

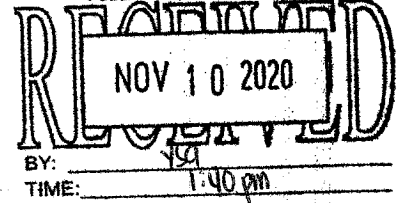


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Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

SUPREME COURT OF THE PHILIPPINES
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NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **September 9, 2020**, which reads as follows:

“A.M. No. P-20-4058 [Formerly A.M. No. 19-11-259-RTC] (Re: Unauthorized Travel Abroad of Jonathan R. Geronimo, Utility Worker I, Regional Trial Court, Baguio City, Benguet, Branch 5). – On April 11, 2019, Jonathan R. Geronimo (*Geronimo*), Utility Worker I, of the Regional Trial Court, Baguio City, Benguet, Branch 5 (*RTC*), applied for vacation leave from April 17 to 22, 2019 supposedly to be spent within the Philippines. This was approved by RTC Presiding Judge Maria Ligaya V. Itliong-Rivera. Upon receipt of information that Geronimo travelled to Taiwan from April 17 to 20, 2019, Executive Judge Mia Joy C. Oallares-Cawed directed Geronimo to explain the reason for his failure to secure a travel authority from this Court. The matter was referred to the Office of the Court Administrator (*OCA*).

In a Memorandum¹ dated August 13, 2019, Deputy Court Administrator Raul Bautista Villanueva (*DCA Villanueva*) and Chief of Office Caridad A. Pabello of the Office of Administrative Services of the OCA, recommended to Court Administrator Jose Midas P. Marquez (*CA Marquez*) that: (1) the absences of Geronimo from April 17 to 22, 2019 be considered unauthorized; and (2) Geronimo be directed to explain in writing, within fifteen (15) days from notice, why he should not be held administratively liable for his failure to comply with OCA Circular No. 59-2013.² CA Marquez approved the commendation.

In a Letter³ dated September 4, 2019, DCA Villanueva informed Geronimo that due to his failure to file a Request for Authority to Travel Abroad and to submit the corresponding application for leave, his absences corresponding to one and one-half (1 1/2) days were considered unauthorized; hence, he was not entitled to receive his salary corresponding to that period.

¹ *Rollo*, pp. 10-11.

² Guidelines on Requests for Travel Authority and Extension of Travel Abroad, May 6, 2013.

³ *Rollo*, p. 5.

In his Explanation⁴ dated October 22, 2019, Geronimo reasoned that the trip to Taiwan was a treat for his family from his brother-in-law as a graduation gift for his son, and that they were only informed of the trip a week before the scheduled travel as it was meant to be a surprise. Immediately after learning of the impending trip, he filed his Application for Leave of Absence on April 10, 2019. Due to time constraints and excitement, he was not able to inquire if there were other requirements which he needed to secure. He also conveyed that he was under the impression that, being "Holy Week," there was no further need to secure a travel authority from this Court through the OCA.

In the Memorandum⁵ dated December 16, 2019, the OCA recommended that: the matter be re-docketed as a regular administrative case; Geronimo be reminded to strictly adhere to the provisions of OCA Circular No. 59-2013; and his corresponding absences of 1 ½ days for the period of April 17 to 22, 2019 be considered unauthorized.

According to the OCA, Geronimo's failure to comply with OCA Circular No. 59-2013⁶ is a violation of reasonable office rules and regulations, a light offense punishable by reprimand for the first offense, suspension of one (1) to thirty (30) days for the second, and dismissal from the service for the

⁴ Id. at 3-4.

⁵ Id. at 7-9.

⁶ The pertinent provisions of OCA Circular No. 59-2013 provide:

1. All judges and personnel of the lower courts who plan to travel abroad, regardless of the number of days, must secure a Travel Authority from the Supreme Court through the Office of the Court Administrator (OCA). The following documents shall be submitted:

x x x x

(b) For Court Personnel:

- Letter-request addressed to the Court Administrator stating the purpose of the travel abroad;
- Properly accomplished Application For Leave (C.S. Form No. 6) covering the period of the travel abroad with the favorable recommendation of 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;
- Clearance as to Money and/or Property Accountability;
- Clearance as to pending criminal and/or administrative case/s filed against the applicant, if any;
- Clearance as to pending stenographic notes for transcription from the applicant's court and from the Court of Appeals, for Court Stenographers; and
- Approved Supreme Court (SC) Certificate of Clearance, in case the period of travel results in the applicant's incurrence of leave without pay in excess of one (1) month (Sec. 57 of the Omnibus Rules on Leave) or thirty (30) calendar days.

x x x x

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.

September 9, 2020

third.⁷ The OCA, however, considered Geronimo's nine (9) years of service in the Judiciary and the matter being his first offense as mitigating circumstances which merit a mere reminder. It noted that not receiving the corresponding salary for the period of Geronimo's unauthorized leaves of absence is sufficient disciplinary action for his transgression.

This Court adopts and accepts the recommendation of the OCA.

In several cases, this Court has refrained from imposing the actual penalties in the presence of mitigating factors. Factors such as the employee's length of service, acknowledgment of his or her infractions and feelings of remorse for the same, advanced age, family circumstances, and other humanitarian and equitable considerations, had varying significance in our determination of the imposable penalty. Thus, taking into account the length of Geronimo's service in the Judiciary and that this matter is his first offense, this Court finds the recommendation of the OCA, to remind Geronimo to observe OCA Circular No. 59-2013, appropriate.

WHEREFORE, Jonathan R. Geronimo, Utility Worker I, Regional Trial Court of Baguio City, Benguet, Branch 5, is found **GUILTY** of violating OCA Circular No. 59-2013 and is hereby **ADMONISHED** to strictly observe its provisions. Jonathan R. Geronimo's corresponding absences equivalent to 1½ days for the period of April 17 to 22, 2019 are considered **UNAUTHORIZED**.

SO ORDERED."

By authority of the Court:

Misael Domingo C. Battung III
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court

GER
 10/20/20

Mr. Jonathan R. Geronimo
 Utility Worker I
 REGIONAL TRIAL COURT
 Branch 5
 Benguet, 2600 Baguio City

Hon. Maria Ligaya V. Itliong-Rivera
 Presiding Judge
 REGIONAL TRIAL COURT
 Branch 5
 Benguet, 2600 Baguio City

⁷ Rule 10, Section 46(F)(3) of the 2017 Revised Rules on Administrative Cases in the Civil Service.

Hon. Jose Midas P. Marquez
Court Administrator
OFFICE OF THE COURT ADMINISTRATOR
Supreme Court, Manila

Hon. Raul Bautista Villanueva
Hon. Jenny Lind R. Aldecoa-Delorino
Hon. Leo T. Madrazo
Deputy Court Administrators
OFFICE OF THE COURT ADMINISTRATOR
Supreme Court, Manila

Hon. Lilian C. Barribal-Co
Hon. Maria Regina Adoracion Filomena M. Ignacio
Assistant Court Administrators
OFFICE OF THE COURT ADMINISTRATOR
Supreme Court, Manila

JUDICIAL AND BAR COUNCIL
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A.M. No. P-20-4058 [Formerly A.M. No. 19-11-259-RTC]

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