

EN BANC

[A.M. No. P-99-1308, May 04, 2000]

**EXECUTIVE JUDGE LEANDRO T. LOYAO, JR., RTC, MAASIN,
SOUTHERN LEYTE, COMPLAINANT, VS. SOFRONIO S. MANATAD,
INTERPRETER, MUNICIPAL CIRCUIT TRIAL COURT, MALITBOG-
TOMAS OPPUS-BONTOC, SOUTHERN LEYTE, RESPONDENT.**

D E C I S I O N

PER CURIAM:

Executive Judge Leandro T. Loyao, Jr. of the Regional Trial Court of Maasin, Southern Leyte, Branch 24 charges respondent Sofronio S. Manatad, a Court Interpreter in the Municipal Circuit Trial Court of Malitbog-Tomas Oppus-Bontoc, Southern Leyte, with gross neglect of duty and frequent unauthorized absences or tardiness in reporting for duty.

Executive Judge Loyao alleges that for the year 1996, respondent Manatad has incurred a total of one hundred nine (109) absences without leave as recorded in the court's logbook of attendance in contrast with the 59 1/2 days absences without leave as reflected in his daily time record (DTR). Executive Judge Loyao avers that the discrepancies in the entries simply mean that respondent Manatad did not accomplish his DTR in accordance with the official logbook of attendance. He further alleges that respondent Manatad took advantage of his superior's absence by not reporting for work for a week starting from July 7, 1997 and not explaining the reason for his absence. Executive Judge Loyao likewise avers that this is the second administrative offense on record; the first was docketed as A.M. No. P-94-1034 for disgraceful and immoral conduct for which respondent Manatad was meted the punishment of a fine in the amount of P2,000.00 with a warning that a repetition of the same or similar acts would be dealt with more severely.

Respondent Sofronio Manatad, in his Answer,^[1] claims that he never failed to accomplish the application for leave form and that his approved leave application filed with this Court mysteriously vanished from the place where it was kept. He further claims that he filed a sick leave application for five (5) days with Judge Sulpicio D. Cunanan who recommended its approval. He denies having neglected his duties alleging that the charges against him were made up by people who wanted to get rid of him as they were allegedly envious of his job and wanted to replace him as court interpreter. He further alleges that it is retired Clerk of Court II Manuel V. Arevalo, who has a personal grudge against him, who made the fictitious report to Judge Loyao. Respondent adds that the rest of the staff of the 2nd MCTC Malitbog-Tomas Oppus-Bontoc, Southern Leyte were charged with Falsification of Public Documents on the ground that their DTRs do not jibe with the logbook of attendance but the administrative charges never reached the office of the Court Administrator. Respondent protests his being singled out, claiming injustice because he was not the only one who made the erroneous entries in the DTR.

In the SC Resolution dated March 24, 1999,^[2] the case was referred to Judge Fernando Campilan, Jr. of the RTC-Branch 39, Sogod, Southern Leyte for investigation, report and recommendation and the case was set for hearing. On the first day of the hearing/investigation, Judge Loyao did not appear but he filed a Manifestation and/or Motion praying that his personal presence be dispensed with while respondent Manatad manifested that he is waving his right to adduce additional evidence other than his written explanation and answer and further asked that the case be resolved on the basis of the records only since he has already given his side in writing. Investigating Judge Campilan made the following findings:^[3]

"For the purpose for which it was intended which was to record respondent's absences, the office log book of attendance (Exhs. 'A' to 'A-60', inclusive) was already in place in the year 1996. It faithfully recorded his absences for the period January 2 to December 12, 1996, inclusive, and to make it credible and indisputable, all the court personnel including the presiding judge at times, affixed their respective initials in every entry thereon. The authenticity and genuineness of their respective initials were confirmed by each of them during the investigation. They further affirmed and confirmed to the veracity and truthfulness of all the entries in the said log book. For the calendar year 1996 it reflected a total of 109 absences by the respondent without leave. In contrast, per his Daily Time Records for the same period (pp. 23-24, Records) it only showed 59 1/2 days absences without leave. Considering that the official log book of attendance is more credible and reliable over that of his submitted Daily Time Records which are self-serving in character, it therefore, indubitably appears to the mind of the investigator that respondent did not accomplish his DTRs in accordance with the office log book of attendance.

Further showing the discrepancies in absences without leaves as appearing in the log book and his daily time records is a 'Breakdown Of The Total Number Of Absences Of Mr. Sofronio S. Manatad, Jr., MCTC, Interpreter of Malitbog-Tomas Oppus, Southern Leyte, For CY 1996' (pp. 101, Records) which was prepared by Joselito M. Binongo, Acting Deputy Sheriff and Court Statistician. Attached to it are the monthly breakdown of such absences (pp. 102-105, records). These documents are accorded great evidentiary weight because of the presumption of regularity in the performance of official duties by the court personnel who prepared them.

Respondent's assertion that when he is not in Malitbog he is holding office in Bontoc or acts as liaison officer of their Court per directive of his presiding judge is belied and denied by the latter himself. According to Judge Cunanan, he only send respondent to Bontoc on rare occasions when he wants some important papers from their office in that town brought to Malitbog (TSN Matondo, pp. 4-5, hearing June 30, 1999). Besides, respondent could not show any office order or memorandum from Judge Cunanan that he was directed to hold office in Bontoc. Neither could he present any certificate of appearance or other proof of his physical presence from any appropriate government office or agency of that municipality. In fine, his alibi that he was in Bontoc on certain days attending some office business is but a shallow and vain attempt to