

THIRD DIVISION

[A.M. No. P-03-1695, April 21, 2003]

**CLERK OF COURT ARTEMIO H. QUIDILLA, JR., COMPLAINANT,
VS. JUNAR G. ARMIDA, RESPONDENT.**

DECISION

SANDOVAL-GUTIERREZ, J.:

This administrative case stemmed from the Office memorandum dated March 2, 2001 issued by complainant Atty. Artemio H. Quidilla, Jr., Clerk of Court, Regional Trial Court, Laoag City, charging respondent Junar G. Armida, Clerk III of the same court, with habitual absenteeism and tardiness, thus:

“(1) Habitual absences without approved leave or failure to apply for sick or vacation leave of absences within a reasonable time on the following dates:

January 2001	February 2001
02	02
04	05
09 a.m.	06 p.m.
12	07 a.m.
15 p.m.	08
16	09
20 a.m.	12 p.m.
31	13 p.m.
	16 p.m.
	23

(2) Habitual tardiness on the following dates:

January 2001	February 2001
03 a.m.	06 a.m.
05 a.m.	12 a.m.
08 a.m.	13 a.m.
15 a.m.	14 a.m./p.m.
17 a.m.	15 a.m.
18 a.m.	19 a.m.
19 a.m.	20 a.m.
29 a.m.	21 a.m.
	22 a.m.
	28 a.m.

March 2001	December 2001
------------	---------------

01 a.m.
02 a.m.

01 a.m. 15 a.m.
04 a.m. 19 a.m.
07 a.m. 20 a.m.
07 a.m. 20 a.m.
08 a.m. 21 a.m.
12 a.m. 26 p.m.
13 a.m. 28 a.m./p.m.
14 a.m. 29 a.m.

(3) Your time card was punched-in in the morning of January 2, 22 and 31, 2001 indicating that you came in, yet you were absent on said dates.”^[1]

In his letter-explanation dated March 7, 2001, respondent admitted having committed the acts complained of, but pleaded for forgiveness and consideration. He explained that he incurred tardiness in reporting for work because he lives in the remote town of Nueva Era, Ilocos Norte which is forty-eight (48) kilometers away from his workplace in Laoag City. As to his absences, he stated that he was then “suffering from a recurrent poignant headache and stomach ache.” He admitted that on January 2, 22 and 31, 2001, he was late and after punching-in his time card, he went home because he was ill. He said he applied for vacation and sick leave on those days he was absent but failed to submit them on time.

Complainant, in his letter-reply dated March 9, 2001,^[2] found respondent’s explanation “unconvincing” and “untenable,” thus:

“x x x

“You have been in this Office for more than five (5) years; more than two (2) years of which was under my supervision. Interestingly, it is only now – on the dates enumerated in the office memorandum of March 2, 2001 – that you are coming to office late and it started after you were directed to explain in writing why you should not be recommended for disciplinary action, contained in the office memorandum dated November 15, 2000. It may appear coincidental but in the undersigned’s mind, you have been coming late because you resented when your attention was called concerning your absences.

“Another reason that militates against your excuses is the fact that your residence may be relatively remote but not isolated. Nueva Era is now very much accessible considering that there are so many jeepneys plying the Nueva Era-Laoag City route that departs from Nueva Era bound for Laoag City as early as 5:00 o’clock a.m. x x x. There are other court employees who hail from Nueva Era and other far-flung areas of the province like Pagudpud. Take the case of Mr. Nikolai B. Alejandro, Clerk III, Branch 12; Mr. Felimon Dumaguing, Electrician; and Ms. Marilyn Galat, this Office, who also comes from Nueva Era and Pagudpud, respectively, yet they still arrived at the office on time.

“On your alleged suffering from recurring poignant headache and stomach ache, the undersigned heard this excuse for the first time. You

never told the undersigned of such recurring sickness before. In fact, you never presented any excuses at all.

"When the undersigned called your attention sometime in the latter part of February this year concerning your habitual tardiness and the reason your Bundy time card was punched-in in the morning of January 22, 2001 despite your absence from office, you replied that you were not aware who did it. You swear that somebody must have done it but you neither authorized nor consented to it. This is in total contrast to your claim now that you personally punched-in your time card on January 2, 22 and 31, 2001, but you allegedly went home later because you were not feeling well.

"If you really reported to office late or otherwise on January 2, 22 and 31, 2001 as you claim but you went home after punching-in your card, why did you not inform me of your inability to report to work? x x x.

"Your submission of application for leave only now after you have been directed to explain is a mere subterfuge to evade administrative liability. Had you not been directed to explain, would you still care to submit application for leave for your admitted absences on February 5-9 and 23, 2001? How about your absences in January, 2001?

"As you admitted, this is not the first time that your attention was called concerning your absences without leave. The first was on March 28, 2000 and the second on November 15, 2000. You promised to reform but it appears you are incorrigible by keeping on absenting which became a habit.

"With much regret, the undersigned finds your explanation and promise unworthy of attention and belief. In the interest of public service, you will be recommended for proper administrative investigation/action by higher authorities."^[3]

On March 12, 2001, complainant referred the matter to Executive Judge Perla B. Querubin, recommending that proper administrative disciplinary action be taken against respondent.^[4]

Judge Querubin agreed with Atty. Quidilla in his findings and recommendation. Noting, however, that the charges against respondent constitute grave offenses, she transmitted the records to the Office of the Court Administrator (OCA) for appropriate action.^[5]

The OCA then directed respondent to submit his comment on the complaint. In his comment dated December 21, 2001, he reiterated his admission of having committed habitual absenteeism and tardiness, but begged for clemency and forgiveness and another chance to reform and prove his worth as a public servant.^[6]

In his Report to this Court dated January 8, 2003, Court Administrator Presbitero J. Velasco, Jr. recommended that: (a) this case be docketed as a regular administrative