

OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. ATTY. MARTA T. CUNANAN, RESPONDENT

A.M. NO. P-05-2050 (FORMERLY A.M. NO. 05-7-418-RTC). March 10, 2006

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

For habitual tardiness, Atty. Marta T. Cunanan (respondent), Clerk of Court V, Regional Trial Court, Branch 167, Pasig City, is administratively charged by the Office of the Court Administrator (OCA).

In her report dated April 29, 2005,[1] Hermogena F. Bayani, Supreme Court Chief Judicial Staff Officer, Leave Division of the OCA, stated, inter alia, that respondent had incurred tardiness for 12 times in September 2004 and 12 times in October 2004.

In compliance with the OCA 1st Indorsement of May 13, 2005[2] requiring respondent to give her comment on her reported tardiness, she, by 2nd Indorsement of June 3, 2005,[3] gave the following explanation: In September and October 2004, she was suffering from respiratory ailment, aggravated by severe attacks of chronic migraine and hyperacidity which were accompanied with dizziness, nausea, vomiting, loss of appetite, sleepless nights and body weakness and discomfort. Aside from taking the prescribed medication, her doctor had advised her to rest. Despite her physical condition, however, she still reported for work so as not to hamper the smooth flow of cases pending before the court. And she worked overtime beyond the prescribed hours of work to complete the required daily hours of work.

Additionally, respondent informed that it takes two to three hours from her residence for her to reach the court; and while she has to rise very early in the morning and report for work to avoid the rush hour, her physical condition in September and October 2004 slowed down her mobility, hence, the tardiness.

Respondent later submitted an "ADDITIONAL EXPLANATION"[4] stating that she has "not been blessed with a healthy body," and "beseeching . . . that [she] be accorded with kindness and understanding."

After evaluating the case, the OCA recommended[5] that respondent be reprimanded and warned that a repetition of the same or similar offense would warrant the imposition of a more severe penalty.

Civil Service Memorandum Circular No. 23, Series of 1998 defines 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. (Underscoring supplied)

Respondent admittedly committed tardiness. That her ailments had rendered her physically weak does not, however, exculpate her from compliance with the rules on punctuality and observance of official time. Moral obligations, performance of household chores, traffic problems and health, domestic and financial concerns, while mitigating, do not suffice to excuse habitual tardiness.[6]

That court officials and employees must strictly observe official time can never be overemphasized. By reason of the nature and functions of their office, they 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 thereof for public service, if only to recompense the Government and ultimately the people who shoulder the cost of maintaining the Judiciary.[7]

It appearing that this is respondent's first offense of habitual tardiness, the recommended penalty of reprimand with warning is well-taken.

WHEREFORE, for habitual tardiness, Atty. Marta T. Cunanan, Clerk of Court V of the Pasig City Regional Trial Court, Branch 167, is meted the penalty of REPRIMAND ,[8] with warning that a repetition of the same or similar act shall be dealt with more severely.

SO ORDERED.

Quisumbing, (Chairperson), Carpio, and Tinga, JJ., concur.

[1] Rollo, p. 4.

[2] Id. at 7.

[3] Id. at 9.

[4] Id. at 15-16.

[5] Id. at 1-2.

[6] Re: Imposition of Corresponding Penalties for Habitual Tardiness Committed During the Second Semester of 2002, A.M. No. 00-06-09-SC, August 14, 2003, 409 SCRA 9, 15.

[7] Administrative Circular No. 2-99 - Strict Observance of Working Hours and Disciplinary Action for Absenteeism and Tardiness; See also 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 6, 2004, 440 SCRA 116, 119; Re: Habitual Tardiness of Guendolyn C. Sison, Clerk III, Regional Trial Court, Br. 23, Cebu City, A.M. No. P-04-1860, August 31, 2004, 437 SCRA 225, 227; Habitual Tardiness, Glenn A. Javeñar, MeTC-OCC, Quezon City, A.M. No. 04-5-128-MeTC, September 30, 2004, 439 SCRA 503, 506.

[8] 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:

x x x x

4. Frequent unauthorized tardiness (Habitual Tardiness)

1st Offense - Reprimand

2nd Offense - Suspension 1-30 days

3rd Offense - Dismissal

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