

EN BANC

[A.M. No. 18-06-07-CA, June 25, 2019]

RE: UNAUTHORIZED ABSENCES OF CHRISTOPHER MARLOWE J. SANGALANG, CLERK III, COURT OF APPEALS, MANILA.

RESOLUTION

PER CURIAM:

For resolution is the Report^[1] dated April 30, 2018 submitted by Juanita P. Tibayan-Castro, Chief Judicial Staff Officer, Personnel Division of the Court of Appeals with reference to respondent Christopher Marlowe J. Sangalang's (*Sangalang*) frequent unauthorized absences (habitual absenteeism) from January 2017 to March 2018.

Based on the report, from January 2017 to March 2018, Sangalang's total absences were 108.9 or an average of 7.26 days per month, exceeding the allowable absences of 2.5 days per month. From July 2017 to March 2018, he failed to file the required application for leave of absence for all incurred absences. Sangalang was warned both verbally and in writing of his absences, and was also reminded to file his application for leave of absence but such warnings were unheeded. With regard to his tardiness, he has been tardy 91 times in the 187 days he reported to office, almost half of the time he was present he was late.^[2]

Further, in the Follow-up Report^[3] dated May 9, 2018, Chief Judicial Staff Officer Tibayan-Castro also averred that on April 1, 2016, an Inter-Office Memorandum was issued to Sangalang which required him to explain in writing why he punched his Bundy card but did not report to work, and failed to inform the office of his whereabouts. In his Answer^[4] dated April 4, 2016, Sangalang admitted his oversight and begged the indulgence of the Office and promised that the same will not happen anymore.

Because of Sangalang's failure to improve his attendance in reporting for work despite warnings, Chief Judicial Staff Officer Tibayan-Castro recommended that Sangalang be suspended for a period of six (6) months and one (1) day for frequent unauthorized absences in violation of Section 50(B), Rule 10 of the Administrative Offenses and Penalties of the 2017 Rules on Administrative Cases in the Civil Service.^[5]

On May 15, 2018, in the Report and Recommendation^[6] docketed as INV. REF. No. 02-2018-RFB, Atty. Teresita R. Marigomen, Clerk of Court of the Court of Appeals, recommended that Sangalang be suspended for a period of six (6) months and one (1) day for unauthorized absences (habitual absenteeism).^[7]

On June 8, 2018, Justice Romeo F. Barza, Presiding Justice of the Court of Appeals, referred to the Office of the Court Administrator (OCA), the Report and

Recommendation dated May 15, 2018 and the records on Investigation Reference No. 02-2018-RFB.^[8]

On July 27, 2018, the OCA referred to Sangalang the Letter dated April 30, 2018 of Ms. Juanita P. Tibayan-Castro, charging him of unauthorized absences, and required him to comment on the allegation against him.^[9]

In his Answer^[10] dated August 8, 2018, Sangalang manifested that he would not contest the charge of unauthorized absences against him. He manifested acceptance of the recommended suspension from office albeit requested that the suspension be imposed much later in order for him to receive the benefits due him for the year 2018. He also promised to be a better person after he reports back to work from suspension.

On January 17, 2019, the OCA recommended that the instant matter be redocketed as a regular administrative matter against Sangalang. It also recommended that Sangalang be found guilty of habitual absenteeism and be suspended from office for a period of six (6) months and one (1) day, with a warning that a repetition of the same offense shall warrant his dismissal from the service.

RULING

Administrative Circular No. 14-2002^[11] provides that an employee in the Civil Service shall be considered habitually absent if he or she incurs "unauthorized absences exceeding the allowable 2.5 days monthly leave credit under the law for at least three (3) months in a semester or at least three (3) consecutive months during the year."

In the instant case, the OCA found that Sangalang had incurred absences totaling to 75.9 days spread from January to December 2017, and a total of 33 days of absences for the period January to March 2018.^[12] From the total of 108.9 absences from January 2017 to March 2018, Sangalang failed to file the required application for leave of absence for all his absences incurred within the period of nine (9) months, or from July 2017 to March 2018. Thus, Sangalang's absences from July 2017 to March 2018, which totaled to 75 days are all unauthorized due to lack of leave approval. Significantly, when the OCA required Sangalang to answer the charges against him, he offered no explanation and unabashedly requested that his suspension be imposed on a later date to enable him to receive the benefits due him for 2018. The OCA observed that Sangalang was anything but remorseful in his comment on his unauthorized absences.

Time and again, this Court has made the pronouncement 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. A court employee's repeated absences without leave constitutes conduct prejudicial to the best interest of public service and warrants the penalty of dismissal from the service with forfeiture of benefits.^[13]

Conduct is prejudicial to the public service if it violates the norm of public