

DIVINA D. BALINGIT, ANITA A. CRUZ, NORMA B. LAPID, ADORACION S. ISIP, NORMITA M. LISING, ABNEL ROMEO S. SICAT, PEDRO DELA CRUZ, DANIEL PANGAN AND TEOFILO PATULOT, COMPLAINANTS, ...

A.M. No. P-05-1963. September 13, 2007

Ponente: GARCIA, J.

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GARCIA, J.:

In their sworn complaint, coursed through Executive Judge Irin Zenaida S. Buan of the Municipal Trial Court in Cities (MTCC), Angeles City, complainant Divina D. Balingit, Clerk IV, and the eight (8) other court personnel of MTCC, Branch I, Angeles City, charged their co-employee, respondent Aurora T. Laranang, Court Stenographer II, with grave misconduct, discourtesy in the course of official duty, being notoriously undesirable, habitual absenteeism, gross neglect of duty and non-wearing of office uniform.

In particular, complainants seek the dismissal from the service of respondent for the following acts and omission:[1]

- Habitual absenteeism in violation of Administrative Circular No. 14-2002 in relation to Civil Service Commission Memorandum No. 04, Series of 1991, more particularly when she is the court stenographer on duty. The dates of her absences were specified as: September 10 and 11, 2002, October 22, 2002, November 11 and 12, 2002, March 11, 12 and 13, 2003, May 19, 20 and 21, 2003, July 21, 22, 23, 28, 29 and 30, 2003, November 3, 4 and 5, 2003, February 16, 17, 18, 20, 23, 24, 25 and 27, 2004, March 1, 2, 3, 5, 2004 and May 3, 4, 5, 2004;
- Gross misconduct, discourtesy in the course of official duties, being notoriously undesirable, gross insubordination under Section 36, Article IX of the Civil Service Law, which is docketed as A.M. No. OCA-IPI-00-1002 P, which is under consideration by the Office of the Hon. Court Administrator;
- Quarrelsome; gross neglect of duty; and
- Non-transcription and submission of stenographic notes within the period prescribed in Administrative Circular No. 24-90 and non-wearing of prescribed uniform mandated under Administrative Circular No. 19-2001.

Attached to the complaint is a copy of the Court's Decision dated February 28, 2000 in Adm. Matter No. P-00-1368,[2] entitled Judge Abelardo H. Santos v. Aurora T. Laranang, etc., wherein this Court adjudged respondent guilty of gross neglect of duty and habitual tardiness, suspended from office, and ordered to submit within the period indicated therein all transcripts of stenographic notes in the eleven cases mentioned therein, with warning. Likewise attached, among other documents, was a copy of a complaint docketed as Adm. Case No. OCA-IPI-00-1002-P[3] entitled Joy Casupanan-Aranas v. Aurora T. Laranang for, inter alia, grave misconduct and discourtesy which is pending action before the Office of the Court Administrator (OCA).

On August 6, 2004, respondent submitted, as directed by then Court Administrator Presbitero J. Velasco, Jr.,[4]

her Comment. In it, she claims that the filing of the complaint was intended merely to harass and malign her and eventually force her to resign from her position.

On the charge of absenteeism, respondent explains that the absences referred to by the complainants were all duly covered by corresponding official leaves of absences. She hastens to explain, however, her efforts to make up for her absences incurred when she is the assigned stenographer-on-duty, adding, in this regard, that the weekly rotation on the assignments[5] of court stenographers was not strictly enforced.

She also denied being quarrelsome, albeit she admits fighting back when forced to.

She dismisses as without basis the charge of failing to comply with Administrative Circular Nos. 24-90 and 19-2001 on transcription of stenographic notes.

On January 24, 2005, the Court resolved to re-docket the case as a regular administrative matter, and, thereafter, referred the same to Executive Judge Bernardita Gabitan Erum of the Regional Trial Court of Angeles City for investigation, report and recommendation.[6]

Owing to respondent's failure to file her answer to the administrative complaint, the Investigating Judge considered her comment earlier filed with the OCA as her answer to the present complaint. After investigation, Judge Erum submitted a Report with the following relevant findings and recommendation:

Clearly, the evidence for the complainants had established that respondent, Aurora Laranang, violated [Supreme Court] Administrative Circular No. 24-90 dated July 12, 1990 xxx when she failed to submit the [TSN] of the proceedings held on November 12, 2003, Criminal Case No. 98-1984 for six (6) months and that held on January 26, 2004 in Criminal Case No. 01-1275 for a period of three (3) months, constraining the presiding judge to issue orders dated February 18, 2004 (Exh. E, Annex 6) and April 26, 2004 (Exh. E-2, Annex 6-b) directing the respondent, xxx to transcribe her stenographic notes within five days from those dates, respectively, in the two (2) respective cases.

xxx xxx xxx

As to the charge of habitual absenteeism, this court finds that [respondent] had been absent more than the allowable absences under Civil Service Commission Circular No. 4, Series of 1991 which circular is adopted by the Hon. Supreme Court in Administrative Circular No. 14-12002 dated March 18, 2002.

As to the charge of notoriously undesirable and quarrelsome, the complainants had not presented evidence to prove the same.

As to the said two (2) Administrative cases filed against the respondent, Aurora Laranang, this Court need not include in this charge as the same were already the subject of administrative investigations, one (1) of which had been decided and the respondent Aurora Laranang, had served the penalty of suspension.

WHEREFORE, xxx the respondent, Aurora Laranang, is found guilty of neglect of duty and habitual absenteeism, and therefore, the undersigned recommends that the respondent Aurora Laranang, be meted the penalty of one (1) whole year suspension without pay pursuant to Section 33 of RA 2260, as amended by [RA] 6040. Considering that the said respondent Aurora Laranang, had already resigned, effective August 16, 2005, as per acceptance of resignation by the Hon. Court Administrator dated October 4, 2005, the one (1) whole year salary shall be deducted from whatever emoluments and benefits she will receive from the Hon. Supreme Court arising from her service in the government. [Words in brackets added].

We agree with the recommendation of the Investigating Judge that respondent is guilty only of neglect of duty but not as to habitual absenteeism.

For easy reference, the following is the summary of respondent's weekly assignments as court

stenographer-on-duty; the absences she incurred when on duty; the dates when leave applications were filed; and the recommendation of the Office of the Administrative Services (OAS) of the OCA as to her applications for leave for Calendar Year (CY) 2002 and 2003:

Respondent's weekly schedule of assignments as court stenographer Dates when absent

Dates when leave applications were Filed OAS-OCA's recommendation

For CY 2002

January 21 to 25

February 11 to 15

March 4 to 8

March 25 to 29

April 15 to 19

May 6 to 16

May 27 to 31

June 17 to 21

July 8 to 12

July 29 to Aug.

Aug.19 to Aug.23

Sept.9 to Sept.13 September 10 and 11 September 12 Approved for 1 day sick leave with pay.[7]

Sept.30 to Oct.4

Oct.21 to Oct.25 October 22 October 23 Approved for 1 day sick leave with pay.[8]

Nov.11 to Nov.15 November 11 and November 12 (half-day only

November 13 Approved for 1-1/2 days vacation leave

with pay.[9]

Dec. 2 to Dec. 6 December 2 & 3 December 4 Approved for 1/2 day vacation leave with pay and 1-1/2 day sick leave with pay.[10]

For CY 2003

Jan. 6 to Jan. 10

Jan. 27 to Jan. 31

Feb. 17 to Feb. 21

March 10 to March 14 March 10 and 11

March 12 Approved for 2 days vacation leave with pay.[11]

March 31 to April 4

April 28 to May 2

May 19 to May 23 May 19 to June 8 May 26 Approved for 2-1/2 days vacation leave with pay, 1-1/2 days sick leave with pay and 11 days without pay.[12]

June 9 to June 13

June 30 to July 4

July 21 to July 25 July 21 to Aug. 8 August 11 Approved for 2-1/2 days vacation leave with pay, 2-1/2 days sick leave with pay and 10 days without pay.[13]

Aug. 11 to Aug. 15

Sept. 1 to Sept. 5

Sept. 22 to Sept. 26

Oct. 13 to Oct. 17

Nov. 3 to Nov. 9 Nov. 3 to Nov. 5 November 6 Approved for 3 days vacation leave with pay.[14]

Nov. 24 to Nov. 28

Dec. 15 to Dec. 19

For CY 2004, respondent incurred absences on the following dates:

Dates absent Number of days absent Dates when leave applications were filed OAS-OCA's Recommendation

February 16 to March 12 19 days March 11, 2004 Approved for 5 days vacation leave with pay, 6-1/2 days sick leave with pay and 7-1/2 days without pay.[15]

March 16 to 22 5 days March 15 Forced Leave[16]

April 6 April 15 April 19

3 days April 11 April 16 April 20

Sick leave[17] Sick leave[18] Sick leave[19]

May 3 to May 7 5 days May 11 Approved for 1-1/2 day vacation leave with pay, 1-1/2 day sick leave with pay and 2 days without pay.[20]

May 14 and 17 2 days

May 12 Special leave[21]

May 18 to June 9 10 days June 9 DISAPPROVED[22]

To dispute allegations about her having neglected her duty by absenting herself when it was her turn to act as court stenographer-on-duty (for CY 2002 and 2003), respondent claimed that her absences were duly authorized, as evidenced by her approved applications for leave. She also claimed that, under the Omnibus Civil Service Rules Implementing Book V of the Administrative Code of 1987, an employee may be allowed to go on leave of absence without pay for a period not exceeding one (1) year in addition to his/her vacation and/or sick leave earned.

We are not persuaded.

Records show that the weekly rotating schedule of assignments of court stenographers was spread among three stenographers (respondent and complainants, Anita A. Cruz and Norma B. Lapid) during the first week of January 2002 and January 2003. Based on said schedule, the yearly distribution of workload of the three appears quite fair and equitable. Under court practice, each of the stenographers provides relief support to the stenographer on duty for the whole week, so that in event the latter fails to report on her scheduled week, the court proceedings would remain unhampered. Respondent claims that to make up for her absences, she usually took over the duty of the relieving stenographer upon her return for work, so as not to distort the pre-arranged work schedules.

As it were, respondent failed to substantiate her claim. She failed to prove that the other two stenographers did agree to the changes in schedule of assignments, as the two in fact vigorously pursued this complaint.

Compounding said neglect of duty is respondent's failure to transcribe the stenographic notes taken by her during court proceedings within the time specified in Administrative Circular No. 24-90,[23] which prescribes, thus:

1. Clerks of Court and stenographers are enjoined to faithfully comply with Rule 136, Section 17, par. 1, Rules of Court, which is quoted hereunder:

Section 17. Stenographers- It shall be the duty of the stenographer who has attended a session of Court either in the morning or in the afternoon, to deliver to the Clerk of Court, immediately at the close of such morning or in the afternoon session, all the notes he has taken, to be attached to the record of the case, and it shall likewise be the duty of the Clerk to demand that the stenographer comply with said duty. The Clerk of Court shall stamp the date on which notes are received by him. When such notes are transcribed, the transcript shall be delivered to the Clerk, duly initialed on each page thereof, to be attached to the records of the case.

2. (a) All stenographer are required to transcribe all stenographic notes and to attach the transcripts to the record of the case not later than twenty (20) days from the time the notes are taken. xxx

(b) The stenographer concerned shall accomplish a verified monthly certification as to compliance with this duty. xxx

(c) With respect to untranscribed stenographic notes as of the date of the effectivity of this Circular all stenographers are directed to submit the transcript thereof not later than three (3) months from date of effectivity of this Circular.

A clear violation by the respondent of the foregoing circular is evident from the two (2) orders issued by Presiding Judge Jocelyn A. Solis-Reyes in Criminal Case No. 98-1984 entitled *People v. Joselyn Posadas* and Criminal Case No. 01-1275 entitled *People v. Renato C. Mallari*. In the first case, the scheduled hearing of May 17, 2004 was reset to another date because the stenographic notes taken by respondent during the trial held on November 12, 2003, or after six (6) months and four (4) days have passed, were not yet transcribed. The same is true with the other case where the trial, supposed to be held on April 26, 2004, was also reset because the stenographic notes taken during the trial held on January 26, 2004, that is, three months before said hearing were not yet transcribed. Respondent offered no explanation for her failure to comply with the said deadline.

As the Court now sees it, respondent was less than zealous in the performance of her official duties. Her delay and inefficiency in punctually transcribing the stenographic notes she took of court proceedings assigned to her definitely prejudiced public service and undermined the speedy and orderly administration of justice.

The Court will also not countenance respondent's repeated absences. The civil service law requires that an employee, whenever possible, must submit his/her application for leave in advance so as not to paralyze or hamper public service. Respondent's repeated absences violated this civil service requirement on the advance filing of applications for official leave.

Memorandum Circular (MC) No. 4, Series of 1991, of the Civil Service Commission (CSC), provides:

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

Under CSC MC No. 30, series of 1989, habitual absenteeism is classified as a grave offense. On the other hand, frequent unauthorized absences or tardiness in reporting for duty is, for the first offense, punishable with suspension for six (6) months and one (1) day to one (1) year, and with dismissal from the service for the second offense.

Given the foregoing yardsticks, respondent's absences can neither be classified as frequent nor habitual, for such absences were not in reality unauthorized as her applications for leave were eventually duly approved by the OAS-OCA. Be that as it may, Section II of Administrative Circular No. 2-99 entitled "Strict Observance Of Working Hours And Disciplinary Action for Absenteeism And Tardiness" lays down the degree of stringency which must be adopted in the determination of the proper sanctions to be imposed, viz:

II. Absenteeism and tardiness, even if such do not qualify as "habitual" or "frequent" under Civil Service Commission Memorandum Circular No. 04, Series of 1991, shall be dealt with severely, and any falsification of daily time records to cover up for such absenteeism and/or tardiness shall constitute gross dishonesty or serious misconduct. (*italics ours*)

Respondent's repeated absences have, to be sure, undermined public service. Time and again, this Court has pronounced that any act which falls short of the exacting standards for public office, especially by those who are expected to preserve the good image of the judiciary, shall not be countenanced. Public office is a public trust. Public officers must at all time be accountable to the people, serve them with utmost degree of responsibility, integrity, loyalty and efficiency.

We note that this is not respondent's first offense for absenteeism and violation of SC circulars on submission of stenographic notes. As earlier recited, in Adm. Matter No. P-00-1368, respondent was found guilty of gross neglect of duty and habitual tardiness and suspended from office, apart from being ordered to submit within 6 months the transcript of stenographic notes in the eleven cases mentioned in the said case. The Order, however, came with a caveat that a repetition of the same or similar offense shall be dealt with more severely.

Given the above perspective, the dismissal of respondent is indicated. Considering, however, that respondent had already resigned effective August 16, 2005, as per acceptance of resignation by the OCA dated October 4, 2005, dismissal could no longer be imposed; hence, the penalty of fine in the amount equivalent to her one (1) year salary, as recommended by the investigating judge, is hereby imposed.

ACCORDINGLY, respondent AURORA T. LARANANG is found GUILTY on a second instance, of inefficiency, gross neglect of duty and for having incurred repeated absences. She is FINED in the amount equivalent to her one whole year salary, the same to be deducted from her retirement, leave and other benefits and only the balance thereof shall be released to her in due course.

SO ORDERED.

Puno, C.J., (Chairperson), Sandoval-Gutierrez, Corona, and Azcuna, JJ., concur.

[1] Rollo, p. 284.

[2] Exhibit "B-1."

- [3] Exhibit "D."
- [4] Now Supreme Court Associate Justice.
- [5] Rollo, pp. 17-21.
- [6] Id. at 136.
- [7] Annex "5."
- [8] Annex "5-a."
- [9] Annex "5-b."
- [10] Annex "5-c."
- [11] Annex "5-d."
- [12] Annex "5-e."
- [13] Annex "5-f."
- [14] Annex "5-g."
- [15] Annex "7-a."
- [16] Annex "7-b-1."
- [17] Annex "7-c."
- [18] Annex "7-c-1."
- [19] Annex "7-c-2."
- [20] Annex "5-h."
- [21] Annex "7-d."
- [22] Annex "7-d-1."
- [23] Which took effect on August 1, 2002.

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