

SECOND DIVISION

[A.M. No. 18-08-69-MTC, January 21, 2019]

RE: DROPPING FROM THE ROLLS OF MR. STEVERIL^[*] J. JABONETE, JR., JUNIOR PROCESS SERVER, MUNICIPAL TRIAL COURT PONTEVEDRA, NEGROS OCCIDENTAL.

R E S O L U T I O N

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]

On February 28, 2012, the ELD sent Jabonete a letter^[2] 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 letter^[4] 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 letter^[6] 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 Report^[11] 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]

The Court's Ruling

The Court agrees with the CA's recommendation.

Section 93 (a), Rule 19 of the Revised Rules on Administrative Cases in the Civil Service^[13] (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.

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