

FIRST DIVISION

[A.M. NO. 05-8-226-METC, January 27, 2006]

RE: ABSENCE WITHOUT OFFICIAL LEAVE (AWOL) OF MR. BERNARDO CONDE, CLERK III, METROPOLITAN TRIAL COURT – OFFICE OF THE CLERK OF COURT, MANDALUYONG CITY

D E C I S I O N

CHICO-NAZARIO, J.:

This administrative matter concerns Bernardo Conde, Clerk III of the Metropolitan Trial Court-Office of the Clerk of Court, Mandaluyong City. Records at the Office of Administrative Services (OAS) of the Office of the Court Administrator (OCA) showed that Mr. Conde failed to submit his Daily Time Records (DTRs)/Bundy Cards for the months of May 2004 up to the present. Neither did he apply for leave.

On 31 August 2004, the Leave Division of the OAS received a letter ^[1] dated 29 July 2004 from Presiding Judge Ofelia L. Calo, recommending that Mr. Conde be declared on absence without official leave (AWOL) effective 28 May 2004.

On 25 October 2004, the OCA sent a warning letter ^[2] to Mr. Conde thru Judge Calo, ^[3] requiring him to explain his unauthorized absences; otherwise, the office shall be constrained to recommend the dropping of his name from the rolls.

In the Agenda Report ^[4] dated 03 November 2004, the OCA, on the basis of Section 50, ^[5] Rule XVI, CSC MC No. 41, s. 1998, of the Omnibus Rules on Leave, recommended the withholding of salaries and benefits of Mr. Conde for the non-submission of the DTRs/Bundy Cards until compliance was made.

Meanwhile, the Leave Division received a letter ^[6] dated 22 November 2004 of Judge Calo stating that she mailed the warning letter on 18 November 2004 at Conde's last known address at Misibis, Tiwi, Albay, but was still awaiting the registry return card as proof of service to the latter.

In the Agenda Report ^[7] dated 20 June 2005, the OCA recommended that Mr. Conde's name be dropped from the rolls, he having been on AWOL since 03 May 2004 and his position be declared vacant, relying on Section 63, Rule XVI of the Omnibus Civil Service Rules and Regulations, as amended by Resolution 99-1885 dated 23 August 1999.

The actions taken by the OCA are proper under the circumstances. Mr. Conde's conduct falls within the purview of Section 63, Rule XVI of the Omnibus Civil Service Rules and Regulations, as amended, stating thus: