

JUDGE FELIPE T. TORRES, MTCC, DUMAGUETE CITY AND ATTY. EUGENE SALON, BRANCH CLERK OF COURT, SAME COURT, COMPLAINANTS, VS. ROWENA B. TAYROS, CLERK III, MTCC, DUMAGUETE CITY, RESP...

A.M. No. P-94-1033. August 12, 1994

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PER CURIAM:

On September 20, 1993 and September 17, 1993, Judge Felipe Torres of the Metropolitan Trial Court of Dumaguete City, Branch II, Executive Judge of the MTCC, Dumaguete City and Atty. Eugene Salon, Branch Clerk of Court of the same court filed letter-complaints against Rowena B. Tayros, Clerk III, MTCC, Dumaguete City with the office of the Executive Judge, Regional Trial Court of Negros Oriental. The complainants charged Tayros with habitual absenteeism, tardiness and inefficiency. They alleged that respondent had committed several offenses connected with the performance of her duties amounting to intentional neglect and failure to discharge her duties as Clerk III, namely: failure to maintain an updated criminal docket book; failure to conduct actual physical inventory of criminal cases despite verbal and written requests and directives; and failure to attach return cards and file in the expediente, pleadings and papers, filed by the parties on time, thereby causing delay in the court proceedings.

Furthermore, Tayros had been absent from work since August 23, 1993 up to the time the complaints were filed and even when she was present, she was habitually tardy.

On September 24, 1993, the administrative matter was referred to Pacifico S. Bulado, Executive Judge, RTC, Dumaguete City for appropriate action.

On February 21, 1994, investigating Judge Bulado reported that complainant Atty. Eugene Salon presented documentary evidence to prove the truthfulness of her allegations. Respondent Tayros, on the other hand, disregarded the notice and directive given by the court to defend herself and to submit her comments/counter affidavit. The investigating judge found respondent guilty of grave misconduct, gross inefficiency and neglect of duty prejudicial to the best interest of the service and recommended that she be suspended for one (1) year without pay.

On March 22, 1994, the matter was referred to the Office of Administrative Services for report and recommendation.

On April 12, 1994, Atty. Adelaida Cabe-Baumann, Deputy Clerk of Court and Chief, Administrative Services, reported that the records of the Leave Division of this Court, show that respondent Tayros had been absent from office without official leave (AWOL) since August 1993; that her salaries were ordered withheld on November 12, 1993 for being AWOL since August 1993; that a warning letter was sent to her through Judge Felipe Torres on January 26, 1994, which she received on February 15, of the same year; that to date, she has not reported back to work.

Clearly, the aforesaid acts committed by respondent Tayros are prejudicial to the best interest of the service. The uncontroverted evidence presented establishes respondent's grave misconduct including being absent without leave, warranting the penalty of dismissal from the service with forfeiture of benefits.

WHEREFORE, it is hereby ordered that Rowena B. Tayros, Clerk III, MTCC, Branch II, Dumaguete City, be DISMISSED from the service for grave misconduct, absence without leave and conduct prejudicial to the best interest of public service, with forfeiture of all benefits and with prejudice to re-employment in any branch or service of the Government, including government-owned or controlled corporations. This decision is immediately executory.

SO ORDERED.

Narvasa, C.J., Cruz, Feliciano, Padilla, Bidin, Regalado, Davide, Jr., Romero, Melo, Quiason, Puno, Vitug, Kapunan, and Mendoza, JJ., concur.
Belosillo, J., on leave.

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