

**RUDY A. PALECPEC, JR., PETITIONER, VS. HON. CORAZON C. DAVIS,
IN HER CAPACITY AS THE REGIONAL EXECUTIVE DIRECTOR,
DEPARTMENT OF ENVIRONMENT AND NATURAL
RESOURCES-NATIONAL CAPITAL...**

G.R. NO. 171048. November 23, 2007

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-171048/>

PER CURIAM:

Before the Court is petitioner's Motion for Reconsideration[1] dated 28 August 2007 seeking the reversal of its per curiam Decision[2] dated 31 July 2007, which denied petitioner's appeal.

Petitioner was serving as Administrative Officer III of the Interim Internal Audit Division of the Department of Environment and Natural Resources, National Capital Region (DENR-NCR) when he was dropped from the rolls by the respondent DENR-NCR Executive Regional Director for absences without official leave (AWOL). The Court affirmed the finding of the Court of Appeals that, except for the period 8-10 May 2000 for which petitioner was granted an approved leave of absence, petitioner had been absent without authorization beginning 2 May 2000, the entire months of June and July 2000, and up to 1 August 2000. Petitioner was AWOL for a continuous period of more than 30 days for which he was properly dropped by the respondent from the rolls. Thus, the dispositive portion of this Court's Decision dated 31 July 2007 reads:

WHEREFORE, premises considered, we DENY the present Petition for Review on Certiorari and AFFIRM the Decision dated 29 September 2005 and Resolution dated 10 January 2006 of the Court of Appeals in CA-G.R. SP No. 90292. We hereby ORDER that petitioner Rudy A. Palecpec, Jr. be dropped from the rolls of the Plantilla of Personnel of the Department of Environment and Natural Resources, National Capital Region effective 1 August 2000, with the cancellation of his civil service eligibility, forfeiture of retirement benefits; and with prejudice to his reemployment in any branch of the government or any of its agencies or instrumentalities, including government owned and controlled corporations. Costs against the petitioner.[3]

This Court finds no cogent reason to reverse its earlier ruling that there is substantial evidence of petitioner's AWOL for more than 30 days. However, considering that dropping from the rolls due to AWOL does not automatically amount to charges of conduct prejudicial to the best interest of the public and frequent unauthorized absences, his being dropped from the rolls due to his AWOL should neither result in the forfeiture of his benefits[4] nor his disqualification from re-employment in the government.[5]

WHEREFORE, the Motion for Reconsideration filed by petitioner is hereby PARTLY GRANTED. The Decision, dated 31 July 2007 of this Court ordering that petitioner Rudy A. Palecpec, Jr. be dropped from the rolls of the Plantilla of Personnel of the Department of Environment and Natural Resources, National Capital Region, effective 1 August 2000, for Absence Without Official Leave, is hereby AFFIRMED WITH MODIFICATION. The provision in the dispositive portion thereof ordering the cancellation of petitioner's civil service eligibility, forfeiture of retirement benefits, and prejudice to his reemployment in any branch of the government or any of its agencies or instrumentalities, including government owned and controlled corporations, is hereby DELETED. Costs against petitioner.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Carpio-Morales, Azcuna, Tinga, Chico-Nazario, Velasco, Jr., and Reyes, JJ., concur.

Corona, J., on official leave.

Nachura, J., no part.

[1] Rollo, pp. 278-291.

[2] Id. at 253-277.

[3] Id. at 276.

[4] Id.

[5] Municipality of Butig, Lanao del Sur v. Court of Appeals, G.R. No. 138348, 9 December 2005, 477 SCRA 115.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.