

## **FIRST DIVISION**

**[ A.M. NO. P-06-2183 (FORMERLY A.M. NO. 06-5-157-MTC), June 27, 2006 ]**

### **ABSENCE WITHOUT OFFICIAL LEAVE (AWOL) OF ALBERTO V. MONSANTO, METROPOLITAN TRIAL COURT, CATBALOGAN, SAMAR**

## **D E C I S I O N**

#### **CHICO-NAZARIO, J.:**

This administrative matter concerns Alberto V. Monsanto, Utility Worker I of the Municipal Trial Court (MTC) of Catbalogan, Samar.

Records at the Office of Administrative Services (OAS) of the Office of the Court Administrator (OCA) Leave Section showed that Mr. Alberto V. Monsanto failed to submit his Daily Time Records (DTRs)/Bundy Cards from the month of May 2005 up to present. Neither has he filed any leave application.

On 26 September 2005, the OCA Leave Division sent a telegram<sup>[1]</sup> requiring Mr. Monsanto to submit the required DTRs/Bundy Cards for the months of May, June, July and August 2005, otherwise the OCA shall recommend the withholding of his salaries.

On 5 October 2005, OAS requested the Honorable Odelon Mabutin, Presiding Judge of the same court, to cause the service of a warning letter to Mr. Monsanto. In the said warning letter, Mr. Monsanto was required to explain in writing his unauthorized absences, otherwise, his dropping from the rolls shall be recommended to the Court.

In the Agenda Report<sup>[2]</sup> dated 7 October 2005, the OCA recommended to the Court the withholding of salaries and other benefits of Mr. Alberto Monsanto.

To date, Mr. Monsanto has not reported back for work. Neither has he complied with any of the directives of the OCA.

On 21 April 2006, the OCA recommended<sup>[3]</sup> that Mr. Alberto V. Monsanto be dropped from the rolls effective 3 May 2005 and his position declared vacant relying on Section 63, Rule XVI of the Omnibus Rules on Leave, as amended by Resolution No. 99-1885 dated 23 August 1999.

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

Sec. 63. Effect of absences without approval leave. – An official or an employee who is continuously absent without approved leave for at least