

SECOND DIVISION

[A.M. No. 18-08-79-MeTC, October 03, 2018]

**RE: DROPPING FROM THE ROLLS OF MR. VICTOR R. LAQUI, JR.,
CASH CLERK II, OFFICE OF THE CLERK OF COURT,
METROPOLITAN TRIAL COURT, MANILA.**

R E S O L U T I O N

A. REYES, JR., J.:

The present administrative matter concerns Victor R. Laqui, Jr. (Laqui), Cash Clerk II, Office of the Clerk of Court of the Metropolitan Trial Court (MeTC) of Manila.

It appears from the records of the Employees' Leave Division (ELD), Office of Administrative Services (OAS), Office of the Court Administrator (OCA) that Laqui has not submitted his Daily Time Records (DTRs) from March 2018 up to the present. He has likewise failed to seek leave for any of his absences. Thus, he has been on absence without official leave (AWOL) since March 1, 2018.^[1]

In the transmittal letter^[2] dated May 9, 2018, Executive Judge Andy S. De Vera informed the OCA that Laqui did not submit his DTR for the month of April 2018 for the reason that the latter was on AWOL.

On May 16, 2018, the OCA issued a Memorandum^[3] ordering the withholding of Laqui's salaries and benefits for his failure to submit his DTR from March 2018 to April 2018.

The OCA, on the basis of the records of its different offices, informed the Court of the following: **(a)** Laqui has not filed an application for retirement; **(b)** he is still in the plantilla of personnel, and thus, considered to be in active service; **(c)** he is not an accountable officer, and **(d)** no administrative case is pending against him.^[4]

Recommendation of the OCA

In its Report^[5] dated August 9, 2018, the OCA recommended that Laqui's name be dropped from the rolls effective March 1, 2018 for having been on AWOL. The OCA further recommended that his position be declared vacant and he be informed of his separation from service or dropping from the rolls. The OCA, nonetheless, pointed out that he is still qualified to receive the benefits he may be entitled to under existing laws and may still be reemployed in the government.^[6]

Ruling of the Court

The recommendation of the OCA is well-taken.

Section 107 a-1, Rule 20 of the 2017 Rules on Administrative Cases in the Civil Service (RACCS)^[7] states:

Section 107. Grounds and Procedure for Dropping from the Rolls.

- Officers and employees who are absent without approved leave, have unsatisfactory 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 therefore 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 Ours)

The foregoing provision warrants the dropping from the rolls of the name of the employee who has been continuously absent without approved leave for at least 30 days even without prior notice. Hence, Laqui should be separated from service or dropped from the rolls in view of his continued absence since March 1, 2018.

Prolonged unauthorized absence causes inefficiency in the public service.^[8] A court employee's continued absence without leave disrupts the normal functions of the court.^[9] It contravenes the public servant's duty to serve the public with the utmost degree of responsibility, integrity, loyalty, and efficiency.^[10]

The Court has also repeatedly held that the conduct and behavior of everyone connected with an office charged with the dispensation of justice is circumscribed with the heavy burden of responsibility.^[11] We cannot countenance any act or omission on the part of all those involved in the administration of justice which would violate the norm of public accountability and diminish or even just tend to diminish the faith of the people in the Judiciary.^[12]

Laqui, by going on AWOL, grossly disregarded and neglected the duties of his office. He failed to adhere to the highest standards of public accountability imposed on those in government service.^[13]

The Court likewise noted that separation from the service for unauthorized absences is non-disciplinary in nature and shall not result in the forfeiture of any benefits on the part of the official or employee or in disqualifying him from re-employment in the government, in accordance with Section 110,^[14] Rule 20 of the 2017 RACCS.

In light of the foregoing, the Court adheres to the evaluation and recommendation of the OCA, and thus refrains from imposing the administrative penalties of forfeiture of benefits and disqualification from re-employment.

WHEREFORE, Victor R. Laqui, Jr., Cash Clerk II, Office of the Clerk of Court, Metropolitan Trial Court of Manila, is hereby **DROPPED** from the rolls effective