

RE: HABITUAL TARDINESS OF MS. ELMIDA E. VARGAS, COURT STENOGRAPHER III, REGIONAL TRIAL COURT OF CEBU CITY, BRANCH 23.

A.M. No. P-04-1862 (Formerly A.M. OCA IPI No. 04-6-330-RTC). August 12, 2004

Ponente: CALLEJO, SR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a8553fdbcb5ac/>

CALLEJO, SR., J.:

This administrative matter relates to the habitual tardiness of Ms. Elmida E. Vargas, Court Stenographer III, Regional Trial Court of Cebu City, Branch 23.

The Certification dated March 15, 2004 issued by Hermogena F. Bayani, SC Chief Judicial Staff Officer, Leave Division, Office of the Administrative Services, Office of the Court Administrator (OCA), shows that Ms. Vargas incurred the following tardiness:

September 2002 13 times

October 2002 10 times

December 2002 14 times

January 2003 17 times

February 2003 12 times

March 2003 14 times

In her Letter dated April 11, 2003, Ms. Vargas explains that the reason for her tardiness is her being asthmatic. She further explains that her asthma attacks usually occur late in the afternoon and midnight to early dawn. She has to take medications that weaken her body, making it hard for her to get out of bed and prepare for work early in the morning.[1] Nonetheless, she admits that her ailment does not entirely affect her work at the office.

For its part, the OCA opines that the respondent's explanation does not merit consideration to justify her habitual tardiness. It, therefore, recommends that the case be re-docketed as a regular administrative matter, and that Ms. Vargas be reprimanded and warned that a repetition of the same will warrant the imposition of a more severe penalty.[2]

We agree.

There is no doubt that respondent is guilty of habitual tardiness. Civil Service Memorandum Circular No. 23, Series of 1998, describes habitual tardiness, as follows:

Any 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.

The Court has previously held that moral obligations, performance of household chores, traffic problems and health, domestic and financial concerns are not sufficient reasons to excuse habitual tardiness.[3] As such, the OCA was correct in finding Ms. Vargas's explanation unworthy of credence.

By being habitually tardy, the respondent fell short of the stringent standard of conduct demanded from everyone connected with the administration of justice.[4] Indeed, courts are temples of justice, and their dignity and sanctity must, at all times, be preserved and enhanced. In inspiring public respect for the justice system, court officials and employees must strictly observe official time. As punctuality is a virtue, absenteeism and tardiness are impermissible.[5]

The respondent shall thus be reprimanded for habitual tardiness, in accordance with Sec. 52(C)(4), Rule VI of CSC Memorandum Circular No. 19, Series of 1999 on the Revised Uniform Rules on Administrative Cases in the Civil Service, which provides the corresponding penalties for violation of habitual tardiness:

First Offense - Reprimand

Second Offense - Suspension for 1-30 days

Third Offense - Dismissal from the service

WHEREFORE, Ms. Elmida E. Vargas is hereby REPRIMANDED for her habitual tardiness, and WARNED that a repetition of the same or similar offense will warrant the imposition of a more severe penalty.

SO ORDERED.

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

[1] The respondent submitted a certification from Dr. Aguido A. Magdadaro of the Cebu Kidney Specialty Center who attested to her condition.

[2] Report dated June 10, 2004, p. 2.

[3] Re: Imposition of Corresponding Penalties for Habitual Tardiness Committed During the Second Semester of 2002, 409 SCRA 9 (2003).

[4] Id. at 15.

[5] Administrative Circular No. 1-99 entitled "Enhancing the Dignity of Courts as Temples of Justice and Promoting Respect for their Officials and Employees," which took effect on January 15, 1999.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.