

RE: DROPPING FROM THE ROLLS OF NOEL C. LINDO, SHERIFF IV, BRANCH 83, REGIONAL TRIAL COURT, QUEZON CITY.

A.M. No. 18-07-131-RTC. September 03, 2018

Ponente: A. REYES, JR., J.

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A. REYES, JR., J.:

The present administrative matter concerns Noel C. Lindo (Lindo), Sheriff IV, Regional Trial Court (RTC) of Quezon City, Branch 83.

It appears from the records of the Employees' Leave Division (ELD), Office of Administrative Services (OAS), Office of the Court Administrator (OCA) that Lindo failed to submit his Daily Time Records (DTRs) from November 2017 up to the present. Neither did he file any application for leave for his absences. Thus, he has been on absence without official leave (AWOL) since November 2, 2017.[1]

On August 2, 2017, the OCA issued a Memorandum[2] ordering the withholding of Lindo's salaries and benefits for his failure to submit his DTRs from the period of May 2017 to June 2017.

Atty. Pearl Angeli G. Formilleza-Ronquillo (Atty. Formilleza-Ronquillo), in a Letter[3] dated November 9, 2017, informed the OCA that Lindo has been remiss in the submission of his DTR and Applications for Leave for several months despite several chances given to him to submit the same. Also, per transmittal letters dated December 13, 2017[4] and January 9, 2017,[5] both signed by Atty. Formilleza-Ronquillo, and subscribed and sworn to before Presiding Judge Ralph S. Lee (Judge Lee), Lindo did not submit his DTR for the months of November 2017 and December 2017.

In a Letter[6] dated February 8, 2018, Judge Lee recommended that Lindo be declared AWOL and accordingly, he requested that the position of Deputy Sheriff in his branch be declared vacant.

The OCA, on the basis of the records of its different offices, likewise informed the Court of the following: (a) Lindo has not filed an application for retirement; (b) he is still in the plantilla of personnel, and thus, considered to be in active service; and (c) he is not an accountable officer. Notably, Lindo has a pending case, docketed as OCA IPI No. 13-4112-P per verification made with the Docket and Clearance Division, Legal Office of the OCA.[7]

OCA Recommendation

In its Report[8] dated June 13, 2018, the OCA recommended that Lindo's name be dropped from the rolls effective November 2, 2017 for having been on AWOL. The OCA further recommended that his position be declared vacant and he be informed of his separation from service or dropping from the rolls at his last known address at 1617 O'este Street, Alvarez Extension, Sta. Cruz, Manila. The OCA, however, pointed out that he is still qualified to receive the benefits he may be entitled to under existing laws and may still be reemployed in the government, without prejudice to the outcome of OCA IPI No. 13-4112-P.[9]

Ruling of the Court

The recommendation of the OCA is well-taken.

Section 107(a-1), Rule 20 of the 2017 Rules on Administrative Cases in the Civil Service (RACCS)[10] states:

Section 107. Grounds and Procedure for Dropping from the Rolls. – Officers and employees who are absent without approved leave, have unsatisfactory performance, or have shown to be physically or mentally unfit to perform their duties may be dropped from the rolls within thirty (30) days from the time a ground therefore arises subject to the following procedures:

a. Absence Without Approved Leave

1. 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. (Underscore Ours)

The above provision does not require prior notice to drop from the rolls the name of the employee who has been continuously absent without approved leave for at least 30 days. Hence, Lindo should be separated from, the service or dropped from the rolls in view of his continued absence since November 2, 2017.

Prolonged unauthorized absence causes inefficiency in the public service.[11] A court employee's continued absence without leave disrupts the normal functions of the court.[12] It contravenes the public servant's duty to serve the public with the utmost degree of responsibility, integrity, loyalty, and efficiency.

Lindo, by going on AWOL, grossly disregarded and neglected the duties of his office. He failed to adhere to the highest standards of public accountability imposed on those in government service.[13]

The Court has also 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.[14] The Court cannot countenance any act or omission on the part of all those involved in the administration of justice which would violate the norm of public accountability and diminish or even just tend to diminish the faith of the people in the Judiciary.[15]

The Court also notes that separation from the service for unauthorized absences is non-disciplinary in nature in accordance with Section 110, Rule 20 of the 2017 RACCS, to wit:

Section 110. Dropping From the Rolls; Non-disciplinary in Nature. This mode of separation from the service for unauthorized absences or unsatisfactory or poor performance or physical or mental disorder is non-disciplinary in nature and shall not result in the forfeiture of any benefit on the part of the official or employee or in disqualification from reemployment in the government. (Underscore Ours)

Hence, the Court agrees with the recommendation of the OCA that Lindo is still qualified to receive the benefits he may be entitled to under existing laws and may still be reemployed in the government. This is, however, without prejudice to the outcome of the pending case against him.

WHEREFORE, Noel C. Lindo, Sheriff IV, Regional Trial Court of Quezon City, Branch 83, is hereby DROPPED from the rolls effective November 2, 2017 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 without prejudice to the outcome of OCA IPI No. 13-4112-P.

Let a copy of this Resolution be served upon Noel C. Lindo at 1617 O'este Street, Alvarez Extension, Sta. Cruz,

Manila, the last known address appearing on his 201 file.

SO ORDERED.

Carpio, (Chairperson), Perlas-Bernabe, Caguioa, and J. Reyes, Jr.,[*] JJ., concur.

[*] Designated as additional Member per Special Order No. 2587 dated August 28, 2018.

[1] Rollo, p. 1.

[2] Signed by OAS OCA Chief of Office Caridad A. Pabello and approved by Court Administrator Jose Midas P. Marquez; id. at 8.

[3] Id. at 6.

[4] Id. at 3.

[5] Id. at 4.

[6] Id. at 5.

[7] Id. at 9.

[8] Signed by Court Administrator Jose Midas P. Marquez, Assistant Court Administrator Lilian C. Baribal-Co and OAS OCA Chief of Office Caridad A. Pabello; id. at 1-2.

[9] Id. at 2.

[10] Promulgated by the Civil Service Commission through Resolution No. 1701077 dated July 3, 2017.

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

[12] Id.

[13] Re: Absence Without Official Leave of Mr. Borcillo, 559 Phil. 1, 4 (2007).

[14] Re: Absence Without Official Leave of Mr. Faraon, 492 Phil. 160, 163 (2005).

[15] Re: AWOL of Mrs. Borja, 549 Phil. 533, 536 (2007).

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