

SECOND DIVISION

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

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

D E C I S I O N

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: