

EN BANC

[A.M. No. P-17-3710 [Formerly A.M. No. 13-6-44-MeTC], March 13, 2018]

OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. VLADIMIR A. BRAVO, COURT INTERPRETE II, BRANCH 24, METROPOLITAN TRIAL COURT, MANILA, RESPONDENT.

[A.M. No. P-18-3822 [Formerly A.M. No. 13-7-62-MeTC]]

OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. VLADIMIR A. BRAVO, COURT INTERPRETER II, BRANCH 24, METROPOLITAN TRIAL COURT, MANILA, RESPONDENT.

DECISION

PER CURIAM:

Time and again, We must recapitulate that 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.^[1]

Factual Antecedents

These consolidated administrative cases discuss the habitual absenteeism of Vladimir A. Bravo (*Bravo*), Court Interpreter II, of the Metropolitan Trial Court (*MeTC*), Manila, Branch 24.

Teodora R. Balboa, the Branch Clerk of Court of the MeTC, Br. 24, Manila, wrote in a letter dated December 11, 2012, to the Office of the Court Administrator (*DCA*) requesting the latter that Bravo be considered Absent Without Official Leave (*AWOL*), in view of Bravo's continuous absence since September 19, 2012, up to the date of this letter, without filing any leave of absence.^[2] Thus, the OCA issued a 1st Indorsement dated June 19, 2013, directing Bravo to comment on the aforesaid report. However, he failed to comply with the said directive, thus, on April 23, 2014, the OCA issued a Tracer^[3] reiterating its earlier directive for him to file a comment. No comment has been filed to this date.

As to Bravo's second violation, a directive^[4] was sent to him dated July 15, 2013, directing him to comment on the charge against him. However, he did not comment as well. Thus, a Tracer^[5] dated April 23, 2014, was dispatched to Bravo's residence referring to the Certification dated June 18, 2013 of Ms. Irmina Cristina G. Permito, Officer-in-Charge, Employees Leave Division, Office of Administrative Services (*OAS*), OCA, directing him to file his comment.^[6] However, instead of filing his comment, he tendered his resignation from the Judiciary effective on August 23,

2013.^[7]

As evinced in the certifications submitted by the Leave Division, OAS, OCA, it discloses that Bravo has incurred the following unauthorized absences in the years 2012^[8] and 2013,^[9] respectively:

Year 2012	
MONTHS	NUMBER OF DAYS ABSENT
September 1-30	20
October 1-31	21.5
November 5-29	19
December 3-18	12

Year 2013	
MONTHS	NUMBER OF DAYS ABSENT
March	19
April	21
May	21

Report and Recommendation of the Office of the Court Administrator

In its Administrative Matter for Agenda^[10] dated February 9, 2017, the OCA aptly observed that Bravo's refusal to comment can be interpreted as an admission of the charges against him. In a similar case,^[11] it was held that it is totally against human nature to remain silent and say nothing in the face of false accusations. Here, Bravo made no effort to explain his unauthorized absences and instead tried to circumvent his impending liability by tendering his resignation from the Judiciary. The Court Administrator explained that Bravo's resignation from the service keeps the door open for a possible re-employment in the Judiciary. Thus, to prevent his re-employment, the imposition of the accessory penalties of dismissal, *i.e.*, forfeiture of separation benefits and privileges, except accrued leave credits, and with prejudice to re-employment in the government is called for.

The Court Administrator recommended that the complaint be re-docketed as a regular administrative matter and that Bravo be held liable for two (2) counts of habitual absenteeism, for the periods September 2012 to February 2013, and March 2013 to May 2013, and be meted the penalty of dismissal from the service, but considering that he has already resigned from the service, that Bravo be meted with the accessory penalties of forfeiture of all benefits, except accrued leave credits, if any, **and with prejudice to re-employment in any branch or instrumentality of the government, including government-owned or controlled corporations.** ^[12]

The Court *En Banc* issued a Resolution^[13] dated June 20, 2017, which consolidated A.M. No. 13-7-62-MeTC with A.M. No. 13-6-44-MeTC, and re-docketed this case as a

regular administrative matter.

Issue

Whether or not Bravo is guilty of habitual absenteeism such that he must be meted the penalty of being barred from entering public service.

The Court's Ruling

The Court resolves to adopt the findings and recommendations of the OCA, and holds Bravo guilty of habitual absenteeism.

Under Memorandum Circular No. 4, Series of 1991, of the Civil Service Commission (CSC), an officer or 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 leave law for at least three (3) months in a semester; or at least three (3) consecutive months during the year.** To stress, mere failure to file leave of absence does not by itself result in any administrative liability. However, unauthorized absence is punishable if the same becomes frequent or habitual. Absences become habitual only when an officer or employee in the civil service exceeds the allowable monthly leave credit, which is 2.5 days within the given time frame.^[14]

Applying the foregoing rule, Bravo is considered to have incurred unauthorized absences exceeding the allowable period by law. Bravo incurred 72.5 absences in the year 2012, while in 2013, he incurred 61 unauthorized absences. In sum, Bravo incurred a total of 133.5 unauthorized absences. Clearly, beyond what is allowed by law. This is aggravated by the fact that he made no effort to offer any reasonable explanation as to why he should not be penalized.

The Court Administrator aptly observed that it appears that Bravo resigned from the service in order to preserve an opportunity for a re-employment in the Judiciary. Such scheme employed by Bravo to evade the dire consequences of his acts cannot be countenanced by this Court, lest allow unbecoming individuals to blemish the high standards attributed to officials and employees in the Judiciary.

By reason of the nature and functions of their office, officials and employees of the Judiciary must faithfully observe the constitutional canon that public office is a public trust. This duty calls for the observance of prescribed office hours and the efficient use of official time 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 should, at all times, strictly observe official time.^[15] Frequent unauthorized absences are inimical to public service, and for this, the respondent must be meted the proper penalty. Indeed, even with the fullest measure of sympathy and patience, the Court cannot act otherwise since the exigencies of government service cannot and should never be subordinated to purely human equations.^[16]

Similarly, in *Balloguing v. Dagan*,^[17] wherein a utility worker in a Regional Trial Court who has incurred unauthorized absences was dismissed from the service. The