

DOMINICA C. TADEO, COMPLAINANT, VS. NELIA F. DAQUIZ, ALSO KNOWN AS NELIA D. ENRILE, STAFF ASSISTANT I, REGIONAL TRIAL COURT, BRANCH 105, QUEZON CITY, RESPONDENT.

A.M. No. P-91-650. July 21, 1993

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PER CURIAM:

In a sworn-letter complaint[1] filed 27 November 1991, Dominica C. Tadeo charged Nelia F. Daquiz, Staff Assistant I, Regional Trial Court, Branch 105, Quezon City, with grave misconduct and dishonesty.

Complainant alleged that pursuant to A.O. No. 83-91 dated 2 September 1991, respondent Nelia F. Daquiz was ordered detailed to the Office of Court of Appeals Justice Cesar D. Francisco effective immediately until the end of October 1991; that notwithstanding such detail, respondent often visited the Regional Trial Court, Branch 105, during office hours and made that office a center for her ready-to-wear (RTW) business; that she uttered statements casting aspersions on complainant's children; that in the aforesaid A.O. No. 83-91, respondent was directed to report, after her stint at the Court of Appeals, to the Office of the Executive Judge, Regional Trial Court, Baguio City, effective 2 November 1991; and, that despite the fact that she was overdue at the Regional Trial Court of Baguio City, she still kept reporting to the Court of Appeals.

On 17 February 1992, then Court Administrator Josue N. Bellosillo (now Associate Justice of this Court) forwarded the aforesaid complaint to Executive Judge Pedro T. Santiago, Regional Trial Court, Quezon City, for appropriate action.[2]

On 16 March 1992, the Leave Section of the Office of Administrative Services of this Court sent respondent through Acting Presiding Judge Ildefonso E. Gascon, Regional Trial Court, Branch 105, a warning letter, followed with a second warning letter dated 15 April 1992, concerning her absence without official leave (AWOL) since 2 November 1991, and directed her to explain in writing why no disciplinary action should be taken against her for such unauthorized absence.[3] Respondent did not comply.

On 31 March 1992, Executive Judge Pedro T. Santiago endorsed[4] to Court Administrator Ernani Cruz Paño the letter-request of respondent dated 5 March 1992, for permission to return to her regular assignment in the Regional Trial Court, Branch 105, Quezon City, in lieu of her detail to Baguio City, alleging that such detail would separate her from her children and would interrupt her studies at San Sebastian College where she was taking up law.

On 15 April 1992, the Office of Administrative Services sent a letter[5] to Judge Ildefonso E. Gascon, requesting a recommendation as to whether respondent should be dropped from the service as she was on AWOL since 2 November 1991. Judge Gascon did not respond to this letter.

On 13 May 1992, complainant sent a letter[6] to the Chief Justice dated 27 April 1992 calling his attention to the grave misconduct, dishonesty and viciously defiant acts of respondent, to wit: (a) willful defiance of A.O. No. 83-91 dated 2 September 1991 by failing to report for work at the Regional Trial Court in Baguio City; (b)

AWOL since 23 December 1991, the date her official leave of absence expired; (c) frequent visits at the Regional Trial Court branches at the Children's Museum and Library, Quezon City, in search of "Padreous" (presumably "padrinos") to support her application for transfer to the Bureau of Internal Revenue and her reinstatement at the Regional Trial Court, Branch 105; and, (d) withdrawing salaries from 2 November to 15 March 1992 despite her being AWOL.

On 18 May 1992, Deputy Court Administrator Reynaldo L. Suarez submitted a Memorandum[7] of even date for the Chief Justice on respondent's non-compliance with A.O. No. 83-91 and the directive of the Office of the Administrative Services, and recommending that: (a) respondent be directed to SHOW CAUSE within five (5) days why no disciplinary action should be taken against her for defying A.O. No. 83--91, dated 2 September 1991; (b) she be required to explain her failure to comply with the directive of the Office of the Administrative Services; and, (c) A.O. 83-91 be REVOKED and respondent directed to return to her official station at Regional Trial Court, Branch 105, Quezon City, pending the outcome of this case.

Acting on such Memorandum, the First Division of this Court issued on 15 July 1992, a resolution[8] stating that -

"In view of the report dated May 18, 1992 of Deputy Court Administrator Reynaldo L. Suarez that respondent Nelia Daquiz-Enrile, Clerk III, Regional Trial Court, Branch 105, Quezon City, has not fully complied with Administrative Order No. 83-91 dated September 2, 1991, which reads as follows:

'In the interest of the service x x x Ms. NELIA D. ENRILE x x x is hereby DETAILED to the Office of Associate Justice Cesar D. Francisco, Court of Appeals, Manila, effective September 2, 1991, for a period of two (2) months, and thereafter, to the office of the Executive Judge, Regional Trial Court, Baguio City, to report thereat until further orders from this Court.

'Under this detail, Ms. Nelia D. Enrile is not entitled to any additional compensation nor reimbursement for any expenses incident thereto x x x x'

because she has not reported for work in the Office of the Executive Judge of the Regional Trial Court in Baguio City up to this time, and, as the Court finds her explanation for her failure to do so unsatisfactory, she is hereby ordered to SHOW CAUSE why no disciplinary action should be taken against her.

"The Court REITERATES its Adm. Order No. 83-91 and DIRECTS her to REPORT immediately to the Executive Judge of the Regional Trial Court in Baguio City for duty pending the outcome of the administrative complaint filed against her by Mrs. Dominica Tadeo. Proof of compliance with this order should be submitted by her within ten (10) days from notice."

Subsequently, complainant filed a Supplemental Letter--Complaint[9] dated 20 July 1992 against respondent and prayed for the latter's dismissal from the service.

On 3 August 1992, the First Division noted[10] the aforementioned supplemental letter-complaint pending compliance by respondent with the SHOW CAUSE resolution of 15 July 1992 for failure to report to the Regional Trial Court, Baguio City.

On 6 August 1992, Acting Presiding Judge Ildefonso E. Gascon endorsed[11] to the Court Administrator the letter of respondent dated 1 July 1992, submitting her irrevocable resignation because she could not comply with Administrative Order No. 83-91 since she would be separated from her family and be forced to stop her studies.

On 9 December 1992, the First Division referred this case to the Court En Banc en consulta.[12]

On 8 January 1993, complainant filed a letter[13] addressed to the Chief Justice stating, among other matters, that respondent was already working as Clerk III, Law Division, Main Bldg., Bureau of Internal Revenue, and raising

a query as to whether such employment was possible under Civil Service Rules considering the pendency of this case. Complainant reiterated her prayer for the dismissal of respondent from the service.

On 15 January 1993, respondent wrote Court Administrator Paño informing him that she was already employed with the Bureau of Internal Revenue, Head Office, Quezon City, since August 1992, and requesting a certification of last salary received and leave credits as Staff Assistant I, RTC, Branch 105, Quezon City.[14]

On 5 March 1993, the Fiscal Management and Budget Office, in a Memorandum[15] for Justice Josue N. Bellosillo, stated that the salaries of respondent were only withheld effective April 1992, and that respondent's salaries as well as personal economic relief allowances (PERA) from November 1991 to March 1992 amounting to P11,526.15 were released to the Regional Trial Court, Quezon City.

Respondent's flagrant disregard of our SHOW CAUSE resolution of 15 July 1992 cannot be condoned. Notwithstanding her resignation, respondent ought to be reminded that acceptance thereof is indispensably necessary to be operative and effective. In *Gamboa v. Court of Appeals*,[16] We ruled ?

"To constitute a complete and operative resignation of public office, there must be an intention to relinquish a part of the term, accompanied by the act of relinquishment and a resignation implies an expression of the incumbent in some form, express or implied, of the intention to surrender, renounce, and relinquish the office and the acceptance by competent and lawful authority" (underscoring supplied).

Our acceptance of respondent's resignation becomes even more imperative in view of this case against her of which she is well aware. A public office is a public trust and all public officers must at all times be accountable to the people.[17] Moreover, the conduct and behavior of every one connected with an office charged with the dispensation of justice, like the Regional Trial Court, from the presiding judge to the lowliest clerk should be circumscribed with the heavy burden of responsibility.[18] The actuations of respondent do not measure up to the standard criterion of a public servant.

Consider the following facts on record: (a) respondent has been absent without leave (AWOL) since 2 November 1991; (b) she pressed for her return to the Regional Trial Court, Branch 105, Quezon City, instead of explaining her AWOL status as directed by the Office of Administrative Services of this Court; (c) respondent pointed to her children and law studies as reasons for her failure to comply with A.O. No. 83-91; (d) our resolution of 15 July 1992 found such reasons unsatisfactory; (e) in the same resolution, we reiterated our directive in A.O. No. 83-91 and ordered respondent to SHOW CAUSE for her failure to report to the Regional Trial Court in Baguio City; (f) respondent filed her resignation letter of 1 July 1992 and sought favorable consideration therefor; (g) she did not comply with our directives contained in aforesaid resolution; (h) respondent continued to receive her salary checks and personal economic relief allowances (PERA) from November 1991 to March 1992 amounting to P11,526.15 despite her prolonged and unauthorized leave of absence; and (i) she did not wait for the acceptance of her resignation before she transferred in August 1992 to the Bureau of Internal Revenue.

These enumerated facts clearly reflect respondent's perception of her duties as dependent upon her whim and convenience. She treated her position as though owed to her rather than being beholden to the citizenry who employed her services for their benefit. Her undesirable traits run counter to the mandate of Sec. 4, par. (a), of R.A. No. 6713[19] which states that public officials and employees shall always uphold the public interest over and above personal interest.

Furthermore, Sec. 2, Rule VI, of the Rules on Personnel Actions and Policies implementing P.D. 807, otherwise known as the Civil Service Decree of the Philippines, provides -

"Section 2. An employee who seeks appointment by transfer or promotion to another office shall first secure

permission from the head of the Department or Agency where he is employed" (underscoring Ours).

Again, respondent was remiss in her duty as a public servant in not obtaining permission from this Court, her employer, before seeking transfer to another government agency. She certainly lacks the faithfulness, devotion and dedication to duty required of public officials and employees from the moment of their entrance to public service.[20]

In the light of the foregoing, we hold that respondent's resignation is inoperative and ineffective for lack of acceptance. Her unexplained and unauthorized absence without leave constitutes an abandonment of her position as Staff I of the Regional Trial Court, Branch 105, at Quezon City, to the detriment of the service. Likewise, respondent's brazen disregard of our orders renders her unfit to continue serving in the judiciary.

In *The Court Administrator v. Marilou T. Alejo*, [21] we dismissed Court Interpreter Marilou T. Alejo for abandonment of her position with forfeiture of her salaries and other benefits due her as of 30 September 1989. In that case, respondent failed to comply with our Resolutions: (a) dated 20 March 1990 requiring her to comment on the complaint against her for incompetence, dishonesty and absence without leave since September 1989; (b) dated 21 November 1990 directing her to show cause why she should not be disciplinarily dealt with for failure to comply with the Resolution of 20 March 1990; and, (c) dated 4 March 1991 ordering her to pay a fine of P500.00 and show cause why her failure to comment on the complaint should not be deemed a tacit admission of the truth of the charges, and why she should not be dropped from the rolls.

We can do no less in the present case.

We find it opportune to once again remind court officials and employees that the administration of justice is a sacred and onerous task. All those who are involved in this work must serve with utmost dedication, loyalty and devotion to achieve a speedy, fair and efficient justice for all.

WHEREFORE, NELIA F. DAQUIZ, also known as NELIA D. ENRILE, is hereby DISMISSED from the judicial service effective 2 November 1991 when her last leave of absence expired, with forfeiture of all retirement benefits and privileges, if any, and with prejudice to her reinstatement or reemployment in any branch of the government or any of its agencies or instrumentalities, including government owned or controlled corporation.

She is further directed to REFUND to this Court immediately the sum of P11,526.15 corresponding to the amount of salary checks and personal economic relief allowances (PERA) received by her during the period of her unauthorized absence from work.

SO ORDERED.

Cruz, Feliciano, Padilla, Bidin, Griño-Aquino, Regalado, Davide, Jr., Romero, Nocon, Melo, and Quiason, JJ., concur.

Bellosillo, Puno, and Vitug, JJ., no part.

[1] Rollo, p. 3.

[2] *Ibid.*, p. 5.

[3] Rollo, p. 21.

[4] *Ibid.*, p. 6.

[5] *Ibid.*, p. 21.

[6] Ibid., p. 13.

[7] Rollo, p 24.

[8] Ibid., p. 27.

[9] Rollo, p. 29.

[10] Ibid., p. 52.

[11] Rollo, p. 84.

[12] Ibid., p.83.

[13] Ibid., p. 86.

[14] Ibid., p. 105.

[15] The amount of P11,526.15 is covered by the following checks with the corresponding amounts and periods covered: Check No. 001189 - P913.11 for November 1-15, 1991 (salary); Check No. 22340 -P913.12 for November 16-30 1991 (salary); Check No. 49385 - P465.00 for November 1991 (PERA); Check No. 91193 - P913.11 for December 1-15, 1991 (salary); Check No. 146045 - P913.12 for December 16-31, 1991 (salary); Check No. 127904 - P465.00 for December 1991 (PERA); Check No. 155927 - P913.12 for January 1-15, 1992 (salary); Check No. 183795 - P913.12 for January 16-31, 1992 (salary); Check No. 210872 - P465.00 for January 1992 (PERA); Check No. 229913 - P913.11 for February 1-14, 1992 (salary); Check No. 260473 - P913.12 for February 15-29, 1992 (salary); Check No. 297176 - P500.00 for February 1992 (PERA); Check No. 315385 - P913.11 for March 1-15, 1992 (salary); Check No. 336366 - P913.11 for March 16-31, 1992 (salary); and, Check No. 354117 - P500.00 for March 1992 (PERA).

[16] No. L-38068, 30 September 1981, 108 SCRA 1.

[17] See Garcia v. Eullaran, Adm. Matter No. P-89-327, 19 April 1991, 196 SCRA 1.

[18] Sy v. Academia, Adm. Matter No. P-87-72, and Pardo v. Academia, Adm. Matter No. P-90-481, 3 July 1991, 198 SCRA 705.

[19] The Code of Conduct and Ethical Standards for Public Officials and Employees, approved 20 February 1989.

[20] Sec. 4, par. (b), R.A. 6713.

[21] Administrative Matter No. P-90-410, 3 September 1991, En Banc resolution.

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