

RE: ADMINISTRATIVE CASE FOR DISHONESTY AGAINST ELIZABETH TING, COURT SECRETARY I, AND ANGELITA C. ESMERIO, CLERK III, OFFICE OF THE DIVISION CLERK OF COURT, THIRD DIVISION

A.M. Nos. 2001-7-SC & No. 2001-8-SC. July 22, 2005

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

This case stemmed from the referral by the Leave Division of the Court to Atty. Eden T. Candelaria, Deputy Clerk of Court and Chief Administrative Officer, of the records of attendance of Elizabeth L. Ting, Court Secretary I, and Angelita C. Esmerio, Clerk III, both from the Office of the Division Clerk of Court, Third Division of the Supreme Court, from "03 May 2000 to 14 February 2001"[1] and "June 2000 to January 2001,"[2] respectively. The said records showed that on several dates, Ting and Esmerio failed to use their bar coded Identification Cards (IDs) in registering their times of arrival in and departure from the office.

As evidenced by the computer print-outs of the daily attendance of said employees, the following were the specific instances when they failed to swipe their IDs in the Chronolog Time Recorder Machine:

For ELIZABETH L. TING:

MONTH

NO. OF
WORKING
DAYS

NO. OF
DAYS
ABSENT

NO. OF
UNREGISTERED
TIME OF
ARRIVAL

2000

May

22

2

12

June

21

2

10

July

21

3

8

August

23

-

16

September

21

2

11

October

22

-

13

November

18

-

8

December

20

-

15

2001

January

22

2

9

February

20

1

7

March

22

-

3[3]

For ANGELITA C. ESMERIO:

MONTH

NO. OF
WORKING
DAYS

NO. OF
DAYS
ABSENT

NO. OF
UNREGISTERED
TIME OF
ARRIVAL

2000

June

21

-

5

July

21

3

12

August

23

2

7

September

21

2

7

October

22

7

1

November

18

5

8

December

20

1

8

2001

January

22

-

2

February

20

2

3

March 1-6

4

-

-[4]

When compared, however, to their office's Daily Report of Attendance and Tardiness, said employees were at all times present as indicated by their individual entries therein.

In two separate Memoranda,[5] Atty. Candelaria forthwith directed both Ting and Esmerio to explain in writing why no disciplinary action should be taken against them "for failure to observe all the rules pertaining to the use of the bar coded ID and the Chronolog Time Recorder Machine for your office attendance."

In compliance, Ting filed her comment[6] dated 02 March 2001. She explained:

Although there are times that I forgot to swipe my ID card in the Chronolog Machine to register my arrival in the office, it is not as often as that listed in the letter of February 23, 2001. As far as I can remember there were but a few times that I failed to swipe my card. Even during the times that I failed to swipe my card, I was always present in the office. There are also times when I was in a hurry to reach the office because I have urgent official matters to attend to and to finish, as I am the only one preparing the Minutes of the Third Division. Sometimes, when I report to the Office using the Court of Appeals as the entrance, I go directly to my office in order to beat my official time of 9:00 o'clock in the morning because the bundy clock in the guard's office in the main building is far from my office, in the process forgetting to swipe my card. It is a known fact that the Chronolog Machine sometimes fail to register the time and arrival even if the ID cards are swiped in.

Esmerio, for her part, wrote:[7]

For the few times that I forgot to swipe my ID card in the Chronolog Machine to record my arrival in the office, the same was due to the fact that after my long travel from my residence in Cainta, Rizal to the office in Padre Faura, Ermita, Manila, I have to go immediately to the comfort room to attend to my personal needs. Another contributory factor is the failure of the Chronolog Machine to record my arrival because my ID card is defective, such that even if I swipe my ID card, my time of arrival is not registered in the machine. It is a known fact that the Chronolog Machine sometimes fail to register the time and arrival even if the ID card is swiped in.

In an Indorsement dated 05 March 2001, the allegation of Ting regarding the failure of the Chronolog Time Recorder Machine to register her times of arrival was referred to Atty. Ivan E. Uy, Director IV and Chief of Office, Management and Information Systems Office (MISO), for comment.

Atty. Uy submitted his Comment dated 07 March 2001, the pertinent portions of which read:

Please be informed that the only conditions that the Chronolog Time Recorder Machine may not register the time when an employee swipes his/her ID are the following:

- When the employee ID is not properly swiped through the time recorder machine. In this case, the machine flashes the message "E R R O R" on the screen and it produces a single and short low pitch sound rather than the regular 2 beep high pitch sound that confirms the success of a swipe.
- When the time recorder machine has no power supply. Since each time recorder machine is connected to a UPS (Uninterruptible Power Supply), the system is capable to validate and accept "swipes" up to 10 hours from the occurrence of the power interruption.

In case of system downtime due to machine breakdown, thunderstorms, or power fluctuations beyond the regulating capacity of the UPS, the affected machines/components would be immediately replaced with a service unit in order not to interrupt the operation of the system. Our record shows that incidents of system downtime in

the past had never lasted for more than two hours and most of these incidents occurred late in the morning, after the "rush hour" for time-in.[8]

He further clarified that contrary to what was insinuated in the letter of respondent Ting, as of the writing of his Comment, there were already three (3) time recorder machines installed in the old building and two (2) time recorder machines in the new building. Moreover, he reaffirmed that "[i]n case a unit malfunctions, our employees may still swipe their IDs in the other functioning units." [9] Attached to his Comment was a list containing the instances when there occurred a system downtime from the period of May 2000 to February 2001, to wit:

DATE

TIME

UNIT

TIME

RESTORED

March 27, 2000 6:30 a.m. Mother Unit (New Bldg.) & Remote Unit (Old Bldg.)

1 hour

May 23, 2000 9:30 a.m. Mother Unit (Old Bldg.)

1 hour

May 29, 2000 10:00 a.m. Mother Unit (Old Bldg.)

1 hour

June 23, 2000 10:00 a.m. Mother Unit (New Bldg.)

1 hour

June 30, 2000 4:00 p.m. Mother Unit (New Bldg.)

Less than 30 minutes

July 3, 2000 9:00 a.m. Mother Unit (Old Bldg.)

1 hour

August 8, 2000 Noontime Remote Unit (Old Bldg.)

1 hour

August 16, 2000 Late in the afternoon Mother Unit (New Bldg.)

Less than 1 hour

August 22, 2000 Before noontime Mother Unit (Old Bldg.)

After noontime[10]

After considering the foregoing written communication, Atty. Candelaria submitted to this Court, through the Honorable Hilario G. Davide, Jr.,[11] her Memorandum Report on the alleged "dishonesty of the respondents in

deliberately failing to use the Chronolog Time Recorder Machine to register their actual time of arrival in the office and making it appear in their Daily Report of Attendance and Tardiness that they have always arrived on time." [12] She opined that after a careful evaluation of the records of the instant cases, the following findings were arrived at:

Purposely, both employees did not swipe their ID cards in the Chronolog Time Recorder Machine for a number of instances to escape administrative liability for habitual tardiness for the second semester of 2000. They knew for a fact that a 3rd offense for habitual tardiness would mean dismissal from the service. (Emphasis supplied.)

Respondents claim that there were instances that they forgot to swipe their ID cards. Forgetfulness or failure to remember is never a rational or acceptable explanation. It will become an easy excuse for everybody if it were so. Neither is the allegation that their ID's are defective justified. These can be easily replaced if immediately reported. Besides, if indeed these were destroyed, why were there instances when they were able to register their arrival through the Chronolog Machine? Moreover, why was this Office informed only of its condition after it was discovered that they were not swiping their ID's? This has therefore bolstered the fact that respondents have deliberately failed to register their arrival to escape the consequence of their habitual tardiness.

Equally disappointing is the explanation of the respondents that the Chronolog Machine does not sometimes register the time of arrival of the employees. For if it was so, why were they singled out? There are so many employees in the Court and it's amazing why it bogs down only everytime they would register their arrival.

To aggravate the situation, respondents always made it appear in their Daily Report of Attendance and Tardiness that they have always reported on time. This is therefore a clear case of dishonesty. And this Office is hardly moved by their explanation. The records alone provide a sufficient basis for the determination of the respondents' administrative liability. [13] (Emphasis supplied.)

The records further disclosed:

... that Ms. Angelita Esmerio was habitually tardy for the following periods:

- First Semester - 1999
- Second Semester - 1999
- First Semester - 2000

Pursuant to the resolution dated August 8, 2000 she was reprimanded for having been habitually tardy for the second semester in 1999.

On the other hand, Ms. Elizabeth Ting was found to be habitually tardy per records of the Leave Division for the following periods:

- June - July 1999
- Second Semester - 1999
- First Semester - 2000

She was likewise reprimanded by the Court in a resolution dated August 8, 2000, for the habitual tardiness she committed in the 2nd semester of 1999.

On April 17, 2001, the Court En Banc in A.M. No. 00-6-09-SC re: Imposition of Corresponding Penalties to Employees Committing Tardiness During the First Semester of 2000, resolved to suspend Elizabeth Ting for five (5) days and Ms. Angelita Esmerio for Twenty-five (25) days. [14]

The preceding paragraphs considered, Atty. Candelaria concluded that:

A perusal of the records indubitably show that Ms. Elizabeth Ting and Angelita Esmerio are guilty of dishonesty.

By virtue of Administrative Circular No. 2-99[15] in relation to the Section 22(a), Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292[16] as amended by CSC Memorandum Circular No. 19, s. 1999, she recommended:

... that Ms. Elizabeth Ting, Court Secretary I, OCC, Third Division and Ms. Angelita Esmerio, Clerk III, OCC, Third Division, be DISMISSED from the service for dishonesty effective upon receipt of the resolution. For humanitarian considerations, this is without prejudice to their re-employment in any government owned and/or controlled corporations and receipt of their terminal leave benefits and/or retirement/separation benefits, if any. (A.M. No. 00-6-09-SC. - Imposition of Corresponding Penalties to Employees Committing Habitual Tardiness, February 27, 2001).[17]

Pursuant to our Resolution of 01 February 2005, this Court required the respondents to manifest whether or not they were submitting the case on the basis of the pleadings on hand.

In response to the above, respondent Esmerio filed a letter dated 18 March 2005, reiterating points already on record, to wit:

- From the time I submitted my explanation-letter dated March 2, 2001, and up to the present. I have faithfully observed office rules and regulations.
- I have been serving the Honorable Supreme Court for thirty-eight (38) years, since 1966 when I started as clerk assigned to then Justice Querube Makalintal.
- I have a pending application for optional retirement upon my reaching age 63 this coming May 31, 2005.
- At present I am the sole support of a 73 year old maiden aunt; and
- I am likewise the sole support of a seven (7) year old adopted girl.

I am placing my self in your merciful hands as I earnestly pray your Honors to allow me to retire on my 63rd birthday on May 31, 2005.

On the other hand, although respondent Ting also submitted a letter[18] where she reiterated her arguments, she further requested that she be given a copy of the Report Memorandum of Atty. Candelaria to allow her "to prepare a more comprehensive explanation and answer and to submit additional documents/papers relative thereto."

On 29 March 2005, the Court resolved to grant the said request and ordered that Ting be furnished a copy of the subject memorandum together with the resolution. But, in our resolution dated 14 June 2005, we reconsidered our position and stated that "[a] second look at the records, however, bears out the fact that respondent Ting was afforded more than adequate opportunity to explain her side.... The subject memorandum which was submitted to the Court solely for its use simply embodies a summary of what transpired during the investigation, the corresponding evaluation thereof and recommendation of the OAS to which this Court may or may not agree in." We further stated that a report/recommendation pertaining to an administrative case, being an internal matter within the Court, is confidential in nature. Nonetheless, we gave respondent Ting another opportunity to further ventilate her side by allowing her to file a supplemental comment within a non-extendible period of five days from receipt of the resolution, if she so desires.

On 29 June 2005, Ting filed her supplemental comment dated 28 June 2005, again reiterating her defenses, stating thus:

. . . I admitted that there are times that I forgot to swipe my card in the Chronolog Time Recorder, but not on all times as listed therein. It happens only when I am in a hurry to reach the office as I have urgent works to do. I type and prepare drafts of Minutes of the Third Division and we always want to beat the deadline in their submission. Also, it is a known fact there are times when the Chronolog Time Recorder Machine fails to register the time of arrival and departure of an employee from the Office. This usually happens when there is some technical defects in the CTRM or when the Bar-Coded ID is already worn-out that the sides are already crumpled or there are imperfections in it."

In big and bold letters, she emphatically stated that she is of the belief that the acts imputed against her "does (sic) not constitute dishonesty."

After a thorough and careful examination of the records of the case, this Court holds that the findings of Atty. Candelaria on respondents' acts of failing to swipe their bar coded ID cards in the Chronolog Time Recorder Machine and on their various self serving explanations are supported by evidence. We agree in the conclusion that both the respondents are guilty of dishonesty or serious misconduct.

As correctly held by Atty. Candelaria, none of the reasons relied upon by the respondents to justify their failure to swipe their bar coded IDs warrants our consideration. As already stated, the reasons proffered were all self-serving. Instead of exonerating them, the tendered justifications only served to highlight their mendacious nature. Forgetfulness or failure to remember is never a rational, logical nor reasonable, much less acceptable, explanation. The claim that they registered only in the logbook because they forgot their ID is very flimsy. If, indeed, they really forgot to bring their IDs, they should have had their supervisor, Atty. Julieta Carreon, countersign their logbook entries. Or, at the very least, they should have informed her about them.[19]

Anent the defense that the respondents either had urgent matters to attend to in their offices or had to see to personal needs, or that the machines are out of their way, the same merits even less attention. It is not this Court's fault that they do not have a few minutes to spare when they arrive at their stations. Moral obligations, performance of household chores, traffic problems and health, domestic and financial concerns[20] are solely the employee's problems and the Court should not be burdened by them. In any case, they always have the option of leaving their homes earlier in order to arrive at their offices with more than enough time to spare.

More importantly, the respondents have asserted that the machines and their bar coded IDs are partly to blame for their failure to swipe their ID cards. This assertion, however, is belied by the report of Atty. Ivan Uy, Chief of the Supreme Court Management Information Systems Office. In his report, Atty. Uy avowed that, contrary to the claims of the respondents, the machines were working properly during the date and time of the incidents subject of the cases at bar. His report was backed up by verifiable evidence as well as the expertise of the division. Machines, unlike humans, have no self-interest to protect. Hence, the data collected from them deserve great weight.

Besides, if, as claimed by the respondents, the Chronolog Time Recorder Machine truly refused to record their IDs' bar codes, repeatedly, then they should have had them replaced at the soonest possible time or at the very least, complained about them to the MISO or, again, had their supervisor[21] countersign their logbook entries. Respondents did nothing to rectify the matter until they were made to explain their delinquency.

The respondents made use of the alleged failure of their ID cards and the Chronolog Time Recorder machines as their proverbial scapegoat. Instead of being their salvation, said objects only proved the respondents' propensity or disposition to lie.

In fine, respondents' conducts clearly show lack of forthrightness and straightforwardness in their dealings with the Court amounting to dishonesty. Dishonesty is a malevolent act that has no place in the judiciary.[22] This

Court has defined dishonesty as the "(d)isposition to lie, cheat, deceive, or defraud; untrustworthiness; lack of integrity; lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray." [23] Indeed, it is quite apparent that the acts of respondents fell short of the exacting standards extolled by this Court.

By reason of the nature and function of the Supreme Court, officials and employees of the highest court of the land must be role models in the faithful observance of the constitutional tenet that public office is a public trust. We have repeatedly emphasized that every employee of the judiciary should be an example of integrity, uprightness and honesty as the image of the Supreme Court is mirrored in the conduct, not only of the Justices, but of every man and woman working thereat. [24] Any act which diminishes or tends to diminish the faith of the people in the judiciary shall not be countenanced. We have not hesitated to impose the utmost penalty of dismissal for even the slightest breach of duty by, and the slightest irregularity in the conduct of, said officers and employees, if so warranted. Such breach and irregularity detract from the dignity of the highest court of the land and erode the faith of the people in the judiciary.

In the cases at bar, both respondents have failed to live up to the strictest standards of honesty and integrity in the public service. "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. Inherent in this mandate is the observance of prescribed office hours and the efficient use of every moment thereof 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 are at all times behooved to strictly observe official time. As punctuality is a virtue, absenteeism and tardiness are impermissible." [25] We cannot countenance such infraction as it seriously compromises efficiency and hampers public service.

As a final point, we take this opportunity to emphasize that no quibbling, much less hesitation or circumvention, on the part of any employee to follow and conform to the rules and regulations enunciated by this Court and the Commission on Civil Service, should be tolerated. The Court, therefore, will not hesitate to rid its ranks of undesirables who undermine its efforts toward an effective and efficient system of justice. [26]

The foregoing premises considered, we find respondents guilty of dishonesty. Section 22(a), Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292, [27] as amended by CSC Memorandum Circular No. 19, s. 1999, provides that:

SEC. 22. Administrative Offenses with its corresponding penalties are classified into grave, less grave, and light, depending on the gravity of its nature and effects of said acts on the government service.

"The following are grave offenses with corresponding penalties:

(a) Dishonesty

1st Offense - Dismissal.

As a grave offense, dishonesty warrants the most severe penalty of dismissal from service upon the commission of even the first offense.

Be that as it may, for humanitarian reasons [28], and taking into consideration the following circumstances:

FOR ANGELITA C. ESMERIO:

- her continued long years of service in the judiciary amounting to 38 years;
- her faithful observance of office rules and regulations from the time she submitted her explanation-letter up to the present;
- her acknowledgment of her infractions and feelings of remorse;
- her retirement on 31 May 2005; and
- her family circumstances (i.e., support of a 73 year old maiden aunt and a 7 year old adopted girl)

FOR ELIZABETH L. TING:

- her continued long years of service in the judiciary amounting to 21 years;
- her acknowledgment of her infractions and feelings of remorse;
- the importance and complexity of the nature of her duties (i.e., the preparation of the drafts of the Minutes of the Agenda);
- the fact that she stays well beyond office hours in order to finish her duties; and
- her Performance Rating has always been "Very Satisfactory" and her total score of 42 points is the highest among the employees of the Third Division of the Court.

persuade this Court to exhibit a degree of leniency toward the respondents. Thus, we deem that the penalty of six (6) months suspension to be in order.

WHEREFORE, after due deliberation, we find respondents ELIZABETH S. TING and ANGELITA C. ESMERIO, guilty of DISHONESTY. Respondent TING is hereby SUSPENDED for SIX (6) MONTHS with a stern WARNING that a repetition of the same or similar acts shall be dealt with more severely. Respondent ESMERIO, on the other hand, in view of her retirement from service on 31 May 2005, in lieu of the penalty of suspension, is made to suffer the penalty of FORFEITURE of SIX (6) MONTHS of her SALARY, to be deducted from

whatever retirement benefits she may be entitled to under existing laws.

SO ORDERED.

Davide, Jr., C.J., Puno, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., Azcuna, Tinga, and Garcia, JJ., concur.

[1] A.M. No. 2001-7-SC, Rollo, p. 144.

[2] A.M. No. 2001-8-SC, Rollo, p. 75.

[3] A.M. No. 2001-7-SC, Rollo, p. 21.

[4] A.M. No. 2001-8-SC, Rollo, p. 20.

[5] Dated 23 and 26 February 2001, respectively.

[6] A.M. No. 2001-7-SC, Rollo, p. 143.

[7] A.M. No. 2001-8-SC, Rollo, p. 74, in a letter dated 02 March 2001.

[8] A.M. No. 2001-7-SC, Rollo, p. 140.

[9] Id.

[10] Id. p. 5; p. 139.

[11] Chief Justice, Supreme Court.

[12] A.M. No. 2001-7-SC, Rollo, p. 6.

[13] Id., pp. 5A-6.

[14] Id., pp. 5-5A.

[15] A.M. No. 2-99 entitled Strict observance of Working Hours and Disciplinary Actions for Absenteeism and Tardiness, provides that even if the absenteeism and tardiness do not qualify as habitual or frequent under CSC Memorandum Circular No. 4, s. 1991, any falsification of daily time records to cover-up for such absenteeism and/or tardiness shall constitute gross dishonesty or serious misconduct.

[16] Administrative Code of 1987.

[17] A.M. 2001-7-SC Rollo, p. 6; and A.M. 2001-8-SC.

[18] Dated 18 March 2005.

[19] Re: Alleged Violation by Mr. Efren Ascrate of Civil Service Rules on Absenteeism and Tardiness, A.M. No. 2004-19-SC (2004).

[20] Imposition of corresponding penalties for Habitual Tardiness Committed During the Second Semester of 2002 by the following Employees of this Court: Fe Malou B. Castelo, Susan L. Belando, Eleanor V. Pacheco, Socorro Jocelyn S. Guerrero, Lolita T. Buenaventura, Ma. Cecilia C. Dycueco, Ma. Lourdes P. Buelva-Dela Cruz, Cyrus P. Borja and Ma. Cielito L. Chua, A.M. No. 00-6-09-SC, 14 August 2003, 409 SCRA 9.

[21] Atty. Julieta Carreon.

[22] Lacurom v. Magbanua, A.M. No. P-02-1646, January 22, 2003, citing Pizarro v. Villegas, 345 SCRA 42 (2000).

[23] Office of the Court Administrator v. Ibay, 393 SCRA 212 (2002).

[24] Re: Alleged Violations by Mr. Efren Ascrate of Civil Service Rules on Absenteeism and Tardiness (A.M. No. 2004-19-SC, 04 November 2004).

[25] Re: Imposition of Corresponding Penalties for Habitual Tardiness Committed During the Second Semester of 2002 by the Following Employees of this Court: Fe Malou B. Castelo, Susan L. Belando, Eleanor V. Pacheco, Socorro Jocelyn S. Guerrero, Lolita T. Buenaventura, Ma. Cecilia C. Dycueco, Ma. Lourdes P. Buelva-Dela Cruz, Cyrus P. Borja and Ma. Cielito L. Chua, A.M. No. 00-6-09-SC, 14 August 2003, 409 SCRA 9, 14-15.

[26] Office of the Court Administrator v. Pechardo, Jr., A.M. No. P-00-1425, 10 June 2002, 383 SCRA 287.

[27] Supra, note 16.

[28] In Geocadin v. Hon. Remigio Peña, (A.M. No. 1092-MJ, 30 October 1981, 108 SCRA 519), a judge found guilty of knowingly rendering manifestly unjust orders, partiality, and drunkenness. The Supreme Court agreed

that respondent committed acts unbefitting an occupant of a judicial office but in view of his serious illness which prevented him from presenting evidence other than his comment/answer to the complaint, the constitutional presumption of innocence in his favor and the investigator's recommendation of benignity, respondent judge was merely reprimanded and made to suffer the forfeiture of 3 months of his salary, to be deducted from whatever retirement benefits he may be entitled to under existing laws.

In *In re: Delayed Remittance of Collections of Teresita Lydia Odtuhan* (A.M. No. 02-10-598-RTC, 11 February 2003, 397 SCRA 222), a court legal researcher of RTC Pasay City was found guilty of serious misconduct in office for failing to remit a P12,705 fund collection to the proper custodian until after a lapse of about three years and only after several demands or directives from the clerks of court and from the OCA. For humanitarian reasons, the Court found dismissal from the service to be too harsh considering that Odtuhan subsequently remitted the entire amount and she was afflicted with ovarian cancer, and imposed upon her a FINE of P10,000, with a stern warning that a repetition of the same or a similar act will be dealt with more severely.

In *Sarenas-Ochagabia v. Atty. Balmes Ocampos* (A.C. No. 4401, 29 January 2004), a lawyer failed to file an appellants' brief, and the necessary Manifestation and Motion with the Court of Appeals. The Court noted that for the said offense, it had imposed penalties ranging from reprimand, warning with fine, suspension and, in aggravated cases, disbarment. Owing to his advanced age, the Court imposed the penalty of suspension for 3 months with a warning that a repetition thereof will be dealt with more severely.

In *Re: Misappropriation of the Judiciary Fund Collections By Ms. Juliet C. Banag* (A.M. No. P-02-1641, 20 January 2004) the clerk of Court of MTC Plaridel, Bulacan was found to be in delay in the remittance of her cash collections in hundreds of thousands of pesos constituting gross neglect of duty under the Civil Service Law and the Omnibus Rules implementing it. However, in determining the applicable penalty in this case, the Court took into consideration the lack of bad faith and the fact that she fully remitted all her collections and that she has no outstanding accountabilities. Because of these attendant circumstances, and for humanitarian considerations, the Court merely imposed a fine of P20,000.00 and a stern warning that a repetition of the same or similar acts shall be dealt with more severely.

In *Re: Imposition of Corresponding Penalties For Habitual Tardiness Committed During the First and Second Semester of 2002 by the Following Employees of this Court: Gerardo H. Alumbro, et. al.* (A.M. No. 00-06-09-SC, 16 March 2004), Susan Belando, Human Resource Management Assistant of the Employees Welfare and Benefit Division, Office of the Court Administrator was found to be habitually tardy for the third time. A strict application of the rules would have justified her dismissal from the service. Instead, for humanitarian reasons, she was meted the penalty of only suspension for thirty (30) days with a warning that she will be dismissed from the service if she will commit the same offense in the future. She then incurred habitual tardiness for the fourth time. However, again, for humanitarian reasons, the Court found a suspension for three (3) months without pay to be appropriate.

Renato Labay, Utility Worker II, Medical and Dental Services and Albert Semilla, Clerk III, Office of the Chief Attorney this Court, were found to be habitually tardy for the second time and were suspended and warned. In the instant case, they committed tardiness for the third time and, therefore, they should be dismissed from the service. Again, for humanitarian reasons and as recommended by Atty. Candelaria, the Court meted instead a penalty of suspension for ten (10) days without pay, with a warning that a repetition of the same or a similar offense will warrant the imposition of a more severe penalty.

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