

## EN BANC

[ A.M. No. 02-1-50-RTC, January 23, 2003 ]

**RE: DETAIL OF MR. AUSTACIO A. BAYABOS, JR. TO THE  
REGIONAL TRIAL COURT, BRANCH 21, MAMBUSAO, CAPIZ.**

### **RESOLUTION**

#### **PER CURIAM:**

On June 18, 1992, Deputy Court Administrator Juanito A. Bernad granted the detail of Clerk III Austacio A. Bayabos from Regional Trial Court (RTC), Manila, Branch 36 to RTC, Mambusao, Capiz, Branch 21 for two (2) months. On several occasions, the Office of the Court Administrator (OCA) extended his detail, the last being from October 13, 1993 to April 13, 1994. Nevertheless, Bayabos continued reporting for work at Capiz without detail order.

On November 12, 2001, Bayabos again requested for an extension of his detail for the reason that he cannot leave his family and his elderly mother-in-law. On January 9, 2002, the OCA granted Bayabos a non-extendible period of three (3) months to prepare for his return. Citing the needs of his family, Bayabos again requested for another extension. On September 17, 2002, this Court ordered the recall of Bayabos. However, Bayabos has not complied with the directive up to this date.

Circular No. 18-97<sup>[1]</sup> governs the detail and reassignment of personnel of the lower courts. It states that a detail or reassignment shall be allowed only for *meritorious reason or when the exigencies and the interest of the services require the same*. Austacio Bayabos has been reporting for work in Capiz for more than eight (8) years now without detail order. Absent any authority from this Court, through the Office of the Court Administrator extending his detail, he should have reported to his original station. Moreover, the reason invoked by Bayabos for his continued detail in Capiz is personal. Paragraph 3 of the said circular is explicit that *no request for detail or reassignment for purely personal reasons shall be granted*.

All told, Bayabos' continued defiance of the September 17, 2002 Resolution of this Court shows disrespect to a lawful order. His contumacious conduct merits no compassion. In *Martinez v. Zoleta*,<sup>[2]</sup> we imposed the penalty of dismissal on an officer of the court who persistently failed to comply with lawful directives of this Court.

**WHEREFORE**, the Court finds Austacio A. Bayabos, Jr., Clerk III, Regional Trial Court of Manila, Branch 36, **GUILTY** of gross misconduct and insubordination, and accordingly orders his **DISMISSAL** from the service and the forfeiture of retirement benefits, except accrued leave credits, with prejudice to reemployment in any branch of the government or any of its agencies or instrumentalities, including government-owned and controlled corporations.