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A notary who acknowledged a document that was a forgery destroys the integrity and dignity of the legal profession. He does not deserve to continue as member of the bar.[16]

IN VIEW WHEREOF, we find respondent *VIRGILIO R. GARCIA* guilty of grave misconduct rendering him unworthy of continuing membership in the legal profession. We order him *DISBARRED* from the practice of law and his name stricken off the Roll of Attorneys, effective immediately.

Let copies of this resolution be furnished the Bar Confidant, who shall forthwith record it in the personal file of respondent; the Court Administrator, who shall inform all courts of the Philippines; and the Integrated Bar of the Philippines, which shall disseminate copies to all its chapters and members.

SO ORDERED.

Davide, Jr. C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Pardo, Buena, Ynares-Santiago, De Leon, Jr., and *Sandoval-Gutierrez, JJ.,* concur.

Quisumbing, and *Carpio, JJ.,* on official business abroad.

EN BANC

[A.M. No. P-02-1541. February 6, 2002]

FLORENTINO A. MERCADO, JR., *complainant, vs.* **NOEL T. MANALO, Sheriff III, MeTc, Manila, Branch 5,** *respondent.*

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[16] *Flores v. Chua, supra,* Note 9; *Villarin v. Sabate, Jr.,* 325 SCRA 123, 128 (2000).

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SYNOPSIS

Due to his unexplained absences which constitute gross misconduct and conduct prejudicial to the best interest of the public service, the Supreme Court dismissed the respondent sheriff with forfeiture of retirement benefits except earned leave credits, if any with prejudice to reemployment in any other government agency. The Supreme Court also held that respondent sheriff's willful disobedience to the Court's order to comment on the allegations against him showed his lack of interest with, if not contempt of, the system to which he has pretended to belong.

SYLLABUS

1. **POLITICAL LAW; CIVIL SERVICE LAW; SHERIFFS; GROSS MISCONDUCT; UNEXPLAINED ABSENCES WITHOUT LEAVE; NEGLECT OF DUTY; DISMISSAL FROM SERVICE, PROPER.**— From the undisputed facts, respondent sheriff was absent without leave for more than the allowable two and one-half days monthly leave credit. In fact, he failed to report for work ten (10) days in September, fourteen (14) days in October, seven (7) days in November, and sixteen (16) days in December, in the year 1999, without authorization. Worse, the presiding judge, Metropolitan Trial Court, Manila, Branch 5 reported that as of April 17, 2000, respondent sheriff was still absent without leave. Consequently, respondent sheriff neglected to perform his duties as Sheriff III to the detriment of litigants, lawyers, and even the court where he was employed. Respondent sheriff's act of absenting himself without leave seriously prejudiced public service. . . . We find that respondent sheriff's unexplained absences constitute gross misconduct and conduct prejudicial to the best interest of the public service, and warrant the penalty of dismissal.

2. **ID.; ID.; DUTY OF A RESPONDENT IN ADMINISTRATIVE CASES; WILLFUL DISOBEDIENCE TO COURT ORDERS; RESPONDENT'S WILLFUL DISOBEDIENCE TO THE COURT'S ORDER FOR HIM TO COMMENT ON THE COMPLAINT AGAINST HIM CONSTITUTES CONTEMPT OF THE JUDICIAL SYSTEM.**— Respondent sheriff's indifference to the sanctions against his unauthorized

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absences became more flagrant when he ignored the notice of the Court for him to comment on the complaint against him. Despite receipt of the resolution, respondent sheriff failed to comply with the Court's directive. We have held that: "[r]espondents in administrative complaints should comment on all accusations or allegations against them in the administrative complaints because it is their duty to preserve the integrity of the judiciary." Respondent sheriff's willful disobedience to the Court's order showed his lack of interest to remain with, if not contempt of, the system to which he has pretended to belong.

RESOLUTION

***PER CURIAM*:**

In this case, Florentino A. Mercado, Jr., Clerk of Court III, Metropolitan Trial Court (MeTC), Manila, Branch 05 filed with the Office of the Court Administrator, Supreme Court, on December 09, 1999, an administrative complaint against Noel T. Manalo, Sheriff III, Metropolitan Trial Court, Manila, Branch 05, charging him with habitual absenteeism and inefficiency.[1]

Complainant Mercado alleged that respondent sheriff was absent without leave for ten (10) days in September, fourteen (14) days in October, seven (7) days in November, and sixteen (16) days in December, all in the year 1999. Several lawyers and litigants with pending cases in the court complained that respondent sheriff had not attended to the executions and service of summons in their cases. Respondent sheriff's habitual absenteeism thus resulted in neglect of duty.[2] Even the presiding Judge, MeTC, Manila, Branch 05 received oral and written complaints from lawyers against respondent sheriff.[3]

On November 11, 1999, the presiding judge, MeTC, Manila, Branch 05, issued a memorandum to respondent sheriff requiring him to submit the sheriff's return under Section 14, Rule 39,

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[1] *Rollo*, p. 2.

[2] *Rollo*, pp. 11-12.

[3] *Rollo*, p. 5.

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Revised Rules of Court, in nine (9) criminal cases and four (4) civil cases.[4]

On March 21, 2000, the Court Administrator required respondent sheriff to comment on the complaint within ten (10) days from notice.[5] Respondent sheriff received notice on April 17, 2000.[6] However, he has not submitted his comment and continued to be absent without leave.

On July 24, 2000, the Supreme Court resolved to drop respondent sheriff from the service effective September 1, 1999, without prejudice to the outcome of the administrative case.[7]

On July 9, 2001, the Acting Court Administrator recommended that respondent sheriff be dismissed from the service for grave misconduct, absence without leave and conduct prejudicial to the best interest of public service.[8]

We agree with the recommendation of the Acting Court Administrator.

Civil Service Memorandum Circular No. 23, Series of 1998, defines habitual absenteeism as follows:

"An officer or employee in the Civil Service shall be considered habitually absent if he incurs unauthorized absences exceeding the allowable two and one-half (2 1/2) days monthly leave credit under the Leave Law for at least three (3) months in a semester or at least three (3) consecutive months during the year x x x."[9]

From the undisputed facts, respondent sheriff was absent without leave for more than the allowable two and one-half days monthly leave credit. In fact, he failed to report for work

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[4] *Rollo*, p. 4.

[5] *Rollo*, p. 23.

[6] *Rollo*, p. 25.

[7] *Rollo*, p. 28.

[8] *Rollo*, pp. 30-31.

[9] *Re: Absence without Official Leave (AWOL) of Ms. Lillian C. Bantog*, A. M. No. 00-11-521-RTC, June 20, 2001.

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ten (10) days in September, fourteen (14) days in October, seven (7) days in November, and sixteen (16) days in December, in the year 1999, without authorization. Worse, the presiding judge, Metropolitan Trial Court, Manila, Branch 5 reported that as of April 17, 2000, respondent sheriff was still absent without leave.[10]

Consequently, respondent sheriff neglected to perform his duties as Sheriff III to the detriment of litigants, lawyers, and even the court where he was employed. Respondent sheriff's act of absenting himself without leave seriously prejudiced public service.[11]

Indeed, respondent sheriff's frequent unexplained absences and neglect of duty showed that he failed to live up to the exacting standards of public office.

"Public office is a public trust. All public officers are accountable to the people at all times. Their duties and responsibilities must be strictly performed. As administration of justice is a sacred task, this Court condemns any omission or act which would tend to diminish the faith of the people in the Judiciary. Every employee or officer involved in the dispensation of Justice should be circumscribed with the heavy burden of responsibility and his conduct must, at all times, be above suspicion."[12]

Respondent sheriff did not offer any reason for his misconduct, despite the opportunity given to him to explain his absences. He maintained his silence even when the Court dropped him from the service effective September 1, 1999.[13]

Respondent sheriff's indifference to the sanctions against his unauthorized absences became more flagrant when he ignored the notice of the Court for him to comment on the complaint against him. Despite receipt of the resolution, respondent sheriff failed to comply with the Court's directive.[14] We have held

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[10] *Rollo*, p. 24.

[11] *Eamiguel v. Ho*, 350 Phil. 518 [1998].

[12] *Juntilla v. Calleja*, 330 Phil. 850 [1996].

[13] *Rollo*, p. 28.

[14] *Rollo*, p. 25.

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that: "[r]espondents in administrative complaints should comment on all accusations or allegations against them in the administrative complaints because it is their duty to preserve the integrity of the judiciary."[15] Respondent sheriff's willful disobedience to the Court's order showed his lack of interest to remain with, if not contempt of, the system to which he has pretended to belong.[16]

We find that respondent sheriff's unexplained absences constitute gross misconduct and conduct prejudicial to the best interest of the public service, and warrant the penalty of dismissal.[17]

IN VIEW WHEREOF, the Court finds respondent Noel T. Manalo. Sheriff III, MeTC, Branch 05, Manila, guilty of gross misconduct and conduct prejudicial to the best interest of the public service and hereby *DISMISSES* him from the service, with forfeiture of retirement benefits, except earned leave credits, if any, and with prejudice to reinstatement or re-employment in any agency of the government, including government owned or controlled corporations.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Pardo, Buena, Ynares-Santiago, De Leon, Jr., and *Sandoval-Gutierrez, JJ.,* concur.

Quisumbing, and Carpio, JJ., on official business abroad.

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[15] *Martinez v. Zoleta*, 315 SCRA 438, 449 [1999].

[16] *Oñasa, Jr. v. Villaran*, 316 Phil. 169, 177 [1995]; *Parane v. Reloza*, 238 SCRA 1,4 [1994].

[17] *Loyao v. Manatad*, 331 SCRA 324, 330 [2000].