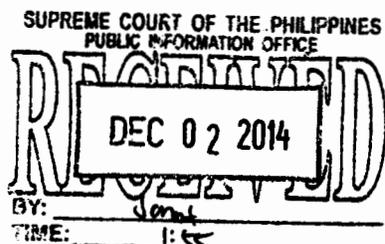




REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **13 October 2014** which reads as follows:

**A.M. No. 2014-08-SC: (RE: UNAUTHORIZED/DISAPPROVED ABSENCES OF CARLITO A. CURITANA, UTILITY WORKER II, DETAILED IN THE RECORDS DIVISION, OFFICE OF ADMINISTRATIVE SERVICES)**

X-----X

This resolves the matter of the disapproved and/or unauthorized absences incurred by Mr. Carlito A. Curitana (Curitana), Utility Worker II, Records Division, Office of Administrative Services, Supreme Court, for the year 2014.

The memorandum<sup>1</sup> dated September 12, 2014 of the Office of Administrative Services summarizes the report dated August 4, 2014 of the said office's Leave Division, as to the alleged habitual absenteeism of Curitana. His daily time record reveals that he incurred the following absences from January to July 2014, summarized below:<sup>2</sup>

Month	No. of approved leave applications [in days]	No. of disapproved/ unauthorized absences incurred [in days]
1. January	8.5	0
2. February	6	0
3. March	11	0
4. April	8.5	0
5. May	3	4
6. June	2	8
7. July	0	7.25
<b>Total</b>	<b>39 days</b>	<b>19.25 days</b>

Pertinent to the case is Curitana's absences of four (4) days in May, eight (8) days in June, and 7.25 days in July.

On August 5, 2014, the Office of Administrative Services required Curitana "to explain in writing within five (5) days from receipt of notice why he should not be held administratively liable as regards the

<sup>1</sup> Rollo, pp. 1-6.

<sup>2</sup> Id. at 1.

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unauthorized absences he incurred for the months of May, June and July 2014.”<sup>3</sup>

In his letter<sup>4</sup> dated August 7, 2014, Curitana justified his absences in the following manner:

On *May 2, 2014*, I went to the office but followed-up my sticker with the Land Transportation Commission, Laguna. . . . I applied for a vacation leave for that day. However, I do not remember why I was absent on *May 19, 2014*.

On *May 28, 2014*, I suffered a mild stroke . . . while working at the office and was brought to the Manila Medical Center for treatment. I left the hospital after initial treatment. The following day, I was brought to the Our Lady of Lourdes Hospital when I felt the same symptoms. . . . I was referred to the Manila Doctors Hospital where I stayed until *June 2, 2014*. I remembered that I returned to work the following day despite the medical advised [sic] of my attending physicians. However, since I am still weak, I rested at home from June 3 and 4, and filed the necessary application for leave after my return.

On *June 18, 2014*, I’m not feeling well so I went to our Clinic and [was] diagnosed to have flue [sic]. I rested for two (2) days (June 19 and 20). On *June 25 and 30*, I again absented myself from work because of continued weakness and dizziness.

On *July 7, 2014*, Dr. Jose Noel Mendoza of our clinic and Mr. Edgardo Cruz, Chief of Division, Records Control Division, visited me at my home and found me still weak. Dr. Mendoza suggested that I be confined at the hospital where I can receive the proper medical care. . . . The following day, *July 18, 2014*, I returned to work and consulted with the SC Clinic, I was diagnosed to be suffering from Influenza.<sup>5</sup> (Emphasis supplied)

Curitana also alleged that he was depressed due to family and financial problems, thus, resulting in his illnesses.<sup>6</sup> He asked for “forgiveness, kindness and compassion”<sup>7</sup> from this court. To support his letter, Curitana submitted medical certificates.<sup>8</sup>

The Office of Administrative Services found Curitana guilty of conduct prejudicial to the best interest of the service due to his unauthorized or disapproved absences in relation to Supreme Court Administrative

<sup>3</sup> Id. at 2.

<sup>4</sup> Id. at 7.

<sup>5</sup> Id.

<sup>6</sup> Id.

<sup>7</sup> Id.

<sup>8</sup> Id. at 2–3, 8, and 11–13. Curitana submitted medical certificates issued by the Supreme Court Clinic doctors, Jose Noel J. Mendoza and Mary Ann D. Barrientos, and Manila Doctors Hospital doctor, Jose T. Sanchez.

Circular No. 14-2002<sup>9</sup> dated March 18, 2002.<sup>10</sup> It also recommended that Curitana “be SUSPENDED for fifteen (15) days without pay, with a warning that the commission of the same or similar [acts] in the future shall be dealt with more severely.”<sup>11</sup>

According to the Office of Administrative Services, Curitana’s leave applications for May 28 to 29, 2014 should have been approved due to the mild stroke he suffered. The approval of leave applications for these days reduced Curitana’s unauthorized or disapproved absences for May 2014 from four days to only two days. The reduction prevented Curitana’s absences from being classified as “habitual.”<sup>12</sup>

Nevertheless, Administrative Circular No. 14-2002 provides that even if the absenteeism or tardiness “[does] not qualify as ‘[h]abitual’ or ‘[f]requent’ . . . [it] shall be dealt with severely . . .”<sup>13</sup> as a matter of policy. The Office of Administrative Services also considered Curitana’s “belated filing of leave application[s] and prolonged absences in June and July, despite his clearance to be ‘fit to work.’”<sup>14</sup> In determining the appropriate penalty, the Office of Administrative Services factored in Curitana’s length of service, prior infractions and record, physical fitness, and remorse.<sup>15</sup>

We agree with and adopt the findings and recommendations of the Office of Administrative Services.

This court has held before 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

<sup>9</sup> See Memorandum Circular No. 04 (1991) on the Civil Service Commission's policy on habitual absenteeism:

A. Habitual Absenteeism

1. 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;

<sup>10</sup> *Rollo*, pp. 3 and 6.

<sup>11</sup> *Id.* at 6.

<sup>12</sup> *Id.* at 4.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.* at 5.

tardiness are impermissible.<sup>16</sup> (Citation omitted)

Supreme Court Administrative Circular No. 14-2002 in relation to Civil Service Commission Memorandum Circular No. 04, Series of 1991, provides that:

1. 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[.]

Habitual absenteeism is punished by suspension of six (6) months and one (1) day to one (1) year for the first offense and dismissal for the second offense.<sup>17</sup> Absenteeism is conduct prejudicial to the interest of the service such that:

A court employee's absence without leave for a prolonged period of time, constitutes conduct prejudicial to the best interest of public service and warrants the penalty of dismissal. . . .<sup>18</sup>

Rule 10, Section 46(B) of the Revised Rules on Administrative Cases in the Civil Service (RRACCS)<sup>19</sup> imposes the same penalty for frequent unauthorized absences and conduct prejudicial to the best interest of the service, which is suspension for six (6) months and one (1) day to one (1) year for the first offense and dismissal from the service for the second offense.

With the reduction of Curitana's unauthorized absences for the period of May to July 2014, his prolonged absences cannot be considered as "habitual." However, this court's ruling in *Balingit v. Laranang*,<sup>20</sup> with similarities to the present administrative matter, finds application:

Given the foregoing yardsticks, *respondent's absences can neither be classified as frequent nor habitual, for such absences were not in reality unauthorized as her applications for leave were eventually duly approved by the OAS-OCA.* Be that as it may, Section II of Administrative Circular No. 2-99 entitled "Strict Observance Of Working Hours And Disciplinary Action for Absenteeism And Tardiness" lays down the degree of stringency which must be adopted in the determination of the proper sanctions to be imposed, viz:

<sup>16</sup> *Re: Habitual Absenteeism of Mr. Fernando P. Pascual*, 507 Phil. 546, 548-549 (2005) [Per J. Ynares-Santiago, En Banc].

<sup>17</sup> See Supreme Court Administrative Circular No. 14-2002 dated March 18, 2002.

<sup>18</sup> *Loyao, Jr. v. Manatad*, 387 Phil. 337, 344 (2000) [Per Curiam, En Banc].

<sup>19</sup> CSC Resolution No. 1101502 (2011).

<sup>20</sup> 559 Phil. 610 (2007) [Per J. Garcia, First Division].

II. Absenteeism and tardiness, even if such do not qualify as "habitual" or "frequent" under Civil Service Commission Memorandum Circular No. 04, Series of 1991, shall be dealt with severely, and any falsification of daily time records to cover up for such absenteeism and/or tardiness shall constitute gross dishonesty or serious misconduct.

*Respondent's repeated absences have, to be sure, undermined public service. Time and again, this Court has pronounced that any act which falls short of the exacting standards for public office, especially by those who are expected to preserve the good 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.*<sup>21</sup> (Emphasis supplied)

As the Office of Administrative Services correctly found, Curitana's "prolonged absences greatly affected work in the Records Division, which prejudiced the delivery of service to the public."<sup>22</sup> His medical condition does not exculpate him from what is owed to the public in view of the nature of his position.

Under Rule 10, Section 48 of the RRACCS, physical fitness, good faith, first offense, length of service, and other analogous circumstances may be appreciated in determining the penalty to be imposed.<sup>23</sup> This court has repeatedly extended its compassion to erring employees, taking into consideration several mitigating factors.

In *Dayaon v. De Leon*,<sup>24</sup> this court considered respondent's "length of service, acknowledgment of her infraction and apology to determine the appropriate penalty."<sup>25</sup> Moreover, this court previously held that "where a penalty less punitive would suffice, whatever missteps may be committed by labor ought not to be visited with a consequence so severe."<sup>26</sup>

Curitana has been with the judiciary since 1989.<sup>27</sup> He substantially complied with the rules with the submission of his leave applications despite its lateness.<sup>28</sup> This is the first instance that Curitana has incurred unauthorized absences.<sup>29</sup> He has shown remorse for his actions and has pleaded for this court's benevolence.<sup>30</sup> The Office of Administrative

<sup>21</sup> Id. at 620-621.

<sup>22</sup> *Rollo*, p. 4.

<sup>23</sup> CSC Resolution No. 1101502 (2011), Rule 10, sec. 48(a), (b), (l), (n), and (o).

<sup>24</sup> *Dayaon v. De Leon*, A.M. No. P-11-2926, February 1, 2012, 664 SCRA 513 [Per J. Carpio, Second Division].

<sup>25</sup> Id. at 518.

<sup>26</sup> *Re: Habitual Absenteeism of Mr. Fernando P. Pascual*, 507 Phil. 546, 550 (2005) [Per J. Ynares-Santiago, En Banc].

<sup>27</sup> *Rollo*, p. 5.

<sup>28</sup> Id.

<sup>29</sup> Id.

<sup>30</sup> Id.

Services notes, however, that this court has previously called Curitana's attention for his failure to file leave applications on time.<sup>31</sup>

In line with the above discussion, we find the Office of Administrative Services' recommended penalty of suspension for fifteen (15) days without pay commensurate to Curitana's absenteeism.

**WHEREFORE**, respondent Carlito A. Curitana, Utility Worker II, Records Division, Office of Administrative Services, is **GUILTY** of conduct prejudicial to the best interest of the service due to his unauthorized absences in office. Curitana is **SUSPENDED** for fifteen (15) days without pay, with a **WARNING** that the commission of the same or similar infraction in the future shall be dealt with more severely.

**SO ORDERED.**

Very truly yours,

  
MA. LOURDES C. PERFECTO  
Division Clerk of Court *MLP*

OFFICE OF ADMINISTRATIVE SERVICES (x)  
Supreme Court, Manila

CARLITO A. CURITANA (x)  
Utility Worker II  
Records Division, OAS  
Supreme Court, Manila

OFFICE OF THE CHIEF ATTORNEY (x)  
OFFICE OF THE REPORTER (x)  
Supreme Court, Manila

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A.M. No. 2014-08-SC. 10/13/14 (129)SR

<sup>31</sup> Id.