

RE: HABITUAL TARDINESS OF GUENDOLYN C. SISON, CLERK III, REGIONAL TRIAL COURT, BRANCH 23, CEBU CITY

A.M. No. P-04-1860 (formerly A.M. No. 04-6-311-RTC). August 31, 2004

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

Before us is an administrative matter involving the habitual tardiness of Guendolyn C. Sison, Clerk III in Branch 23, Regional Trial Court of Cebu City.

In a certification dated March 15, 2004,[1] issued by Hermogena F. Bayani, Chief Judicial Staff Officer, Office of the Administrative Services, Office of the Court Administrator (OCA), Guendolyn C. Sison incurred tardiness on the following dates:

2002

SEPTEMBER

18 TIMES

OCTOBER

17 TIMES

NOVEMBER

18 TIMES

DECEMBER

13 TIMES

2003

JANUARY

16 TIMES

MARCH

13 TIMES**APRIL****10 TIMES**

In response to the Memorandum dated March 12, 2003[2] of OCA, Sison submitted a letter-explanation dated April 9, 2003[3] stating that: she is stationed about twenty kilometers from her home which necessitates her to travel the said distance by taxi to possibly reach the office on time; considering the fraction of time lost due to tardiness, she maintained the attitude of maximizing her working hours by omitting breaktime to ensure that the task assigned to her for the day is finished which she does even on days when she reported to work early; she believes that by seriously attending to her assigned task and working beyond office hours, the lost time has already been compensated for.

The OCA posits that Sison's explanation does not merit consideration to justify her habitual tardiness. Thus, the OCA recommends that Sison be reprimanded and warned that a repetition of the same or similar offense will warrant the imposition of a more severe penalty.[4]

We approve the OCA's findings but not as to the recommended penalty.

We have consistently held that moral obligations, performance of household chores, traffic problems and health, domestic and financial concerns are not sufficient reasons to excuse habitual tardiness.[5] Considering that her explanation is not acceptable, Sison indeed is guilty of habitual tardiness.

Sison fell short of the exacting standards for public office which cannot be countenanced. Court officials and employees must strictly observe official time. As punctuality is a virtue, absenteeism and tardiness are impermissible.[6] By reason of the nature and functions of their office, the 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.[7] Sison cannot be allowed to make her own personal schedule, depending on her own needs.

Civil Service Memorandum Circular No. 23, Series of 1998 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.

Although this is the first time that Sison is formally charged of habitual tardiness, records show that she is guilty of habitual tardiness twice in two years time. In 2002, Sison had been tardy more than ten times for the second semester in each of the two consecutive months of September and October as well as in each of the months of November and December; while in the first semester of 2003, she had been tardy more than ten times for the month of March and ten times in April. Thus, for having committed two counts of habitual tardiness as contemplated by Civil Service Memorandum Circular No. 23, Sison should be meted out a stiffer penalty than a mere reprimand.

Section 52(c)(4), Rule VI of Civil Service Memorandum 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 Sison has committed two counts of habitual tardiness the penalty is suspension. Considering that she has been in the government service since 1997[8] and there is no showing that she has been previously charged administratively, twenty days suspension is appropriate.

WHEREFORE, Guendolyn C. Sison, Clerk III of Branch 23, Regional Trial Court, Cebu City is found GUILTY of two counts of HABITUAL TARDINESS. She is SUSPENDED for twenty (20) days from notice hereof, with a stern warning that a repetition of the same or similar offence will be dealt with more severely. Let copy of herein 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 the employee.

SO ORDERED.

Davide, Jr., C.J., Quisumbing, Ynares-Santiago, Corona, Carpio-Morales, Callejo, Sr., Azcuna, Tinga, and Chico-Nazario, JJ., concur.
Puno, Panganiban, Sandoval-Gutierrez, and Carpio, JJ., on official leave.

[1] Rollo, p. 4.

[2] Rollo, p. 7.

[3] Rollo, p. 6.

[4] Report, p. 2; Rollo, p. 2.

[5] Re-Imposition of Corresponding Penalties for Habitual Tardiness Committed During the Second Semester of 2002, 409 SCRA 9 (2003).

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

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

Absenteeism and Tardiness.

[8] Service Record in the Judiciary, Rollo, p. 5.

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