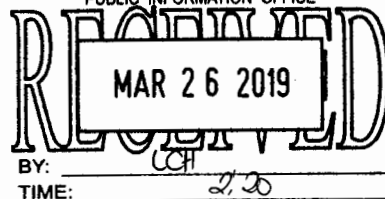




Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE



**RE: DROPPING FROM THE
ROLLS OF MR. STEVERIL* J.
JABONETE, JR., Junior Process
Server, Municipal Trial Court
Pontevedra, Negros Occidental.**

A.M. No. 18-08-69-MTC

Present:

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

Promulgated:

21 JAN 2019

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RESOLUTION

PERLAS-BERNABE, J.:

This administrative matter involves Steveril J. Jabonete, Jr. (Jabonete), Junior Process Server, Municipal Trial Court (MTC), Pontevedra, Negros Occidental.

The records of the Employees' Leave Division (ELD) of the Office of Administrative Services (OAS) – Office of the Court Administrator (OCA) show that Jabonete had an approved vacation and sick leave application until June 3, 2011. However, he has not reported back to work and has not submitted his Daily Time Record (DTR) since June 2011 up to the present. Neither has he submitted additional applications for leave. Thus, based on the records, Jabonete has been absent without official leave since June 6, 2011.¹

* "Stevebril" in some parts of the *rollo*.

** Designated Additional Member per Special Order Nos. 2629 and 2630 dated December 18, 2018.

¹ *Rollo*, p. 1.

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On February 28, 2012, the ELD sent Jabonete a letter² directing him to submit his DTRs from June 6, 2011 up to said date; otherwise, his salaries would be recommended for withholding.³

The ELD further sent a letter⁴ dated March 21, 2012 to Jabonete at his court station – MTC, Pontevedra, Negros Occidental – coursed through said court's Acting Presiding Judge George S. Patriarca (Judge Patriarca), reiterating the directive for the former to submit his DTRs from June 2011 up to said date, with a warning that continued non-compliance will constrain the Office to recommend that his name be dropped from the rolls.⁵

On June 4, 2012, the ELD received a letter⁶ dated May 10, 2012 from Judge Patriarca, informing it that he has personally handed the March 21, 2012 letter to Jabonete.⁷

To date, the ELD has not received any compliance from Jabonete.⁸ Thus, his salaries and other benefits were withheld pursuant to memorandum WSB No. 3d-2012 dated March 21, 2012.⁹

The OCA informed the Court of its findings based on the records of its different offices, namely: (a) Jabonete has no application for retirement; (b) he is still in the *plantilla* of court personnel, and thus, considered to be in active service; (c) no administrative case is pending against him; and (d) he is not an accountable officer.¹⁰

In its Report¹¹ dated July 24, 2018, the OCA recommended that: (a) Jabonete's name be dropped from the rolls effective June 6, 2011 for having been absent without official leave; (b) his position be declared vacant; and (c) he be informed of his separation from the service at Barangay RSB, La Carlota, Negros Occidental, his last known address appearing in his 201 file. The OCA added, however, that Jabonete is still qualified to receive the benefits he may be entitled to under existing laws and may still be reemployed in the government.¹²

² Id. at 3. Signed by Hermogena F. Bayani, SC Chief Judicial Staff Officer, Leave Division.

³ Id. at 1.

⁴ Id. at 4. Signed by Caridad A. Pabello, OCA Chief of Office, OAS.

⁵ See id. at 1 and 4.

⁶ See id. at 1 and 6.

⁷ See id. The letter was signed "received" by Jabonete dated "5/10/12."

⁸ See id. at 1.

⁹ See id. at 1 and 7. Signed by Caridad A. Pabello, OCA Chief of Office, OAS and approved by Court Administrator Jose Midas P. Marquez.

¹⁰ Id. at 1-2 and 8-9.

¹¹ Id. at 1-2. Signed by Court Administrator Jose Midas P. Marquez, Deputy Court Administrator Jenny Lind R. Aldecoa-Delorino, and OCA Chief of Office, OAS Caridad A. Pabello.

¹² See id. at 2.

The Court's Ruling

The Court agrees with the OCA's recommendation.

Section 93 (a), Rule 19 of the Revised Rules on Administrative Cases in the Civil Service¹³ (RRACCS) states:

Rule 19

DROPPING FROM THE ROLLS

Section 93. *Grounds and Procedure for Dropping from the Rolls.* — Officers and employees who are either habitually absent or have unsatisfactory or poor performance or have shown to be physically or mentally unfit to perform their duties may be dropped from the rolls subject to the following procedures:

a. Absence Without Approved Leave

1. An officer or employee who is continuously absent without official leave (AWOL) for at least thirty (30) working days shall be separated from the service or dropped from the rolls without prior notice. He/she shall, however, be informed of his/her separation not later than five (5) days from its effectivity which shall be sent to the address appearing on his/her 201 files or to his/her last known address;

x x x x (Underscoring supplied)¹⁴

Based on this provision, Jabonete should be separated from the service or dropped from the rolls in view of his continued absence since June 6, 2011.

¹³ CSC Resolution No. 1101502 dated November 18, 2011. Note that RRACCS was superseded by the 2017 Rules on Administrative Cases in the Civil Service (CSC Resolution No. 1701077) which took effect on August 17, 2017. However, since the instant case was instituted sometime in 2012, or during the effectivity of the RRACCS, the latter rule should apply in this case.

¹⁴ See also Section 107 (a), Rule 20 of the 2017 Rules on Administrative Cases in the Civil Service, thus:

Rule 20

DROPPING FROM THE ROLLS

Section 107. *Grounds and Procedure for Dropping from the Rolls.* — Officers and employees who are absent without an 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.

x x x x (Underscoring supplied)


It should be 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.¹⁵ By failing to report for work since June 2011 up to the present, Jabonete 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, Jabonete's separation from the service shall neither result in the forfeiture of his benefits nor disqualification from reemployment in the government pursuant to Section 96,¹⁷ Rule 19 of the RRACCS.

WHEREFORE, Steveril J. Jabonete, Jr., Junior Process Server, Municipal Trial Court, Pontevedra, Negros Occidental is hereby **DROPPED** from the rolls effective June 6, 2011 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 his address appearing in his 201 file pursuant to Section 93 (a) (1), Rule 19 of the Revised Rules on Administrative Cases in the Civil Service.¹⁸

SO ORDERED.


ESTELA M. PERLAS-BERNABE
Associate Justice

¹⁵ *Re: Dropping from the Rolls of Mr. Florante B. Sumangil*, A.M. No. 18-04-79-RTC, June 20, 2018.

¹⁶ See *id.*

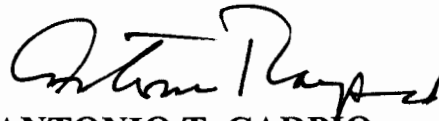
¹⁷ Section 96. *Dropping From the Rolls; Non-Disciplinary in Nature*. – This mode of separation from the service for unauthorized absences or unsatisfactory or poor performance or physical or mental incapacity is non-disciplinary in nature and shall not result in the forfeiture of any benefit on the part of the official or employee or in disqualification from reemployment in the government.

See also Section 110, Rule 20 of the 2017 RACCS, which reads:

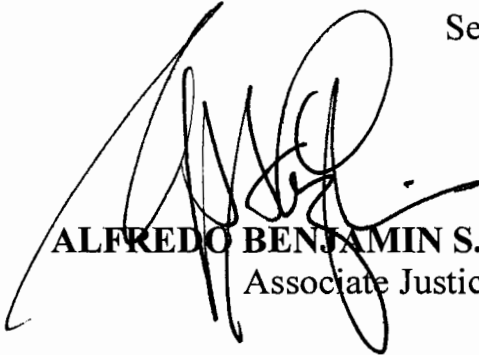
Section 110. *Dropping From the Rolls; Non-disciplinary in Nature*. – This mode of separation from the service for unauthorized absences or unsatisfactory or poor performance or physical or mental disorder is non-disciplinary in nature and shall not result in the forfeiture of any benefit on the part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

¹⁸ See also Section 107 (a) (1), Rule 20 of the 2017 Rules on Administrative Cases in the Civil Service (CSC Resolution No. 1701077, effective on August 17, 2017).

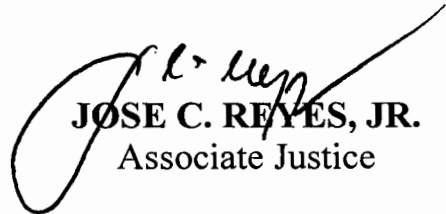
WE CONCUR:



ANTONIO T. CARPIO
Senior Associate Justice
Chairperson



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



JOSE C. REYES, JR.
Associate Justice



RAMON PAUL L. HERNANDO
Associate Justice