

**JUDGE LEAH DOMINGO-REGALA, REGIONAL TRIAL COURT,  
BRANCH 226, QUEZON CITY, COMPLAINANT, VS. MA. DONNA Y.  
SULTAN, LEGAL RESEARCHER, REGIONAL TRIAL COURT, BRANCH  
226, QUEZON CITY, ...**

*A.M. NO. P-05-1940 (FORMERLY OCA IPI NO. 01-1039-P). February 28, 2005*

Ponente: CHICO-NAZARIO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/fcc3ba891fed/>

---

**CHICO-NAZARIO, J.:**

Judge Leah Domingo-Regala, Regional Trial Court (RTC), Branch 226, Quezon City, has charged Ma. Donna Y. Sultan, Legal Researcher of the same court, with Inefficiency, Habitual Absenteeism, Tardiness, Falsification of Daily Time Record, Dishonesty, and Conduct Prejudicial to the Service.

In a referral letter dated 12 May 2000, Court Administrator Bernardo T. Ponferrada requested Judge Regala to comment on the unauthorized leave of absence for the period 1-29 October 1999, 3-29 November 1999, and 1-3 and 06 December 1999, of Ma. Donna Y. Sultan. Said absences were the subject of a letter by Ma. Donna Sultan addressed to the Office of the Court Administrator (OCA) complaining the disapproval by Judge Regala of her applications for leave on the above-mentioned dates.

In her comment dated 05 June 2000, Judge Regala alleges that Ma. Donna Sultan is guilty of habitual absenteeism as defined by Administrative Circular No. 1-91 for having incurred unauthorized absences exceeding the allowable 2.5 days monthly leave credits for at least three (3) months in a semester:

June 1999 ----- 8 ½ days  
July 1999 ----- 2 days  
August 1999 ----- 3 days  
September 1999 ----- 5 ½ days  
October 1999 ----- 21 days  
November 1999 ----- 19 days  
December 1999 ----- 3 days  
January 2000 ----- 2 days  
February 2000 ----- 1 day  
March 2000 ----- 1 day  
May 2000 ----- 7 days[1]

Said circular states that “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 credit under the leave law for at least three (3) months in a semester or at least three (3) consecutive months during the year.” She added further that Ma. Donna Sultan had always gone on extended leave of absence without filing applications for leave in advance, also in violation of said Circular.

On the charge of tardiness and falsification of daily time record, Judge Regala claims that respondent has always been tardy in reporting for work and signs the office logbook with a time earlier than that of her actual arrival. Said entries in the logbook are reflected in her daily time record. Moreover, complainant alleges that Ma. Donna Sultan leaves at about eleven o’clock in the morning to take long lunch breaks out of the office and comes back long after two o’clock in the afternoon.

With respect to the charge of incompetence, complainant claims that Ma. Donna Sultan cannot carry out proper legal research, that is, she cannot find cases in point; neither can she come up with the latest jurisprudence on the subject matter assigned to her and instead copies verbatim from textbooks. Judge Regala finds respondent not suited for the job. Judge Regala maintains that Ma. Donna Sultan is slow to learn, requires frequent instruction, and finds difficulty in adjusting herself to new tasks, methods and details of work.[2]

Regarding the imputation of dishonesty, complainant alleges that in the month of October, when respondent went on an extended leave, respondent misled her and the members of her staff to believe that respondent’s daughter was confined in Malvar General Hospital for days, which upon verification, was discovered to be untrue.

Judge Regala asserts that respondent often goes out of the office to talk to lawyers who have cases before Branch 226, RTC, Quezon City, and that she engages in long telephone conversations during office hours. Said acts, according to complainant, constitute conduct prejudicial to the service.

Respondent does not deny that she has incurred the alleged absences but states that except for the months of October, November, and December 1999, all her absences were authorized, with the corresponding applications for leave duly filed and approved. For the absences she incurred for the above-mentioned months, respondent did file the required applications for leave but all were disapproved. Respondent now evokes the forgiveness of Judge Regala, and her understanding, for it was during said period that respondent suffered a very serious family problem and had to absent herself from work to attend to said dilemma.

With respect to the accusations of habitual tardiness, respondent maintains that Judge Regala had given her staff a grace period of thirty (30) minutes from 8:00 a.m., or up to 8:30 a.m., to time-in without being considered late. Respondent admits that there were instances when she arrives after 8:30 a.m. but these late arrivals are all properly reflected in the logbook and on her daily time records. Respondent further denies that she is usually out of the office the whole day, and, if ever she had to go out of the office, respondent would always ask permission from either the Branch Clerk of Court or Judge Regala herself.

Apropos her alleged incompetence, respondent claims that as a law graduate, she at least has the basic knowledge of law and legal research. Respondent stresses that in any task assigned to her, she tries to fulfill it to the best of her abilities. Respondent admits that at times she commits errors and mistakes in the performance of her duties, she however discloses that she was looking forward to the guidance and tutelage of Judge Regala in order to enhance her work. Moreover, respondent pointed out that although complainant had recently given her a performance rating of “Unsatisfactory,” the latter had earlier given her a rating of “Very Satisfactory.”

Regarding the imputation that respondent has misled the court to believe that her absence was due to her daughter’s confinement in the hospital, respondent maintains that she did not tell a member of the staff of Branch 226, RTC, Quezon City, that she confined her daughter at Malvar General Hospital; rather, she told her

officemate Evelyn Borela that she would bring her daughter to said hospital as an out-patient for medical examinations. Respondent is apologetic if any misunderstanding occurred because of her failure to personally inform Judge Regala regarding her whereabouts.

Lastly, respondent asserts that she will not compromise her employment by going out of the office to talk to lawyers who have cases before the court. Respondent explains that when lawyers and litigants come to their office to inquire regarding the status of their cases, there were instances when respondent had to attend to them, especially when the person in charge was not around.[3] As to the use of the office telephone, respondent maintains that she only uses the phone to answer incoming calls but sees to it that she does not take long in deference to other official calls.

Due to the fact that the instant administrative case involves several issues which could not be resolved by merely going over the pleadings submitted by the parties, the Court, per recommendation of the OCA, referred the matter to Hon. Monina Arevalo Zeñarosa,[4] then Executive Judge, RTC, Quezon City, for investigation, report and recommendation.[5] Judge Zeñarosa was succeeded by Judge Catral Mendoza,[6] who, in turn was succeeded by Judge Natividad Giron Dizon as Executive Judge of RTC, Quezon City, and investigating judge of the case. However, in view of the numerous cases the latter inherited from her predecessors-in-office, Executive Judge Dizon designated Judge Jaime N. Salazar, Jr., 3<sup>rd</sup> Vice Executive Judge of Quezon City, Branch 103, to conduct the investigation in the instant case.[7]

In his Resolution and Recommendation dated 19 November 2002, Investigating Judge Salazar found respondent liable for incompetence and habitual absenteeism, but absolved respondent as regards the charges of habitual tardiness, falsification of daily time record, and conduct prejudicial to the service due to insufficiency of evidence. The Investigating Judge recommended that respondent be reprimanded for incompetence, but refrained from recommending any penalty for habitual absenteeism in deference to the evaluation of the OCA.

In a Report dated 19 October 2004, the OCA affirmed the findings of the Investigating Judge pertaining to respondent's liability for inefficiency and habitual absenteeism but overturned the recommendation absolving respondent from the charge of conduct prejudicial to the service. According to the OCA:

Investigating Judge observed that, as by her admission, respondent was "quite ill-prepared for the job" and the present scenario is not unique between complainant and respondent. The qualification that a law graduate can be appointed legal researcher and the low salary attached to the position are to be blamed for the "low quality performance of plenty of RTC researchers." Law graduates who are "bright" usually pass the bar. Respondent expected guidance from complainant as her judge. The Investigating Judge concurs as it "can be expected since a law graduate from U.E. with no academic background on legal bibliography and no professional background on legal research can only expect guidance from her Judge and possibly, the Branch Clerk of Court, in the course of her work."

We do not subscribe to the alibis proffered that the qualifications for the position of legal researcher and the low salary attached to the position are the causes for poor quality of work turned in by legal researchers. The generalization of Investigating Judge regarding the substandard capability of legal researchers to deliver decent service being mere law graduates is not only unfounded but unfair as well. . . This statement is tantamount to saying that incompetence is to be expected from legal researchers. Public office is public trust. As all others in public service, respondent is expected to execute her duties with efficiency and competence. Nothing less is expected of her.

...

The investigation revealed that respondent incurred unauthorized absences on the following months:

October 1999 – 20 ½ days

November 1999 – 19 days

December 1999 – 4 days

It was also found that respondent went on AWOL primarily due to serious family emergency. When she returned to work in December and found the atmosphere in the court hostile, she incurred additional absences to work on her transfer to another court. Respondent submits to the findings of the Investigating Judge and pleads to complainant for understanding and forgiveness.

It is noted that prior to respondent going on AWOL, respondent met no problem getting the approval for her applications for leave. It was when respondent went on prolonged unauthorized absences and complainant started asking for her whereabouts that the approval of her applications for leave became an issue. Records show that respondent failed to exert efforts to inform complainant of her dire domestic situation. Information reaching complainant regarding respondent during her absence were relayed by officemates with whom respondent kept in touch.

...

Respondent's violation of the rule on filing applications for leave is apparent in her narration of facts. She went on leave without seeking proper permission from her superior. When the family crisis came about, she was still able to go to the court to get her ATM card yet she was not able to file her application for leave. On the occasions that she called the office, she was reminded to file her leave of absence and to speak with complainant who was already looking for her, but she did not do either. She called the office daily, but she never asked to speak with complainant. . .

Respondent's absences on the relevant months qualify as habitual absenteeism as defined and penalized in Administrative Circular No. 14-2002 (Re: Reiterating the Civil Service Commission's Policy on Habitual Absenteeism) citing Memorandum Circular No. 04, s. 1991, which provides to wit:

A. Habitual Absenteeism

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

...

The investigation confirmed the allegation that respondent has been seen talking to lawyers and litigants and talks to the phone very often. However, there is no showing that respondent (sic) conduct was inimical to the service or resulted in any kind of corruption. The investigation report rationalized that "(t)he courts are service-oriented line or field agencies of the Judiciary... it is inevitable for lawyers and litigants to talk to court personnel when they want to inquire about some administrative problems or things they do not understand that are related to their case."

We agree with qualification, the word (sic) "very often" being the definitive word (sic). While it is true that courts are service-oriented, as legal researcher, the service expected from respondent is more in the nature of doing valuable research work than in actually entertaining queries from parties and counsel. Responding to queries are better performed by other court employees, such as the clerks in charge of the cases, or the branch clerk of court, as needed, who are more acquainted with the records and the status of the cases pending in the court.

...

In sum, respondent's conduct falls short of the exacting standards of public office. Section 52, A (16, 17, 20),

Rule IV, Resolution No. 991936, series of 1999 of the Civil Service Commission (Uniform Rules on Administrative Cases in the Civil Service) classifies inefficiency, frequent unauthorized absences and conduct prejudicial to the best interest of the service as grave offenses. Each offense carries an imposable penalty of six (6) months and one (1) day to one (1) year. Considering, however, respondent's poignant open admission of her "excesses and shortcomings" and her plea to complainant for forgiveness and understanding, we are moved to temper our view of her actuations with altruistic consideration and recommend the lightest penalty possible for all three offenses.[8]

Holding respondent liable for inefficiency, habitual absenteeism, and conduct prejudicial to the best interest of the service, the OCA recommended that respondent be suspended from the service for six (6) months without pay.

We agree in the findings of the OCA.

As enunciated by the Court in several cases,[9] no other office in the government service exacts a greater demand for moral righteousness and uprightness from an employee than the judiciary. The conduct and behavior of everyone connected with an office charged with the dispensation of justice, from the presiding judge to the lowliest clerk, must always be beyond reproach and must be circumscribed with the heavy burden of responsibility.[10] Public officers must be accountable to the people at all times and serve them with the utmost degree of responsibility and efficiency. Any act 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.[11] It is the imperative and sacred duty of each and everyone in the court to maintain its good name and standing as a true temple of justice.[12]

When respondent incurred several absences during the months of October, November, and December 1999, she was indeed confronted with a passionately difficult family problem due to the discovery that her unwed, student daughter is pregnant.[13] The fact that said daughter suffered relapse after giving birth resulted in respondent's need to absent herself from work to attend to her sick daughter and the newborn baby. Furthermore, respondent has been unabashedly admitting her excesses and shortcomings, and has been sincerely beseeching for complainant's forgiveness and understanding. Records also disclose that this is respondent's first offense.

In the recent case of *Monserate v. Adolfo*,[14] the Court, in imposing a penalty on a court employee who has been previously found guilty of gross inefficiency, absenteeism and failure to serve summons, declared that "[m]oral obligations, humanitarian consideration, [and] performance of household chores are not reasons sufficient to warrant exemption. . . . If at all, these facts may only be considered in mitigating respondent's liability." Thus, instead of imposing the penalty of dismissal as prescribed for the second offense of frequent unauthorized absences, the Court, taking into consideration mitigating circumstances present in the said case, imposed a fine of Twenty Thousand Pesos (P20,000).

Considering, thus, the presence of mitigating circumstances in herein case, and the fact that this is respondent's first offense, the Court resolves to modify the penalty recommended.

WHEREFORE, the Court hereby adopts the findings of the Office of the Court Administrator, but hereby MODIFIES the penalty recommended. As modified, respondent MA. DONNA Y. SULTAN is hereby SUSPENDED from the service for three (3) months without pay. She is STERNLY WARNED that a repetition of the same acts shall be dealt with more severely.

**SO ORDERED.**

Puno, (Chairman), Austria-Martinez, Callejo, Sr., and Tinga, JJ., concur.

---

[1] Rollo, p. 30.

[2] Rollo, p. 31.

[3] Rollo, p. 102.

[4] Now Associate Justice of the Court of Appeals.

[5] Per resolution dated 11 September 2002 of the Second Division of the Court.

[6] Now Associate Justice of the Court of Appeals.

[7] Rollo, p. 237.

[8] Rollo, pp. 238-241.

[9] Aquino v. Fernandez, A.M. No. P-01-1475, 17 October 2003, 413 SCRA 597; Madrid v. Quebral, A.M. No. P-03-1744, 07 October 2003, 413 SCRA 1; Andal v. Tonga, A.M. No. P-02-1581, 28 October 2003, 414 SCRA 524.

[10] Ibay v. Lim, P-99-1309, 11 September 2000, 340 SCRA 107.

[11] Reyes-Macabeo v. Valle, A.M. No. P-02-1650, 03 April 2003, 400 SCRA 478; Clerk of Court Quidilla, Jr. v. Armida, A.M. No. P-03-1695, 21 April 2003, 401 SCRA 107.

[12] Supra, note 10.

[13] Rollo, p. 207.

[14] A.M. No. P-04-1823, 12 July 2004.

**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.