



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **October 7, 2019**, which reads as follows:*

**“A.M. No. 19-08-41-MTCC (Re: Dropping from the Rolls of Mary Claire C. Mendoza, Legal Researcher I, Branch 3, Municipal Trial Court in Cities, Puerto Princesa City, Palawan.)** - The records of the Employees’ Leave Division (ELD), Office of Administrative Services (OAS), Office of the Court Administrator (OCA), show that Ms. Mary Claire C. Mendoza (Mendoza) has not submitted her Daily Time Record (DTR) for the month of November 2018 up to the present. Neither has she submitted any application for leave. Thus, per records of the ELD, OAS, OCA, she has been absent without approved leave since November 2, 2018.<sup>1</sup>

In a letter dated May 14, 2019, Presiding Judge Enrique C. Selda (Judge Selda), Branch 3, Municipal Trial Court in Cities (MTCC), Puerto Princesa City, Palawan, informed the ELD, OAS, OCA that in the last week of December 2018, Mendoza personally informed him that she was determined to retire and that she has already submitted a letter of intention to retire effective December 2018. Judge Selda also reported that Mendoza has not reported to the court since December 2018, but she is still receiving her salaries and benefits. Thus, he requested that the position of Mendoza be immediately declared vacant and an authority to fill the vacancy for purposes of hiring a new employee for the said position be issued.<sup>2</sup>

Pursuant to Memorandum WSB No. 5B-2019 dated May 28, 2019, the salaries of Mendoza were withheld.<sup>3</sup> Verification from the Employees’ Welfare and Benefits Division, OAS, OCA, shows that Mendoza has not filed an application for retirement. According to the Regional Trial Court Personnel Division of the same office, she is in the plantilla of personnel and is, therefore, considered in active service. The records of the Docket and Clearance Division, Legal Office, OCA, on the other hand, show that there is no pending

<sup>1</sup> Rollo, p. 1.  
<sup>2</sup> Id. at 3.  
<sup>3</sup> Id. at 5-6.

administrative case against Mendoza. Based on the records of the Court Management Office, OCA, she is not an accountable officer.<sup>4</sup>

### The OCA Recommendation

In its Report<sup>5</sup> dated July 15, 2019, the OCA recommended that Mendoza's name be dropped from the rolls effective November 2, 2018 for having been continuously absent without official leave for at least 30 days in accordance with Section 107(a), Rule 20 of the 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS).<sup>6</sup> The OCA further recommended that Mendoza's position be declared vacant, and that she be informed of her separation from the service or dropping from the rolls at her last known address appearing on her 201 file.

### Ruling of the Court

The recommendation of the OCA is well-taken.

Section 107(a-1), Rule 20 of the 2017 RACCS 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 above provision does not require prior notice to drop from the rolls the name of the employee who has been continuously absent without approved leave for at least 30 days. Hence, Mendoza should be separated from the service or dropped from the rolls in view of her continued absence since November 2, 2018.

Indeed, prolonged unauthorized absence causes inefficiency in the public service.<sup>7</sup> A court employee's continued absence without leave disrupts the

<sup>4</sup> Id. at 4.

<sup>5</sup> Id. at 1-2.

<sup>6</sup> The 2017 RACCS took effect on August 17, 2017.

<sup>7</sup> *Re: Dropping from the Rolls of Rowie A. Quimno*, 808 Phil. 557, 560 (2017).

normal functions of the court.<sup>8</sup> It contravenes the duty of a public servant to serve with the utmost degree of responsibility, integrity, loyalty, and efficiency. 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.<sup>9</sup>

Undeniably, Mendoza failed to adhere to the high standards of public accountability imposed on all those in the government service. In view of the foregoing, the Court is constrained to drop Mendoza from the rolls.

**WHEREFORE**, Mary Claire C. Mendoza, Legal Researcher I, Municipal Trial Court in Cities of Puerto Princesa City, Palawan, Branch 3, is hereby **DROPPED** from the rolls effective November 2, 2018 and her position is declared **VACANT**. She is, however, still qualified to receive the benefits she may be entitled to under existing laws and may still be reemployed in the government.

Let a copy of this Resolution be served upon her at the address appearing in her 201 file.

**SO ORDERED.”** (*Hernando and Inting, JJ., on wellness leave and on official leave, respectively.*)”

Very truly yours,

*Misael DC Batt*  
**MISAEAL DOMINGO C. BATTUNG III**  
*Deputy Division Clerk of Court* MCLE 11-08-19

Mary Claire C. Mendoza  
Escano St., Tiniquiban  
Puerto Princesa City, Palawan

The Presiding Judge  
MUNICIPAL TRIAL COURT IN CITIES  
Branch 3, Puerto Princesa City  
5300 Palawan

Hon. Jose Midas P. Marquez  
Court Administrator  
OFFICE OF THE COURT ADMINISTRATOR  
Supreme Court, Manila

<sup>8</sup> *Re: AWOL of Ms. Borja*, 549 Phil. 533, 536 (2007).

<sup>9</sup> *See Re: Dropping from the Rolls of Ms. Janice C. Millare, Clerk III, Office of the Clerk of Court, Metropolitan Trial Court, Quezon City*, A.M. No. 17-11-131-MeTC, February 7, 2018; and *Re: Dropping from the Rolls of Rowie A. Quimno*, supra note 7. *See also* Court Second Division's 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 Mary Grace Bouchard*, A.M. No. 15-11-349-RTC, January 11, 2016.

Hon. Raul Bautista Villanueva  
Hon. Jenny Lind R. Aldecoa-Delorino  
Hon. Leo T. Madrazo  
Deputy Court Administrators  
OFFICE OF THE COURT ADMINISTRATOR  
Supreme Court, Manila

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**A.M. No. 19-08-41-MTCC**

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