

SECOND DIVISION

[A.M. No. 18-04-79-RTC, June 20, 2018]

RE: DROPPING FROM THE ROLLS OF MR. FLORANTE B. SUMANGIL, CLERK III, REGIONAL TRIAL COURT OF PASAY CITY, BRANCH 119.

R E S O L U T I O N

PERLAS-BERNABE, J.:

This administrative matter stemmed from a letter^[1] dated February 5, 2018, informing the Court that Mr. Florante B. Sumangil (Sumangil), Clerk III, Regional Trial Court of Pasay City, Branch 119 (RTC), has been on absence without official leave (AWOL) since December 2017.

The Facts

The records of the Employees' Leave Division, Office of Administrative Services (OAS), Office of the Court Administrator (OCA), show that Sumangil has not submitted his Daily Time Record (DTR) since December 27, 2017 up to the present^[2] or filed any application for leave.^[3] Thus, he has been on AWOL since December 1, 2017.^[4]

In a letter^[5] dated February 5, 2018, Acting Presiding Judge Bibiano G. Colasito of the RTC forwarded to the OCA the letter-report^[6] of Branch Clerk of Court Atty. Maria Bernadette B. Opeda (Atty. Opeda) relative to Sumangil's prolonged absences without leave starting on December 27, 2017. Atty. Opeda reported that she was informed by Sumangil's housemate that the latter left for Mindanao last December 31, 2017. On the other hand, Sumangil's daughter, Dyna Sumangil, told her that none of her relatives had seen her father and that the latter visited his own mother but had not returned. Atty. Opeda also inquired from his friends but no one knew his whereabouts.^[7]

To date, Sumangil has yet to submit his DTR or a duly approved application for leave. Accordingly, his salaries and benefits were withheld pursuant to Memorandum WSB No. 2d-2018 dated February 20, 2018.^[8]

The OCA informed the Court of its findings based on the records of its different offices that: (a) Sumangil is still in the *plantilla* of court personnel, and thus, considered to be in active service; (b) he has not filed any application for retirement; (c) no administrative case is pending against him; and (d) he is not an accountable officer.^[9]

In a Report^[10] dated April 3, 2018, the OCA recommended that: (a) Sumangil's

name be dropped from the rolls effective December 1, 2017 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 117 Pasadena, Barangay 70, Zone 9, Pasay City. The OCA added, however, that Sumangil is still qualified to receive the benefits he may be entitled to under existing laws and may still be reemployed in the government.^[11]

The Court's Ruling

The Court agrees with the OCA's recommendations.

Section 107 (a) (1), Rule 20 of the 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS)^[12] authorizes the dropping from the rolls of employees who have been continuously absent without official leave for at least thirty (30) working days, without the need for prior notice:

Rule 20

DROPPING FROM THE ROLLS

Section 107. *Grounds and Procedure for Dropping from the Rolls. Officers and employees who are absent without approved leave, have unsatisfactory or poor performance, or have shown to be physically or mentally unfit to perform their duties 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. (Underscoring supplied)

Based on the cited provision, Sumangil should be separated from the service or be dropped from the rolls in view of his continued absences since December 2017.

Sumangil's prolonged unauthorized absences caused inefficiency in the public service as it disrupted the normal functions of the court,^[13] and in this regard, contravened his duty as a public servant to serve with the utmost degree of responsibility, integrity, loyalty, and efficiency.^[14] The Court stresses that a court personnel's conduct is laden with the heavy responsibility of upholding public accountability and maintaining the people's faith in the Judiciary.^[15] By failing to