

## EN BANC

**[ A.M. No. P-03-1744 [formerly A.M. OCA IPI No. 00-947-P], October 07, 2003 ]**

**JUDGE FE ALBANO MADRID, COMPLAINANT, VS. ANTONIO T. QUEBRAL, CASH CLERK II, OFFICE OF THE CLERK OF COURT, REGIONAL TRIAL COURT, BRANCH 21, SANTIAGO CITY, ISABELA, RESPONDENT.**

**[A.M. NO. P-03-1745.]**

**ANTONIO T. QUEBRAL, COMPLAINANT, VS. ANGELINA C. RILLORTA, OFFICER-IN-CHARGE, CLERK OF COURT, AND MINERVA B. ALVAREZ, CLERK IV, BOTH OF RTC, BRANCH 21, SANTIAGO CITY, ISABELA, RESPONDENTS.**

## D E C I S I O N

### PER CURIAM:

In an Indorsement<sup>[1]</sup> dated June 13, 2000, Executive Judge Fe Albano Madrid of the Regional Trial Court, Branch 21, Santiago City addressed to then Court Administrator Alfredo L. Benipayo, recommended the dismissal of Antonio Quebral, Cash Clerk II, Office of the Clerk of Court for habitual tardiness and absences without leave.

The Executive Judge averred that she already called the attention of the respondent in a Memorandum dated January 13, 2000, and directed him to explain in writing why no disciplinary action should be taken against him for the following:

1. Habitual tardiness and absences without leave;
2. Failure to submit daily time record for June 1999;
3. Considerable delay in submitting your daily time records from September to November 1999;
4. Falsifying your daily time records by indicating that you were present on September 10, 13, 14, 20 to 24, and 29 to 30 without any permission or leave of absence. Likewise making it appear that you were present in the month of October and November 1999 when you were absent the whole month of October while you were only present for three days in November specifically on the 17, 18 and 22;
5. Being absent for the month of December without any leave of absence.<sup>[2]</sup>

The respondent had earlier given a handwritten Letter<sup>[3]</sup> dated January 11, 2000 to the Executive Judge where he apologized profusely for his late submission of his daily time records (DTR). He promised to refrain from absenting himself and declared that he would accept any sanction or punishment that would be meted

against him in case this promise was broken.

In answer to the aforementioned Memorandum, the respondent once again pleaded for a last chance to reform his "negative attitude." Anent the charge of falsifying his DTR, the respondent asserted that he was present during the months of October and November 1999 but was unable to fill up the logbook.<sup>[4]</sup>

In a Letter addressed to the OCA dated June 14, 2000,<sup>[5]</sup> respondent Quebral denied the allegations regarding his absences and his failure to submit his DTR. He averred that whenever he got sick, he would dutifully file his application for sick leave and supported the same with medical certificates. These absences were caused by severe abdominal pains related to his ulcer, which was exacerbated by the death of his wife.

In the same letter, respondent Quebral accused Officer-in-Charge and Clerk of Court Angelina C. Rillorta of failing to file their respective applications for leave when they absented themselves. He also lamented that although he was a cash clerk, Mrs. Rillorta assigned him to a table with the court process server, and required him to verify records from the stockroom. The respondent surmised that Mrs. Rillorta may be bringing him "down to the level of a janitor" because he knew about the irregularities in the office. He alleged that Mrs. Rillorta collected P20.00 for releasing RTC clearances without issuing any receipts therefor. The collections were apparently spent to buy snacks and daily meals.

The respondent also accused Mrs. Rillorta of signing a falsified civil service certificate in the name of Minerva B. Alvarez, also of the same office. The original certificate which was actually owned by a certain Jovita A. Blanza, was reproduced and the name thereafter changed. The forged certificate was then filed with the Records Division of the Court to facilitate the promotion of Minerva B. Alvarez to the position of Clerk IV.<sup>[6]</sup>

In a Report dated November 13, 2001, the OCA submitted the following recommendations:

1. The instant complaint for Habitual Tardiness and Absenteeism against respondent Antonio T. Quebral be **REFERRED** to Judge Bonifacio T. Ong of the Regional Trial Court of Echague, Isabela, for investigation, report and recommendation;
2. The charges made by Quebral be given an IPI No. and that copies of the sworn letter-complaints and attachments be furnished Mrs. Angelina C. Rillorta and Mrs. Minerva Alvarez requiring them to comment within ten days from receipt;
3. Once the comments have been received the same be consolidated with the original case and investigated jointly.<sup>[7]</sup>

The Court adopted the said recommendations in a Resolution dated January 16, 2002.<sup>[8]</sup>

The respondent, in a Letter dated January 12, 2001 to the OCA, requested for the

release of his year-end bonus, cash gift, additional JDF and salary for November 16-30, 2000 and December 1-30, 2000, which he alleged was without reason withheld by Executive Judge Madrid. The respondent thereafter wrote another letter,<sup>[9]</sup> amplifying his charges against Mrs. Rillorta and asserting that he had been reporting for work until he was ordered by Executive Judge Madrid to cease from doing so. The respondent likewise submitted a certification from the Civil Service Commission, Tuguegarao City, which indicated that the name of Minerva B. Alvarez did not appear in the list of participants who attended a Personal Management Course.<sup>[10]</sup> In yet another Letter dated March 27, 2001, the respondent attached certificates signed by Yulyman S. Sabado and Cherrilyn F. Co, showing that they paid P30.00 each to Mrs. Rillorta and that no official receipt was issued to them.

In her Comment dated March 6, 2002,<sup>[11]</sup> respondent Rillorta denied the allegations against her. She averred that it was respondent Quebral who was always absent. Anent the charges of falsifying the Civil Service certification, she averred that she signed the same upon the request of respondents Alvarez and Quebral and that she had no knowledge about any tampering. She also averred that -

- A. On his allegation that I issued Court clearances and receiving money without issuing official receipts, this is not true. There are isolated cases in which we issue clearance and do not require them to pay like when it is requested by some friends of the Court employees. In the case of Cherrilyn Co whose Certification was submitted by Mr. Quebral, she disowned the certification allegedly signed by her. I am submitting hereto her written statement saying to the effect that it was Mr. Quebral to whom she paid the money and that he went to her to have her sign the certification which she did not understand.<sup>[12]</sup>

Respondent Alvarez, on the other hand, in her Comment dated March 6, 2000,<sup>[13]</sup> expressed surprise at respondent Quebral's move of filing a case against her. She admitted that the certificate in question was actually owned by Mrs. Jovita A. Blanza, but countered that it was respondent Quebral who personally borrowed the said certificate from her. She included the following averments in her Comment:

That it was Mr .Antonio T. Quebral who initiated the move as in fact he was the one who submitted the same to the Supreme Court and personally followed it up;

That I am not aware that he was doing something illegal;

That it was Mr. Antonio T. Quebral who is interested that that I (Minerva B. Alvarez) get the position of Clerk IV as in fact he cannot occupy the position of Cash Clerk II if I will not be promoted to Clerk IV because I am the present Cash Clerk II;...<sup>[14]</sup>

Despite the fact that respondent Quebral was notified of the date and place of the hearings, he failed to appear before Judge Bonifacio T. Ong. The said respondent was thus considered to have waived his right to controvert the charges against him.

The investigating Judge submitted his report on June 6, 2002. In A.M. No. P-03-1744, his findings and recommendations were as follows:

Be that as it may, even if we take into consideration the two (2) letters of the respondent (Exhibits "B" and "C", dated January 11, 2000, and January 17, 2000, respectively) attached to the Rollo, wherein he seeks apology for the late submission of his Daily Time Records or having overlooked and neglected, because of his habit of postponing to do certain things, such explanation could not however justify his absences and/or absolve him from submitting his daily time records. Furthermore, respondent admitted that he falsified his daily time record (Letter dated January 17, 2000, Exhibit "C") by making it appear that he was present during the months of October and November 1999. Such would only bolster the claim of Judge Madrid that indeed the respondent was a habitual absentee and therefore, there is no way such letters of the respondent would suffice to exculpate him from any misconduct or misdemeanor.

Consequently, based on the evidence presented by Judge Madrid, there is no doubt that the respondent was absent from office on so many occasions starting in the month of February 2000 until September 2000 without leave of absence.

Worse, respondent stopped going to office and altogether abandoned his work, since the time his salary was returned to the Supreme Court, giving the impression that he gave up his position as Cash Clerk of the Office of the Clerk of Court, Santiago City.

Under Memorandum Circular No. 4, Series of 1991 of the Civil Service Commission, an officer or employee in the civil service shall be considered habitually absent if he incurs unauthorized absences exceeding the allowable 2.5 days monthly leave credits under the leave law for at least three (3) months in a semester or at least three (3) consecutive months during the year.

In the case at bar, respondent Antonio T. Quebral incurred unauthorized absences of 57 days from June 2002 up to September 2002 alone, more than that allowed by law in a given period. How about the succeeding months starting October 2000 when he no longer reported for work? Certainly, respondent's absences for a prolonged period of time constitute conduct prejudicial to the best interest of public service and warrants the penalty of dismissal from the service.

WHEREFORE, it is respectfully recommended that respondent Antonio T. Quebral, Cash Clerk of the Office of the Clerk of Court, Regional Trial Court, Santiago City be dismissed from the service.<sup>[15]</sup>

In A.M. No. P-03-1745, respondent Quebral once again failed to appear, prompting respondents Rillorta and Alvarez to move for the dismissal of the case for failure to prosecute or to substantiate the charges against them. According to the Investigating Judge -

Foregoing considered, it is recommended that the charges against Angelina Rillorta for absence without application for leave and issuing clearance without receipts be dismissed for lack of evidence to

substantiate the same. Besides, her comment deserves credence and suffice[s] to answer the above charges.

The accusation made by Antonio T. Quebral that Minerva B. Alvarez used the Certificate of Personnel Management course owned by Jovita A. Blanza should not be ignored, in view of the admission made by Minerva B. Alvarez in her Comment dated March 6, 2002.

In effect, the appointment of Minerva B. Alvarez as Clerk IV is not regular because what was submitted in her behalf was the Certificate of Personnel Management course of one Jovita A. Blanza and she therefore failed to comply with the requirement of undergoing 40 hours training on personnel management course.

It is, therefore, recommended that Ms. Minerva B. Alvarez be ordered to undergo 40 hours training on personnel management course and submit the necessary certificate of completion on or before the position of Clerk II, her former position, is filled up.<sup>[16]</sup>

### **THE COURT'S RULING**

***Respondent Antonio T. Quebral is guilty of habitual absenteeism, falsification of daily time records and dishonesty - conduct prejudicial to the service that warrant his dismissal.***

The Court has emphasized the need for strict observance of official time.<sup>[17]</sup> Pursuant to Sec. 63, Rule XVI of the Omnibus Civil Service Rules and Regulations, respondent Quebral's absence without official leave for more than thirty days caused his automatic dropping from the roll of employees, to wit:

Section 63. *Effect of absences without approved leave.* - An official or an employee who is continuously absent without approved leave for at least thirty (30) working days shall be considered an absence without official leave (AWOL) and shall be separated from the service or dropped from the rolls *without prior notice*. He shall, however, be informed, at his last address appearing in his 201 files, or at his last known written address, of his separation from the service, not later than five (5) days from its effectivity.

Moreover, the respondent's tampering of his DTR is, verily, an act of falsification of official documents and constitutes gross dishonesty. Each false entry thereon constitutes one count of falsification of official documents. Dishonesty and falsification are grave offenses punishable by dismissal from the service, even for the first offense.<sup>[18]</sup>

An employee's frequent unauthorized absences not only undermine his efficiency as a court personnel, but can also have an adverse effect in the prompt delivery of justice.<sup>[19]</sup>

A court employee, being a public servant, must exhibit the highest sense of honesty