

**RE: LEAVE DIVISION, OFFICE OF ADMINISTRATIVE SERVICES,
OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
FRANCISCO A. PUA, JR., CLERK OF COURT V, REGIONAL TRIAL
COURT, BRANCH ...**

A.M. No. P-11-2945 [Formerly OCA-I.P.I. No. 11-3590-P]. July 13, 2011

Ponente: MENDOZA, J.

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MENDOZA, J.:

This matter concerns the habitual tardiness of Francisco A. Pua, Jr. (Pua), Clerk of Court V of the Regional Trial Court, Branch 55 of Lucena City (RTC).

The Facts

The facts of the case are summarized by the Office of the Court Administrator (OCA) in its Agenda Report [1] dated April 19, 2011, as follows:

A Report from the Leave Division, Office of Administrative Services, Office of the Court Administrator, dated 10 January 2011, shows that Francisco A. Pua, Jr., Clerk of Court, Regional Trial Court, Branch 55, Lucena City, incurred tardiness as follows:

MONTH AND YEAR

NO. OF TIMES TARDY

July 2010

16

August 2010

15

September 2010

18

October 2010

12

In a COMMENT dated 18 February 2011, respondent Pua, Jr. acknowledges the tardiness he incurred but attributes the same to family concerns. Respondent Pua, Jr. states that before reporting for work, he has to attend to the care and meeting needs of his two (2) children and lack of househelp which have made it more difficult to meet the demands of both work and family. Hence, respondent Pua seeks the indulgence of the Court and undertakes to exert all efforts to improve work performance.

The Office of the Court Administrator's Recommendation

In view of the foregoing facts, the OCA found Pua guilty of habitual tardiness and opined that his explanation to justify his habitual tardiness should not merit any consideration. It further recommended that Pua be reprimanded and warned that a repetition of the same or similar offense will warrant the imposition of a more severe penalty. [2]

The Court's Ruling

The Court approves the OCA's finding and the recommendation.

Civil Service Memorandum Circular No. 23, Series of 1998 provides that "[a]ny employee shall be considered habitually tardy if he incurs tardiness, regardless of the number of minutes, ten (10) times a month for at least two (2) months in a semester or at least two (2) consecutive months during the year."

Based on the above-cited provision, it is undeniable that Pua has been habitually tardy. Such administrative offense seriously compromises work efficiency and hampers public service. By being habitually tardy, he has fallen short of the stringent standard of conduct demanded from everyone connected with the administration of justice.

It cannot be stressed enough that the Clerk of Court plays a vital role in ensuring the prompt and sound administration of justice. [3] His office is the hub of adjudicative and administrative orders, processes and concerns. [4] He is specifically imbued with the mandate to safeguard the integrity of the court as well as the efficiency of its proceedings, to preserve respect for and loyalty to it, to maintain the authenticity or correctness of court records, and to uphold the confidence of the public in the administration of justice. [5] Thus, he is required to be persons of competence, honesty and probity. [6]

As correctly noted by the OCA, none of the reasons relied upon by Pua to justify his habitual tardiness merits the Court's consideration. The Court has indeed consistently held that moral obligations, performance of household chores, traffic problems and health, domestic and financial concerns are not sufficient reasons to excuse habitual tardiness. [7]

Under Section 52 (C) (4), Rule VI of Civil Service Memorandum Circular No. 19, Series of 1999, [8] habitual tardiness is penalized as follows:

- First Offense - Reprimand
- Second Offense - Suspension for 1-30 days
- Third Offense - Dismissal from the service

Since this is the first time that Pua has incurred habitual tardiness, he should be reprimanded, as recommended by the OCA.

WHEREFORE, the Court finds Francisco A. Pua, Jr., Clerk of Court V of the Regional Trial Court, Branch 55, Lucena City, administratively liable for habitual tardiness. He is hereby REPRIMANDED and WARNED that a repetition of the same or a similar offense will warrant the imposition of a more severe penalty.

SO ORDERED.

Carpio,[*] Velasco, Jr., (Chairperson), Abad, and Sereno,** JJ., concur.

[*] Designated as additional member in lieu of Associate Justice Diosdado M. Peralta per Special Order No. 1029

dated June 30, 2011.

[**] Designated as additional member of the Third Division per Special Order No. 1028 dated June 21, 2011.

[1] Rollo, pp. 15-16.

[2] Id. at 15.

[3] Escañan v. Monterola II, 404 Phil. 32 (2001).

[4] Solidbank Corporation v. Capoon Jr., 351 Phil. 936 (1998).

[5] Marasigan v. Buena, 348 Phil. 1 (1998).

[6] Cain v. Neri, 369 Phil. 465 (1999).

[7] Marquez v. Fernandez, A.M. No. P-07-2358, October 19, 2010; Re: Failure of Various Employees to Register their Time of Arrival and/or Departure from Office in the Chronolog Machine, A.M. No. 2005-21-SC, September 28, 2010, citing Re: Supreme Court Employees Incurring Habitual Tardiness in the 2[nd] Semester of 2005, A.M. No. 2006-11-SC, September 13, 2006, 501 SCRA 638.

[8] Re-Imposition of Corresponding Penalties for Habitual Tardiness Committed During the Second Semester of 2002, 456 Phil. 183 (2003).

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