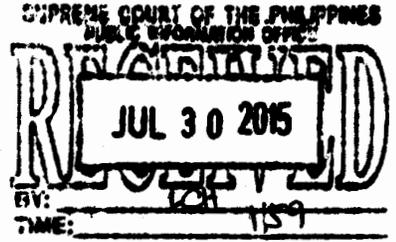




REPUBLIC OF THE PHILIPPINES
 SUPREME COURT
 Manila

SECOND DIVISION



NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 22 July 2015 which reads as follows:

"A.M. No. P-15-3337 [Formerly A.M. No. 12-9-203-RTC] – (Re: Habitual Tardiness of Gloria F. Basada, Court Stenographer III, Branch 200, Regional Trial Court, Las Piñas City)

In its Report of Habitual Tardiness, dated September 6, 2012,¹ the Employees' Leave Division (ELD), Office of Administrative Services (OAS), Office of the Court Administrator (OCA), stated that Gloria F. Basada (Basada), Stenographer III, Branch 200, Regional Trial Court, Las Piñas City, incurred tardiness for the following months of the year 2011:

January 2011	11 times
February 2011	12 times
May 2011	12 times
September 2011	12 times
December 2011	13 times

In the Indorsement, dated September 28, 2012, the OCA directed Basada to submit her comment on the report.

On October 19, 2012, Basada filed her Comment² admitting that she indeed incurred tardiness during the stated periods. She apologized to the Court and explained that the tardiness was due to health problems, such as difficulty in sleeping at night, loss of appetite, dizziness, and sore feet. Because of her troubles sleeping at night, she suffered headaches and dizziness in the morning. She would sometimes let the headaches pass before she would leave for work. She attached to her comment several medical documents to support her claim of illness. Basada also assured the Court that she would exert her best effort to report for work on time and that such transgressions would not happen again.

The OCA Recommendation

In its Report filed on May 25, 2015, the OCA recommended that Basada be found guilty of habitual tardiness and be admonished to strictly observe office hours, with a stern warning that a repetition of the same or similar infraction would be dealt with more severely.

¹ Rollo, p. 3.
² Id. at 11-14.

mgp

The OCA opined that Basada violated Civil Service Commission (CSC) Memorandum Circular No. 23, Series of 1998 because of her tardiness. The explanation she provided, to wit, her insomnia, sore feet and headaches, could not be deemed satisfactory. Moreover, the medical documents that she attached to her comment to justify her claim were all dated 2012, which could not be considered in her favor. For humanitarian reasons, however, the OCA considered the health concerns of Basada to mitigate her liability. Hence, for this reason and the fact that it was her first offense, the OCA recommended that an admonition with warning would suffice.

The Court's Ruling

The Court agrees with the recommendation of the OCA.

CSC Memorandum Circular No. 23, series of 1998, categorically provides that “[a]ny employee shall be 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 at least two (2) consecutive months during the year.”

In this case, Basada incurred tardiness more than 10 times for three (3) months in the first semester of 2011, January, February and May and for two (2) months in the second semester of 2011, September and December. Based on the foregoing, Basada doubtlessly committed habitual tardiness.

The explanation proffered by Basada regarding her insomnia, sore feet and headaches, cannot completely exculpate her. In the case of *Office of Administrative Services, Office of the Court Administrator v. Uri*,³ the Court held that moral obligations, performance of household chores, traffic problems, **health conditions**, domestic and financial concerns were not sufficient reasons to excuse habitual tardiness. Also, as aptly observed by the OCA, the medical documents submitted by Basada, all dated 2012, could not be considered for her tardiness in 2011.

To reiterate, all government officials and employees are accountable at all times to the people and must exercise utmost responsibility, integrity, loyalty, and efficiency. They must give every minute of their prescribed official time in the service to the public and must work for every centavo paid to them by the government. This duty calls for the observance of prescribed office hours and the efficient use of official time for public

³ 670 Phil. 1, 5 (2011).

service, if only to recompense the government and, ultimately, the people who shoulder the cost of maintaining the Judiciary.⁴

CSC Memorandum Circular No. 19, Series of 1999 provides for the following penalties for habitual tardiness:

First Offense	-	Reprimand
Second Offense	-	Suspension for 1 to 30 days
Third Offense	-	Dismissal

In the determination of penalties to be imposed, mitigating, aggravating and alternative circumstances attendant to the commission of the offense shall be considered.⁵ The OCA recommended that the health problems of Basada could still be taken into account with respect to the sanction to be imposed.

Again, the Court agrees with the OCA.

Although the Court is duty-bound to sternly wield a corrective hand to discipline its errant employees and to weed out those who are undesirable, this Court also has the discretion to temper the harshness of its judgment with mercy.⁶ As applied in the case at bench, the fact that the present case was her first offense and that she had some health problems should be considered as mitigating circumstances in her favor.

WHEREFORE, Gloria F. Basada, Stenographer III, Branch 200, Regional Trial Court, Las Piñas City, is found **GUILTY** of habitual tardiness and is **ADMONISHED** to strictly observe office hours, with a **STERN WARNING** that a repetition of the same or a similar infraction shall be dealt with more severely.

SO ORDERED."

Very truly yours,

MA. LOURDES C. PERFECTO
 MA. LOURDES C. PERFECTO
 Division Clerk of Court

⁴ *Re: Habitual Tardiness of Cesare Sales*, A.M. No. P-13-3171. January 28, 2014, 714 SCRA 601, 609.

⁵ *Gonzales v. Sales*, G.R. No. 175433. March 11, 2015.

⁶ *Cabigao v. Nery*, A.M. No. P-13-3153, October 14, 2013, 707 SCRA 424, 434.

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HON. COURT ADMINISTRATOR

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HON. DEPUTY COURT ADMINISTRATOR

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Thelma C. Bahia (x)

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Court Management Office (x)

Financial Management Office (x)

Docket & Clearance Division (x)

Office of Administrative Services (x)

Office of the Court Administrator

Supreme Court, Manila

GLORIA F. BASADA (reg)

Court Stenographer III

Regional Trial Court, Branch 200

Las Piñas City

HON. PRESIDING JUDGE (reg)

Regional Trial Court, Branch 200

Las Piñas City

LEAVE DIVISION (x)

OAS-OCA

Supreme Court, Manila

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AM P-15-3337. 07/22/15(252)URES ~~07/22/15~~