

RE: ABSENCE WITHOUT OFFICIAL LEAVE (AWOL) OF MR. BASRI A. ABBAS, LEGAL RESEARCHER II, REGIONAL TRIAL COURT OF ZAMBOANGA CITY, BRANCH 12.

A.M. NO. 06-2-96-RTC. March 31, 2006

Ponente: CORONA, J.

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CORONA, J.:

This administrative matter concerns Basri A. Abbas, Legal Researcher II in Branch 12 of the Regional Trial Court (RTC) of Zamboanga City.

In a telegram dated October 3, 2005, the Leave Division of the Office of the Court Administrator (OCA) gave Abbas five days from receipt thereof to submit his bundy cards beginning March 2005. Abbas failed to comply with the directive.

On October 25, 2005, the OCA requested Judge Gregorio V. de la Peña III, presiding judge of Branch 12 of RTC-Zamboanga City, to cause the service of a letter dated October 25, 2005 to Abbas. The letter reminded Abbas that he had been continuously absent from office since March 1, 2005 without any approved application for a leave of absence. He was required to submit a written explanation of his unauthorized absences within five days from receipt of the letter, with a warning of possible dismissal from the service in case of non-compliance. Again, Abbas disregarded the OCA's order.

Meanwhile, Judge de la Peña III issued a memorandum to him on October 6, 2005, requiring him to explain within 15 days why no disciplinary action should be taken against him for his continued failure to report for work since March 2005 without an approved leave. Again, Abbas ignored the memorandum.

On November 2, 2005, Judge de la Peña III informed the OCA that Abbas did not comply with its orders. In view thereof, he recommended Abbas' immediate dropping from the rolls.

On January 30, 2006, the OCA reported that Abbas failed to submit his bundy cards from March 2005 and that he had been absent during the same period without filing any application for leave. He also failed to comply with the directives of OCA. Hence, the OCA recommended that he be dropped from the rolls and his position be declared vacant.

The OCA's recommendation is proper.

Rule XVI, Section 63 of the Omnibus Civil Service Rules and Regulations, as amended by Circular No. 14, s. 1999, provides:

Section 63. Effect of absences without approved leave. — An official or employee who is continuously absent without approved leave for at least thirty (30) calendar 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. x x x

Under Civil Service rules, Abbas should be separated from the service or dropped from the rolls by reason of his continued unauthorized absence since March 1, 2005.

A court employee's absence without leave for a prolonged and unreasonable period of time constitutes conduct prejudicial to the best interest of public service.[1]It contravenes a public servant's duty to serve the public with utmost responsibility, integrity, loyalty and efficiency. By going on AWOL, Abbas failed to adhere to the highest standards of public accountability imposed on those in government service.

The conduct and behavior of all court personnel is laden with the heavy burden of responsibility. This Court will not allow any act or omission on the part of those involved in the administration of justice which violates the norm of public accountability and diminishes or tends to diminish the faith of the people in the judiciary.[2]

WHEREFORE, Basri A. Abbas, Legal Researcher II in Branch 12 of the Regional Trial Court (RTC) of Zamboanga City, is hereby DROPPED from the rolls. His position is declared VACANT.

Let a copy of this resolution be served on him at his address in his 201 file pursuant to Rule XVI, Section 63 of the Omnibus Civil Service Rules and Regulations, as amended.

SO ORDERED.

Puno (Chairperson), Sandoval-Gutierrez, Azcuna, and Garcia, JJ., Concur.

[1] Re: Absence Without Official Leave of Mr. Gregorio B. Faraon, A.M. No. 04-12-691-RTC, 18 February 2005, 452 SCRA 12.

[2] Id.

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