



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 25 November 2020 which reads as follows:

“A.M. No. P-20-4082 (*Office of the Court Administrator v. Antonio B. Torio, Jr., Process Server, Regional Trial Court, Branch 8, La Trinidad, Benguet*) [Formerly A.M. No. 19-11-270-RTC] (*In Re: Habitual Tardiness of Antonio B. Torio, Jr., Process Server, Regional Trial Court, Branch 8, La Trinidad, Benguet*). – Before the Court is an administrative matter involving the habitual tardiness of Antonio B. Torio, Jr., (*respondent*), Process Server, Regional Trial Court, La Trinidad, Benguet, Branch 8 (*RTC*).

The November 8, 2019 Report¹ of the Employees’ Leave Division, Office of Administrative Services (*OAS*), Office of the Court Administrator (*OCA*), revealed that respondent was tardy sixteen (16) times in July 2019, fifteen (15) times in August 2019 and twelve (12) times in September 2019.

In its 1st Indorsement² dated November 19, 2019, the *OCA* directed respondent to comment on the Report.

In his Comment³ dated January 17, 2020, respondent explained that he commutes daily from Binmaley, Pangasinan to La Trinidad, Benguet so he can attend to his mother who has been suffering from occasional headaches due to blurred vision. He stated that his mother is advanced in age and he is the one who takes care of her because his siblings live in other places with their families.

¹ *Rollo*, p. 3.

² *Id.* at 7.

³ *Id.* at 8-9.

In its June 4, 2020 Report,⁴ the OCA found respondent guilty of habitual tardiness and recommended that he be reprimanded with a warning that a repetition of the same or similar act shall be dealt with more severely by the Court.

The Court's Ruling

The Court agrees with and adopts the findings and recommendation of the OCA.

The explanation of respondent is not sufficient to absolve him of administrative liability. Tardiness causes inefficiency and is prejudicial to public service.⁵ By being habitually tardy, respondent fell short of the stringent standard of conduct demanded from everyone involved in the administration of justice.⁶ 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.*,⁷ 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.⁸

It must be emphasized that moral obligations, performance of household chores, traffic problems and health, domestic and financial concerns are not sufficient reasons to excuse habitual tardiness.⁹ The Court cannot countenance such offense for it seriously compromises efficiency and hampers public service.¹⁰

⁴ Id. at 10-11.

⁵ *Re: Imposition of Corresponding Penalties for Habitual Tardiness*, 441 Phil. 240, 249 (2002).

⁶ See *Re: Habitual Tardiness Incurred by Mr. Gideon M. Alibang for the 1st Semester of 2003*, 476 Phil. 1, 5 (2004).

⁷ 456 Phil. 183 (2003).

⁸ Id. at 190.

⁹ *Re: Leave Division, Office of Administrative Services, Office of the Court Administrator v. Pua, Jr.*, 669 Phil. 138, 141 (2011).

¹⁰ *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*, 502 Phil. 413, 420 (2005).

The Civil Service Commission (CSC) 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.”

Under Section 50(F)(4), Rule 10 of CSC Resolution No. 1701077 (2017 Rules on Administrative Cases in the Civil Service), habitual tardiness is penalized as follows:

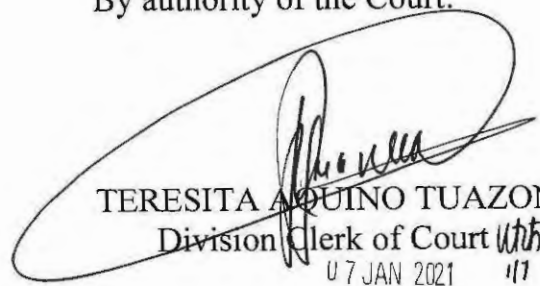
First Offense	-	Reprimand
Second Offense	-	Suspension for 1-30 days
Third Offense	-	Dismissal from the service

Considering that this is the first time that respondent violated the rule on habitual tardiness, the Court finds the penalty of reprimand appropriate.

WHEREFORE, Antonio B. Torio, Jr., Process Server, Regional Trial Court, La Trinidad, Benguet, Branch 8, is found **GUILTY** of Habitual Tardiness and is hereby **REPRIMANDED** and **STERNLY WARNED** that a repetition of the same or similar act will warrant the imposition of a more severe penalty.

SO ORDERED. (Rosario, J., designated additional member per Special Order No. 2797 dated November 5, 2020)”

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court *with*
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COURT ADMINISTRATOR

Hon. Jose Midas P. Marquez (x)

DEPUTY COURT ADMINISTRATOR

Hon. Raul B. Villanueva (x)

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Office of the Court Administrator

Supreme Court, Manila

ANTONIO B. TORIO, JR. (reg)

Process Server

Regional Trial Court, Branch 8

La Trinidad, Benguet

HON. PRESIDING JUDGE (reg)

Regional Trial Court, Branch 8

La Trinidad, Benguet

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*For this resolution only

Please notify the Court of any change in your address.

AM No. P-20-4082. 11/25/2020(101)URES *vjt*