

**RE: DROPPING FROM THE ROLLS OF LEMUEL H. VENDIOLA,
SHERIFF IV, OFFICE OF THE CLERK OF COURT (OCC), REGIONAL
TRIAL COURT OF BIÑAN CITY, LAGUNA (RTC).**

A.M. No. 17-11-272-RTC. January 31, 2018

Ponente: PERLAS-BERNABE, J.

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PERLAS-BERNABE, J.:

This administrative case stems from a request[1] to drop Mr. Lemuel H. Vendiola (Vendiola), Sheriff IV in the Office of the Clerk of Court (OCC), Regional Trial Court of Biñan City, Laguna (RTC), from the rolls due to his absences without official leave.

The Facts

The records of the Employees's Leave Division, Office of Administrative Services (OAS), Office of the Court Administrator (OCA), show that Vendiola has not submitted his Daily Time Record (DTR) since May 2012 up to the present.[2] He neither submitted any application for leave.[3] His service record[4] shows that he was appointed Utility Worker I in the RTC, Branch 24 on November 10, 2004. On April 27, 2009, he was appointed temporarily as Sheriff IV in the OCC, RTC. He was reappointed to the same position on a permanent capacity on June 3, 2010.[5] Vendiola did not submit the requirements for initial salary; he did, however, submit his DTR until April 2012.

In a Letter[6] dated February 21, 2013, Executive Judge Teodoro N. Solis of the RTC, Branch 25, requested the OCA to drop Vendiola from the rolls and declare his position vacant considering his absences without official leave since April 2012.[7]

Moreover, Vendiola's salaries and benefits have been withheld since December 2010 due to his non-submission of requirements for his initial salary in connection with his reappointment on a permanent capacity as Sheriff IV.[8]

The OCA informed the Court of its findings based on the records of its different offices, namely: (a) Vendiola is still in the plantilla of court personnel, and thus, considered to be in active service; (b) he has no application for retirement; and (c) no administrative case is pending against him; but (d) he is, however, accountable for STF[9] (Sheriff Trust Fund) and has yet to be audited.[10]

In its report and recommendation[11] dated November 2, 2017, the OCA recommended that: (a) Vendiola's name be dropped from the rolls effective May 2, 2012 for having been absent without official leave; (b) his position be declared vacant; and (c) he be informed about his separation from the service at his last known address on record at Kasilaga Compound Silangan St., San Francisco, Biñan, Laguna. The OCA added, however, that Vendiola is still qualified to receive the benefits he may be entitled to under existing laws and may still be reemployed in the government.[12]

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,[13] 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, Vendiola should be separated from service or dropped from the rolls in view of his continued absence since April 2012.

Vendiola's prolonged unauthorized absences caused inefficiency in the public service as it disrupted the normal functions of the court.[14] It contravened the duty of a public servant to serve with the utmost degree of responsibility, integrity, loyalty, and efficiency.[15] 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.[16] By failing to report for work since April 2012 up to the present, Vendiola grossly disregarded and neglected the duties of his office. Undeniably, he failed to adhere to the high standards of public accountability imposed on all those in the government service.[17]

The dropping from the rolls, however, shall be without prejudice to his liability, if any, upon completion of the audit.

WHEREFORE, Mr. Lemuel H. Vendiola, Sheriff IV, Office of the Clerk of Court, Regional Trial Court of Biñan City, Laguna, is hereby DROPPED from the rolls effective May 2, 2012 and his position is declared VACANT. He is, however, still qualified to receive the benefits he may be entitled to under existing laws and may still be reemployed in the government.

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

SO ORDERED.

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

[1] See Letter dated February 21, 2013; rollo, p. 3.

[2] Id. at 1. See also OAS Employees' Leave Division Certification dated September 29, 2015, signed by Officer-in-Charge Ryan U. Lopez, id. at 6.

[3] Id. at 1.

[4] See Service Record in the Judiciary; id. at 5.

[5] Id.

[6] Id. at 3.

[7] Id.

[8] Id. at 1.

[9] The records do not show what the letters "STF" stand for, as stated in "For Dropping From the Rolls" signed by Processor-in-Charge, Employee's Leave Division, OCA Zharina Marie I. Cantada (id. at 4). See, however, minute resolution of OCA v. Judge Orallo, et. al., AM No. MTJ-17-T890, August 2, 2017.

[10] Id. at 1.

[11] See Administrative Matter for Agenda signed by Court Administrator Jose Midas P. Marquez, Deputy Court Administrator Raul Bautista Villanueva, and OCA Assistant Chief of Office, OAS Maria Teresa O. Demesa-Razal; id. at 1-2.

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

[13] Entitled "AMENDMENT TO SECTION 63, RULE XVI OF THE OMNIBUS RULES ON LEAVE, CIVIL SERVICE COMMISSION MEMORANDUM CIRCULAR NOS. 41 AND 14, SERIES OF 1998 AND 1999, RESPECTIVELY," dated July 25, 2007.

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

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

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

[17] See id.

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