

RE: DROPPING FROM THE ROLLS OF JOYLYN R. DUPAYA, Court Stenographer III, Regional Trial Court, Branch 10, Aparri, Cagayan.*A.M. No. P-13-3115 (Formerly A.M. No. 13-3-41-RTC). June 04, 2013*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-13-3-41/>**PER CURIAM:**

Judge Pablo M. Agustin (Judge Agustin), Presiding Judge of Branch 10, Regional Trial Court, Aparri, Cagayan, referred to the Office of the Court Administrator (OCA) the case of Ms. Joylyn R. Dupaya (Dupaya), Court Stenographer III, whose performance was rated as "unsatisfactory" for two consecutive periods, from January to June 2011 and from July to December 2011.

In his Memorandum, dated May 8, 2012, 1 Judge Agustin directed Dupaya to explain her continuous absence despite written and verbal warnings and her failure to transcribe the stenographic notes in numerous instances, thus, causing delay in the preparation of decisions. Judge Agustin mentioned that Dupaya received two (2) consecutive "unsatisfactory" performance ratings, and that despite the poor rating given to her for the period, January to June 2011, she did not show any initiative to improve her performance.

Despite the notice, however, Dupaya failed not only to submit a written explanation, but also to show improvement in her work in the subsequent semester.

Thus, in a letter dated October 25, 2012[2] to the OCA, Judge Agustin recommended that Dupaya be dropped from the rolls for obtaining "unsatisfactory" performance ratings for two (2) consecutive rating periods.

In its Memorandum, dated January 29, 2013,[3] the OCA agreed with the report of Judge Agustin on Dupaya's unsatisfactory ratings and recommended that she be dropped from the rolls and her position be declared vacant.

The Court agrees.

Section 2, Rule XII of the Omnibus Rules on Appointments and other Personnel Actions provides that:[4]

2.2 Unsatisfactory or Poor Performance

a. An official or employee who is given two (2) consecutive unsatisfactory ratings may be dropped from the rolls after due notice. Notice shall mean that the officer or employee concerned is informed in writing of his unsatisfactory performance for a semester and is sufficiently warned that a succeeding unsatisfactory performance shall warrant his separation from the service. Such notice shall be given not later than 30 days from the end of the semester and shall contain sufficient information which shall enable the employee to prepare an explanation. x x x

In this case, records show that there was proper compliance with the requirements stated in the rule. The Memorandum, dated May 8, 2012, issued by Judge Agustin contained sufficient warning and information that her frequent absences and poor performance would warrant an unsatisfactory performance rating. Dupaya, however, failed to proffer an explanation or to improve her performance.

It is worthy to note that in its Resolution, dated July 30, 2007, in A.M. No. 07-0-327-RTC, 5 the Court had the

occasion to direct Dupaya to explain why no administrative sanction should be imposed on her for her failure to transcribe the stenographic notes in Criminal Case No. 9184 within the prescribed period. On March 17, 2008, she was admonished and warned by the Court 6 that a repetition of the same offense would be dealt with accordingly. Again, on July 26, 2010,[7] the Court issued a reprimand against Dupaya for violation of Section 2 of Administrative Circular No. 2-99,[8] and for her failure to comply with the rules on her application for sick leave, with a stern warning that a repetition of the same or similar infraction would be dealt with more severely.

Public accountability essentially includes discharging one's duties as a public officer with utmost responsibility, integrity, competence, loyalty, and efficiency. Incompetence and inefficiency have no place in public service, especially in the dispensation of justice.[9]

Accordingly, the Court RESOLVES to:

- 1) ADOPT and APPROVE the findings of facts, conclusions of law and recommendation of the Office of the Court Administrator relative to the unsatisfactory ratings of Joylyn R. Dupaya;
- 2) DROP the name of Joylyn R. Dupaya, Court Stenographer III, Regional Trial Court, Branch 10, Aparri, Cagayan from the rolls for obtaining "Unsatisfactory" performance ratings for the periods from January to June 2011 and from July to December 2011. She is, however, still qualified to receive the benefits .she may be entitled to under existing laws, and may still be reemployed in the government; and
- 3) DECLARE her position VACANT.

SO ORDERED.

Sereno, C.J., Velasco, Jr., Leonardo-De Castro, Brion, Peralta, Bersamin, Del Castillo, Abad, Villarama, Jr., Perez, Mendoza, Reyes and Perlas-Bernabe, Leonen, JJ., concur.
Carpio, J., on official leave.

[1] Rollo. p. 8.

[2] Id. at 4-5.

[3] Id. at 1-3.

[4] Civil Service Commission Memorandum Circular No. 40-98.

[5] Rollo, p. 17-18. Entitled Re: Request of Judge Pablo M. Agustin, Regional Trial Court, Branch 10, Aparri, Cagayan, for extension of time to decide Criminal Case No. 9184.

[6] Id. at 15-16.

[7] Id. at 14.

[8] Strict Observance of Working Hours and Disciplinary Action for Absenteeism and Tardiness (1999).

[9] Re: Dropping From the Rolls of Ms. Lolita B. Batadlan, Court Stenographer III, Regional Trial Court of Surallah, South Cotahato, Branch 26, 549 Phil. 537 (2007).

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