

## THIRD DIVISION

[ A.M. NO. 07-2-92-RTC, July 24, 2007 ]

**RE: HABITUAL ABSENTEEISM OF MS. EVA ROWENA J. YPIL,  
COURT LEGAL RESEARCHER II, REGIONAL TRIAL COURT,  
BRANCH 143, MAKATI CITY.**

### RESOLUTION

**NACHURA, J.:**

The instant administrative matter arose from the unauthorized absences incurred by respondent Eva Rowena J. Ypil, Legal Researcher II, Regional Trial Court (RTC), Branch 143, Makati City. The records of the Leave Division, Office of the Court Administrator (OCA), Office of Administrative Services (OAS), show that respondent incurred unauthorized absences on the following dates:

2004: All Disapproved (Unauthorized absences).

September 1, 2, 9, 10, 13, 14, 17, 20, 23, 24, 29	11 days
October 4-8, 11, 12, 14, 15, 18	10 days
November 2, 4, 8-10, 26	6 days
December 7, 13, 20, 28	4 days

In her letter<sup>[1]</sup> dated August 14, 2006, addressed to Court Administrator Christopher O. Lock, respondent contests the Report of Habitual Absenteeism allegedly for lack of factual and legal bases. Respondent alleges that she is still awaiting the reply of Atty. Caridad A. Pabello, OCA Chief of Office, OAS, on her letter<sup>[2]</sup> dated June 23, 2006 requesting reconsideration of the Evaluation and Recommendation of the Sick Leave Application submitted by Dr. Elmer Ruñez, Senior Medical Officer, and concurred in by Dr. Prudencio Banzon, Jr., SC Senior Chief Staff Officer, SC Clinic Services.<sup>[3]</sup> Earlier, the OCA-OAS considered respondent's applications for sick and vacation leave of absence as forty-six (46) days vacation leave of absence without pay because the applications for leave were disapproved by Presiding Judge Zenaida T. Galapate-Laguilles, RTC, Branch 143.<sup>[4]</sup>

On February 22, 2006, respondent explained to Atty. Pabello that on July 2, 2004, she was mauled and hospitalized, and was diagnosed to have suffered from multiple contusions and hematoma. She informed her office about her condition and that she would go on sick leave.<sup>[5]</sup> On September 15, 2004, respondent submitted her Daily Time Records (DTRs) for the months of June, July, and August 2004, with the corresponding applications for leave of absence and medical certificates, to the Leave Division, OCA. Judge Galapate-Laguilles approved only one (1) day of her application for leave and disapproved the rest because the medical certificates which respondent presented were unverified and incredible.<sup>[7]</sup>

Respondent explained that in September 2004, she wanted to report for work but she needed to go on sick leave of absence because she had not fully recuperated from her sickness. She went on further sick leave of absence in October 2004 for allegedly the same reason. Her condition worsened when she suffered from muscular spasm on the left cheek and left deltoid due to the above contusions and hematoma.<sup>[8]</sup> In November of the same year, respondent again went on sick leave of absence because of frequent headaches and pain on her right nape, allegedly due to hypertension. Respondent was again absent for several days in December, allegedly due to loose bowel movement (LBM), uncontrolled hypertension, eye problem, and flu.<sup>[9]</sup> In January 2005, respondent again went on sick leave for several days because she suffered from flu, Grave's disease, hypertension and she had a thyroid examination.<sup>[10]</sup> Lastly, in February 2005, respondent went again on sick leave of absence because of subconjunctival hemorrhage of her right eye.<sup>[11]</sup>

Respondent stressed that her sick leave of absence for the months of September 2004 until March 2005 did not exceed five (5) consecutive days; hence, there was no need to submit medical certificates.<sup>[12]</sup>

Upon evaluation, the OCA recommended that respondent be suspended from the service for six (6) months for habitual absenteeism, with a warning that commission of similar acts in the future will warrant the imposition of a more severe penalty.<sup>[13]</sup>

We agree with the OCA's evaluation and recommendation.

The crux of the charge against respondent is her habitual absenteeism. Civil Service Memorandum Circular No. 23, Series of 1998, provides:

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 credits under the Leave Law for at least three (3) months in a semester or at least three (3) consecutive months during the year. In case of claim of ill health, heads of departments or agencies are encouraged to verify the validity of such claim and, if not satisfied with the reason given, should disapprove the application for sick leave. On the other hand, in cases where an employee absents himself from work before approval of the application, said application should be disapproved.<sup>[14]</sup>

Records show that respondent incurred a total of thirty-one (31) unauthorized absences during the months of September, October, November, and December, 2004, thus, falling within the definition of habitual absenteeism cited above.

Respondent claims that her absences are justified because of her poor health condition brought about by the accident that happened to her when she was mauled, and suffered multiple contusions and hematoma. She, likewise, states that during such absences, she was suffering from LBM, hypertension and Grave's disease. She further avers that she timely filed the required sick leave applications but applications were disapproved by the Presiding Judge on the ground that the medical certificates submitted were not verified and credible.