RE: HABITUAL ABSENTEEISM OF MS. EVA ROWENA J. YPIL, COURT LEGAL RESEARCHER II, REGIONAL TRIAL COURT, BRANCH 143, MAKATI CITY.

A.M. NO. 07-2-92-RTC. July 24, 2007

Ponente: NACHURA, J.

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NACHURA, J.:

The instant administrative matter arose from the unauthorized absences incurred by respondent Eva Rowena J. Ypil, Legal Researcher II, Regional Trial Court (RTC), Branch 143, Makati City. The records of the Leave Division, Office of the Court Administrator (OCA), Office of Administrative Services (OAS), show that respondent incurred unauthorized absences on the following dates:

2004: All Disapproved (Unauthorized absences)

September 1, 2, 9, 10, 13, 14, 17, 20, 23, 24, 29 11 days

October 4-8, 11, 12, 14, 15, 18 10 days

November 2, 4, 8-10, 26
6 days

December 7, 13, 20, 28 4 days

In her letter[1] dated August 14, 2006, addressed to Court Administrator Christopher O. Lock, respondent contests the Report of Habitual Absenteeism allegedly for lack of factual and legal bases. Respondent alleges that she is still awaiting the reply of Atty. Caridad A. Pabello, OCA Chief of Office, OAS, on her letter[2] dated June 23, 2006 requesting reconsideration of the Evaluation and Recommendation of the Sick Leave Application submitted by Dr. Elmer Ruñez, Senior Medical Officer, and concurred in by Dr. Prudencio Banzon, Jr., SC Senior Chief Staff Officer, SC Clinic Services.[3] Earlier, the OCA-OAS considered respondent's applications for sick and vacation leave of absence as forty-six (46) days vacation leave of absence without pay because the applications for leave were disapproved by Presiding Judge Zenaida T. Galapate-Laguilles, RTC, Branch 143.[4]

On February 22, 2006, respondent explained to Atty. Pabello that on July 2, 2004, she was mauled and hospitalized, and was diagnosed to have suffered from multiple contusions and hematoma. She informed her office about her condition and that she would go on sick leave.[5] On September 15, 2004, respondent submitted her Daily Time Records (DTRs) for the months of June, July, and August 2004, with the corresponding applications for leave of absence and medical certificates, to the Leave Division, OCA.6 Judge Galapate-Laguilles approved only one (1) day of her application for leave and disapproved the rest because the medical certificates which respondent presented were unverified and incredible.[7]

Respondent explained that in September 2004, she wanted to report for work but she needed to go on sick leave of absence because she had not fully recuperated from her sickness. She went on further sick leave of absence in

October 2004 for allegedly the same reason. Her condition worsened when she suffered from muscular spasm on the left cheek and left deltoid due to the above contusions and hematoma.[8] In November of the same year, respondent again went on sick leave of absence because of frequent headaches and pain on her right nape, allegedly due to hypertension. Respondent was again absent for several days in December, allegedly due to loose bowel movement (LBM), uncontrolled hypertension, eye problem, and flu.[9] In January 2005, respondent again went on sick leave for several days because she suffered from flu, Grave's disease, hypertension and she had a thyroid examination.[10] Lastly, in February 2005, respondent went again on sick leave of absence because of subconjunctival hemorrhage of her right eye.[11]

Respondent stressed that her sick leave of absence for the months of September 2004 until March 2005 did not exceed five (5) consecutive days; hence, there was no need to submit medical certificates.[12]

Upon evaluation, the OCA recommended that respondent be suspended from the service for six (6) months for habitual absenteeism, with a warning that commission of similar acts in the future will warrant the imposition of a more severe penalty.[13]

We agree with the OCA's evaluation and recommendation.

The crux of the charge against respondent is her habitual absenteeism. Civil Service Memorandum Circular No. 23, Series of 1998, provides:

> An officer or employee in the Civil Service shall be considered habitually absent if he incurs unauthorized absences exceeding the allowable 2.5 days monthly leave credits under the Leave Law for at least three (3) months in a semester or at least three (3) consecutive months during the year. In case of claim of ill health, heads of departments or agencies are encouraged to verify the validity of such claim and, if not satisfied with the reason given, should disapprove the application for sick leave. On the other hand, in cases where an employee absents himself from work before approval of the application, said application should be disapproved.[14]

Records show that respondent incurred a total of thirty-one (31) unauthorized absences during the months of September, October, November, and December, 2004, thus, falling within the definition of habitual absenteeism cited above.

Respondent claims that her absences are justified because of her poor health condition brought about by the accident that happened to her when she was mauled, and suffered multiple contusions and hematoma. She, likewise, states that during such absences, she was suffering from LBM, hypertension and Grave's disease. She further avers that she timely filed the required sick leave applications but applications were disapproved by the Presiding Judge on the ground that the medical certificates submitted were not verified and credible.

Section 15, Rule XVI, of the Omnibus Rules Implementing Book V of Executive Order (E.O.) No. 292 provides:

> Section 15. x x x. In case of claim of ill health, heads of departments of agencies are encouraged to verify the validity of such claim and, if not satisfied with the reason given, should disapprove the application for sick leave. x x x.[15]

The rules on applications for sick leave are further laid down in Memorandum Circular No. 41, Series of 1998, to wit:

> Section 53. Applications for sick leave. - All applications for sick leave of absence for one full day or more shall be on the prescribed form and shall be filed immediately upon the employee's return from such leave. Notice of absence, however, should be sent to the immediate supervisor and/or to the agency head. Application for sick leave in excess of five (5) successive days shall be accompanied by a proper medical certificate.

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> Sick leave may be applied for in advance in cases where the official or employee will undergo medical examination or operation or be advised to rest in view of ill health duly supported by a medical certificate.
>
> In ordinary application for sick leave already taken not exceeding five days, the head of department or agency concerned may duly determine whether or not the granting of sick leave is proper under the circumstances. In case of doubt, a medical certificate may be required.[16]

Approval of sick leave, whether with pay or without pay, is mandatory as long as proof of sickness or disability is attached to the application.[17] In the instant case, however, the respondent's medical certificate failed to fully support her claim of illness. We would like to emphasize that respondent's sick leave applications were evaluated by Dr. Ruñez and Dr. Banzon, both of the SC Clinic Services. They found the submitted medical certificates incredible. It was this finding which the Presiding Judge relied upon. We find no cogent reason to depart from such finding. The Court likewise notes that, in a span of four (4) months, from September until December 2004, respondent had been absent for a total of forty-three (43) days, all because of claims of ill health.

No other office in the government service exacts a greater demand for moral righteousness and uprightness from an employee than the Judiciary.[18] The Court has stressed that the conduct and behavior of everyone connected with an office charged with the dispensation of justice, from the presiding judge to the lowest clerk, should be circumscribed with a heavy burden of responsibility. As enshrined in the Constitution, public office is a public trust. Public officers and employees, must at all times, be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency. This Court cannot countenance any act or omission which diminishes or tends to diminish the faith of the people in the Judiciary.[19]

As pointed out by the OCA, the penalty imposable on her would have been suspension for six (6) months. However, since she had already resigned[[20][]] and the penalty of suspension obviously can no longer be imposed on her, a fine equivalent to three (3) months' salary is warranted.[21]

Frequent unauthorized absences without authorization are inimical to public service, and for this, the respondent must be meted the proper penalty. Indeed, even with the fullest measure of sympathy and patience, the Court cannot act otherwise since the exigencies of government service cannot and should never be subordinated to purely human equations.[22]

WHEREFORE, respondent Eva Rowena J. Ypil is found GUILTY of habitual absenteeism and ORDERED to pay a FINE equivalent to three (3) months' salary, to be deducted from whatever benefits and/or leave credits may be due her.

SO ORDERED.

Ynares-Santiago, (Chairperson), Austria-Martinez, and Chico-Nazario, JJ., concur.

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[1] The letter is considered by this Court as respondent's Comment; rollo, pp. 11-13.

[2] Rollo, pp. 16-18.

[3] Id. at 1.

[4] Id.

[5] Id. at 19-20.

[6] Id. at 20.

[7] Id. at 2.

[8] Id. at 21.

[9] Id.

[10] Id. at 22.

[11] Id.

[12] Id. at 2.

[13] Id. at 3.

[14] Re: Memorandum Report of Atty. Thelma C. Bahia Against Ms. Dorothy Salgado, A.M. No. 2004-41-SC, January 13, 2005, 448 SCRA 81, 85; Reyes, Jr. v. Cristi, A.M. No. P-04-1801, April 2, 2004, 427 SCRA 8, 13.

[15] Reyes-Macabeo v. Valle, 448 Phil. 583, 587 (2003); Judge Ortiguerra v. Genota, Jr., 434 Phil. 787,791 (2002).

[16] Re: Unauthorized Absences of Karen R. Cuenca, Clerk II, Property Division-Office of Administrative Services, A.M. No. 2005-03-SC, March 15, 2005, 453 SCRA 403, 408.

[17] Id.

[18] Domingo-Regala v. Sultan, A.M. No. P-05-1940, February 28, 2005, 452 SCRA 385, 394.

[19] Re: Memorandum Report of Atty. Thelma C. Bahia Against Ms. Dorothy Salgado, supra note 14, at 86; Reyes, Jr. v. Cristi, supra note 14, at 14.

[20] Per respondent's letter dated April 24, 2007, addressed to Atty. Lucita Abjelina-Soriano, Clerk of Court, Third Division.

[21] Reyes, Jr. v. Cristi, supra, at 14.

[22] Re: Unauthorized Absences of Karen R. Cuenca, Clerk II, Property Division-Office of Administrative Services, supra note 16, at 409.

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