

HABITUAL TARDINESS ROSEMARIE B. PE STATISTICIAN II, REGIONAL TRIAL COURT-OFFICE OF THE CLERK OF COURT, CEBU CITY

A.M. No. 04-6-298-RTC. October 06, 2004

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TINGA, J.:

This administrative matter concerns the habitual tardiness of Rosemarie B. Pe (Pe), Statistician II, Regional Trial Court-Office of the Clerk of Court, Cebu City.

The Certification[1] dated March 15, 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 Pe incurred tardiness as follows:

2002

May 17 times

June 11 times

July 13 times

August 20 times

September 20 times

2003

January

19 times

February 17 times

March 20 time[2]

Pursuant to the letter[3] dated March 12, 2003 of Deputy Court Administrator Zenaida N. Elepaño (DCA Elepaño) to Hon. Galiciano C. Arriesgado (Judge Arriesgado), Executive Judge of the Regional Trial Court, Cebu City, Judge Arriesgado directed Pe to explain in writing within 72 hours from her receipt thereof why she should not be administratively sanctioned for habitual tardiness.

In her letter dated April 8, 2003 addressed to DCA Elepaño, Pe explained that she incurred tardiness on the aforementioned months due to her pregnancy. She pointed out that prior to her pregnancy, she was seldom late for work. According to Pe, she experienced sudden physiological and biological changes when she got pregnant, and explained that such changes were common to all pregnant women. She expressed hope that her tardiness would be excused considering her delicate condition during those months.[4]

In its Memorandum dated June 1, 2004, the OCA recommended that Pe be reprimanded for her habitual tardiness during the months of May to September 2002 and January to March 2003 and warned that a repetition of the same or similar offense will warrant the imposition of a more severe penalty. Citing the Court's Resolution in A.M. No. 00-6-09-SC, the OCA opined that Pe's explanation is not justifiable since a health condition is not a sufficient justification to excuse habitual tardiness.[5]

The Court agrees with the findings of the OCA. However, it deems the penalty of reprimand insufficient under the circumstances.

The Court notes that Pe was pregnant since April 20, 2002 and delivered her child on October 14, 2002.[6] Notwithstanding the termination of her pregnancy in October 2002, Pe still incurred numerous instances of tardiness during the months of January to March 2003. Clearly, her habitual tardiness could not be merely attributed to her pregnancy. It is likewise manifest from the record that she was tardy more often than she was punctual for the months of May, July, August and September 2002, as well as in January, February and March 2003. The Court does not mean to trivialize the difficulties experienced by Pe as a pregnant woman and later, a mother; however, it cannot evade its duty of implementing the rules governing civil servants. Civil Service Memorandum Circular No. 23, Series of 1998, applies without distinction to all government employees. It provides:

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.

Hence, Pe's health concerns do not suffice to completely excuse her habitual tardiness. The Court has 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.[7]

Court officials and employees must strictly observe official time. As punctuality is a virtue, absenteeism and tardiness are impermissible.[8] 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.[9] Pe's conduct certainly falls short of the exacting standards expected of her as a public servant.

Although this is the first time that Pe is formally charged with habitual tardiness, the records show that she has been habitually tardy for the past two (2) years. In 2002, Pe was tardy eleven (11) times or more for the months of May, June, July, August and September 2002, and January, February and March 2003. Thus, for having committed two counts of habitual tardiness under CSC Memorandum Circular No. 23, Series of 1998, Pe 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

- Frequent unauthorized tardiness (Habitual Tardiness)

1[st] Offense - Reprimand

2[nd] Offense - Suspension 1-30 days

3[rd] Offense - Dismissal

Since Pe has committed two counts of habitual tardiness, the appropriate penalty is suspension. Considering that she has been in the government service for eight (8) years^[10] and has not been previously charged administratively, a suspension of twenty (20) days is appropriate.^[11]

WHEREFORE, Rosemarie B. Pe, Statistician II, , Regional Trial Court-Office of the Clerk of Court, Cebu City, is found GUILTY of habitual tardiness. She 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 A copy of this Resolution be attached to her 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), and Austria-Martinez, JJ., concur.
Callejo, Sr., and Chico-Nazario, JJ., on leave.

[1] Rollo, p. 4.

[2] Ibid.

[3] Id. at 11.

[4] Id. at 6.

[5] Id. at 1-2.

[6] See Medical Certificate dated April 4, 2003 issued by Pe's Obstetrician-Gynecologist, Alicia M. Gonzalez, M.D., Id. at 7.

[7] 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).

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

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

[10] See Service Record, Rollo, p. 5. The record shows that Pe has been in government service since August 18, 1997.

[11] 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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