ABSENCE WITHOUT OFFICIAL LEAVE (AWOL) OF ALBERTO V. MONSANTO, METROPOLITAN TRIAL COURT, CATBALOGAN, SAMAR

A.M. NO. P-06-2183 (FORMERLY A.M. NO. 06-5-157-MTC). June 27, 2006

Ponente: CHICO-NAZARIO, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/a-m-no-06-5-157/

CHICO-NAZARIO, J.:

This administrative matter concerns Alberto V. Monsanto, Utility Worker I of the Municipal Trial Court (MTC) of Catbalogan, Samar.

Records at the Office of Administrative Services (OAS) of the Office of the Court Administrator (OCA) Leave Section showed that Mr. Alberto V. Monsanto failed to submit his Daily Time Records (DTRs)/Bundy Cards from the month of May 2005 up to present. Neither has he filed any leave application.

On 26 September 2005, the OCA Leave Division sent a telegram[1] requiring Mr. Monsanto to submit the required DTRs/Bundy Cards for the months of May, June, July and August 2005, otherwise the OCA shall recommend the withholding of his salaries.

On 5 October 2005, OAS requested the Honorable Odelon Mabutin, Presiding Judge of the same court, to cause the service of a warning letter to Mr. Monsanto. In the said warning letter, Mr. Monsanto was required to explain in writing his unauthorized absences, otherwise, his dropping from the rolls shall be recommended to the Court.

In the Agenda Report[2] dated 7 October 2005, the OCA recommended to the Court the withholding of salaries and other benefits of Mr. Alberto Monsanto.

To date, Mr. Monsanto has not reported back for work. Neither has he complied with any of the directives of the OCA.

On 21 April 2006, the OCA recommended[3] that Mr. Alberto V. Monsanto be dropped from the rolls effective 3 May 2005 and his position declared vacant relying on Section 63, Rule XVI of the Omnibus Rules on Leave, as amended by Resolution No. 99-1885 dated 23 August 1999.

The recommendation is proper under the circumstances. Mr. Monsanto 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.[4] Defying the express directive of the Court for Mr. Monsanto to report back to work, he chose not to report for work since 3 May 2005, to the prejudice of the

service.

Mr. Monsanto'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.[5]

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.[6]

WHEREFORE, in view of the foregoing, Mr. Alberto V. Monsanto, Utility Worker I of the Municipal Trial Court of Catbalogan, Samar, 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.

---

[1] Rollo, p. 7.

[2] Id. at 8.

[3] Id. at 1-2.

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

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

[6] Re: Absence Without Official Leave of Jacoba, 362 Phil. 486, 489 (1999).

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

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.