LEAVE DIVISION-OAS, OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. BETHEL I. ESELLER, COURT INTERPRETER II, MUNICIPAL TRIAL COURT IN CITIES, BRANCH III, BACOLOD CITY, RESPO...

A.M. No. P-10-2807. October 06, 2010

Ponente: BRION, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/89dfe2bd92d3/

BRION, J.:

We resolve the present administrative matter involving the reported habitual tardiness of Bethel I. Eseller, Court Interpreter II, Municipal Trial Court in Cities (MTCC), Branch 3, Bacolod City.

A Report of Tardiness[1] submitted by the Leave Division of the Office of the Court Administrator (OCA) shows Ms. Eseller's record of tardiness as follows: for the year 2008, eighteen (18) times in October and sixteen (16) times in November; and for the year 2009, fifteen (15) times in March, ten (10) times in April and fourteen (14) times in May. Prior to these infractions, the Court, in Leave Division-OAS, OCA v. Bethel I. Eseller, Interpreter II, MTCC, Branch 3, Bacolod City,[2] already reprimanded Ms. Eseller for habitual tardiness.

In an indorsement dated September 24, 2009, then Court Administrator Jose P. Perez required Ms. Eseller to comment on the report submitted by the OCA. Ms. Eseller admitted her shortcomings in her compliance,[3] but attributed her frequent tardiness to her role as a working mother and sole breadwinner of the family, with a jobless husband and four minor children to attend to. She claimed that her predicament was aggravated by personal conflicts and antagonisms at her workplace, particularly with the branch clerk of court who repeatedly subjected her to criticism, abuse, and discrimination. She earnestly apologized for her infractions.

Court Administrator Jose Midas P. Marquez evaluated Ms. Eseller's explanation and found no justification for her habitual tardiness. He recommended (1) that the instant case be re-docketed as a regular administrative matter, and (2) that Ms. Eseller be suspended for fifteen (15) days without pay.

THE COURT'S RULING

We agree with the Court Administrator's findings, but differ with the recommended penalty.

Under CSC Memorandum Circular No. 04, Series of 1991, an officer or employee of the civil service is 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 for at least two (2) consecutive months.[4] To ensure the Circular's observance, we circularized it on May 5, 1998, for the information and guidance of all court officials and employees.

The Court reiterated the policy on absenteeism and tardiness with the issuance of Administrative Circular No. 2-99[5] which provides, among others, that Absenteeism and Tardiness, even if not "habitual" or "frequent" under CSC Memorandum Circular No. 04, Series of 1991, shall be dealt with severely. We further reiterated the policy

in Administrative Circular No. 14-2002.[6]

In the string of cases the Court has passed upon, respondents have offered varied excuses for reporting late to office. We consistently ruled that non-office obligations, household chores, and domestic concerns are not sufficient reasons to excuse or justify habitual tardiness.[7] Hence, Ms. Eseller's reasons for her tardiness — her need to attend to her children and her problems in the workplace — cannot exculpate her. The Court cannot turn a blind eye to these infractions as they seriously compromise efficiency and hamper the delivery of public service. By being habitually tardy, Ms. Eseller fell short of the stringent standard of conduct demanded from everyone connected with the administration of [8]

We have repeatedly reminded officials and employees of the Judiciary that by reason of the nature and functions of their office, they must be role models in the faithful observance of the constitutional rule that public office is a public trust.[9] They must strictly observe prescribed office hours and efficiently use every working moment, if only to give back in terms of efficient and dedicated service the true worth of what the Government and, ultimately, the people pay in maintaining the Judiciary.[10] They must observe the virtue of punctuality and avoid impermissible tardiness.[11]

Under Section 52(c)(4), Rule VI of CSC Memorandum Circular No. 19, Series of 1999, habitual tardiness is penalized as follows: first offense, reprimand; second offense, suspension for 1 to 30 days; and third offense, dismissal from the service. Ms. Eseller's infraction is a second offense for which the penalty of thirty (30) days suspension is merited.

WHEREFORE, we find respondent Bethel I. Eseller, Court Interpreter II, Municipal Trial Court in Cities, Branch 3, Bacolod City, GUILTY of habitual tardiness. This being Ms. Eseller's second offense, she is hereby SUSPENDED for thirty (30) days without pay, with a stern warning that a repetition of the same or similar offense will be dealt with more severely.

SO ORDERED.

Carpio Morales, Bersamin, Villarama, Jr., and Sereno, JJ., concur.

---

[1] Dated August 12, 2009.

[2] A.M. No. P-09-2640 (formerly A.M. OCA I.P.I. No. 08-3006-P).

[3] Dated October 26, 2009.

[4] Re: Imposition of Corresponding Penalties for Habitual Tardiness Committed During the Second Semester of 2002, A.M. No. 00-6-09-SC, August 14, 2003, 409 SCRA 1, 8.

[5] Dated February 15, 1999.

[6] Dated March 18, 2002.

[7] Supra note 6, citing Re: Imposition of Corresponding Penalties onEmployees of this Court for Habitual Tardiness Committed During the Second Semester of 2000, 393 SCRA 9 (2002).

[8] Ibid.

[9] 1987 Constitution, Article XI, Section 1; Re: Imposition of Corresponding Penalties for Habitual Tardiness

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

Committed During the Second Semester of 2002, supra note 4.

[10] Ibid.

[11] Ibid.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.