

## **SECOND DIVISION**

**[ A.M. No. 18-07-153-RTC, January 07, 2019 ]**

**RE: DROPPING FROM THE ROLLS OF LAYDABELL G. PIJANA,  
SHERIFF IV, REGIONAL TRIAL COURT OF TAGAYTAY CITY,  
CAVITE, BRANCH 18**

### **R E S O L U T I O N**

**PERLAS-BERNABE, J.:**

This administrative matter involves Ms. Laydabell G. Pijana (Pijana), Sheriff IV in the Regional Trial Court of Tagaytay City, Cavite, Branch 18 (RTC).

#### **The Facts**

The records of the Employees' Leave Division, Office of Administrative Services, Office of the Court Administrator (OCA) show that Pijana has neither submitted her Daily Time Record (DTR) since March 1, 2018 up to the present nor filed any application for leave. Thus, she has been on absence without official leave (AWOL) since March 1, 2018.<sup>[1]</sup>

To date, Pijana has still not reported for work. Her salaries and benefits were withheld pursuant to a Memorandum<sup>[2]</sup> dated May 2, 2016.

The OCA informed the Court of its findings based on the records of its different offices: (a) Pijana is still in the plantilla of court personnel, and thus considered to be still in active service; (b) she is no longer in the payroll; (c) she has no application for retirement; and (d) she is not an accountable officer.<sup>[3]</sup> Notably, nine (9) administrative cases are pending against her based on the records of the Docket and Clearance Division, Legal Office, OCA.<sup>[4]</sup>

In its report and recommendation<sup>[5]</sup> dated July 19, 2018, the OCA recommended that: (a) Pijana be dropped from the rolls effective March 1, 2018<sup>[6]</sup> for having been absent without official leave for more than thirty (30) working days; (b) her position be declared vacant; and (c) she be informed about her separation from the service or dropping from the rolls at her last known address on record at 109 Lucsuhin, Silang, Cavite appearing in her 201 File. The OCA added, however, that Pijana is still qualified to receive the benefits she may be entitled to under existing laws and may still be reemployed in the government, without prejudice to the outcome of the nine (9) pending administrative cases against her.<sup>[7]</sup>

#### **The Court's Ruling**

The Court adopts the findings and recommendations of the OCA. Section 107, Rule 20 of the 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS)<sup>[8]</sup>

authorizes and provides the procedure for the dropping from the rolls of employees who are absent without approved leave for an extended period of time.<sup>[9]</sup> 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

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

This provision is in consonance with Section 63, Rule XVI of the Omnibus Rules on Leave, as amended by Memorandum Circular No. 13, s. 2007,<sup>[10]</sup> which states:

Sec. 63. *Effect of absences without approved leave.* - An official or an 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. (Emphasis supplied)

Based on these provisions, Pijana should be separated from the service or dropped from the rolls in view of her continued absence since March 1, 2018.

Indeed, prolonged unauthorized absence causes inefficiency in the public service.<sup>[11]</sup> A court employee's continued absence without leave disrupts the normal functions of the court.<sup>[12]</sup> It contravenes the duty of a public servant to serve with the utmost degree of responsibility, integrity, loyalty, and efficiency. The Court stresses that a court personnel's conduct is laden with the heavy burden of responsibility to uphold public accountability and maintain people's faith in the judiciary.<sup>[13]</sup>

By failing to report for work without filing any leave application since March 1, 2018, Pijana grossly disregarded and neglected the duties of her office. Undeniably, she failed to adhere to the high standards of public accountability imposed on all those in the government service.<sup>[14]</sup>

In view of the foregoing, the Court is constrained to drop Pijana from the rolls. At this point, the Court deems it worthy to stress that the instant case is non-disciplinary in nature. Thus, Pijana's separation from the service shall result neither in the forfeiture of any benefits which have accrued in her favor, nor in her disqualification in the government service.<sup>[15]</sup> This is, however, without prejudice to