

RE: HABITUAL TARDINESS OF MS. ADELAIDA E. SAYAM, CLERK III, RTC, BRANCH 5, CEBU CITY.

A.M. NO. P-04-1868 (FORMERLY OCA IPI NO. 04-6-309-RTC). February 15, 2007

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

On March 10, 2003, Deputy Court Administrator (DCA) Zenaida N. Elepaño issued a memorandum addressed to Judge Ireneo L. Gako, Jr., Presiding Judge, Branch 5, Regional Trial Court, Cebu City, informing him that respondent Adelaida E. Sayam, clerk III of the same court, incurred tardiness in the months of October and November in violation of Supreme Court Memorandum Circular No. 23, series of 1998 on habitual tardiness; and that she was ordered to explain in writing within seventy two (72) hours why no administrative action should be taken against her.

On March 15, 2004, Ms. Hermogena F. Bayani, SC Chief Judicial Staff Officer, Office of the Court Administrator (OCA), issued a certification confirming respondent's tardiness, not only in October and November, 2002, but also in January and February, 2003, thus:

October 2002 10 times

November 2002 13 times

January 2003 16 times

February 2003 11 times

In her explanation addressed to DCA Elepaño, respondent alleged that she has two small children and that she lives in Minglanilla, located at the southern part of Cebu, where there is a heavy traffic every morning. At any rate, she will try her best to wake up early everyday. She asked for time to discipline herself and eventually follow the standard set by the Civil Service Commission (CSC) for all government personnel.

On April 6, 2004, DCA Elepaño referred the matter to Atty. Wilhelmina D. Geronga, Officer-in-Charge, Legal Office, OCA, for appropriate action.

On June 1, 2004, Atty. Geronga submitted to DCA Elepaño her Report and Recommendation, partly reproduced hereunder:

From the foregoing, it appears that Ms. Sayam had indeed violated the rule on tardiness. Her explanation does not merit consideration to justify her habitual tardiness. As held by the Court in A.M. No. 00-6-09-SC, moral obligations, performance of household chores, traffic problems, health conditions, domestic and financial concerns are not sufficient reasons to excuse habitual tardiness. By being habitually tardy, employees have fallen short of the stringent standard of conduct demanded from everyone connected with the administration of justice. 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.

RECOMMENDATION: Respectfully submitted for the consideration of the Honorable Court recommending that:

- This case be RE-DOCKETED as a regular administrative matter; and
- Ms. Adelaida E. Sayam be REPRIMANDED with a warning that a repetition of the same or similar offense will warrant the imposition of a severe penalty.

On July 26, 2004, we issued a Resolution requiring respondent to manifest within twenty (20) days from notice whether she is submitting the case for decision based on the pleadings and records filed.

On September 21, 2006, respondent filed her manifestation that she is submitting the case for resolution.

Under CSC Memorandum Circular No. 23, s. 1998, an officer or employee of the civil service 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.

There is no question that respondent incurred habitual tardiness. We cannot countenance such infraction as it seriously compromises efficiency and hampers public service.

The Constitution provides that public office is a public trust.[1] Hence, public officials and employees must see to it that they follow the Civil Service Law and Rules. 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.[2] 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.[3]

As aptly stated by Atty. Geronga, none of the reasons relied upon by respondent justifies her habitual tardiness.[4]

Under Sec. 52(C)(4), Rule VI of CSC Memorandum Circular No. 19, Series of 1999[5], habitual tardiness is penalized as follows:

First Offense - Reprimand

Second Offense - Suspension for 1-30 days

Third Offense - Dismissal from the service

We sustain the recommendation of Atty. Geronga that respondent be reprimanded considering that this is the first time respondent incurred habitual tardiness.

WHEREFORE, we find respondent Adelaida E. Sayam, clerk III at the RTC, Branch 5, Cebu City, administratively liable for habitual tardiness and is REPRIMANDED and WARNED that a repetition of a similar offense will warrant the imposition of a more severe penalty.

SO ORDERED.

Puno, C.J., (Chairman), Corona, Azcuna, and Garcia, JJ., concur.

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

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

[3] Administrative Circular No 1-99, "Enhancing the Dignity of Courts as Temples of Justice and Promoting Respect for their Officials and Employees," dated January 15, 1999.

[4]Re: Habitual Tardiness of Ma. Socorro E. Arnaez, Court Stenographer III, RTC, Branch 18, Cebu City, A.M. No. P-04-1867, September 23, 2005, 470 SCRA 604; Re: Imposition of Corresponding Penalties for Habitual Tardiness Committed During the Second Semester of 2002, A.M. No. 00-6-09-SC, August 14, 2003, 409 SCRA 9, citing In Re: Imposition of Corresponding Penalties for Habitual Tardiness Committed During the Second Semester of 2000, 393 SCRA 1 (2002).

[5]Revised Uniform Rules on Administrative Cases in the Civil Service.

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