

RE: ABSENCE WITHOUT OFFICIAL LEAVE (AWOL) OF MR. BERNARDO CONDE, CLERK III, METROPOLITAN TRIAL COURT – OFFICE OF THE CLERK OF COURT, MANDALUYONG CITY

A.M. NO. 05-8-226-METC. January 27, 2006

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

This administrative matter concerns Bernardo Conde, Clerk III of the Metropolitan Trial Court-Office of the Clerk of Court, Mandaluyong City. Records at the Office of Administrative Services (OAS) of the Office of the Court Administrator (OCA) showed that Mr. Conde failed to submit his Daily Time Records (DTRs)/Bundy Cards for the months of May 2004 up to the present. Neither did he apply for leave.

On 31 August 2004, the Leave Division of the OAS received a letter [1] dated 29 July 2004 from Presiding Judge Ofelia L. Calo, recommending that Mr. Conde be declared on absence without official leave (AWOL) effective 28 May 2004.

On 25 October 2004, the OCA sent a warning letter [2] to Mr. Conde thru Judge Calo, [3] requiring him to explain his unauthorized absences; otherwise, the office shall be constrained to recommend the dropping of his name from the rolls.

In the Agenda Report [4] dated 03 November 2004, the OCA, on the basis of Section 50, [5] Rule XVI, CSC MC No. 41, s. 1998, of the Omnibus Rules on Leave, recommended the withholding of salaries and benefits of Mr. Conde for the non-submission of the DTRs/Bundy Cards until compliance was made.

Meanwhile, the Leave Division received a letter [6] dated 22 November 2004 of Judge Calo stating that she mailed the warning letter on 18 November 2004 at Conde's last known address at Misibis, Tiwi, Albay, but was still awaiting the registry return card as proof of service to the latter.

In the Agenda Report [7] dated 20 June 2005, the OCA recommended that Mr. Conde's name be dropped from the rolls, he having been on AWOL since 03 May 2004 and his position be declared vacant, relying on Section 63, Rule XVI of the Omnibus Civil Service Rules and Regulations, as amended by Resolution 99-1885 dated 23 August 1999.

The actions taken by the OCA are proper under the circumstances. Mr. Conde's conduct falls within the purview of Section 63, Rule XVI of the Omnibus Civil Service Rules and Regulations, as amended, stating thus:

An official or an employee who is continuously absent without approved leave for at least thirty (30) calendar 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 of his separation from the service, not later than five (5) days from its effectivity.

The above provision does not require prior notice to drop from the rolls the name of an employee who has been

continuously absent without approved leave for at least 30 days. [8] Proofs of Mr. Conde's ongoing AWOL are the records of the OAS-OCA of his failure to submit his DTRs/Bundy Cards, the absence of any application for leave of absence during the relevant dates and the letter dated 29 July 2004 of Judge Calo, stating that Mr. Conde has been on AWOL since 28 May 2004.

Mr. Conde's AWOL continuously prejudices public service. Time and again, this Court has made the pronouncement that any act which falls short of the exacting standards for public service, especially on the part of those expected to preserve the image of the judiciary, shall not be countenanced. 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. [9] A court employee's AWOL 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. [10]

We have repeatedly held that 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 on the judiciary. [11]

WHEREFORE, in view of the foregoing, Mr. Bernardo Conde, Clerk III of the Metropolitan Trial Court-Office of the Clerk of Court, Mandaluyong City, 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.

Panganiban, C.J., (Chairperson), Ynares-Santiago, Austria-Martines, and Callejo, Sr., concur.

[1] Rollo, p. 5.

[2] Rollo, p. 4.

[3] Id. at 3.

[4] Id. at 6.

[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. (Amended by CSC MC No. 41, s. 1998)

[6] Rollo, p. 8.

[7] Id. at 1-2.

[8] *Lameyra v. Pangilinan*, 379 Phil. 116, 123 (2000).

[9] Re: Absence Without Official Leave (AWOL) of Antonio Macalintal, Process Server, Office of the Clerk of Court, A.M. No. 99-11-06-SC, 382 Phil. 314, 317-318 (2000); *Rangel-Roque v. Rivota*, 362 Phil. 136 (1999); *Gano v. Leonen*, A.M. No. P-92-756, 03 May 1994.

[10] *Loyao, Jr. v. Manatad*, 387 Phil. 337, 344 (2000), citing *Masadao, Jr. v. Glorioso*, 345 Phil. 859 (1997).

[11] Re: Absence Without Official Leave of Darlene A. Jacoba, Stenographer III, RTC, Branch 14, Manila, 362

Phil. 486, 489 (1999).

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