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Sereno, C.J., Carpio, Velasco, Jr., Leonardo-de Castro, Brion, Peralta, Bersamin, del Castillo, Villarama, Jr., Perez, Mendoza, Reyes, and *Leonen, JJ.,* concur.

EN BANC

[A.M. No. P-14-3232. August 12, 2014]
(Formerly: A.M. No. 14-4-46-MTCC)

Re: Report of Judge Rodolfo D. Vapor, Municipal Trial Court in Cities [MTCC], Tangub City, Misamis Occidental, on the Habitual Absenteeism of Filigrin E. Velez, Jr., Process Server, same court.

SYLLABUS

1. **POLITICAL LAW; ADMINISTRATIVE LAW; COURT PERSONNEL; HABITUAL ABSENTEEISM; WHAT CONSTITUTES HABITUAL ABSENTEEISM.—** Under Administrative Circular No. 14-2002, 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 credit 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.; FREQUENT UNAUTHORIZED ABSENCES IS CLASSIFIED AS GRAVE OFFENSE PUNISHABLE BY DISMISSAL FROM THE SERVICE FOR THE SECOND OFFENSE; EMPLOYEE'S RESOLVE TO REFORM CANNOT JUSTIFY THE INFRACTION.—** It is evident from the records that respondent Velez is guilty of habitual absenteeism for incurring unauthorized absences for the period covering 1 January up to 1 December 2011. We note that in

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the Resolution dated 11 July 2012 in A.M. No. 12-6-47-MTCC, the Court disapproved the application for leave filed by respondent Velez for the period 1 March 2011 up to 1 December 2011. All the absences he incurred during that period were thus considered unauthorized. We also note that respondent Velez was earlier charged for his unauthorized absences and tardiness in 2009. Accordingly, the Court in a Resolution dated 23 April 2012 in A.M. No. P-11-2899, suspended him for six (6) months and one (1) day. This instant administrative case is therefore the second incursion of respondent Velez. Under Section 46 (b) of the Revised Rules on Administrative Cases in the Civil Service, frequent unauthorized absences in reporting for duty is classified as a grave offense punishable by suspension of six (6) months and one (1) day to one (1) year for the first offense and dismissal from the service for the second offense. There is no question that respondent Velez is again administratively liable. Although we understand his situation and his resolve to reform, we cannot, however, ignore the fact that his habitual absenteeism has caused inefficiency in the performance of his functions. Thus, we cannot blame his judge for assigning his duties to the branch utility worker and sheriff. We cannot countenance the infractions of respondent Velez for it seriously compromise efficiency and prejudice public service.

D E C I S I O N

***PER CURIAM*:**

This administrative matter stemmed from the letter[1] dated 5 April 2011 of Judge Rodolfo D. Vapor (Judge Vapor), Municipal Trial Court in Cities (MTCC), Tangub City, Misamis Occidental, informing the Office of the Court Administrator (OCA) of the habitual absenteeism of Filigrin E. Velez, Jr. (respondent Velez), the process server of his court. He reported that for the first quarter of 2011, respondent Velez incurred twenty-three (23) absences, broken down as follows:

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[1] *Rollo,* p.6.

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MONTH YEAR	NUMBER OF ABSENCES
January 2011	1
February 2011	5
March 2011	17* *16 based on the unsigned DTR
TOTAL	**23 days**

In an indorsement dated 7 June 2011, the OCA required respondent Velez to comment on the letter of Judge Vapor.

In his letter dated 2 August 2011,[2] respondent Velez admitted having incurred the aforesaid absences. He explained that the absences were reasonable because he was undergoing treatment for liver disease, urinary tract infection and iron deficiency at that time. He attached as evidence the Medical Certificate[3] issued by Dr. Meimei R. Yu-Porlares advising him to seek further work-up and treatment for three (3) to four (4) months in higher health facilities.

Meanwhile, on 3 August 2011, Atty. Caridad A. Pabello, Chief of Office, Office of Administrative Services, OCA, directed respondent Velez to submit his Daily Time Records (DTRs) beginning March 2011 and the corresponding approved leave applications from the executive judge/presiding judge for the absences he had incurred. Respondent Velez submitted his DTRs and the corresponding leave applications, albeit without the corresponding approval of his executive/presiding judge. As culled from the documents he submitted, he incurred the following absences:

MONTH/YEAR	NUMBER OF ABSENCES	DATE OF FILING OF LEAVE APPLICATION
March 2011	16 5 (sick leave) 11 (vacation leave)	March 30, 2011 (unsigned by Presiding Judge)

[2] *Id*. at 21-22.

[3] *Id*. at 23.

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April 2011	30 (sick leave)	December 3, 2011 (unsigned by Presiding Judge)
May 2011	31 (sick leave)	- do -
June 2011	30 (sick leave)	- do -
July 2011	15 11 (sick leave) 4 (vacation leave)	- do -
August 2011	31 (sick leave)	- do -
September 2011	30 (sick leave)	- do -
October 2011	31 (sick leave)	- do -
November 2011	30 (sick leave)	- do -

In his letter dated 10 October 2011, respondent Velez contended that he had been incurring absences because of an illness, by reason of which he was already being treated by a psychiatrist, Dr. Mario B. Estella. He admitted that he was an alcoholic and that he was undergoing detoxification and rehabilitation at the It Works Rehabilitation Center in Tinago, Ozamis City, Misamis Occidental. He attached the Substance Use Evaluation Report of Dr. Estella as his proof. He maintained that he shall be ready to resume his duty as soon as he had fully recovered. He requested that his absences be considered excusable.

On 1 December 2011, Judge Vapor informed the OCA that respondent Velez failed to report for work for the entire months of October and November 2011. He recommended that respondent Velez be dropped from the rolls.

In his letter dated 20 February 2012, Judge Vapor reported that while respondent Velez returned to work for the month of

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January 2012, he was no longer given any task and his duties were distributed to the court's utility worker and sheriff. Judge Vapor reiterated his recommendation for the dropping of respondent Velez from the rolls.

In its Report[4] dated 27 March 2014, the OCA recommended that respondent Velez be found guilty of habitual absenteeism and, accordingly, be dismissed from the service.

We adopt the findings and recommendation of the OCA.

Under Administrative Circular No. 14-2002,[5] 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 credit under the leave law for at least three (3) months in a semester or at least three (3) consecutive months during the year.

It is evident from the records that respondent Velez is guilty of habitual absenteeism for incurring unauthorized absences for the period covering 1 January up to 1 December 2011. We note that in the Resolution dated 11 July 2012 in A.M. No. 12-6-47-MTCC, the Court disapproved the application for leave filed by respondent Velez for the period 1 March 2011 up to 1 December 2011. All the absences he incurred during that period were thus considered unauthorized.

We also note that respondent Velez was earlier charged for his unauthorized absences and tardiness in 2009. Accordingly, the Court in a Resolution dated 23 April 2012 in A.M. No. P-11-2899, suspended him for six (6) months and one (1) day. This instant administrative case is therefore the second incursion of respondent Velez.

Under Section 46 (b) of the Revised Rules on Administrative Cases in the Civil Service,[6] frequent unauthorized absences in

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[4] *Id*. at 1-4.

[5] Reiterating the Civil Service Commission's Policy on Habitual Absenteeism dated 18 March 2002 and took effect on 1 April 2002.

[6] Dated 18 November 2011.

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reporting for duty is classified as a grave offense punishable by suspension of six (6) months and one (1) day to one (1) year for the first offense and dismissal from the service for the second offense.

There is no question that respondent Velez is again administratively liable. Although we understand his situation and his resolve to reform, we cannot, however, ignore the fact that his habitual absenteeism has caused inefficiency in the performance of his functions. Thus, we cannot blame his judge for assigning his duties to the branch utility worker and sheriff. We cannot countenance the infractions of respondent Velez for it seriously compromise efficiency and prejudice public service.

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 times be accountable to the people, serve them with utmost degree of responsibility, integrity, loyalty and efficiency.[7]

WHEREFORE, we find Filigrin E. Velez, Jr., Process Server, Municipal Trial Court in Cities, Tangub City, Misamis Occidental, **GUILTY** of **HABITUAL ABSENTEEISM**. Accordingly, we **DISMISS** him from the service with forfeiture of all retirement benefits, except accrued leave credits, and with prejudice to reemployment in any branch or instrumentality of the government, including government owned or controlled corporations.

SO ORDERED.

Sereno, C.J., Carpio, Velasco, Jr., Leonardo-de Castro, Brion, Peralta, Bersamin, del Castillo, Villarama, Jr., Perez, Mendoza, Reyes, Perlas-Bernabe, and *Leonen, JJ.,* concur.

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[7] *Executive Judge Rangel-Roque v. Rivota*, 362 Phil. 136, 149 (1999) citing *Gano v. Leonen,* A.M. No. P-92-756, 3 May 1994, 232 SCRA 98, 101-102.