

EN BANC

[A.M. No. 2007-13-SC, April 14, 2008]

RE: HABITUAL ABSENTEEISM OF MR. ERWIN A. ABDON, Utility Worker II.

R E S O L U T I O N

CORONA, J.:

This administrative matter refers to the habitual absenteeism of Erwin A. Abdon, utility worker II detailed at the Records Division of the Office of Administrative Services (OAS).

The Chief of the Complaints and Investigation Division of the OAS received a report^[1] that Abdon incurred the following unauthorized absences in the first semester of 2007: six absences in January, five absences in February and 20 absences in June.

Abdon was given five days within which to explain why he should not be held administratively liable for habitual absenteeism.

Abdon submitted his explanation^[2] on July 24, 2007. He admitted incurring the unauthorized absences. He attributed them, however, to severe pain in his hands and feet due to acute gouty arthritis which prevented him from reporting for work. He submitted a medical certificate issued by Dr. Ma. Consuelo M. Bernal^[3] of the Court's Clinic Services to the effect that he was examined for acute gouty arthritis on January 3 and 9, 2007 and February 7 to 10, 2007. He also submitted a medical certificate issued by Dr. Nora S. Marcelo-Maclang confirming that his absences in June 2007 were due to acute gouty arthritis.^[4]

Abdon asked for compassion and understanding with the promise to make up for his infraction in the future by trying his best to report for work despite his recurring illness.

In a memorandum^[5] dated November 16, 2007, the OAS, thru Atty. Eden T. Candelaria,^[6] stated that while Abdon's absences on January 9, 2007 and February 8, 2007 as well as his 20 absences in June 2007 were due to illness as shown by the medical certificates of Drs. Bernal and Marcelo-Maclang, these absences as well as his five other absences in January 2007 and four other absences in February were all unauthorized. The OAS also noted that Abdon had been previously reprimanded by the Court for unauthorized absences in A.M. No. 2005-17-SC.^[7] Nonetheless, the OAS considered the reason for Abdon's absences (that is, his health problems) as a mitigating circumstance. It recommended that Abdon be found guilty of habitual absenteeism and suspended for one month with a warning that the commission of the same or similar infraction in the future would be dealt with more severely.

We adopt the findings and recommendation of the OAS.

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.^[8] 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.^[9] Thus, to inspire public respect for the justice system, court officials and employees should at all times strictly observe official time.^[10] As punctuality is a virtue, absenteeism and tardiness are impermissible.^[11]

Administrative Circular No. 14-2002 (Reiterating the Civil Service Commission's Policy on Habitual Absenteeism) provides:

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

Considering Abdon's unauthorized absences in January (six), February (five) and June (20) last year, it is clear that he was a habitual absentee.

In case of habitual absenteeism, Administrative Circular No. 14-2002 and The Uniform Rules on Administrative Cases in the Civil Service impose the penalty of suspension of six months and one day to one year for the first offense and dismissal for the second offense. 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.

Abdon has been with the Court since 1994. His claim that his absences were due to the severe pain from acute gouty arthritis was corroborated by the medical certificates of Drs. Bernal and Marcelo-Maclang. He admitted his infractions, asked for forgiveness and understanding and promised to reform. It also appears that he did not deliberately absent himself from work as he submitted applications for leave but they were disapproved because he had insufficient leave credits.

In several cases, the Court has mitigated the imposable penalty for special reasons.^[12] We have also considered length of service in the judiciary, acknowledgment of infractions, remorse and other family circumstances, among others, in determining the proper penalty.^[13] We have also ruled that where a penalty less punitive would suffice, whatever missteps may have been committed ought not to be meted a consequence so severe. The law is concerned not only with the employee but with his family as well. Unemployment brings untold hardship and sorrow to those dependent on the wage-earner.^[14] In the present case, all relevant circumstances considered, we deem the penalty of suspension for one month recommended by the OAS as reasonable.

WHEREFORE, Erwin A. Abdon, utility worker II at the Records Division of the Office of Administrative Services is hereby found **GUILTY** of habitual absenteeism and is