

FIRST DIVISION

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

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

D E C I S I O N

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,