

## SECOND DIVISION

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

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

### DECISION

**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: