

## **SECOND DIVISION**

**[ A.M. No. 17-12-135-MeTC, April 16, 2018 ]**

**RE: DROPPING FROM THE ROLLS OF MR. ARNO D. DEL ROSARIO,  
COURT STENOGRAPHER II, BRANCH 41, METROPOLITAN TRIAL  
COURT (METC), QUEZON CITY.**

### **R E S O L U T I O N**

**PERLAS-BERNABE, J.:**

This administrative matter stemmed from a letter<sup>[1]</sup> dated September 6, 2017 requesting that Mr. Arno Del Rosario (Del Rosario), Court Stenographer II of the Metropolitan Trial Court of Quezon City, Branch 41 (MeTC) be dropped from the rolls due to his absences without official leave.

#### **The Facts**

The records of the Employees' Leave Division, Office of Administrative Services (OAS) of the Office of the Court Administrator (OCA) show that Del Rosario has not submitted either his daily time record from February 3, 2017 to the present or any application for leave covering such period, thus making him absent without approved leave since said date.<sup>[2]</sup> In addition, the records of Employees' Welfare and Benefits Division, OAS of the OCA reveal that it received an application for retirement<sup>[3]</sup> from Del Rosario effective February 3, 2017; however, further verification showed that he has not submitted the documents necessary for its approval.<sup>[4]</sup>

In view of the foregoing, Del Rosario's name was excluded from the payroll starting April 2017. This notwithstanding, the Personnel Division stated that he is still in the plantilla of personnel and is therefore considered in active service.<sup>[5]</sup> Thus, in a letter<sup>[6]</sup> dated September 6, 2017, Presiding Judge Analie B. Oga-Bruar requested to drop Del Rosario from the rolls or declare his position vacant considering his absences without official leave.

#### **The OCA's Report and Recommendation**

In a Memorandum<sup>[7]</sup> dated November 23, 2017, the OCA recommended that Del Rosario be: (a) dropped from the rolls due to his absences without official leave, and his position be declared vacant; and (b) informed about his separation from the service. The OCA, however, clarified, that Del Rosario is still qualified to receive the benefits that he may be entitled to under existing laws and may still be re-employed in the government service.<sup>[8]</sup>

#### **The Issue Before the Court**

The essential issue in this case is whether or not Del Rosario should be dropped from the rolls due to his absences without official leave.

### **The Court's Ruling**

The Court adopts the findings and the recommendations of the OCA.

Section 107, Rule 20 of the 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS)<sup>[9]</sup> authorizes and provides the procedure for the dropping from the rolls of employees who, *inter alia*, are absent without approved leave for an extended period of time. Pertinent portions of this provision read:

Section 107. *Grounds and Procedure for Dropping from the Rolls.* Officers and employees who are absent without approved leave, x x x 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

This provision is in consonance with Section 63, Rule XVI of the Omnibus Rules on Leave, as amended by Civil Service Commission Memorandum Circular No. 13, Series of 2007,<sup>[10]</sup> which states:

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

In this case, it is undisputed that Del Rosario had been absent without official leave since February 3, 2017. Verily, his prolonged unauthorized absences caused inefficiency in the public service as it disrupted the normal functions of the court.<sup>[11]</sup> It contravened the duty of a public servant to serve with the utmost degree of responsibility, integrity, loyalty, and efficiency.<sup>[12]</sup> 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. By failing to report for work since February 3, 2017 up to the present, Del Rosario grossly disregarded and neglected the duties of his office. Undeniably,