

OFFICE OF THE ADMINISTRATIVE SERVICES (OAS) – OFFICE OF THE COURT ADMINISTRATOR (OCA), COMPLAINANT, VS. RODRIGO C. CALACAL, UTILITY WORKER I, MUNICIPAL CIRCUIT TRIAL COURT (MCTC...

A.M. No. P-09-2670 [Formerly A.M. OCA IPI No. 09-3051-P]. October 16, 2009

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

Rodrigo C. Calacal (respondent), a Utility Worker I of the Municipal Circuit Trial Court of Alfonso Lista-Aguinaldo, Ifugao, without obtaining a travel authority required by OCA Circular No. 49-2003,[1] left the country on May 15, 2008 for Singapore where he stayed up to June 6, 2008.

The Office of the Court Administrator (OCA) received on July 31, 2008 respondent's application for leave, and his daily time record for June 2008 showing that he reported back for work on June 10, 2008.[2]

On the Court's directive to explain why he failed to comply with OCA Circular 49-2003, respondent proffered unawareness of the circular as there is no copy in his office. Anyway, he stated that the Clerk of Court approved his leave application.

Finding respondent's explanation unsatisfactory, the OCA recommended that, pursuant to Rule IV, Section 52 (C) (3) of the Uniform Rules on Administrative Cases in the Civil Service, respondent be reprimanded for violation of reasonable office rules and regulations.[3]

The recommendation of the OCA is well-taken.

OCA Circular No. 49-2003 (B) (4), which has been effective since May 20, 2003, reads:

4. Judges and personnel who shall leave the country without travel authority issued by the Office of the Court Administrator shall be subject to disciplinary action. (Underscoring supplied)

Unawareness of the circular is not an excuse for non-compliance therewith,[4] violation of which is penalized with reprimand on the first offense, suspension for 1-30 days on the second offense, and dismissal on the third offense. This appears to be respondent's first offense.

WHEREFORE, respondent Rodrigo C. Calacal, Utility Worker I of the Municipal Circuit Trial Court of Alfonso Lista-Aguinaldo, Ifugao is found GUILTY of violation of reasonable office rules and regulations. He is accordingly REPRIMANDED and WARNED that a repetition of the same or similar offense will be penalized more severely.

SO ORDERED.

Quisumbing, Acting C.J., (Chairperson), Nachura[*], Brion, and Abad, JJ., concur.

[*] Additional member per Special Order No. 730 dated October 5, 2009.

[1] Rollo, p. 4.

[2] Ibid.

[3] Id. at 7.

[4] Vide *Noynay-Arlos v. Selconag*, A.M. No. P-01-1503, January 27, 2004, 421 SCRA 138, 146; *Reports on the Financial Audit Conducted on the Books of Accounts of OIC Melinda Deseo, MTC, General Trias, Cavite*, A.M. No. 99-11-157-MTC, August 7, 2000, 337 SCRA 347, 352; *Re: Financial Audit in RTC, General Santos City*, A.M. No. 96-1-25-RTC, April 18, 1997, 271 SCRA 302, 311.

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