

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
LOLITA A. GRECIA, UTILITY WORKER I, MTCC, GENERAL SANTOS
CITY, RESPONDENT.***A.M. No. P-94-1075. July 14, 1995*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/467d9707786e/>**PER CURIAM:**

This administrative matter has detained the Court so long and has imposed upon its time so much that the same must now be brought to its logical termination. On the one hand, however, the attention given by this Court to this case vividly illustrates how, regardless of status in life and rank in the service, the Court always deals with the members of the judiciary with an even hand and equal concern, for of such, after all, is the essence of adjudicatory justice.

The antecedents of this punitive proceeding are documented and undisputed to the point that the report of complainant Office of the Court Administrator on those aspects need merely be reproduced:

Pursuant to the Resolution of the Court En Banc dated August 18, 1994, the Office of the Court Administrator filed an Administrative Complaint against Mrs. Lolita Alfafara Grecia, Utility Worker I, MTCC, Branch 1, General Santos City, charging her with Neglect of Duty and Habitual Unauthorized Absences committed as follows:

1. On May 25, 1983, Mr. Eligio G. Ganer, Branch Clerk of Court, MTCC, Branch 1, General Santos City, issued a Memorandum to Ms. Lolita Alfafara, Staff Aide, same court, directing her not to (a) neglect her cleaning duties such as removing the cobwebs and dust on the ceiling of the court room aside from cleaning the court room and (b) incur more unauthorized absences, which for May, 1983 alone reached up to four (4) unauthorized absences;
2. On August 1, 1983, Mr. Ganer recommended to Atty. Benito M. Claudio, Clerk of Court, MTCC, General Santos City, that Ms. Alfafara be suspended without pay for fifteen (15) days for incurring a total of seventeen (17) unauthorized absences from May to July, 1983;
3. On September 26, 1983, Atty. Benito Claudio formally brought to the attention of Judge Romerico P. Vencer, Executive Judge, MTCC, General Santos City, the continuous absences without leave of Ms. Alfafara. She was reported to have also absented herself from September 19 to 24 and 26, 1983;
4. On August 1, 1989, Judge Jose S. Majaducon, MTCC, Branch 1, General Santos City, issued to former Ms. Alfafara, now Mrs. Grecia, a memorandum warning her of her numerous unjustified absences;
5. On October 2, 1992, Judge Majaducon again issued Mrs. Grecia a memorandum this time requiring her to explain within 72 hours from its receipt why no disciplinary action should be taken against her for (a) reporting late and going home early for 16 days of September, 1992; (b) for incurring 3 1/2 days unauthorized absences for September, 1992; (c) failure to clean the court room and offices; and (d) leaving work without permission and found gallivanting and gossiping in other offices;
6. On June 17, 1993, Judge Majaducon, together with Mr. Ganer and Ms. Veronica A. Canonigo, Clerk of

Court III, same court, recommended to the Court Administrator that Mrs. Grecia be dismissed from the service on the ground of inefficiency -- she had always been absenting herself from work that other court personnel had to do her work. Attached to their letter was a summary of her unauthorized absences which is as follows:

January 1993 --- 2 days

February 1993 --- 6 days

March 1993 --- 5 days

April 1993 --- 4 days

May 1993 --- 3 days

June 1-17 1993 --- 10 1/2 days

7. On October 8, 1993, Atty. Baumann, Deputy Clerk of Court and Chief Administrative Officer, this Court, wrote Mrs. Grecia requiring her to explain within five (5) days from receipt why she should not be dropped from the rolls for being continuously absent from June 1, 1993;

8. On November 16, 1993, Judge Majaducon informed Mrs. Rowena Castro-Benipayo that Atty. Baumann's letter was served on Mrs. Grecia's husband who, in the accompanying Certificate of Service, stated that "the whereabouts of his wife is not also known to him;"

9. On February 11, 1994, Judge Majaducon recommended that Mrs. Grecia be dismissed from the service in reply to Atty. Baumann's letter dated January 25, 1994 asking for his recommendation re Mrs. Grecia.

Eventually, respondent surfaced to file an answer, dated November 11, 1994, with the following explanations:

1. She was absent the four (4) days in May, 1983 because "masama ang aking pakiramdam noon;"
2. Her seventeen (17) days unauthorized absences in July of 1983 are due to the fact that "nagkataon po kasi na masama ang aking katawan, kaya napabayaan ko ang trabaho;"
3. She was absent during September of 1983 because "naglilihi ako at parati lang ako nahihilo;"
4. Regarding the August 1, 1989 memorandum of Judge Majaducon warning her of her numerous absences, "talaga lang po sir wala talaga akong 'peace of mind,' nagkakaproblema lang po ako sa sitwasyon ko, dahil walang trabaho ang Mr. ko at lalo na ang anak ko masakitin;"
5. Regarding the October 2, 1992 memorandum of Judge Majaducon requiring her to explain why no disciplinary action should be taken against her for her unauthorized absences:

"Kasi po sir nagkataon na ang aking anak nagkakasakit kaya nalelate ako sa pagpasok, wala kasi akong maiwanan sa anak ko, kaya nagaabala po ako sa kanya kaya maaga akong umuuwi, kaya po sir medyo mataas ang absences ko. Kaya po sir napabayaan ko na maglinis, parang wala na ako sa sarili ko. Kahit saan nalan(g) ako naghiram ng pera. Minsan nakauwi ako w/o permission, parang hindi ko alam ang aking ginawa sir, sa sobrang problema;"

6. With regard to her absences from January to June 17, 1993:

- a) January, 1993 - "po sir nag absent ako noon kay may inaasikaso akong importante parte sa marriage Contract ng mother ko;"
- b) February, 1993 - "Po sir nag absent ako noon kay high fever ako, hindi ako nag pahospital kay takot ako ng injection, kaya sa bahay na lang ako nagpagaling;"
- c) March, 1993 - "Po sir nakaabsent ako noon nagpunta kami sa kamaganakan naming namatayan, medyo natagal-tagalan kami noon, kay critical masyado ang daan, kaya hindi kami agad nakauwi;"
- d) April, 1993 - "Sir talagang wala na akong peace of mind, parati na lang kami nagaaway, minsan nakabitiw

siya ng salita na hindi tama, kaya sir hinding hindi ko matatanggap. Alam mo naman sir ang damdamin ng babae, iba talaga;"

e) May, 1993 - "Puro nalang about family trouble. Kaya po sir nakadisasyon na lang ako mag leave by June, July & August by (3 mos.). Umalis po ako sir na walang paalam, dahil sa hindi na kami nagkain(tin)dihan ng Mr. ko. Hindi ko alam na may letter ako kay Atty. Baumann (to) explain w/in 5 days. Pero po sir wala ako sa panahon na iyon sa aming bahay, kaya hindi ko alam."

Respondent Grecia throws herself at the mercy of the Court, with the appeal that:

"Sir sana po maiintindihan mo ako sa aking suliranin, maawa po kayo sir. Ang pagkakamali ko, aaminin ko po lahat sir. Pero hinding hindi na po mauulit po I swear po sir, MARK MY WORD po sir, kahit walang po Christmas sa akin, wala na po akong maaasahan pa. Ulilang lubos na po ako at walang trabaho ang Mister ko po sir. Nawa'y maawa po sana kayo sir sa akin. x x x"

The Court has thoroughly reviewed the records of this administrative matter, including the original rollo thereof when it was still docketed as Administrative Matter No. 94-7-52-MTCC, before the Court directed the Office of the Court Administrator to file a formal charge against respondent in its resolution of August 18, 1994. As earlier stated, the foregoing findings of complainant reflect a correct and complete chronological narrative of respondent's regrettable actuations.

In the same report of the Office of the Court Administrator, dated April 20, 1995, this discussion of the unfortunate situation obtaining in Branch I, Municipal Trial Court in Cities, General Santos City, follows from the aforestated factual findings:

Section 22, paragraph (q), Rule XIV, Omnibus Rules Implementing Book V (Civil Service Law), EO 292 provides, among others, that frequent unauthorized absence or tardiness in reporting for duty, loafing or frequent unauthorized absences during regular office hours carries a penalty of suspension of six (6) months and one (1) day to one (1) year for the first offense, and dismissal for the second offense.

Mrs. Grecia has admitted her unauthorized absences. She even stated that she decided to absent herself for the months of June, July and August 1993 WITHOUT PERMISSION from her superiors because of marital problems.

Her unauthorized absences started (in) May of 1983 when she was still Ms. Alfara. Now that she is Mrs. Grecia, she is incurring more unauthorized absences primarily because of marital troubles.

While this Office would like to sympathize with respondent due to the fact that she is having problems with her marriage, the fact is that she is prejudicing public service with her frequent unauthorized absences. The public image of a well-functioning courtroom has been entirely demolished for as Judge Majaducon stated in his Memorandum to respondent dated October 2, 1992: "We have the dirtiest courtroom."

This is not a mere case of frequent unauthorized absences within a localized period of time, e.g., a one (1) year period. This is a case of CONTINUOUS VIOLATION — Frequent Unauthorized Absences — of the Civil Service Law if we take into account that her absences span a period of at the very least ten (10) years, i.e., May of 1983 to June of 1993.

It should be noted that Section 23, paragraph (b) of the abovementioned rules provides that a civil service employee found guilty of Gross Neglect of Duty is meted the penalty of Dismissal for the FIRST offense.

Everytime respondent absents herself without permission from her superiors, she also neglects her duty of cleaning the court room and court offices. This has been going on repeatedly for also ten (10) years.

By her own admission, respondent Grecia, as a public officer and public servant, "has been remiss in the performance of the duties of her office which demands utmost dedication and efficiency."

We find these observations to be correct, just as we find the recommendation for respondent's dismissal from the service to be justified. Indeed, even with the fullest measure of sympathy and patience, we cannot act otherwise since the exigencies of government service cannot and should never be subordinated to purely human equations.

ACCORDINGLY, respondent Lolita Alfafara Grecia is hereby **DISMISSED** from the service with forfeiture of all benefits and with prejudice to her reemployment in any branch of the Government, including government-owned or controlled corporations.

SO ORDERED.

Narvasa, C.J., Feliciano, Padilla, Regalado, Davide, Jr., Romero, Melo, Quiason, Puno, Vitug, Kapunan, Mendoza, and Francisco, JJ., concur.

Bellosillo, J., on official leave.

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