

THIRD DIVISION

[A.M. NO. P-05-2050 (FORMERLY A.M. NO. 05-7-418-RTC), March 10, 2006]

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
ATTY. MARTA T. CUNANAN, RESPONDENT**

DECISION

CARPIO MORALES, J.:

For habitual tardiness, Atty. Marta T. Cunanan (respondent), Clerk of Court V, Regional Trial Court, Branch 167, Pasig City, is administratively charged by the Office of the Court Administrator (OCA).

In her report dated April 29, 2005,^[1] Hermogena F. Bayani, Supreme Court Chief Judicial Staff Officer, Leave Division of the OCA, stated, *inter alia*, that respondent had incurred tardiness for 12 times in September 2004 and 12 times in October 2004.

In compliance with the OCA 1st Indorsement of May 13, 2005^[2] requiring respondent to give her comment on her reported tardiness, she, by 2nd Indorsement of June 3, 2005,^[3] gave the following explanation: In September and October 2004, she was suffering from respiratory ailment, aggravated by severe attacks of chronic migraine and hyperacidity which were accompanied with dizziness, nausea, vomiting, loss of appetite, sleepless nights and body weakness and discomfort. Aside from taking the prescribed medication, her doctor had advised her to rest. Despite her physical condition, however, she still reported for work so as not to hamper the smooth flow of cases pending before the court. And she worked overtime beyond the prescribed hours of work to complete the required daily hours of work.

Additionally, respondent informed that it takes two to three hours from her residence for her to reach the court; and while she has to rise very early in the morning and report for work to avoid the rush hour, her physical condition in September and October 2004 slowed down her mobility, hence, the tardiness.

Respondent later submitted an "ADDITIONAL EXPLANATION"^[4] stating that she has "not been blessed with a healthy body," and "beseeching . . . that [she] be accorded with kindness and understanding."

After evaluating the case, the OCA recommended^[5] that respondent be reprimanded and warned that a repetition of the same or similar offense would warrant the imposition of a more severe penalty.