



Republic of the Philippines  
Supreme Court  
Baguio City

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated April 12, 2023 which reads as follows:*

**“A.M. No. 23-02-06-RTC (Re: Dropping from the Rolls of Mr. George P. Clemente, Sheriff IV, Branch 67, Regional Trial Court, Paniqui, Tarlac).** — Before the Court is an Administrative Matter<sup>1</sup> concerning Mr. George P. Clemente (Clemente), Sheriff IV, Branch 67, Regional Trial Court of Paniqui, Tarlac.

Based on the records of the Employees’ Leave Division (ELD), Office of Administrative Services (OAS), Office of the Court Administrator (OCA), Clemente has not submitted his Daily Time Records (DTRs) since 1 November 2021 up to the present. He also did not file any application for leave of absence.<sup>2</sup> Previously, Clemente applied for sick leaves from 1 August to 31 October 2021 with the approval of Presiding Judge Bernar D. Fajardo (Judge Fajardo).<sup>3</sup>

Due to Clemente’s failure to submit DTRs, on 27 December 2021, the salaries and other benefits of Clemente were withheld pursuant to Memorandum WSB No. 12G-2021.<sup>4</sup>

On 12 November 2021, Judge Fajardo issued an Indorsement of a letter-request for early retirement submitted by Clemente.<sup>5</sup> In his letter, Clemente expressed his intention to avail of early retirement effective 31 October 2021 due to health reasons.<sup>6</sup> Thereafter, Executive Judge Stela Marie Q. Gandia-Asuncion forwarded the Indorsement to the Employee’s Welfare and Benefits Division (EWBD), OAS, OCA.<sup>7</sup>

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<sup>1</sup> *Rollo*, pp. 1-3.  
<sup>2</sup> *Id.* at 1.  
<sup>3</sup> *Id.* at 4-6.  
<sup>4</sup> *Id.* at 8.  
<sup>5</sup> *Id.* at 11.  
<sup>6</sup> *Id.* at 12.  
<sup>7</sup> *Id.* at 10.

The EWBD, OAS, OCA confirmed that Clemente has not filed any application for optional retirement. According to the RTC Personnel Division of the same office, Clemente is still in the plantilla of personnel and is therefore considered in active service.<sup>8</sup>

Records of the Judicial Integrity Board show that Clemente has several pending administrative cases docketed as OCA IPI Nos. 19-4918-P, 19-4930-P, 20-5028-P, and A.M. No. P-21-004. Moreover, based on the records of the Court Management Office, OCA, Clemente is not an accountable officer.<sup>9</sup>

### **Recommendation of the OCA**

In its Report<sup>10</sup> dated 27 January 2023, the OCA recommended that Clemente's name be dropped from the rolls effective 01 November 2021 for having been on absence without leave (AWOL) for at least 30 working days. However, he is still qualified to receive the benefits he may be entitled to under existing laws and may still be re-employed in the government.<sup>11</sup> The OCA further recommended that the position of Sheriff IV in Branch 67, Regional Trial Court of Paniqui, Tarlac be declared vacant, and that Clemente be informed of his separation from the service or dropping from the rolls at the address appearing in his 201 file, *i.e.*, at #9 Magallanes St., Paniqui, Tarlac.<sup>12</sup>

### **Issue**

The issue is whether Clemente should be dropped from the rolls.

### **Ruling of the Court**

The Court adopts the findings and recommendation of the OCA.

Under Section 107(a)(1), Rule 20 of the 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS), an official or employee who has been on AWOL for at least 30 working days may be dropped from the rolls effective immediately and without prior notice. Here, Clemente has been on AWOL since after his last sick leave on 31 October 2021, or more than 30

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<sup>8</sup> Id. at 1.

<sup>9</sup> Id.

<sup>10</sup> Id. at 1-3.

<sup>11</sup> Id. at 2-3.

<sup>12</sup> Id. at 3.

working days. Evidently, Clemente's extended absence without leave disrupted the normal functions of the court.<sup>13</sup> Thus, he should be dropped from the rolls so that his position may be filled and the court's functions restored.

It is clarified, however, that separation from service for unauthorized absences is non-disciplinary in nature. Sec. 110, Rule 20 of the 2017 RACCS states:

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.

Thus, the OCA correctly noted that Clemente is still qualified to receive the benefits he may be entitled to under existing laws and may still be re-employed in the government.

Moreover, following Sec. 2(2) of the Court *En Banc's* Resolution dated 22 February 2022 in A.M. No. 21-08-09-SC,<sup>14</sup> Clemente's separation from service shall not preclude or affect the continuation of the disciplinary proceedings already instituted against him. Thus, the pending administrative cases against Clemente should still be resolved notwithstanding his dropping from the rolls.

**WHEREFORE, GEORGE P. CLEMENTE, Sheriff IV, Branch 67, Regional Trial Court of Paniqui, Tarlac, is DROPPED FROM THE ROLLS effective 01 November 2021 and his position is declared VACANT.** However, George P. Clemente is still qualified to receive the benefits he may be entitled to under existing laws and may still be reemployed in the government. This Resolution shall not affect the pending administrative cases filed against him.

Let a copy of this Resolution be served upon George P. Clemente at #9 Magallanes St., Paniqui, Tarlac, the last known address appearing on his 201 file.

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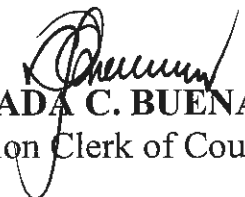
<sup>13</sup> *Re: Absence Without Official Leave of Ms. Fernandita B. Borja*, 549 Phil. 533, 536 (2007).

<sup>14</sup> Entitled "FURTHER AMENDMENTS TO RULE 140 OF THE RULES OF COURT," Approved: 22 February 2022.



**SO ORDERED.”**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court *mellu*

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court

**344**

**MAY 16 2023**

Hon. Raul B. Villanueva (x)  
Court Administrator  
Hon. Jenny Lind R. Aldecoa-Delorino (x)  
Hon. Leo Tolentino Madrazo (x)  
Deputy Court Administrators  
Hon. Lilian Barribal-Co (x)  
Hon. Maria Regina A. F. M. Ignacio (x)  
Assistant Court Administrators  
OCA, Supreme Court

Office of Administrative Services (x)  
Legal Office (x)  
Court Management Office (x)  
Financial Management Office (x)  
Docket & Clearance Division (x)  
OCA, Supreme Court

Mr. George P. Clemente  
Former Sheriff IV  
#9 Magallanes Street, Paniqui  
2307 Tarlac

The Clerk of Court  
Regional Trial Court, Branch 67  
Paniqui, 2307 Tarlac

The Hon. Presiding Judge  
Regional Trial Court, Branch 67  
Paniqui, 2307 Tarlac

The Hon Executive Judge  
Regional Trial Court  
Paniqui, 2307 Tarlac

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*MSF*