.

Verification from the OCA Leave Division shows that for the period *July 2007 to November 2007*, both respondents Joselito R. Espinosa and Cyril Jotic had incurred no tardiness, except on November 16, 2007, when the OCA conducted a *surprise inspection*.

Respondent Jotic admitted in her Comment that she *arrived* at 8:28 a.m. and *wrote* 7:58 a.m. in the logbook. Her claim that she was "*rattled*" by the presence of the team appears illogical and the same deserves scant consideration. The presence of the investigating team might have created a *tense atmosphere* but it would not have been enough to cause the respondent to lose her composure because the team was there only to investigate the alleged anomalies in RTC, Tarlac City. In the natural order of responses, the presence of the OCA investigating team should have made her enter the correct time in the logbook; it cannot, in any manner, be said that she was consensually impaired in doing so.

The OCA opines that the *true reason* behind respondent Jotic's uneasy feeling was attributable to the irregularity she committed and her dread of being discovered. *Human experience dictates that he who has nothing to hide is the last to quiver in fear.* It is not material whether the correct time of the respondent's arrival was 8:28 a.m. or 8:58 a.m. What is of significance is that she intentionally wrote the time 7:58 a.m. when actually she arrived at a much later time. The facts and the evidence, coupled with the respondent's own admission, sufficiently establish her culpability.

Respondent Jotic's act of reflecting an earlier time of arrival on November 16, 2007, when in truth she arrived at a later time, amounts to the falsification of a DTR, which, in this case, happens to be an attendance logbook.

The making of untrue statements in the attendance logbook quite palpably demonstrates a deliberate attempt to conceal or suppress information on her tardiness on said date.

It is also noted that the respondent, knowing fully well that the matter was not yet settled, *unyieldingly* wrote the time 8:28 a.m. in her DTR and submitted the same to the Leave Division-OCA. This shows respondent Jotic's stubbornness and persistence in having her way, no matter what.

The OCA finds appalling respondent Jotic's attempt to *sidetrack* the issue by

accusing the members of the OCA investigating team of rude behavior. Her accusation *lacks substance*. Other than the respondent's bare allegation, there is no statement or document on record to suggest that the team members acted rudely in the course of their investigation. Neither is there any proof of any protestation by the personnel of RTC, Tarlac City as to the alleged "improper demeanor" of the team, except that of the respondent alone. On the contrary, it was respondent Jotic who acted discourteously - *slamming several chairs in the presence of the team members* - because of frustration, having been caught making an untruthful statement in the attendance logbook. Evidently, the respondent wanted to retaliate against the team members, considering that she admitted being "*hurt*" when the team refused her insistence to correct her entry in the logbook.

With respect to respondent Espinosa, he, too, cannot escape liability. The OCA finds his excuse - a malfunctioning watch - *absurd*. It is inconceivable that he arrived at 8:05 a.m. because as borne out by the OCA Report, the team arrived at around 8:05 a.m. and only Sheriff Antonio Leaño, Jr., was present but had not yet logged in his attendance on the logbook because the Office of the Clerk of Court was still closed. Respondent Espinosa admitted that his watch was malfunctioning and he only relied on Sheriff Leaño's information that the time of his arrival was 8:05 a.m. This explanation we find contrary to common sense as it projects the sheriff as a timekeeper of some sort. Plain and simple, the respondent put up but a very lame excuse.

The OCA deems it surprising that both the respondents were consistently punctual from July 2007 to November 2007 save when the OCA investigation team conducted a surprise inspection. This circumstance casts doubt on the veracity of their respective time arrival entries in the attendance logbooks.

The OCA then recommended:

x x x x

4. That Court Interpreter III Cyril B. Jotic, RTC, Br. 64, Tarlac City be found GUILTY of DISHONESTY and MISCONDUCT and accordingly be meted with the penalty of DISMISSAL from the service with forfeiture of all retirement benefits, except leave credits, with perpetual disqualification from re-employment in any government agency, including government-owned and controlled corporation, and with cancellation of civil service eligibility.
5. That Process Server Joselito R. Espinosa be found GUILTY of DISHONESTY and accordingly be meted with the penalty of DISMISSAL from the service with forfeiture of all retirement benefits, except leave credits, with perpetual disqualification from re-employment in any government agency, including government-owned and controlled corporation, and with cancellation of civil service eligibility.
6. That Atty. Marilyn M. Martin, Branch Clerk of Court, RTC, Br. 64, be required to explain why no administrative disciplinary action should be taken against her for failing to closely supervise the personnel of RTC, Br. 64, Tarlac City.