



Republic of the Philippines
Supreme Court
Manila

MisDCCBatt

Division Clerk of Court
Manila

OCT 06 2023

THIRD DIVISION

JUDGE RODERICK A. MAXINO, OCA IPI No. 18-4872-P

Complainant, Present:

CAGUIOA, J., Chairperson,
INTING,
GAERLAN,
DIMAAMPAO, and
SINGH, JJ.

- versus -

JAIME M. JASMIN, Legal
Researcher II, Branch 43,
Regional Trial Court, Tanjay
City, Negros Oriental,

Respondent.

Promulgated:

January 30, 2023

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RESOLUTION

INTING, J.:

The instant administrative matter is an offshoot of the Court's Resolution¹ dated February 26, 2020 which dismissed the administrative complaint for alleged usurpation of authority filed by Presiding Judge Roderick A. Maxino (complainant) against Jaime M. Jasmin (respondent), Legal Researcher II of Branch 43, Regional Trial Court (RTC), Tanjay City, Negros Oriental, for lack of merit.

In view of the dismissal of the administrative complaint, respondent, in his request letters dated September 18, 2020,² and November 9, 2020,³ humbly asked the Court: (1) to process his back salaries chargeable to his accrued leave credits; (2) to release his benefits due from January 2019; and (3) to allow him to immediately return to work as Legal Researcher II per

¹ Rollo, pp. 78-79.

² Id. at 80-81.

³ Id. at 88-89.

recommendation of his doctors as shown in the attached medical certifications⁴ dated September 28, 2020, and October 27, 2020.

In a Resolution⁵ dated January 18, 2021, the Court referred respondent's request letters to the Office of the Court Administrator for evaluation, report, and recommendation.

Report and Recommendation of the Judicial Integrity Board (JIB)

In its Report and Recommendation⁶ dated July 12, 2021, the JIB found that complainant disapproved respondent's sick leave application for the period of July 2, 2018 to July 31, 2018, but the Medical Services of the Supreme Court approved his application for leave of absences for the month of July 2018. However, upon verification with the Office of Administrative Services of the Office of the Court Administrator, it was discovered that respondent has not reported for work since August 2018.⁷ Citing Section 107, Rule 20 of the 2017 Rules on Administrative Cases in Civil Service (2017 RACCS), the JIB declared that respondent's request to return to work cannot be granted considering his continuous absences starting August 2018. Hence, it recommended that respondent be dropped from the rolls, effective August 1, 2018, and that his position be declared vacant.⁸

The JIB recommendation reads as follows:

1. Respondent's name Jaime M. Jasmin, Legal Researcher II, Branch 32, Regional Trial Court, Dumaguete City, Negros Oriental, be DROPPED FROM THE ROLL, effective August 1, 2018 for his continuous absence without official leave since said date. However, he is still qualified to receive the benefits he may be entitled to under existing laws until July 31, 2018, and he may still be reemployed in the government; and
2. The position of respondent Jaime M. Jasmin as Legal Researcher II, Branch 32, Regional Trial Court, Dumaguete City, Negros Oriental, be DECLARED as VACANT.⁹

Issue

Should the Court grant respondent's request to return to work?

⁴ Id. at 90–91.

⁵ Id. at 85.

⁶ See Report and Recommendation; id. at 94–98. Penned by Justice Cielito N. Mindaro-Grulla (Ret.) and concurred in by Justice Romeo J. Callejo, Sr. (Ret.), Justice Angelina Sandoval-Gutierrez (Ret.), Justice Sesinando E. Villon (Ret.), and Justice Rodolfo A. Ponferrada (Ret.).

⁷ Id. at 95.

⁸ Id. at 96–97.

⁹ Id. at 97.

The Court's Ruling

The Court agrees with the findings and recommendation of the JIB.

At the outset, the Court deems it necessary to clarify that the Further Amendments to Rule 140¹⁰ of the Rules of Court is *not* applicable in the instant case.

For one, absence without official leave (AWOL) is not included in the list of charges under Rule 140 of the Rules of Court. This is in contrast with habitual absenteeism, which is a less serious charge under Section 15 (c) of Rule 140.

For another, Rule 140 governs the discipline of all Members (*i.e.*, Justices and Judges), officials, employees, and personnel of the Judiciary. Meanwhile, the procedure to drop a government employee from the rolls due to AWOL is *not* disciplinary in nature.

Verily, the JIB correctly applied the 2017 RACCS when it recommended that respondent should be dropped from the rolls without the forfeiture of any benefit that he may be entitled to and without disqualification from reemployment in the government.

For emphasis, Section 107 (a)(1) of the 2017 RACCS reads as follows:

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

Officers and employees who are absent without approved leave, have unsatisfactory or poor 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 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.

x x x x

¹⁰ A.M. No. 21-08-09-SC, issued on February 22, 2022.

Moreover, Section 110 of the same rules provides that the procedure for dropping from the rolls is not disciplinary in nature and that this mode of separation shall not result in the disqualification from reemployment in the government, or in the forfeiture of benefits that the concerned employee may be entitled to, *viz.*:

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.

As such, notwithstanding the dismissal of the administrative complaint against respondent, as well as the approval by the Court's Medical Services of his application for leave of absence for the month of July 2018,¹¹ the JIB correctly recommended that respondent should be dropped from the rolls for his prolonged absence without official leave from August 2018 up to the present.¹²

Besides, respondent, during the pendency of the administrative complaint against him, was neither prevented nor disallowed from reporting to work. By going on AWOL for a long period of time, respondent not only "failed to adhere to the high standards of public accountability imposed on all those in government service" but also caused disruption to the functions and the operations of his office.¹³

Suffice it to say, respondent's request to be allowed to return to work cannot be granted.

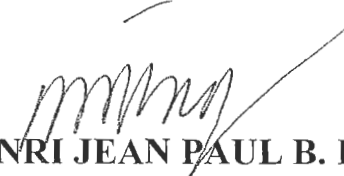
WHEREFORE, the Court **ADOPTS** and **APPROVES** the findings and recommendation of the Judicial Integrity Board in the attached Report and Recommendation dated July 12, 2021. Accordingly, respondent Jaime M. Jasmin, Legal Researcher II, Branch 43, Regional Trial Court, Tanjay City, Negros Oriental, is **DROPPED** from the rolls effective August 1, 2018 and his position is declared **VACANT**. However, respondent Jaime M. Jasmin is still qualified to receive the benefits he may be entitled to under existing laws until July 31, 2018 and may still be reemployed in the government.

¹¹ See Administrative Matter for Agenda; *id.* at 74–75.

¹² *Id.* at 96–97.


¹³ *Re: Absence Without Official Leave (AWOL) of Mr. Borcillo*, 559 Phil. 1, 4 (2007).

SO ORDERED.




HENRI JEAN PAUL B. INTING
Associate Justice


WE CONCUR:



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



SAMUEL H. GAERLAN
Associate Justice



JAPAR B. DIMAAMPAO
Associate Justice



MARIA FILOMENA D. SINGH
Associate Justice

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Michael B. H.
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Third Division
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