

OFFICE OF THE COURT ADMINISTRATOR, PETITIONER, VS. EMMA ANNIE D. ARAFILES COURT LEGAL RESEARCHER, METROPOLITAN TRIAL COURT (METC), BRANCH 48, PASAY CITY, RESPONDENT.

A.M. No. 08-1-07-MeTC. July 14, 2008

Ponente: BRION, J.

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BRION, J.:

The Leave Division of the Office of the Court Administrator submitted a Report of Tardiness on December 6, 2007 stating that Ms. Emma Annie D. Arafiles, Court Legal Researcher, Metropolitan Trial Court (MeTC), Branch 48, Pasay City, incurred tardiness in September and October 2007. She was tardy 11 times in September and 16 times in October. The Report was docketed as A.M. No. 08-107-MeTC (Habitual Tardiness of Emma Annie D. Arafiles, MeTC, Branch 48, Pasay City.)

Court Administrator Zenaida N. Elepaño (through a 1st] Indorsement dated January 14, 2008) required Ms. Arafiles to comment on the report within ten (10) days from receipt.

Ms. Arafiles complied with a letter-comment dated January 30, 2008. She admitted the tardiness and gave various explanations, specifically: that she had no maid; that she had to attend to the needs of her school children ages eight (8) and two (2) years; and that she was hypertensive. She asked for "human consideration" and apologized for her tardiness, promising that she would no longer be tardy in the future.

Court Administrator Elepaño evaluated Ms. Arafiles' explanation and found no justification for her habitual tardiness. The Court Administrator recommended (1) that the Report be redocketed as a regular administrative matter, and (2) that Ms. Arafiles be given a reprimand with a warning that a repetition of the same offense would warrant the imposition of a more severe penalty.

The law requires all government officials and employees to render not less than eight (8) hours of work per day for five (5) days a week, or a total of forty (40) hours of work per week, exclusive of time for lunch. As a rule, these hours are from eight (8) o'clock in the morning to five (5) o'clock in the afternoon.[1]

Under CSC Memorandum Circular No. 14, S. 1991,[2] an officer or employee of the civil service is 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 for at least two (2) consecutive months during the year.

We have previously ruled that non-office obligations, household chores, traffic problems, and health, domestic and financial concerns are not

sufficient reasons to excuse or justify habitual tardiness.[3] These are the types of reasons Ms. Arafiles gave; hence, we cannot free her from liability for her infractions.

Time and again, we have reminded officials and employees of the Judiciary that by reason of the nature and functions of their office, they must be role models in the faithful observance of the constitutional principle that

public office is a public trust. A way of doing this is through the strict observance of prescribed office hours and the efficient use of every working moment, if only to give back the true worth of what the Government, and ultimately, the people, pay in maintaining the Judiciary.[4] In short, in the public service, punctuality is a virtue, absenteeism and tardiness are impermissible.[5]

We agree with Court Administrator Elepaño that "(B)y being habitually tardy, she [respondent] has fallen short of the stringent standard conduct demanded from everyone connected with the administration of justice" and thus merits the prescribed penalty. Under Section 52(c)(4), Rule VI of CSC Memorandum Circular No. 19, Series of 1999, habitual tardiness is penalized as follows: first offense, reprimand; second offense, suspension for 1-30 days; and third offense, dismissal from the service.

WHEREFORE, we find respondent Ms. Emma Annie D. Arafiles, Court Legal Researcher, MeTC, Branch 48, Pasay City, GUILTY of habitual tardiness. Pursuant to Section 52(c)(4), Rule VI of CSC Memorandum Circular No. 19, Series of 1999, this first offense merits the penalty of REPRIMAND with the WARNING that a more severe penalty shall be imposed for the repetition of the same or a similar offense in the future.

SO ORDERED.

Quisumbing, (Chairperson), Carpio Morales, Tinga, and Velasco, Jr., JJ., concur.

[1] Re: Anonymous Complaint Against Ms. Rowena Marinduque, assigned at PHILJA Dev't Center, Tagaytay City, A.M. No. 2004-25-SC, January 23, 2006, 479 SCRA 343, citing Section 5, Rule XVII, CSC Resolution No. 91-1631, Rules Implementing Book V of Executive Order No. 292 and Other Pertinent Civil Service Rules dated December 27, 1991.

[2] See also CSC Memorandum Circular No. 23, S. 1998.

[3] Ibid, citing Re: Imposition of Corresponding Penalties on Employees of this Court for Habitual Tardiness Committed During the Second Semester of 2000, A.M. No. 00-6-09-SC, November 27, 2002, 393 SCRA 1.

[4] Administrative Circular No. 2-99, "Strict Observance of Working Hours and Disciplinary Action for Absenteeism and Tardiness, dated January 15, 1999.

[5] Re: Imposition of Corresponding Penalties for Habitual Tardiness Committed During the Second Semester of 2002, supra, footnote 2, citing Re: Imposition of Corresponding Penalties for Habitual Tardiness Committed During the Second Semester of 2002, A.M. No. 00-6-69-SC, November 27, 2002, 393 SCRA 1.

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