ABSENCE WITHOUT OFFICIAL LEAVE (AWOL) OF EDWIN V. GARROBO, SHERIFF IV, REGIONAL TRIAL COURT, BRANCH 156, PASIG CITY

A.M. NO. P-06-2159 (FORMERLY A.M. NO. 06-3-141-RTC). April 19, 2006

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

This administrative matter concerns Edwin V. Garrobo, Sheriff IV of the Regional Trial Court (RTC) of Pasig City, Branch 156.

Records at the Office of Administrative Services (OAS) of the Office of the Court Administrator (OCA) Leave Division showed that Mr. Garrobo failed to submit his Daily Time Records (DTR/s)/Bundy Cards from the month of December 2003 to present.

In a letter dated 19 January 2004, Atty. Albert N. Lavandero, Clerk of Court, same court, informed[1] the OCA Leave Division that Mr. Garrobo has incurred more than 30 consecutive absences without leave since 1 December 2003.

On 27 January 2004, the OCA received a copy of the letter-explanation of Mr. Garrobo dated 26 January 2004 in compliance with the verbal instruction of Judge Alex L. Quiroz, Presiding Judge, same court, requiring him to explain why he should be allowed to report back to work.

In the explanation letter,[2] Mr. Garrobo stated that he was constrained to go on leave for the whole month of December 2003 after Judge Quiroz told him that he does not want to see his face in court. This remark of Judge Quiroz allegedly happened after Mr. Garrobo enforced a writ of execution which Atty. Lavandero tasked him to serve sometime in November 2003. He averred that his absences in December 2003 were covered by a leave application signed by Atty. Lavandero. His attempts to seek permission to go on leave in January 2004 were not granted. Thus, he planned to report back to work on 19 January 2004 but unfortunately he met a vehicular accident causing him fractures and bruises as evidenced by a medical certificate dated 20 January 2004 signed by Dr. Rodrigo S. Valenzuela.

In the Agenda Report[3] dated 18 February 2004, the OCA recommended to the Court the withholding of Mr. Garrobo's salaries and benefits for non-submission of DTRs/Bundy Cards. Consequently, the Court issued Resolution dated 17 May 2004 in A.M. No. 04-3-15-8-RTC ordering the withholding of his salaries and benefits.

On 15 March 2004, Mr. Gorrobo filed before the OCA a request for detail from Branch 156 to the Office of the Clerk of Court (OCC) for reason that he had been continuously refused entry at Branch 156. The request was initially approved by the Honorable Court on 12 July 2004, for a period of one year. He was able to report in the OCC on 27 and 30 July 2004. However, in the 1st Indorsement dated 13 August 2004, the Honorable Chief Justice Hilario Davide, Jr. directed that the implementation of the temporary detail of Mr. Garrobo to the OCC be held in abeyance and if it had already been implemented he should be directed to return to his mother unit. Mr.

Garrobo did not report for work beginning 1 August 2004.

On 11 November 2004, Atty. Ma. Editha Lovellyn H. Gonzalvo, Branch Clerk of Court, RTC, Branch 156, Pasig City, reported that Mr. Garrobo, despite the directive of the Court for him to return to Branch 156, has not reported to work nor expressed his intention to do so. Thus, she recommends that he be dropped from the rolls.[4]

On 10 February 2006, the OCA recommended that Mr. Garrobo's name be dropped from the rolls since 1 August 2004 and his position declared vacant relying on Section 63, Rule XVI of the Omnibus Civil Service Rules and Regulations, as amended by Resolution No. 99-1885, dated 23 August 1999.

The recommendation is proper under the circumstances. Mr. Garrobo falls within the purview of Section 63, Rule XVI of the Omnibus Civil Service Rules and Regulations, as amended, stating thus:

> "Sec. 63. Effect of absences without approval leave. - 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 the employee who has been continuously absent without approved leave for at least 30 days.[5] Defying the express directive of the Court for Mr. Garrobo to report back to his mother unit, he chose not to report for work since 1 August 2004, to the prejudice of the service.

Mr. Garrobo's AWOL prejudiced public service. Time and again, this Court has made the pronouncement that any act which falls short of the existing 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. 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.[6]

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 and even just tend to diminish the faith of the people in the judiciary.

WHEREFORE, in view of the foregoing, Mr. Edwin V. Garrobo, Sheriff IV of the Regional Trial Court of Pasig 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-Martinez, and Callejo, Sr., JJ., concur.

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[1] Rollo, p. 5.

[2] Id., pp.17-18.

[3] Id., p. 13.

[4] Id., p. 4.

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[5] Lameyra v. Mayor Pangilinan, 379 Phil. 116, 123 (2000).

[6] Judge Loyao, Jr. v. Manatad, 387 Phil. 337, 344 (2000), citing Judge Masadao, Jr. v. Glorioso, 345 Phil. 859, 864 (1997).

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