

## FIRST DIVISION

**[ A.M. No. P-00-1388 (Formerly A.M. OCA IPI No. 98-515-P), June 19, 2002 ]**

**YOLANDA Z. MANAPAT, COMPLAINANT, VS. LEA M. TOLENTINO, RESPONDENT.**

### D E C I S I O N

**KAPUNAN, J.:**

Yolanda Manapat, Branch Clerk of Court, Metropolitan Trial Court, National Capital Region, Branch 56-Malabon, filed a letter-complaint dated July 22, 1998 with the Office of the Court Administrator (OCAD) charging Lea M. Tolentino, Court Stenographer of the same court with Habitual Absenteeism, Tardiness and Inefficiency in the Performance of Duty.

Complainant alleged that:

Respondent, after being fined by the Court En Banc in the amount of one month's salary in a Resolution dated July 6, 1993, started incurring absences from the onset of 1994 up to the filing of this complaint on July, 1998. She would absent herself without prior notice which, consequently, wreaked havoc in the work schedule of the other two court stenographers. There were also instances when litigants could not secure copies of transcript of stenographic notes because of respondent's negligence.

She then issued a Memorandum to respondent dated April 24, 1995 giving her until the end of May 1995 to finish her untranscribed stenographic notes of cases pending decision, and a follow-up memorandum on April 30, 1995. However, respondent did not receive the follow-up memorandum because she did not report for work until June 29, 1998.

Finally on July 20, 1998, respondent submitted her TSN on the election hearings held on July 21, 1997, and of Criminal Case No. 2341-95 entitled "PPI vs. Arthur Necesario" heard on February 22, 1996. Nevertheless, respondent still has untranscribed (sic) the stenographic notes on the hearings of Criminal Case No. 24-70, entitled "People vs. Calisin", held on April, May, June, 1996.

She further avers that from January 1998 up to the filing of this complaint, respondent had stayed in the office for 2 ½ days only. Likewise, respondent submitted her DTR/Leave for April, 1998 only on June 29, 1998 of the same year.

She has been considerate and understanding with respondent's work

attitude taking into account that respondent suffered several family crisis. However, respondent seems to abuse the treatment extended to her and did not exert efforts to fulfill her share of obligations and even ignored her memorandum to finish transcribing the TSN. She only complied with the order when the directive came directly from the Supreme Court.<sup>[1]</sup>

In her Answer dated April 19, 1999, Lea Tolentino denied the allegations in the complaint. Respondent claims that as of August 1998, she had already submitted all stenographic notes due from her. As to her extended absences, she avers that the same consisted only of "certain segments of time in 1997 and 1998" during which her family was beset with medical crises, involving her husband, the eldest of her two daughters, an invalid teenage son as well as two deaths in the family. She argues that those absences were covered by sick and vacation leaves. Respondent avers that there was no real urgency for the transcripts due to the elevation to the RTC of then Presiding Judge Pedro M. Sabundayo, Jr. Thus, Branch 56 was allegedly in a somnolent state for five (5) months from July 1998 up to November of the same year when Judge Edison F. Quintin was appointed to said sala. However, Judge Quintin did not hold hearings until the first working day of 1999. Respondent alleges that her conduct was not prejudicial to the service and has caused no harm to any party since said case with untranscribed TSN were not anyway being followed-up by either of the parties. Respondent adds that the instant complaint was merely concocted by complainant to harass and spite her. <sup>[2]</sup>

The records disclose that this is not the first time that Lea Tolentino was sanctioned by the Court for committing the same infractions. In A.M. No. 93-6-416-MeTC, Lea Tolentino was likewise charged for insubordination, failure to transcribe stenographic notes, and frequent absences. In the Resolution dated July 20, 1993, respondent was imposed a fine of one month's salary with WARNING of a more severe penalty in case the same offense is repeated. Respondent was also directed to transcribe within thirty (30) days from notice all her pending untranscribed stenographic notes and submit copies of the same to the Office of the Court Administrator after their completion without prejudice to any action that may be taken against her for her numerous absences.<sup>[3]</sup>

Upon evaluation of the instant case, the OCAD found merit in the complaint. Hence, in the Resolution dated June 28, 2000, the Court resolved to (1) DOCKET this case as a regular administrative matter; (2) DIRECT complainant to submit to the Office of the Court Administrator an updated list of respondent's pending/untranscribed stenographic notes; and (3) require the parties to MANIFEST if they are willing to submit the case on the basis of the pleadings already filed within ten (10) days from notice hereof.<sup>[4]</sup>

Complainant complied with the Court's directive.<sup>[5]</sup>

The instant complaint was consequently referred to Executive Judge Benjamin Aquino, Regional Trial Court, Branch 72, Malabon for investigation, report and recommendation.<sup>[6]</sup>

Pursuant to the Court's resolution, Judge Benjamin Aquino submitted the following report and findings dated July 31, 2001:

A) As to the charge of Habitual Absenteeism:

A.1 While it may be true that the numerous absences were incurred by respondents because of family medical crises, it is worth mentioning that said absences were not covered by appropriate official leave. Respondent herself admitted that she did not report for work from January to March 1998 but that her application for leave was approved only on February 11, 1998. As to her absence from April 1998 until almost the end of July of the same year, respondent merely informed complainant of her intention to extend her leave, but without actually filing her application for leave.

A.2 Relevant hereto is Section 22 of the Omnibus Rules Implementing Book V of E.O. No. 292, which considers an officer or employee in the Civil Service to be habitually absent if he incurs unauthorized absences exceeding the allowable 2.5 days monthly credit under the Leave Law for at least 3 months in a semester or at least 3 consecutive months during the year.

A.3 Employees applying for vacation leave, whenever possible, must submit in advance their applications for leave. This requirement must be complied with assiduously "its purpose being undoubtedly to enable the management to make the necessary adjustment in order that the work may not be paralyzed or hampered.

A.4 As pointed out, respondent's failure to file appropriate application for leave for the period April 1 to July 8, 1998 should not be taken lightly although said respondent's absence may have been prompted by medical emergencies. She should have taken steps to ensure compliance with procedures so as not to disrupt the office schedule.

B). As to the charge of Inefficiency in the Performance of Duty:

B.1 It can not be denied that respondent was remiss in her duty of transcribing her stenographic notes of the court proceedings on time. Records reveal that respondent submitted the transcripts due her not within the mandated period but a few months after the proceedings took place. Although, as mentioned, respondent was pressed with other problems besetting her family, it cannot be denied that equally important is her sworn duty to transcribe her stenographic notes on time in line with Par. 2 of Administrative Circular No. 24-90:

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2.B Respondent herself admitted that she transcribed her notes only after receipt of the 1<sup>st</sup> Indorsement of the Office of the Court Administrator requiring her to do so. In this regard, the evaluation of the Office of the Court Administrator is hereby adopted, to wit: