

RE: DROPPING FROM THE ROLLS OF MR. ARNO D. DEL ROSARIO, COURT STENOGRAPHER II, BRANCH 41, METROPOLITAN TRIAL COURT (METC), QUEZON CITY.

A.M. No. 17-12-135-MeTC. April 16, 2018

Ponente: PERLAS-BERNABE, J.

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PERLAS-BERNABE, J.:

This administrative matter stemmed from a letter[1] dated September 6, 2017 requesting that Mr. Arno Del Rosario (Del Rosario), Court Stenographer II of the Metropolitan Trial Court of Quezon City, Branch 41 (MeTC) be dropped from the rolls due to his absences without official leave.

The Facts

The records of the Employees' Leave Division, Office of Administrative Services (OAS) of the Office of the Court Administrator (OCA) show that Del Rosario has not submitted either his daily time record from February 3, 2017 to the present or any application for leave covering such period, thus making him absent without approved leave since said date.[2] In addition, the records of Employees' Welfare and Benefits Division, OAS of the OCA reveal that it received an application for retirement[3] from Del Rosario effective February 3, 2017; however, further verification showed that he has not submitted the documents necessary for its approval.[4]

In view of the foregoing, Del Rosario's name was excluded from the payroll starting April 2017. This notwithstanding, the Personnel Division stated that he is still in the plantilla of personnel and is therefore considered in active service.[5] Thus, in a letter[6] dated September 6, 2017, Presiding Judge Analie B. Oga-Brual requested to drop Del Rosario from the rolls or declare his position vacant considering his absences without official leave.

The OCA's Report and Recommendation

In a Memorandum[7] dated November 23, 2017, the OCA recommended that Del Rosario be: (a) dropped from the rolls due to his absences without official leave, and his position be declared vacant; and (b) informed about his separation from the service. The OCA, however, clarified, that Del Rosario is still qualified to receive the benefits that he may be entitled to under existing laws and may still be re-employed in the government service.[8]

The Issue Before the Court

The essential issue in this case is whether or not Del Rosario should be dropped from the rolls due to his absences without official leave.

The Court's Ruling

The Court adopts the findings and the recommendations of the OCA.

Section 107, Rule 20 of the 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS)[9] authorizes

and provides the procedure for the dropping from the rolls of employees who, inter alia, are absent without approved leave for an extended period of time. Pertinent portions of this provision read:

Section 107. Grounds and Procedure for Dropping from the Rolls. Officers and employees who are absent without approved leave, x x x may be dropped from the rolls within thirty (30) days from the time a ground therefor arises subject to the following procedures:

a. Absence Without Approved Leave

- An official or employee who is continuously absent without official leave (AWOL) for at least thirty (30) working days may be dropped from the rolls without prior notice which shall take effect immediately.

He/she shall, however, have the right to appeal his/her separation within fifteen (15) days from receipt of the notice of separation which must be sent to his/her last known address.

x x x x

This provision is in consonance with Section 63, Rule XVI of the Omnibus Rules on Leave, as amended by Civil Service Commission Memorandum Circular No. 13, Series of 2007,[10] which 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

In this case, it is undisputed that Del Rosario had been absent without official leave since February 3, 2017. Verily, his prolonged unauthorized absences caused inefficiency in the public service as it disrupted the normal functions of the court.[11] It contravened the duty of a public servant to serve with the utmost degree of responsibility, integrity, loyalty, and efficiency.[12] 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. By failing to report for work since February 3, 2017 up to the present, Del Rosario 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.[13]

In view of the foregoing, the Court is constrained to drop Del Rosario from the rolls. At this point, the Court deems it worthy to stress that the instant case is non-disciplinary in nature. Thus, Del Rosario's separation from the service shall neither result in the forfeiture of any benefits which have accrued in his favor, nor in his disqualification from re-employment in the government service.[14]

WHEREFORE, the Court resolves to:

(a)

DROP FROM THE ROLLS the name of Mr. Arno Del Rosario, Court Stenographer II of the Metropolitan Trial Court of Quezon City, Branch 41, effective February 3, 2017 for being on continuous absence without official leave since said date. However, he is still qualified to receive the benefits he may be entitled to under existing laws and may still be re-employed in the government;

(b)

DECLARE as VACANT the position of Mr. Arno Del Rosario; and

(c)

INFORM Mr. Arno Del Rosario of his separation from the service or dropping from the rolls at his last known address appearing in his 201 file, i.e., No. 61 Vermillion Street, Barangay Tunkong Mangga, San Jose Del Monte City, Bulacan.

SO ORDERED.

Carpio,[*] Acting C. J., (Chairperson), Peralta, Caguioa, and Reyes, Jr., JJ., concur.

[*] Acting Chief Justice per Special Order No. 2539 dated February 28, 2018.

[1] Rollo, p. 8. Signed by Presiding Judge Analie B. Oga-Bruar.

[2] See id. at 1.

[3] See Application for Retirement under RA 660, RA 1616, PD 1146 and RA 8291/Separation dated March 6, 2017; id. at 3.

[4] See id. at 1.

[5] Id.

[6] Id. at 8.

[7] Id. at 1-2. Signed by Court Administrator Jose Midas P. Marquez, Deputy Court Administrator Raul Bautista Villanueva, and OCA Chief of Office, Office of Administrative Services Caridad A. Pabello.

[8] Id. at 2.

[9] The 2017 RACCS took effect on August 17, 2017; the letter-request from MeTC Presiding Judge Analie B. Oga-Bruar was dated September 6, 2017.

[10] 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.

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

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

[13] See Re: Dropping from the Rolls of Lemuel H. Vendiola, A.M. No. 17-11-272-RTC, January 31, 2018, citing minute resolutions in Re: Absence without official leave (AWOL) of Michael P. Fajardo, A.M. No. 2016-15(A)-SC, August 1, 2016; and Dropping from the Rolls of Mary Grace Cadano Bouchard, A.M. No. 15-11-349-RTC, January 11, 2016.

[14] See Section 110 of the 2017 RACCS.

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