

MUNICIPALITY OF BUTIG, LANA DEL SUR, PETITIONER, VS. COURT OF APPEALS AND ZAALIKA MANGONDAYA, NAMRAIDA MANGONDAYA, ZAMAR M. ROMATO, MACACUA M. AWAL, AMINOLA B. MACAUYAG, ELIAS ...

G.R. No. 138348. December 09, 2005

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

The Case

This petition for review on certiorari under Rule 45 of the Rules of Court, as amended, seeks to annul and set aside the decision[1] of the Court of Appeals promulgated on 30 March 1999 in CA-G.R. SP No. 48529, affirming Resolution No. 974343[2] dated 06 November 1997 and Resolution No. 981729[3] dated 02 July 1998, both rendered by the Civil Service Commission (CSC). The CSC, in turn, affirmed Resolution[4] dated 05 June 1995, and Resolution[5] dated 21 November 1995, both of CSC Regional Office No. XII (CSCRO No. XII), in favor of herein private respondents Zaalika Mangondaya, Namraida Mangondaya, Zamar M. Romato, Macacua M. Awal, Aminola B. Macauyag, Elias B. Macauyag, Camlon M. Awal, Ominta R. Maute, Saida R. Olama, Azis M. Awal, Minaga B. Macauyag, Gumander P. Awal and Sominsang M. Bocua.

This case stemmed from a complaint filed by said private respondents for illegal dismissal, reinstatement and payment of backwages.

The Facts

As culled from the records of the case, the facts are as follows:

Herein private respondents, namely, Zaalika Mangondaya, Namraida R. Mangondaya, Zamar M. Romato, Macacua M. Awal, Aminola B. Macauyag, Elias B. Macauyag, Camlon M. Awal, Ominta R. Maute, Saida R. Olama, Azis M. Awal, Minaga B. Macauyag, Gumander P. Awal and Sominsang M. Bocua, were some of the appointees of Abdulrahman M. Romato, then Municipal Mayor of Butig, Lanao del Sur. Except for Ominta R. Maute and Saida R. Olama, all the aforementioned held permanent appointments as municipal employees of the subject municipality.

A perusal of their Certificates of Appointment[6] issued by the CSC revealed the following information:

Name of Municipal

Employee Position Salary

Rate (p.a.) Date of

Appointment

Namraida R. Awal Accounting Clerk II P9,000.00 01 January 1991

Zaalika R. Mangondaya Senior Bookkeeper P24,924.00 01 August 1991
Qamar M. Romato Revenue Collector Clerk II P9,000.00 15 February 1991
Macacua M. Awal Budgeting Assistant P18,000.00 31 July 1990
Aminola B. Macauyag Revenue Collector Clerk I P9,000.00 15 February 1991
Elias B. Macauyag Revenue Collector Clerk II P9,000.00 01 January 1991
Camlon M. Awal Revenue Collector Clerk III P9,000.00 01 January 1991
Ominta R. Maute MPDC[7] P79,056.00 07 February 1994
Saida R. Olama HRMO[8] I P34,464.00 07 February 1994
Azis M. Awal License Inspector P12,600.00 27 May 1991
Minaga B. Macauyag Laborer P3,996.00 02 January 1991
Gumander P. Awal Laborer P3,996.00 01 January 1991
Sominsang M. Bocua Laborer P3,996.00 02 January 1991

On 23 November 1993, in a decision rendered in an electoral protest case filed by Palawan Amatonding, one of the mayoralty candidates during the 1992 National/Local Elections, the Commission on Election (COMELEC) declared said candidate to be the duly elected Municipal Mayor, thereby removing then incumbent Mayor Romato from office.

Upon assumption to office, Mayor Amatonding issued a memorandum dated 25 December 1993, addressed to private respondent municipal employees to report for work and show cause why they should not be removed from office or their services terminated for their failure to report for work starting on the 23[rd] of December 1993.

Despite the memorandum-notice sent to them, private respondents failed to report for work, thus, Mayor Amatonding issued individual termination notices[9] dated 31 January 1994, dropping them from the rolls effective on said date. Each notice stated:

Please be informed that due to your failure to comply (sic) the Memorandum of the undersigned incumbent municipal mayor of Butig, Lanao del Sur, dated December 25, 1993 as well as your failure to continuously report to office since December 23, 1993 up to this date, you are hereby terminated as (position) of this municipality with the following grounds:

- a - Abandonment of office (failed to report to duty);
- b - Unauthorized absences from December 23, 1993 up to this date;
- c - Defiance to several notices/memoranda issued by this Office;

...

HENCEFORTH, you are not entitled to claim salary and other emoluments from the present administration of the undersigned incumbent municipal mayor of Butig, Lanao del Sur.

For information and guidance.

Meanwhile, Mayor Amatonding was ambushed and killed on 24 June 1994. Consequently, then incumbent vice-mayor, Monabantog Kiram, became the Municipal Mayor of subject municipality.

Aggrieved, the municipal employees collectively filed a complaint[10] dated 15 December 1994, for illegal

dismissal, reinstatement and payment of backwages before the CSCRO No. XII against the offices of the Butig Municipal Mayor and the Municipal Treasurer. The complaint alleged that:

...

...when Palawan Amatonding (now deceased) was proclaimed and declared Winner (sic) by the Commission on Election as duly elected Mayor of Butig by virtue of electoral protest, he subsequently declared our position vacant and considered all the plaintiffs dismissed from the service without due process and without basis in law and in fact, and thereafter ordered to stop payment of our salaries effective January 1, 1994, by then and thereafter, Monabantog Kiram who took over the Mayorship of the Municipality maintained and sustained the illegal order of his predecessor, by patently denying and depriving all the plaintiffs of their just salaries including their benefits

...

On 16 January 1995, the CSCRO No. XII required private respondents Mayor Kiram and Mesug Palawan, then Municipal Treasurer of Butig, to comment on the complaint filed against them. Only Palawan filed the requested comment as Mayor Kiram was at that time suspended from office. In his comment dated 21 February 1995, the latter expressly stated that the complainants were indeed illegally dismissed from service and that Mayor Kiram and Monasimban Lantud, the former Municipal Treasurer, failed to apprise his office of the allegations raised against them.

In May 1995, after winning in the 1995 National/Local Elections, Dimnatang B. Pansar was proclaimed by the COMELEC as the new municipal mayor of Butig, Lanao del Sur.

On 05 June 1995, the CSCRO No. XII handed down a resolution finding private respondent municipal employees who have been issued permanent appointments to have been illegally dismissed, to wit:

Henceforth, complainants with permanent appointments should be reinstated to their former positions and incidental to their reinstatement is the payment of back salaries and other benefits from the time the complainants were illegally separated up to the time of their reinstatement. This view is well-settled in the case of Tañala vs. Legaspi, 13 SCRA 566 quoted hereunder, viz:

"When a government official or employee in the classified civil service had been illegally suspended or dismissed, and his reinstatement had later been ordered, for all legal purposes he is considered as not having left his office, so that he is entitled to all the rights and privileges that accrue to him by virtue of the office that he held."

With respect to private respondent municipal employees with temporary appointments,[11] however, the CSCRO No. XII had this to say:

However, in the case of complainants who were issued temporary appointments, it must be stressed that a temporary appointment does not give the appointee any definite tenure of office but makes it dependent upon the pleasure of the appointing power.

...

... separation from the service of one who holds a temporary appointment is not deemed as removal or dismissal but simply an expiration of the term to hold office in view of the fact that when the appointee accepted his temporary appointment, he effectively divested himself of his security of tenure.

It further added that:

Likewise, complainants who, in this case, were issued temporary appointments shall be entitled payment of their salaries for actual services rendered.

On 08 August 1995, Dimnatang B. Pansar, the newly elected Municipal Mayor of Butig, filed a motion for reconsideration,[12] alleging that:

Complainants are indeed ghost employees of former Mayor Abdurahman M. Romato. It must be noted however that during the incumbency of Mayor Romato, complainants have never reported for work to perform their duties as government employees. Copy of the Joint-Affidavit dated March 20, 1995 of members of the Sangguniang Bayan of Butig, showing that complainants have not reported at the Municipal Hall of Butig, Municipality of Butig, to render service as employees since July 1992 up to the present time and that they are protégées and close relatives of the Mayor Abdurahman M. Romato, is hereto attached as Annex "A" and made part hereof.

...

Since complainants failed to have actually assumed their respective positions, as already discussed, it follows therefore that they never acquired any legal rights whatsoever over their claimed positions....

In a Resolution[13] dated 21 November 1995, however, the CSCRO No. XII denied said motion, stating thus:

...

...Granting without conceding that Complainants indeed failed to report for work, they should have been accorded a notice and a hearing before they were dismissed from the service....

...

WHEREFORE, since Appellant failed to raise any convincing argument nor introduce any material evidence sufficient to controvert Complainants' allegations, this level finds no cogent reason to deviate from its earlier ruling.

The motion for reconsideration is hereby DENIED.

When the case was elevated to the CSC, the commission likewise found private respondent municipal employees to have been illegally separated from their employment; hence, affirmed the questioned resolutions and dismissed the appeal filed by petitioner municipality.

In CSC Resolution No. 974343[14] dated 06 November 1997, the CSC declared that:

The only issue in this case is whether or not the separation of the subject employees is valid.

...

There is no dispute that the subject employees were dismissed from the service without observing the requirements of due process. They were not administratively charged with any offense and found guilty thereof, nor were they dropped from the rolls for any reason.

The contention of the appellant that the subject employees are relatives of the Municipal Mayor and are, therefore, covered by the rule against nepotism had not been substantiated. Suffice it to state that said appointments were approved and as such, these enjoy the presumption of regularity in the absence of any evidence to the contrary.

...

As to Maute and Olama who were both issued temporary appointments on February 7, 1994, they do not enjoy security of tenure. The termination of their services cannot be questioned. As temporary appointees, their services may be terminated anytime with or without cause. However, they are entitled to payment of salaries for actual services rendered prior to their separation and the money value of their accrued leave credits, if any.

In view of the above, it held that:

WHEREFORE, the appeal of Mayor Dimnatang B. Pansar is hereby dismissed. Thus, the termination of the services of Zaalika Mangondaya, et al. is declared illegal. They should be reinstated to their positions with payment of backwages without loss of seniority rights. With respect to Ominta Maute and Saida Olama, they should be paid salaries for actual services rendered prior to their termination and other accrued money benefits.

Accordingly, the decision of the CSRO No. XII is affirmed.

Reconsideration was again sought by petitioner municipality but it was subsequently denied in CSC Resolution No. 981729[15] dated 02 July 1998.

Still undaunted, petitioner municipality went to the Court of Appeals via a Petition for Review under Rule 43 of the Rules of Court, as amended.

In a decision[16] promulgated on 30 March 1999, the appellate court likewise affirmed the challenged resolutions, thus, denying the petition filed. The dispositive part of it states that:

IN VIEW OF THE FOREGOING, the challenged Resolutions are hereby affirmed and the instant petition ordered DISMISSED and Costs against the petitioners.

SO ORDERED.

Hence this petition raising the following issues for resolution:

The Issues

I.

WHETHER OR NOT THE HONORABLE PUBLIC RESPONDENT COURT OF APPEALS HAS DECIDED QUESTIONS OF SUBSTANCE IN A WAY NOT IN ACCORD WITH LAW AND DOCTRINAL JURISPRUDENCE ON THE MATTER;

II.

WHETHER OR NOT THE HONORABLE PUBLIC RESPONDENT COURT OF APPEALS HAS COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF JURISDICTION IN UPHOLDING THE PROPRIETIES OF THE QUESTIONED RESOLUTIONS OF THE CIVIL SERVICE COMMISSION, ERRONEOUSLY DECLARING AS ILLEGAL THE SEPARATION FROM THE SERVICE OF HEREIN PRIVATE RESPONDENTS;

III.

WHETHER OR NOT THE HONORABLE PUBLIC RESPONDENT COURT OF APPEALS HAD MANIFESTLY ERRED IN NOT HOLDING THAT PRIVATE RESPONDENTS' REMOVAL FROM THE SERVICE IS WARRANTED UNDER CIVIL SERVICE COMMISSION MEMORANDUM CIRCULAR NO. 12 SERIES OF 1994;

IV.

WHETHER OR NOT PRIVATE RESPONDENTS ARE ENTITLED TO REINSTATEMENT AND PAYMENT OF BACKWAGES.

In sum, the following issues can be stated in one concise statement, that is, whether or not the private respondent municipal employees were illegally dismissed and, thus, entitled to reinstatement and payment of backwages.

The Ruling

By and large, the present petition would have us closely scrutinize the facts of the case, relating to the sufficiency of the evidence on record on whether or not private respondent municipal employees were in fact "ghost" employees and within their degree of relationship, either by consanguinity or affinity, viz-à-vis the appointing authority, Mayor Romato, who thus, violated the rule against nepotism, such that their dismissal from service was validly enjoined.

This Court has so held that it is not the function of the Supreme Court to analyze or weigh anew such evidence. The findings of facts of administrative agencies, especially if affirmed by the Court of Appeals, are given high respect if not conclusive effect by this Court. Though there may be exceptions to this rule, none are present herein.

In its petition, petitioner municipality insists that respondent municipal employees cannot claim solace under the constitutionally guaranteed principle of security of tenure for they have no legal right to the offices from which they were removed, firstly because, in actuality, they were just "ghost" employees of the municipality. According to petitioner municipality, respondent municipal employees failed to perform any operative act in order to assume office. Though it admits that respondents were, indeed, appointed, nonetheless, it posits that having failed to assume office, they have no legal right to be protected by the aforementioned constitutional guarantee of security of tenure.

Secondly, the appointments of private respondent municipal employees violated the "Nepotism Rule"[17] because they were all close relatives by consanguinity and/or affinity of the appointing authority, Mayor Romato. In its Petition For Revocation of Appointments[18] (of private respondent municipal employees) it filed before the CSC, petitioner municipality specified the degree of relationship between private respondent municipal employees and Mayor Romato, viz:

Name

Relations to Mayor Romato

Namraida R. Awal - Niece

Zaalika R. Mangondaya - Niece

Qamar M. Romato - Son

Macacua M. Awal - Nephew (by affinity)

Aminola B. Macauyag - -

Elias B. Macauyag - Nephew (by affinity)

Camlon M. Awal - -

Ominta R. Maute - -

Saida R. Olama - Daughter

Azis M. Awal - Nephew (by affinity)

Minaga B. Macauyag - Nephew (by affinity)

Gumander Awal - (fictitious person)

Sominsang M. Bocua - Nephew

We accede to the finding of the CSC and the CSCRO No. XII that there is nothing in the records of the case at bar that sufficiently establishes the contention that private respondent municipal employees never assumed office after their appointment and that they were so closely related to the appointing authority, Mayor Romato, so as to violate the rule against nepotism. Indeed, petitioner municipality's allegations regarding the foregoing are just that – allegations. It failed to adduce proof to substantiate its claim of nepotism. Having the same family name, or middle name with the appointing authority, does not nepotism make. Besides, the law does not absolutely prohibit persons from being appointed to an office the appointing authority of which is a relative so long as such relation, by consanguinity and/or affinity, is not within the prohibited degree.

Time and again it has been ruled that an allegation in a pleading is not evidence but is a declaration that has to be proved by evidence.[19]

At this point, we quote with approval the pronouncement of the CSC, to wit:

The contention of the appellant that the subject employees are relatives of the Municipal Mayor and are, therefore, covered by the rule against nepotism had not been substantiated. Suffice it to state that said appointments were approved and as such, these enjoy the presumption of regularity in the absence of any evidence to the contrary.

Despite the foregoing disquisition, however, we have to rule in favor of petitioner municipality as we disagree in the final analysis of the Court of Appeals and so hold that it erred in affirming the finding of illegal dismissal.

The Court of Appeals erred when it acted without any rational basis in upholding the finding of illegal dismissal by the CSC and the CSCRO No. XII, which overlooked the matter of absence without official leave (AWOL). It was remiss in its duties to properly appreciate and closely scrutinize the evidence on record, i.e., the memorandum-notice. Its observation that:

... nothing is mentioned about any misfeasance or malfeasance in office committed by the private respondents. Petitioner's insistence and justification in terminating their services are either because they are ghost employees, that they never really assumed their respective offices, or that, their appointments violated the nepotism law. [Emphasis supplied.]

is a devastatingly erroneous appraisal of the evidence on record. At the outset, petitioner municipality has incessantly asserted that not only did private respondent municipal employees fail to assume office after their appointment and the rule against nepotism violated by said appointments, but that private respondent municipal employees were actually dropped from the rolls due to AWOL such that neither prior notice nor hearing were necessary. Neither the CSC nor the CSCRO No. XII looked into said issue. Said Commission brushed aside, nay, completely ignored the matter. As such, the Court of Appeals should have delved into the allegation.

Petitioner municipality insists that private respondent municipal employees have never reported for work. Pursuant to Civil Service Memorandum Circular No. 12,[20] Series of 1994, which amended Item 2 of Section VI of the Omnibus Guidelines on Appointments and other Personnel Actions, the petitioner municipality argues that prior notice and hearing are not required before an officer or an employee can be dismissed from service due to absences without approved leave/unauthorized absences for at least thirty (30) calendar days. Private respondent municipal employees failed to report for work from 23 December 1993 up to 31 January 1994, as a result, their names were dropped from the rolls.

In contrast, in affirming the questioned resolutions of the CSCRO No. XII and the CSC, the Court of Appeals ratiocinated that:

...

...any employee in the government service, upon assumption in office, is endowed with a vested legal right falling within the protective mantle not only by existing laws but by our constitution. It entitles such employee to remain in office and removable only for cause but with prior notice and hearing.

And inasmuch as administrative proceedings partake the nature of a punitive action involving removal from office and forfeiture of pay, the presumption of innocence must be upheld until the contrary is proved by proof beyond reasonable doubt.

...

At bar, nothing is mentioned about any misfeasance or malfeasance in office committed by the private respondents....

It should be noted that the appointments extended to the private respondents for permanent positions carry with them the valid attestation of the Civil Service Regional Office No. 12 of Cotabato City. A fact not disputed and which entitles them to the security of tenure of a government employee removable only for cause after due process....[21]

The appellate court went on further to quote with approval the pronouncements of the CSC in Resolution No. 974343 dated 06 November 1997.

In the questioned resolutions, both the CSC and the CSCRO No. XII agree that by virtue of the permanent appointments extended to respondent municipal employees, no less than the fundamental law of the land guarantees them security of tenure.

Article IX-B, Section 2(3) of the 1987 Constitution unequivocally states that:

Sec. 2. ... (3) No officer or employee of the civil service shall be removed or suspended except for cause provided by law.

...

In its resolution of petitioner's motion for reconsideration, the CSCRO No. XII had this to say:

...

...Granting without conceding that Complainants indeed failed to report for work, they should have been accorded a notice and a hearing before they were dismissed from the service. But apparently, they were deprived of due process... .

...

It bears emphasizing that the bases for terminating the services of respondent municipal employees were expressly enumerated in the memorandum-notice issued by the Office of the Municipal Mayor of Butig, Lanao del Sur, they are:

- a – Abandonment of office (failed to report to duty);
- b – Unauthorized absences from December 23, 1993 up to this date;
- c – Defiance to several notices/memoranda issued by this Office [Emphasis supplied.]

It is quite unfortunate that the CSC and the Court of Appeals overlooked a very important fact – that private respondents were dropped from the rolls for the simple reason that they were found to be AWOL for at least thirty (30) days. This was never renounced or rejected by private respondent municipal employees as evidenced by the records of the case at bar.

A scrutiny of the memorandum-notice, on its face, unambiguously reveals that the termination was based not on the matter of nepotism and private respondents' failure to assume office but on something that is as significant as the two preceding issues – the matter of unauthorized absences which resulted to their names being dropped from the rolls.

There is a legal basis for dropping private respondents from the rolls – Civil Service Commission Memorandum Circular No. 38, Series of 1993,[22] and not Civil Service Commission Memorandum Circular No. 12, Series of 1994,[23] as incorrectly referred to by petitioner municipality. Pursuant to said memorandum circular, employees found to be AWOL for thirty days or more may be dropped from the rolls without prior notice. CSC Memorandum Circular No. 38, Series of 1993 provides as follows:

VI. REQUIREMENTS FOR CERTAIN MODE OF SEPARATION

- ...

- Dropping from the Rolls – non-disciplinary in nature, ...

Officers and employees who are absent for at least thirty (30) days without approved leave are considered on Absence Without Leave (AWOL) and may be dropped from the service without prior notice.

A notice or order of the dropping from the rolls of an employee shall be issued by the appointing authority and submitted to the CSC Office concerned for record purposes.

- ... [Emphasis supplied.]

By reason of the above-quoted provision, it is beyond doubt that the appointing authority has the legal right to drop from the rolls a civil service officer or employee even without prior notice and/or hearing.

We find without merit the contention of private respondent municipal employees that they were denied due process for lack of notice and opportunity to be heard before they were dropped from the rolls. To reiterate, in the above-quoted provision, an officer or employee may be dropped from the rolls if he was continuously absent without official leave for a period of at least thirty days. Prior notice is not necessary. To emphasize, the action of dropping private respondent municipal employees from the rolls is non-disciplinary in nature and does not result in the forfeiture of their benefits nor their disqualification from re-employment in the government.[24] Likewise, dropping from the rolls of private respondents is without prejudice to their re-appointment at the discretion of the appointing authority and subject to Civil Service laws, rules and regulations.[25]

The essence of due process is simply an opportunity to be heard or as applied to administrative proceedings, an opportunity to explain one's side or opportunity to seek a reconsideration of the action or ruling complained of.[26] Records show that petitioner municipality had sent a memorandum-letter[27] dated 25 December 1993 to private respondent municipal employees to report for work and to show cause why they should not be disciplinarily dealt with for their continued absence and another memorandum[28] dated 31 January 1994 informing them that they were being dropped from the rolls, due to their AWOL, among other things. Further, private respondent municipal employees were given sufficient opportunity to report for duty after they received the return-to-work order, but they did not report nor respond to said memorandum.

In any event, as heretofore emphasized, no error was committed when petitioner municipality dropped private respondent municipal employees from the rolls, for their unexplained absence of more than 30 days and their refusal to comply with the return-to-work order within a prescribed period, without notice nor hearing.

WHEREFORE, in view of the foregoing, the instant petition is GRANTED. The assailed Decision of the Court of Appeals dated 30 March 1999, in CA-G.R. SP No. 48529, affirming CSC Resolution Nos. 974343 and 981729, is

hereby ANULLED and SET ASIDE. No costs.

SO ORDERED.

Puno, (Chairman), Austria-Martinez, Callejo, Sr., and Tinga, JJ., concur.

[1] Penned by Court of Appeals Associate Justice Conrado M. Vasquez, Jr., with Associate Justices Cancio C. Garcia (now Associate Justice of the Supreme Court) and Teodoro P. Regino concurring; Annex "A" of the Petition; Rollo, pp. 30-35.

[2] Penned by CSC Commissioner Thelma P. Gaminde, with Commissioners Corazon Alma G. De Leon (Chairperson) and Jose F. Erestain, Jr. concurring; Annex "H" of the Petition; Rollo, pp. 92-96.

[3] Annex "J" of the Petition; Rollo, pp. 107-110.

[4] Penned by Dir. IV Cesar D. Buenaflor; Annex "C" of the Petition; Rollo, pp. 67-69.

[5] Annex "E" of the Petition; Rollo, pp. 75-76.

[6] CSC Records, pp. 247-270.

[7] Municipal Planning and Development Coordinator.

[8] Human Resource Management Officer.

[9] Annexes "B" to "B-30" of the Petition; Rollo, pp. 36-66.

[10] Dated 15 December 1994; CSC Records, pp. 468-471.

[11] Namely, Ominta R. Maute and Saida R. Olama.

[12] Annex "D" of the Petition; Rollo, pp. 70-74.

[13] See Note 5.

[14] See Note 2.

[15] See Note 3.

[16] See Note 1.

[17] The prohibition against nepotism in the government service is found in Section 59, Chapter 7, Book V of the Administrative Code of 1987 which reads:

SEC. 59. Nepotism. – (1) All appointments in the national, provincial, city and municipal governments or in any branch or instrumentality thereof, including government-owned or controlled corporations, made in favor of a relative of the appointing or recommending authority, or of the chief of the bureau or office, or of the pensions exercising immediate supervision over him, are hereby prohibited.

As used in this Section, the word "relative" and members of the family referred to are those related within the third degree either of consanguinity or of affinity.

...

[18] CSC Records, pp. 515-525.

[19] *Concepcion v. Court of Appeals*, G.R. No. 120706, 31 January 2000, 324 SCRA 85, 93.

[20] Issued on 10 March 1994 in consideration of CSC Resolution No. 94-1464;

2. Dropped from the Rolls

2.1. Absence without Approved Leave

- An officer or employee who is continuously absent without approved leave (AWOL) for at least thirty (30) calendar days shall be separated from the service or dropped from the rolls without prior notice. He shall however be informed of his separation from the service not later than five (5) days from its effectivity which shall be sent to the address appearing on his 201 files; and

- If the number of unauthorized absences incurred is less than thirty (30) calendar days, written return to work order shall be served on the official or employee at his last known address on record. failure on his part to report for work within the period stated in the order.

...

[21] Rollo, p. 34.

[22] Issued on 10 September 1993.

[23] See Note 20.

[24] *Gonzales v. CSC*, G.R. No. 139131, 27 September 2002, 390 SCRA 124, 125-126.

[25] *Id.*, p. 126.

[26] *Audion Electric Co., Inc. v. NLRC*, G.R. No. 106648, 17 June 1999, 308 SCRA 340, 353.

[27] *Petition*, p. 4; *Rollo*, p. 14.

[28] See Note 9.

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