

## THIRD DIVISION

[ A.M. No. P-10-2807, October 06, 2010 ]

**LEAVE DIVISION-OAS, OFFICE OF THE COURT ADMINISTRATOR,  
COMPLAINANT, VS. BETHEL I. ESELLER, COURT INTERPRETER II,  
MUNICIPAL TRIAL COURT IN CITIES, BRANCH III, BACOLOD  
CITY, RESPONDENT.**

### DECISION

**BRION, J.:**

We resolve the present administrative matter involving the reported habitual tardiness of Bethel I. Eseller, Court Interpreter II, Municipal Trial Court in Cities (MTCC), Branch 3, Bacolod City.

A Report of Tardiness<sup>[1]</sup> submitted by the Leave Division of the Office of the Court Administrator (OCA) shows Ms. Eseller's record of tardiness as follows: for the year 2008, eighteen (18) times in October and sixteen (16) times in November; and for the year 2009, fifteen (15) times in March, ten (10) times in April and fourteen (14) times in May. Prior to these infractions, the Court, in *Leave Division-OAS, OCA v. Bethel I. Eseller, Interpreter II, MTCC, Branch 3, Bacolod City*,<sup>[2]</sup> already reprimanded Ms. Eseller for habitual tardiness.

In an indorsement dated September 24, 2009, then Court Administrator Jose P. Perez required Ms. Eseller to comment on the report submitted by the OCA. Ms. Eseller admitted her shortcomings in her compliance,<sup>[3]</sup> but attributed her frequent tardiness to her role as a working mother and sole breadwinner of the family, with a jobless husband and four minor children to attend to. She claimed that her predicament was aggravated by personal conflicts and antagonisms at her workplace, particularly with the branch clerk of court who repeatedly subjected her to criticism, abuse, and discrimination. She earnestly apologized for her infractions.

Court Administrator Jose Midas P. Marquez evaluated Ms. Eseller's explanation and found no justification for her habitual tardiness. He recommended (1) that the instant case be re-docketed as a regular administrative matter, and (2) that Ms. Eseller be suspended for fifteen (15) days without pay.

### THE COURT'S RULING

We agree with the Court Administrator's findings, but differ with the recommended penalty.

Under CSC Memorandum Circular No. 04, Series of 1991, an officer or employee of the civil service is 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 for at least two (2) consecutive months.<sup>[4]</sup> To ensure the Circular's