



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

**IN RE: INCORRECT ENTRIES
IN THE DAILY TIME RECORD
OF MS. LORNA M. MARTIN,
Court Stenographer I, Municipal
Circuit Trial Court (MCTC), Sta.
Ignacia-Mayantoc-San Clemente-
San Jose, Tarlac**

A.M. No. 15-05-50-MCTC

Present:

CAGUIOA,
Chairperson,
INTING,
GAERLAN,
DIMAAMPAO, and
SINGH, *JJ.*

Promulgated:
February 28, 2024

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DECISION

PER CURIAM:

In a letter¹ dated September 3, 2014 addressed to the Office of Court Administrator (OCA), signed by Judge Stela Marie Q. Gandia-Asuncion (Judge Gandia-Asuncion) of the Municipal Circuit Trial Court (MCTC) of Sta. Ignacia-Mayantoc-San Clemente-San Jose, Tarlac, that Ms. Lorna M. Martin (Martin), Court Stenographer I of the same court, was reported for her incorrect declarations in her Daily Time Record (DTR) for August and May 2014.

Specifically, Judge Gandia-Asuncion informed the OCA that she signed Martin's DTR for the said months "with reservation" as the latter entered in the Registry Book of Attendance (logbook) that on August 11, 2014, she arrived at 1:00 p.m. and left at 5:00 p.m., when she did not report for work that afternoon.² The incident happened again on May 6, 2014, wherein Martin logged that she arrived in the office at 8:00 a.m. and left at 12:00 p.m. when in fact, she was

¹ *Rollo*, p. 2.

² *Id.*

not present that morning. Judge Gandia-Asuncion also noted that Martin made incorrect entries in the logbook on May 16, 2014.³

In a 1st Endorsement⁴ dated May 26, 2015, Martin was required to comment on Judge Gandia-Asuncion's letter. Martin submitted her Comment⁵ on September 16, 2015.

Martin vehemently denied the allegations against her. She claimed that she reported for work on August 11, 2014 and in the morning of May 6, 2014. She averred that in the latter instance, she realized that she forgot to write her name and merely rectified the same by writing it that same afternoon. She nevertheless admitted that she refused to comply with the order for her to go to Judge Gandia-Asuncion's chambers and explain, justifying that she was not feeling well and was the assigned stenographer for that day. Martin maintained that OIC Clerk of Court Rodelio A. Pedroche (OIC-COC Pedroche) was motivated by ill feelings towards her. She also accused her officemates who attested against her and Judge Gandia-Asuncion of not performing their duties properly. She averred that they are the ones who are always absent but reflected otherwise in their DTRs. Martin asserted that Judge Gandia-Asuncion had been "so unfair" to her in the past forcing her to work even though she is sick, that is why she refused to receive nor read the Memorandum issued to her by the former.⁶

The Court, in its Resolution⁷ dated April 18, 2018, referred the administrative matter to Judge Rixon M. Garong (Judge Garong) of Branch 37, Regional Trial Court (RTC) of Lingayen, Pangasinan, for investigation, report, and recommendation as Acting Presiding Judge of the RTC, Branch 68, Camiling, Tarlac pursuant to Administrative Order No. 217-2017 dated December 27, 2017.

Judge Garong required Judge Gandia-Asuncion and the other complainants who joined her namely: OIC-COC Pedroche, Genelyn C. Gragasin, Maranatha Gracel A. Lardizabal, Von A. Villanueva, Dioso S. Tomas, and Maynard L. Millado, all of whom are employees of the MCTC of Sta. Ignacia-Mayantoc-San Clemente-San Jose, Tarlac, to respond to Martin's Comment dated August 20, 2015; and for Martin to file her sworn Rejoinder thereto.

³ *Id.* at 3. Letter dated June 4, 2014.

⁴ *Id.* at 18.

⁵ *Id.* at 110. Investigation report of Judge Rixon M. Garong dated August 23, 2018.

⁶ *Id.* at 20–24. Comment/Answer of Lorna M. Martin dated August 20, 2015.

⁷ *Id.* at 111–112.

Judge Gandia-Asuncion submitted her Comment with annexes on July 31, 2018, whereas the rest of the complainants filed their sworn separate comment on August 1, 2018. During the date set for conference, Martin manifested that she will no longer file a rejoinder.⁸

On October 2, 2018, Judge Garong submitted his Investigation Report,⁹ recommending on the basis of his investigation:

From the foregoing, the undersigned found LORNA M. MARTIN to be liable for tampering records, specifically the logbook on 6 May 2014 entries. Similarly, she can be held liable for the same infractions committed on 16 May 2014 and 11 August 2014.

Also, based on the foregoing facts as supported by sworn statements by MCTC personnel, respondent LORNA M. MARTIN exhibited insubordination to lawful orders not only from [Judge Gandia-Asuncion] but also from her OIC-Clerk of Court.

Hence, it is recommended that the appropriate disciplinary sanctions commensurate to her infractions be imposed on [Martin].

RESPECTFULLY SUBMITTED.¹⁰

In his report, Judge Garong held that an examination of the logbook shows that Martin tampered with the entries for May 6, 2014, May 16, 2014 and August 11, 2014. Judge Garong also noted that Martin committed willful disobedience to her superiors. Considering these infractions, Judge Garong recommended that disciplinary sanctions be imposed upon Martin.¹¹

The Investigation Report was referred to the OCA *via* the Court's Resolution¹² dated October 15, 2018. On December 7, 2018, the OCA, evaluating the complaint, issued its recommendation:

In view of the foregoing, it is respectfully recommended for the consideration of the Honorable Court that:

1. respondent Court Stenographer I Lorna M. Martin, Municipal Circuit Trial Court, Sta. Ignacia-Mayantoc-San Clemente-San Jose, Sta. Ignacia, Tarlac, be found **GUILTY** of dishonesty and insubordination;

2. respondent Court Stenographer I Martin be **METED** with the mitigated penalty of **SUSPENSION** from the service for two (2) months without pay; and

⁸ *Id.*

⁹ *Id.* at 110–125.

¹⁰ *Id.* at 125.

¹¹ *Id.* at 112–113.

¹² *Id.* at 138.

3. respondent Court Steuographer I Martin, be **STERNLY WARNED** that the commission of the same or similar offenses in the future shall be dealt with more severely.¹³ (Emphasis in the original)

In so ruling, the OCA affirmed the factual findings and conclusion of the Investigating Judge. It was found that “Martin committed an act of dishonesty by tampering with the DTR or logbook of her court attendance on May 16, 2014 and August 11, 2014.” The OCA also found out that Martin should be held liable for disobeying the lawful orders of her superiors—Judge Gandia-Asuncion and OIC-COC Pedroche, committed through her willful refusal to receive the copies of the memoranda issued by her superiors to her and the comment of Judge Gandia-Asuncion.¹⁴

The OCA found Martin guilty of dishonesty and insubordination. Noting that this is the first time that Martin committed the offenses charged, the OCA recommended that she be meted only with the penalty of suspension for a period of two months without pay, with a stern warning that a repetition of the same or similar acts will be dealt with more severely.¹⁵

The issue presented before the Court is whether Martin committed the acts charged and if so, whether the same merit administrative sanction.

After due consideration, the Court adopts the factual conclusions by the OCA, but modify the penalty.

Accomplishing the DTR is a personal undertaking. It is evident that by completing the record, the employee must truthfully and accurately reflect the time of his or her arrival and departure from the office. Failure to declare truthfully such information not only reveals dishonesty but also shows blatant disregard of office rules.¹⁶

Jurisprudence is clear in that the falsification through tampering of an official document such as the DTR is a form of dishonesty that amounts to a grave offense. It is grave because of its possible deleterious effects on government service.¹⁷ “At the same time, it is also an act of dishonesty, which violates fundamental principles of public accountability and integrity. Under Civil Service regulations, falsification of an official document and dishonesty are distinct offenses, but both may be committed in one act, as in this case.”¹⁸

¹³ *Id.* at 143–144.

¹⁴ *Id.* at 143.

¹⁵ *Id.* at 100.

¹⁶ *Samonte v. Roden*, 818 Phil. 289, 295 (2017) [Per J. Peralta, Second Division].

¹⁷ *Office of the Court Administrator v. Kasilag*, 688 Phil. 232, 238 (2012) [*Per Curiam, En Banc*].

¹⁸ *Id.*

In here, there is substantial evidence that Martin falsified her DTR on May 6, 2014, May 16, 2014 and August 11, 2014. On this score, the Court notes that the OCA in an oversight, merely noted violations for May 16, 2014 and August 11, 2014 when it summarized, referred to, and adopted Judge Garong's report. Evaluating the evidence presented, the Court sustains the finding that the tampering of the DTR happened on the three dates stated. The photocopies of the DTR of Martin¹⁹ and the logbook²⁰ showing entries for the questioned dates, the certification²¹ issued by OIC-COC Pedroche, the joint affidavit²² of Martin's officemates and employees of the MCTC of Sta. Ignacia, Tarlac and the sworn comment/reply of Judge Asuncion; all support the conclusion that Martin indeed committed falsification. It was established that on August 11, 2014, Martin made it appear that she was present the entire day, when in fact she did not report in that afternoon. Martin committed a similar act when she made it appear that she was present on May 6, 2014 by erasing with the use of a correction fluid, the logbook entry for May 6, 2014. Martin also made incorrect entries in the logbook corresponding to May 16, 2014. Hence, the entries indicated in her DTR of the time of her arrival and departure were not faithfully and accurately declared.

Contrary to the findings of the OCA, the act of falsification of the DTR does not constitute simple dishonesty but serious dishonesty punishable by dismissal for the first offense. At any rate, the act of falsification is considered as a gross misconduct,²³ classified as a serious charge under Section 14 of Rule 140.

Misconduct is a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by the public officer. It is intentional wrongdoing or deliberate violation of a rule of law or standard of behavior and to constitute an administrative offense, the misconduct should relate to or be connected with the performance of the official functions and duties of a public officer. In order to differentiate gross misconduct from simple misconduct, the elements of corruption, clear intent to violate the law, and not a mere error of judgment, or flagrant disregard of established rule, must be manifest in the former.

On the other hand, dishonesty means "a disposition to lie, cheat, deceive or defraud; untrustworthiness; lack of integrity, lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray."²⁴

¹⁹ *Rollo*, pp. 5 and 7.

²⁰ *Id.* at 11-13.

²¹ *Id.* at 17.

²² *Id.* at 14-16. Affidavit Complaint dated December 4, 2017.

²³ *Anonymous Complaint Against Clerk of Court V Atty. Cuenco, et al. of RTC, Branch 72, Malabon City*, 879 Phil. 73, 108 (2020) [*Per Curiam. En Banc*].

²⁴ *Id.* at 102.

Martin's actuations clearly demonstrate an intent to violate the law, as she was found to have committed falsification of her DTR more than once. She persistently disregarded a basic rule, and refused to acknowledge her mistake. Martin's act of tampering the logbook and making false statements in her DTRs undeniably constitute gross misconduct and serious dishonesty.

With respect to other charge, Martin was found to have committed gross insubordination when she refused to follow the order of Judge Gandia-Asuncion to enter her chambers and discuss the verbal report of OIC-COC Pedroche that she failed to make proper entries in her DTR.²⁵

In this case, Martin's conduct towards Judge Gandia-Asuncion constitutes gross insubordination. Gross insubordination is defined as the "inexplicable and unjustified refusal to obey some order that a superior is entitled to give and have obeyed, and imports a willful or intentional disregard of the lawful and reasonable instructions of a superior. It is manifested by a "brazen disrespect for and defiance towards one's superiors."²⁶

Judge Gandia-Asuncion as the chief of office, acted within her authority when she summoned Martin to explain the report of OIC-COC Pedroche. However, Martin refused to heed the order and instead rudely questioned Judge Gandia-Asuncion's authority. Clearly, Martin's actions amount to gross insubordination, as well as gross disobedience and disrespect to the judicial authority and the position of Judge Gandia-Asuncion.

The Court in A.M. No. 18-01-05-SC, amended the Rules of Court and included personnel of the lower courts within the coverage of Rule 140.²⁷ The penalty to be imposed upon Martin shall then be in accordance with such Rule. Section 14, of Rule 140 classifies gross misconduct and serious dishonesty, as well as gross insubordination as serious charges.

Under Section 17 of the same Rule, a respondent found guilty of a serious charge shall be imposed with any of the following sanctions:

Section 17. *Sanctions.* –

(1) If the respondent is guilty of a serious charge, any of the following sanctions shall be imposed:

²⁵ *Rollo*, p. 52. Memorandum of Judge Gandia-Asuncion dated May 8, 2014.

²⁶ *Santiago v. Fernando*, A.M. No. P-22-053, January 17, 2023 [Per J. Rosario, *En Banc*].

²⁷ Rule 140- Discipline of Members, Officials, Employees, and Personnel of the Judiciary. *See* A.M. No. 21-08-09-SC dated February 22, 2022. *See also Office of the Court Administrator v. Salao*, A.M. No. P-22-056, June 22, 2022 [Per J. Inting, Third Division].

(a) Dismissal from service, forfeiture of all or part of the benefits as the Supreme Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or -controlled corporations. Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits;

(b) Suspension from office without salary and other benefits for more than six (6) months but not exceeding one year; or

(c) A fine of more than [PHP] 100,000.00 but not exceeding [PHP] 200,000.00

Considering that Martin is guilty of multiple offenses, Section 21 of Rule 140 applies as to the imposable penalty. Section 21 reads:

SECTION 21. *Penalty for Multiple Offenses.* - If the respondent is found liable for more than one (1) offense arising from separate acts or omissions in a single administrative proceeding, the Court shall impose separate penalties for each offense. Should the aggregate of the imposed penalties exceed five (5) years of suspension or [PHP] 1,000,000.00 in fines, the respondent may, in the discretion of the Supreme Court, be meted with the penalty of dismissal from service, forfeiture of all or part of the benefits as may be determined, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations. *Provided, however,* that the forfeiture of benefits shall in no case include accrued leave credits.

On the other hand, if a single act/omission constitutes more than one (1) offense, the respondent shall still be found liable for all such offenses, but shall nonetheless, only be meted with the appropriate penalty for the most serious offense.

While the Court has the power to exercise its discretion under Section 19 of Rule 140, particularly with respect to appreciation of mitigating circumstances to lessen the penalty, contrary to the findings of the OCA, there is no room for mitigation of the penalty in this case, considering the gravity of the infractions and lack of remorse on the part of Martin. As previously held, the Court cannot grant leniency to those who are found guilty of serious offenses with deliberate intent to violate the rules.²⁸

Significantly, this is not Martin's first transgression, in *Hon. Gandia-Asuncion v. Martin*,²⁹ the Court found Martin guilty of six counts of Gross Misconduct for her belligerent behavior towards her superiors and co-workers

²⁸ Cf. *Anonymous Complaint Against Clerk of Court V Atty. Cuenco, et al. of RTC, Branch 72, Malabon City*, *supra* note 23.

²⁹ A.M. No. P-22-042, June 28, 2022.

and six counts of Gross Insubordination for her repeated defiance of the lawful directives of her officers. The Court also sanctioned Martin for her disobedience to the Court's directive for her to undergo psychological evaluation despite her prior agreement thereto. For these infractions, the Court imposed penalty upon Martin as follows:

ACCORDINGLY, respondent Loma M. Martin, Court Stenographer I, Municipal Circuit Trial Court, Sta. Ignacia, Tarlac, is found **GUILTY** of violations of the Code of Conduct for Court Personnel, specifically six (6) counts of Gross Misconduct and six (6) counts of Gross Insubordination.

She is immediately **DISMISSED** from the service, with **FORFEITURE** of all benefits, *except her accrued leave credits*, if any. Her Civil Service eligibility is **CANCELLED** and she is **BARRED** from taking any future Civil Service Examination. She is **PERPETUALLY DISQUALIFIED** from re-employment in any government instrumentality, including government-owned and controlled corporations.

For disobeying the order of the Court to undergo a psychological assessment despite her prior agreement thereto, and for ignoring the subsequent calls and messages of the Court's psychologist, she is likewise ordered to **PAY** a **FINE** of ₱36,000.00.

A **PERMANENT PROTECTION ORDER** is issued against respondent and in favor of Presiding Judge Stela Marie Q. Gandia-Asuncion, Officer-in-Charge Clerk of Court Rodelio A. Pedroche, Court Stenographer I Genelyn C. Gragasin, Court Stenographer I Maranatha Gracel A. Lardizabal, Court Clerk II Von A. Villanueva, Process Server Dioso S. Tomas, and Court Aide I Meynard L. Millado:

1) **PROHIBITING** respondent from threatening to commit or committing personally or through another, any acts of violence against any of the aforementioned complainants herein;

2) **DIRECTING** respondent to stay away from the aforementioned complainants and their residences and place of work at the Hall of Justice of Sta. Ignacia, Tarlac within a radius of at least five hundred (500) meters; and

3) **RESTRAINING** respondent from harassing, annoying, contacting, or otherwise communicating with any of the aforementioned complainants whether directly or indirectly.

This Decision is without prejudice to any criminal and/or civil cases which may be filed against respondent. Let a copy of this Decision be attached to her records with this Court and furnished the Civil Service Commission.

SO ORDERED.³⁰ (Emphasis in the original)

³⁰ *Id.*

To be sure, while the said case likewise involved the same personalities and similar acts constituting Gross Misconduct and Gross Insubordination, the instant charges arose from different incidents. The acts of Gross Misconduct involved in the earlier case referred to Martin's rude behavior as referred to in the following Memoranda: November 26, 2015, April 28, 2016, and April 5, 2017; as well as Martin's offensive behavior towards Judge Gandia-Asuncion on three separate incidents which occurred on November 24, 2017.³¹ Whereas, the charge for Gross Misconduct in this case involved Martin's act of tampering the logbook and making false statements in her DTR. On the other hand, the acts constituting Gross Insubordination in the earlier case relates to Martin's refusal to comply with the orders of the Court as shown in the Returns of Service dated May 12, 2014, September 2, 2015, December 1, 2015, May 3, 2016, September 8, 2016, and April 5, 2017.³² While this case mentions the same Return of Service dated May 12, 2014, the act constituting Gross Insubordination nevertheless referred not to her failure to receive the Memorandum referred to in the said return but to Martin's defiance of Judge Gandia-Asuncion's order for her to enter her chambers and discuss the verbal report of OIC-COC Pedroche on the improper entries in the logbook for May 6, 2014.³³

In light of the foregoing, the Court imposes upon Martin two separate penalties. For the serious offenses of gross misconduct and serious dishonesty which arose from a single act, in view of the earlier imposition of the penalty of dismissal with its accessory penalties, the Court orders Martin to pay a fine of PHP 200,000.00 in accordance with paragraph (b), Section 18³⁴ of Rule 140. For Gross Insubordination which arose from a different act, the Court imposes upon Martin the penalty of Fine of PHP 110,000.00.³⁵

ACCORDINGLY, the Court finds Lorna M. Martin, Court Stenographer I of the Municipal Circuit Trial Court, Sta. Ignacia-Mayantoc-San Clemente-San Jose, Tarlac, **GUILTY** of Serious Dishonesty and Gross Misconduct, for which she is ordered to pay a **FINE** of PHP 200,000.00. Martin is also found **GUILTY** of Gross Insubordination and is meted out the penalty of **FINE** of PHP 110,000.00.

³¹ *Id.*

³² *Id.*

³³ *Rollo*, p. 3. Letter dated June 4, 2014 of Judge Gandia-Asuncion to the OCA.

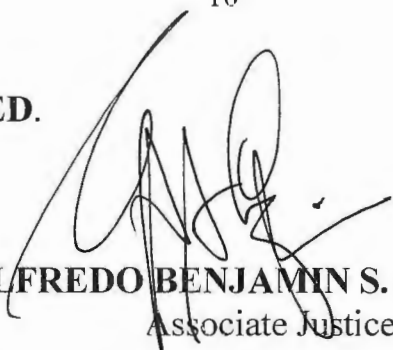
³⁴ SECTION 18. *Penalty in Lieu of Dismissal on Account of Supervening Resignation, Retirement, or other Modes of Separation of Service.* – If the respondent is found liable for an offense which merits the imposition the penalty of dismissal from service but the same can no longer be imposed due to the respondent's supervening resignation, retirement, or other modes of separation from service except for death, he or she may be meted with the following penalties in lieu of dismissal:

(a) Forfeiture of all or part of the benefits as the Supreme Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or -controlled corporations. *Provided, however*, that the forfeiture of benefits shall in no case include accrued leave credits; and/or

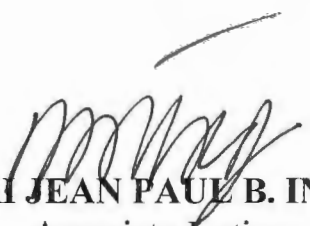
(b) Fine as stated in Section 17(1)(c) of this Rule.

³⁵ *See Presiding Judge Alano v. Delicana*. A.M. No. P-20-4050 [Formerly OCA IPI No. 16-4600-P], June 14, 2022 [*Per Curiam, En Banc*].

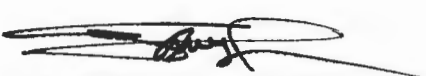
SO ORDERED.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice



SAMUEL H. GAERLAN
Associate Justice



JAPAR B. DIMAAMPAO
Associate Justice



MARIA FILOMENA D. SINGH
Associate Justice