

RE: DROPPING FROM THE ROLLS OF MS. MARISSA M. NUDO, CLERK III, BRANCH 6, REGIONAL TRIAL COURT (RTC), MANILA.

A.M. No. 17-08-191-RTC. February 07, 2018

Ponente: PERLAS-BERNABE, J.

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PERLAS-BERNABE, J.:

This administrative case stems from a letter[1] dated April 3, 2017 informing the Court that Ms. Marissa M. Nudo (Nudo), Clerk III of the Regional Trial Court (RTC) of Manila, Branch 6, has been on absence without official leave (AWOL) since March 2017.

The Fact

The records of the Employees' Leave Division, Office of Administrative Services (OAS), Office of the Court Administrator (OCA), show that Nudo has not submitted her Daily Time Record (DTR) since March 2017 up to the present. She neither submitted any application for leave. Thus, she has been on AWOL since March 1, 2017.[2]

Moreover, Atty. Rosette H. Abrenica (Atty. Abrenica), Clerk of Court V of the RTC, Branch 6, informed the OCA that Nudo, among others, failed to submit her DTR for the month of March 2017 because she has been absent since March 14, 2017 up to the present.[3]

To date, Nudo has still not reported for work. Her salaries and benefits were withheld based on Memorandum WSB No. 5a_2017 dated May 2, 2017.[4]

The OCA informed the Court of the following findings based on the records of its different offices: (a) Nudo is still in the plantilla of court personnel, and thus, considered to be in active service; (b) she has no application for retirement; (c) no administrative case is pending against her; and (d) she is not an accountable officer.[5]

In its report and recommendation[6] dated July 11, 2017, the OCA recommended that: (a) Nudo's name be dropped from the rolls effective March 1, 2017 for having been absent without official leave for more than thirty (30) working days; (b) her position be declared vacant; and (c) she be informed about her separation from the service at 738 Magsaysay Road, San Antonio, San Pedro, Laguna, her last known address on record.[7] The OCA added, however, that Nudo is still qualified to receive the benefits she may be entitled to under existing laws and may still be reemployed in the government.[8]

The Court's Ruling

The Court agrees with the OCA's recommendation.

Section 63, Rule XVI of the Omnibus Rules on Leave, as amended by Memorandum Circular No. 13, Series of 2007,[9] states:

Section 63. Effect of absences without approved leave. — An official or 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. x x x.

x x x x (Emphasis supplied)

Based on this provision, Nudo should be separated from the service or dropped from the rolls in view of her continued absence since March 2017.

Nudo's prolonged unauthorized absences caused inefficiency in the public service as it disrupted the normal functions of the court.[10] It contravened the duty of a public servant to serve with the utmost degree of responsibility, integrity, loyalty, and efficiency.[11] It should be reiterated and stressed that a court personnel's conduct is circumscribed with the heavy responsibility of upholding public accountability and maintaining the people's faith in the judiciary.[12]

By failing to report for work since March 2017 up to the present, Nudo grossly disregarded and neglected the duties of her office. Undeniably, she failed to adhere to the high standards of public accountability imposed on all those in the government service.[13]

WHEREFORE, Ms. Marissa M. Nudo, Clerk III of the Regional Trial Court of Manila, Branch 6, is hereby DROPPED from the rolls effective March 1, 2017 and her position is declared VACANT. She is, however, still qualified to receive the benefits she may be entitled to under existing laws and may still be reemployed in the government.

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

SO ORDERED.

Carpio, J., (Chairperson), Peralta, Caguioa and Reyes, Jr., JJ., concur.

[1] Rollo, p. 3.

[2] Id. at 1.

[3] Rollo, pp. 1. See also transmittal letter dated April 3, 2017, signed by Atty. Abrenica, duly subscribed and sworn to before Presiding Judge Jansen R. Rodriguez; id. at 3.

[4] Dated May 2, 2017 and approved by Court Administrator Jose Midas P. Marquez. Id. at 6.

[5] See id. at 1 and 4.

[6] See Administrative Matter for Agenda signed by Court Administrator Jose Midas P. Marquez, Deputy Court Administrator Thelma C. Bahia, and OCA Chief of Office, OAS Caridad A. Pabello; id at 1-2;.

[7] Id. at 2.

[8] Pursuant to Section 2 (2.6), Rule XII of the Revised Omnibus Rules on Appointments and Other Personnel Actions. See id. at 1-2.

[9] Entitled "Amendment to Section 63, Rule XVI of the Omnibus Rules on Leave, Civil Service Commission (CSC) Memorandum Circular Nos. 41 and 14, Series of 1998 and 1999, Respectively," dated July 25, 2007.

[10] See Re: Dropping from the Rolls of Rowie A. Quimno, A.M. No. 17-03-33-MCTC, April 17, 2017.

[11] See id., citing Re: AWOL of Ms. Fernandita B. Borja, 549 Phil. 533, 536 (2007).

[12] See minute resolution in Re: Absence without official leave (AWOL) of Michael P. Fajardo, A.M. No. 2016-15(A)-SC, August 1, 2016. See also minute resolution in Dropping from the Rolls of Mary Grace Cadano Bouchard, A.M. No. 15-11 -349-RTC, January 11, 2016.

[13] See *id.*

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