

**RE: IMPOSITION OF CORRESPONDING PENALTIES FOR HABITUAL
TARDINESS COMMITTED DURING THE FIRST AND SECOND
SEMESTER OF 2003 BY THE FOLLOWING EMPLOYEES OF THIS
COURT: GERARDO H. ALUM...**

A.M. No. 00-06-09-SC. March 16, 2004

Ponente: SANDOVAL-GUTIERREZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-00-06-09/>

SANDOVAL-GUTIERREZ, J.:

In her Memoranda dated December 17, 2003[1] and February 10, 2004,[2] Atty. Eden T. Candelaria, Deputy Clerk of Court and Chief Administrative Officer of this Court, recommended the imposition of administrative penalties upon thirty-five (35) employees of this Court who committed habitual tardiness during the first and second semesters of 2003. Her recommendation is pursuant to Civil Service Commission (CSC) Memorandum Circular No. 4, Series of 1991[3] and CSC Memorandum Circular No. 19, Series of 1999. [4]

On July 22, 2003, the Leave Division submitted to the Administrative Services the list of employees who incurred habitual tardiness for the first and second semesters of 2003. Subsequently, or on January 14, 2004, the Leave Division submitted a similar list of employees who committed habitual tardiness for the second semester of the same year. Atty. Candelaria then required these employees to explain within five days from notice why no disciplinary action should be taken against them. The following are their names and their respective explanations:

- SUSAN L. BELANDO, Human Resource Management Assistant, Employees Welfare and Benefit Division, Office of the Court Administrator (OCA) — She was 12 times tardy in March and 11 times in April. She explained that she incurred tardiness as she is a single parent of five children.

- RUDY C. GARCIA, Utility Worker II, Records, Division, OCA. — He was tardy 10 times in February and June. He explained that he lives in Minalin, Pampanga and encountered heavy traffic due to the on-going construction and widening of the North Expressway.

- TESSIE B. ARIQUEZ, HRM Assistant, Records Division, OCA. — She was tardy 11 times in January, 12 times in February and 11 times in May because she is the sole breadwinner of the family.

- LITO EDUARDO B. ZUÑIGA, Records Officer II, OCA — He reported late for work 11 times in January, 10 times in February, and 10 times in April. He stated that he resides in Bicutan, Paranaque City and could not reach the office promptly due to heavy traffic. Furthermore, he has to attend to the needs of his family before reporting for work.

- ERWIN OCSON, Data Encoder, Statistical Reports Division, Court Management Office (CMO), OCA — He was late 13 times in July, and 10 times each in August and September. He explained that he slept late at night because the one year old baby under his family's custody constantly cried at night. He insisted that his tardiness on August 5, 2003, should be credited as half day as certified by his Chief of Office.

- MA. THERESA P. OLIPAS, Court Stenographer III, CMO, OCA. — She was late 11 times in August and 10 times in December. She explained that she is a single parent, hence, she has to attend to the needs of her children before reporting for work.

- JERRY PAYSON, Utility Worker, CMO, OCA — He reported late 10 times in September and 12 times in November. He explained that in September, his father died and as the eldest, he had to manage his father's wake and funeral arrangements. For his tardiness in October, he claimed that his house was razed by fire and that he had to attend to his family's needs.

- DANILO M. TRIVINIO, Fiscal Monitoring Division, CMO, OCA — He incurred tardiness 10 times each in August, October and December. During these months, he visited his family in Pampanga twice a week.

- IRENEO INFANTE, CMO, OCA - He reported late 11 times each in August and September. He incurred tardiness during these months due to heavy traffic caused by flood.

- FELIX M. JADULAN, JR., Utility Worker I, CMO, OCA - He was tardy 11 times in August, 10 times each in October and November. He explained that he personally attended to the needs of his three (3) children because his wife went to the province to take care of his father.

- GLENDA FRANCISCA M. CAGADOC, OCA — She was tardy 10 times each in October and November. She incurred tardiness in these months because she had to take care of her sister who is sick of asthma.

- FLORENTINO A. PASCUAL, Human Resource Management Officer II, OCA — He was late 10 times in September and 12 times in November. He explained that his tardiness was due to his hemorrhoid and heavy traffic.

- SHIRLEY MARY SANTOS, Clerk III, Property Division, Office of the Administrative Services (OAS) — She incurred tardiness 10 times in March and 11 times in April. According to her she attended to the needs of her daughter who is suffering from primary complex.

- GERARDO H. ALUMBRO, Maintenance Division, OAS. — He was 13 times late in May and 15 times in June. He explained that he relocated in Cavite and this entailed adjustment to his new residence.

- DON SEGMUNDO BALNEG, Clerk III, Property Division, OAS - He was tardy 12 times in September, 12 times in November and 10 times in December. He explained that his maid left, hence, he had to do the household chores.

- MARINO IGLESIAS, Administrative Officer III, Maintenance Division, OAS - He was late 11 times in July, 10 times in August and 12 times in September. He explained that he resides in San Jose del Monte City, Bulacan and that his tardiness was caused by heavy traffic.

- ERWIN SERRANO, Clerk II, Property Division, OAS — He was late 10 times each in July and September. He explained that he had to accompany his mother, suffering from diabetes, to the doctor for regular check-up in these months.

- BLYTHE M. LUMAGUE, Librarian II, Philippine Judicial Academy (PHILJA). — For the 1st semester of 2003, she was habitually tardy 11 times in January and 12 times in March. She explained that during those days, she rendered overtime work in preparation for the Asia Pacific Judicial Forum spearheaded by PHILJA. Hence, she could not wake up early. For her tardiness in March, she claimed that she prepared reports and has to cope with other pending tasks.

In the 2nd semester of the year 2003, she again incurred tardiness 12 times in July and 10 times each in August, September and November. She explained that she is pursuing her Master's Degree at the University of the Philippines, Diliman, Quezon City and has difficulty adjusting to her work schedule.

- ARMIDA M. SALAZAR, Publication Information Officer II, PHILJA. — She incurred tardiness 17 times in July and 10 times in September. She stated that she is attending evening classes in the college of law. She incurred tardiness because of her irregular sleeping time during examinations days.

- LYRA A. ENCINARES, Clerk III, PHILJA - She reported late for work 10 times in September and 14 times in December. She explained that she is attending evening classes in law school.

- ROUSCHELLE G. MERCADO, Training Specialist III, PHILJA - She was tardy 14 times in July, 12 times in September, 11 times in October, 11 times in November and 13 times in December. She has been experiencing chest pains and insomnia due to work pressure.

- ATTY. CONRAD S. TOLENTINO,[5] Director IV, Public Information Office (PIO) - He was tardy 15 times in March, 12 times in April, 12 times in May and 12 times in June. He explained that his tardiness was due to the nature of his job and his responsibilities as a court lawyer. He was constrained to work during non-working days and at home, even until the wee hours in the morning.

- EDUARDO D'ANGELO SAN JUAN II, Information Officer II, PIO — He was habitually tardy 13 times in March, 15 times in April and 16 times in May. He explained that his tardiness was due to the nature of his work that has to be done even beyond office hours.

- JORDAN CARINAN, Utility Worker II, PIO — He incurred tardiness 12 times in July and 10 times in August. According to him, he resides in Quezon City and that it takes him 2 ½ to 3 hours to reach this Court.

- EFREN ASCARATE, Court Stenographer I, Office of the Chief Justice (detailed with the Library Services). — He was tardy 13 times in August, 13 times in September, 14 times in October, and 15 times in December. He explained that he is being treated of heart ailment.

- ALBERTO SEMILLA Clerk III, Office of the Chief Attorney - He was 10 times late each in June and July. He explained that his personal problems caused his tardiness.

- ATTY. DARWIN DE LEON, Court Attorney II, Office of the Chief Attorney - He was tardy 10 times each in June and July. He explained that he has no housemaid and has to attend personally to the needs of his family, stressing that his wife works during night shift. Thus, he has to wait for her before going to office.

- ROMEO DANIEL M. SALAZAR, Proofreader I, Office of the Reporter. - He was habitually tardy 16 times in July, 10 times in August and 11 times in September due to heavy traffic caused by the on-going repair of the Mindanao Avenue.

- RENATO LABAY, Utility Worker II, Medical and Dental Services — He incurred tardiness 11 times in August and 13 times in November. He explained that he has to accompany his daughter to school everyday. For his tardiness in August, he claimed that it was rainy season and found it difficult to go to office.

- CHRISTOPHER DARWIN F. BARLES, Court Stenographer II, Judicial and Bar Council - He reported late for work 11 times in October, 11 times in November and 10 times in December. He explained that he has been attending personally to his daughter's needs because his wife works in Batangas.

- MACARIO M. REGUETA, SC Chief Judicial Staff Officer, Electronic Data Processing Division, Management Information Systems Office (MISO) — He incurred tardiness 11 times in January and 10 times in May. He explained that his tardiness in January was due to his 'hang-over' from the Christmas season. For his tardiness in May, he claimed that it was due to the "after effects coming from an extended 19-day vacation during the Holy Week." Moreover, sometime in May 2003, he helped a lady co-passenger in the LRT who was stabbed by another passenger. He brought her to the nearest hospital, causing him to be tardy for the 10th time.

- VERON BAYUGA, Project Development Officer IV, Project Management Office (PMO) - He was tardy 10 times each in July and October. He explained that he incurred tardiness in these months because of heavy traffic as it was the onset of the Christmas season.

- MA. JOCELYN D. GUILLERMO, Accountant I, Accounting Division, Fiscal Management and Budget Office — She incurred tardiness 10 times in July and 11 times in November. She explained that she was tardy because her sons were hospitalized due to pneumonia.

- YOLANDA I. REYES, Typesetter I, Printing Services — She was 12 times late in February and 10 times in

March. She admitted her infractions and explained that she had “to intervene in the domestic affairs” of her married daughter to preserve her marriage. But her efforts proved futile because her daughter died in April 2003 due to extreme depression.

- LIBERATO L. ORTEGA, Halls of Justice — He was tardy 10 times in April and 11 times in June. He explained that he has been attending to his sick parents.

In her first Memorandum dated December 17, 2003, Atty. Candelaria recommended that the following employees who committed habitual tardiness for the 1st semester of 2003 be penalized thus:

“ALL THE FOREGOING CONSIDERED, this Office respectfully recommends that:

A. Ms. SUSAN BELANDO be SUSPENDED for three (3) months without pay, this being her fourth incursion of habitual tardiness;

B. The following employees be REPRIMANDED:

- Ms. SHIRLEY MARY SANTOS

- Ms. YOLANDA I. REYES

- Ms. BLYTHE M. LUMAGUE

- Mr. EDUARD D’ ANGELO SAN JUAN II

- Mr. RUDY C. GARCIA

- Mr. MACARIO M. REGUETA

- Ms. TESSIE B. ARIQUEZ

- Mr. GERARDO H. ALUMBRO

- Mr. LITO EDUARDO L. ORTEGA

- Atty. CONRAD TOLENTINO”[6]

In her second Memorandum dated February 10, 2004, Atty. Candelaria recommended the imposition of the corresponding administrative penalties on the employees listed therein who committed habitual tardiness for the 2nd semester of 2003:

A. The following employees be SUSPENDED for ten (10) days for commission of habitual tardiness for the 3rd time:

- Renato Labay, Medical and Dental Services; and

- Albert Semilla, Office of the Chief Attorney;

B. The following employees be SEVERELY REPRIMANDED with WARNING for commission of habitual tardiness for the 2nd time:

- Don Semundo Balneg, Property Division, OAS;

- Armida M. Salazar, Philippine Judicial Academy;

- Romeo Daniel M. Salazar, Office of the Reporter;

- Atty. Darwin de Leon, Office of the Chief Attorney;

- Blythe M. Lumague, Philippine Judicial Academy;

C. The following employees be SEVERELY WARNED for commission of the offense for the 1st time:

- Efren Ascrate, Library Services;

- Christopher Barles, Judicial and Bar Council;

- Vernon Bayuga, Program Management Office;
- Joran Carinan, Public Information Office;
- Lyra A. Encinares, Philippine Judicial Academy;
- Marino Iglesias, Maintenance Division, OAS;
- Rouschelle G. Mercado, Philippine Judicial Academy;
- Jocelyn Guillermo, Accounting Division, FMBO;
- Florentino A. Pascual, OAS, OCA;
- Jerry Payson, Court Management Office;
- Danilo M. Trivinio, Court Management Office;
- Ireneo Infante, Court Management Office;
- Felix M. Jadulan, Jr., Court Management Office;
- Erwin Serrano, Property Division, OAS;
- Glenda Francisca M. Cagadoc, Office of ACA Carlos L. de Leon

This Office takes exception to the case of MR. ERWIN OCSON and MS. MA. THERESA OLIPAS, CMO, OCA, since based on the records of this Office, this is supposedly the 1st time that they have committed habitual tardiness after their records were transferred from OAS, OCA to this office.

These employees have already been suspended for thirty (30) days by the Court in its resolution dated May 4, 2001 for commission of habitual tardiness for the 1st time. Verification from the 201 files of these employees disclosed that on June 13, 2000, then Court Administrator Alfredo Benipayo directed Mr. Ocson to explain why he should not be REPRIMANDED for having been habitually tardy in the months of July, August, October, November and December, 1999. Then, on February 2, 2001, another letter was sent by then Court Administrator Benipayo which states in part: 'Records will show that on June 2000, you were WARNED for your habitual tardiness and that a repetition of said violation will be severely dealt in accordance with existing Civil Service Rules.' In the same letter, Mr. Ocson was likewise directed to explain why he again committed habitual tardiness for the months of January, February, March, June, July, October and November 2000.

For her part, Ms. Olipas was on June 14, 2000 directed to explain why she should not be REPRIMANDED for having been habitually tardy for 12 months in 1999.

The Memorandum Report on these tardiness and that of the other employees of the Office of the Court Administrator was submitted only for the first time for the consideration of the Honorable Court on April 17, 2001 for habitual tardiness committed in the years 1999 and 2000. As a consequence thereof, Mr. Ocson and Ms. Olipas were suspended for thirty (30) days.

For purposes of consistency and uniformity in the application of penalties for habitual tardiness for employees of the Court, including the Office of the Court Administrator, this Office, with due respect to the Honorable Court, would like to consider that this is only the 2nd time that Mr. Ocson and Ms. Olipas have been charged with habitual absenteeism and recommend that they be SEVERELY REPRIMANDED WITH WARNING, that a commission of the same or similar act in the future will be dealt with more severely. This request and recommendation is premised on the fact that this is only the second time that their habitual tardiness will be submitted for the Honorable Court's consideration.[7]

Civil Service Commission Memorandum Circular No. 14, s. 1991, as amended provides:

“An officer or employee of the civil service 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. . . ”

There is no question that the above-named employees incurred habitual tardiness. Such administrative offense seriously compromises efficiency and hampers public service. By being habitually tardy, these employees have fallen short of the stringent standard of conduct demanded from everyone connected with the administration of justice. 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 cannon that public office is a public trust.[8] Inherent in this mandate is 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.[9] Thus, to inspire public respect 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.[10]

As correctly found by Atty. Candelaria, none of the reasons relied upon by respondents to justify their habitual tardiness merits our consideration. 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.[11]

Under Sec. 52 (C) (4), Rule VI of CSC Memorandum Circular No. 19, Series of 1999,[12] habitual tardiness is penalized as follows:

First Offense — Reprimand

Second Offense — Suspension for 1-30 days

Third Offense — Dismissal from the service

In the case of Susan L. Belando, this Court, in an En Banc Resolution dated August 14, 2003, found her habitually tardy for the third time. A strict application of the above provision would have justified her dismissal from the service. Instead, for humanitarian reasons, she was meted the penalty of only suspension for thirty (30) days with a warning that she will be dismissed from the service if she will commit the same offense in the future. Notwithstanding such warning, she incurred habitual tardiness for the fourth time. We believe, however, that to

dismiss her from the service is too harsh. Again, for humanitarian reasons, we agree with Atty. Candelaria that a suspension for three (3) months without pay is appropriate.

With respect to Renato Labay and Albert Semilla, this Court, in an En Banc Resolution dated November 27, 2002, found them habitually tardy for the second time and were suspended and warned. In the instant case, they committed tardiness for the third time and that, therefore, they should be dismissed from the service. Again, for humanitarian reasons and as recommended by Atty. Candelaria, the penalty of suspension for ten (10) days without pay is in order.

As to respondents Efren Ascrate, Christopher Barles, Vernon Bayuga, Jordan Carinan, Lyra A. Encinares, Marino Iglesias, Rouschelle G. Mercado, Jocelyn Guillermo, Florentino A. Pascual, Jerry Payson, Danilo M. Trivinio, Ireneo Infante, Felix M. Jadulan, Jr., Erwin Serrano, Glenda Francisca M. Cagadoc, who committed tardiness for the first time, we cannot go along with Atty. Candelaria's recommendation that they should only be warned. Instead, they should be reprimanded pursuant to the Civil Service Rule earlier cited, providing that for the first offense of habitual tardiness, the penalty is reprimand.

Likewise, we cannot agree with Atty. Candelaria that the following employees should only be reprimanded, namely: Shirley Mary Santos, Yolanda I. Reyes, Blythe M. Lumague, Eduard D'Angelo San Juan II, Rudy C. Garcia, Macario M. Regueta, Tessie B. Arquez, Gerardo H. Alumbro, Lito Eduardo Zuñiga, Liberato L. Ortega, Don Segmundo Balneg, Armida M. Salazar, Romeo Daniel M. Salazar, Atty. Darwin de Leon, Erwin Ocson, Ma. Theresa Olipas. Considering that they committed the offense for the second time, they should be suspended from the service for five (5) days without pay, following the same Civil Service Rule.

WHEREFORE, we find the following employees of this Court administratively liable for habitual tardiness and meted the corresponding penalties, thus:

- Susan Belando is SUSPENDED for three (3) months without pay, this being her fourth offense;
- Renato Labay is SUSPENDED for ten (10) days without pay, this being his third offense;
- Albert Semilla is SUSPENDED for ten (10) days without pay, this being his third offense;
- Efren Ascrate, Christopher Darwin F. Barles, Vernon Bayuga, Jordan Carinan, Lyra A. Encinares, Marino Iglesias, Rouschelle G. Mercado, Ma. Jocelyn Guillermo, Florentino A. Pascual, Jerry Payson, Danilo M. Trivinio, Ireneo Infante, Felix M. Jadulan, Jr., Erwin Serrano, Glenda Francisca M. Cagadoc are REPRIMANDED for being habitually tardy for the first time;
- Shirley Mary A. Santos, Yolanda I. Reyes, Blythe M. Lumague, Eduard D' Angelo San Juan II, Rudy C. Garcia, Macario M. Regueta, Tessie B. Arquez, Gerardo H. Alumbro, Lito Eduardo Zuñiga, Liberato L. Ortega, Atty. Conrad S. Tolentino, Don Segmundo Balneg, Armida M. Salazar, Romeo Daniel M. Salazar, Atty. Darwin de Leon Erwin Ocson, Ma. Theresa Olipas are SUSPENDED for five (5) days without pay for being habitually tardy for the second time.

Furthermore, they are all WARNED that a repetition of the same or a similar offense will warrant the imposition of a more severe penalty.

SO ORDERED.

Davide, Jr., C.J., Vitug, Quisumbing, Ynares-Santiago, Carpio, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., Azcuna, and Tinga, JJ., concur.

Puno, J., on leave.

Panganiban, J., on official leave.

[1] Rollo at 1—13.

[2] Id. at 47—63.

[3] Policy on Absenteeism and Tardiness.

[4] Revised Uniform Rules on Administrative Cases in the Civil Service.

[5] He resigned from this Court subsequent to the filing of the subject Memorandum.

[6] Memorandum dated December 17, 2003, Rollo at 1-13, 12—13.

[7] Memorandum dated February 10, 2004, Id. at 61 — 63.

[8] Section 1, Article XI, 1987 Constitution.

[9] Administrative Circular No. 2-99, “Strict Observance of Working Hours and Disciplinary Action for Absenteeism and Tardiness,” dated January 15, 1999.

[10] Administrative Circular No. 1-99, “Enhancing the Dignity of Courts as Temples of Justice and Promoting Respect for their Officials and Employees,” dated January 15, 1999.

[11] In 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.

[12] Supra.

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.