

June 3-4, 13-14	4.0 days
August 5-8, 15, 28	6.0 days
September 2-5, 9-13, 26	10.0 days
October 7-9, 14, 16-18, 21	8.0 days
November 4-6, 14	4.0 days

On 13 November 2014, the OCA issued a 1st Indorsement² directing Tuzon to comment on the aforesaid report. However, he failed to comply with the said directive, thus, on 10 August 2015, the OCA issued a Tracer³ reiterating its earlier directive for him to file a comment. No comment has been filed to this date.

On 27 June 2016, the Court, in A.M. No. 16-04-88-RTC,⁴ issued a Resolution dropping Tuzon from the rolls effective 1 March 2014, for having been on absence without official leave (*AWOL*). The resolution held that respondent Tuzon “*is still qualified to receive any benefit that he may be entitled to under existing laws and be re-employed in the government, without prejudice to the outcome*” of the present case, i.e., A.M. No. 14-10-322-RTC.

In an agenda report dated 10 April 2017, the OCA recommended that:

- (1) the Report dated 16 October 2014 of Mr. Ryan U. Lopez, Officer-In-Charge, Employees’ Leave Division, Office of Administrative Services, Office of the Court Administrator, be **RE-DOCKETED** as a regular administrative matter against respondent Rabindranath A. Tuzon, OIC/Court Legal Researcher II, Branch 91, Regional Trial Court, Baler, Aurora, for *Habitual Absenteeism*; and
- (2) respondent Tuzon be found **GUILTY** of Habitual Absenteeism; and
- (3) accordingly, since respondent Tuzon has been dropped from the rolls, the following **ACCESSORY PENALTIES** may be imposed on him: **CANCELLATION OF ELIGIBILITY, FORFEITURE OF RETIREMENT BENEFITS, PERPETUAL DISQUALIFICATION OF HOLDING PUBLIC OFFICE AND BAR FROM TAKING CIVIL SERVICE EXAMINATIONS.**

We adopt the findings of the OCA.

Administrative Circular No. 14-2002⁵ it provides that:

² Id. at 5.

³ Id. at 6.

⁴ As per Agenda of OCA-Legal Division dated 10 April 2017.

⁵ Reiterating the Civil Service Commission’s Policy on Habitual Absenteeism.

Jose Lopez - [Signature]

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 law for at least three (3) months in a semester or at least three (3) consecutive months during the year.⁶

We have often held that, by reason of the nature and functions of their office, officials and employees of the Judiciary must be role models in the faithful observance of the constitutional canon that public office is a public trust. Inherent in this mandate is the observance of prescribed office hours and the efficient use of every moment thereof for public service, if only to recompense the Government, and ultimately, the people who shoulder the cost of maintaining the Judiciary. Thus, to inspire public respect for the justice system, court officials and employees are at all times behooved to strictly observe official time. As punctuality is a virtue, absenteeism and tardiness are impermissible.⁷

Since Tuzon was been absent for 4 days in June, 6 days in August, 10 days in September, 8 days in October, and 4 days in November 2013, there is no dispute that he had been habitually absent.

Administrative Circular No. 14-2002 and *The Uniform Rules on Administrative Cases in the Civil Service* impose the penalty of suspension of 6 months and 1 day to 1 year, for the first offense, and dismissal, for the second offense, in case of frequent unauthorized absences. However, in the determination of the penalty to be imposed, attendant circumstances, such as physical fitness, habituality, and length of service in the government, may be considered.⁸

Here, it is noteworthy to stress that the OCA report shows that the Court, in prior resolutions, had penalized Tuzon with a reprimand for his habitual tardiness,⁹ and with a six-month suspension for grave misconduct.¹⁰ Hence, we cannot find any circumstance which can mitigate the imposable penalty.

WHEREFORE, the Court finds respondent Rabindranath A. Tuzon, OIC/Legal Researcher II, Branch 91, Regional Trial Court, Baler, Aurora, **GUILTY** of habitual absenteeism. He is hereby ordered **DISMISSED** from the service, with forfeiture of all retirement benefits, except for any accrued leave credits; cancellation of eligibility, bar from taking civil service examinations, and with prejudice to re-employment in any government

⁶ Memorandum Circular No. 04, Series 1991, of the Civil Service Commission.

⁷ Re: Imposition of Corresponding Penalties for Habitual Tardiness Committed During the First and Second Semesters of 2003, A.M. No. 00-06-09-SC, 16 March 2004, 425 SCRA 508, 517-518.

⁸ CSC Memorandum Circular No. 19, s. 1999, Section 53.

⁹ Resolution dated 6 August 2014 in A.M. No. P-14-3250.

¹⁰ Re: Anonymous Letter v. Judge Soluren, et al. 745 Phil. 22 (2014).

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branch or instrumentality, including government-owned or-controlled corporations.

SO ORDERED.



MARIA LOURDES P.A. SERENO
Chief Justice



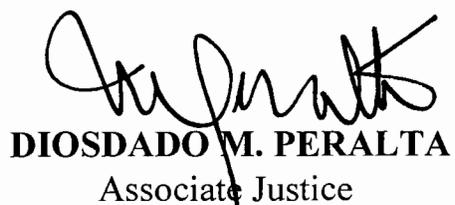
ANTONIO T. CARPIO
Associate Justice



PRESBITERO J. VELASCO, JR
Associate Justice



TERESITA J. LEONARDO-DE CASTRO
Associate Justice

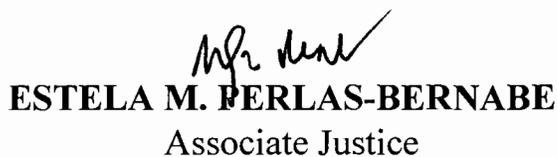


DIOSDADO M. PERALTA
Associate Justice

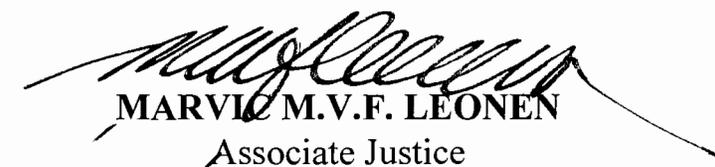
(On Official Leave)
LUCAS P. BERSAMIN
Associate Justice



MARIANO C. DEL CASTILLO
Associate Justice

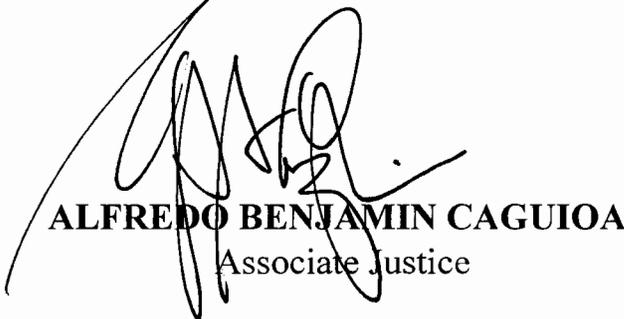


ESTELA M. PERLAS-BERNABE
Associate Justice



MARVIC M.V.F. LEONEN
Associate Justice

(On Leave)
FRANCIS H. JARDELEZA
Associate Justice



ALFREDO BENJAMIN CAGUIOA
Associate Justice

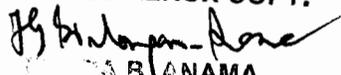

SAMUEL R. MARTIRES
Associate Justice


NOEL GIMENEZ TIJAM
Associate Justice


ANDRES B. REYES, JR.
Associate Justice

(On Leave)
ALEXANDER G. GESMUNDO
Associate Justice

CERTIFIED XEROX COPY:



MARIA B. ANAMA
CLERK OF COURT, EN BANC
SUPREME COURT