

HABITUAL TARDINESS GLENN A. JAVEÑAR, METC-OCC, QUEZON CITY.

A.M. No. 04-5-128-MeTC. September 30, 2004

Ponente: TINGA, J.

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TINGA, J.:

This administrative matter concerns the habitual tardiness of Glenn A. Javeñar (Javeñar), Court Stenographer II, MeTC-OCC, Quezon City.

The Certification[1] dated March 16, 2004 issued by Hermogena F. Bayani, Chief Judicial Staff Officer, Leave Division, Office of the Administrative Services, Office of the Court Administrator (OCA) shows that Glenn A. Javeñar incurred tardiness as follows:

September 2002 11 times

October 2002 10 times

November 2002 15 times

January 2003 13 times

February 2003 13 times

July 2003 15 times

September 2003 13 times

November 2003 11 times

In compliance with the Letter-Memorandum[2] dated March 4, 2003 of the OCA, Javeñar submitted his letter-explanation dated March 27, 2003[3] through Judge Ralph S. Lee, Executive Judge, Metropolitan Trial Court, Quezon City, stating that the tardiness he incurred was due to his parental obligation to his 2-year old son who was then sick. According to Javeñar, his son was in and out of the hospital for confinement during the months that he was tardy. Javeñar felt that his son needed his personal care and attention. Specifically, he fed his son, administered medication and prepared his son's things. He further explains that he even had to ask his wife to stop working and just stay home to attend to their son's needs. His wife having resigned from work last March 15, 2003, he promises that he can now concentrate on his job and improve his attendance.

The OCA finds that Javeñar's explanation does not merit consideration to justify his habitual tardiness and recommends that he be reprimanded with a warning that repetition of the same or similar offense will warrant the imposition of a more severe penalty.

We approve the findings of the OCA but not the recommended penalty. We note that although his wife had resigned as early as March 2003, Javeñar still incurred tardiness for the months of July, September and November

of the same year. Clearly, his habitual tardiness could not be merely attributed to his parental obligation alone. Hence, Javeñar domestic concerns do not suffice to completely excuse his habitual tardiness. We have previously held that moral obligations, performance of household chores, traffic problems and health, domestic and financial concerns are not sufficient reasons to excuse habitual tardiness, although these may be considered to mitigate administrative liability.[4]

Court officials and employees must strictly observe official time. As punctuality is a virtue, absenteeism and tardiness are impermissible.[5] By reason of the nature and functions of their office, officials and employees must be role models in the faithful observance of the constitutional canon that public office is a public trust. 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.[6] Javeñar's conduct certainly falls short of the exacting standards expected of him as a public servant.

Civil Service Memorandum Circular No. 23, Series of 1998, describes habitual tardiness as follows:

Any 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.

Although this is the first time that Javeñar is formally charged with habitual tardiness, the records show that he has been habitually tardy for the past two (2) years. In 2002, Javeñar was tardy ten (10) times or more for each of the three consecutive months of September, October and November; while in the first semester of 2003, he was tardy more than ten times for the months of January and February, and also more than ten times for the second semester of 2003, for the months of July, September and November. Thus, for having committed two counts of habitual tardiness, Javeñar should be meted a penalty stiffer than a mere reprimand.

Section 52(C)(4), Rule VI of Civil Service Circular No. 19, Series of 1999 on the Revised Uniform Rules on Administrative Cases in the Civil Service, provides:

C. The following are Light Offenses with corresponding penalties:

x x x

4. Frequent unauthorized tardiness (Habitual Tardiness)

1[st] offense - Reprimand

2[nd] Offense - Suspension 1-30 days

3[rd] Offense - Dismissal

It appearing that Javeñar has committed two counts of habitual tardiness, the penalty should be suspension. Considering that he has been in the government service for six (6) years and he has not been previously charged administratively, suspension of twenty (20) days is appropriate.[7]

WHEREFORE, Glenn A. Javeñar, Court Stenographer II, MeTC-OCC, Quezon City, is found guilty of habitual tardiness. He is suspended for twenty (20) days with a stern warning that a repetition of the same or similar offense will be dealt with more severely. Let copy of herein Resolution be attached to his 201 Files.

In the future, the Office of the Court Administrator is advised to file administrative charges against a court employee as soon as habitual tardiness, as defined in Civil Service Memorandum Circular No. 23, is incurred by an employee.

SO ORDERED.

Puno, (Chairman), Austria-Martinez, and Callejo, Sr., JJ., concur.
Chico-Nazario, J., on leave.

[1] Rollo, p. 4.

[2] Id. at 8.

[3] Id. at 9.

[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 9 (2003).

[5] Administrative Circular No. 1-99. Enhancing the Dignity of the Courts as Temples of Justice and Promoting Respect for their Officials and Employees.

[6] Administrative Circular No. 2-99. Strict Observance of Working Hours and Disciplinary Action for Absenteeism and Tardiness.

[7] Habitual Tardiness of Arthur R. Cabigon, Sheriff IV, RTC-OCC, Cebu City, A.M. No. 04-5-277-RTC, August 31, 2004.

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