

## EN BANC

**[ A.M. No. 2007-15-SC, January 19, 2009 ]**

**RE: EMPLOYEES INCURRING HABITUAL TARDINESS IN THE 1ST SEMESTER OF 2007: MS. MARIVIC C. AZURIN, ATTY. WINSTON R. BANIEL, MS. MARIA VICTORIA S. BUZON, MR. CRISANTO C. CARILLO, JR., MR. ALLAN MICHAEL L. CHUA, MR. MANOLITO V. DE GUZMAN, MR. RODERICK I. DUERO, MR. RODEL A. GOMBIO, MR. EDUARDO M. IGLESIAS, ATTY. TERESITA ASUNCION M. LACANDULA-RODRIGUEZ, MR. RONALD C. NAPOLITANO, MS. MARIA TERESA P. OLIPAS, MS. DIGNA C. PALAFOX, MS. SANDRA O. PENDON, MR. JOVITO V. SANCHEZ AND MR. ROLANDO N. YACAT.**

### D E C I S I O N

**CHICO-NAZARIO, J.:**

Pending our action is the Memorandum<sup>[1]</sup> dated 16 November 2007 of Atty. Eden T. Candelaria (Atty. Candelaria), Deputy Clerk of Court and Chief Administrative Officer of this Court, recommending the imposition of administrative penalties on 16 employees who committed habitual tardiness during the first semester of 2007, in accordance with Civil Service Commission (CSC) Memorandum Circular No. 4, Series of 1991 (Policy on Absenteeism and Tardiness) and Memorandum Circular No. 19, Series of 1999 (Revised Uniform Rules on Administrative Cases in Civil Service).

The present administrative matter stemmed from the referral by the Leave Division to the Complaints and Investigation Division of the Office of Administrative Services (OAS) of the list of employees who incurred tardiness 10 times or more in a month for the first semester (January to June) of 2007, for appropriate action. Atty. Candelaria then required the employees in said list to explain within five days from notice why no disciplinary action should be taken against them. The names of the concerned employees and their respective explanations are reproduced below:

A. Employees with previous penalties of habitual tardiness:

1. Ms. Maria Teresa P. Olipas (Ms. Olipas), Court Stenographer III, Court Management Office.

In the First Semester of 2007, Ms. Olipas incurred habitual tardiness, to wit:

MONTH	TIMES TARDY
January	10
April	11

In her Comment<sup>[2]</sup> dated 29 August 2007, Ms. Olipas explained that she is a single parent with no one to assist her in taking care of her two daughters' needs. There are times when she suffers a severe pain on her left foot which gives her a hard time in getting up from bed. She admitted, however, she incurred tardiness but without any intention to violate the said CSC Memorandum Circular. She now begs for the kind indulgence and compassion of the Court for her predicament.

The Court *En Banc* in a Resolution dated 4 May 2001 in Re: Habitual Tardiness for the Year 1999 suspended Ms. Olipas for one month. She was again suspended for five days pursuant to the Court En Banc Resolution dated 16 March 2004 Re: Habitual Tardiness for the 1<sup>st</sup> and 2<sup>nd</sup> Semesters of 2003 for her second incursion of the same offense.

2. Ms. Marivic C. Azurin (Ms. Azurin), Clerk IV, Leave Division-OCA.

In the first semester of 2007, Ms. Azurin incurred habitual tardiness, to wit:

MONTH	TIMES TARDY
January	13
February	10
March	10

Ms. Azurin did not submit her explanation despite receipt of the Memorandum of OCA on 24 August 2007 and First Tracer on 26 September 2007 by the Leave Section of OCA, requiring her to explain in writing why no disciplinary action should be taken against her for her habitual tardiness. Thus, she is deemed to have waived her right to comment.

In a Resolution dated 23 October 2001, the Court *En Banc* in Re: Habitual Tardiness for the First Semester of 2001, Ms. Azurin was sternly warned.

3. Atty. Wilson Baniel (Atty. Baniel), Court Attorney VI, Office of the Clerk of Court-En Banc.

Atty. Baniel incurred habitual tardiness in the first semester of 2007, to wit:

MONTH	TIMES TARDY
January	14
May	13
June	12

In his Comment<sup>[3]</sup> dated 1 October 2007, Atty. Baniel apologized for the

late compliance with the OCA's directive to explain. He stated that through oversight, he was not able to comply in due time because all the while he thought that he had already complied but as he checked his files none has been filed.

As to the tardiness he incurred in the 1<sup>st</sup> semester of 2007 he explained that it was a balance of priorities between domestic troubles and family problems as against the rules being required of civil servants. He admitted that to decide between priorities, the latter should prevail. He now asks for temperance and promises to persevere and sacrifice more as he approaches his eighteenth year of service to the Court.

In a Resolution dated 13 September 2006, the Court *En Banc* in Re: Habitual Tardiness for the 2<sup>nd</sup> Semester 2005, sternly warned Atty. Baniel.

4. Mr. Allan Michael L. Chua (Mr. Chua), Clerk IV, Office of the Court Administrator.

In the first semester of 2007, Mr. Chua incurred tardiness, to wit:

MONTH	TIMES TARDY
January	13
February	11

In his Comment<sup>[4]</sup> dated 14 September, Mr. Chua admitted his infraction. He said that such incursion was neither intentional nor ingrained with bad faith. Having been employed only in July 2006 as co-terminus, he is still at a loss on the procedure on attendance in the government. That due to some domestic problems that he dealt with during said period, his performance at work was somehow affected. Mr. Chua now begs for the kind consideration on his case so as not to prejudice his chance of being employed elsewhere in the future when his appointment expires.

In a Resolution dated 5 June 2007, the Court *En Banc* in Re: Employees Incurring Habitual Tardiness in the Second Semester of 2006, Mr. Chua was sternly warned.

5. Jovito V. Sanchez (Mr. Sanchez), Information System Analyst III, Management Information Systems Office.

Mr. Sanchez incurred habitual tardiness in the First Semester of 2007, to wit:

MONTH	TIMES TARDY
January	10
March	11

In his Comment<sup>[5]</sup> dated 5 September 2007, he explained that it has been a year now since he was separated with his wife. On 10 December 2006, his estranged wife left for Singapore to work. Their three children, two of whom are already attending school, are now living with him since she left and they are all being taken care of by himself alone. He is considering the idea of getting a household help but finds it difficult to get one. He now begs that any disciplinary action that may be imposed on him as a result of his being habitually tardy be accorded with utmost compassion for humanitarian reasons.

Mr. Sanchez was sternly warned pursuant to the Court *En Banc* Resolution dated 17 April 2001, Re: Habitual Tardiness for the 1<sup>st</sup> Semester of 2000.

B. Employees incurring habitual tardiness for the first time:

1. Ms. Maria Victoria S. Buzon (Ms. Buzon), Management & Audit Analyst II, Court Management Office-OCA.

Ms. Buzon has been reported to be habitually tardy in the first semester of 2007, to wit:

MONTH	TIMES TARDY
February	10
April	10

In her Comment<sup>[6]</sup> dated 27 August 2007, Ms. Buzon explained that for having served the Judiciary for the past thirty (30) years as a public servant, she is well aware of the Civil Service Rules and Regulations regarding tardiness, absenteeism and the like. Having acquired hypertension last year, she finds it difficult to adjust and still is unable to handle the situations up to the earlier part of this year. She added that she is not used to uncomfortable feelings brought about by attacks of hypertension which caused her to slow down especially in the morning. This predicament, she said, was compounded by the unprecedented street diggings that caused so much traffic along the different routes used by public utility vehicles which she takes to reach the office.

Nonetheless, she admitted that she failed to monitor the number of times she came late. She promised, however, that this would not happen again especially now that she has been able to cope with her present health condition and the routes she takes daily to reach the office.

2. Mr. Crisanto C. Carrillo, Jr. (Mr. Carrillo), Judicial Officer III, MCLEO.

Mr. Carrillo, Jr. has incurred habitual tardiness in the first semester of 2007, to wit:

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MONTH	TIMES TARDY
January	12
May	10

In his Comment<sup>[7]</sup> dated 4 September 2007, he admitted the report for incurring tardiness qualified as habitual on the above-mentioned months. Nonetheless, he seeks favorable consideration due to the personal and health problems he was dealing with at that time compounded by the demand in school where he enrolled for his post graduate studies. He promised to be more circumspect in his actions despite this predicament.

3. Mr. Manolito V. De Guzman (Mr. De Guzman), Data Entry Machine Operator IV, Office of ACA Antonio Dujua, OCA.

Mr. De Guzman has been reported to be habitually tardy during the first semester of 2007, to wit:

MONTH	TIMES TARDY
January	11
May	10

He explained in his Comment<sup>[8]</sup> dated 29 August 2007 that during the months he was habitually tardy, his wife was sick and would not be able to take of their seven children, six of whom are attending their classes. That during those times, he was the one who took care of all the children's needs as he could not afford to get a household help. He is hoping for the kind consideration on his predicament.

4. Mr. Roderick I. Duero (Mr. Duero), Utility Worker II, Office of the Chief Attorney.

Mr. Roderick I. Duero incurred habitual tardiness in the first semester of 2007, to wit:

MONTH	TIMES TARDY
January	11
February	10
May	10
June	11

In his explanation<sup>[9]</sup> dated 29 August 2007, Mr. Duero did not dispute the record of his tardiness. As a family man who is desolated by his better-half, he said that he has to attend to all the needs of his four kids, three of whom are attending schools. Nonetheless, he pleads that any disciplinary action that may be imposed on him for the said infraction be