

RE: ABSENCE WITHOUT OFFICIAL LEAVE (AWOL) OF MR. GREGORIO B. FARAON, ADMINISTRATIVE OFFICER IV, REGIONAL TRIAL COURT-OFFICE OF THE CLERK OF COURT, MANILA,

A.M. NO. 04-12-691-RTC. February 18, 2005

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PER CURIAM:

This administrative matter concerns Mr. Gregorio B. Faraon, Administrative Officer IV of the Regional Trial Court-Office of the Clerk of Court of Manila. Records of the Office of Administrative Services (OAS) of the Office of the Court Administrator (OCA) showed that Mr. Faraon failed to submit his Daily Time Records (DTRs)/Bundy Cards from the month of June 2004 up to the present.

On 7 September 2004, the OAS-OCA sent Mr. Faraon a telegram instructing him to submit his DTRs/Bundy Cards for the months of June and August 2004.[1] Mr. Faraon however failed to comply.

On 13 September 2004, the OAS-OCA requested Executive Judge Enrico A. Lanzas of RTC, Branch 7, Manila, to cause service of a warning letter to Mr. Faraon.[2] The warning letter required Mr. Faraon to explain in writing his unauthorized absences; otherwise, the OAS-OCA will recommend his dropping from the rolls.[3] Mr. Faraon again failed to comply.

In the Agenda Report dated 27 September 2004,[4] the OCA recommended the withholding of salaries and benefits of Mr. Faraon for non-submission of DTRs/Bundy Cards, pursuant to Section 50, Rule XVI, of the Omnibus Civil Service Rules and Regulations, as amended by Memorandum Circular No. 41, s. 1998.[5]

As of this writing, Mr. Faraon has still not reported for duty, nor has he complied with any of the office directives.

The OCA, in its Agenda Report dated 19 November 2004,[6] recommends that pursuant to Section 63, Rule XVI, of the Omnibus Civil Service Rules and Regulations, as amended by Memorandum Circular No. 14, s. 1999,[7] Mr. Faraon be dropped from the rolls for having been on AWOL since 1 June 2004 and that his position be declared vacant.

We find the recommendation to be proper under the circumstances. Mr. Faraon's conduct falls within the purview of Section 63, Rule XVI of the Omnibus Civil Service Rules and Regulations, as amended. It is clear from a reading of the above provision that no prior notice is required to drop from the rolls an employee who has been continuously absent without approved leave (AWOL) for at least thirty (30) calendar days. Proof of Mr. Faraon's going on AWOL is the record of the OAS-OCA of his failure to submit his DTRs/Bundy Cards and the absence of any application for leave of absence during the relevant dates. There is also the undisputed fact that he failed to respond to any of the office communications requiring him to explain his absences without leave.

There is no doubt that Mr. Faraon's absence without official leave has prejudiced public service. Public office is a public trust. Public officers must at all times be accountable to the people, serve them with utmost degree of responsibility, integrity, loyalty and efficiency. A court employee's absence without leave for a prolonged period of time, constitutes conduct prejudicial to the best interest of public service and warrants the penalty of dismissal

from the service with forfeiture of benefits.[8]

The conduct and behavior of everyone connected with an office charged with the dispensation of justice is circumscribed with the heavy burden of responsibility. This Court cannot countenance any act or omission on the part of all those involved in the administration of justice which would violate the norm of public accountability and diminish or even just tend to diminish the faith of the people in the Judiciary.[9]

WHEREFORE, in view of the foregoing, Mr. Gregorio B. Faraon, Administrative Officer IV of the Regional Trial Court-Office of the Clerk of Court of Manila, is hereby DROPPED from the service and his position is DECLARED VACANT. Let a copy of this Decision be served upon the respondent at his address appearing on his 201 files pursuant to Section 63, Rule XVI of the Omnibus Civil Service Rules and Regulations, as amended.

SO ORDERED.

Davide, Jr., C.J., Puno, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., Azcuna, Tinga, Chico-Nazario, and Garcia, JJ., concur.

[1] Rollo, p. 4.

[2] Id. at 5.

[3] Id. at 6.

[4] Rollo, p. 7.

[5] Sec. 50. Effect of unauthorized leave. -- An official/employee who is absent without approved leave shall not be entitled to receive his salary corresponding to the period of his unauthorized leave of absence. It is understood, however, that his absence shall no longer be deducted from his accumulated leave credits, if there are any.

[6] Rollo, p. 1.

[7] Sec. 63. Effect of absences without approved leave. -- An official or an employee who is continuously absent without approved leave for at least thirty (30) working days shall be considered on absence without official leave (AWOL) and shall be separated from the service or dropped from the rolls without prior notice. He shall, however, be informed at his address appearing on his 201 files or at last known written address, of his separation from the service, not later than five (5) days from its effectivity.

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[8] Loyao, Jr. v. Manatad, 387 Phil. 337, 344 (2000).

[9] Re: Absence Without Official Leave of Darlene A. Jacoba, Stenographer III, RTC, Branch 14, Manila, 362 Phil. 486, 489 (1999).

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