



Republic of the Philippines  
**Supreme Court**  
Manila

**THIRD DIVISION**

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **September 19, 2022**, which reads as follows:*

**“A.M. No. 22-03-43-RTC (Dropping from the Rolls of Atty. Herminigilda P. Maratas, Legal Researcher II, Branch 54, Regional Trial Court, Lapu-Lapu City, Cebu). –** The present administrative matter concerns Atty. Herminigilda P. Maratas (Atty. Maratas), Legal Researcher II, Branch 54, Regional Trial Court, Lapu-Lapu City, Cebu.

The records of the Employees’ Leave Division (ELD), Office of Administrative Services (OAS), Office of the Court Administrator (OCA) show that Atty. Maratas has not submitted her Daily Time Record (DTR) since January 2020. Neither has she submitted any application for leave.<sup>1</sup>

The ELD, OAS, OCA received a letter<sup>2</sup> dated April 1, 2019 from Atty. Maratas stating that she will file her leave of absence from April 1, 2019 to December 31, 2019 and thereafter, she would apply for an early retirement effective January 1, 2020 due to health reasons.<sup>3</sup>

In a letter<sup>4</sup> dated February 17, 2020, Acting Presiding Judge Ferdinand A. Collantes (Judge Collantes) informed the ELD, OAS, OCA that Atty. Maratas is considered on absence without official leave (AWOL) for failing to report back to work after her approved leave application expired on March 31, 2019. There is no showing that Atty. Maratas applied for and was granted another leave of absence; hence, her continued absence is unauthorized. Her unauthorized absences without official leave has

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<sup>1</sup> *Rollo*, p. 1.

<sup>2</sup> *Id.* at 4.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* at 5.

reached more than 30 days. Thus, Judge Collantes recommended that Atty. Maratas be separated from the service or her name dropped from the rolls.<sup>5</sup>

Pursuant to Memorandum WSB No.12a-2018 dated December 5, 2018, the salaries and benefits of Atty. Maratas were withheld effective December 5, 2018.<sup>6</sup>

The OCA, on the basis of the records of the Employee's Welfare and Benefits Division, OAS and OCA, informed the Court that Atty. Maratas has not filed an application for retirement. According to the RTC Personnel Division, Atty. Maratas is still in the plantilla of personnel and is therefore considered in active service. Meanwhile, the records of the Judicial Integrity Board show that there is no pending case against Atty. Maratas.<sup>7</sup>

### **The OCA Recommendation**

In its Report<sup>8</sup> dated March 25, 2022, the OCA recommended that Atty. Maratas' name be dropped from the rolls effective January 2, 2020 for having been on AWOL for at least 30 working days. However, she is still qualified to receive the benefits she may be entitled to under existing laws and may still be reemployed in the government. The OCA further recommended that her position be declared vacant, and that she be informed of her separation from service or dropping from the rolls at 531 C.J. Alcantara Street, Cebu City, the last known address appearing on her 201 file.<sup>9</sup>

### **Issue**

The issue in this case is whether Atty. Maratas should be dropped from the rolls.

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

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

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<sup>5</sup> Id.  
<sup>6</sup> Id. at 1.  
<sup>7</sup> Id. at 6.  
<sup>8</sup> Id. at 1-2.  
<sup>9</sup> Id. at 2.

Section 107(a-1), Rule 20 of the 2017 Rules on Administrative Cases in the Civil Service (RACCS) 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, 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. (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, Atty. Maratas should be separated from the service or dropped from the rolls in view of her continued absence since January 1, 2020.

Prolonged unauthorized absence causes inefficiency in the public service.<sup>10</sup> A court employee's continued absence without leave disrupts the normal functions of the court.<sup>11</sup> It contravenes the public servant's duty to serve the public with the utmost degree of responsibility, integrity, loyalty, and efficiency.<sup>12</sup>

In this case, it is undisputed that Atty. Maratas had been absent without official leave for more than 30 days. By going on AWOL, she grossly disregarded and neglected the duties of his office. She failed to adhere to the highest standards of public accountability imposed on those in government service.

<sup>10</sup> *Re: Dropping from the Rolls of Ronie B. Sumampong*, A.M. No. 16-05-157-RTC, June 27, 2016.

<sup>11</sup> *Re: AWOL of Ms. Fernandita B. Borja*, 549 Phil. 533, 536 (2007).

<sup>12</sup> *Id.*

We have repeatedly emphasized that the conduct of court personnel, from the presiding judge to the lowliest clerk, must always be beyond reproach and must be circumscribed with the heavy burden of responsibility as would free them from any suspicion that may taint the judiciary. The Court condemns and would never countenance any conduct, act or omission on the part of all those involved in the administration of justice that would violate the norm of public accountability and diminish or even just tend to diminish the faith of the people in the judiciary.<sup>13</sup>

As a judicial employee, Atty. Maratas is held to the highest ethical standards to preserve the integrity of the courts.

Furthermore, the Court notes that separation from the service for unauthorized absences is non-disciplinary in nature in accordance with Section 110, Rule 20 of the 2017 RACCS, to wit:

**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. (Underscoring Ours)

Hence, the Court agrees with the recommendation of the OCA that Atty. Maratas is still qualified to receive the benefits she may be entitled to under existing laws and may still be reemployed in the government.

**WHEREFORE**, Atty. Herminigilda P. Maratas, Legal Researcher II, Branch 54, Regional Trial Court, Lapu-Lapu City, Cebu, is hereby **DROPPED** from the rolls effective January 2, 2020 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 Atty. Herminigilda P. Maratas at her last known address at 531 C.J. Alcantara Street, Cebu City, the last known address appearing on her 201 file.

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<sup>13</sup> *Baguio v. Arnejo*, 719 Phil. 748, 754 (2013).

**SO ORDERED.”**

By authority of the Court:

*Misael C. Batt*  
**MISAELO DOMINGO C. BATTUNG III**  
*Division Clerk of Court* JB 12/5/22

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**A.M. No. 22-03-43-RTC**

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