

FLORENTINO A. MERCADO, JR., COMPLAINANT, VS. NOEL T. MANALO, SHERIFF III, METC, MANILA, BRANCH 5, RESPONDENT.

A.M. No. P-02-1541 (Formerly OCA IPI No. 00-813-P). February 06, 2002

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/9707da771942/>

PER CURIAM:

In this case, Florentino A. Mercado, Jr., Clerk of Court III, Metropolitan Trial court (MeTC), Manila, Branch 05 filed with the Office of the Court Administrator, Supreme Court, on December 09, 1999, an administrative complaint against Noel T. Manalo, Sheriff III, Metropolitan Trial Court, Manila, Branch 05, charging him with habitual absenteeism and inefficiency.[1]

Complainant Mercado alleged that respondent sheriff was absent without leave for ten (10) days in September, fourteen (14) days in October, seven (7) days in November, and sixteen (16) days in December, all in the year 1999. Several lawyers and litigants with pending cases in the court complained that respondent sheriff had not attended to the executions and service of summons in their cases. Respondent sheriff's habitual absenteeism thus resulted in neglect of duty.[2] Even the presiding Judge, MeTC, Manila, Branch 05 received oral and written complaints from lawyers against respondent sheriff.[3]

On November 11, 1999, the presiding judge, MeTC, Manila, Branch 05, issued a memorandum to respondent sheriff requiring him to submit the sheriff's return under Section 14, Rule 39, Revised Rules of Court, in nine (9) criminal cases and four (4) civil cases.[4]

On March 21, 2000, the Court Administrator required respondent sheriff to comment on the complaint within ten (10) days from notice.[5] Respondent sheriff received notice on April 17, 2000.[6] However, he has not submitted his comment and continued to be absent without leave.

On July 24, 2000, the Supreme Court resolved to drop respondent sheriff from the service effective September 1, 1999, without prejudice to the outcome of the administrative case.[7]

On July 9, 2001, the Acting Court Administrator recommended that respondent sheriff be dismissed from the service for grave misconduct, absence without leave and conduct prejudicial to the best interest of public service.[8]

We agree with the recommendation of the Acting Court Administrator.

Civil Service Memorandum Circular No. 23, Series of 1998, defines habitual absenteeism as follows:

"An officer or employee in the Civil Service shall be considered habitually absent if he incurs unauthorized absences exceeding the allowable two and one-half (2 1/2) days monthly leave credit under the Leave Law for at least three (3) months in a semester or at least three (3) consecutive months during the year x x x." [9]

From the undisputed facts, respondent sheriff was absent without leave for more than the allowable two and one-half days monthly leave credit. In fact, he failed to report for work ten (10) days in September, fourteen (14) days in October, seven (7) days in November, and sixteen (16) days in December, in the year 1999, without

authorization. Worse, the presiding judge, Metropolitan Trial Court, Manila, Branch 5 reported that as of April 17, 2000, respondent sheriff was still absent without leave.[10]

Consequently, respondent sheriff neglected to perform his duties as Sheriff III to the detriment of litigants, lawyers, and even the court where he was employed. Respondent sheriff's act of absenting himself without leave seriously prejudiced public service.[11]

Indeed, respondent sheriff's frequent unexplained absences and neglect of duty showed that he failed to live up to the exacting standards of public office.

"Public office is a public trust. All public officers are accountable to the people at all times. Their duties and responsibilities must be strictly performed. As administration of justice is a sacred task, this Court condemns any omission or act which would tend to diminish the faith of the people in the Judiciary. Every employee or officer involved in the dispensation of Justice should be circumscribed with the heavy burden of responsibility and his conduct must, at all times, be above suspicion."[12]

Respondent sheriff did not offer any reason for his misconduct, despite the opportunity given to him to explain his absences. He maintained his silence even when the Court dropped him from the service effective September 1, 1999.[13]

Respondent sheriff's indifference to the sanctions against his unauthorized absences became more flagrant when he ignored the notice of the Court for him to comment on the complaint against him. Despite receipt of the resolution, respondent sheriff failed to comply with the Court's directive.[14] We have held that: "[r]espondents in administrative complaints should comment on all accusations or allegations against them in the administrative complaints because it is their duty to preserve the integrity of the judiciary." [15] Respondent sheriff's willful disobedience to the Court's order showed his lack of interest to remain with, if not contempt of, the system to which he has pretended to belong.[16]

We find that respondent sheriff's unexplained absences constitute gross misconduct and conduct prejudicial to the best interest of the public service, and warrant the penalty of dismissal.[17]

IN VIEW WHEREOF, the Court finds respondent Noel T. Manalo, Sheriff III, MeTC, Branch 05, Manila, guilty of gross misconduct and conduct prejudicial to the best interest of the public service and hereby DISMISSES him from the service, with forfeiture of retirement benefits, except earned leave credits, if any, and with prejudice to reinstatement or re-employment in any agency of the government, including government owned or controlled corporations.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Pardo, Buena, Ynares-Santiago, De Leon, Jr., and Sandoval-Gutierrez, JJ., concur.
Quisumbing, and Carpio, JJ., on official business abroad.

[1] Rollo, p. 2.

[2] Rollo, pp. 11-12.

[3] Rollo, p. 5.

[4] Rollo, p. 4.

[5] Rollo, p. 23

[6] Rollo, p. 25.

[7] Rollo, p. 28.

[8] Rollo, pp. 30-31.

[9] Re: Absence without Official Leave (AWOL) of Ms. Lillian C. Bantog, A. M. No. 00-11-521-RTC, June 20, 2001.

[10] Rollo, p. 24.

[11] Eamiguel v. Ho, 350 Phil. 518 [1998].

[12] Juntilla v. Calleja, 330 Phil. 850 [1996].

[13] Rollo, p. 28.

[14] Rollo, p. 25.

[15] Martinez v. Zoleta, 315 SCRA 438, 449 [1999].

[16] Oñasa, Jr. v. Villaran, 316 Phil. 169, 177 [1995]; Parane v. Reloza, 238 SCRA 1,4 [1994].

[17] Loyao v. Manatad, 331 SCRA 324, 330 [2000].

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.