

**\*\*Title:\*\*** Carlos R. Saunar v. Executive Secretary Eduardo R. Ermita, et al.

**\*\*Facts:\*\*** Carlos R. Saunar, former Regional Director of the National Bureau of Investigation (NBI), was dismissed from government service due to allegations of being Absent Without Leave (AWOL) from March 24, 2005, to May 2006. The dismissal was based on a recommendation by then NBI Director Reynaldo Wycoco, charging Saunar for failing to report for work without an approved leave for four months. Following his reassignment and alleged failure to report to a designated supervisor, Saunar was charged by the Presidential Anti-Graft Commission (PAGC) and eventually dismissed following a decision by the Office of the President (OP), which was subsequently affirmed by the Court of Appeals (CA). Saunar appealed to the Supreme Court (SC), claiming violations of due process and arguing against the findings of gross neglect of duty and AWOL.

**\*\*Issues:\*\***

1. Whether Saunar was denied due process in the administrative proceedings leading to his dismissal.
2. Whether the CA erred in affirming the OP's decision, implicating Saunar in gross neglect of duty and AWOL.

**\*\*Court's Decision:\*\*** The Supreme Court sided with Saunar, holding that his dismissal from government service was without due process and reversed the CA's decision. It pointed out procedural irregularities in the administrative proceedings, notably the PAGC's failure to notify Saunar of clarificatory hearings and its neglect to allow him an opportunity to confront witnesses or be informed of the charges in a timely manner. The SC also reasoned that Saunar's inability to report for duty was not out of willful neglect but due to the absence of specific assignments from his superiors, negating the charges of gross neglect of duty and AWOL. Further, the Court opined that Saunar's participation in court hearings as per directives showed no intention to neglect his duties. Consequently, Saunar was entitled to full back wages from the time of his illegal dismissal until his retirement, along with retirement benefits.

**\*\*Doctrine:\*\*** The case clarifies the requirements of administrative due process, emphasizing the necessity for fair hearing and the opportunity to confront witnesses in administrative proceedings. It also sets a precedent for the entitlement of illegally dismissed government employees to full back wages and retirement benefits.

**\*\*Class Notes:\*\***

- **Due process in administrative proceedings** requires fairness, opportunity for a hearing, and the chance to confront witnesses and present evidence.
- **Gross Neglect of Duty** is characterized by a willful and intentional failure to perform a duty, distinguished from mere inability to perform duties due to lack of assignment.
- **Absence Without Leave (AWOL)** in administrative law can constitute an administrative offense leading to dismissal; however, context matters, and the absence must be shown to be willful or negligent.
- **Entitlement to Back Wages and Benefits**: Illegally dismissed government employees are entitled to full back wages from the time of their dismissal until their actual reinstatement or, if reinstatement is not possible, until retirement, including any benefits they would have normally received.

**Historical Background:** This case highlights the intricacies of administrative law and due process in the context of public service employment in the Philippines. It underscores the essential balance between the accountability of government officials and their rights as employees, against the backdrop of procedural fairness and the right to a fair hearing.