



Republic of the Philippines  
 Supreme Court  
 Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **June 10, 2020** which reads as follows:*

**“A.M. No. P-19-4005 (formerly A.M. No. 19-01-10-RTC) – OFFICE OF THE COURT ADMINISTRATOR, complainant, versus ELEANOR T. FACTOR, Clerk III, Branch 72, Regional Trial Court, Antipolo, Rizal, respondent.**

In a Report<sup>1</sup> dated January 11, 2019, Mr. Ryan U. Lopez, the Officer-in-Charge of the Employees’ Leave Division of the Office of Administrative Services, stated that Ms. Eleanor T. Factor (Factor), Clerk III, Branch 72, Regional Trial Court, Antipolo City, Rizal, whose official working hours are from 8:00 A.M to 5:00 P.M. incurred the following instances of tardiness: (i) 16 times in October 2018 and (ii) 10 times in November 2018.

The Office of the Court Administrator (OCA) then indorsed the Report to Factor for comment on January 24, 2019.<sup>2</sup> In a Comment<sup>3</sup> dated March 13, 2019, Factor apologized for her tardiness and explained that her tardiness was due to extreme distress and emotional trauma due to her brother’s deteriorating health. When her brother suffered a stroke, she became his primary caregiver as she was his only family member in the Philippines. She acknowledged the importance of creating a balance between her personal and professional life and promised that she would not repeat the infraction of tardiness.

In a Report<sup>4</sup> dated May 16, 2019, the OCA found that Factor had violated the rules on tardiness and the reasons she gave can not

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<sup>1</sup> Rollo, p. 3.

<sup>2</sup> 1<sup>st</sup> Indorsement, id. at 6.

<sup>3</sup> Id. at 8.

<sup>4</sup> Id. at 11-13.

exempt her from the corresponding administrative penalty. Moral obligations, performance of household chores, traffic problems, health conditions, domestic and financial concerns are not sufficient reasons to excuse habitual tardiness. Hence, the OCA recommended that Factor be found guilty of habitual tardiness and be reprimanded, with a stern warning that a repetition of the same or similar offense shall be dealt with more severely by the Court.

The Court approves and adopts the findings and recommendation of the OCA.

Civil Service Commission Memorandum Circular No. 23, series of 1998, provides:

Any 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.

The records show that Factor incurred tardiness more than ten (10) times from October to November 2018, which she does not deny. Due to her habitual tardiness, Factor did not meet the stringent standard of conduct demanded from everyone connected with the administration of justice. By reason of the nature and functions of the judiciary, its employees must be role models in the faithful observance of the constitutional canon that public office is a public trust. Accordingly, court officials and employees are required to strictly observe official time in order to inspire public respect for the justice system. Absenteeism and tardiness are impermissible.<sup>5</sup>

Habitual tardiness is classified as either a grave or light offense under the 2017 Rules on Administrative Cases in the Civil Service. If the habitual tardiness caused prejudice to the operations of the office,

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<sup>5</sup> *Re: Habitual Tardiness of Ms. Elmida E. Vargas, Court Stenographer III, RTC, Cebu City, Br. 23, A.M. No. P-04-1862, August 12, 2004, 436 SCRA 179, 181.*

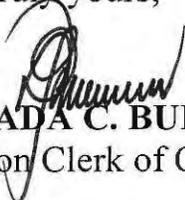
it is considered as a grave offense.<sup>6</sup> Otherwise, it is a light offense punishable by reprimand for the first offense.<sup>7</sup>

In the case at bar, since there is no showing that Factor's tardiness had caused prejudice to the operations of her office, the penalty of reprimand is justified because this is Factor's first infraction relating to habitual tardiness.

**WHEREFORE**, in view of the foregoing, the Court finds that **ELEANOR T. FACTOR** is **GUILTY** of habitual tardiness covering a period of two (2) months from October to November 2018 and she should be **REPRIMANDED**, with a **STERN WARNING** that a repetition of the same or any similar offense shall be dealt with more severely by the Court.

**SO ORDERED."**

Very truly yours,

  
**LIBRADA C. BUENA**  
Division Clerk of Court *gfb/ma*

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court  
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<sup>6</sup> **Section 50. Classification of Offenses.** Administrative offenses with corresponding penalties are classified into grave, less grave and light, depending on their gravity or depravity and effects on the government service.

x x x x

**B.** The following grave offenses shall be punishable by suspension of six (6) months and one (1) day to one (1) year for the first offense and dismissal from the service for the second offense:

x x x x

6. Habitual tardiness in reporting for duty causing prejudice to the operations of the office;

x x x x

**F.** The following light offenses are punishable by reprimand for the first offense; suspension of one (1) to thirty (30) days for the second offense; and dismissal from the service for the third offense:

x x x x

4. Habitual Tardiness[.]

<sup>7</sup> Id.



Hon. Jose Midas P. Marquez (x)  
Court Administrator

Hon. Raul B. Villanueva (x)

Hon. Jenny Lind R. Aldecoa  
-Delorino (x)

Hon. Leo Tolentino Madrazo (x)  
Deputy Court Administrators

Hon. Lilian Barribal-Co (x)

Hon. Maria Regina A. F. M. Ignacio (x)  
Assistant Court Administrators  
OCA, Supreme Court

Office of Administrative Services (x)

Legal Office (x)

Court Management Office (x)

Financial Management Office (x)

Docket & Clearance Division (x)

OCA, Supreme Court

Public Information Office (x)

Library Services (x)

Supreme Court

(For uploading pursuant to A.M.  
No. 12-7-1-SC)

Ms. Eleanor T. Factor  
Respondent – Clerk III  
Regional Trial Court, Branch 72  
Antipolo City, 1870 Rizal

The Hon. Presiding Judge  
Regional Trial Court, Branch 72  
Antipolo City, 1870 Rizal

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