ABSENCE WITHOUT OFFICIAL LEAVE [AWOL] OF EMMANUEL MIÑANO, CLERK III, METROPOLITAN TRIAL COURT, BRANCH 78, PARAÑAQUE CITY.

A.M. NO. 07-6-159-MeTC. August 03, 2007

Ponente: TINGA, J.

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TINGA, J.:

This administrative matter deals with the absence without approved leave of Mr. Emmanuel Miñano, Clerk III, Metropolitan Trial Court (MeTC), Branch 78, Parañaque City, since 2 January 2007.

A perusal of the records shows that Mr. Miñano failed to submit his Bundy Cards from the month of January 2007 up to the present. Neither did he file an application for leave of absence. Consequently, the Office of the Court Administrator (OCA) through the Employees Leave Division sent a telegram[1] on 23 March 2007 addressed to Atty. Ramil Reyes, Clerk of Court, MeTC, Branch 78, requesting him to require Mr. Miñano to submit the said Bundy Cards.

On 24 April 2007, the OCA requested Presiding Judge Ramsey Domingo Pichay to cause the service of a warning letter[2] to Mr. Miñano requiring the latter to explain in writing his unauthorized absences on pain of being dropped from the rolls.[3] Mr. Miñano failed to comply.

In a letter[4] dated 10 May 2007, Judge Pichay informed the OCA that he personally handed a copy of the warning letter to Mr. Miñano in his chambers the previous day. Mr. Miñano then advised Judge Pichay of his delicate heart condition requiring him to undergo angioplasty. Due to Mr. Miñano's seriously deteriorating health that has caused him to neglect his duties as Clerk III to the prejudice of the efficient administration of justice, Judge Pichay recommended that he go on medical leave for the treatment of his heart problem and that his position be declared vacant so that a replacement may immediately be hired.

On 16 May 2007, the Honorable Court Administrator approved the withholding of salaries and benefits of Mr. Miñano as recommended by the Office of Administrative Services in its Memorandum dated 11 May 2007.

To date, Mr. Miñano has not reported back to work nor has he submitted a written explanation.

In its Report,[5] the OCA recommended that: (1) Mr. Miñano be dropped from the rolls effective 2 January 2007 for having been on absence without official leave since said date; (2) his position be declared vacant; and (3) he be informed of his separation from the service or dropping from the rolls at the address appearing on his 201 files, that is, at #2239 Paco Roman, Sta. Ana, Manila.

The OCA's recommendations are well-taken.

Mr. Miñano's absence without approved leave since 2 January 2007 warrants his separation from the service pursuant to Section 63, Rule XVI of the Omnibus Rules of the Civil Service, as amended by Resolution No. 99-1885 dated 23 August 1999 which provides, to wit:

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

WHEREFORE, the recommendation of the OCA is APPROVED. Let Emmanuel Miñano be DROPPED FROM THE ROLLS and the position of Clerk III be declared VACANT. Let a copy of this Resolution be served upon him at his address appearing on his 201 files, that is, #2239 Paco Roman, Sta. Ana, Manila.

SO ORDERED.

Quisumbing, (Chairperson), Carpio, and Carpio-Morales, JJ., concur.
Velasco, Jr., J., no part due to prior action in OCA.

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[1] Rollo, p. 4.

[2]Id. at 5-6.

[3]Id. at 7.

[4] Id. at 8-9.

[5]Id. at 1-2.

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