



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 2, 2023, which reads as follows:*

**“A.M. No. 22-11-141-RTC (Re: Dropping from the Rolls of Mr. Johan Marty M. Holgado, Process Server, Branch 24, Regional Trial Court, Cagayan de Oro City, Misamis Oriental). – The Court NOTES the Report dated November 17, 2022 of the Office of the Court Administrator, stating that the records of the Employees’ Leave Division, Office of Administrative Services, Office of the Court Administrator, show that Mr. Johan M. Holgado has not submitted his Daily Time Records from March 2021 up to the present. Neither has he submitted any application for leave for the aforesaid period. Thus, he has been absent without approved leave since March 1, 2021 up to the present.**

The instant administrative matter concerns Johan Marty M. Holgado (Holgado), Process Server, Branch 24, Regional Trial Court (RTC), Cagayan de Oro City, Misamis Oriental.

Records of the Employee’s Leave Division, Office of the Administrative Services (OAS), Office of the Court Administrator (OCA) show that Holgado has not submitted his Daily Time Record (DTR) from March 2021 up to the present, neither has he submitted any application for leave for the said period.<sup>1</sup>

In a letter<sup>2</sup> dated March 9, 2021, Judge Henry B. Damasing (Judge Damasing), Presiding Judge of the same court, informed the OAS, OCA that Holgado did not submit his DTR from March 1 to 31, 2021. Per the court’s DTR logbook, he was considered Absent Without Official Leave (AWOL) on the following dates: March 1-5, 11, 12, 16-18, 23(4-0), 24-26 and 29-31, 2021.<sup>3</sup> Subsequently, Judge Damasing notified the OAS, OCA, in a letter dated June 9, 2011, that Holgado has not submitted his DTRs from March 1-31, April 1-30, and May 1-31, 2021. He was AWOL on the following dates:

March 1-5, 11, 12, 16, 17, 18, 23(4-0), 24-26, 29-31, 2021

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

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

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

April 8, 20-23, 28-30, 2021

April 13, 14, 15, 27, 2021, did not logout for the whole day

May 3-7, 10, 11, 31(4-0), 2021<sup>4</sup>

The salaries and other benefits of Holgado were withheld pursuant to Memorandum WSB No. 6B-2021 dated June 18, 2021.<sup>5</sup> Upon verification from Employees' Welfare and Benefits Division, OAS, OCA, Holgado has not filed an application for retirement. He is in the plantilla of personnel and is, therefore, considered in active service.

It was also shown in the records of the Judicial Integrity Board (JIB) that there is a pending administrative case against Holgado docketed as JIB No. 21-036-P Presiding Judge Henry Damasing v. Johan Marty M. Holgado. Further, the records of Court Management Office, OCA confirmed that he is not an accountable officer.<sup>6</sup>

Thus, the OCA informed this Court of its findings and recommended that: 1) Holgado be dropped from the rolls effective March 1, 2021 for having been continuously AWOL for at least thirty (30) days, albeit, he is still qualified to receive the benefits he may be entitled to under existing laws and may still be reemployed in the government; 2) his position be declared vacant; and 3) he be informed of his separation from the service or dropping from the rolls at his last known address appearing in his 201 File.<sup>7</sup>

The issue before this Court is whether Holgado should be dropped from the rolls.

The Court finds the recommendation of the OCA proper and well-founded, thus, it adopts its findings and recommendations. It is settled that any act which falls short of the exacting standards for public office, especially on the part of those expected to preserve the image of the judiciary, shall not be countenanced. Public officers must at all times be accountable to the people, serve them with utmost degree of responsibility, integrity, loyalty, and efficiency.<sup>8</sup>

Section 107(a-1), Rule 20 of the 2017 Rules on Administrative Cases in the Civil Service (RACCS), provides:

**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**

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

<sup>5</sup> Id. at 12, signed by OAS OCA Chief of Office Caridad A. Pabello and approved by Court Administrator Jose Midas P. Marquez (now a Member of this Court).

<sup>6</sup> Id. at 2.

<sup>7</sup> Id. at 2-3.

<sup>8</sup> *Re: Dropping from the Rolls of Cornelio Reniette Cabrera, Utility Worker I, Municipal Trial Court in Cities, Branch 1, Lipa City*, 669 Phil. 142, 146 (2011).

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. (Emphases supplied)

From the foregoing, Holgado should be separated from the service or dropped from the rolls due to his continued absence since March 1, 2021.

It is settled that prolonged unauthorized absence causes inefficiency in the public service.<sup>9</sup> A court employee's continued absence without leave disrupts the normal functions of the court. It contravenes the public servant's duty to serve the public with the utmost degree of responsibility, integrity, loyalty, and efficiency.<sup>10</sup> Here, Holgado has undeniably been absent without office leave for more than 30 days. He grossly disregarded and neglected the duties of his office by going on AWOL. He failed to adhere to the highest standards of public accountability imposed on those in government service.<sup>11</sup>

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.** (Emphases supplied)

The Court agrees with the recommendation of the OCA that Holgado is still qualified to receive the benefits he may be entitled to under existing laws and may still be reemployed in the government. This is, however, without prejudice to the outcome of the administrative case pending against him.

The Court has always emphasized that the conduct required of court officials or employees, from the presiding judges to the lowliest clerks, must always be imbued with the heavy burden of responsibility as to require them to be free from any suspicion that may taint the image and reputation of the

<sup>9</sup> *Re: Dropping from the Rolls of Laydabell G. Pijana, Sheriff IV, Regional Trial Court of Tagaytay City, Cavite, Branch 18, 845 Phil. 324 (2019).*

<sup>10</sup> *Re: Dropping from the Rolls of Herodine M. Capati, Process Server, Branch 48, Regional Trial Court, City of San Fernando, Pampanga, A.M. No. 18-07-120-RTC, July 29, 2019.*

<sup>11</sup> *Re: Dropping from the Rolls of Noel C. Lindo, Sheriff IV, Branch 83, Regional Trial Court, Quezon City, 839 Phil. 434 (2018).*

Judiciary. Any act or omission that contravenes this norm of conduct disgraces the Judiciary. Anyone falling short of the norm must be sanctioned without hesitation lest he/she infect his/her co-workers with the same malaise.<sup>12</sup>

**WHEREFORE**, Johan Marty M. Holgado, Process Server, Branch 24, Regional Trial Court, Cagayan De Oro City, Misamis Oriental, is hereby **DROPPED** from the rolls effective March 1, 2021 and his position is declared **VACANT**. He is, however, still qualified to receive the benefits he may be entitled to under existing laws and may still be reemployed in the government, without prejudice to the outcome of the pending administrative case against him.

Let a copy of this Resolution be served upon Johan Marty M. Holgado at Zone 28, Balite Street, Cagayan de Oro City, his last known address appearing in his 201 File.

**SO ORDERED.”**

By authority of the Court:

*Misael Domingo C. Battung III*  
**MISAELO DOMINGO C. BATTUNG III**  
*Division Clerk of Court*  
*4/17/23*

Mr. Johan Marty M. Holgado  
 Zone 28, Balite Street  
 Cagayan de Oro City

The Presiding Judge  
 REGIONAL TRIAL COURT  
 Branch 24, Cagayan de Oro City  
 Misamis Oriental

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

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

Hon. Lilian C. Barribal-Co  
 Hon. Maria Regina Adoracion Filomena M. Ignacio  
 Assistant Court Administrators  
 OFFICE OF THE COURT ADMINISTRATOR  
 Supreme Court, Manila

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 Financial Management Office (Atty. Gilda A. Sumpo-Garcia )

<sup>12</sup> *Malubay v. Guevara*, 846 Phil. 227 (2019).

Cash Collection & Disbursement  
Office of Administrative Services (Atty. Maria Teresa O. Demesa-Razal)  
Employees Welfare and Benefits Division  
Court Management Office (Atty. Marilou M. Anigan)  
Documentation Unit  
Records Control Center  
OFFICE OF THE COURT ADMINISTRATOR  
Supreme Court, Manila

Justice Romeo J. Callejo Sr. (Ret.)  
Chairperson  
JUDICIAL INTEGRITY BOARD  
Supreme Court, Manila

Justice Angelina Sandoval-Gutierrez (Ret.)  
Vice-Chairperson  
JUDICIAL INTEGRITY BOARD  
Supreme Court, Manila

Justice Rodolfo Ponferrada (Ret.)  
Justice Cielito Mindaro-Grulla (Ret.)  
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