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and unnecessary trouble. All these acts of the respondent are highly prejudicial to the interest of the service. In the language of Justice Makasiar, they "vitiate the integrity of the court personnel as well as the Court itself."[2]

WHEREFORE, this Court, finding the charge of neglect of duty, dishonesty and grave misconduct sufficiently proven, hereby orders the DISMISSAL of respondent from the service, with prejudice to re-employment in any branch of the government service, effective upon receipt hereof.

SO ORDERED.

Barredo (Chairman) Aquino, Concepcion Jr., Santos, and *Abad Santos, JJ.*, concur.

SECOND DIVISION

[A.M. No. P-2315. December 27, 1979]

HON. J. CEZAR SANGCO, *complainant, vs.* **FRANCISCA HIDALGO,** *respondent.*

SYLLABUS

ADMINISTRATIVE LAW; COURT PERSONNEL; CLERK; PERSONAL DIFFICULTIES AND FAMILY PROBLEMS ARE NOT LAWFUL GROUNDS AND VALID JUSTIFICATION FOR FREQUENT ABSENCES.— Indeed, there can be no question that personal difficulties and family problems are not lawful

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[2] *Ganaden v. Bolasco.* Adm. Matter No. P-124. May 16. 1975. 64 SCRA 50, 53.

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grounds and valid justification for the frequent absences of an employee in the public service. Pursuant to Civil Service Act (P.D. No. 807), frequent unauthorized absences (Section 36[bl [14], are grounds for disciplinary action and We consider respondent's misconduct, a dereliction of duty and, therefore, prejudicial to the public service.

RESOLUTION

ANTONIO, *J.*:

Executive Judge J. Cezar Sangco of the City Court of Manila brought to the attention of this Court the frequent unauthorized absences of respondent Francisca Hidalgo, clerk of the aforementioned City Court. Judge Sangco recounted that on February 16, 1979, he issued a memorandum directing respondent Hidalgo to immediately report back to work and explain within seventy-two (72) hours why she should not be administratively disciplined because of her "prolonged and unauthorized absences and neglect of duty." She had been absent without leave since the afternoon of February 1, 1979 and she neglected her duty to prepare promptly the regular reports to be submitted to the Supreme Court. In connection therewith, the Executive Judge stated that on the basis of the record, respondent has been absent from March to July 1979, as follows:

MONTH	ABSENCES	COMMENT
1979 March	5 to 11, 14, 15(S) (without pay)	Leave application filed, (Rural Service from March 12 to 26, 1979)
April	4(S), 17, 27, 30(V)	Leave application filed
May	1 to 8; 10 to 15(V)	Leave application filed
May	16 to 31(V) (without pay)	Leave application filed
June	1 to 16(V) (without pay)	Leave application filed
June	17 to 30 (without pay)	Office notified thru telegram of the extension of vacation leave.

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July	1 to 15 (without pay)	
July	16 to 29 (without pay)	No notice/advice whatsoever was sent to this Office.

In her letter of explanation of February 21, 1979, respondent explained that she was absent from office from February 2 to 6, 1979 because she had been experiencing "dizzy spells and migraines accompanied by a general feeling of weakness due to the previous history of anemia * * *" and that she could not send anyone to notify the office because "1 (respondent) live alone * * *" and that being financially hard-up she stayed at home and cured her illness through self-medication; that she reported for duty on February 21, 1979, although she had not fully recovered and promised that for as long as she could help it she would not incur any more absences.

On February 26, 1979, the Executive Judge issued a memorandum to respondent Hidalgo informing her that her letter-explanation dated February 21, 1979 was unsatisfactory for the reason that "leave of absence for any reason other than serious illness must be contingent upon the needs of the service" and admonished respondent "to desist from committing further unjustified absences, otherwise more severe and sterner action will be taken against you for continued acts of indifference to official duty."

On June 1, 1979 to June 16, 1979, after filing her leave application without pay, respondent went on vacation. Subsequently, on June 18, 1979, respondent sent a telegram from Leyte addressed to the Acting City Clerk of Court notifying the personnel office that she will extend her leave without pay up to July 15, 1979, as she has to attend to "important papers" in Tacloban.

On June 20, 1979, the Acting Clerk of Court, upon receipt of the telegram, immediately issued a memorandum to respondent directing her, in view of the exigencies of the service, "to report for duty immediately upon receipt of this notice, otherwise, this office will be constrained to take administrative action against

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you for your prolonged absences solely based on unexplained personal reasons * * *."

On July 27, 1979, the Acting Clerk of Court, after learning that respondent Hidalgo did not receive the memorandum dated June 20, 1979, immediately furnished her with a copy of the same.

On July 31, 1979, the Executive Judge issued a memorandum requesting respondent to explain within seventy-two (72) hours why she should not be dealt with administratively for having incurred absences from the period May 1, 1979 to July 29, 1979.

On August 1, 1979, respondent Hidalgo submitted her explanation stating, among other things, "that she had to file a vacation leave of absence for an indefinite period" due to family problems which had given her "sleepless nights and worries" aside from the fact that she had been following up with the Rural Bank of Burauen, Leyte, the release of the title of the land which was given by her father to "the bank as collateral sometime in 1965," and it was only on July 2 that she found the title was lost.

On August 24, 1979, the Executive Judge, unconvinced with the explanation of respondent and finding the same to be unsatisfactory, recommended to this Court the suspension of respondent from the service "for a period of not exceeding one year * * *."

The matter was referred to Judge Antonio Padua Paredes of the same City Court, Branch X, for investigation, report and recommendation. Judge Paredes gathered from his investigation the conclusion "that the recommendation of Executive Judge Sangco is supported by a great preponderance of evidence (and) * * * (t)here is all reason to believe that respondent failed to exercise the degree of dedication required of a good public servant by placing her self-interest and convenience over and above the needs of public service." For her dereliction to duty, Judge Paredes recommended respondent's suspension from the service for not more than thirty (30) days, considering that

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her offense was light and it was her first time to commit the same.

Indeed, there can be no question that personal difficulties and family problems are not lawful grounds and valid justification for the frequent absences of an employee in the public service. Pursuant to Civil Service Act (P.D. No. 807), frequent unauthorized absences (Section 36[bl [14], are grounds for disciplinary action and We consider respondent's misconduct, a dereliction of duty and, therefore, prejudicial to the public service.

In *Judge Cezar Sangco v. Bienvenido Panlilio*, (Administrative Matter No. 10469-MC, promulgated June 29, 1979) this Court dismissed the respondent from the service in view of habitual absences and undertimes. In the aforementioned case, this Court stated:

> "Respondent's misconduct and dereliction to duty are prejudicial to the service and by his incorrigible and obstinate refusal to comply with the order of his superiors to report for work regularly, he has shown willful and gross insubordination. For these offenses, a civil service employee may be dismissed from the service in accordance with Civil Service Rules and Regulations."

Considering, however, the voluntary admission of respondent of her shortcomings and her previous unblemished record in the court since 1975, and it appearing that respondent's malfeasance is not as serious as the previous case adverted to, the appropriate penalty to be imposed should be sixty (60) days suspension from office without pay.

WHEREFORE, in view of the foregoing, respondent is hereby suspended from office without pay for a period of sixty (60) days effective upon receipt hereof, with the warning that a repetition of the same misconduct shall be severely dealt with.

Barredo, Aquino, Concepcion Jr., Santos, and *Abad Santos, JJ.*, concur.