EN BANC

[A.M. No. P-13-3115 (Formerly A.M. No. 13-3-41-RTC], June 04, 2013]

RE: DROPPING FROM THE ROLLS OF JOYLYN R. DUPAYA, Court Stenographer III, Regional Trial Court, Branch 10, Aparri, Cagayan.

R E S O L U T I O N

PER CURIAM:

Judge Pablo M. Agustin (*Judge Agustin*), Presiding Judge of Branch 10, Regional Trial Court, Aparri, Cagayan, referred to the Office of the Court Administrator (*OCA*) the case of Ms. Joylyn R. Dupaya (*Dupaya*), Court Stenographer III, whose performance was rated as "unsatisfactory" for two consecutive periods, from January to June 2011 and from July to December 2011.

In his Memorandum, dated May 8, 2012, 1 Judge Agustin directed Dupaya to explain her continuous absence despite written and verbal warnings and her failure to transcribe the stenographic notes in numerous instances, thus, causing delay in the preparation of decisions. Judge Agustin mentioned that Dupaya received two (2) consecutive "unsatisfactory" performance ratings, and that despite the poor rating given to her for the period, January to June 2011, she did not show any initiative to improve her performance.

Despite the notice, however, Dupaya failed not only to submit a written explanation, but also to show improvement in her work in the subsequent semester.

Thus, in a letter dated October 25, 2012[2] to the OCA, Judge Agustin recommended that Dupaya be dropped from the rolls for obtaining "unsatisfactory" performance ratings for two (2) consecutive rating periods.

In its Memorandum, dated January 29, 2013,[3] the OCA agreed with the report of Judge Agustin on Dupaya's unsatisfactory ratings and recommended that she be dropped from the rolls and her position be declared vacant.

The Court agrees.

Section 2, Rule XII of the Omnibus Rules on Appointments and other Personnel Actions provides that:[4]

> 2.2 Unsatisfactory or Poor Performance
>
> a. An official or employee who is given two (2) consecutive unsatisfactory ratings may be dropped from the rolls after due notice. Notice shall mean