

## OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. JOHN REVEL B. PEDRIÑA, CLERK III, BRANCH 200, REGIONAL TRIAL COURT, LAS PIÑAS CITY, RESPONDENT.

*A.M. No. P-16-3471 (Formerly A.M. No. 15-06-197-RTC). July 26, 2016*

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### PER CURIAM:

#### The Case

For the consideration of the Court is the Administrative Matter for Agenda dated April 11, 2016 prepared by the Office of the Court Administrator with the following recommendations:

RECOMMENDATION: It is respectfully recommended for the consideration of the Honorable Court that:

a)

the instant administrative case against Mr. John Revel B. Pedriña, Clerk III, Branch 200, RTC, Las Piñas City, be RE-DOCKETED as a regular administrative matter; and

b)

respondent Pedriña be found GUILTY of habitual tardiness for the third time, and accordingly, be DISMISSED from the service with forfeiture of retirement benefits, except accrued leave credits, and with prejudice to re-employment in the government service, including government-owned or controlled corporations.

#### The Facts

In a Report dated May 26, 2015, Ryan U. Lopez, Officer-in-Charge, Employees Leave Division (ELD), Office of Administrative Services (OAS), Office of the Court Administrator (OCA), transmitted the information that respondent John Revel B. Pedriña, Clerk III, Branch 200, Las Piñas City Regional Trial Court (RTC), incurred tardiness in the following months of 2014:

January 10 times

February 11 times

March 11 times

May 10 times

July 14 times

September 11 times

November 14 times

December 10 times

Photocopies of respondent Pedriña's timecards for the months of January, February, March, May, July, September, November, and December were attached to the aforementioned report.

On May 29, 2015, OCA Chief of Office Caridad A. Pabello referred the matter to Atty. Wilhelmina D. Geronga, OCA Chief of Office, Legal Office, for the filing of appropriate action and disposition.

On June 26, 2015, Court Administrator Jose Midas P. Marquez directed respondent Pedriña to comment on the report charging him with habitual tardiness.

In his Comment dated August 14, 2015, respondent Pedriña admits being habitually tardy in the aforementioned periods. He attributes his tardiness to difficulty of getting up from bed early in the morning to travel from Manila to the RTC of Las Piñas City, because he frequently suffers from severe headaches, vomiting, occasional blurred eyesight and sudden weakness in the morning. He adds that his poor body resistance and being anemic are the reasons why it is difficult for him to sleep at night. However, as observed by the OCA, respondent Pedriña failed to provide any evidence of serious or chronic illness which could cause the same.

Respondent Pedriña likewise avers that he is doing his best in the office and increased his work output to compensate for his shortcomings. He also commits himself to reform so as to prevent being suspended again.

#### The Court's Ruling

The Court is disposed to accept the recommendation of the OCA.

It is clear from the facts that respondent Pedriña has been habitually tardy.

Civil Service Memorandum Circular No. 23, Series of 1998, provides that:

Any employee shall be 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.

He has fallen short of the stringent standard of conduct demanded from everyone connected with the administration of justice. Every person employed in the government must remember that public office is a public trust. Pursuant to this dictum, the Court issued Memorandum Circular No. 49-2003 dated December 1, 2003, reminding all government officials and employees to be accountable at all times to the people and exercise utmost responsibility, integrity, loyalty and efficiency. They must give every minute of their prescribed official time in the service to the public and must work for every centavo paid to them by the government.[1] "This duty calls for the observance of prescribed office hours and the efficient use of official time for public service, if only to recompense the government, and ultimately, the people who shoulder the cost of maintaining the judiciary. Thus, to inspire public respect for the justice system, court officials and employees should at all times strictly observe official time. As punctuality is a virtue, absenteeism and tardiness are impermissible." [2]

In *Basco v. Gregorio*, [3] this Court held:

The exacting standards of ethics and morality imposed upon court employees and judges are reflective of the premium placed on the image of the court of justice, and that image is necessarily mirrored in the conduct, official or otherwise, of the men and women who work thereat. It thus becomes the imperative and sacred duty of everyone charged with the dispensation of justice, from the judge to the lowliest clerk, to maintain the courts' good name and standing as true temples of justice. Circumscribed with the heavy burden of responsibility, their conduct at all times must not only be characterized with propriety and decorum, but above all else, must be above suspicion. Indeed, every employee of the Judiciary should be an example of integrity, probity, uprightness, honesty and diligence. x x x

Respondent Pedriña's justification for his habitual tardiness deserves scant consideration. We have previously

held that moral obligations, the performance of household chores, traffic problems, health conditions, and domestic and financial concerns are not sufficient causes to excuse habitual tardiness.[4]

Under Section 52(c)(4) of CSC Memorandum No. 19, Series of 1999, habitual tardiness is penalized as follows:

First Offense - Reprimand

Second Offense - Suspension of 1-30 days

Third Offense - Dismissal from the service

It must be noted that this is not the first time respondent Pedriña was penalized for habitual tardiness. First, in the Resolution dated August 8, 2005 in A.M. 05-7-421-RTC, he was reprimanded and suspended for one (1) month. Second, in the Resolution dated June 5, 2013 in A.M. No. 12-9-204-RTC [P-13-3120], he was suspended for thirty (30) days.

Respondent Pedriña has been repeatedly warned that a repetition of the same or similar offense of habitual tardiness shall be dealt with more severely and yet he committed the same offense for the third time. Clearly, public interest in an efficient and honest judiciary dictates that notice of future harsher penalties should not be followed by another forewarning of the same kind, ad infinitum, but by discipline through appropriate penalties.[5] The Court has dismissed employees in the past for habitual absenteeism, lamenting that the offense causes inefficiency in the public service.[6] Habitual tardiness of this frequency must be treated likewise, if we are to maintain the administration of justice orderly and efficient.[7]

WHEREFORE, premises considered, respondent John Revel B. Pedriña, Clerk III, Branch 200, RTC, Las Piñas City is found GUILTY of habitual tardiness. He is hereby ordered DISMISSED from the service with forfeiture of retirement benefits, except accrued leave credits (if any), and with prejudice to re-employment in the government service, including government-owned or controlled corporations.

### **SO ORDERED.**

Sereno, C. J., Carpio, Velasco, Jr., Leonardo-De Castro, Brion, Peralta, Bersamin, Del Castillo, Perez, Mendoza, Reyes, Perlas-Bernabe, Leonen, Jardeleza, and Caguioa, JJ., concur.

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### **NOTICE OF JUDGMENT**

Sirs/Mesdames:

Please take notice that on July 26, 2016 a Decision/Resolution, copy attached herewith, was rendered by the Supreme Court in the above-entitled administrative matter, the original of which was received by this Office on August 24, 2016 at 1:30 p.m.

Very truly yours,  
(SGD) FELIPA G. BORLONGAN-ANAMA  
Clerk of Court

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[1] Re: Habitual Tardiness of Cesar E. Sales, Cash Clerk III, Metropolitan Trial Court, Office of the Clerk of Court, Manila, A.M. No. P-13-3171, January 28, 2014.

[2] Id.; citing *Cabato v. Centino*, A.M. No. P-08-2572, November 19, 2008, 571 SCRA 390, 395.

[3] A.M. No. P-94-1026, July 6, 1995, 245 SCRA 614, 619.

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

[5] Re: Employees Incurring Habitual Tardiness in the First Semester of 2005, 527 Phil. 1 (2006); citing Poso v. Judge Mijares, 436 Phil. 295 (2002).

[6] Id.; citing Florendo v. Cadano, A.M. No. P-05-1983, 20 October 2005, 473 SCRA 448; Reyes-Macabeo v. Valle, 448 Phil. 583 (2003); Judge Ortiguerra v. Genota, Jr., 434 Phil. 787 (2002).

[7] Id.

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