

**RE: HABITUAL ABSENTEEISM OF RABINDRANATH A. TUZON,
OFFICER-IN-CHARGE (OIC)/COURT LEGAL RESEARCHER II, BRANCH
91, REGIONAL TRIAL COURT, BALER, AURORA**

A.M. No. 14-10-322-RTC. December 05, 2017

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-14-10-322/>

PER CURIAM:

A Report[1] submitted by the Leave Division, Office of the Court Administrator (OCA) dated 16 October 2014, shows that respondent Rabindranath A. Tuzon (Tuzon), OIC/Legal Researcher II, Branch 91, Regional Trial Court (RTC), Baler, Aurora, had incurred unauthorized absences for the months of June to November 2013, as follows:

June 3-4, 13-14
August 5-8, 15, 28
September 2-5, 9-13, 26
October 7-9, 14, 16-18, 21
November 4-6, 14 4.0 days
6.0 days
10.0 days
8.0 days
4.0 days

On 13 November 2014, the OCA issued a 1st Indorsement[2] directing Tuzon to comment on the aforesaid report. However, he failed to comply with the said directive, thus, on 10 August 2015, the OCA issued a Tracer[3] reiterating its earlier directive for him to file a comment. No comment has been filed to this date.

On 27 June 2016, the Court, in A.M. No. 16-04-88-RTC,[4] issued a Resolution dropping Tuzon from the rolls effective 1 March 2014, for having been on absence without official leave (AWOL). The resolution held that respondent Tuzon "is still qualified to receive any benefit that he may be entitled to under existing laws and be re-employed in the government, without prejudice to the outcome" of the present case, i.e., A.M. No. 14-10-322-RTC.

In an agenda report dated 10 April 2017, the OCA recommended that:

(1)

the Report dated 16 October 2014 of Mr. Ryan U. Lopez, Officer-In-Charge, Employees' Leave Division, Office of Administrative Services, Office of the Court Administrator, be RE-DOCKETED as a regular administrative matter against respondent Rabindranath A. Tuzon, OIC/Court Legal Researcher II, Branch 91, Regional Trial Court, Baler, Aurora, for Habitual Absenteeism; and

(2)

respondent Tuzon be found GUILTY of Habitual Absenteeism; and

(3)

accordingly, since respondent Tuzon has been dropped from the rolls, the following ACCESSORY PENALTIES may be imposed on him: CANCELLATION OF ELIGIBILITY, FORFEITURE OF RETIREMENT BENEFITS, PERPETUAL DISQUALIFICATION OF HOLDING PUBLIC OFFICE AND BAR FROM TAKING CIVIL SERVICE EXAMINATIONS.

We adopt the findings of the OCA.

Administrative Circular No. 14-2002[5] it provides that:

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 law for at least three (3) months in a semester or at least three (3) consecutive months during the year.[6]

We have often held that, by reason of the nature and functions of their office, officials and employees of the Judiciary must be role models in the faithful observance of the constitutional canon that public office is a public trust. Inherent in this mandate is the observance of prescribed office hours and the efficient use of every moment thereof for public service, if only to recompense the Government, and ultimately, the people who shoulder the cost of maintaining the Judiciary. Thus, to inspire public respect for the justice system, court officials and employees are at all times behooved to strictly observe official time. As punctuality is a virtue, absenteeism and tardiness are impermissible.[7]

Since Tuzon was been absent for 4 days in June, 6 days in August, 10 days in September, 8 days in October, and 4 days in November 2013, there is no dispute that he had been habitually absent.

Administrative Circular No. 14-2002 and The Uniform Rules on Administrative Cases in the Civil Service impose the penalty of suspension of 6 months and 1 day to 1 year, for the first offense, and dismissal, for the second offense, in case of frequent unauthorized absences. However, in the determination of the penalty to be imposed, attendant circumstances, such as physical fitness, habituality, and length of service in the government, may be considered.[8]

Here, it is noteworthy to stress that the OCA report shows that the Court, in prior resolutions, had penalized Tuzon with a reprimand for his habitual tardiness,[9] and with a six-month suspension for grave misconduct.[10] Hence, we cannot find any circumstance which can mitigate the imposable penalty.

WHEREFORE, the Court finds respondent Rabindranath A. Tuzon, OIC/Legal Researcher II, Branch 91, Regional Trial Court, Baler, Aurora, GUILTY of habitual absenteeism. He is hereby ordered DISMISSED from the service, with forfeiture of all retirement benefits, except for any accrued leave credits; cancellation of eligibility, bar from taking civil service examinations, and with prejudice to re-employment in any government branch or instrumentality, including government-owned or-controlled corporations.

SO ORDERED.

Sereno, C.J., Carpio, Velasco, Jr., Leonardo-De Castro, Peralta, Del Castillo, Perlas-Bernabe, Leonen, Caguioa, Martires, Tijam, and Reyes, Jr., JJ., concur.

Bersamin, J., on official leave.

Jardeleza and Gesmundo, JJ., on leave.

NOTICE OF JUDGMENT

Sirs/Mesdames:

Please take notice that on December 5, 2017 a Decision/Resolution, copy attached herewith, was rendered by the Supreme Court in the above-entitled administrative matter, the original of which was received by this Office on January 24, 2018, at 10:02 a.m.

Very truly yours,

(SGD.) FELIPA G. BORLONGAN-ANAMA

Clerk of Court

[1] Rollo, p. 3.

[2] Id. at 5.

[3] Id. at 6.

[4] As per Agenda of OCA-Legal Division dated 10 April 2017.

[5] Reiterating the Civil Service Commission's Policy on Habitual Absenteeism.

[6] Memorandum Circular No. 04, Series 1991, of the Civil Service Commission.

[7] Re: Imposition of Corresponding Penalties for Habitual Tardiness Committed During the First and Second Semesters of 2003, A.M. No. 00-06-09-SC, 16 March 2004, 425 SCRA 508, 517-518.

[8] CSC Memorandum Circular No. 19, s. 1999, Section 53.

[9] Resolution dated 6 August 2014 in A.M. No. P-14-3250.

[10] Re: Anonymous Letter v. Judge Soluren, et al. 745 Phil. 22 (2014).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.