

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
ENRIQUE I. ALFONSO, COURT STENOGRAPHER III, REGIONAL TRIAL
COURT, BRANCH 52, MANILA, RESPONDENT.**

A.M. No. P-17-3634 [Formerly A.M. No. 16-04-94-RTC]. March 01, 2017

Ponente: MENDOZA, J.

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MENDOZA, J.:

In its Certification,[1] dated April 20, 2016, the Employees' Leave Division (ELD), Office of Administrative Services (OAS), Office of the Court Administrator (OCA), stated that respondent Enrique I. Alfonso (Alfonso), Court Stenographer III, Regional Trial Court, Branch 52, Manila (RTC), incurred unauthorized absences for 2015 as follows:

Months

Absences

October 5, 6, 9, 15, 16, 19, 20, 30

7.5 days

November 2, 3, 5, 6, 9, 23, 24, 25, 26, 27

10 days

December 1-4,7-11, 15, 17-18,21-22,28-29

15.5 days

In its Letter,[2] dated March 19, 2016, the ELD informed Alfonso that his sick leave applications filed for October 2015 were not recommended for approval by RTC Presiding Judge Ana Marie T. Mas (Judge Mas). Further, it cited the Evaluation and Recommendation,[3] dated January 14, 2016, of the Supreme Court Medical and Dental Services (SC-MDS) which also did not recommend the approval of the said sick leave applications. The SC-MDS noticed that the attached medical certificates issued by Dr. Giancarlo Arandia (Dr. Arandia) of the Medical Center Manila showed no history of his confinement or required him to take sick leaves on the aforementioned dates in October 2015.

In another Letter,[4] dated March 31, 2016, the ELD noticed that his sick leave applications filed for November and December 2015 were likewise not recommended for approval by Judge Mas. It referred to another Evaluation and Recommendation,[5] dated March 30, 2016, of the SC-MDS which also did not recommend the approval of the said sick leave applications. The SC-MDS opined that Alfonso's sick leave applications contained insufficient medical documents, such as the results of the diagnostic tests and medical certificates requiring him to rest for 20 days due to his medical condition.

In the Indorsement,[6] dated May 5, 2016, the OCA directed Alfonso to submit his comment on the certification.

In his Comment,[7] dated June 14, 2016, Alfonso denied that he failed to attach the required medical certificates to his sick leave applications. He bewailed that Judge Mas transmitted the denial of his sick leave applications to the Court without informing him that he lacked documents. Alfonso explained that he was informed of the unfavorable action on his applications only on May 23, 2016.

The OCA Recommendation

In its Report, dated November 15, 2016, the OCA recommended that the ELD's certification be noted and re-docketed as a regular administrative matter; and that Alfonso be found guilty of habitual absenteeism and be suspended from the service for six (6) months and one (1) day without pay, with a stern warning that a repetition of the similar infraction would be dealt with more severely.

The OCA opined that Alfonso committed habitual absenteeism under the Supreme Court Administrative Circular (SC-AC) No. 14-2002 because he had unauthorized absences exceeding the allowable 2.5 days monthly leave credits for at least three (3) months in a semester. It stressed that the lack of medical certificate was not the issue but the insufficiency of the medical certificates to support or justify his repeated absences. The OCA emphasized that the attached medical certificates did not state that Alfonso's medical condition required him to be absent from work.

Hence, the case was elevated to the Court.

The Court's Ruling

The Court adopts the findings of the OCA but modifies the penalty imposed.

By reason of the nature and functions of their office, officials and employees of the judiciary must faithfully observe the constitutional canon that public office is a public trust. This duty calls for the observance of prescribed office hours and the efficient use of official time 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 should at all times strictly observe official time. As punctuality is a virtue, absenteeism and tardiness are impermissible.[8]

Frequent unauthorized absences without authorization are inimical to public service. 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.[9]

SC-AC No. 14-02, issued on March 18, 2002, provides the policy of the Court with respect to habitual absenteeism, to wit:

A. HABITUAL ABSENTEEISM

1. 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 credit under the leave law for at least three (3) months in a semester or at least three (3) consecutive months during the year; xxx

In this case, Alfonso incurred 7.5 days of absences in October 2015; 10 days of absences in November 2015; and 15.5 days of absences in December 2015. Certainly, these absences are in excess of the allowable 2.5 days monthly leave credits for at least three (3) months in a semester. Nevertheless, mere absenteeism is insufficient to be administratively liable; rather, the absences incurred must be unauthorized.

After a judicious study of the records, the Court agrees with the OCA that the absences of Alfonso were unauthorized, thus, he is liable for habitual absenteeism. Both the March 19, 2016 and March 31, 2016 letters of the ELD informed Alfonso that his sick leave applications for October, November and December 2015 were disapproved by Judge Mas, the head of his station. Under SC-AC No. 14-02, heads of department of agencies may verify the validity of ill health claims of an employee and, if not satisfied with the reason given, should disapprove the application for sick leave.[10] As Judge Mas was not satisfied with Alfonso's reason for applying for sick leave for the days he was absent during the period concerned, he is to be considered a habitual absentee.

In addition, the January 14, 2016 and March 30, 2016 evaluation and report of the SC-MDS state that the medical certificates issued by Dr. Arandia, Alfonso's physician, neither showed history of confinement nor required Alfonso to take sick leaves on the aforementioned dates in October, November and December 2015. It was also provided therein that Alfonso was last seen by Dr. Arandia on July 2015 and there was no follow-up thereafter. Likewise, the SC-MDS noted that the sick leave applications of Alfonso did not contain sufficient medical documents such as the results of diagnostics and medical tests. Thus, these documents prove that the absences of Alfonso were inexcusable.

Alfonso's defense - that he attached his medical certificates to his sick leave applications - does not deserve merit. As emphasized by the OCA, it is not the lack of medical certificates that rendered the absences of Alfonso unauthorized; instead, it is the failure of these medical certificates to justify his absences. To reiterate, the medical certificates did not indicate that he should have rested for the days indicated in his sick leave applications. His comment does not even mention the medical condition he was suffering, its nature, effect, gravity or his required medications that would warrant a long period of sick leaves. In fine, Alfonso's defense is insufficient to justify his habitual absenteeism.

As to the administrative penalty, the Court is of the view that the recommended penalty of the OCA must be modified. In case of habitual absenteeism, SC-AC No. 14-02 and the Uniform Rules on Administrative Cases in the Civil Service impose the penalty of suspension of six months and one (1) day to one (1) year for the first offense and dismissal for the second offense. In the determination of the penalty to be imposed, however, attendant circumstances such as physical fitness, habituality and length of service in the government may be considered.[11]

In several cases, the Court has mitigated the imposable penalty for special reasons.[12] It has been ruled that where a penalty less punitive would suffice, whatever missteps may have been committed ought not to be meted a consequence so severe. The law is concerned not only with the employee but with his family as well. Unemployment brings untold hardship and sorrow to those dependent on the wage-earner.[13]

In *Re: Abdon*,[14] the court employee therein was held guilty of habitual absenteeism. Nevertheless, the said employee did not deliberately absent himself from work as he submitted applications for leave, with corresponding medical certificates, but they were disapproved because he had insufficient leave credits. Thus, the

Court found it proper to mitigate the imposable penalty to a suspension of one (1) month from service.

Here, the Court finds that the penalty against Alfonso must be mitigated due to several reasons. First, Alfonso attempted to comply with the requirements of a valid leave application by attaching his medical certificates thereto. Unfortunately, they lacked sufficient details to support the application for sick leaves. Second, from the records of Alfonso, it does not appear that he has committed any other infraction in his years of employment. Lastly, the offense committed by Alfonso neither involve any corruption nor bad faith; rather, he was merely negligent in failing to substantiate his leave applications with comprehensive medical certificates. In fine, a mitigated penalty of suspension of one (1) month from service is just and fair.

WHEREFORE, Enrique I. Alfonso, Court Stenographer III, Regional Trial Court, Branch 52, Manila, is found GUILTY of habitual absenteeism and is SUSPENDED from service for one (1) month without pay, with a STERN WARNING that a repetition of the same or a similar infraction shall be dealt with more severely.

SO ORDERED.

Carpio, (Chairperson), Peralta, and Jardeleza, JJ., concur.

Leonen, J., on official leave.

[1] Rollo, p. 2.

[2] Id. at 3.

[3] Id. at 6.

[4] Id. at 4.

[5] Id. at 5.

[6] Id. at 7.

[7] Id. at 8.

[8] Re: Abdon, 574 Phil. 287, 290 (2008).

[9] Re: Ypil, 555 Phil. 1, 7-8 (2007).

[10] 2. In case of claim of ill health, heads of department 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. On the other hand, cases of employees who absent themselves from work before approval of their application should be disapproved outright;

[11] Re: Abdon, supra note 8, at 291-292.

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

[13] Almira v. B.F. Goodrich Philippines, Inc., 157 Phil. 110 (1974).

[14] Supra note 8.

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