

SECOND DIVISION

[**A.M. No. P-18-3843 (Formerly OCA IPI No. 16-4612-P), June 25, 2018**]

CONCERNED CITIZENS, COMPLAINANTS, V. RUTH TANGLAO SUAREZ HOLGUIN, UTILITY WORKER 1, OFFICE OF THE CLERK OF COURT, REGIONAL TRIAL COURT, ANGELES CITY, PAMPANGA, RESPONDENT.

RESOLUTION

PERLAS-BERNABE, J.:

Before the Court is an anonymous complaint^[1] dated April 23, 2013, filed by purported concerned Citizens informing the Court that Ms. Ruth Tanglao Suarez-Holguin (Suarez-Holguin), Utility Worker 1, Office of the Clerk of Court, Regional Trial Court, Angeles City, Pampanga, committed misconduct, immorality, and violation of Paragraph B (4) of the Office of the Court Administrator (OCA) Circular 49-2003.^[2]

The Facts

In the anonymous complaint, it was alleged that Suarez-Holguin committed the following infractions: (a) paid someone else to do her job; (b) violated the prescribed dress code; (c) traveled abroad without securing a travel authority; (d) used official time for personal business, specifically by engaging in money lending, as well as selling imported items to her co employees; (e) immorality by disclosing that she engages in sexual relations with several male foreigners during her travels; and (f) used Supreme Court stickers on her public utility vehicles to evade being cited for traffic violations.^[3]

In her comment,^[4] Suarez-Holguin explained that she failed to perform her duties for a period of time because she underwent two (2) surgeries or laminectomy due to severe back pain, prompting her to seek the assistance of other utility workers to do her job at that time. She denied having violated the prescribed dress code, claiming that she neither altered nor manipulated her uniform in her 19 years of service. She likewise denied using official time for personal business, stating that the items she supposedly sold in the office were either *pasalubong* or those which her co-employees asked her to buy during her travels abroad. She added that the complainants probably thought that she was engaged in money lending scheme because she was tasked, as an officer of the Angeles City Hall of Justice Multi-Purpose Cooperative, to collect payments from the cooperatives' members. Anent the alleged immorality, Suarez-Holguin averred that she traveled abroad only with her husband and denied spending those trips in the company of different men. As regards the use of Supreme Court stickers in her public vehicles, she presented photographs of her two jeepneys showing no such stickers posted on either vehicle. While she admitted that a Supreme Court sticker is posted in her Honda sedan, she

clarified that it is only used for identification purposes in entering and exiting the City Hall premises and not for evading traffic violations.^[5]

On her alleged failure to secure travel authority for her trips abroad, she submitted two travel authorities: one dated November 11, 2015 for her trip to Vietnam and another dated July 1, 2016 for her trip to the United States. She was, however, unable to produce the required travel authorities for her other trips abroad.^[6]

OCA's Report and Recommendation

In a report^[7] dated February 20, 2018, the OCA recommended the dismissal of the charges for immorality and misconduct against her for lack of substantial evidence.^[8] However, with respect to her travels without the required travel authority over the course of three years, the OCA recommended that she be found guilty of violating Paragraph B (4) of OCA Circular No. 49-2003 and, accordingly, be reprimanded and sternly warned that any repetition of the same or similar act shall be severely dealt with.^[9]

The OCA explained that complainants failed to discharge their burden of proving the allegations in their complaint by substantial evidence, particularly with respect to Suarez-Holguin's supposed neglect of duty, violation of prescribed dress code, use of official time for personal business, immorality, and use of Supreme Court stickers to evade traffic citations. It stressed that pointing out circumstances based on mere conjectures and suppositions is not sufficient to prove accusations. Hence, it did not consider the pictures of Suarez-Holguin clothed in a two-piece bikini as posted in her social media account as evidence of immorality, noting that any interpretation of such pictures absent any other competent evidence will only amount to conjecture and supposition.^[10]

Anent her foreign travels, the OCA found that Suarez-Holguin went on thirteen (13) trips abroad from June 18, 2010 to September 21, 2013 but did not file any application for travel authority for any of those trips. Accordingly, she should be sanctioned for violating Paragraph B (4) of OCA Circular 49- 2003.^[11] Nevertheless, the OCA pointed out that the absences incurred during those trips were covered by approved leave applications.^[12]

The Issue Before the Court

The sole issue before the Court is whether or not Suarez-Holguin should be held administratively liable.

The Court's Ruling

The Court adopts the OCA's findings but modifies the recommended penalty considering the substantial number of infractions.

Settled is the rule that in administrative proceedings, complainants bear the burden of proving the allegations in their complaint by substantial evidence.^[13] As found by the OCA in the present case, the record is bereft of any evidence supporting the charges against Suarez-Holguin for neglect of duty, violating the prescribed dress code, using official time for personal business, immorality, and using Supreme Court stickers to evade traffic citations. While complainants attached pictures of respondent posing in a two piece bikini as posted in social media, such photographs,

by themselves, as aptly stated by the OCA, do not constitute evidence of immorality absent any sexual innuendo or depiction of a sexual act. Therefore, the Court dismisses these charges for lack of evidence.

As regards Suarez-Holguin's travels abroad, the Court finds sufficient ground to discipline her for failing to secure travel authorities for thirteen (13) foreign trips within a span of three (3) years.

OCA Circular No. 49-2003 provides that "[j]udges and court personnel who wish to travel abroad must secure a travel authority from the [OCA]" and that those who leave the country without the required travel authority shall be "subject to disciplinary action."^[14]

The Certificate^[15] issued by the Bureau of Immigration on October 7, 2015 shows that Suarez-Holguin went on thirteen (13) trips abroad from June 18, 2010 to September 21, 2013.^[16] Meanwhile, the Certificate^[17] dated July 29, 2013 issued by the Office of Administrative Services (OAS), OCA, disclosed that from December 22, 1997 up to the present, respondent did not file any application for travel authority,^[18] although she submitted applications for leave.^[19] Clearly, Suarez-Holguin violated the directive under OCA Circular No. 49-2003, rendering her administratively liable.

On the imposable penalty, the Revised Rules on Administrative Cases in the Civil Service^[20] provides that violations of reasonable rules and regulations is a light offense punishable with the penalty of reprimand for the first offense, suspension of one (1) to thirty (30) days for the second offense, and dismissal from the service for the third offense.^[21]

In *OAS, OCA v. Calacal*,^[22] the Court reprimanded a utility worker for leaving the country without obtaining a travel authority.^[23]

In *Leave Division, OAS, OCA v. Heusdens*,^[24] a court employee applied for a travel authority but left the country without waiting for the approval of her application. Considering that it was her first offense and she was not informed of the denial of her application within a reasonable time, the Court merely admonished and warned her against repetition of the same or similar act.^[25]

In *Del Rosario v. Pascua*,^[26] a court employee filed a leave application but failed to indicate her intention to travel abroad, as well as to secure the required travel authority. The Court imposed a penalty of suspension without pay for three (3) months for her twin infractions of violating the OCA's directive and dishonesty in her leave application.^[27]

In the present case, however, while this is the first administrative case of Suarez-Holguin, the case covers thirteen (13) separate incidents all relating to her failure to comply with the OCA's directive within a span of three (3) years. In all these travels, records are bereft of showing any attempt on her part to secure a travel authority for any of her foreign trips.^[28] Case law states that unawareness of the circular is not an excuse for non-compliance therewith.^[29] In view of the substantial number of times that she failed to comply with the circular, the Court finds it proper to impose a higher penalty of suspension without pay for thirty (30) days.