

SECOND DIVISION

[A.M. No. P-11-2926, February 01, 2012]

JUDGE LUCINA ALPEZ DAYAON, PRESIDING JUDGE, REGIONAL TRIAL COURT OF MACABEBE, PAMPANGA, BRANCH 54, COMPLAINANT, VS. JESUSA V. DE LEON, COURT STENOGRAPHER III OF THE SAME COURT, RESPONDENT.

D E C I S I O N

CARPIO, J.:

The Case

This administrative matter refers to the habitual absenteeism of Jesusa V. De Leon (De Leon), Court Stenographer III, Regional Trial Court of Macabebe, Pampanga, Branch 54, in violation of Administrative Circular No. 14-2002.

The Facts

In a letter dated 7 July 2010 sent to the Office of the Court Administrator (OCA), Presiding Judge Lucina Alpez Dayaon (Judge Dayaon) of the Regional Trial Court of Macabebe, Pampanga, Branch 54, reported that De Leon has been absent, without approved leave, for the period 22 April 2010 to 5 May 2010, and 27 May 2010 to 25 June 2010. Judge Dayaon requested that De Leon be dismissed from the service since her habitual absenteeism without leave for prolonged periods of time constitutes conduct prejudicial to the best interest of public service.

Judge Dayaon stated in her letter that she previously issued a Memorandum dated 5 May 2010 directing De Leon to submit a written explanation why she should not be recommended for dismissal from the service for her unexplained absences and failure to transcribe stenographic notes on time. Despite the receipt of the Memorandum on 6 May 2010, per Server's Report dated 11 May 2010, De Leon failed to submit an explanation and complete the transcription of the stenographic notes.

Judge Dayaon stated that this work attitude of De Leon has been recurring for many years. In 2008, Judge Dayaon issued three memoranda on different dates, 20 June, 3 November and 26 November, directed to De Leon for her absenteeism and failure to transcribe stenographic notes; unauthorized/unexplained absences; and delay in transcribing stenographic notes and disobedience to lawful orders of the court. In 2009, the record of De Leon's absences and tardiness exceeded the number of times she was present at work.

Judge Dayaon declared that De Leon submitted three letters of explanation on different dates, 26 June 2008, 9 December 2008, and 27 March 2009. However, De Leon did not account for her absences without leave during the months of April to

June 2010. Judge Dayaon stated that De Leon's habitual absenteeism constitutes conduct prejudicial to the best interest of the service and warrants the penalty of dismissal.

In a Report dated 13 August 2010, the Leave Division of the OCA, issued a Summary of Absences Incurred by Jesusa V. De Leon. The records show that De Leon incurred unauthorized absences for the year 2010: April 22-30 (7 days); May 4-14 and 24-31 (14 days); and June 1-25 (18 days). In the 1st Indorsement dated 22 September 2010, the OCA directed De Leon to file her comment within 10 days from receipt.

In her Comment dated 30 October 2010, De Leon admitted that she was absent during said dates in the months of April to June 2010 because her three children were afflicted with cough, cold and fever. De Leon stated that her husband was out of work, and they had no sufficient money to seek treatment from a doctor, and had resorted to self-medication. Because of her miserable condition, she neglected to file an official leave for her absences. De Leon added that she did not have enough money to cover her transportation expenses from her residence to the RTC and their daily needs were kindly provided for by concerned neighbors, friends and relatives.

Moreover, De Leon stated that when her children became well she reported for work on 28 June 2010. Thereafter, she had been regularly present and only had three stenographic notes pending to be transcribed. De Leon sought the indulgence of the Court since her work is her only means of livelihood after having served the judiciary for 18 years.

The OCA's Report and Recommendation

In its Report dated 10 February 2011, the OCA found De Leon habitually absent for incurring unauthorized absences for the months of April, May and June 2010. The OCA stated that De Leon's reasons of attending to the needs of her children and financial difficulties are insufficient to justify her absences and exonerate her from administrative liability. However, these circumstances help mitigate the penalty to be imposed.

The OCA made this recommendation:

(1) the instant administrative case against Ms. Jesusa V. De Leon, Court Stenographer III, Regional Trial Court, Branch 54, Macabebe, Pampanga, be RE-DOCKETED as a regular administrative matter; and

(2) Ms. Jesusa V. De Leon be found GUILTY of Habitual Absenteeism, and, accordingly, be SUSPENDED for ONE (1) MONTH WITHOUT PAY, with a STERN WARNING that a repetition of the same of similar act shall be dealt with more severely.

The Court's Ruling

We adopt the findings and recommendation of the OCA.