

**[ ADMINISTRATIVE ORDER NO. 284, May 29, 1992 ]**

**IMPOSING THE PENALTY OF ONE MONTH SUSPENSION  
WITHOUT PAY ON JOSE R. BURGOS, FOREIGN SERVICE OFFICER  
II, DEPARTMENTS OF FOREIGN AFFAIRS**

This pertains to the administrative case filed by the Department of Foreign Affairs, hereinafter the "Department", against Mr. Jose R. Burgos for unauthorized absences and conduct prejudicial to the best interest of the service.

The pertinent facts of the case are uncontroverted.

Respondent filed with the Philippine Consulate General in San Diego, California, U.S.A., an application for emergency leave for twenty-one (21) working days from 14 February to 14 March 1991. On 14 February 1991, respondent's request for leave was transmitted to the Department through the Office of the Personnel and Administration (OPAS) by Consul and Principal Officer Gloria R. Da Rodda of the Philippine Consulate General, San Diego.

Pending approval of his application for leave, respondent left San Diego en route to Manila. On 19 February 1991, respondent reported at the Department and logged-in at the Register of Returning Foreign Service Personnel at the OPAS.

In a letter-telex dated 27 February 1991, respondent was directed by the Undersecretary Pablo R. Suarez of the Department to explain in writing within twenty-four (24) hours why no administrative action should be taken against him for violation of Section 588 of the Foreign Service Code and Sections 3 and 6 of Memorandum Circular No. 2, S.1985 of the Civil Service Code.

In response to the letter of USec. Suarez, respondent explained that the Head of Post in the Consulate General in San Diego already approved his application for leave but the transmittal thereof to the Home Office had been delayed. Moreover, respondent claimed that a member of his family was in serious health condition prompting his immediate return to Manila.

Finding his explanation unsatisfactory, the Department, on 12 March 1991, formally charged respondent with violation of existing Civil Service

Rules and Regulations and Section 588 of the Foreign Service Code, Unauthorized absences and Conduct Prejudicial to the Best Interest of the Service.

The only issue to be resolved in the instant case is whether or not respondent left his post or assignment of duty without authority from the Home Office.

In his Answer to the formal charges dated 21 March 1991, respondent admitted that