RE: DROPPING FROM THE ROLLS OF MS. PACIENCIA E. AJANAB, COURT STENOGRAPHER I, MCTC, MALUSO, BASILAN.

A.M. No. 08-12-357-MCTC. February 10, 2009

Ponente: TINGA, J.

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TINGA, J.:

This administrative matter concerns the letter[1] dated 8 August 2008 of Hon. Juan Gabriel H. Alano, Presiding Judge, Municipal Circuit Trial Court (MCTC), Maluso, Basilan, requesting that Mrs. Paciencia E. Ajanab, Court Stenographer I in the said court, be dropped from the rolls for obtaining unsatisfactory performance ratings.

A perusal of the records shows that during a personnel meeting on 20 November 2007, Judge Alano called Mrs. Ajanab's attention regarding the disarray of files, both soft and hard, relating to the election cases assigned to her. She explained that she is computer illiterate and requested that she be allowed to use the typewriter instead. Her caseload was then assigned to the two (2) other stenographers in order to avoid further delay in case flow. Despite this fact as well as constant reminders, Mrs. Ajanab's performance did not improve.[2] She thus received an unsatisfactory performance rating for the semester July-December 2007.[3] Judge Alano sent her a notice[4] of unsatisfactory performance rating dated 15 January 2008, explaining to her the basis for such rating and warning her that her failure to improve her performance within the remaining period of the semester shall warrant her separation from service. Mrs. Ajanab did not submit her written explanation or objections.

Mrs. Ajanab's performance deteriorated despite being allowed to handle a lesser caseload. According to Judge Alano, in order to decide two criminal cases, he had to rely on his own notes taken during the proceedings since the transcript of stenographic notes was inaccurate and transcription was made by some other person. The font was different from the official font and the page numbers had been tampered rendering its integrity dubious. Mrs. Ajanab was again given an unsatisfactory performance rating for the semester January-June 2008 for which Judge Alano gave her a second notice.[5] Judge Alano even averred therein that he had done her job for her for the past four years but to no avail. He thus recommended her separation from service.

In a letter[6] dated 7 August 2008, Mrs. Ajanab admitted her limited knowledge in computer encoding being one of the "old timers who was left behind by the rapid development of technology in the workplace."[7] She transcribed her stenographic notes with the aid of her son using their personal computer at home which explains the type of font used and why her output is not found in the office's database. She claimed that she could not be expected to be well-versed with the computer overnight as she was not given ample chance to learn as there was no program offered by the Supreme Court for computer literacy. She pleaded for indulgence and benevolence for her situation, seeking that she be transferred to another position with duties that do not require the use of the computer.[8]

In its Report[9] dated 11 November 2008, the Office of the Court Administrator (OCA) stated, to wit:

> x x x Section 2 (2.2{a&b}), Rule XII of the Omnibus Rules on Appointments and Personnel Action (CSC Memorandum Circular No. 40, series of 1998) provides, that an official or employee who is given two (2)

> consecutive "Unsatisfactory" ratings or who for one evaluation period is rated "Poor" in performance may be dropped from the rolls after due notice. Section 2 (2.6) of the same rule further provides that, dropping from the rolls for unsatisfactory or poor performance is non-disciplinary in nature and shall not result in the forfeiture of any benefits on the part of the official or employee nor in disqualifying him from reemployment in the government.
>
> x x x The documentary requirements before one can be dropped from the rolls for obtaining unsatisfactory performance ratings are set forth under Section 2 (2.2 {a}, Rule XII of the Omnibus Rules on Appointment and Personnel Actions (CSC Memo Circular No. 40, s. 1998).
>
> The Omnibus Rules require the following:
>
> - Notice in writing
>
> - informing the officer or employee concerned of her unsatisfactory performance for a semester;
>
> - warning that a succeeding unsatisfactory performance shall warrant her separation from the service;
>
> - containing sufficient information which shall enable the employee to prepare an explanation.
>
> - Notice be given not later than 30 days from the end of the semester.
>
> OCA Circular No. 172-2003 entitled "Notice Requirement in the Giving of Unsatisfactory and Poor Performance Rating" essentially contains the same requirements with the additional provision that the notice shall be issued by the supervisor/rater.
>
> Records reveal that the documentary requirements have been met. Notices dated January 15, 2008 and July 30, 2008 were issued by Presiding Judge Alano within the 30-day period from the end of every semesters indicating that Mrs. Ajanab had incurred unsatisfactory performance. The notice contained sufficient information: (1) that Mrs. Ajanab obtained unsatisfactory performance ratings for two (2) consecutive semesters: July-December 2007 and January-June 2008; (2) warning that she may be separated from the service; and (3) opportunity for her to file comment within a reasonable period of time from receipt of the the [sic] notice.
>
> x x x Respectfully submitted for the consideration of the Honorable Court our recommendation that Mrs. Paciencia E. Ajanab x x x be [1] DROPPED FROM THE ROLLS for obtaining two (2) consecutive "Unsatisfactory" ratings; and [2] her position be declared VACANT.
>
> The separation from the service of Mrs. Ajanab, being non-disciplinary in nature, shall not result in the forfeiture of any benefits she may be entitled to under existing laws nor in disqualifying her from reemployment in the government.[10]

The OCA's recommendations are in accord with the law and the facts of the case and we are constrained to adopt and approve the same. Although we empathize with Mrs. Ajanab's plight, we are compelled to give weighty considerations to the demands of public service. Court personnel should be examples of responsibility, competence and efficiency and must discharge their duties with due care and utmost diligence. To keep an employee found to be incompetent and grossly inefficient in the performance of her work would be a great disservice to the public.

WHEREFORE, the recommendation of the OCA is APPROVED. Let Paciencia E. Ajanab, Court Stenographer I, MCTC, Maluso, Basilan be DROPPED FROM THE ROLLS and her position be declared VACANT. Her separation from service, being non-disciplinary in nature, shall not result in the forfeiture of any benefits she may be entitled to under existing laws nor in disqualifying her from reemployment in the government.

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SO ORDERED.

Quisumbing, (Chairperson), Carpio Morales, Velasco, Jr., and Brion, JJ., concur.

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[1] Rollo, p. 5.

[2]Id. at 7.

[3] Id. at 8.

[4]Id. at 9-10.

[5] Id. at 13, 15.

[6] Id. at 17-18.

[7]Id. at 17.

[8]Id.

[9]Id. at 1-4.

[10]Id. at 3-4.

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