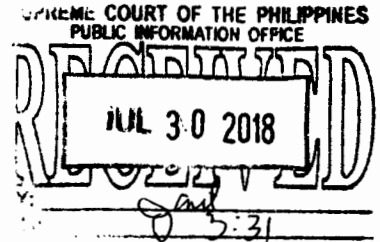




Republic of the Philippines
Supreme Court
 Manila



SECOND DIVISION

RE: DROPPING FROM THE ROLLS OF MR. FLORANTE B. SUMANGIL, Clerk III, Regional Trial Court of Pasay City, Branch 119.

A.M. No. 18-04-79-RTC

Present:

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

Promulgated:

20 JUN 2018

x-----x

RESOLUTION

PERLAS-BERNABE, J.:

This administrative matter stemmed from a letter¹ 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 present² or filed any application for leave.³ Thus, he has been on AWOL since December 1, 2017.⁴

¹ *Rollo*, p. 4.

² *Id.* at 1. See also letter dated February 8, 2018 of Branch Clerk of Court Atty. Maria Bernadette B. Opeda addressed to the Chief of the Employees' Leave Division, OAS-OCA; *id.* at 3.

³ *Id.* at 1.

⁴ *Id.*

In a letter⁵ dated February 5, 2018, Acting Presiding Judge Bibiano G. Colasito of the RTC forwarded to the OCA the letter-report⁶ 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 Report¹⁰ 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:

⁵ Id. at 4.

⁶ Id. at 5.

⁷ Id. at 1 and 5.

⁸ Id. at 1.

⁹ Id. at 1-2. See also OAS-OCA Employees' Leave Division Certification dated February 23, 2018, signed by Processor-in-Charge Jeffrey R. Parcon; id. at 6.

¹⁰ Id. at 1-2. Signed by Deputy Court Administrator and Officer-in-Charge Raul B. Villanueva, Deputy Court Administrator Jenny Lind R. Aldecoa-Delorino, and OCA Chief of Office OAS Caridad A. Pabello.

¹¹ Id. at 2. Pursuant to Section 110, Rule 20 of the 2017 Rules on Administrative Cases in the Civil Service.

¹² CSC Resolution No. 1701077 (August 17, 2017).

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 report for work since December 2017, Sumangil grossly disregarded and neglected the duties of his office. Undeniably, he failed to adhere to the high standards of public accountability imposed on all those in the government service.¹⁶

Nevertheless, as the OCA correctly pointed out, dropping from the rolls is non-disciplinary in nature, and thus, Sumangil's separation from the service shall neither result in the forfeiture of his benefits nor disqualification from reemployment in the government.¹⁷

¹³ See *Re: Dropping from the Rolls of Quimno*, A.M. No. 17-03-33-MCTC, April 17, 2017.

¹⁴ *Id.*, citing *Re: AWOL of Borja*, 549 Phil. 533, 536 (2007).

¹⁵ See *Re: Dropping from the Rolls of Millare*, A.M. No. 17-11-131-MeTC, February 7, 2018; and *Re: Dropping from the Rolls of Quimno*, supra note 13. See also Unsigned Resolutions of *Re: Absence without official leave (AWOL) of Fajardo*, A.M. No. 2016-15(A)-SC, August 1, 2016; and *Dropping from the Rolls of Bouchard*, A.M. No. 15-11-349-RTC, January 11, 2016.


¹⁶ See *Re: Dropping from the Rolls of Vendiola*, A.M. No. 17-11-272-RTC, January 31, 2018; and *Re: Dropping from the Rolls of Nudo*, A.M. No. 17-08-191-RTC, February 7, 2018. See also Unsigned Resolutions of *Re: Absence without official leave (AWOL) of Fajardo*, *id.*; and *Dropping from the Rolls of Bouchard*, *id.*

¹⁷ Section 110, Rule 20 of the 2017 RACCS states:

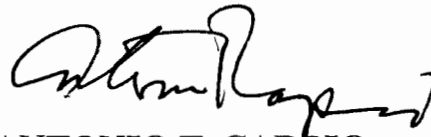
WHEREFORE, Mr. Florante B. Sumangil, Clerk III of the Regional Trial Court of Pasay City, Branch 119, is hereby **DROPPED** from the rolls effective December 1, 2017 and his position is declared **VACANT**. He is, however, still qualified to receive the benefits he may be entitled to under existing laws and may still be reemployed in the government.

Let a copy of this Resolution be served upon him at the address appearing in his 201 file pursuant to Section 107 (a) (1), Rule 20 of the 2017 Rules on Administrative Cases in the Civil Service.

SO ORDERED.


ESTELA M. PERLAS-BERNABE
 Associate Justice

WE CONCUR:

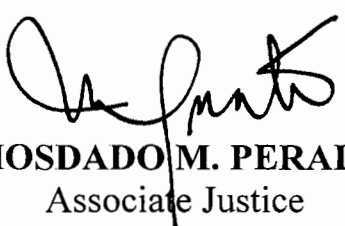


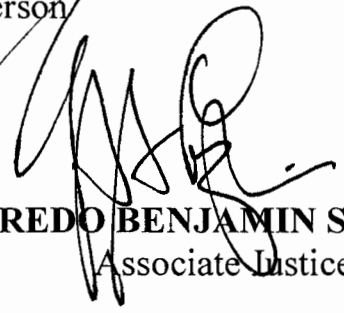
ANTONIO T. CARPIO

Senior Associate Justice

(Per Section 12, Republic Act No. 296,
 The Judiciary Act of 1948, As Amended)

Chairperson


DIOSDADO M. PERALTA
 Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
 Associate Justice


ANDRES B. REYES, JR.
 Associate Justice

Section 110. *Dropping from the Rolls; Non-disciplinary in Nature.* This mode of separation from the service for unauthorized absences or unsatisfactory or poor performance or physical or mental disorder is **non-disciplinary in nature** and **shall not result in the forfeiture of any benefit on the part of the official or employee or in disqualification from reemployment in the government.** (Emphases supplied)