

GANTE, Victoria R.

**Re: Dropping from the Rolls; Motion for Clarification;
Implementation of CSC Resolution No. 00-0377**

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RESOLUTION NO. 001901

Adelina D. Gurrea, General Manager F. Maramag Water District (MWD), Maramag, Bukidnon, seeks the opinion of the Commission relative to the implementation of Civil Service Commission (CSC) Resolution No. 00-0377 dated February 4, 2000, which declared not in order the suspension from the service of Victoria R. Gante, Clerk Processor, said office, in view of the issuance of MWD Memorandum No. 03-03 dated March 26, 1999, dropping Gante from the rolls.

In her request, MWD General Manager Gurrea represented, as follows:

"We are respectfully forwarding herewith the letter-seeking for the implementation of Civil Service Commission Resolution No. 000337 decision of the Gante, Victoria case and its supporting documents, to wit:

"a) ANNEX 1 Photocopy of the undersigned letter to the Provincial Director, xxx Wulfreda G. Tapulgo, CxxxSxxxC Provincial Field Office, Malaybalay, Bukidnon seeking comments and recommendation for the Gante's Case and its reply letter dated May 11, 1998;

"b) ANNEX 2 xxx letter to the Chairman xxx regarding the frequent unauthorized absences of XXX unauthorized absences of xxxGante;

"c) ANNEX 3 Photocopy of the Mrs. Xxx Agustin, Administration Services Assistant A memo addressed to the undersigned notifying her for (sic) the unauthorized absences of xxx Gante;

"d) ANNEX 4 Photocopy of the undersigned memo address to xxx Gante dropping her from the rolls xxx and letter to Provincial Director, xxx Lago xxx furnishing the said documents;

"e) ANNEX 5 Photocopy of the undersigned inter office memo for the return to work order of xxx Gante, dated march (sic) 19. 1999;

"f) ANNEX 6 Photocopy of the undersigned letter to the Provincial Director, xxx Tapulgo, Civil Service Provincial Field Office, xxx furnishing with (sic) the copies of the Report and Recommendation of the xxx District Grievance/Investigation Committee;

"g) ANNEX 7 Photocopy of the undersigned letter to the Regional Director of the Civil Service Commission, Regional Office No. 10, Cagayan De Oro City the documents supporting Administrative Case No. 97-01 for Grave Misconduct against xxx Gante."

Records show that Gante was found guilty of the offense of Simple Misconduct and was imposed the penalty of suspension from the service for a period of three (3) months in an Order dated May 26, 1998 issued by the MWD.

On appeal, however, the Commission set aside the Order and directed General Manager Gurrea to pay Gante backwages and benefits accruing to the latter during the period of suspension.

On January 25, 1999 or while the appeal was pending consideration of the Commission, Gante wrote a handwritten letter addressed to the manager requesting the latter to allow her to go on leave to enable her to attend to personal concerns. Thereafter, nothing was heard of Gante. On March 26, 1999 or after an absence of more than thirty (30) days, General Manager Gurrea dropped Gante from the MWD roll of employees through Memorandum No. 03-03.

For clarification of the Commission is the issue on whether the MWD is still bound to pay Gante backwages and other emoluments from July 1, 1998 to August 29, 1998 as directed in CSC Resolution No. 00-0377 dated February 4, 2000 even if the latter was already dropped from the rolls as of March 26, 1999.

The answer is in the affirmative. The right of Gante to receive backwages and other emoluments arising from her office covering the period of July 1, 1998 to August 29, 1998 has already accrued to her favor. This right cannot be defeated by the mere fact of Gante's being dropped from the rolls inasmuch as the erroneous suspension of Gante by the MWD was perpetrated while she was still in the service.

The intervening event of Gante's severance of employment from the service did not render moot and academic the award of backwages; neither did it put to naught the ruling of the Commission. In the latter case, decisions of the Commission awarding backwages for the period of suspension can not be circumvented by the employee's dropping from the rolls subsequent to the period of suspension. This is not the intention of the law.

Furthermore, the implementation of the subject resolution is not dependent on the continued employment of Gante. It is very clear from the wordings of the Commission in the dispositive portion of the decision, which reads, as follows:

"WHEREFORE, the appeal of xxx Gante is hereby granted. xxx. As such, the Maramag Water District is directed to pay xxx Gante's backwages and other benefits due her during the period of suspension."

If the intention of the Commission is to subject the payment of Gante's backwages to be continued employment, it should

have so stated. However, as can be seen from the decision there is no such condition.

WHEREFORE, the General Manager of the Maramag Water District, Maramag, Bukidnon, is hereby directed to implement CSC Resolution No. 00-0377 dated February 4, 2000.

Quezon City, AUG 21 2000

(SGD.) JOSE F. ERESTAIN, JR.

Commissioner

(SGD.) CORAZON ALMA G. DE LEON

Chairman

(SGD.) ELMOR D. JURIDICO

Commissioner

Attested by:

ARIEL G. RONQUILLO

Director IIII

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D-00-0543

/GANTE

