

RE: HABITUAL TARDINESS OF MR. THEODORE G. JAYMALIN, CLERK III, METROPOLITAN TRIAL COURT – OFFICE OF THE CLERK OF COURT, MANILA

A.M. No. P-04-1863 (Formerly A.M. OCA IPI No. 04-6-161-MeTC). August 12, 2004

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

On March 16, 2004, Hermogena F. Bayani, SC Chief Judicial Staff Officer, Leave Division, Office of the Court Administrator (OCA), issued a Certification that Mr. Theodore G. Jaymalin, Clerk III, Metropolitan Trial Court, Office of the Clerk of Court, Manila, incurred tardiness on the following dates:

2002

July - 18 times

August - 21 times

September - 19 times

October - 18 times

December - 11 times

2003

January - 16 times

February - 13 times

In a Letter dated March 4, 2003, the respondent candidly expressed regret for having incurred such tardiness and reasoned that the same was primarily due to financial difficulties. He explained that, as the breadwinner of the family, “insurmountable problems” due to his debts caused him sleepless nights, and lack of appetite and vitality, prompting him to resort to taking anti-depressants as medication to experience momentary relief therefrom. He then consulted a psychiatrist to relieve him from repressed emotions and anxieties.

In a Letter addressed to the Court Administrator dated March 12, 2003, Executive Judge Alejandro G. Bijasa, MTC, Manila, declared as unmeritorious the respondent’s explanation, and opined that if the latter could not live by his present salary, he should seek a more financially rewarding employment. Judge Bijasa recommended that Mr. Jaymalin be reprimanded with a warning that a repetition of tardiness will be dealt with more severely.

For its part, the OCA made the following observations in its Report dated June 10, 2004:

From the forgoing, it appears that Mr. Jaymalin had indeed violated the rule on tardiness. The explanation of Mr. Jaymalin does not merit consideration to justify his habitual tardiness. As held by the Court in A.M. No. 00-06-09-SC, moral obligations, performance of household chores, traffic problems, health conditions,

domestic and financial concerns are not sufficient reasons to excuse habitual tardiness. ...[1]

The OCA thereupon recommended that the case be re-docketed as a regular administrative matter, and that the respondent be reprimanded for habitual tardiness.

We agree with the foregoing recommendation.

Under Civil Service Memorandum Circular No. 23, Series of 1998, “[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.” This Court cannot countenance habitual tardiness as it seriously imperils efficiency and encumbers public service. An employee who is frequently late falls short of the stringent standard of conduct demanded from everyone connected with the administration of justice. Inherent in this mandate is the strict observance of prescribed office hours and the competent use of every moment thereof for public service, if only to expiate the Government, and ultimately, the people who shoulder the cost of maintaining the Judiciary.[2]

It is unequivocal that respondent is guilty of habitual tardiness. His explanation and apology failed to justify the incurred tardiness and exemption from the imposition of the penalties provided in CSC Memorandum Circular No. 19, Series of 1995.[3]

The Court is constrained to reiterate the oft-repeated rule that by reason of the nature and functions of their office, officials and employees of the Judiciary must be ideal exemplars in the faithful observance of the constitutional canon that public office is a public trust.[4]

WHEREFORE, Mr. Theodore G. Jaymalin is hereby REPRIMANDED for his habitual tardiness and is STERNLY WARNED that a repetition of the same or similar offense shall be dealt with more severely.

SO ORDERED.

Puno, (Chairman), Austria-Martinez, Tinga, and Chico-Nazario, JJ., concur.

[1] Report, p. 2.

[2] In Re: Imposition of Corresponding Penalties For Habitual Tardiness Committed During the Second Semester of 2002, 409 SCRA 9 (2003).

[3] The Revised Uniform Rules on Administrative Cases in the Civil Service. Section 52(C)(4), Rule VI thereof provides the penalties for habitual tardiness, to wit:

First Offense - Reprimand

Second Offense - Suspension for 1-30 days

Third Offense - Dismissal from the service

[4] See Section 1, Article XI, 1987 Constitution.

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