

ABSENCE WITHOUT OFFICIAL LEAVE (AWOL) DAISY S. CARINGAL, RTC, BRANCH 34, IRIGA CITY

A.M. NO. 07-2-81-RTC. April 03, 2007

Ponente: TINGA, J.

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TINGA, J.:

This administrative matter concerns the continuous absence from work of Daisy S. Caringal, Court Stenographer III of the Regional Trial Court (RTC), Branch 34, Iriga City, since 22 September 2005. In a letter[1] dated 17 November 2006, Presiding Judge Alfredo D. Agawa, Pairing/Acting Judge of the RTC-Iriga City, transmitted the Court a copy of a letter[2] dated 9 November 2006 of Atty. Wilmentita C. Oliva-Zorilla, Acting Branch Clerk of Court, RTC, Branch 34, Iriga City, informing him that Ms. Caringal had left the country for the United Kingdom without first securing an authority to travel from the Court in violation of Memorandum Order No. 14-2000. She last rendered service on 21 September 2005. Judge Agawa recommended that her position of Stenographer III be declared vacant.

Sometime in December 2005, Ms. Caringal sought the issuance of her authority to travel for the period 19 December 2005 to 1 June 2006 together with the corresponding application for vacation leave abroad. However, no authority to travel was issued in her favor and there is no record showing that the required Supreme Court clearance was completed.

In its Memorandum[3] dated 30 October 2006, the Office of the Court Administrator (OCA) recommended the following:

In view of the failure of Ms. Daisy S. Caringal to comply with the abovementioned memorandum, it is respectfully recommended that: (1) her application for vacation leave (travel abroad) from December 19, 2005 to June 1, 2006 be DISAPPROVED and her absences be considered UNAUTHORIZED; (2) she be DIRECTED to immediately report back to duty, otherwise, she shall be recommended to be dropped from the rolls for being on absence without official leave (AWOL); (3) in the interim, her salaries and other benefits be ordered WITHHELD until she reports back for duty; and (4) the Financial Management Office be DIRECTED to immediately release the withheld salaries and benefits of Ms. Caringal upon receipt of notice from the Leave Division of her return to duty.

To date, Ms. Caringal has not reported for duty and has failed to submit her Daily Time Records/Bundy Cards from September 2005 up to the present.

Thus, in its Report dated 31 January 2007, the OCA made the following recommendations:

x x x In view of the foregoing, it is respectfully recommended to the Honorable Court that: (1) Ms. Daisy S. Caringal be DROPPED FROM THE ROLLS effective September 22, 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, that is, at Salvacion, Iriga City; and (3) her position be declared VACANT.

The Court adopts the recommendations of the OCA.

Sec. 63 of Memorandum Circular No. 14, s. 1999,[4] which amended certain provisions of Civil Service Commission Memorandum Circular No. 41, s. 1998, states in full:

Sec. 63. Effect of absences without approved leave. — An official or an employee who is continuously absent without an 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 last known written address, of his separation from the service, not later than five (5) days from its effectivity.

That Ms. Caringal had not been reporting for work since 22 September 2005 is a matter of record. The absences have been incurred without prior approval and warrant the penalty of dismissal pursuant to the express provision of the aforementioned circular. Up to the present, Ms. Caringal has not presented herself before her superiors to explain her unauthorized absences. Undoubtedly, she has been remiss in her duties as court stenographer and her continuous absence has been prejudicial to public service.

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 that would violate the norm of public accountability and diminish or even just tend to diminish the faith of the people in the Judiciary.[5]

WHEREFORE, in view of the foregoing, Daisy S. Caringal, Stenographer III of the Regional Trial Court, Branch 34, Iriga City, is hereby DROPPED from the rolls and her position is declared VACANT.

SO ORDERED.

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

[1] Rollo. p. 3.

[2] Id. at 4.

[3] Id. at 5-6.

[4] Issued on 23 August 1999.

[5] Re: Absence Without Official leave (AWOL) of Darlene A. Jacoba. Stenographer III, Regional Trial Court, Branch 14, Manila, 362 PHIL 486, 489 (1999).

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