

ABSENCE WITHOUT OFFICIAL LEAVE OF MS. MIRA THELMA V. ALMIRANTE, INTERPRETER, MTC, ARGAO, CEBU

A.M. No. 07-2-26-MTC. March 07, 2007

Ponente: TINGA, J.

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TINGA, J.:

This administrative matter deals with Mira Thelma V. Almirante, Interpreter of Municipal Trial Court of Argao, Cebu.

The Office of the Court Administrator (OCA) Leave Division received a letter[1] dated 20 April 2006 from Hon. Leonardo P. Carreon, Presiding Judge of said court, informing the OCA that Ms. Almirante had neither reported for work since the last week of March 2006 nor submitted her Daily Time Records (DTRs)/Bundy Cards from December 2005 to March 2006. Furthermore, despite several directives from the trial court, Ms. Almirante failed to turn over to the new Clerk of Court the Fiduciary Account Passbook and all duplicate receipts representing the Judiciary Development Fund and SAJJ (Special Allowance for Justices and Judges) collections. Ms. Almirante was designated to serve as Officer-in-Charge Clerk of Court from 24 January 2005 until the assumption of the regular Clerk of Court on 1 December 2005.

In a letter[2] dated 21 April 2006, the OCA requested Judge Carreon to cause the service of a warning letter to Ms. Almirante. In the warning letter, Ms. Almirante was required to explain in writing her unauthorized absences, otherwise her dropping from the rolls shall be recommended to the Court.[3]

In the Agenda Report[4] dated 15 May 2006, the OCA recommended to the Court the withholding of salaries and other benefits of Ms. Almirante for the non-submission of Bundy Cards until compliance is made.

Notably, Ms. Almirante has a pending administrative case for Conduct Unbecoming and Grave Misconduct, docketed as IPI-05-2211P.[5]

To date, Ms. Almirante has not reported for work. Neither has she complied with any of the directives of the OCA and the trial court.

In its Report[6] dated 25 January 2007, the OCA recommended that: 1) Ms. Mira Thelma V. Almirante be dropped from the rolls without prejudice to the outcome of IPI-05-2211P, effective 1 December 2005 for having been on absence without official leave (AWOL) since said date; (2) she be informed of her separation from the service at the address appearing on her 201 file; and (3) her position be declared vacant.

The OCA's recommendation is well taken.

Pursuant to Sec. 63, Rule XVI of the Omnibus Civil Service Rules and Regulations, as amended by Resolution No. 99-1885 dated 23 August 1999, an employee's AWOL for at least thirty (30) working days warrants his separation from the service. The Rule provides:

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 his known address, of his separation from the service, not later than five (5) days from its effectivity.

x x x x

The above provision does not require prior notice to drop from the rolls an employee who has been continuously absent without approved leave for at least thirty (30) days. Proofs of Ms. Almirante's ongoing AWOL are the records of her failure to submit her DTRs/Bundy Cards from December 2005 to March 2006, her failure to report for work since the last week of March 2006 and the absence of any application for leave of absence during the relevant dates.

The Court has repeatedly held that a court employee's absence without leave for a prolonged and unreasonable 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.[7] It contravenes a public servant's duty to serve the public with utmost responsibility, integrity, loyalty and efficiency.[8] By going on AWOL, Ms. Almirante failed to adhere to the highest standards of public accountability imposed on those in government service.

Be it stressed that the conduct and behavior of all court personnel is laden with the heavy burden of responsibility. This Court will not allow any act or omission on the part of those involved in the administration of

justice which violates the norm of public accountability and diminishes or tends to diminish the faith of the people in the judiciary.[9]

WHEREFORE, in view of the foregoing, Ms. Mira Thelma V. Almirante, Interpreter of the Municipal Trial Court of Argao, Cebu, is hereby DROPPED from the rolls effective 1 December 2005, without prejudice to the outcome of IPI-05-2211P. Her position is declared VACANT.

Let a copy of this Resolution be served upon Ms. Almirante at her address appearing on her 201 files pursuant to Section 63, Rule XVI of the Omnibus Civil Service Rules and Regulations, as amended.

SO ORDERED.

Quisumbing, (Chairperson), Carpio, Carpio-Morales, and Velasco, Jr., JJ., concur.

[1] Rollo, pp. 4-5.

[2] Id. at 11.

[3] Id. at 12.

[4] Id. at 10.

[5] Per verification made with the Docket and Clearance Division, Legal Office of the OCA; id. at 1.

[6] Id. at 1-2.

[7] Re: Absence Without Official Leave (AWOL) of Mr. Bernardo Conde, Clerk III, MeTC, Mandaluyong City, A.M. No. 05-8-226-MeTC, 27 January 2006, 480 SCRA 223, 226-227; Absence Without Official Leave (AWOL) of Edwin V. Garrobo, Sheriff IV, Regional Trial Court, Br. 156, Pasig City, A.M. No. P-06-2159, 19 April 2006, 487 SCRA 380, 384; Absence Without Official Leave (AWOL) of Alberto V. Monsanto, Metropolitan Trial

Court, Catbalogan, Samar, A.M. No. P-06-2183, 27 June 2006, 493 SCRA 22, 25.

[8] Re: Absence Without Official Leave (AWOL) of Mr. Basri A. Abbas, Legal Researcher II, RTC, Zamboanga City, Br. 12, A.M. No. 06-2-96-RTC, 31 March 2006, 486 SCRA 32, 34.

[9] Re: Absence Without Official Leave (AWOL) of Mr. Bernardo Conde, Clerk III, MeTC, Mandaluyong City, supra; Re: Absence Without Official Leave (AWOL) of Mr. Basri A. Abbas, Legal Researcher II, RTC, Zamboanga City, Br. 12, supra note 8 at 34-35; Absence Without Official Leave (AWOL) of Edwin V. Garrobo, Sheriff IV, Regional Trial Court, Br. 156, Pasig City, supra; Absence Without Official Leave (AWOL) of Alberto V. Monsanto, Metropolitan Trial Court, Catbalogan Samar, supra.

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