

RE: HABITUAL TARDINESS OF MS. DIVINA A. KIAMKO, COURT STENOGRAPHER II, METROPOLITAN TRIAL COURT OF MANILA, BRANCH 12.

A.M. NO. 05-8-213-METC. September 14, 2005

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

The Certification dated October 4, 2004 issued by Hermogena F. Bayani of the Leave Division, Office of the Administrative Services, Office of the Court Administrator (OCA), shows that Ms. Divina A. Kiamko, Court Stenographer II, Metropolitan Trial Court of Manila, Branch 12, incurred the following tardiness:

March 2004

-

14 times

April 2004

-

14 times

June 2004

-

18 times

July 2004

-

14 times

Subsequently, she issued another Certification dated April 11, 2005, attesting that Ms. Kiamko has again incurred the following tardiness:

October 2004

-

13 times

November 2004

-

10 times

In a Letter dated May 30, 2005, Ms. Kiamko avers that her original daily work time schedule was 8:00 a.m. to 4:30 p.m. In the year 2000, she applied for a flexi-time schedule, that is, from 7:30 a.m. to 4:00 p.m. In 2002, she participated in the Advanced Training Course for Court Stenographers conducted by the Philippine Judicial Academy from May 26, 2002 to November 25, 2002. The official time on the said training was from 8:00 a.m. to 4:30 p.m. She explains that when she reported back to her official station after the training, she continued using the official time of 8:00 a.m. to 4:30 p.m., believing in good faith that her official time reverted back to her original work schedule. Ms. Kiamko adds that, in her twenty years of service in the Judiciary, this is the first time that she is being charged with habitual tardiness.

The OCA, for its part, opines that her explanation does not merit any consideration to mitigate or justify her habitual tardiness. Upon verification from its Leave Division, the OCA found out that there was no request from Ms. Kiamko to cancel her flexi-time schedule. Without such cancellation of her flexi-time schedule, her official time remains from 7:30 a.m. to 4:00 p.m. It, therefore, recommends that the case be re-docketed as a regular administrative matter and that Ms. Kiamko be reprimanded with a warning that a repetition of the same or similar offense will warrant the imposition of a more severe penalty.[1]

We agree with the OCA's recommendation.

Civil Service Memorandum Circular No. 23, Series of 1998 provides that "[a]ny 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."

It is clear from the foregoing provision that Ms. Kiamko has been habitually tardy. This Court will not tolerate habitual tardiness as it seriously imperils efficiency and encumbers public service. An employee who is frequently late falls short of the stringent standard of conduct demanded from everyone connected with the administration of justice.[2]

Ms. Kiamko's explanation did not justify her tardiness and warrant exemption from the imposition of the penalties provided in the Revised Uniform Rules on Administrative Cases in the Civil Service.[3] The OCA was correct in stating that her official time remained at 7:30 a.m. to 4:00 p.m. since she did not cancel her flexi-time schedule.

WHEREFORE, Ms. Divina A. Kiamko is REPRIMANDED for her habitual tardiness and is STERNLY WARNED that a repetition of the same or similar offense shall be dealt with more severely.

SO ORDERED.

Puno, J., (Chairman), Austria-Martinez, Tinga, and Chico-Nazario, JJ., concur.

[1] Report dated August 11, 2005, p. 2.

[2] Re: Habitual Tardiness of Mr. Theodore G. Jaymalin, Clerk III, Metropolitan Trial Court – Office of the Clerk of Court, Manila, A.M. No. P-04-1863, 12 August 2004, 436 SCRA 182.

[3] CSC Memorandum Circular No. 19, Series of 1995. Section (C)(4), Rule VI thereof provides the penalties for habitual tardiness:

First Offense

-

Reprimand

Second Offense

-

Suspension for 1-30 days

Third

-

Dismissal from the service.

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