



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

RE: DROPPING FROM THE
ROLLS OF MS. JANICE C.
MILLARE, Clerk III, Office of
the Clerk of Court, Metropolitan
Trial Court, Quezon City.

A.M. No. 17-11-131-MeTC

Present:

CARPIO, J., Chairperson,
PERALTA,
PERLAS-BERNABE,
CAGUIOA, and
REYES, JR., JJ.

Promulgated:

07 FEB 2018
[Signature]

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RESOLUTION

PERLAS-BERNABE, J.:

This administrative case stems from a letter¹ dated August 3, 2017 informing the Court that Ms. Janice C. Millare (Millare), Clerk III, Office of the Clerk of Court, Metropolitan Trial Court (MeTC) of Quezon City, did not submit her Daily Time Records (DTRs) for July 2017² and up to the present.

The Facts

The records of the Employees' Leave Division, Office of Administrative Services, Office of the Court Administrator (OCA), show that Millare has not submitted her DTRs since July 2017 up to the present.

¹ Rollo, pp. 4-5.
² See id. at 5.

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She neither submitted any application for leave. Thus, she has been on absence without official leave (AWOL) since July 17, 2017.³

On May 30, 2017, Millare applied for and was granted authority to travel to Saipan⁴ from June 5 to July 14, 2017. To date, she has still not reported for work.⁵ Her salaries and benefits were withheld based on Memorandum WSB No. 8a_2017 dated August 2, 2017.⁶

The OCA informed the Court of the following findings based on the records of its different offices: (a) Millare is still in the *plantilla* of court personnel and, thus, considered to be in active service; (b) she has no application for retirement; (c) no administrative case is pending against her; and (d) she is not an accountable officer.⁷

In its report and recommendation⁸ dated November 22, 2017, the OCA recommended that: (a) Millare's name be dropped from the rolls effective July 17, 2017 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 1312 Taurus Street, Carmel IV Subdivision, Tandang Sora, Quezon City, her last known address on record.⁹ The OCA added, however, that Millare is still qualified to receive the benefits she may be entitled to under existing laws and may still be reemployed in the government.¹⁰

The Court's Ruling

The Court agrees with the OCA's recommendation.

Section 63, Rule XVI of the Omnibus Rules on Leave, as amended by Civil Service Commission Memorandum Circular No. 13, Series of 2007,¹¹ states:

³ See *id.* at 1.

⁴ See Travel Authority dated May 30, 2017, signed by Court Administrator Jose Midas P. Marquez and Deputy Court Administrator Raul Bautista Villanueva; *id.* at 3.

⁵ See *id.* at 2.

⁶ See Memorandum dated August 2, 2017 signed by OCA Chief of Office Caridad A. Pabello and approved by Court Administrator Midas P. Marquez; *id.* at 6. See also *id.* at 1.

⁷ See *id.* at 1 and 7.

⁸ See Administrative Matter for Agenda signed by Court Administrator Jose Midas P. Marquez, Deputy Court Administrator Raul Bautista Villanueva, and OCA Chief of Office OAS Caridad A. Pabello. *Id.* at 1-2.

⁹ *Id.* at 2.

¹⁰ Pursuant to Section 2 (2.6), Rule XII of the Revised Omnibus Rules on Appointments and Other Personnel Actions. See *id.* at 1-2.

¹¹ Entitled "Amendment to Section 63, Rule XVI of the Omnibus Rules on Leave, Civil Service Commission (CSC) Memorandum Circular Nos. 41 and 14, Series of 1998 and 1999, Respectively," dated July 25, 2007.

Section 63. *Effect of absences without approved leave.* — An official or 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.

x x x x (Emphasis supplied)

Based on this provision, Millare should be separated from the service or dropped from the rolls in view of her continued absence since July 17, 2017.

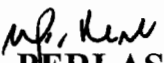
Millare's prolonged unauthorized absences caused inefficiency in the public service as it disrupted the normal functions of the court.¹² It contravened the duty of a public servant to serve with the utmost degree of responsibility, integrity, loyalty, and efficiency.¹³ It should be reiterated and stressed that a court personnel's conduct is circumscribed with the heavy responsibility of upholding public accountability and maintaining the people's faith in the judiciary.¹⁴

By failing to report for work since July 17, 2017 up to the present, Millare 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.¹⁵

WHEREFORE, Ms. Janice C. Millare, Clerk III, Office of the Clerk of Court, Metropolitan Trial Court of Quezon City, is hereby **DROPPED** from the rolls effective July 17, 2017 and her position is declared **VACANT**. She is, however, still qualified to receive the benefits she may be entitled to under existing laws and may still be reemployed in the government.

Let a copy of this Resolution be served upon her at her address appearing in her 201 file pursuant to Section 63, Rule XVI of the Omnibus Civil Service Rules and Regulations, as amended.

SO ORDERED.


ESTELA M. PERLAS-BERNABE
Associate Justice

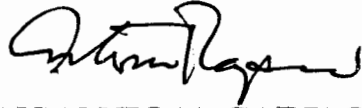
¹² See *Re: Dropping from the Rolls of Rowie A. Quimno*, A.M. No. 17-03-33-MCTC, April 17, 2017.

¹³ See *id.*, citing *Re: AWOL of Ms. Fernandita B. Borja*, 549 Phil. 533, 536 (2007).

¹⁴ See minute resolution in *Re: Absence without official leave (AWOL) of Michael P. Fajardo*, A.M. No. 2016-15(A)-SC, August 1, 2016. See also minute resolution in *Dropping from the Rolls of Mary Grace Cadano Bouchard*, A.M. No. 15-11-349-RTC, January 11, 2016.

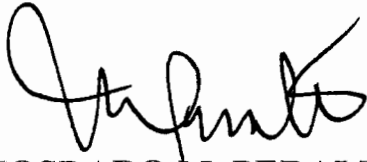
¹⁵ See *id.*

WE CONCUR:



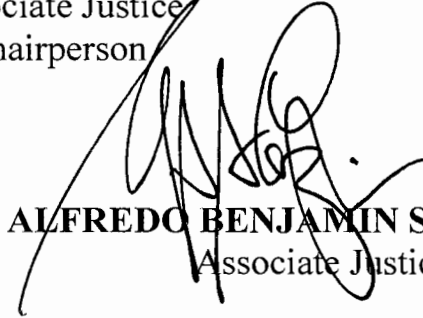
ANTONIO T. CARPIO

Associate Justice
Chairperson



DIOSDADO M. PERALTA

Associate Justice



ALFREDO BENJAMIN S. CAGUIOA

Associate Justice



ANDRES B. REYES, JR.

Associate Justice