# RE: ABSENCE WITHOUT OFFICIAL LEAVE (AWOL) OF ATTY. MARILYN B. JOYAS, CLERK OF COURT V, REGIONAL TRIAL COURT OF MANILA, BRANCH 16.

*A.M. NO. 06-5-286-RTC. August 02, 2007*

Ponente: CORONA, J.

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**CORONA, J.:**

This administrative matter concerns Atty. Marilyn B. Joyas, clerk of court V in the Regional Trial Court (RTC) of Manila, Branch 16.

Atty. Joyas' daily time record (DTR)/bundy card for November 2004 showed that she was on unauthorized leave from the 15[th] to the 30[th] of that month. She failed to submit her DTR/bundy card for December 2004. Neither did she file an application for leave.

On April 1, 2005, the Leave Division of the Office of the Court Administrator (OCA) sent a telegram to Atty. Joyas requiring her to submit her DTRs/bundy cards and/or leave applications.[1] She did not comply.

On May 23, 2005, the OCA Leave Division, thru Judge Carmelita S. Manahan, presiding judge of Branch 16 of RTC Manila, caused the service of a letter[2] to Atty. Joyas requiring her to explain her unauthorized absences in writing. It was received by her husband, Atty. Edwin Joyas, on July 4, 2005.

In a letter dated July 11, 2005,[3] Atty. Joyas informed the OCA that she already notified Judge Manahan of her application for retirement effective at the close of office hours of November 15, 2004.

Upon verification, however, the Employees Welfare and Benefits Division informed the OCA that Atty. Joyas failed to complete the requirements in support of her application for retirement.[4] Thus, the OCA recommended that Atty. Joyas be dropped from the rolls and her position declared vacant.[5]

The OCA's recommendation is approved.

Rule XVI, Section 63 of the Omnibus Civil Service Rules and Regulations, as amended by Circular No. 14, s. 1999, provides:

> Section 63. Effect of absences without approved leave. - An official or 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. x x x (emphasis supplied)

Thus, under civil service rules, Atty. Joyas should be separated from the service or dropped from the rolls on account of her continued unauthorized absence since November 15, 2004.

A court employee who goes on absence without leave (AWOL) for a prolonged period of time disrupts the normal

function of the organization.[6] His or her conduct is prejudicial to the best interest of public service.[7] It contravenes a public servant's duty to serve the public with utmost degree of responsibility, integrity, loyalty and efficiency.[8] It also manifests disrespect for his or her superiors and colleagues, in particular, and for the service and the public at large, in general.[9]

By going on AWOL, Atty. Joyas grossly disregarded and neglected the duties of her office. She failed to adhere to the high standards of public accountability imposed on all those in government service.[10]

The conduct and behavior of all court personnel are 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 tend to diminish the faith of the people in the judiciary.[11]

The prejudice caused by a court employee's prolonged unauthorized absence is both great and grave. It impedes the dispensation of justice which is the essential function of the courts. One who delays justice, denies justice.[12]

The non-feasance of Atty. Joyas was aggravated by the fact that she is a member of the bar. Her conduct runs counter to Canon 12 of the Code of Professional Responsibility which provides:

> CANON 12 - A LAWYER SHALL EXERT EVERY EFFORT AND CONSIDER IT HIS DUTY TO ASSIST IN THE SPEEDY AND EFFICIENT ADMINISTRATION OF JUSTICE.

A lawyer is an officer of the court. It is his duty to promote the objectives of courts - the speedy, efficient, impartial, correct and inexpensive adjudication of cases and the prompt satisfaction of final judgments.[13] He should not only help achieve these ends but should also avoid any unethical or improper practice that will impede, obstruct or prevent their realization as he is charged with the primary task of assisting in the speedy and efficient dispensation of justice.[14] This Atty. Joyas failed to do when she went on prolonged unauthorized leave and effectively abandoned her office.

Pursuant to A.M. No. 02-9-02-SC,[15] this administrative case against Atty. Joyas as a court personnel shall also be considered as a disciplinary proceeding against her as a member of the bar.

Accordingly, Atty. Marilyn B. Joyas, clerk of court V in the Regional Trial Court of Manila, Branch 16 is hereby DROPPED from the rolls and her position declared VACANT.

Atty. Joyas is further hereby ordered to pay a FINE of P5,000 for her unprofessional conduct as a member of the bar.

Let copies of this resolution be served on Atty. Joyas at her address appearing on her 201 files pursuant to Rule XVI, Section 63 of the Omnibus Civil Service Rules and Regulations, as amended, as well as on the Office of the Bar Confidant.

SO ORDERED.
Puno C.J., (Chairperson), Sandoval-Gutierrez, Azcuna, and Garcia, JJ., concur.

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[1] Rollo, p. 4.

[2] Id., pp. 5-6.

[3] Id., p. 9.

[4] Letter dated February 10, 2006. Id., p. 14.


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[5] OCA recommendation dated April 25, 2006. Id., pp. 1-2.

[6] Re: Absence Without Official Leave of Ms. Fernandita B. Borja, A.M. No. 06-1-10-MCTC, 13 April 2007.

[7] Re: Absence Without Official Leave of Mr. Basri A. Abbas, A.M. No. 06-2-96-RTC, 31 March 2006, 486 SCRA 32.

[8] Re: Absence Without Official Leave of Ms. Fernandita B. Borja, supra.

[9] Id.

[10] Id.

[11] Re: Absence Without Official Leave of Mr. Basri A. Abbas, supra.

[12] Re: Absence Without Official Leave of Ms. Fernandita B. Borja, supra.

[13] Agpalo, Ruben, LEGAL AND JUDICIAL ETHICS, 7[th] edition, (2002), Rex Bookstore, Inc., p. 150.

[14] Id.

[15] Re: Automatic Conversion of Some Administrative Cases Against Justices of the Court of Appeals and the Sandiganbayan, Judges of Regular and Special Courts, and Court Officials Who Are Lawyers as Disciplinary Proceedings Against Them Both as Officials and as Members of the Philippine Bar.


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