

RE: ABSENCE WITHOUT OFFICIAL LEAVE (AWOL) OF MR. JAYSON S. TAYROS, PROCESS SERVER, REGIONAL TRIAL COURT, BRANCH 31, DUMAGUETE CITY

A.M. NO. 05-8-514-RTC. August 31, 2005

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

This matter concerns Mr. Jayson S. Tayros, Process Server of the Regional Trial Court (RTC), Branch 31, of Dumaguete City. Records of the Office of Administrative Services (OAS) of the Office of the Court Administrator (OCA) showed that Mr. Tayros failed to submit his Daily Time Records (DTRs)/Bundy Cards for the month of July 2004 up to the present.

On 02 December 2004, the Leave Division of the OAS received a letter^[1] dated 16 November 2004 of Atty. Rolando A. Pinero, Clerk of Court V, RTC, Branch 31, of Dumaguete City, informing the office of the unauthorized leave of Mr. Tayros since July 2004.

Consequently, the Leave Division sent a warning letter^[2] dated 03 January 2005 to Mr. Tayros thru Hon. Rogelio Carampatan,^[3] requiring him to explain his unauthorized absences, otherwise, the office shall be constrained to recommend the dropping of his name from the rolls.

On 04 January 2005, Atty. Pinero sent a telegram/letter^[4] requesting that another employee be designated in lieu of Mr. Tayros as the latter has been on absence without official leave (AWOL) since 02 July 2004.

In the Agenda Report^[5] dated 25 January 2005, the OCA recommended, on the basis of Section 50, Rule XVI, CSC MC No. 41, s. 1998, of the Omnibus Rules on Leave, the withholding of salaries and benefits of Mr. Tayros for the non-submission of the DTRs/Bundy Cards until compliance is made.

In the Agenda Report^[6] dated 29 June 2005, the OCA recommended that Mr. Tayros's name be dropped from the rolls, he having been on AWOL since 02 July 2004 and his position declared vacant, relying on Section 63, Rule XVI of the Omnibus Civil Service Rules and Regulations, as amended by Resolution No. 99-1885 dated 23 August 1999.

The recommendation is proper under the circumstances. Mr. Tayros's conduct falls within the purview of Section 63, Rule XVI of the Omnibus Civil Service Rules and Regulations, as amended, stating thus:

An official or an employee who is continuously absent without approved leave for at least thirty (30) working days shall be considered on absence without official leave (AWOL) and shall be separated from the service or dropped from the rolls without prior notice. He shall, however, be informed at his address appearing on his 201 files of his separation from the service not later than five (5) days from its effectivity.

The above provision does not require prior notice to drop from the rolls the name of an employee who has been continuously absent without approved leave for at least thirty (30) calendar days. Proofs of Mr. Tayros's ongoing

AWOL are the records of the OAS-OCA of his failure to submit his DTRs/Bundy Cards, the absence of any application for leave of absence during the relevant dates and the letter of Atty. Rolando A. Pinero dated 16 November 2004, stating that Mr. Tayros has been on AWOL since 02 July 2004.

Mr. Tayros's AWOL prejudiced public service. Time and again, this Court has made the pronouncement 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 office is a public trust. Public officers must at all times be accountable to the people, serve them with utmost degree of responsibility, integrity, loyalty and efficiency. A court employee's AWOL for a prolonged period of time constitutes conduct prejudicial to the best interest of public service and warrants the penalty of dismissal from the service with forfeiture of benefits.[7]

IN VIEW OF THE FOREGOING, Mr. Jayson S. Tayros, Process Server of the Regional Trial Court of Dumaguete City, Branch 31, is hereby DROPPED from the service and his position is DECLARED VACANT. Let a copy of this decision be served upon the respondent at his address appearing on his 201 files pursuant to Section 63, Rule XVI of the Omnibus Civil Service Rules and Regulations, as amended.

SO ORDERED.

Puno, (Chairman), Austria-Martinez, Callejo, Sr., and Tinga, JJ., concur.

[1] Rollo, p. 6.

[2] Rollo, p. 4.

[3] Judge, RTC, Br. 36, Dumaguete City.

[4] Rollo, p. 5.

[5] Rollo, p. 7.

[6] Rollo, pp. 1-2.

[7] Loyao, Jr., v. Manatad, A.M. No. P-99-1308, 04 May 2000, 331 SCRA 324.

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