

## SECOND DIVISION

**[ A.M. No. P-04-1862 (Formerly A.M. OCA IPI No. 04-6-330-RTC), August 12, 2004 ]**

**RE: HABITUAL TARDINESS OF MS. ELMIDA E. VARGAS, COURT STENOGRAPHER III, REGIONAL TRIAL COURT OF CEBU CITY, BRANCH 23.**

### RESOLUTION

**CALLEJO, SR., J.:**

This administrative matter relates to the habitual tardiness of Ms. Elmida E. Vargas, Court Stenographer III, Regional Trial Court of Cebu City, Branch 23.

The Certification dated March 15, 2004 issued by Hermogena F. Bayani, SC Chief Judicial Staff Officer, Leave Division, Office of the Administrative Services, Office of the Court Administrator (OCA), shows that Ms. Vargas incurred the following tardiness:

September 2002	13 times
October 2002	10 times
December 2002	14 times
January 2003	17 times
February 2003	12 times
March 2003	14 times

In her Letter dated April 11, 2003, Ms. Vargas explains that the reason for her tardiness is her being asthmatic. She further explains that her asthma attacks usually occur late in the afternoon and midnight to early dawn. She has to take medications that weaken her body, making it hard for her to get out of bed and prepare for work early in the morning.<sup>[1]</sup> Nonetheless, she admits that her ailment does not entirely affect her work at the office.

For its part, the OCA opines that the respondent's explanation does not merit consideration to justify her habitual tardiness. It, therefore, recommends that the case be re-docketed as a regular administrative matter, and that Ms. Vargas be reprimanded and warned that a repetition of the same will warrant the imposition of a more severe penalty.<sup>[2]</sup>

We agree.

There is no doubt that respondent is guilty of habitual tardiness. Civil Service Memorandum Circular No. 23, Series of 1998, describes habitual tardiness, as follows: