



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **September 12, 2022**, which reads as follows:

“A.M. No. 2022-03-SC (Re: Negligence and Inefficiency in the Performance of Official Duties of Eleonor S. Benbinuto, Administrative Officer II, PHILJA).— Before the Court is an administrative matter against Eleonor S. Benbinuto (Benbinuto), Administrative Officer II (Salary Grade 15)¹ of the Office for Administration of the Philippine Judicial Academy (PHILJA), charging her with Inefficiency and Incompetence in the Performance of Official Duties.

The salient facts follow.

Atty. Elmer DG. Eleria (Atty. Eleria), Chief of Office for Administration of PHILJA, issued Benbinuto various memoranda over the course of several dates, reminding her of her duties and responsibilities, as follows:

DATE OF MEMORANDUM	DETAILS
31 January 2019	<ul style="list-style-type: none">• That she be more efficient with her assigned tasks, <i>i.e.</i>, her Major Final Outputs (MFOs) which include: (1) supervision and review of driving services; and (2) general services such as transportation-related services, janitorial and security-related services, by organizing her files and observing proper records management.• That in one incident, it was determined upon follow-up that a trip request was lost or not found in the trip

¹ Under Section 4 (3) of the Resolution in A.M. No. 18-01-05-SC dated 7 July 2020, the investigation of administrative or disciplinary actions against court officials or employees with Salary Grades 26 and below, regardless of the gravity of the violation of the Code of Conduct for Court Personnel and of the Civil Service Laws and Rules, may be referred and delegated by the Judicial Integrity Board to the respective Committee or Office having administrative control and/or supervision over them. Consequently, the Complaints and Investigation Division of the OAS-SC had authority to conduct an investigation against personnel of the Supreme Court and the offices under its supervision, such as Benbinuto.

	file records, and resultantly, the transportation arrangement was left unattended as of its date. ²
26 March 2019	<ul style="list-style-type: none"> • That there were reports made against her regarding her mismanagement of files on two separate occasions resulting in loss of a trip request and an approved authority; and at least five other infractions, including: (a) dispatch without original approved authority to travel; (b) late processing of trip request; (c) late submission of transportation reports for the months of January and February 2019 for use in the Board of Trustee's Meeting, which, upon submission, were incomplete and marred with inaccuracies; (d) delayed processing of certifications for overtime services of drivers; and (e) slow turnaround time and/or poor time management due to her multiple and repeated mistakes. • That the memorandum served as a warning that similar acts/infractions will be dealt with accordingly.³
26 February 2021	<ul style="list-style-type: none"> • That in the first two months of 2021, she committed nine infractions of continued indifference in completing her required outputs on time; eight incidents of continued neglect in monitoring trips and proper coordination; continued slow turnaround time and/or poor time management as a result of repeated mistakes, as well as non-availability during work-from-home schedule, affecting the services that were supposed to be rendered by the Office for Administration; and dishonesty in the trip tickets and petty cash which were submitted directly to Atty. Eleria, falsely claiming that it has already passed through the approval of the Chief of the Administrative Division. • That despite not securing proper authority or meeting the condition imposed for the approval of her Special Leaves, <i>i.e.</i>, completion of her pending assignments, she failed to report to work on the dates applied for. • That the memorandum served as her final warning that similar acts/infractions in the future shall be dealt with accordingly.⁴
29 November 2021	<ul style="list-style-type: none"> • That she did not submit her Individual Work-from-Home Accomplishments within the first five days of the following month since July 2020 to October 2021; and moreover, that she did not submit her quarterly accomplishments for the period of July 2020 to September 2021, resulting in the non-submission of the corresponding Individual Performance Commitment and Review (IPCR). • Given that she still did not meet the required deliverables, and her performance in the identified MFOs remained to be below standard despite the multiple opportunities to improve on her work performance provided by the Office for

² *Rollo*, p. 20.³ *Id.* at 24-25.⁴ *Id.* at 21-23.

	<p>Administration, Atty. Eleria was constrained to recommend the elevation of the matter to the Office of Administrative Service of the Supreme Court (OAS-SC) for their appropriate action.⁵</p> <ul style="list-style-type: none"> • That two documents (Re: Work Performance July 2020 to Present and her IPCR for the period January-June 2021) were attached to the memorandum illustrating twenty-two (22) cases of her failure to submit requirements as well as eighteen (18) occurrences of continued indifference in the completion of assigned tasks with efficiency and timeliness.⁶
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In the 1st Indorsement⁷ dated 1 December 2021, then PHILJA Acting Chancellor Mariano C. del Castillo⁸ transmitted to Atty. Maria Carina M. Cunanan (Atty. Cunanan), Deputy Clerk of Court and Chief Administrative Officer, Office of Administrative Services-SC (OAS-SC), copies of the foregoing Memoranda, Benbinuto's IPCRs⁹ for the Second and First Semesters of 2020 and 2021, respectively, and her Coaching and Mentoring Journals, for appropriate action.¹⁰

Tout de suite, Atty. Cunanan issued a Memorandum¹¹ on 2 December 2021, requiring Benbinuto to explain why she should not be administratively dealt with for the following acts: *one*, violation of reasonable office rules and regulations amounting to simple neglect of duty for non-submission of required work-from-home accomplishment reports per directive of the Chief Justice and the Chancellor, and work performance in relation to the IPCR Form; *two*, inefficiency and incompetence in the performance of official duties for her continued indifference in completing her assigned tasks with efficiency and timeliness; and *three*, other violations of the Code of Conduct for Court Personnel, particularly under Canon IV – Performance of Duties.¹²

Fulminating against the allegations hurled towards her, Benbinuto proffered the following rebuttals: *first*, the adverse effects of the incessant COVID-19 pandemic on her health and work performance; *second*, the lack of appropriate equipment for the work-from-home setup as well as the failure to provide her with a functioning computer despite her request; and *third*, her reassignment as manager of the PHILJA reception desk, which hindered the performance of her primary functions.¹³

⁵ Id. at 13.

⁶ Id. at 14.

⁷ Id. at 12.

⁸ A retired Member of this Court.

⁹ *Rollo*, pp. 15-16.

¹⁰ Id. at 17-19.

¹¹ Id. at 11.

¹² Id.

¹³ Id. at 7-8.

In the same breath, Benbinuto explicated that her failure to submit work reports can be traced to the amount of her given tasks, including the preparation and presentation of the procurement plan, which were not originally delegated to her. Thence, it was improbable to account for all of her written submissions since she was required to submit not only her work-from-home tasks but also her daily work assignments. Besides, she directly handed in these assignments to her immediate supervisor, and thus deemed it pointless to draft daily accomplishment reports. Finally, as to the certification of overtime claims of bus drivers, she placed the blame on the drivers themselves for not filing the pertinent documents, as well as on her superior for not instructing her how to rectify her mistakes.¹⁴

Sifting through Benbinuto's rationalizations with a fine-tooth comb, the OAS-SC rendered the Memorandum¹⁵ dated 23 March 2022, finding her liable for Inefficiency and Incompetence in the Performance of Official Duties, *viz.*:

In the instant administrative matter, we find that the respondent's documented lapses actually constitute several offenses. Foremost, the non-submission of the required work[-]from[-]home accomplishment reports and quarterly accomplishments for the period of July 2020 to September 2021 may constitute the light offense of Violation of Reasonable Office Rules and Regulations, generally punishable with a reprimand on the first offense. However, the said infractions are actually but a small component of an even worse problem and sequence of offenses committed by the respondent dating at least far back as January 2019. For brevity, as they are simply too numerous to individually list in this Memorandum, they are to be incorporated by way of reference as the eight (8) enclosures labeled "A" to "D" of the endorsement/complaint as they appear in the record of the case. The said enclosures chronicle a progressive log of the non-submission of requirements (reports and inputs) and continued indifference by the respondent of the completion of assigned tasks with efficiency and timeliness, such as travel orders, documents for the calculation of [overtime] pay of drivers and other transportation[-]related matters of the PHILJA. These, taken as a whole[,] constitute the grave offense of Inefficiency and Incompetence in the performance of Official Duties, punishable either by suspension for six (6) months and one (1) day to one (1) year, or demotion; and ultimately, with dismissal from the service after a previous finding of liability.

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In view of the foregoing, this Office respectfully submits for the consideration of the Honorable Court that respondent Eleonor S. Benbinuto, Administrative Officers II, Philippine Judicial Academy, be found liable for Inefficiency and Incompetence in the Performance of Official Duties, and be meted the penalty of **SUSPENSION** for Six (6) months and one (1) day, with a stern and final warning that a repetition of the same or similar acts in the future will be dealt with more severely.

For the consideration of the Honorable Court.¹⁶

¹⁴ Id.

¹⁵ Id. at 1-6.

After a perspicacious evaluation of the records, the Court adopts the findings and recommendations of the OAS-SC, albeit with modifications as to the nomenclature of the offenses committed and the corresponding penalties therefor.

To recall, Benbinuto was accused of negligence and inefficiency in the performance of her official duties as Administrative Officer II.

Incipiently, Section 1, Canon IV¹⁷ of the Code of Conduct for Court Personnel¹⁸ mandates that “[c]ourt personnel shall at all times perform official duties properly and with diligence x x x.” The Court has repeatedly emphasized that the “[j]udicial machinery can only function if every employee performs his task with the highest degree of professionalism. All court personnel are obligated to perform their duties properly and with diligence. Any task given to an employee of the judiciary, however menial it may be, must be done in the most prompt and diligent way.”¹⁹ Failure to abide by this jurisprudential dictum may constitute inefficiency as well as incompetence.

At this juncture, it bears stressing that a charge of inefficiency involves specific acts or omission on the part of the employee which results in the damage to the employer or to the latter’s business.²⁰ It also entails the failure to observe *prescribed standards of work*, or to *fulfill reasonable work assignments due to such inefficiency*.²¹ In particular, it is understood to mean the failure to attain work goals or work quotas, either by failing to complete the same within the allotted reasonable period, or by producing unsatisfactory results.²²

From the foregoing, the Court examined the performance of Benbinuto as a court employee and found the same wanting.

Based on her job description as an Administrative Officer II, Benbinuto is entrusted with the supervision and review of driving services, as well as the

¹⁶ Id. at 5-6.

¹⁷ CANON IV
PERFORMANCE OF DUTIES

SECTION 1. Court personnel shall at all times perform official duties properly and with diligence. They shall commit themselves exclusively to the business and responsibilities of their office during working hours.

¹⁸ A.M. No. 03-06-13-SC, 15 May 2004.

¹⁹ See *Re: Maria Consuelo Aissa P. Wong-Ruste*, A.M. No. 19-08-19-CA, 15 October 2019.

²⁰ See *Office of the Court Administrator v. Saguyod*, A.M. No. P-17-3705 (Resolution), 6 February 2018. See also *International School of Manila v. International School Alliance of Educators and Members*, 726 Phil. 147 (2014); citing *Lim v. National Labor Relations Commission*, 328 Phil. 843, 858 (1996).

²¹ See *CMP Federal Security Agency, Inc. v. Reyes, Sr.*, G.R. No. 223082, 26 June 2019; citing *Lim v. National Labor Relations Commission*, *supra*.

²² See *Eagle Clarc Shipping Philippines, Inc. v. National Labor Relations Commission (Fourth Division)*, G.R. No. 245370, 13 July 2020. See also *Telephilippines, Inc. v. Jacolbe*, G.R. No. 233999, 18 February 2019; citing *Buiser v. Leogardo, Jr.*, 216 Phil. 144 (1984).

performance of general services, including those related to transportation, sanitation, and security. Specifically, she is expected to, *inter alia*, receive and act upon trip requests and requests for official vehicle replacement filed by other PHILJA offices; make transportation arrangements; certify overtime services rendered by drivers; submit reports on transportations and summary of vehicles; process itineraries for travel; and prepare and update the database of trip tickets. As it happened, due to her incapability of performing the aforesaid tasks in an efficient and timely manner, she was re-assigned to staff the PHILJA reception desk, and to prepare the Project Procurement Management Plan for the Administrative Division so as to align her work functions with her skill.²³

Notwithstanding the foregoing, Benbinuto shirked from her responsibilities and was grossly inept at doing her job. She was equally incompetent at carrying out her additional duties.

For one, based on the 29 November 2021 Memorandum recapitulating her offenses, she demonstrated continued indifference in completing the undermentioned tasks with efficiency and timeliness:

- Overtime Pay of drivers and claims of drivers for completion of Out-of-Town Travel[.]
- Rotation schedule and assignment of drivers/designated drivers and its monitoring Trip Tickets including proper indorsement and follow through[.]
- Request for Travel of Vehicle Outside of Metro Manila including follow through[.]
- Request to travel on Official Business of assigned drivers[.]
- Facilitation and coordination of transportation/travel documents with other SC Offices[.]
- Coordination of driving assignments to concerned personnel (drivers/designated drivers); rejection of trip to Laguna requested by the Office of the Executive Secretary on July 9, 2021 for July 12, 2021 without proper coordination no proper dispatch and indorsement of processed trip ticket of scheduled trip to Post Office requested by the Cash Division on November 12, 2021; misrepresentation/neglect in securing approval of travel before trip[.]
- Submission of erroneous documents/communications per feedback from PHILJA Offices[.]
- Neglect in filing transportation-related documents diligently, which often result[in] loss or mislaid documents[.]
- Preparation and submission of report on vehicles of PHILJA as required by the Office of the Chancellor[.]
- Preparation and submission of progress report on the transfer of ownership of vehicles from the Court of Tax Appeals[.]
- Neglect in replying to and acknowledging requests for use of the PHILJA Conference Room, submitted through email, especially on advi[c]e as to conflict in schedule[.]

²³ See *rollo*, pp. 15-16 & 20-25.

- Neglect in the regular updating of the Calendar for the use of the PHILJA Conference Room[.]
- Proper recording and routing of incoming communications when assigned as GOM[.]
- Consolidation of the 2022 PPMP submissions of Administrative Divisions' Sections[.]
- Often does not respond on time and even no response nor acknowledgment during work-from-home days[, and]
- Non observance of [and] non-compliance with Supreme Court and PHILJA Office Protocols and Standard Operating Procedures (e.g.[.] Antigen Test before proceeding to office)[.]²⁴

Regrettably, these slip-ups not only affected the evaluation of Benbinuto's work performance as shown in her IPCRs, but also endangered the delivery of services by her employer, the Office for Administration of the PHILJA. Every single *faux pas*, such as failing to process trips or submit reports to her superiors, undoubtedly hampers public service and produces unfortunate wastage of time and office resources.

For another, it is indubitable that Benbinuto herself readily admitted to her shortcomings in her letter dated 13 December 2021. Still and all, as shown by the string of warnings issued against her, she exercised little to no effort at all to improve but instead put forth unacceptable excuses for them. Upon this point, her ascription of her dismal performance to the COVID-19 pandemic, the lack of equipment, and the heavy workload deserves short shrift. Strikingly, even before the onset of the pandemic, Benbinuto was issued a Memorandum on 31 January 2019, pointing out her lapses at work. Moreover, there is no semblance of truth to her claim that she could not perform the work she was supposed to do because of the additional workload given her because in actual fact, she was re-commissioned to other simple tasks precisely to afford her expanded opportunities to improve work performance.

The slow turnaround time for work outputs, resulting in inordinate delay, cannot be imputed to anyone else but Benbinuto herself since it was compounded by the glaring typographical errors, the inaccuracies in the details thereof, and the double booking of drivers and vehicles she committed, as well as her unjustifiable inaccessibility during work-from-home duty.

In any event, it is rudimentary that heavy workload cannot rationalize the failure to perform one's duties. Otherwise, every government employee charged with negligence and dereliction of duty would always proffer a similar excuse to escape punishment, to the prejudice of the government service. Truth be told, it is incumbent upon every government employee to adapt all reasonable means to cope with the heavy workload, for the occupation demands no less than full and uncomplaining dedication to the public service.²⁵

²⁴ *Rollo*, p. 14.

²⁵ See *Re: Andres*, 763 Phil. 196, 196-197 (2015).

Given the above discourse, the OAS-SC unerringly found Benbinuto liable for the grave offense of incompetence and inefficiency in the performance of official duties. All the same, in obeisance to Rule 140 of the Rules of Court, as amended by A.M. No. 21-08-09-SC,²⁶ such charge is now denominated as “**gross neglect of duty in the performance or non-performance of official functions**,” which is a serious charge under Section 14 (d) thereof. Settled is the rule that inefficiency is akin to neglect of duty, which is the failure of an employee or official to give proper attention to a task expected of him or her, signifying a disregard of a duty resulting from carelessness or indifference.²⁷

It is also ingrained in this jurisdiction that gross neglect of duty refers to negligence characterized by the glaring want of care; by acting or omitting to act in a situation where there is a duty to act, not inadvertently, but willfully and intentionally; or by acting with a conscious indifference to consequences with respect to other persons who may be affected.²⁸ It is such neglect which, from *the gravity of the case or the frequency of instances, becomes so serious in its character as to endanger or threaten the public welfare.*²⁹ Here, Benbinuto is patently guilty of gross neglect of duty as she manifested a flagrant lack of competence and diligence in her duties, exhibiting her indifference and wanton abandonment of her assigned duties and responsibilities.

Significantly, under the factual milieu, it is clear that gross neglect of duty is not Benbinuto’s lone infraction. She similarly disobeyed or frequently ignored her superior’s directives and instructions which were meant to enhance the performance of her duties. She also persisted on her errant conduct and sub-standard work despite the several opportunities afforded her to mend her ways. Despite the lawful orders of the Chief Justice and the PHILJA Chancellor to submit individual work-from-home accomplishment reports to monitor employee output while telecommuting, Benbinuto brushed these off and declared that she “do[es] not see that point of making a daily accomplishment report.”³⁰

Sans dispute, the foregoing circumstances tellingly indicate that Benbinuto is guilty as well of gross insubordination, *i.e.*, the inexplicable and unjustified refusal to obey some order that a superior is entitled to give, and imports a willful or intentional disregard of the lawful and reasonable instructions of the superior.³¹

²⁶ “FURTHER AMENDMENTS TO RULE 140 OF THE RULES OF COURT,” issued on 22 February 2022.

²⁷ See *Office of the Court Administrator v. Saguyod*, supra note 20.

²⁸ See *Tirado, Sr. v. Portillano*, A.M. No. P-09-2710, 27 July 2021.

²⁹ See *Office of the Court Administrator v. Del Rosario*, A.M. No. P-20-4071, 15 September 2020.

³⁰ *Rollo*, p. 7.

³¹ See *Malubay v. Guevara*, A.M. No. P-18-3791, 29 January 2019.

On this score, while the OAS-SC found that Benbinuto's willful defiance of the directive to submit the required work-from-home accomplishments reports and quarterly accomplishments for the period covering July 2020 to September 2021 was subsumed under the grave offense of Inefficiency and Incompetence in the Performance of Official Duties, the Court believes and so holds that her act constitutes a violation of Supreme Court rules, directives and circulars that establish an internal policy, rule of procedure or protocol, which is a Less Serious Charge under Section 15(e) of Rule 140, as amended. ***Be that as it may, considering her rampant and recurring disobedience, the same must be treated as Gross Insubordination under Section 14(n) of the same Rule.***

The next question now comes down the pike — *Given the breaches perpetrated by Benbinuto, what penalties should be imposed upon her?*

The Court hearkens to the provisions of Sections 17 and 21 of Rule 140, as amended, viz.:

Section 17. *Sanctions.* —

- (1) If the respondent is guilty of a serious charge, any of the following sanctions shall be imposed:
 - (a) Dismissal from service, forfeiture of all or part of the benefits as the Supreme Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or -controlled corporations. Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits;
 - (b) Suspension from office without salary and other benefits for more than six (6) months but not exceeding one (1) year; **or**
 - (c) A fine of more than ₱100,000.00 but not exceeding ₱200,000.00.

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Section 21. Penalty for Multiple Offenses. — **If the respondent is found liable for more than one (1) offense arising from separate acts or omissions in a single administrative proceeding, the Court shall impose separate penalties for each offense.** Should the aggregate of the imposed penalties exceed five (5) years of suspension or ₱1,000,000.00 in fine, the respondent may, in the discretion of the Supreme Court, be meted with the penalty of dismissal from service, forfeiture of all or part of the benefits as may be determined, and disqualification from reinstatement or appointment to any public office, including government-owned or -controlled corporations. Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits.

On the other hand, if a single act/omission constitutes more than one (1) offense, the respondent shall still be found liable for all such offenses, but shall, nonetheless, only be meted with the appropriate penalty for the most serious offense.³²

As adumbrated above, Benbinuto is guilty not only of Gross Neglect of Duty in the Performance or Non-Performance of Official Functions, but also Gross Insubordination, both of which are Serious Charges under Rule 140 of the Rules of Court, as amended. These violations stemmed from different sets of acts or omissions in the course of her employment with PHILJA, thereby warranting separate penalties for each offense under Section 21 of the same Rule. Hence, in addition to the penalty of suspension from office, Benbinuto should also be meted a fine amounting to ₱110,000.00. In this regard, the mitigating circumstance of being a first-time offender under Section 19³³ cannot be appreciated in her favor since she has been previously found guilty of Habitual Tardiness in two instances.³⁴

WHEREFORE, Eleonor S. Benbinuto, Administrative Officer II of the Office for Administration of the Philippine Judicial Academy, is hereby **HELD ADMINISTRATIVELY LIABLE** for:

1. **GROSS NEGLIGENCE OF DUTY IN THE PERFORMANCE OR NON-PERFORMANCE OF OFFICIAL FUNCTIONS**, for which she is meted the penalty of **SUSPENSION** from office without salary and other benefits for six (6) months and one (1) day; and
2. **GROSS INSUBORDINATION**, for which she is directed to pay the **FINE** in the amount of ₱110,000.00.

Eleonor S. Benbinuto is **STERNLY WARNED** that a repetition of the same or similar infraction will warrant her dismissal from service.

This *Resolution* is immediately executory. Eleonor S. Benbinuto is **DIRECTED** to make a formal manifestation to the Court that her suspension has started within five (5) calendar days upon receipt of this *Resolution*.

³² Emphases supplied.

³³ SECTION 19. *Modifying Circumstances*. — In determining the appropriate penalty to be imposed, the Court may, in its discretion, appreciate the following mitigating and aggravating circumstances:

(1) Mitigating circumstances:
(a) First offense; x x x.

³⁴ See *rollo*, p. 6.

SO ORDERED.

By authority of the Court:

Misael Domingo C. Battung III
MISAEL DOMINGO C. BATTUNG III
Division Clerk of Court JB 11/7/22

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