

## EN BANC

**[ A.M. No. 99-9-11-SC, March 10, 2000 ]**

### **RE: DISCIPLINARY ACTION AGAINST RICARDO BANIEL III, CLERK III, OFFICE OF THE REPORTER, SUPREME COURT**

### **R E S O L U T I O N**

**PURISIMA, J.:**

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How does an enemy treat an adversary? Will an enemy do something beneficial to his adversary? Or is an enemy one who almost always inflicts harm upon his adversary? These and other questions are to be answered in this simple and uncomplicated administrative case.

Ricardo Baniel III ("respondent"), Clerk III of the Office of the Reporter, did not report for work from March 29, 1999 to April 22, 1999. Despite such absences during the aforesaid period, however, he put a perfect attendance in his DTR.<sup>[1]</sup> Respondent did not file an Application for Leave ("Application") before his subject absences started. It was only on June 1, 1999,<sup>[2]</sup> after his unreported absences were being looked into did he belatedly file his corresponding application for leave.

When asked why his DTR reflected a perfect attendance, respondent theorized that what appeared in his DTR must have been the handiwork of his enemies. He averred that he lost his identification card ("ID") before March 29, 1999, and the same ID could have been found by one of his enemies who then swiped his subject ID in the chronolog machine so as to destroy his (respondent's) name and reputation.<sup>[3]</sup>

After a thorough investigation, during which respondent was afforded an opportunity to ventilate his defense, the Complaints and Investigation Division ("CID") of the Office of Administrative Services of the Court found respondent guilty of gross violation of pertinent Civil Service Laws, office rules and regulations on the use of electronic bundy clock.<sup>[4]</sup> Thus, the CID recommended respondent's suspension for one (1) month without pay.

After a careful study, the Court upholds the aforesaid findings and recommendation of the CID as to the guilt of respondent. Respondent himself admitted that from March 29, 1999 to April 22, 1999, he was really absent but he failed to explain why his DTR covering the period of his subject absences showed that he was present during the entire period of his absences in question. Such happening or scenario could only signify that somebody was swiping the ID of respondent in the chronolog machine.

The theory of respondent that he lost his ID before March 29, 1999 and that an