

SECOND DIVISION

[A.M. No. 17-11-272-RTC, January 31, 2018]

RE: DROPPING FROM THE ROLLS OF LEMUEL H. VENDIOLA, SHERIFF IV, OFFICE OF THE CLERK OF COURT (OCC), REGIONAL TRIAL COURT OF BIÑAN CITY, LAGUNA (RTC).

RESOLUTION

PERLAS-BERNABE, J.:

This administrative case stems from a request^[1] to drop Mr. Lemuel H. Vendiola (Vendiola), Sheriff IV in the Office of the Clerk of Court (OCC), Regional Trial Court of Biñan City, Laguna (RTC), from the rolls due to his absences without official leave.

The Facts

The records of the Employees's Leave Division, Office of Administrative Services (OAS), Office of the Court Administrator (OCA), show that Vendiola has not submitted his Daily Time Record (DTR) since May 2012 up to the present.^[2] He neither submitted any application for leave.^[3] His service record^[4] shows that he was appointed Utility Worker I in the RTC, Branch 24 on November 10, 2004. On April 27, 2009, he was appointed temporarily as Sheriff IV in the OCC, RTC. He was reappointed to the same position on a permanent capacity on June 3, 2010.^[5] Vendiola did not submit the requirements for initial salary; he did, however, submit his DTR until April 2012.

In a Letter^[6] dated February 21, 2013, Executive Judge Teodoro N. Solis of the RTC, Branch 25, requested the OCA to drop Vendiola from the rolls and declare his position vacant considering his absences without official leave since April 2012.^[7]

Moreover, Vendiola's salaries and benefits have been withheld since December 2010 due to his non-submission of requirements for his initial salary in connection with his reappointment on a permanent capacity as Sheriff IV.^[8]

The OCA informed the Court of its findings based on the records of its different offices, namely: (a) Vendiola is still in the *plantilla* of court personnel, and thus, considered to be in active service; (b) he has no application for retirement; and (c) no administrative case is pending against him; but (d) he is, however, accountable for STF^[9] (Sheriff Trust Fund) and has yet to be audited.^[10]

In its report and recommendation^[11] dated November 2, 2017, the OCA recommended that: (a) Vendiola's name be dropped from the rolls effective May 2, 2012 for having been absent without official leave; (b) his position be declared vacant; and (c) he be informed about his separation from the service at his last known address on record at Kasilaga Compound Silangan St., San Francisco, Biñan, Laguna. The OCA added, however, that Vendiola is still qualified to receive the