

**EXECUTIVE JUDGE ANTONIO P. PAREDES, COMPLAINANT, VS.  
LEONARDO D. MORENO, RESPONDENT.***A.M. No. P-2391. August 06, 1980*

Ponente: DE CASTRO, J.

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In a letter dated 2 June 1980, Executive Judge Antonio P. Paredes of the City Court of Manila brought to the attention of this Court the prolonged unauthorized absence and neglect of duty of respondent Leonardo D. Moreno, an employee/laborer of Branch I of the City Court of Manila, wherein Judge Paredes pointed out that starting 16 March 1980, respondent Moreno has been continuously absent without official leave and besides, his leave credit has already been exhausted, thus, constraining Judge Paredes to issue a Memorandum dated 24 April 1980 directing respondent "to report for work immediately and to explain in writing why no administrative action shall be taken against (him) for (his) repeated acts of indifference to official duty", which Memorandum was personally received by respondent on 29 April 1980 at 10:10 A.M., but up to 2 June 1980, respondent has neither reported for work nor has he submitted any explanation as to the cause of his prolonged unauthorized absences; which acts are in violation of Civil Service law and rules.

Judge Paredes underscored the fact that on 7 November 1979, then Executive Judge J. Cesar S. Sangco issued an Office Memorandum bearing the same date directing respondent to report for work immediately and to explain within 72 hours from receipt of the said Memorandum "why no administrative action shall be taken against (him) for (his) prolonged unauthorized absences and neglect of duty" since 17 September 1979 up to the date of the aforesaid Memorandum. Although said Memorandum was received by respondent on 13 November 1979, when he reported back for work, it was not until 19 November 1979, which was way past the deadline given him, that he submitted his letter of explanation, attaching thereto a medical certificate to support the absences he incurred from 17 September 1979 to 12 November 1979 and promising to work more diligently and refrain from absenting himself again. In an Office Memorandum dated 20 November 1979, respondent was accordingly admonished to desist from repeating "the same act of indifference to official duty" under pain of administrative action.

Notwithstanding respondent's assurance in his letter-answer dated 19 November 1979 not to incur further absences, he reneged in his promise and again absented himself from work continuously from 16 March 1980, until 13 June 1980, without filing the required application for leave of absence, much less advising the office the reason for his absence, which misconduct of respondent, Executive Judge Paredes considers as a "clear case of neglect of duty as a public servant". Considering that then Executive Judge Sangco had already admonished the respondent to desist from repeating the same act of indifference to official duty under pain of administrative action, and having persistently acted in defiance of the said warning, Executive Judge Paredes recommended that the respondent be suspended for one month.

In the resolution of 2 July 1980, We required the Court Administrator to formulate the letter-complaint of the Executive Judge and to require the respondent to answer said complaint within seventy-two (72) hours from notice.

On 10 July 1980, the respondent received a copy of the complaint formulated by the Court Administrator. On the following day, the respondent submitted his answer thereto admitting that he received the Memorandum dated 24 April 1980 of Judge Paredes on 29 April 1980, and by way of explanation, he attached a copy of his answer to said Memorandum of Judge Paredes, wherein he alleged that:

"In the first place and to set the records straight, I never had any intention to neglect intentionally your written directive to my reporting to duty immediately and to submit my explanation in writing. However, due to circumstances beyond my control, I was not able to do so because immediately after receiving your Memorandum on April 29, 1980, one of my cousins from the province, Mangatarem, Pangasinan, arrived to inform me that one of my uncles, a younger brother of my father died after a prolonged illness. Considering that this particular uncle of mine was very close to me having financed a major part of my studies during my younger years, I left immediately with my cousin for Mangatarem, Pangasinan in order to be with the family of the deceased. The interment of the deceased was scheduled for the first week of May, which is why I was not able to leave Pangasinan right away as I stayed there in the house of my father. While I was there, another problem cropped up and this problem of the family of my uncle was brought to my attention. It appeared that the farm that my uncle was tilling had been neglected by his illness and since there was nobody in the family of my uncle as his children who are still minors they could not help in the farm nor work or till the soil and since the deceased was the sole breadwinner in the family, for humanitarian reason and in view of the fact that I was one of the closest to my uncle when he was still alive, I did my best to alleviate their sufferings by helping till the farm so that the family of my deceased uncle could have something to survive on. I did my best to help my cousins, the children of my uncle, and his widow, unmindful of the fact that I had my own work here in Manila as a laborer in the City Court of Manila, Branch I. I was in the province continuously from April 29, 1980 up to June 10, 1980. I left the bereaved family of my uncle only after I was sure that they had something to live on, after I left them to report for duty here in the City of Manila."

Considering the allegations of the complaint and the answer of respondent, We find the explanation of the latter not tenable and unsatisfactory under the circumstances of the case. For one, while he had been absent from work beginning 16 March 1980, he explained as his excuse for his continuous unauthorized absence that it was actually on 29 April 1980 that he went to Pangasinan because of the death of an uncle and to attend to the latter's family. Another, he did not properly apply for a leave of absence and worse, he did not bother to inform even the Executive Judge of his situation when he had all the time to do so during his absence from 16 March 1980 until his return to work on 13 June 1980. His misconduct is prejudicial to the service. Although a mere employee/laborer in the City Court of Manila, respondent is as much duty-bound to serve with the highest degree of responsibility, integrity, loyalty and efficiency as all other public officers and employees. And to give more efficacy to the constitutional mandate on the accountability of public officers and employees, We find respondent's shortcomings to warrant a sanction to serve as deterrent not only to him but also to other court employees who shall commit the same or any and all forms of official misconduct which undermine the people's faith in their fitness for public service.

WHEREFORE, finding respondent Leonardo D. Moreno guilty of conduct prejudicial to the best interest of the service, We hereby impose upon him the penalty of suspension for one (1) month without pay, with WARNING, that the commission hereafter by him of the same or any other misconduct will be dealt with more severely and sternly.

**SO ORDERED.**

Teehankee, (Chairman), Makasiar, Guerrero, and Melencio-Herrera, JJ., concur.  
Fernandez, J., on leave.

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