

Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **October 14, 2019**, which reads as follows:

“A.M. No. P-19-3949 (*Office of the Court Administrator vs. Ms. Aida M. Perez; Stenographer III, Branch 7, Regional Trial Court, Baguio City, Benguet*) [*Formerly A.M. No. 18-08-159-RTC (Re: Habitual Tardiness of Ms. Aida M. Perez)*]. – In his Report¹ dated July 25, 2018, Mr. Ryan U. Lopez, Officer-in-Charge, Employees’ Leave Division, Office of Administrative Services (OAS), Office of the Court Administrator (OCA), stated that Ms. Aida M. Perez (Perez), Stenographer III, Regional Trial Court of Baguio City, Benguet, Branch 7, has incurred tardiness in the months of January 2018 (10 times) and June 2018 (11 times).²

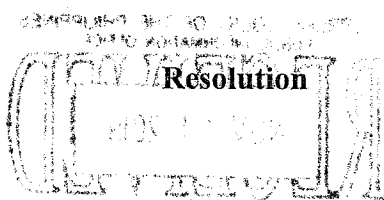
In a 1st Indorsement³ dated July 25, 2018, the OCA Chief of Office Caridad A. Pabello referred the Report to the Legal Office of OCA, for whatever appropriate action the Office may deem proper. The OCA required Perez to comment on the Report relative to her habitual tardiness within 10 days from receipt of notice.⁴

In her letter⁵ dated September 24, 2018, Perez explained that she incurred tardiness for the months of January and June 2018 due to heavy traffic and bad weather condition in Baguio City. Moreover, she stressed that she tried her best to limit her tardiness as evidenced by her Daily Time Record for the months of February to May 2018. Perez apologized for her tardiness and promised not to be late for work again.⁶

The OCA Evaluation and Recommendation

The OCA held that under Section 50, paragraph F(4), Rule 10 of the 2017 Rules on Administrative Cases in the Civil Service (RACCS), habitual tardiness is classified as a light offense and is punishable by reprimand for the

¹ Rollo, p. 3.
² Id.
³ Id. at 2.
⁴ Id. at 6.
⁵ Id. at 7.
⁶ Id.



first offense.⁷ In the absence of proof that the operations of the court were prejudiced, the case of Perez falls under the category of plain tardiness. Considering that this is her first administrative offense for habitual tardiness, the OCA recommended the penalty of reprimand, to wit:

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

1. the **Report** dated 25 July 2018 of Mr. Ryan U. Lopez, Officer-in-Charge, Employees' Leave Division, Office of Administrative Services, [OCA] be **RE-DOCKETED** as a regular administrative matter; and
2. [Perez], Stenographer III, Branch 7, Regional Trial Court, Baguio City, Benguet, be found **GUILTY** of habitual tardiness and be **REPRIMANDED**, with a **STERN WARNING** that a repetition of the same or any similar offense will warrant the imposition of a more severe penalty.⁷ (Emphases in the original)

Ruling of the Court

The Court resolves to adopt the recommendation of the OCA.

Civil Service Memorandum Circular No. 23, series of 1998, provides that, "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." Indeed, Perez violated the rules on tardiness.

Furthermore, the Court notes that the excuses offered by Perez are not the kind that would justify her tardiness. It has held that moral obligations, the performance of household chores, traffic problems, health conditions, domestic and financial concerns are not sufficient causes to excuse habitual tardiness.⁸

No less than the Constitution declares that a public office is a public trust.⁹ Inherent in this mandate is the observance and efficient use of every moment of the prescribed office hours to serve the public,¹⁰ if only to expiate the Government, and ultimately, the people who shoulder the cost of maintaining the Judiciary.¹¹ Thus, to inspire public interest 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.¹² We cannot countenance such infraction as it seriously compromises efficiency and hampers public service.¹³

⁷ Id. at 25-26.

⁸ *Re: Imposition of Corresponding Penalties*, 456 Phil. 183, 190-191 (2003).

⁹ 1987 CONSTITUTION, Article XI, Section 1.

¹⁰ *Re: Imposition of Corresponding Penalties for Habitual Tardiness*, 469 Phil. 534, 545-546 (2004).

¹¹ *Re: Habitual Tardiness of Ms. Cecilia L. Asilo*, 509 Phil. 592, 593-594 (2005).

¹² *Re: Habitual Tardiness Incurred by Gideon M. Alibang*, 476 Phil. 1, 5-6 (2004).

¹³ *Re: Habitual Tardiness of Mrs. Natividad M. Calingao*, 509 Phil. 83, 86 (2005).

WHEREFORE, Ms. Aida M. Perez, Stenographer III, Regional Trial Court of Baguio City, Benguet, Branch 7, is hereby **REPRIMANDED** for her habitual tardiness with a **STERN WARNING** that a repetition of the same or a similar offense will warrant the imposition of a more severe penalty.

SO ORDERED.” (Leonen, J., on wellness leave.)

Very truly yours,

Mis DDC Batt
MISAEAL DOMINGO C. BATTUNG III
Deputy Division Clerk of Court MGLE 10-24-19

Ms. Aida M. Perez
Court Stenographer III
REGIONAL TRIAL COURT
Branch 7, 2600 Baguio City

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The Presiding Judge
REGIONAL TRIAL COURT
Branch 7, 2600 Baguio City

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