

Medical Certificate Needed as Proof for Absence Due to Illness

By: *Ana Theresa D. Singcol*

An employee who claims absences due to illness must submit a medical certificate when he reports for work, showing the reason for his absence. Intermittent unexplained leaves of an employee may show a pattern of disregard of company rules and can be used as basis for termination of employment.

In the case of *Daniel O. Paduata v. Manila Electric Company (Meralco)*¹, after Meralco transferred an employee to its Central Office in the Manila District to do the work as an Acting Stockman, the employee started incurring several absences supposedly due to rheumatic arthritis. Meralco said that these absences were unauthorized and unexcused since the employee failed to submit the required medical certificate after the absences were incurred.

Meralco conducted an investigation and found that the employee violated the company's Code on Employee Discipline. MERALCO thereafter wrote the employee a letter informing him of his dismissal from the service due to his absences.

The Supreme Court held that the employee was not able to comply with the notice and substantiation requirements for sick leave absence conditioned on prior notice to his employer as indicated in Code on Employee Discipline.

MERALCO presented evidence that it followed the substantive and procedural requirements of dismissal, supported by documents and memoranda and that, consequently, the burden was on the employee to prove that his absences were authorized and excused. The employee failed to submit any credible proof that he gave prior notice of his absences or that he submitted the medical certificates needed to justify them. He relied solely on his own affidavit and did not submit the affidavits of the private physician he allegedly consulted about his reported illness.

The employee in this case also claimed that shortly before Meralco issued its notice of dismissal, it offered him separation pay, apparently to avoid a dispute with him. In the case of *Eastern Shipping Lines, Inc. v. Sedan*, financial assistance may be allowed as a measure of social justice and exceptional circumstances, such may be extended to the employee in this case who apparently suffered from recurring illness that prevented him from doing his work. (*March 27, 2012*)

¹ February 29, 2012, G.R. No. 170098.