

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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TINGA, J.:

On March 15, 2004, Hermogena F. Bayani, Supreme Court Judicial Staff Officer, Leave Division, Office of the Administrative Services, Office of the Court Administrator, issued a certification[1] that Arthur R. Cabigon (Cabigon), Sheriff IV, Regional Trial Court, Office of the Clerk of Court, Cebu City incurred tardiness, as follows:

MAY 2002

-

12 TIMES

JUNE 2002

-

10 TIMES

NOVEMBER 2002

-

10 TIMES

JANUARY 2003

-

12 TIMES

MARCH 2003

-

10 TIMES

On March 12, 2003, Deputy Court Administrator Zenaida N. Elepaño required Hon. Galicano C. Arriego, Executive Judge to direct Cabigon to explain within seventy-two (72) hours why he should not be reprimanded for violating Civil Service Memorandum Circular No. 23, Series of 1998, which provides that:

“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.”

On April 14, 2003, Cabigon submitted a letter^[2] dated April 12, 2003, explaining his side. He claims that the reason he was often late was his lack of household help, thereby compelling him to do the household daily chores himself. Further, he professes lack of awareness of the above-cited Memorandum Circular.

On May 18, 2004, the Office of the Court Administrator (OCA) submitted its report and recommendation.^[3] The OCA concludes that based on the records Cabigon has indeed violated the Memorandum Circular involved but recommends admonition and warning only, instead of suspension for one (1) day to thirty (30) days.^[4] The OCA notes that Cabigon has never been penalized for habitual tardiness, adding that his lack of knowledge of the rules on tardiness is mitigating.

The Court approves the findings of the OCA but not its recommended penalty.

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 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. 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.^[5]

Thus, moral obligations and mundane considerations such as 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.^[6]

The Court has emphatically stated that by being habitual tardy, employees fail to live up to the prescribed standard of conduct. Tardiness causes inefficiency and is prejudicial to public service.^[7]

The claim of Cabigon that he is not aware of the rules regarding habitual tardiness is both untenable and aggravating. Employees in the Judiciary do not have to be formally advised about tardiness and absenteeism being anathema to efficiency in the service. It is their bounden duty to report for work every working day and not to be late any minute later.

More importantly, this is not the first offense of the respondent but his second, although this is the first time he was charged. He was habitually tardy in the first semesters of years 2002 and 2003, more specifically, May 2002, June 2002, January 2003 and March 2003. For the said reason, the recommendation of OCA is inappropriate. The fact that this is the respondent's first time to be penalized for being tardy is not an excuse to disregard the imposable penalty.

As it appears that Cabigon has committed two counts of habitual tardiness, the penalty is suspension. However, since it does not appear that he has been previously charged administratively, then suspension of twenty (20) days will suffice.

WHEREFORE, Arthur R. Cabigon, Sheriff IV, Regional Trial Court, Office of the Clerk of Court, Cebu City is found GUILTY of two counts of HABITUAL TARDINESS. He is SUSPENDED for twenty (20) days with a stern warning that a repetition of the same or a similar act shall be dealt with more severely. Let copy of this Resolution be attached to his 201 files.

SO ORDERED.

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

[1] Rollo, p. 4.

[2] Id. at 5.

[3] Id. at 1-2.

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

C. The following are Light Offenses with corresponding penalties:

...

4. Frequent unauthorized tardiness (Habitual Tardiness)

1[st] offense-Reprimand

2[nd] offense- Suspension for 1 day to 30 days

3[rd] offense- Dismissal

[5] 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.

[6] Ibid.

[7] Ibid.

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