

Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated **October 9, 2019** which reads as follows:

“A.M. No. P-19-4010 (Office of the Court Administrator v. Clerk II Erika B. Clark, Municipal Circuit Trial Court, Botolan-Cabangan, Zambales) [formerly A.M. No. 18-10-94-MCTC (Re: Habitual Tardiness of Clerk II Erika B. Clark, Municipal Circuit Trial Court, Botolan-Cabangan, Zambales)]

Before the Court is an administrative matter involving the habitual tardiness of Erika B. Clark (*respondent*), Clerk II, Municipal Circuit Trial Court, Botolan-Cabangan, Zambales (*MCTC*).

The October 12, 2018 Report¹ of the Employees’ Leave Division, Office of Administrative Services (*OAS*), Office of the Court Administrator (*OCA*), revealed that respondent was tardy seventeen (17) times in July 2018, and fifteen (15) times in August 2018.

In its 1st Indorsement² dated November 13, 2018, the *OCA* directed respondent to comment on the report. For her failure to file a comment, the *OCA* reiterated the directive in its 1st Tracer³ dated March 21, 2019.

In her May 20, 2019 Letter,⁴ respondent apologized for whatever reason why her comment did not reach the *OCA*. She submitted a copy of her December 20, 2018 Comment and the

¹ *Rollo*, p. 3.

² *Id.* at 7.

³ *Id.* at 8.

⁴ *Id.* at 9.

photocopy of the LBC receipt to prove that she complied with the November 13, 2018 1st Indorsement.

In her December 20, 2018 Letter,⁵ respondent apologized and explained that her tardiness was due to her frequent migraines and headaches caused by stress which made it difficult for her to report to work on time. She promised to be a more responsible court employee.

In its July 1, 2019 Memorandum,⁶ the OCA recommended that respondent be suspended for thirty (30) days for her habitual tardiness since this is her second offense, with a stern warning that a repetition of the same or similar act shall warrant her dismissal from the service.

The Court's Ruling

The findings and recommendation of the OCA are well-taken.

The Court finds respondent's explanation insufficient to absolve her of administrative liability. Tardiness causes inefficiency and is prejudicial to public service.⁷ By being habitually tardy, respondent fell short of the stringent standard of conduct demanded from everyone involved in the administration of justice.⁸ In the case of *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, et al.*,⁹ the Court elucidated:

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.¹⁰

It must be emphasized that moral obligations, performance of household chores, traffic problems and health, domestic and financial

⁵ Id. at 10.

⁶ Id. at 13-14.

⁷ *Re: Imposition of Corresponding Penalties for Habitual Tardiness*, 441 Phil. 240, 249 (2002).

⁸ *Re: Habitual Tardiness Incurred by Mr. Gideon M. Alibang*, 476 Phil. 1, 5 (2004).

⁹ 456 Phil. 183 (2003).

¹⁰ Id. at 190.

concerns are not sufficient reasons to excuse habitual tardiness.¹¹ The Court cannot countenance such offense for it seriously compromises efficiency and hampers public service.¹²

The Civil Service Commission Memorandum Circular No. 23, series of 1998 provides that “[a]n 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 of CSC Memorandum Circular No. 19, series of 1999, habitual tardiness is penalized as follows:

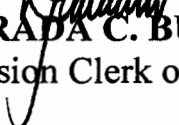
First Offense	-	Reprimand
Second Offense	-	Suspension for 1-30 days
Third Offense	-	Dismissal

In A.M. No. P-19-3933,¹³ respondent was found guilty of habitual tardiness for the months of April and May 2018. Considering that this is the second time that respondent violated the rule on habitual tardiness, the Court finds the penalty of thirty (30) days suspension appropriate.

WHEREFORE, Erika B. Clark, Clerk II, Municipal Circuit Trial Court, Botolan-Cabangan, Zambales, is found **GUILTY** of habitual tardiness and is hereby **SUSPENDED** for thirty (30) days without pay and **STERNLY WARNED** that a repetition of the same or similar act will warrant her dismissal from the service.

SO ORDERED.” *Zalameda, J., designated as additional Member per Special Order No. 2712 dated September 27, 2019.*

Very truly yours,


LIBRADA C. BUENA
Division Clerk of Court *pk 10129*
200

¹¹ *Re: Leave Division, Office of Administrative Services, Office of the Court Administrator v. Pua, Jr.*, 669 Phil. 138, 141 (2011).

¹² *Re: Imposition of Corresponding Penalties for Habitual Tardiness Committed During the Second Semester of 2004 by the following employees of this Court: Rodolfo E. Cabral, et al.*, 502 Phil. 413, 420 (2005).

¹³ *Office of the Court Administrator v. Erika B. Clark*, March 27, 2019.

Office of Administrative Services (x)
Legal Office (x)
Court Management Office (x)
Financial Management Office (x)
Docket & Clearance Division (x)
OCA, Supreme Court

Public Information Office (x)
Library Services (x)
Supreme Court
(For uploading pursuant to A.M. No. 12-
7-1-SC)

Ms. Erika B. Clark
Respondent- Clerk II
Municipal Circuit Trial Court
Botolan-Cabangan
Botolan, 2202 Zambales

The Clerk of Court
Municipal Circuit Trial Court
Botolan-Cabangan
Botolan, 2202 Zambales

Hon. Jose Midas P. Marquez (x)
Court Administrator
Hon. Raul B. Villanueva (x)
Hon. Jenny Lind R. Aldecoa-Delorino (x)
Hon. Leo Tolentino Madrazo (x)
Deputy Court Administrators
Hon. Lilian Barribal-Co (x)
Hon. Maria Regina A. F. M. Ignacio (x)
Assistant Court Administrators
OCA, Supreme Court



200

UR