

SECOND DIVISION

[A.M. NO. P-05-2036 (FORMERLY OCA-I.P.I. NO. 03-1722-P), June 15, 2005]

PAUL G. DUQUE, COMPLAINANT, VS. BRANCH CLERK OF COURT ROMEO B. ASPIRAS, LEGAL RESEARCHER CARINA C. BRETANIA, INTERPRETER MA. ANITA GATCHECO, STENOGRAPHER ANA GRACIA E. SANTIAGO, STENOGRAPHER ANDREALYN M. ANDRES, STENOGRAPHER MARIPI A. APOLONIO, CLERK IV FE L. ALVAREZ, AND PROCESS SERVER EUGENIO P. TAGUBA, ALL OF MTCC, BRANCH 2, SANTIAGO CITY, RESPONDENTS.

R E S O L U T I O N

TINGA, J.:

This administrative matter was initiated by the letter^[1] dated June 2, 2003 of Paul G. Duque charging respondents with falsification of public documents, gross dishonesty and grave misconduct.

The report of the Office of the Court Administrator (OCA) follows:

Complainant, who is a resigned Court Stenographer, alleges that sometime in September 2002, he approached Judge Ruben R. Plata of MTCC, Branch 1, Santiago City and expressed his desire to pursue a course in Nursing. He submitted a letter of resignation and Judge Plata prepared and signed a letter of indorsement to the Supreme Court.

Complainant claims that he was forced to resign because Annie Gatcheco, together with Carina Bretania and Maripi Apolonio, were questioning the entries of his daily attendance in the office logbook. He suspects that these employees were using him to get back at Judge Plata who imposed a strict monitoring of the attendance of court employees and whom they suspect of causing their apprehension by the National Bureau of Investigation (NBI) for Illegal Gambling. Since they believed that complainant is close to the judge, he became their target just to get even with the judge.

After he came out of the office of Judge Plata, he showed his letter of resignation as well as the indorsement to respondent Romeo Aspiras. The latter asked for a copy thereof and even discouraged him from resigning. Respondent Aspiras promised to talk to Judge Manuel Rosete and ask him to call a staff meeting to stop the bickering. However, instead of doing what he promised, respondent Aspiras, without complainant's knowledge, mailed the duplicate copy of the letter of resignation and indorsement to the Office of the Court Administrator, Supreme Court. He suspects that respondents Maripi Apolonio, Carina Bretania and Annie Gatcheco

conspired with respondent Aspiras in mailing the said letters.

The three aforementioned respondents were the ones seen by herein complainant loitering around town during office hours. The three allegedly went to the University of La Salette, interviewed his professors and Dean and tried to secure school papers as evidence against him. Complainant demands that an investigation be conducted on the attendance/tardiness of respondents Gatcheco, Apolonio and Bretania.

On 26 December 2001, the Executive Judge issued a memorandum as Implementing Order of Administrative Circular No. 2-99 dated 15 January 1999, Re: "Strict Observance of Working Hours and Disciplinary Action for Absenteeism and Tardiness" in relation to CSC Memo Circ. No. 4, Series of 1991. Despite the issued memorandum, complainant claims that respondents refused to sign the office logbook as a show of defiance against the Executive Judge. Thus, another memorandum, dated 16 September 2002 was issued because of some court employees' open defiance of the Order to sign in the logbook.

From January 2002 to May 2002, the court personnel in MTCC, Branch 2 did not have an office logbook. On 5 September 2002, a Memorandum was issued for the consolidation of the logbook with the Office of the Clerk of Court. Branch 2 was able to come out with one and made it appear that they started on June 2002. There were scattered entries to cover up their failure to install a logbook from January to May 2002 and from June to 31 August 2002. A handful of personnel signed the logbook without indicating their time in and time out.

Starting 6 September 2002, all the other personnel of Branch 2 posted their time-in and time-out in a sporadic manner; most entries did not indicate time in and out. On the other hand, they submitted fully accomplished DTRs with no tardiness or absences. Meanwhile, the logbook for October, November and December 2002 is missing. Hence, no record exists with which to compare their submitted DTRs. In addition, herein respondents also wrote street jargons opposite their names in the logbook, like: "Hunk", "Cute", "Pretty", "Stunning", "Sexy" and "Macho" thus effectively showing their disrespect to their office and the Executive Judge.

The logbook for January, February, March, April and May 2003 likewise revealed the habitual tardiness incurred by several employees of said Branch in violation of CSC Memo Circ. No. 4, Series of 1991.

Complainant also cites several incidents wherein respondents allegedly falsified or tampered with the office logbook on the entries in their DTR, to wit:

a) On 27 September 2002, Susie Palma arrived in court at 1:05 pm. After a couple of minutes, respondent Carina Bretania arrived but posted her time-in as 1:00 pm. When confronted by the Executive Judge, she admitted that somebody from Branch 2 reserved a space for her in the logbook by writing her name;

b) On 8 October 2001, respondents Annie Gatcheco and Andrealyn Andres conspired together by posting the former's name in the office logbook;

c) Respondent Maripi Apolonio's 27 September 2002 entry on the logbook showed that she was on leave on that day but her DTR for the same day reflected that she was in court from 8:00-12:00 am and 1:00-5:00 pm.

Complainant likewise points to respondent Bretania as the one who took the logbook from the Office of the Clerk of Court and hid the same. She was said to have connived with respondent Apolonio in hiding the logbook for October, November and December 2002. [2]

The OCA summarizes the separate comments filed by respondents, viz:

2. COMMENT dated 1 October 2003 of respondent Maripi A. Apolonio denying the allegations in the complaint. She clarifies that employees of Branch 2, such as herself and respondent Bretania have no authority or power to question complainant's entries in the logbook particularly since the latter is an employee of Branch 1. She explains that the logbooks were placed in the Office of the Clerk of Court where they have to log in and out. Judge Plata would then bring the logbook in his office and write "closed" "late" or "no entry after here" such that those who are late could no longer log in or out and will just enter their attendance on the daily time record placed at the wall facing the door of his office.

Respondent suspects that the instant complaint is just an act to conceal the falsification of DTR being committed by herein complainant, with the aid of Judge Plata and a certain Rogelio Ruma.

On the allegation that she herself falsified her DTR, respondent asserts that she was not the one who placed "PI ON LEAVE" in the logbook on 27 September 2002. She claims that it must have been written by somebody who has hidden motive to remove her from the service. She also noticed that on 5 September 2002 in the lower portion of the logbook there was written 'ABSENT MARIPI APOLONIO' in the handwriting of Judge Ruben Plata.

3. COMMENT dated 1 October 2003 of respondents Ma. Anita Gatcheco, Andrealyn Andres and Eugenio Taguba denying the allegations in the complaint. They stress that they have not falsified, much less tampered with their DTRs. It has been the policy in their branch (Branch 2) for members to sign the DTR forms located at the DTR rack behind the Branch Clerk of Court's table. For more or less ten (10) years, no irregularity was observed or reported on such policy. Said DTRs were submitted to and examined by the Branch Clerk of Court after which they are sent to the Leave Division of the Office of the Court Administrator, Supreme Court.

On complainant's allegation of irregularity allegedly committed on 8 October 2001, respondents clarify that on said day, respondent Andres