

RE: ABSENCE WITHOUT OFFICIAL LEAVE (AWOL) OF MS. LILIAN B. BANTOG, COURT STENOGRAPHER III, RTC, BRANCH 168, PASIG CITY*A.M. No. 00-11-521-RTC. June 20, 2001*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-00-11-521/>**PER CURIAM:**

This Decision refers to an administrative case against Ms. Lilian B. Bantog, Court Stenographer III, of the Regional Trial Court (RTC) of Pasig City, Branch 168. The case stems from the habitual absence from office of Ms. Bantog since January 4, 1999.[1] After several reminders and warnings, the RTC Branch Clerk of Court, Atty. Peter Paul Matabang, finally issued a Memorandum[2] dated July 19, 2000, directing the respondent to report for work within five (5) days from receipt thereof and to explain in writing why she should not be dropped from the rolls.

Although she reported for work on July 25, 2000, respondent failed to explain within the prescribed period why she should not be dropped from the rolls. Worse, she failed to report for work again on July 27 and 28, 2000. The last time she reported for work was on July 31, 2000. Since then, she has gone on absence without official leave.

On September 8, 2000, the branch clerk of court recommended to the Court Administrator[3] her summary dismissal from the service and that her position be declared vacant in order that a new court stenographer may be appointed to the position to prevent the disruption of the flow of work in the said court branch.

On the same date, acting Presiding Judge Florito S. Macalino, indorsed to the Court Administrator the letter of Atty. Matabang, likewise recommending the dismissal from the service of Ms. Bantog for repeated violation of Civil Service Rules and Regulations. On November 21, 2000, the Supreme Court en banc directed the Financial Management Office to withhold the salaries and benefits of Ms. Bantog, upon the recommendation of the Leave Division of the Office of the Court Administrator.[4]

It must be noted that on April 17, 2000, Ms. Bantog, replying to an earlier Memorandum warning her of summary dismissal due to her repeated absences, wrote a letter to the Court Administrator in which she openly admitted her habitual absenteeism. She explained that her marital woes, the matriculation problems of her three children, the lack of job of her husband all contributed to her habitual absenteeism. She pleaded for understanding and to be given another chance. She promised to reform her work habits. Nevertheless, as shown by the records, her promised reform was not fulfilled.

A thorough review of the records shows that Ms. Bantog has been absent for the following periods.

For the Year 1999:

Month No. of days

January 4, 19,20,.21 and 22 5 days

February 16,17, 24, 25.and 26 5 days

March 8, 9, 11, 12, 15, 19, 22, 23, 24, 25, and 26 11 days

May 3, 4, 5, 6, 7, 21, 24, 25, 28, and 31 10 days

June 1 month

July 1, 2, 3, 4, 5, 7, 12, 14, 15, 16, 19, 21, 23, 27 and 29 15 days

December 2, 13, and 24 2 1/2 days

For the Year 2000:

Month No. of days

July 20, 21, 24, 27, and 28 5 days

August-present Absence without official leave

On November 21, 2000, the Court resolved to:

"a) NOTE the Memorandum dated 19 October 2000 of Hermogena F. Bayani, SC Judicial Staff Officer, Leave Division, Office of Administrative Services, Office of the Court Administrator and (b) DIRECT the Financial Management Office, OCA, to WITHHOLD the salaries and other benefits of Ms. Lilian Bantog, Court Stenographer III, RTC, Branch 168, Pasig City, for having been absent without official leave (AWOL) since 31 July 2000." [5]

On February 20, 2001, the Court referred this administrative matter to the Office of the Court Administrator, for recommendation on whether Ms. Bantog should be dropped from the rolls. [6]

On March 8, 2001, the Court received the OCA's report. [7] Its findings are as follows:

"It appears that Ms. Bantog has been repeatedly warned and required to explain regarding her habitual unauthorized absences by her immediate superior Clerk of Court Atty. Peter Paul Matabang. Ms. Bantog always reasoned out that she could not report for work regularly as she was resolving the problems and needs of her family.

"Since Ms. Bantog showed no improvement in her work ethic, Atty. Matabang recommended in his letter dated 8 September 2000 the summary dismissal of Ms. Bantog by reason of her blatant disregard of the Civil Service Rules and Regulations. Judge Macalino likewise indorsed the same to the Court for favorable action thereon.

"Acting on the recommendation of the Leave Division of this Office in a Memorandum Report 19 October 2000, the Honorable Court DIRECTED in its En Banc Resolution of 21 November 2000 the Financial Management Office to WITHHOLD the salaries and benefits of Ms. Bantog for having been absent without official leave (AWOL) since July 2000." [8]

Acting Court Administrator Zenaida N. Elepaño recommended that "Ms. Lilian Bantog, Court Stenographer III, RTC, Branch 168, Pasig City be DISMISSED from the service and the position of Court Stenographer III in said court be DECLARED VACANT." [9]

In justifying her dismissal from the service, the acting Court Administrator ratiocinated as follows:

"Records reveal that this is not the first time Ms. Bantog went [on] absence without leave for several times in the past [and] her attention had been called [to] her habitual absenteeism. This notwithstanding, Ms. Bantog continued to take her work for granted. Her action has been clearly prejudicial to the service and inimical to the interest of the court.

"As provided for under Section 63, Rule XVI of the Civil Service Rules, as amended, Miss Bantog may already be automatically dropped from the service by reason of absence without official leave (AWOL). This section expressly provides that:

"An official or employee who is continually absent without an approved leave for at least (30) calendar days shall be considered on 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 address appearing on his 201 files or at his known written address, of his separation from the service, not later than five (5) days from its effectivity." [10]

We sustain the recommendation of the acting Court Administrator.

The records show that Ms. Bantog's absences from January 4, 1999 up to the present were unauthorized because her applications for leave were denied by the branch clerk of court for the reason that "she no longer has any leave credit she can avail of." [11] Despite the various reprimands, warnings, and memoranda issued to her, she persisted in testing the patience of her superior, prompting the latter to write a disparaging evaluation of her work ethic to the Court Administrator, to wit:

"The undersigned's patience with Ms. Bantog has run out. She is deliberately making a mockery of the undersigned's authority as her immediate administrative superior. Ms. Bantog's propensity to deceive people around her, including her superiors, is incorrigible, to say the least." [12]

Civil Service Memorandum Circular No.23, Series of. 1998, defines habitual absenteeism as follows:

"An officer or employee in the Civil Service shall be considered habitually absent if he incurs unauthorized absences exceeding the allowable two and one-half (2 1/2) days monthly leave credit under the Leave Law for at least three (3) months in a semester or at least three (3) consecutive months during the year x x x."

Section 52-A, Rule IV of Memorandum Circular No. 19, Series of 1999, classifies habitual absenteeism as a grave offense with the following corresponding penalties: for the first offense — suspension for six (6) months and one (1) day to one (1) year; and for the second offense — dismissal.

It must be emphasized that Ms. Bantog was not only habitually absent, she has been on absence without official leave from July 2000 up to the present; thus, her salaries and benefits have been withheld since November 2000. Under Section 63, Rule XVI of the Civil Service Rules, as amended, "an official or employee who is continually absent without an approved leave for at least (30) calendar days shall be considered on absence without official leave (AWOL) and shall be separated from the service or dropped from the rolls without prior notice." Up to now, since her last report for work on July 31, 2000, respondent has not presented herself to her superiors or wrote any letter of explanation or filed any motion for reconsideration of the action taken by the Court in directing the Financial Management Office to withhold her salaries and benefits.

The Court notes that in the past, respondent failed to transcribe stenographic notes of the cases assigned to her due to her frequent absences. Such was her neglect of her duties that she was even cited for direct contempt and a warrant for her arrest was issued by Judge Benjamin V. Pelayo when she failed to report for work and to submit the TSN in Criminal Case Nos. 106971 and 109800. [13] In the words of the branch clerk of court, she has "become more of a liability to the Court" and he does not "see any improvement or at least an effort" on her part to improve her attitude towards her job. [14]

Given her utter disregard of her duties as a public servant and her responsibilities as an employee of the Court, we find and hold that Ms. Bantog has failed to live up to the exacting standards for public office. As held in *Garcia v. Eullaran*, [15] "[t]he conduct and behavior of everyone connected with an office charged with the dispensation of

justice, like the courts below, from the presiding judge to the lowest clerk, should be circumscribed with the heavy burden of responsibility." Their conduct must at all times be characterized with propriety and decorum. As enshrined in the Constitution, "[p]ublic office is a public trust. Public officers must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency x x x." [16] Time and again, this Court has said that it "cannot countenance any act or omission which diminish or tend to diminish the faith of the people in the Judiciary." [17]

The records of the matter clearly show that Ms. Bantog was habitually absent from her work since January 4, 1999 and has in fact been absent without official leave from July 2000 until the present.

WHEREFORE, Ms. Lilian Bantog is hereby DISMISSED from the service, with prejudice to reemployment in any branch or instrumentality of the government, including government-owned or controlled corporations. The position of Court Stenographer III of the RTC of Pasig City, Branch 168, is hereby DECLARED VACANT.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Pardo, Buena, Gonzaga-Reyes, Ynares-Santiago, De Leon, Jr., and Sandoval-Gutierrez, JJ., concur.

[1] Memorandum to Ms. Lilian B. Bantog by Court Administrator Alfredo L. Benipayo dated March 23, 2000.

[2] Rollo, p. 2.

[3] Letter addressed to then Court Administrator Alfredo L. Benipayo by Atty. Matabang, dated September 8, 2000, rollo, p. 5.

[4] This was signed by Ms. Hermogena F. Bayani, SC Chief Judicial Staff Officer, Leave Division of the Office of the Court Administrator.

[5] Court En Banc Resolution in A.M. No. 00-11-521-RTC dated November 21, 2000.

[6] Court En Banc Resolution in A.M. No. 00-11-521-RTC dated February 20, 2001.

[7] Signed by Acting Court Administrator Zenaida N. Elepano.

[8] Memorandum submitted by Acting Court Administrator Elepano, dated March 6, 2001.

[9] Ibid.

[10] Ibid.

[11] Letter to Court Administrator Benipayo by Atty. Matabang dated September 1, 1999.

[12] Ibid.

[13] Order dated February 26, 1999.

[14] Memorandum to Bantog from Atty. Matabang, dated June 21, 2000.

[15] 196 SCRA 1, 4, April 19, 1991, citing Montemayor v.. Collado, 107 SCRA 258, 263, September 10, 1981.

[16] Section 1, Article XI of the 1987 Constitution.

[17] Garcia v. Eullaran, supra.

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