

EN BANC

[A.M. NO. 2005-24-SC, August 10, 2007]

RE: ADMINISTRATIVE CASE FOR FALSIFICATION OF OFFICIAL DOCUMENTS AND DISHONESTY AGAINST RANDY S. VILLANUEVA.

RESOLUTION

PER CURIAM:

This is an administrative case against respondent Randy S. Villanueva, computer maintenance technologist II of the Court's Management Information Systems Office (MISO), for falsification of public documents and dishonesty.

Claiming that his application for employment abroad had been approved, respondent tendered his resignation effective September 2, 2005. It was approved on August 31, 2005^[1] on the favorable recommendation of Atty. Ivan John E. Uy, chief of MISO.

However, in a memorandum dated September 22, 2005,^[2] deputy clerk of court and chief administrative officer Eden T. Candelaria raised doubts about the reasons offered by respondent and the timing of his resignation, based on preliminary inquiries of the Office of Administrative Services (OAS):

...[There] were already three (3) employees of [MISO] who were dismissed from the service for dishonesty and falsification of official [documents.] Mr. Noel Luna, former SC Chief Judicial Staff Officer was dismissed on December 15, 2003, Mr. Benjamin Katly, former Information Technology Officer I, was dismissed on March 25, 2004 and on August 25, 2005[,] Mr. Reynaldo B. Generoso, former SC Supervising Judicial Staff Officer, [was also dismissed].^[3]

Surprisingly, six (6) days after the decision in the case of Mr. Generoso was released, Mr. Villanueva offered to resign....

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... [Respondent] was one of the employees authorized to render overtime services for the period [of] January 2, 2003 to December 31, 2003. This, despite earlier information that he was enrolled at the Asia Pacific College.

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Based on the Daily Time Records [DTR] for the year 2003 of [respondent], he has always made it appear that he rendered overtime

services every Saturday although he was enrolled at the Asia Pacific College.

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There appears to be an administrative liability on the part of [respondent] for falsification and dishonesty based on the records which this Office has discovered. However, since the resignation of [respondent] has already been approved prior to the discovery of this matter, we leave the matter to his Honor's sound discretion.^[4]

Because of these doubts, the OAS did not release the notice of acceptance of resignation of respondent. In a memorandum dated September 29, 2005, the approval of his resignation was recalled and revoked.^[5] He was directed to show cause why he should not be dismissed from the service for falsification and dishonesty.^[6]

In his explanation dated October 12, 2005, respondent stated the following in response to the charges against him:

1. The August 31, 2005 approval of his resignation should be deemed final. At the time he was required to answer the charges, the Court no longer had the authority to revoke its earlier approval of the resignation since no investigation was pending or initiated at the time he filed his resignation until it was approved and became effective.
2. He was enrolled at the Asia Pacific College only on June 10, 2003 so the accusation for the months of January 2003 to May 2003 is without factual basis. In addition, there are two Saturdays wherein there were no classes because they fell within the semestral break. Even the DTRs presented do not show that he collected overtime pay for all the Saturdays in 2003, it shows only eighteen (18) Saturdays.
3. He was enrolled in masteral degree classes on Information Management and, as such, he was not required to be present all time in the classroom. Since the classes were focused on the uses and capabilities of the internet, he did his schoolwork from his house and submitted them by email. They also used the internet for discussion. Hence, it does not follow that his classes automatically prevented him from rendering overtime service on Saturdays.
4. This happened two years ago and his documents are no longer intact to help him substantiate his service on the rest of the Saturdays.
5. He would not risk his job and reputation for the minimal amount paid for overtime service.

In a nutshell, the charges against respondent consist of the following: he made it appear in his DTR that he rendered overtime service on Saturdays in the year 2003

and collected the overtime pay of P100 per day despite being enrolled at the Asia Pacific College and had whole day classes^[7] on Saturdays.

The OAS, in its memorandum dated November 8, 2005, discussed that the arguments of respondent were untenable:

1. Acceptance of a resignation tendered by an employee is necessary to make the resignation effective. Respondent's resignation, not being effective, its subsequent revocation rendered his employment unsevered and he is still subject to the Court's administrative disciplinary authority. The rationale for this is that the power to recall and revoke a previously approved resignation falls under matters of appointment which involves an exercise of judgment and discretion by the appointing authority.
2. Starting from January 2, 2003 up to 31 December 2003, respondent had been granted authority to render overtime services and in fact collected payments thereof. However, most of the entries on his DTRs did not have entries for "time-ins." It is then highly irregular that he was able to collect payments for those Saturdays even when his DTRs reflected mostly "time-outs." Out of thirty-two (32) Saturdays reflected by his DTRs, only nine (9) Saturdays were with actual "time-ins", the other one (1) although with "time-in" has no "time-out." He even failed to explain such lapses in his DTRs.
3. If Saturdays classes need not be attended at all because of the use of computers and the reports and all that was required of him could be made through the internet, then he should [have] presented evidence in support thereof like affidavits of his professors attesting to such facts, or in their absence, at least, a certification from his school that classes could be held or in fact held in that manner but he did not. Besides, if indeed he did not attend classes in those dates, how come he does not have any "time-in" on these questioned days?
4. The amount is not an issue in the case at bar but his propensity for committing the imputed acts. Besides, even how small the said amount, without a doubt it has caused damage to the Court and the government as a whole.
5. That he had no more documents to help him substantiate the services he rendered merely stands to show his failure to controvert the evidence presented against him.

It recommended that respondent be found guilty of dishonesty and falsification of official documents and, as a consequence, that he be dismissed from the service with forfeiture of all his benefits except earned leave credits.

The findings and recommendation of the OAS are well-taken.

We agree with the OAS that the Court retained administrative authority over respondent when the approval of his resignation was revoked or recalled and the