

THIRD DIVISION

[A.M. No. P-07-2380 (Formerly A.M. No. 06-10-613-RTC), September 25, 2008]

**ABSENCE WITHOUT LEAVE (AWOL) OF MS. LYDIA A. RAMIL,
COURT STENOGRAPHER III, REGIONAL TRIAL COURT, BRANCH
14, DAVAO CITY,**

R E S O L U T I O N

AUSTRIA-MARTINEZ, J.:

The present administrative case stems from the failure of Lydia A. Ramil (Ramil), Court Stenographer III of the Regional Trial Court (RTC), Branch 14, Davao City, to comply with OCA Circular No. 7-2003 which requires the submission of duly accomplished Daily Time Records (DTR)/bundy cards at the end of each month.

Records show that Ramil did not submit her bundy cards starting from November 2005, nor did she file any application for leave. Ramil also did not comply with the directives of the Office of the Court Administrator (OCA) Leave Division, through its letters dated February 3 and April 6, 2006, directing her to submit the required bundy cards.^[1] On May 2, 2006, the OCA requested Atty. Ray U. Velasco, Clerk of Court (CoC Velasco), to cause the service of a letter to Ramil requiring her to explain in writing her unauthorized absences, with warning that should she fail to do so, a recommendation to drop her from the rolls shall be submitted to the Court.^[2] The OCA on May 16, 2006, recommended the withholding of salaries and benefits of Ramil for non-submission of her bundy cards.^[3] Despite all these, Ramil still failed to abide by the OCA's orders. Thus, the Court issued a Resolution on November 13, 2006, dropping Ramil from the rolls effective November 2, 2005 for having been on absence without official leave (AWOL).^[4]

On January 29, 2007, the Court received from Ramil a Motion for Reconsideration dated January 16, 2007 stating that she should not be considered on AWOL since she was not continuously absent from work for at least 30 days.^[5] She attached: (1) the Calendar of Cases showing that she served as Stenographer on various dates from November 2005 to November 2006;^[6] (2) a Travel Order noted by her Presiding Judge directing her to bring records of a case to the Supreme Court on December 7, 2005;^[7] (3) her Performance Rating for January to June 2006; and (4) three letters of CoC Velasco to Caridad Pabello of the Office of Administrative Services (OAS) of the Supreme Court, dated July 14, November 20 and December 8, 2006, enclosing time cards and applications for leave of Ramil for the months of November 2005 to November 2006.^[8] The OCA also reported that the Employees Leave Division of the OAS received a personal letter dated December 7, 2006 from Ramil attaching thereto all her lacking DTRs, Leave Applications and Certifications stating that she forgot to punch in her bundy card on the dates stated therein.^[9]

The Court on February 21, 2007, referred Ramil's Motion for Reconsideration to the OCA for its evaluation, report and recommendation.^[10]

In its Memorandum dated April 18, 2007, the OCA found: Ramil should not be considered on AWOL in view of the copies of DTRs and Calendar of Cases she submitted; however, her failure to comply with OCA Circular No. 7-2003 dated January 9, 2003 which required the submission of duly accomplished DTRs/bundy cards at the end of each month, together with her continuous failure to comply with the directives of the OCA, constituted violation of reasonable office rules and regulations of the Supreme Court.^[11]

On June 25, 2007, the Court, adopting the recommendation of the OCA, resolved to: (1) set aside the November 13, 2006 Resolution of the Court; (2) direct the Financial Management Office to release the withheld salaries and other benefits of Ramil; and (3) refer the instant matter to the Legal Office of the OCA for appropriate disciplinary action on: (a) the incomplete/conflicting entries in the DTRs submitted by Ramil and (b) her failure to comply with OCA Circular No. 7- 2003 and OCA directives.^[12]

The OCA,^[13] after the case had passed through its Legal Office, reported in its Memorandum dated September 4, 2007, that: Ramil should be penalized for violating OCA Circular No. 7-2003 dated January 9, 2003 for her failure to submit DTRs in due time despite the OCA's repeated demands and warnings; her disobedience of said rules is tantamount to insubordination; Ramil is likewise guilty of simple negligence for the incomplete/conflicting entries in the DTRs which she submitted; her bundy card for the months of November 2005 to September 2006 had incomplete entries; her time card for October 2006 was partly handwritten while that for November 2006 was handwritten in its entirety; Ramil also applied for sick leave on June 13, 2006 but the calendar of cases shows that she served as stenographer on said date; her excuse that she forgot to punch her bundy card on several occasions is unworthy of consideration; both simple neglect of duty and insubordination carry the penalty of suspension from one month and one day to six months under the Uniform Rules on Administrative Cases in the Civil Service; however, the fact that this is her first administrative case serves to mitigate her liability.^[14]

The OCA then recommended that:

1. this case be RE-DOCKETED as a regular administrative matter;
2. Ms. LYDIA AUSTRIA-RAMIL, Court Stenographer III, Regional Trial Court, Branch 14, Davao City be found GUILTY, (a) for the incomplete/conflicting entries in her DTRs and (b) for failure to comply with OCA Circular No. 7-2003 and OCA directives; and
3. (a) For the incomplete/conflicting entries in her DTRs, she be meted with a penalty of One (1) month SUSPENSION without pay and other benefits which may accrue to her within the given period;

(b) For Failure to comply with OCA Circular No. 7-2003 and OCA directives, she be meted with a penalty of P5,000.00 as FINE with

Stern Warning that a repetition of similar infractions in the future shall be dealt with more severely.^[15]

On September 24, 2007, the Court required Ramil to manifest within 10 days from notice whether she was willing to submit the case for decision based on the pleadings already filed.^[16] She failed to submit any manifestation within the period given; thus, she is deemed to have the submitted case for resolution.

The Court agrees with the OCA except as to the penalty to be imposed.

The Court has consistently held that public service requires utmost integrity and discipline.^[17] Judicial employees must exercise at all times a high degree of professionalism and responsibility, as service in the judiciary is not only a duty; it is a mission.^[18] No less than the Constitution mandates that public office is a public trust and all public officers and employees must at all times be accountable to the people and serve them with utmost responsibility, integrity, loyalty and efficiency.^[19]

OCA Circular No. 7-2003 dated January 9, 2003 clearly states that:

In the submission of Certificates of Service and Daily Time Records (DTRs)/Bundy Cards by Judges and court personnel, the following guidelines shall be observed:

1. After the end of each month, every official and employee of each court shall accomplish the Daily Time Record (Civil Service Form No. 48)/Bundy Card, indicating therein truthfully and accurately the time of arrival in and departure from the office. x x x

x x x x

6. Failure to submit Certificates of Service and DTRs/Bundy Cards shall warrant the withholding of the salaries and benefits of the officers and employees concerned.

As provided by said circular, every official must truthfully and accurately enter his/her times of arrival in and departure from the office.^[20] The entries therein must reflect the employee's true and actual times of arrival and departure.^[21] Furthermore, failure of an employee reflect in the DTR/bundy card the actual times of arrival and departure not only reveals the employee's lack of candor; it also disturbingly shows his/her disregard of office rules.^[22]

Ramil failed to submit her bundy cards beginning November 2005 in clear contravention of OCA Circular No. 7-2003. And when she finally submitted her time cards, through a personal letter dated December 7, 2006 to the OCA Employees Leave Division, her bundy cards had incomplete or handwritten entries.^[23] In an attempt to compensate for the missing entries, she attached Certifications signed by her stating that she forgot to punch her bundy card on the dates stated therein.^[24]

Such certifications cannot shield her from administrative liability. She is clearly guilty of simple neglect of duty for her failure to regularly and faithfully punch her bundy card and to submit the same at the end of each month as ordered by OCA Circular