

RE: UNAUTHORIZED ABSENCES FROM THE POST OF PEARL MARIE N. ICAMINA, LEGAL RESEARCHER, REGIONAL TRIAL COURT, BRANCH 8, KALIBO, AKLAN.

A.M. No. P-06-2137. September 30, 2008

Ponente: PUNO, CJ.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/b063a1ef1b69/>

PUNO, CJ.:

This is an administrative complaint against respondent, Pearl Marie N. Icamina, Legal Researcher of Branch 8, Regional Trial Court (RTC) of Kalibo, Aklan, for loafing or frequent unauthorized absences from duty during regular office hours.

From July 2001 to October 2002, Judge Eustaquio G. Terencio, Presiding Judge of Branch 8, RTC of Kalibo, Aklan issued several memoranda, directing respondent to make a statement of facts in cases pending before the trial court.[1]

On June 24, 2003, Executive Judge Marietta J. Homena-Valencia issued a memorandum directing all branch clerks of court to monitor personnel, to address complaints regarding the practice of some employees of leaving after logging in the morning and returning in time to log out.[2]

In a memorandum dated July 14, 2003, complainant, Atty. Rhea Vidal-Ibarreta, Clerk of Court V, Branch 8, RTC of Kalibo, Aklan, directed respondent to seek permission from herself or the presiding judge upon leaving the office during office hours for personal errands.[3]

On July 15, 2003, Judge Terencio issued a memorandum to the security guards manning the doors of the Hall of Justice of the RTC of Kalibo, Aklan to monitor the arrival and departure of his personnel after having logged in.[4]

In a letter-complaint dated July 16, 2004, complainant charged respondent with habitual tardiness and loafing or frequent unauthorized absences from duty during regular office hours before the Office of the Court Administrator (OCA).[5]

In another letter-complaint dated April 26, 2005, complainant brought to the attention of the OCA the regular, unexplained, and unauthorized absences of respondent from the office premises during office hours from the period of January 2005 to the date of the complaint.[6] Complainant attached certified photocopies of logbook entries maintained by the security guards manning the doors of the Hall of Justice of the RTC of Kalibo, Aklan.[7]

On June 20, 2005, respondent submitted her Comment, alleging that she was singled out, because no entries for other court personnel were made in the logbook.[8] She admitted going out of the office to have her merienda, a privilege given to all employees.

On March 13, 2006, the Court resolved to redocket the informal preliminary inquiry as a regular administrative

matter and referred the matter to the Executive Judge of Kalibo, Aklan for investigation, report, and recommendation.[9]

During the investigation, complainant alleged that respondent regularly went out of the office during office hours, and she made several reminders to the respondent to minimize going out during office hours.[10] Complainant further alleged that when these verbal reminders proved ineffective, Judge Terencio issued memoranda from July 2001 to October 2002 directing respondent to complete a statement of facts in cases pending before Branch 8.[11]

Respondent admitted that she went home during office hours for personal errands.[12] Respondent presented evidence to prove that her research work required her to go outside of Branch 8, RTC Kalibo, Aklan to the RTC and Integrated Bar of the Philippines (IBP) libraries, both located inside the Hall of Justice.[13] Respondent further alleged that when the information she needed was not available in these libraries, she had to go out of court premises to the library of Aklan Catholic College.[14]

In her Report dated December 27, 2007, Executive Judge Sheila Martelino-Cortes made the following findings:

On the issue of respondent's frequent going out of the office premises in the morning and afternoon, complainant's evidence was able to establish that from the log book of the security guards who were directed to write down the going out and return of Branch 8 personnel (Exhibit "R."), the respondent's going out and coming in the office after timing in the bundy clock was religiously recorded from July 15, 2003 to August 15, 2006. An assiduous examination of the log book showed that almost every office day, respondent Pearl Marie Icamina was going out of the office both mornings and afternoons. On the first month of July, 2003, she would check out and return after only a few minutes, not exceeding one hour. However, on the succeeding days, after July 2003, she would check out for more than 30 minutes and there were times when she would check out three times in the afternoon so there were frequent and almost daily excursions out of the office. There were times when she was going out at 1:00 or 2:00 in the afternoon to return one or two hours later.

The respondent presented evidence to prove that most of the time she was either in the RTC library or IBP library. But these libraries are situated inside the RTC building and one does not go out of the front door where the security guards keep watch. Her frequent going out had nothing to do with research work. On the allegation that she would research in the Aklan Catholic College library, no evidence was presented to prove that and that library does not have the facilities and materials for good research.[15]

The investigating judge recommended that pursuant to Rule IV, Section 52, No. 17 of the Uniform Rules on Administrative Cases in the Civil Service (Uniform Rules), respondent should be administratively liable for frequent unauthorized absences during office hours. Considering that respondent has been in the service for almost twenty (20) years, the investigating judge recommended this to be appreciated as a mitigating circumstance and that the corresponding penalty be lowered to a suspension of two (2) months.[16]

In a Memorandum dated April 24, 2008, the OCA adopted the findings of the investigating judge and noted the following:

It was established that respondent frequently went out of the office premises in the morning and afternoon. This was bolstered by the entries in the log book of the security guards who were directed to write down the name of the employees of Branch 8 as well as the corresponding time when they leave from and return to the office premises. An examination of the log book would reveal that almost everyday, respondent went out of the office both in the morning and in the afternoon. Respondent's claim that she had to go the RTC and the IBP library deserves scant consideration. It bears emphasis that these libraries are situated inside the RTC building and anyone who wishes to go to the said libraries need not go out of the front door where the security guards keep watch. Anent the allegation that she went to the Aklan Catholic College library, no evidence was presented to prove that effect aside from the fact that most of the law students of the said school utilize the RTC library since the law books in the aforesaid college are already obsolete.

The OCA agreed with the investigating judge that pursuant to Section 52 of the Uniform Rules, respondent should be held administratively liable for frequent unauthorized absences during office hours. However, the OCA recommended a penalty of suspension for six (6) months and one (1) day. The OCA considered respondent's length of service of almost twenty (20) years as a mitigating circumstance, recommending the minimum penalty for frequent unauthorized absences from duty during office hours.

The Court agrees with the foregoing findings and the OCA's recommendation.

Pursuant to the constitutional mandate that public office is a public trust,[17] court personnel must observe the prescribed office hours and use this time efficiently for public service, "if only to recompense the Government, and ultimately, the people, who shoulder the cost of maintaining the Judiciary." [18] It is for this reason that Administrative Circular No. 2-99 provides:

- Accordingly, all courts, must observe the following office hours, without, however, prejudice to the approved flexi-time of certain personnel;

MONDAY TO FRIDAY

8:00 A.M. to 12:00 N

1:00 P.M. to 5:00 P.M.[19]

Section 1, Canon IV of the Code of Conduct for Court Personnel reiterates the commitment required in the performance of official duties:

SECTION 1. Court personnel shall at all times perform official duties properly and with diligence. They shall commit themselves exclusively to the business and responsibilities of their office during working hours.

Court personnel must devote every moment of official time to public service.[20] The conduct and behavior of court personnel should be circumscribed with a high degree of professionalism and responsibility, because the image of a court of justice necessarily mirrors the conduct of court officials and employees.[21] Thus, court personnel must strictly observe official time to inspire public respect for the justice system.[22] Loafing or frequent unauthorized absences from duty during regular office hours results in inefficiency, dereliction of duty, and adversely affects the prompt delivery of justice.[23]

The charge of loafing or frequent unauthorized absences from duty during regular office hours was proven by substantial evidence.[24] Frequent connotes that "the employees absent themselves from duty more than once." [25] The logbook entries maintained by the security guards manning the Hall of Justice reveal the frequency of respondent's loafing. The entries show that from July 15, 2003 to August 15, 2006, respondent left the Hall of Justice in the mornings and afternoons almost daily. The investigating judge found that respondent's excursions lasted from 30 minutes to two (2) hours, and "there were times when she would check out three times in the afternoon." [26]

Moreover, respondent committed these acts without authority. Complainant issued a memorandum, directing respondent to seek permission from herself or the presiding judge for permission to leave the office during office hours. Respondent did not comply with complainant's instructions.

We find respondent's explanation unsatisfactory, because she failed to refute the accusations made against her. Respondent admitted that she went home during office hours for personal errands. Respondent's justification for her time outside the office, that she was completing research in the RTC, IBP, or Aklan Catholic College libraries, has no merit. As the RTC and IBP libraries are inside the Hall of Justice, respondent had no reason to leave court premises during office hours. Respondent did not present evidence to support her allegation of researching in

Aklan Catholic College.

Section 52 (A)(17), Rule IV of the Uniform Rules or Civil Service Commission Resolution No. 991936 classifies loafing or frequent unauthorized absences from duty during regular office hours as a grave offense, punishable by suspension for six (6) months and one (1) day to one (1) year for the first offense, and dismissal for the second offense. Section 53(j), Rule IV of the Uniform Rules allows length of service in the government to be considered as a mitigating circumstance in the determination of the penalty to be imposed. Section 54(a), Rule IV of the Uniform Rules provides that when applicable, "[t]he minimum of the penalty shall be imposed where only mitigating and no aggravating circumstances are present." Thus, we agree with the OCA's recommendation, to consider respondent's length of service in the government as a mitigating circumstance and accordingly impose the minimum penalty for loafing or frequent unauthorized absences from duty during regular office hours.

IN VIEW WHEREOF, Pearl Marie N. Icamina, Legal Researcher of Branch 8, Regional Trial Court, Kalibo, Aklan, is found GUILTY of loafing or frequent unauthorized absences from duty during regular office hours and is hereby SUSPENDED for a period of six (6) months and one (1) day without pay, with WARNING that subsequent like infractions shall be dealt with more severely.

SO ORDERED.

Carpio, Azcuna, Reyes,[*] and Leonardo-De Castro, JJ., concur.

* Per Special Order No. 520, dated September 19, 2008, signed by Chief Justice Reynato S. Puno, designating Associate Justice Ruben T. Reyes to replace Associate Justice Renato C. Corona, who is on official leave.

[1] Investigation Report of Executive Judge Sheila Martelino-Cortes, dated December 27, 2007, p. 3.

[2] Exhibit "S," folder of exhibits.

[3] Exhibit "T," folder of exhibits.

[4] Exhibit "Q," folder of exhibits.

[5] Exhibit "V," folder of exhibits.

[6] Rollo, p. 1.

[7] Id. at 3-7.

[8] Id. at 9-10.

[9] Id. at 33.

[10] Investigation Report, supra note 1.

[11] Id.

[12] Id. at 7.

[13] Id. at 6.

[14] Id. at 6-7.

[15] Id. at 9.

[16] Id. at 9-10.

[17] CONSTITUTION, Art. XI, Sec. 1.

[18] Administrative Circular No. 2-99, January 15, 1999.

[19] Id.

[20] Anonymous v. Grande, A.M. No. P-06-2114, December 5, 2006, 509 SCRA 495, 501.

[21] Lopena v. Saloma, A.M. No. P-06-2280, January 31, 2008.

[22] Id.

[23] Anonymous v. Grande, supra note 20.

[24] Mendoza v. Buo-Rivera, A.M. No. P-04-1784, April 28, 2004, 428 SCRA 72, 76.

[25] Grutas v. Madolaria, A.M. No. P-06-2142, April 16, 2008; Lopena v. Saloma, supra note 21; Office of the Court Administrator v. Mallare, A.M. No. P-01-1521, November 11, 2003, 415 SCRA 368, 375.

[26] Investigation Report, supra note 1, at 9.

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.