

**GILBERT HOWARD M. ATIENZA, CLERK OF COURT III, MTCC,
BRANCH 1, PALLOCAN WEST, BATANGAS CITY, COMPLAINANT, VS.
JOSEPHINE V. DINAMPO, COURT STENOGRAPHER II; RESPONDENT.**

A.M. No. P-02-1645 (Formerly OCA IPI No. 01-1179-P). April 21, 2003

Ponente: CORONA, J.

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CORONA, J.:

This concerns the letter-complaint dated March 2, 2001 filed with the Office of the Court Administrator (OCA) by Gilbert Howard M. Atienza, Clerk of Court III, Municipal Trial Court in Cities (MTCC), Batangas City, against Josephine V. Dinampo, Court Stenographer II of that court, for the latter's absences without official leave from January 18, 2001 to February 21, 2001, and from February 27, 2001 to March 2, 2001 despite a previous warning. The OCA likewise received a letter from a concerned employee charging Dinampo with absenteeism, tardiness and inefficiency.

In his letter-complaint, Atienza reported that Dinampo's failure to report for work resulted in an additional workload for her fellow stenographers, thereby causing delay in the transcription of stenographic notes.

Atienza narrated that, from January 18, 2001, Dinampo failed to report for work without filing any application for leave. Except for the information relayed to the office by her husband on January 25, 2001 claiming that Dinampo was sick, no further word reached the office to inform them if the latter was still interested in working.

Dinampo reported for work in the afternoon of February 22, 2001 but did not explain her long absence. Neither did she file an application for leave. She only reported for work presumably because she came to know about the official trip of court employees to Lucena City on February 23, 2001 to celebrate the Supreme Court's Centenary. While Dinampo reported for work on February 26, 2001 after joining the trip to Lucena City, she failed to report for work again the following day.

On March 14, 2001, then Acting Court Administrator Zenaida N. Elepaño referred the complaint to Executive Judge Ruben A. Galvez, MTCC, Batangas City, for discreet investigation and report.

In his investigation report dated April 2, 2001, Judge Galvez declared that the absences without leave of Dinampo were personally known to him and that the same were borne out by official records. It was only on March 5, 2001, after learning that Atienza had filed a letter-complaint against her at the OCA, that she finally reported for work. Dinampo tried to convince Atienza to sign her daily time records and applications for leave but Atienza declined since it was contrary to his letter-complaint. However, Judge Galvez noted that Dinampo has since been reporting for work regularly and has apparently learned her lesson, following the complaint filed against her by Atienza.

A verification at the Leave Section of the Supreme Court revealed that Dinampo filed her applications for leave for the periods covering January 18-19, 2001, January 22-26, 2001, January 29-31, 2001, February 1-2, 5-9, 12-16, 19-21, 28, 2001, and March 1-2, 2001, but these applications were disapproved by the branch clerk of court. She should thus be considered absent without official leave as follows:

MONTH NO. OF DAYS

January 14 days

February 22 days

March 2 days

In view of the foregoing, it is clear that Dinampo transgressed the rules on absenteeism to the detriment of the service. Time and again, this Court has pronounced that any act of a public officer which falls short of the exacting standards for public office, especially on the part of those expected to preserve the image of the judiciary, shall not be countenanced. Public office is a public trust. Public officers must at all times be accountable to the people, serve them with the utmost degree of responsibility, integrity, loyalty and efficiency.[1]

Sec. 63, Rule XVI of the Omnibus Civil Service Rules and Regulations, provides:

Effect of absences without approved leave. - An official or an employee who is continuously absent without approved leave for at least thirty (30) calendar days shall be considered on absence without official leave (AWOL) and shall be separated from the service or dropped from the rolls without prior notice. He shall, however, be informed, at his address appearing on his 201 files of his separation from the service, not later than five (5) days from its effectivity.

It appears, however, that immediately after learning of the complaint filed against her, and before this Court could take appropriate action, Dinampo reported for work and filed her applications for leave which were all denied by Atienza, her immediate supervisor. Her belated attempt to file her applications for leave, coupled with her immediate return to work, indicates that Dinampo realized her shortcomings and that she remained interested in her work.

We also give weight to the finding of Judge Galvez that Dinampo has reformed and has been regularly reporting for work after being charged. While this does not cure Dinampo's omission, it serves to mitigate her offense. Under the circumstances, we find the recommendation of the OCA to be fair.

Under Section 50 of Memorandum Circular No. 41, series of 1998, an official or employee who is absent without approved leave shall not be entitled to receive his/her salary corresponding to the period of his/her unauthorized leave of absence.

WHEREFORE, the Court hereby finds Josephine Dinampo, Court Stenographer II, GUILTY of malfeasance in office for unauthorized absenteeism, and orders her **SUSPENSION** for 6 months and 1 day without pay, with a **STERN WARNING** that a similar violation in the future will be strictly dealt with.

SO ORDERED.

Puno (Chairman), Panganiban, Sandoval-Gutierrez, and Carpio Morales, JJ., concur.

[1] Re: Absence Without Leave of Antonio Macalintal, 325 SCRA 430, 433 [2000].

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