

## THIRD DIVISION

**[ A.M. NO. P-06-2284 (Formerly OCA I.P.I. No. 05-2252-P), December 19, 2006 ]**

**ENGRACIO M. ESCASINAS, JR., COMPLAINANT, VS. GARY G. LAWAS, CLERK III, OFFICE OF THE CLERK OF COURT, REGIONAL TRIAL COURT, MAKATI CITY, RESPONDENT**

### DECISION

**TINGA, J.:**

This treats of the letter-complaint<sup>[1]</sup> dated June 15, 2005 filed by Clerk of Court and Ex-Officio Sheriff Engracio M. Escasinas, Jr. of the Office of the Clerk of Court, Regional Trial Court, Makati City, charging Gary Lawas, Clerk III of the same office, with Frequent Unauthorized Absences and Tardiness.

Escasinas reports that Lawas incurred 75 days of continuous absences without approved leave from February 18 to June 15, 2005 (except May 4 to 5, 2005), and 148 days of absences and 65 instances of tardiness in 2004. Consequently, Escasinas issued several memoranda warning Lawas that he will be sanctioned for his persistent absences and tardiness, and failure to submit his daily time record and applications for leave on time.

In his Comment<sup>[2]</sup> dated August 31, 2005, Lawas admits that he had incurred frequent unauthorized absences and had been repeatedly tardy but asks for the Court's leniency explaining that his severe rheumatic arthritis had caused his lapses. He adds that he has been able to report for work since July 4, 2005.

The Certification<sup>[3]</sup> dated August 11, 2005 issued by the Leave Division of the Office of the Court Administrator (OCA) shows that Lawas was tardy 65 times in 2004. That same year, he incurred a total of 146.5 absences,<sup>[4]</sup> 23 of which were unauthorized, his applications for leave for the months of June and July 2004 having been disapproved due to insufficient leave credits. He also had a total of 74 days vacation leave without pay and 31.5 days sick leave without pay.

The OCA further notes that Lawas incurred a total of 95 absences from February to June 2005, all with disapproved leave applications and therefore, unauthorized.

In its Memorandum<sup>[5]</sup> dated August 8, 2006, the OCA recommends that Lawas be suspended for a period of six (6) months without pay for Habitual Absenteeism and Tardiness.

We required the parties to manifest whether they are willing to submit the case for decision on the basis of the pleadings and records already filed with the Court.<sup>[6]</sup> Both Lawas and Escasinas expressed their willingness is contained in their