

JUDGE BENIGNO G. GAVIOLA, COMPLAINANT, VS. COURT AIDE NOEL NAVARETTE, RTC, BRANCH 9, CEBU CITY, RESPONDENT.*A.M. No. P-97-1245 (OCA-IPI-96-93-P). July 07, 1997*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/89c23719ea1c/>**PER CURIAM:**

A letter complaint was filed with the Office of the Court Administrator against Court Aide Noel Navarette of Branch 9 of the Regional Trial Court of Cebu by the presiding judge, Benigno G. Gaviola, for theft of monetary exhibits. According to Judge Gaviola, on December 29, 1995, money exhibits of two (2) Criminal cases (CBU-29515 and CBU-37905) were discovered missing. The matter was reported to the Civil Security Division of the Cebu Provincial Capitol and the Theft and Robbery Section of Police Precinct No. 1, Cebu City.

The theft was apparently perpetrated by an employee of the court since there was no sign of forcible entry on office doors, windows and cabinets. Hence, all the staff of RTC, Branch 9 were investigated and fingerprinted. Court Aide Noel Navarette was further investigated by the police authorities.

On the evening of the same day, respondent Navarette allegedly went to the house of Judge Gaviola and admitted having taken the money exhibits. He reportedly asked for forgiveness and promised to replace the money which he had taken.

On January 4, 1996 at about 2:30 p.m., respondent allegedly called up the Clerk of Court of RTC, Branch 9, Jocelyn Po, from Bais City through long distance and asked for forgiveness, saying that he would look for money to pay back what he had taken.

A photocopy of an Acknowledgment/Undertaking allegedly executed by Mr. Navarette was presented wherein he admitted taking money exhibits amounting to P41,800 which he signed in the presence of the investigating officers.[1] In an accompanying letter, Hon. Priscila S. Agana, Executive Judge, Cebu City, recommended the immediate termination of Mr. Navarette and the filing of appropriate charges against him.[2]

On June 17, 1996, the Court resolved, as recommended by the Deputy Court Administrator Bernardo Abesamis, to (a) require respondent Navarette to comment on the letter complaint of Judge Gaviola; (b) suspend the respondent from office pending the final resolution of the case; (c) direct the Finance department of the court to withhold the salary of the respondent effective immediately.

The copy of the resolution of June 17, 1996 together with the copy of the administrative complaint addressed to the respondent at RTC, Branch 9, Cebu City, however, were returned to this Court unserved with notations "no longer connected with Branch 9" and "2nd address insufficient."

Meanwhile, the Clerk of Court, Atty. Po informed the Administrative Services of the Court through a letter dated June 13, 1996, that respondent Navarette has been "Absent Without Official Leave" (AWOL) since January 2, 1996.[3] Atty. Po further submitted a copy of the resolution of the Office of the Ombudsman (Visayas) dated March 26, 1996, recommending the filing of criminal charges for qualified theft against the respondent.[4] The letter was noted by the court in its resolution dated August 14, 1996.

A public servant must exhibit at all times the highest sense of honesty and integrity. No less than the Constitution sanctifies the principle that a public office is a public trust, and enjoins all public officers and employees to serve with the highest degree of responsibility, integrity, loyalty and efficiency.[5] Public officials and employees are under obligation to perform the duties of their honestly, faithfully and to the best of their ability.[6]

Inasmuch as the respondent has been absent without official leave since January 2, 1996 up to the present, the Court hereby resolves to drop respondent Noel Navarette, Court Aide, RTC Branch 9, Cebu City, from the rolls effective January 2, 1996 pursuant to Sec. 35, Rule XVI of the Omnibus Rules on Civil Service which reads as follows:

“Section 35. Officers and employees who are absent for at least thirty (30) days without approved leave are considered on Absence Without Official Leave (AWOL) and shall be dropped from service after due notice. However, when the exigencies of the service require his immediate presence and he fails/refuses to return to the service, the head of the office may drop him from the service even prior to the expiration of the thirty day period abovestated.”

WHEREFORE, Court Aide Noel Navarette is hereby DROPPED from the service.
SO ORDERED.

Narvasa, C.J., Padilla, Regalado, Davide, Jr., Romero, Melo, Vitug, Mendoza, Francisco, and Panganiban, JJ., concur.

Bellosillo, Puno, Hermosisima, Jr., and Torres, Jr., JJ., on leave.

Kapunan, J., on leave, did not take part in the deliberations.

[1] Rollo, p. 8.

[2] Rollo, p. 13.

[3] Rollo, p. 45.

[4] Rollo, pp. 46-48.

[5] Sec. 1, Art. XI, 1987 Constitution.

[6] *Policarpio v. Fortus*, 248 SCRA 272.

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