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EN BANC

[A.M. No. 99-11-06-SC. February 15, 2000]

RE: ABSENCE WITHOUT OFFICIAL LEAVE (AWOL) OF ANTONIO MACALINTAL, Process Server, Office of the Clerk of Court.

SYNOPSIS

Atty. Luzviminda D. Puno, Clerk of Court *En Banc,* reported to the Court the unauthorized absences of Mr. Antonio B. Macalintal, Process Server of the Office of the Clerk of Court *en banc*. The records revealed that Mr. Macalintal filed applications for leave which were not signed by his immediate supervisor. He also incurred absences without application for leave. In fact, his absences amounted to 149 days in the year 1999 alone. When Atty. Puno issued a memorandum requiring him to explain why he should not be dismissed from the service for habitual absences without leave, Mr. Macalintal answered that he was suffering from illness and financial difficulties. He further submitted a supplemental answer stating that since his employment with the Supreme Court in 1975, he had not been involved in any offense. He also alleged that his present financial difficulties worsened when his salaries and other benefits were withheld by virtue of his unauthorized absences. Hence, he prayed that the withheld salaries be given to him and he be spared from the strict implementation of the penalty for his absenteeism, promising to be more punctual in reporting for work in the future.

The Court ruled that by his habitual absenteeism, Mr. Macalintal has caused inefficiency in the public service. Although the Court understood his plight, it did not excuse his total disregard of his official duties. Time and again, the Court had pronounced that any act which falls short of the exacting standards for public office, especially on the part of those expected to preserve the image of the judiciary, shall not be countenanced. Public office is a public trust. Public officers must at all times be accountable to the people, serve them with utmost degree of responsibility, integrity, loyalty and efficiency. Also, under Section 50 of Memorandum Circular No. 41, series of 1998, an official or employee who is absent without

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approved leave shall not be entitled to receive his salary corresponding to the period of his unauthorized leave of absence.

The Court found Mr. Antonio B. Macalintal, Process Server, Office of the Clerk of Court, guilty of malfeasance in office, for unauthorized habitual absenteeism, and ordered his SUSPENSION for six (6) months and one (1) day without pay.

SYLLABUS

1. **POLITICAL LAW; ADMINISTRATIVE LAW; CIVIL SERVICE LAW; HABITUAL ABSENTEEISM; ELUCIDATED.—** Under Memorandum Circular No. 4, Series of 1991, of the Civil Service Commission, an officer or employee in the civil service shall be considered habitually absent if he incurs unauthorized absences exceeding the allowable 2.5 days monthly leave credits under the leave law for at least three (3) months in a semester or at least three (3) consecutive months during the year.

2. **ID.; ID.; ID.; ID.; CAUSED INEFFICIENCY IN THE PUBLIC SERVICE.—** By his habitual absenteeism, Mr. Macalintal has caused inefficiency in the public service. Although we understand his plight, it does not excuse his total disregard of his official duties. Time and again, this Court has pronounced that any act which falls short of the exacting standards for public office, especially on the part of those expected to preserve the image of the judiciary, shall not be countenanced. Public office is a public trust. Public officers must at all time be accountable to the people, serve them with utmost degree of responsibility, integrity, loyalty and efficiency.

3. **ID.; ID.; ID.; OFFICIAL OR EMPLOYEE; NOT ENTITLED TO RECEIVE SALARY CORRESPONDING TO PERIOD OF UNAUTHORIZED LEAVE OF ABSENCE.—** Under Section 50 of Memorandum Circular No. 41, series of 1998, an official or employee who is absent without approved leave shall not be entitled to receive his salary corresponding to the period of his unauthorized leave of absence.

4. **ID.; ID.; ID.; HABITUAL ABSENTEEISM; IMPOSABLE PENALTY.—** The Court hereby finds Mr. Antonio B. Macalintal, Process Server, Office of the Clerk of Court, guilty of malfeasance in office, for unauthorized habitual absenteeism, and orders his SUSPENSION for six (6) months and one (1) day without pay.

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RESOLUTION

PARDO, *J.*:

What is before the Court for consideration is a Memorandum dated October 13, 1999 of Atty. Luzviminda D. Puno, Clerk of Court *En Banc*, reporting the unauthorized absences of Mr. Antonio B. Macalintal, Process Server of the Office of the Clerk of Court *en banc*.

The records reveal that Mr. Macalintal filed applications for leave which were not signed by his immediate supervisor. He was, thus, considered absent without official leave (AWOL) on the following dates:

March	4, 5, 10, 11, 23, and 24;
April	7, 12, 13, 14, 15, 22, 23, 28, and 30;
May	4, 5, 6, 7, 13, 14, 18, 19, 26, 27, and 28;
June	2, 3, 7, 17 to 25; all in 1999.

Also, he incurred absences without application for leave on the following dates:

January	5, 6, 8, 11, 14, 18, 19, 21, 22, 27, and 29;
February	1 to 12, 16, 17, 18, 19, 22, and 24;
March	1, 29 and 30;
April	8, 19, 26, and 30;
May	10, 15, 21, and 24;
June	1, 9, 11, 29, and 30;
July	1, 2, 6, 7, 8, 14 to 23, 27 and 29;
August	3, 4, 5, 11 to 26; and
September	1 to 30; all in 1999.

Accordingly, on October 13, 1999, Clerk of Court *En Banc* Atty. Luzviminda D. Puno issued a memorandum informing Mr. Antonio B. Macalintal of the dates of his unauthorized absences and directing him to explain why he should not be dismissed from the service for habitual absences without official leave.

In his answer dated October 21, 1999, Mr. Antonio B. Macalintal admitted having incurred absences. He explained that he was

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suffering from illness and financial difficulties. He averred that his family's finances went awry because he granted a loan of P150,000.00 to his wife's niece. The loan remained unpaid, and he had to borrow money from his relatives to be able to pay for the matriculation and allowances of his children as well as for the continuous medication of his wife.

On November 16, 1999 Mr. Macalintal submitted a supplemental answer, stating that since his employment with the Supreme Court in 1975, he had not been involved in any offense. He also alleged that his present financial difficulties worsened when his salaries and other benefits were withheld by virtue of his unauthorized absences.

Hence, he prayed that the withheld salaries be given to him and that he be spared from the strict implementation of the penalty for his absenteeism, promising to be more punctual in reporting for work in the future.

Under Memorandum Circular No. 4, Series of 1991, of the Civil Service Commission, an officer or employee in the civil service shall be considered habitually absent if he incurs unauthorized absences exceeding the allowable 2.5 days monthly leave credits under the leave law for at least three (3) months in a semester or at least three (3) consecutive months during the year.

In this case, Mr. Macalintal admitted having incurred unauthorized absences more than that allowed by law in a given period. In fact, his absences amounted to 149 days in the year 1999 alone.

By his habitual absenteeism, Mr. Macalintal has caused inefficiency in the public service. Although we understand his plight, it does not excuse his total disregard of his official duties. Time and again, this Court has pronounced that any act which falls short of the exacting standards for public office, especially on the part of those expected to preserve the image of the judiciary, shall not be countenanced. Public office is a public trust. Public officers must at all time be accountable to the people, serve them

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with utmost degree of responsibility, integrity, loyalty and efficiency.[1]

We find Mr. Antonio B. Macalintal guilty of malfeasance in office for habitual absenteeism. Under Section 50 of Memorandum Circular No. 41, series of 1998, an official or employee who is absent without approved leave shall not be entitled to receive his salary corresponding to the period of his unauthorized leave of absence.

WHEREFORE, the Court hereby finds Mr. Antonio B. Macalintal, Process Server, Office of the Clerk of Court, guilty of malfeasance in office, for unauthorized habitual absenteeism, and orders his *SUSPENSION* for six (6) months and one (1) day without pay, commencing upon notice of this resolution.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Buena, Gonzaga-Reyes, Ynares-Santiago, and *De Leon, Jr., JJ.,* concur.

Puno, J., took no part.

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[1] *Rangel-Roque vs. Rivota,* 302 SCRA 502, 520-521 (1999), quoting *Gano vs. Leonen,* 232 SCRA 98, 101-102 (1994).