

RE: HABITUAL TARDINESS INCURRED BY MR. GIDEON M. ALIBANG FOR THE 1ST SEMESTER OF 2003

A.M. No. 2003-11-SC. June 15, 2004

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

Before us is the Memorandum dated March 30, 2004^[1] of Atty. Eden T. Candelaria, Deputy Clerk of Court and Chief Administrative Officer, recommending administrative sanction upon Gideon M. Alibang, Building and Ground Maintenance Head B of the Hall of Justice, Davao City, who incurred habitual tardiness during the first semester of 2003.^[2]

On April 14, 2003, the Leave Division of this Court, in its Report of Tardiness,^[3] informed Atty. Candelaria that Alibang committed tardiness 13 times in January 2003 and 11 times in February 2003. Forthwith, Atty. Candelaria required him to explain in writing within five days from notice why no disciplinary action should be taken against him.^[4]

In his comment dated January 14, 2004,^[5] Alibang admitted having incurred habitual tardiness for the same duration. He explained that on December 10, 2002, his wife gave birth to their third child. Later that month, their house helper left them. For two months he was forced to do all the household chores before reporting for work. Adding to his woes then was the heavy traffic caused by the construction of Buhangin underpass, thus taking him a longer time to travel to his office. He asked for consideration and apologized for his belated explanation.

In the same Memorandum, Atty. Candelaria made the following recommendation:

“ALL THE FOREGOING PREMISES CONSIDERED, this Office respectfully recommends that Mr. Gideon M. Alibang be REPRIMANDED for his first incursion of habitual tardiness in the first semester of year 2003. Likewise, he too must be reminded to immediately comply with the directives of this Office.”^[6]

We affirm Atty. Candelaria’s finding and recommendation.

CSC Memorandum Circular No. 4, s.1991^[7] provides that “An 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.”

Under Section 52 (C) (4), Rule IV (Penalties) of CSC Memorandum Circular No. 19, s.1999,^[8] habitual tardiness is penalized as follows:

“First Offense

-

Reprimand

Second Offense

-

Suspension for 1-30 days

Third Offense

-

Dismissal”

The records show that Alibang did incur tardiness 13 times in January 2003 and 11 times in February 2003. This is habitual tardiness punishable under the Civil Service Rules. As correctly found by Atty. Candelaria, none of the reasons relied upon by respondent to justify his habitual tardiness merits our consideration. We have consistently ruled that moral obligations, performance of household chores and traffic problems are not sufficient reasons to excuse habitual tardiness, although in certain cases these may be considered to mitigate administrative liability.[9]

Undoubtedly, Alibang’s habitual tardiness is reprehensible. We cannot countenance such infraction for it seriously impairs efficiency and hampers public service. By being habitually tardy, respondent fell short of the stringent standard of conduct demanded from everyone connected with the civil service, specially the administration of justice. We have ruled that by reason of the nature and functions of their office, 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.[10] Inherent in this mandate are the observance of prescribed office hours and the efficient use of every moment thereof for public service.[11]

Thus, to inspire public respect for the justice system, we emphasized in Administrative Circular No. 1-99[12] the need for court officials and employees to “strictly observe official time. As punctuality is a virtue, absenteeism and tardiness are impermissible.” In Administrative Circular No. 2-99,[13] we stressed that “Absenteeism and tardiness, even if such do not qualify as ‘habitual’ or ‘frequent’ under the CSC Memorandum Circular No. 4, Series of 1991, shall be dealt with severely x x x.”

In *Victor Basco vs. Atty. Damaso Gregorio, Clerk of Court V, RTC, Branch 41, Pinamalayan, Oriental Mindoro*,[14] we held that 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. Certainly, respondent should have abided with these rigorous standards.

WHEREFORE, Gideon M. Alibang, Building and Ground Maintenance Head B of the Halls of Justice, Davao City is hereby REPRIMANDED and warned that a repetition of the same act will be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J., Puno, Panganiban, Quisumbing, Carpio, Austria-Martinez, Carpio-Morales, Callejo, Sr., Azcuna, and Tinga, JJ., concur.

Vitug, and Corona, JJ., on official leave.

Ynares-Santiago, J., on leave.

[1] Rollo at 1-3.

[2] Pursuant to Civil Service Commission (CSC) Memorandum Circular No. 4, s.1991 (Policy on Absenteeism and Tardiness) and CSC Memorandum Circular No. 19, s.1999 (Revised Uniform Rules on Administrative Cases in the Civil Service).

[3] Rollo at 1, 7-9.

[4] Id. at 6.

[5] Id. at 4.

[6] Id. at 3.

[7] Supra.

[8] Supra.

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

[10] Section 1, Article XI, 1987 Constitution.

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

[12] Entitled “Enhancing the Dignity of Courts as Temples of Justice and Promoting Respect for their Officials and Employees.”

[13] Supra.

[14] A.M. No. P-94-1026, July 6, 1995, 245 SCRA 614, 619, cited in Re: Imposition of Corresponding Penalties for Habitual Tardiness Committed During the Second Semester of 2003, supra.

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