

RE: HABITUAL TARDINESS OF JULIE M. MAYCACAYAN, REGIONAL TRIAL COURT, BRANCH 165, PASIG CITY.

A.M. No. P-04-1847 (formerly A.M. No. 04-5-286-RTC). August 27, 2004

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

Before us is an administrative matter which concerns the habitual tardiness of Julie M. Maycacayan, Clerk III, Branch 165, Regional Trial Court, Pasig City.

The Certification[1] dated March 23, 2004 issued by Hermogena F. Bayani, Chief Judicial Staff Officer, Office of the Administrative Services, Office of the Court Administrator (OCA) shows that Julie M. Maycacayan incurred tardiness as follows:

AUGUST 2003 10 TIMES

SEPTEMBER 2003 16 TIMES

In compliance with the Letter-Memorandum[2] dated February 18, 2004 of the OCA, Maycacayan submitted her letter-explanation[3] dated March 12, 2004 extending her apology with an assurance that henceforth, she will report to office regularly and on time. Maycacayan explains that: during the months of August and September, 2003, she did not have any household help and had to do household chores including bringing her children to school in the morning before proceeding to the office; she lives in Binangonan, Rizal and works at Pasig City and the traffic problem in the area worsens everyday; she tried looking for a vacant item for Clerk III in RTC, Binangonan, Rizal but unfortunately, she could not find one; and to compensate for her tardiness, there are times when she goes to the office on Saturdays to type the subpoenae.

The OCA finds that Maycacayan's explanation does not merit consideration to justify her habitual tardiness and recommends that she 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 OCA's findings and recommendation.

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.

In 2003, Maycacayan had been late more than ten times for the consecutive months of August and September. The explanation submitted by Maycacayan that her tardiness is mainly due to her household chores and heavy traffic is not tenable. Moral obligations, performance of household chores, traffic problems and health, domestic and financial concerns are not sufficient reasons to excuse habitual tardiness.[4] Clearly, she is guilty of habitual

tardiness.

Maycacayan fell short of the exacting standards for public office which cannot be condoned. In inspiring public respect for the justice system, 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, the 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]

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:

...

4. Frequent unauthorized tardiness (Habitual Tardiness)

1[ST] OFFENSE

-

REPRIMAND

2[ND] OFFENSE

-

SUSPENSION 1-30 DAYS

3[RD] OFFENSE

-

DISMISSAL

...

It appearing that this is Maycacayan's first offense, the penalty of reprimand is appropriate.

WHEREFORE, Julie M. Maycacayan, is found guilty of Habitual Tardiness and is hereby REPRIMANDED with a stern of warning that a repetition of the same or similar offense will be dealt with more severely. Let copy of herein Resolution be attached to her 201 files.

SO ORDERED.

Callejo, Sr., Tinga, and Chico-Nazario, JJ., concur.

Puno, J., (Chairman), on official leave.

[1] Rollo, p. 4.

[2] Rollo, p. 8.

[3] Rollo, p. 7.

[4] Re: Imposition of Corresponding Penalties for Habitual Tardiness Committed During the Second Semester of

2002, 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.

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