

## EN BANC

[ A.M. No. 00-11-521-RTC, June 20, 2001 ]

**RE: ABSENCE WITHOUT OFFICIAL LEAVE (AWOL) OF MS. LILIAN B. BANTOG, COURT STENOGRAPHER III, RTC, BRANCH 168, PASIG CITY**

### DECISION

**PER CURIAM:**

This Decision refers to an administrative case against Ms. Lilian B. Bantog, Court Stenographer III, of the Regional Trial Court (RTC) of Pasig City, Branch 168. The case stems from the habitual absence from office of Ms. Bantog since January 4, 1999.<sup>[1]</sup> After several reminders and warnings, the RTC Branch Clerk of Court, Atty. Peter Paul Matabang, finally issued a Memorandum<sup>[2]</sup> dated July 19, 2000, directing the respondent to report for work within five (5) days from receipt thereof and to explain in writing why she should not be dropped from the rolls.

Although she reported for work on July 25, 2000, respondent failed to explain within the prescribed period why she should not be dropped from the rolls. Worse, she failed to report for work again on July 27 and 28, 2000. The last time she reported for work was on July 31, 2000. Since then, she has gone on absence without official leave.

On September 8, 2000, the branch clerk of court recommended to the Court Administrator<sup>[3]</sup> her summary dismissal from the service and that her position be declared vacant in order that a new court stenographer may be appointed to the position to prevent the disruption of the flow of work in the said court branch.

On the same date, acting Presiding Judge Florito S. Macalino, indorsed to the Court Administrator the letter of Atty. Matabang, likewise recommending the dismissal from the service of Ms. Bantog for repeated violation of Civil Service Rules and Regulations. On November 21, 2000, the Supreme Court en banc directed the Financial Management Office to withhold the salaries and benefits of Ms. Bantog, upon the recommendation of the Leave Division of the Office of the Court Administrator.<sup>[4]</sup>

It must be noted that on April 17, 2000, Ms. Bantog, replying to an earlier Memorandum warning her of summary dismissal due to her repeated absences, wrote a letter to the Court Administrator in which she openly admitted her habitual absenteeism. She explained that her marital woes, the matriculation problems of her three children, the lack of job of her husband all contributed to her habitual absenteeism. She pleaded for understanding and to be given another chance. She promised to reform her work habits. Nevertheless, as shown by the records, her promised reform was not fulfilled.

A thorough review of the records shows that Ms. Bantog has been absent for the following periods.

For the Year 1999:

Month	No. of days
January 4, 19,20,.21 and 22	5 days
February 16,17, 24, 25.and 26	5 days
March 8, 9, 11, 12, 15, 19, 22, 23,.24, 25, and 26	11 days
May 3, 4, 5, 6, 7, 21, 24, 25, 28,.and 31	10 days
June	1 month
July 1, 2, 3, 4,5, 7, 12, 14, 15, 16, 19, 21, 23, 27 and 29	15 days
December 2,.13, and 24	2 1/2 days

For the Year 2000:

Month	No. of days
July 20, 21, 24, 27,and 28	5 days
August-present	Absence without official leave

On November 21, 2000, the Court resolved to:

"a) NOTE the Memorandum dated 19 October 2000 of Hermogena F. Bayani, SC Judicial Staff Officer, Leave Division, Office of Administrative Services, Office of the Court Administrator and (b) DIRECT the Financial Management Office, OCA, to WITHHOLD the salaries and other benefits of Ms. Lilian Bantog, Court Stenographer III, RTC, Branch 168, Pasig City, for having been absent without official leave (AWOL) since 31 July 2000."

[5]

On February 20, 2001, the Court referred this administrative matter to the Office of the Court Administrator, for recommendation on whether Ms. Bantog should be dropped from the rolls.[6]

On March 8, 2001, the Court received the OCA's report.[7] Its findings are as follows:

"It appears that Ms. Bantog has been repeatedly warned and required to explain regarding her habitual unauthorized absences by her immediate superior Clerk of Court Atty. Peter Paul Matabang. Ms. Bantog always reasoned out that she could not report for work regularly as she was

resolving the problems and needs of her family.

"Since Ms. Bantog showed no improvement in her work ethic, Atty. Matabang recommended in his letter dated 8 September 2000 the summary dismissal of Ms. Bantog by reason of her blatant disregard of the Civil Service Rules and Regulations. Judge Macalino likewise indorsed the same to the Court for favorable action thereon.

"Acting on the recommendation of the Leave Division of this Office in a Memorandum Report 19 October 2000, the Honorable Court DIRECTED in its En Banc Resolution of 21 November 2000 the Financial Management Office to WITHHOLD the salaries and benefits of Ms. Bantog for having been absent without official leave (AWOL) since July 2000."<sup>[8]</sup>

Acting Court Administrator Zenaida N. Elepaño recommended that "Ms. Lilian Bantog, Court Stenographer III, RTC, Branch 168, Pasig City be DISMISSED from the service and the position of Court Stenographer III in said court be DECLARED VACANT."<sup>[9]</sup>

In justifying her dismissal from the service, the acting Court Administrator ratiocinated as follows:

"Records reveal that this is not the first time Ms. Bantog went [on] absence without leave for several times in the past [and] her attention had been called [to] her habitual absenteeism. This notwithstanding, Ms. Bantog continued to take her work for granted. Her action has been clearly prejudicial to the service and inimical to the interest of the court.

"As provided for under Section 63, Rule XVI of the Civil Service Rules, as amended, Miss Bantog may already be automatically dropped from the service by reason of absence without official leave (AWOL). This section expressly provides that:

“An official or employee who is continually absent without an approved leave for at least (30) calendar days shall be considered on absence without official leave (AWOL) and shall be separated from the service or dropped from the rolls without prior notice. He shall, however, be informed, at his address appearing on his 201 files or at his known written address, of his separation from the service, not later than five (5) days from its effectivity.”<sup>[10]</sup>

We sustain the recommendation of the acting Court Administrator.

The records show that Ms. Bantog's absences from January 4, 1999 up to the present were unauthorized because her applications for leave were denied by the branch clerk of court for the reason that "she no longer has any leave credit she can avail of."<sup>[11]</sup> Despite the various reprimands, warnings, and memoranda issued to