



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **August 22, 2022**, which reads as follows:*

“A.M. No. 22-07-16-MTCC (Re: Dropping from the Rolls of Ms. Brenda L. Gonzales, Utility Worker I, Branch 10, Municipal Trial Court in Cities [MTCC], Cebu City, Cebu). — This administrative matter involves Brenda L. Gonzales, Utility Worker I of Branch 10, Municipal Trial Court in Cities of Cebu City.

In his letter,¹ dated 4 March 2020, Kim Jovan L. Solon, Clerk of Court III of Branch 10, Municipal Trial Court in Cities (MTCC) of Cebu City informed the Employees’ Leave Division (ELD), Office of Administrative Services (OAS), Office of the Court Administrator (OCA) that Brenda L. Gonzales (**Gonzales**) has been absent without official leave since 2 January 2020.²

In its Report dated 4 July 2022,³ the OCA found that Gonzales has not submitted her Daily Time Records since 2 January 2020.⁴ Neither has she filed any application for leave.

The OCA informed the Court that: (a) Gonzales has not filed an application for retirement; (b) she is still in the plantilla of personnel and is, therefore, considered in active service; (c) she is not an accountable officer; (d) there is no pending administrative case against her; and (e) her salaries and other benefits were withheld pursuant to Memorandum WSB No. 10B-2020 dated 19 October 2020.⁵

Thus, the OCA recommended that: (a) Gonzales’ name be dropped from the rolls effective 2 January 2020, for having been on absence without official leave for, at least, 30 working days; (b) her position be declared

¹ *Rollo*, p. 4.
² *Id.*
³ *Id.* at 1-3.
⁴ *Id.* at 1.
⁵ *Id.* at 6-7.

vacant; and (c) she be informed of her separation from the service at 55 Camputhaw Poblacion, Borbon, Cebu, her last known address appearing in her 201 file. The OCA added, however, that Gonzales is still qualified to receive the benefits she may be entitled to under existing laws and may still be reemployed in the government.

The Court adopts the findings and recommendation of the OCA.

Section 107(a)(1), Rule 120 of Civil Service Commission Resolution No. 1701077 dated 3 July 2017, the 2017 Rules on Administrative Cases in Civil Service (**2017 RACCS**), states:

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.

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 (emphasis supplied)

Gonzales has been absent without any approved leave since 2 January 2020. Considering that the period of Gonzales' absence without official leave has exceeded 30 working days, she should be dropped from the rolls and her position be declared vacant.

Nevertheless, as the OCA correctly pointed out, dropping from the rolls is non-disciplinary in nature and, thus Gonzales' separation from the service shall neither result in the forfeiture of her benefits nor disqualification from reemployment in the government, pursuant to Section 110, Rule 20 of the 2017 RACCS.⁶

WHEREFORE, the Court **ADOPTS** the recommendation of the Office of the Court Administrator that Brenda L. Gonzales, Utility Worker I, Branch

⁶ 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.

10, Municipal Trial Court in Cities, Cebu City, Cebu, be **DROPPED FROM THE ROLLS** effective 2 January 2020 and that her position be 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 her last known address, pursuant to Section 107 (a) (1), Rule 20 of the 2017 Rules on Administrative Cases in the Civil Service.

The Report dated 4 July 2022 of the Office of the Court Administrator is **NOTED**.

SO ORDERED.”

By authority of the Court:

Misael DCB-H
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court 10/15/22

Ms. Brenda L. Gonzales
Utility Worker I
55 Camputhaw, Poblacion, Borbon, Cebu
Branch 10, 6000 Cebu City

Hon. Raul Bautista Villanueva
Court Administrator
OFFICE OF THE COURT ADMINISTRATOR
Supreme Court, Manila

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Hon. Leo T. Madrazo
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MUNICIPAL TRIAL COURT IN CITIES
Branch 10, Cebu City

A.M. No. 22-07-16-MTCC

(43)
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