



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **September 21, 2022** which reads as follows:*

“A.M. No. P-23-092 [formerly JIB FPI No. 21-028-P] (Office of the Court Administrator v. Lynida T. Abante, Court Stenographer II, Municipal Trial Court, Bombon, Camarines Sur). — The administrative matter before this Court arose from a Complaint¹ filed by the Office of the Court Administrator (OCA) against Lynida T. Abante (*Abante*), Court Stenographer II of the Municipal Trial Court (MTC), Bombon, Camarines Sur, for unauthorized leave of absence in violation of Supreme Court Rules, Directives, and Circulars.

Abante was granted by the OCA an authority to travel to New York, United States of America (USA) from May 23, 2019 to June 26, 2019.² After the lapse of her authority to travel, Abante did not return to work. Instead, she sent three letters to the MTC. Abante requested for extensions of her leave of absence.³

In her first letter⁴ dated July 19, 2019 addressed to Presiding Judge Maria Carmela Ng Pee-Mendiola (*Judge Pee-Mendiola*), Abante sought for an extension of her leave of absence from June 27, 2019 to August 7, 2019 or 30 working days. She reasoned that she was still recovering from her injured ankle which prevented her from moving and walking.⁵ In her second letter⁶ dated August 7, 2019 addressed to the MTC’s Clerk of Court, Abante requested a second extension from August 8, 2019 to September 23, 2019. In her third letter⁷ dated September 16, 2019, Abante requested her third extension of leave of absence from September 24, 2019 to October 11, 2019.⁸ According to Abante, her flight going to the Philippines was on October 10,

¹ *Rollo*, p. 16.

² *Id.* at 7.

³ *Id.* at 26.

⁴ *Id.* at 7.

⁵ *Id.*

⁶ *Id.* at 9.

⁷ *Id.* at 11.

⁸ *Id.* at 27.

2019, and that she will return to work on October 14, 2019.⁹ Abante asked that these absences be charged to her leave credits. However, the Employees Leave Division (*ELD*), OCA did not receive Abante's letters. Copies of these letters were belatedly forwarded to the ELD, OCA by the MTC.¹⁰ The ELD, OCA then sought the Supreme Court Medical and Dental Services' opinion on Abante's sprained ankle. They recommended a 30-day sick leave as sufficient for Abante to recover from her sprained ankle. As a consequence, her leave of absence from June 27, 2019 to August 7, 2019 or 30 days (her leave of absence indicated in her first letter of June 27, 2019) could be approved subject to the submission of the documentary requirements.¹¹ Abante's unauthorized travel abroad was therefore from August 8, 2019 to September 23, 2019 (30 working days) per her second letter, and from September 24, 2019 to October 11, 2019 (14 working days) per her third letter.¹²

Abante explained in her Comment that she was constrained to request extensions of her leave of absence because she sustained a sprained ankle and other medical issues. Abante gave copies of her letters requesting such extensions to the Leave Section of the OCA. She then questioned the administrative charge for her alleged unauthorized travel abroad considering that her salaries corresponding to such period were withheld.¹³

On August 27, 2020, Deputy Court Administrator Raul B. Villanueva and OCA Chief of Office Caridad A. Pabello issued a Memorandum addressed to the OCA, and enumerated the following recommendations:

IN VIEW OF THE FOREGOING, respectfully submitted for Your Honor's consideration are the recommendations that:

- (1) Ms. Lynida T. Abante's request for extension of her leave of absence from the period June 27, 2019 to October 11, 2019 be **PARTIALLY APPROVED** as sick leave with pay for the period June 27, 2019 to August 7, 2019, subject to compliance with documentary requirements;
- (2) Ms. Abante's request for extension of her leave from August 8, 2019 to October 11, 2019, be **DENIED** being in violation of the rules, and her absence for even period be considered as **ABSENCE WITHOUT OFFICIAL LEAVE**; and
- (3) Ms. Abante be **DIRECTED** to comment within five (5) days from notice on her unauthorized leave for the period August 8, 2019 to October 11, 2019 and unauthorized travel abroad for the period June 27,

⁹ Id.

¹⁰ Id. at 21-22.

¹¹ Id. at 22.

¹² Id. at 27.

¹³ Id. at 28.

2019 to October 11, 2019, and the instant matter be **REFERRED** to the Legal Office, Office of the Court Administrator for appropriate action.¹⁴

Subsequently, the OCA transmitted the records of this case to the Judicial Integrity Board (*JIB*), pursuant to the Supreme Court's Resolution in A.M. No. 18-01-05-SC (*Establishment of the Judicial Integrity Board and the Corruption Prevention and Investigation Office [CPIO]*).

On December 20, 2021, the JIB's Acting Executive Director James D.V. Navarrete (*Acting Executive Director Navarrete*) issued his Report and Recommendation¹⁵ finding Abante administratively liable. The dispositive portion states:

IN VIEW OF THE FOREGOING, it is respectfully submitted for consideration of the Honorable Board that the following recommendations be made to the Supreme Court:

1. The instant matter be **RE-DOCKETED** as a regular administrative matter; and
2. Ms. Lynida T. Abante, Court Stenographer II, Municipal Trial Court, Bombon, Camarines Sur, be found **GUILTY** of unauthorized travel abroad/ unauthorized leave and accordingly **REPRIMANDED**, with a stern warning that a repetition of the same or similar offense shall be dealt with more severely by the Court.¹⁶

Acting Executive Director Navarrete found Abante's approved authority to travel abroad was only for the period of May 23, 2019 to June 26, 2019. Abante only returned to work on October 15, 2019. Hence, from June 27 to October 11, 2019, she was unauthorized to travel abroad.¹⁷

Abante failed to file a request for extension of her original travel authority (May 23, 2019 to June 26, 2019).¹⁸ Her first letter request for extension was dated July 19, 2019, which was beyond the requirement of the Court. Abante should have filed her request for extension 10 days before the expiration of the period of the original authority to travel abroad (10 days before June 26, 2019), pursuant to OCA Circular No. 59-2013.¹⁹ Her first letter request was also not accompanied by a proper medical certificate, despite the fact that she sprained her ankle as early as June 17, 2019 and her

¹⁴ Id. at 19-20.

¹⁵ Penned by Deputy Clerk of Court at-Large Office of the Court Administrator and Acting Executive Director Judicial Integrity Board James D.V. Navarrete; id. at 21-25.

¹⁶ Id. at 25.

¹⁷ Id. at 23.

¹⁸ Id.

¹⁹ OCA Circular No. 9-2013 (Guidelines on Requests for Travel Authority and Extension of Travel Abroad; id. at 23.

approved leave expired on June 26, 2019.²⁰ For her second letter request dated August 7, 2019, Abante admitted that she did not furnish OCA a copy, and only coursed the letters through the MTC.²¹ It was also not accompanied by a medical certificate. Rather, the medical certificate dated August 7, 2019 was belatedly issued for an injury suffered two months before or on June 17, 2019. Abante further failed to file proper sick leave applications upon her return from such leave.²²

Still, the OCA recognized the report of the SC Medical and Dental Services that a 30-day sick leave be approved for the period of June 27, 2019 to August 7, 2019, subject to the submission of the documentary requirements.²³

Abante was on unauthorized travel abroad from June 27, 2019 to October 11, 2019. She was also on unauthorized leave from August 8, 2019 to October 11, 2019, taking into consideration that the OCA approved a 30-day sick leave from June 27, 2019 to August 7, 2019.²⁴

Considering that this was the first time she was administratively charged, she was meted a penalty of reprimand for her unauthorized travel abroad and unauthorized leave.²⁵

On May 25, 2022, the JIB issued the Report,²⁶ finding Abante guilty of violation of Supreme Court Rules, Directives, and Circulars. The dispositive portion of the Report reads:

ACCORDINGLY, we respectfully **RECOMMEND**, for the consideration of the Honorable Supreme Court, that:

1. This case be **RE-DOCKETED** as a regular administrative matter; and
2. Respondent Lynida T. Abante, Court Stenographer II, Municipal Trial Court, Bombon, Camarines Sur, be found **GUILTY** of violation of Supreme Court Rules, Directives, and Circulars and be **FINED** in the amount of ₱20,000.00, with a **STERN WARNING** that a repetition of a similar offense will be dealt with more severely.²⁷

²⁰ Id. at 24.

²¹ Id.

²² Id.

²³ Id.

²⁴ Id.

²⁵ Id.

²⁶ Penned by Justice Angelina Sandoval-Gutierrez (ret.), with Associate Justices Romeo J. Callejo, Sr. (ret.), Sesinando E. Vilion (ret.), and Rodolfo A. Ponferrada (ret.) concurring; id. at 26-32.

²⁷ Id. at 31-32.

The JIB upheld the findings of the JIB Acting Executive Director.

Abante's violation of Supreme Court Rules, Directives and Circular was classified as a less serious charge under Section 15(e),²⁸ Rule 140 of the Revised Rules of Court. The JIB found that Abante violated OCA Circular No. 59-2013²⁹ for her unauthorized travel abroad and unauthorized leave, which: (a) subjected Abante to disciplinary action; and (b) considered her corresponding absences as unauthorized leave of absence. She was given a stern warning and was fined in the amount of ₱20,000.00.

After a careful review of the records of the case, this Court resolves to adopt the findings of the JIB.

The Supreme Court Memorandum Order No. 32-11³⁰ provides that the maximum period for vacation leave of absence of employees in the Judiciary shall be limited to 30 working days, with the exception of study leave/scholarship grants or sick leave with medical certificate.

Abante's first and second letters requesting for an extension of her travel authority lacked medical certificates. The medical certificate³¹ dated August 7, 2019 was belatedly issued for an injury suffered two months before. Abante also failed to file proper sick leave applications upon her return to work. As a result, there was no extension of her original travel authority for the period of May 23, 2019 to June 26, 2019. Abante was thus, on an unauthorized travel abroad from June 27, 2019 to October 11, 2019.

While the OCA approved Abante's 30-day sick leave from June 27, 2019 to August 7, 2019 when it recognized the finding of the SC Medical and Dental Services, Abante was on an unauthorized leave from August 8, 2019 to October 11, 2019.

²⁸ A.M. No. 21-08-09-SC, Further Amendments to Rule 140 of the Rules of Court, February 22, 2022. Section 15. *Less Serious Charges*. – Less serious charge include:

(e) Violation of Supreme Court rules, directives, and circulars[.]

²⁹ OCA Circular No. 59-2013 on Guidelines on Requests for Travel Authority and Extension of Travel Abroad.

6. Judges and court personnel who shall leave the country without a Travel Authority or extend his/her travel abroad without the approval of the extension of his/her Travel Authority shall be subject to disciplinary action, and all corresponding absences incurred shall be considered as unauthorized leave of absence.

³⁰ Reiterating the Policy on Foreign Travels Even at Travellers' Expense, Supreme Court Memorandum Order No. 32-11, September 20, 2011.

WHEREAS, the Court En Banc in its Resolution in A.M. No. 09-7-03-0 (Amended) dated February 1, 2011, has set the maximum period for vacation leave of absence of officials and employees of the Judiciary, including the extension thereof, to thirty (30) working days, except in cases of study leave/scholarship grants or sick leave with medical certificate.

³¹ *Rollo*, p. 13.

Consequently, Abante's unauthorized travel abroad/unauthorized leave from work subjects her to disciplinary action, as provided under OCA Circular No. 59-2013:³²

4. Request for extension of the Travel Authority, together with the corresponding properly accomplished leave application and other supporting documents, as the case may be, must be submitted to and received by the OCA at least ten (10) working days before the expiration of the period covered by the previous Travel Authority. Otherwise, the request shall not be entertained.
5. The salaries and benefits of the concerned official or employee shall be withheld without prior notice to avoid overpayment in case of incurrance of one (1) day vacation leave without pay to be spent abroad or in excess of thirty (30) calendar days vacation leave without pay to be spent within the Philippines, including the period of the extension thereof. The release of the withheld salaries and benefits shall be directed only upon the applicant's submission of a certification issued by the Executive Judge (for those in the Office of the Clerk of Court), or the Presiding Judge (for those in the court branches), or the Clerk of Court as delegated by the Executive Judge/Presiding Judge in writing, stating that the applicant has reported back to work. Said certification shall be accompanied by the applicant's DTR, if applicable. In the case of judges, the release of salaries and benefits shall be effected upon submission of a certification executed by the concerned judge stating that he/she has reported back to work.
6. Judges and court personnel who shall leave the country without a Travel Authority or extend his/her travel abroad without the approval of the extension of his/her Travel Authority shall be subject to disciplinary action, and all corresponding absences incurred shall be considered as unauthorized leave of absence.³³

Abante's violation of Supreme Court Rules, Directives, and Circulars is a less serious charge under Section 15, Rule 140³⁴ of the Revised Rules of Court. Under Section 17(2) of the said Rules, a respondent found guilty of a less serious charge may be sanctioned with either: (a) a suspension from office without salary and other benefits for not less than one month nor more than six months; or (b) a fine of more than ₱35,000.00 to ₱100,000.00. In relation to Section 17(2) is Section 19 of the same Rule which recognizes that this Court, in the exercise of its discretion, may appreciate any of the mitigating circumstances in imposing a penalty to an administrative charge:

³² Guidelines on Requests for Travel Authority and Extension of Travel Abroad, May 6, 2013.

³³ Id.

³⁴ A.M. No. 21-08-09-SC, Further Amendments to Rule 140 of the Rules of Court, February 22, 2022.

SECTION 15. *Less Serious Charges*. – Less serious charges include:

(e) Violation of Supreme Court rules, directives and circulars that establish an internal policy, rule of procedure, or protocol[.]

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:

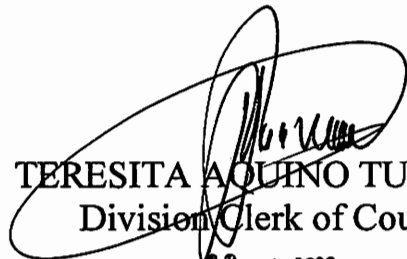
1. Mitigating circumstances:
 - a. **First offense;**
 - b. Length of service of at least ten (10) years with no previous disciplinary record where respondent was meted with an administrative penalty;
 - c. Exemplary performance;
 - d. Humanitarian considerations; and
 - e. Other analogous circumstances.³⁵ (Emphasis supplied)

Since it is the first time that Abante was administratively charged, the Court deems it appropriate to apply the mitigating circumstance of “First offense.” This Court finds that the imposition of ₱20,000.00 as proper.

FOR THESE REASONS, the Report dated May 25, 2022 of the Judicial Integrity Board is hereby **NOTED**. Accordingly, this case shall be **REDOCKETED** as a regular administrative matter. Respondent Lynida T. Abante, Court Stenographer II, Municipal Trial Court, Bombon, Camarines Sur, is found **GUILTY** of violation of Supreme Court Rules, Directives, and Circulars. She is also **FINED** in the amount of ₱20,000.00 with a **STERN WARNING** that a repetition of a similar offense shall be dealt with more severely.

SO ORDERED.” (Lopez, M., J., on official business)

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court *pp 7/19*
19 JUL 2023

³⁵ Id.

* On official business leave.

HON. RAUL B. VILLANUEVA (x)
Office of the Court Administrator
Legal Office (x)
Court Management Office (x)
Financial Management Office (x)
Office of Administrative Services (x)
Office of the Court Administrator
Supreme Court, Manila

JUSTICE ROMEO J. CALLEJO, SR. [Ret.] (x)
Chairperson
JUSTICE ANGELINA SANDOVAL-GUTIERREZ [Ret.] (x)
Vice-Chairperson
JUSTICE SESINANDO E. VILLON [Ret.] (x)
JUSTICE RODOLFO A. PONFERRADA [Ret.] (x)
JUSTICE CIELITO N. MINDARO-GRULLA [Ret.] (x)
Members
Office of the Executive Director (x)
Office of the General Counsel (x)
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Bombon, Camarines Sur

HON. PRESIDING JUDGE (reg)
Municipal Trial Court
Bombon, Camarines Sur

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Supreme Court, Manila

*For this resolution only
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