

**NELIA GELLA-SAGUN, COMPLAINANT, VS. MARIA FLOR F. FRAGA,
CLERK, CFI OF RIZAL, QUEZON CITY BRANCH III, RESPONDENTS.**

A.M. No. P-2282. August 21, 1980

Ponente: AQUINO, J.

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AQUINO, J.:

Nelia Gella-Sagun, 31, the wife of Danilo B. Sagun, 23 or 26, in her verified complaint dated August 27, 1979, imputed immorality to Maria Flor F. Fraga, 30, a clerk in Quezon City Branch 52 of the Court of First Instance of Rizal, for having contracted marriage on May 28, 1979 with her husband Danilo.

Maria Flor F. Fraga could not be required to answer the complaint because her whereabouts are unknown up to the present. Her last daily time record covered the period up to September 14, 1979. She had not applied for a leave of absence. The balance of her leave credits consists of fifteen and one-half days vacation leave and one day sick leave.

Having abandoned her job, she, as an AWOL, has become a notoriously undesirable employee whose occupancy of the position of clerk is prejudicial to the service.

Conformably with the recommendation of Justice Lorenzo Relova, Court Administrator, Maria Flor F. Fraga is summarily dismissed and separated from the service, effective immediately, pursuant to sections 36 and 40 of the Civil Service Decree of the Philippines, Presidential Decree No. 807.

SO ORDERED.

Barredo, (Chairman), Concepcion, Jr., Guerrero,[*] and De Castro,[*] JJ., concur.

[*]Were designated to sit in the Second Division.

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