

EN BANC

[A.M. No. P-04-1861 (formerly A.M. No. 04-6-327-RTC), August 31, 2004]

**RE: HABITUAL TARDINESS OF MARIO J. TAMANG, SHERIFF IV,
REGIONAL TRIAL COURT, BRANCH 168, PASIG CITY**

RESOLUTION

AUSTRIA-MARTINEZ, J.:

This administrative matter concerns the habitual tardiness of Mario J. Tamang, Sheriff IV in Branch 168, Regional Trial Court, Pasig City.

The Certification,^[1] dated March 23, 2004, issued by Hermogena F. Bayani, Chief Judicial Staff Officer, Office of the Administrative Services, Office of the Court Administrator (OCA) shows that Mario J. Tamang incurred tardiness as follows:

JANUARY	2003	14 TIMES
FEBRUARY	2003	14 TIMES
MARCH	2003	10 TIMES
JUNE	2003	14 TIMES
JULY	2003	15 TIMES
AUGUST	2003	13 TIMES
SEPTEMBER	2003	18 TIMES

In compliance with the Letter-Memorandum^[2] dated February 18, 2004 of OCA, Tamang submitted his letter-explanation dated March 10, 2004^[3] extending his sincerest apology for having incurred series of tardiness in reporting for work in several occasions in the year 2003. Tamang explains that: sometime in January, 2003, he started to experience an extraordinary burning sensation in his right forearm; such pain was recurring and could be felt in the morning; as soon as the pain subsides, he would hurriedly report for work however late it was; the feeling went on for months until the rashes became wounds and that it was only in the last quarter of 2003 that he finally sought medical treatment and found out that the rashes were skin rabies which developed into minor skin asthma; not all the reported tardiness were due to health reasons but by reason of official business like service of summons, writs of execution and other processes of the court; if he could not report first in the office, he always made it a point to inform either the court's Utility Aide or even the Branch Clerk of Court by phone or by texting through their cellular phones to inform them of his whereabouts and after completing his official business he would return to the office no matter how late it was to log in and log out; he has been in the government service for twenty years and for this length of time, has never been administratively charged; he is just an ordinary employee trying his best to earn a living the honest way for his family and that human frailties and weaknesses sometime get in the way that hamper his willingness to cope; and he would stay overtime to finish whatever is to be done to complete his work in

order to compensate for being late.

The OCA finds that Tamang's explanation does not merit consideration to justify his habitual tardiness and recommends that he be reprimanded with a warning that repetition of the same or similar offense will warrant the imposition of a more severe penalty.

We approve the findings of the OCA but not as to the recommended penalty.

The explanation offered by Tamang that his tardiness is mainly due to his skin asthma cannot be given credence. Moral obligations, performance of household chores, traffic problems and health, domestic and financial concerns are not sufficient reasons to excuse habitual tardiness.^[4] Indubitably, he is guilty of habitual tardiness.

As courts are temples of justice, their dignity and sanctity must at all times be preserved and enhanced. In inspiring public respect for the justice system, court officials and employees must strictly observe official time. As punctuality is a virtue, absenteeism and tardiness are impermissible.^[5] By reason of the nature and functions of their office, the officials and employees 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.^[6]

Civil Service Memorandum Circular No. 23, Series of 1998 described habitual tardiness as follows:

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.

Although, this is the first time that Tamang is formally charged of habitual tardiness, records reveal that he incurred habitual tardiness for the two semesters of the year 2003. In the first semester of 2003, he had been late ten times or more for each of the three consecutive months of January, February and March. In the second semester of the same year, Tamang incurred tardiness more than ten times for the consecutive months of July, August and September. Thus, for having committed two counts of habitual tardiness, Tamang should be meted a penalty stiffer than a mere reprimand.

Section 52(c)(4), Rule VI of Civil Service Circular No. 19, Series of 1999 on the Revised Uniform Rules on Administrative Cases in the Civil Service, provides:

C. The following are Light Offenses with corresponding penalties:

. . .

4. Frequent unauthorized tardiness (Habitual Tardiness)