

**RE: HABITUAL TARDINESS OF MRS. NATIVIDAD M. CALINGAO,
CLERK III, REGIONAL TRIAL COURT, BRANCH 255, LAS PIÑAS CITY.**

A.M. NO. P-05-2080. October 05, 2005

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

In a Report[1] dated 09 June 2005, Mrs. Hermogena F. Bayani, Supreme Court Chief Judicial Staff Officer, Leave Division, Office of the Court Administrator, stated that Mrs. Natividad M. Calingao incurred tardiness on the following dates:

2005

January - 16 times

February - 10 times

On 08 July 2005, Court Administrator Presbitero Velasco required[2] respondent Calingao to submit her comment on the report within ten (10) days from receipt thereof.

In her comment/explanation[3] dated 01 August 2005, respondent admits having been late on said dates and apologized for exceeding the limit prescribed in the rules on punctuality. She explains that as a working mother with five (5) children and a husband who is working abroad, she makes sacrifices in bringing her twin children to school at 7:00 a.m. before proceeding to the office. She said that since the start of classes of her twins is at 7:45 a.m., she cannot bring them to school earlier than 6:30 a.m. because there is still no teacher present. She adds that delegating the task to her other children is not possible because their schedules do not permit them to do so.

To show good faith and dedication in work, she claims she stays beyond dismissal time. Aware that the tardiness she incurred cannot be offset by any overtime, she requests if she can avail of the flexible time schedule of 8:30 a.m. to 5:00 p.m.

On 02 September 2005, Court Administrator Presbitero J. Velasco submitted his recommendation, thus:

- 1) This be RE-DOCKETED as regular administrative matter, and
- 2) Ms. Natividad M. Calingao be REPRIMANDED with a warning that a repetition of the same or similar offense will warrant the imposition of a more severe penalty.

We agree in the findings and recommendation of the Court Administrator.

Civil Service Memorandum Circular No. 23, Series of 1998, provides:

Any employee shall be habitually tardy if he incurs tardiness, regardless of the number of minutes, ten (10) times a month at least two (2) months in a semester or at least two (2) consecutive months during the year.

The records indicate that Mrs. Calingao incurred tardiness 16 times in January and 10 times in February 2005.

Indubitably, she is guilty of habitual tardiness. Her explanation that she brings her children to school before proceeding to office does not merit consideration to justify her habitual tardiness. We have ruled that moral obligations, performance of household chores, traffic problems, health conditions, domestic and financial concerns are not sufficient reasons to excuse habitual tardiness.[4]

We cannot countenance such infraction for it seriously impairs efficiency and hampers public service. By being habitually tardy, respondent fell short of the standard of conduct demanded of everyone connected with the civil service, especially the administration of justice. We have ruled that by reason of the nature and functions of their office, officials and employees of the Judiciary must be role models in the faithful observance of the constitutional canon that public office is a public trust. Inherent in this mandate are the observance of prescribed office hours and the efficient use of every moment thereof for public service, if only to recompense the Government, and, ultimately, the people who shoulder the cost of maintaining the Judiciary.[5]

Thus, to inspire public interest for the justice system, court officials and employees are at all times behooved to strictly observe official time. As punctuality is a virtue, absenteeism and tardiness are impermissible.[6] We cannot countenance such infraction as it seriously compromises efficiency and hampers public service.[7]

Under Sec. 52(c) (4) of CSC Memorandum Circular No. 19, Series of 1999, habitual tardiness is penalized as follows:

First Offense- Reprimand

Second Offense- Suspension for 1-30 days

Third Offense- Dismissal from the service.

Considering that this is the first time respondent incurred habitual tardiness, she should be merely reprimanded.

WHEREFORE, we find Mrs. Natividad M. Calingao of the Regional Trial Court of Las Piñas City, Branch 255, administratively liable for habitual tardiness. She is hereby REPRIMANDED and WARNED that a repetition of the same or similar offense will warrant the imposition of a severe penalty.

SO ORDERED.

Puno, (Chairman), Austria-Martinez, Callejo, Sr., and Tinga, JJ., concur.

[1] Rollo, p. 4.

[2] Rollo, p. 8.

[3] Rollo, pp. 9-10.

[4] Re: Habitual Tardiness Incurred by Mr. Gideon M. Alibang For the First Semester of 2003, A.M. No. 2003-11-SC, 15 June 2004, 432 SCRA 53; In Re: Imposition of Corresponding Penalties for Habitual Tardiness Committed During the Second Semester of 2002, A.M. No. 00-6-09 SC, 14 August 2003, 409 SCRA 9.

[5] Re: Habitual Tardiness of Ma. Socorro E. Arnaez, Court Stenographer III, RTC, Branch 16, Cebu City; A.M. No. P-04-1867, 23 September 2005; Re: Imposition of Corresponding Penalties for Habitual tardiness committed During the Second Semester of 2004 by the Following Employees of this Court: Rodolfo Cabral, et al., A.M. No. 00-6-09-SC, 27 July 2005.

[6] Supra, at Note 4.

[7] Re: Administrative Case for Dishonesty Against Elizabeth Ting, Court Secretary 1, and Angelita C. Esmerio, Clerk III, Office of the Division Clerk of Court, Third Division, A.M. No. 200-7-SC and No. 2001-8-SC, 22 July 2005.

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