

FIRST DIVISION

[A.M. No. 00-2-27-MTCC, October 10, 2000]

ABSENCE WITHOUT OFFICIAL LEAVE (AWOL) OF EDELITO I. ALFONSO, MUNICIPAL TRIAL COURT IN CITIES (MTCC), OLONGAPO CITY.

RESOLUTION

PUNO, J.:

On February 15, 1999, Executive Judge Merinnissa O. Ligaya of Olongapo City issued a Directive placing Edelito I. Alfonso, Clerk III, Municipal Trial Court in Cities (MTCC), Olongapo City, on Absent Without Official Leave (AWOL) status and ordering him to immediately return to duty upon receipt thereof.

The Office of the Court Administrator also directed Alfonso, through Executive Judge Ligaya, to submit his daily time record (DTR) from June 1998 to January 1999, together with his explanation for his failure to submit said DTRs. Alfonso complied with the order on March 19, 1999. He explained that he had already prepared his DTRs for said period, but he inadvertently failed to file them. He also stated that he underwent medical treatment for peptic ulcer from November to December 1998. It was only in January 1999 that he realized that his DTRs have not been submitted.

However, notwithstanding the Directive of Executive Judge Ligaya and Alfonso's explanation, the latter still failed to return to work.

On June 30, 1999, the new Executive Judge of Olongapo City, Judge Reynaldo M. Laigo, submitted his First Indorsement to Court Administrator Alfredo L. Benipayo recommending that the position of Alfonso be declared vacant, considering his long unexplained absence without official leave amounting to abandonment of duty.

On July 27, 1999, the Office of the Court Administrator required Alfonso to explain in writing why he should not be dealt with administratively for his continuous absence since February 1, 1999 without any approved application for leave of absence. It also ordered the withholding of his salaries.

On February 7, 2000, Judge Ligaya wrote to the Office of the Court Administrator informing them that Alfonso has been reporting for work regularly since December 1999 and that his prolonged absence was due to his peptic ulcer. She also stated that Alfonso has acknowledged his fault and apologized for being absent without notice to the office. She likewise stated that Alfonso pleaded that he be given another chance and promised that the offense will not be repeated. Judge Ligaya forwarded the approved leave of absence of Alfonso from February 1 to November 30, 1999 and the medical certificate issued by Dr. Eduardo G. Arevalo showing that Alfonso was treated for peptic ulcer from February 1999 to November 1999.

In its Memorandum dated August 14, 2000, the Office of the Court Administrator observed:

Section 63, Rule XVI of the Omnibus Rules on Leave, as amended, expressly provides that "(A)n official or employee who is continuously absent without approved leave for at least thirty (30) days shall be considered on absence without official leave (AWOL) and shall be separated from the service or dropped from the rules (sic) without prior notice."

Before the Supreme Court could however drop Mr. Alfonso from the service, he submitted his applications for leave to Judge Ligaya, the Presiding Judge of Branch 1 where he has been detailed prior to his absence, together with his explanation letter and DTRs from February to December 1999. Judge Ligaya approved such application for leave and DTRs. She likewise accepted Mr. Alfonso's explanation and favorably indorsed said letter together with Mr. Alfonso's approved application for leave to the Supreme Court.

Judge Ligaya's acceptance and favorable indorsement of Mr. Alfonso's application for leave, DTRs and explanation has converted Mr. Alfonso's unauthorized absences (AWOL) to one that is authorized. When he was allowed to return to work on December 3, 1999, Judge Ligaya has likewise effectively lifted Mr. Alfonso's status of being on AWOL. This has rendered the request to drop him from the service as moot and academic. There is therefore no longer any reason to drop Mr. Alfonso from the service.

Additionally, Mr. Alfonso's submission of his leave application immediately upon his return to work substantially complies with the provision of Section 53, Omnibus Rules on Leave, which provides that "(A)ll applications for sick leave of absence for one full day or more shall be made on the prescribed form and **shall be filed immediately upon the employee's return** from such leave. Notice of absence should however be sent to immediate supervisor and/or agency head. Application for sick leave in excess of five (5) successive days shall be accompanied by a proper medical certificate." What Mr. Alfonso failed to do is to inform the lower court that he was sick with ulcer and was going to be absent. He only informed the Court of his illness in his explanation letter dated March 19, 1999.

Although Mr. Alfonso failed to file his application for sick leave together with his explanation letter, he did attempt to do so sometime in July 1999. The OCC however refused to receive his application for leave because he was then already declared AWOL. This act of attempting to file his application for leave as well as his immediate return to work as soon as cleared by his physician shows that he is still very much interested in his work. It just so happened that he could not sooner return to work by reason of his illness as certified to by his physician.

Judge Ligaya asserts that Mr. Alfonso deserves and should be given another chance. This recommendation is in direct conflict with Executive