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leave shall not be entitled to receive his/her salary corresponding to the period of his/her unauthorized leave of absence.

WHEREFORE, the Court hereby finds Josephine Dinampo, Court Stenographer II, *GUILTY* of malfeasance in office for unauthorized absenteeism, and orders her *SUSPENSION* for 6 months and 1 day without pay, with a *STERN WARNING* that a similar violation in the future will be strictly dealt with.

SO ORDERED.

Puno (Chairman), Panganiban, Sandoval-Gutierez, and Carpio Morales, JJ., concur.

THIRD DIVISION

[A.M. No. P-03-1695. April 21, 2003]

CLERK OF COURT ARTEMIO H. QUIDILLA, JR., *complainant, vs.* **JUNAR G. ARMIDA,** *respondent.*

SYNOPSIS

Respondent is Clerk III of the RTC, Laoag City, was charged with habitual absenteeism and tardiness. Respondent admitted the acts complained of, but pleaded for forgiveness and consideration.

The law classifies unauthorized absences or tardiness as a grave offense. There is no question that respondent's frequent unauthorized absences and tardiness have prejudiced the public service. Thus, the Court imposed the penalty of suspension for six (6) months and one (1) day, with warning against repetition of the same acts.

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SYLLABUS

1. **POLITICAL LAW; ADMINISTRATIVE LAW; COURT EMPLOYEES; FREQUENT UNAUTHORIZED ABSENCES IS GRAVE OFFENSE; IMPOSABLE PENALTY.**— Section 52, A(17), Rule IV, Memorandum Circular No. 19, Series of 1999 of the Civil Service Commission (The Revised Uniform Rules On Administrative Cases In The Civil Service) classifies frequent unauthorized absences or tardiness as a grave offense. The imposable penalty is suspension for six (6) months and one (1) day to one (1) year for the first offense and dismissal for the second offense.

2. **ID.; ID.; ID.; STRICT OBSERVANCE OF OFFICIAL TIME, REQUIRED.**— There is no question that respondent's frequent unauthorized absences and tardiness have prejudiced the public service. Certainly, such acts have denied the public the efficient service it deserves. The need for strict observance of official time has been emphasized by this Court in Administrative Circular No. 1-99 (Enhancing the Dignity of Courts as Temples of Justice and Promoting Respect for their Officials and Employees) and Administrative Circular No. 2-99 (Strict Observance of Working Hours and Disciplinary Action for Absenteeism and Tardiness) which provide that all court personnel must: "x x x "3. Strictly observe official time. As punctuality is a virtue, absenteeism and tardiness are impermissible." "x x x. Absenteeism and tardiness, even if such do not qualify as 'habitual' or 'frequent' under Civil Service Commission Memorandum Circular No. 4, Series of 1991, shall be dealt with severely x x x." The Constitution provides that "public office is a public trust. Public officers and employees *must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency...* " Time and again, this Court has held that any act which falls short of the exacting standards for public office, or which diminishes or tends to diminish the faith of the people in the Judiciary, shall not be countenanced.

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DECISION

SANDOVAL-GUTIERREZ, *J.*:

This administrative case stemmed from the Office Memorandum dated March 2, 2001 issued by complainant Atty. Artemio H. Quidilla, Jr., Clerk of Court, Regional Trial Court, Laoag City, charging respondent Junar G. Armida, Clerk III of the same court, with habitual absenteeism and tardiness, thus:

"(1) Habitual absences without approved leave or failure to apply for sick or vacation leave of absences within a reasonable time on the following dates:

January 2001	February 2001
02	02
04	05
09 a.m.	06 p.m.
12	07 a.m.
15 p.m.	08
16	09
20 a.m.	12 p.m.
31	13 p.m.
	16 p.m.
	23

(2) Habitual tardiness on the following dates:

January 2001	February 2001
03 a.m.	06 a.m.
05 a.m.	12 a.m.
08 a.m.	13 a.m.
15 a.m.	14 a.m./p.m.
17 a.m.	15 a.m.
18 a.m.	19 a.m.
19 a.m.	20 a.m.
29 a.m.	21 a.m.
	22 a.m
	28 a.m.

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March 2001	December 2001
01 a.m.	01 a.m. 15 a.m.
02 a.m.	04 a.m. 19 a.m.
	07 a.m. 20 a.m.
	08 a.m. 21 a.m.
	12 a.m. 26 p.m.
	13 a.m. 28 a.m./p.m.
	14 a.m. 29 a.m.

(3) Your time card was punched-in in the morning of January 2, 22 and 31, 2001 indicating that you came in yet you were absent on said dates."[1]

In his letter-explanation dated March 7, 2001, respondent admitted having committed the acts complained of, but pleaded for forgiveness and consideration. He explained that he incurred tardiness in reporting for work because he lives in the remote town of Nueva Era, Ilocos Norte which is forty-eight (48) kilometers away from his workplace in Laoag City. As to his absences, he stated that he was then "suffering from a recurrent poignant headache and stomach ache." He admitted that on January 2, 22 and 31, 2001, he was late and after punching-in his time card, he went home because he was ill. He said he applied for vacation and sick leave on those days he was absent but failed to submit them on time.

Complainant, in his letter-reply dated March 9, 2001,[2] found respondent's explanation "unconvincing" and "untenable," thus:

"x x x x x x x x x

"You have been in this Office for more than five (5) years; more than two (2) years of which was under my supervision. Interestingly, it is only now — on the dates enumerated in the office memorandum of March 2, 2001 — that you are coming to office late and it started after you were directed to explain in writing why you should not be recommended for disciplinary action, contained in the office

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[1] *Rollo* at 6.

[2] *Id.* at 3.

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memorandum dated November 15, 2000. It may appear coincidental but in the undersigned's mind, you have been coming late because you resented when your attention was called concerning your absences.

"Another reason that militates against your excuses is the fact that your residence may be relatively remote but not isolated. Nueva Era is now very much accessible considering that there are so many jeepneys plying the Nueva Era-Laoag City route that departs from Nueva Era bound for Laoag City as early as 5:00 o'clock a.m. x x x. There are other court employees who hail from Nueva Era and other far-flung areas of the province like Pagudpud. Take the case of Mr. Nikolai B. Alejandro, Clerk III, Branch 12; Mr. Felimon Dumaguing, Electrician; and Ms. Marilyn Galat, this Office, who also comes from Nueva Era and Pagudpud, respectively, yet they still arrived at the office on time.

"On your alleged suffering from recurring poignant headache and stomach ache, the undersigned heard this excuse for the first time. You never told the undersigned of such recurring sickness before. In fact, you never presented any excuses at all.

"When the undersigned called your attention sometime in the latter part of February this year concerning your habitual tardiness and the reason your bundy time card was punched-in in the morning of January 22, 2001 despite your absence from office, you replied that you were not aware who did it. You swear that somebody must have done it but you neither authorized nor consented to it. This is in total contrast to your claim now that your personally punched-in your time card on January 2, 22 and 31, 2001, but you allegedly went home later because you were not feeling well.

"If you really reported to office late or otherwise on January 2, 22 and 31, 2001 as you claim but you went home after punching-in your card, why did you not inform me of your inability to report to work? x x x.

"Your submission of application for leave only now after you have been directed to explain is a mere subterfuge to evade administrative liability. Had you not been directed to explain, would you still care to submit application for leave for your admitted absences on February 5–9 and 23, 2001? How about your absences in January, 2001?

"As you admitted, this is not the first time that your attention was called concerning your absences without leave. The first was

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on March 28, 2000 and the second on November 15, 2000. You promised to reform but it appears you are incorrigible by keeping on absenting which became a habit.

"With much regret, the undersigned finds your explanation and promise unworthy of attention and belief. In the interest of public service, you will be recommended for proper administrative investigation/action by higher authorities."[3]

On March 12, 2001, complainant referred the matter to Executive Judge Perla B. Querubin, recommending that proper administrative disciplinary action be taken against respondent[4]

Judge Querubin agreed with Atty. Quidilla in his findings and recommendation. Noting, however, that the charges against respondent constitute grave offenses, she transmitted the records to the Office of the Court Administrator (OCA) for appropriate action.[5]

The OCA then directed respondent to submit his comment on the complaint. In his comment dated December 21, 2001, he reiterated his admission of having committed habitual absenteeism and tardiness, but begged for clemency and forgiveness and another chance to reform and prove his worth as a public servant.[6]

In his Report to this Court dated January 8, 2003, Court Administrator Presbitero J. Velasco, Jr. recommended that: (a) this case be docketed as a regular administrative matter; and (b) respondent be held liable for conduct prejudicial to the best interest of the service and be suspended from the service for a period of six months and one day, with a stern warning that a repetition of the same or similar acts would be dealt with more severely. His recommendation is based on the following findings:

"x x x x x x x x x

[3] *Id.* at 4–5.

[4] *Id.* at 2.

[5] Transmittal letter dated March 13, 2001, *id.* at 1.

[6] *Rollo* at 8.

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"Formal investigation of the charge against the respondent is no longer necessary in view of his admission of tardiness in reporting for work (*Seguisabal vs. Cabrera*, Adm. Matter No. 2209-CTJ, August 27, 1981, 106 SCRA 670).

"Verification at the Leave Division of the Supreme Court shows that respondent has habitually incurred tardiness in reporting for work (and absences).

"Civil Service Memorandum Circular No. 04, Series of 1991, defines habitual tardiness as follows:

> 'An officer or employee in the Civil Service shall be considered habitually absent if he incurs unauthorized absences exceeding the allowable 2.5 days monthly leave credit under the leave law for at least three (3) consecutive months during the year.'

"Given respondent's utter disregard of his duties as a public servant and responsibilities as a court employee, respondent has failed to live up to the exacting standards for public office. As held in *Garcia vs. Eullara*, 'the conduct and behavior of everyone connected with an office charged with the dispensation of justice, like the court below, from the presiding judge to the lowest clerk, should be circumscribed with the heavy burden of responsibility' (cited in *Re: Absence Without Official Leave of Ms. Lilian B. Bantog, Court Stenographer, RTC, Branch 168, Pasig City*, A.M. No. 00-11-521-RTC, June 20, 2001).

"Respondent's habitual absences from work without the corresponding application for leave of absence being filed within a reasonable time, and habitual tardiness in office, constitute grave (offense) prejudicial to the best interest of the service as provided for in CSC Memorandum Circular No. 04, S. 1991."[7]

As aptly stated by Court Administrator Velasco, a formal investigation of this case is no longer necessary considering respondent's admission of the charges of habitual absenteeism and tardiness.

Section 52, A(17), Rule IV, Memorandum Circular No. 19, Series of 1999 of the Civil Service Commission (The Revised Uniform Rules On Administrative Cases In The Civil Service)

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[7] *Id.* at 18.

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classifies frequent unauthorized absences or tardiness as a grave offense. The imposable penalty is six (6) months and one (1) day to one (1) year, thus:

"A. The following are *grave offenses* with their corresponding penalties:

1.	xxx	x x x	x x x
	xxx	x x x	x x x

17. Frequent, unauthorized absences, or tardiness in reporting for duty, loafing or frequent unauthorized absences from duty during office hours.

1st offense — Suspension (6 mos., 1 day to 1 year)

2nd offense — Dismissal"

There is no question that respondent's frequent unauthorized absences and tardiness have prejudiced the public service.[8] Certainly, such acts have denied the public the efficient service it deserves. The need for strict observance of official time has been emphasized by this Court in Administrative Circular No. 1-99 (Enhancing the Dignity of Courts as Temples of Justice and Promoting Respect for their Officials and Employees)[9] and Administrative Circular No. 2-99 (Strict Observance of Working Hours and Disciplinary Action for Absenteeism and Tardiness) which provide that all court personnel must:

"xxx x x x x x x

"3. Strictly observe official time. As punctuality is a virtue, absenteeism and tardiness are impermissible."

"x x x. Absenteeism and tardiness, even if such do not qualify as 'habitual' or 'frequent' under Civil Service Commission Memorandum Circular No. 4, Series of 1991, shall be dealt with severely x x x."[10]

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[8] *Belvis vs. Fernandez*, 326 Phil. 467 (1996).

[9] Effective February 1, 1999.

[10] Cited in *Re: Imposition of Corresponding Penalties on the Following Employees of this Court for Habitual Tardiness Committed During the Second Semester of 2000: Fe Malou B. Castelo; et al.*, A.M. No. 00-6-09-SC, November 27, 2002.

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The Constitution provides that "public office is a public trust. Public officers and employees *must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency* . . . ."[11] Time and again, this Court has held that any act which falls short of the exacting standards for public office, or which diminishes or tends to diminish the faith of the people in the Judiciary, shall not be countenanced.[12] In *Basco vs. Gregorio*;[13] this Court ruled:

"The exacting standards of ethics and morality imposed upon court employees and judges are reflective of the premium placed on the image of the court of justice, and that image is necessarily mirrored in the conduct, official or otherwise, of the men and women who work thereat. It thus becomes the imperative and sacred duty of everyone charged with the dispensation of justice, from the judge to the lowliest clerk, to maintain the court's good name and standing as true temples of justice. Circumscribed with the heavy burden of responsibility, their conduct must, at all times, not only be characterized with propriety and decorum, but must be above suspicion. Indeed, every employee of the Judiciary should be an example of integrity, probity, uprightness; honesty and *diligence*. x x x."

Respondent, who is expected to maintain and enhance the public's full faith and trust in the Judiciary, has instead given little value to this norm of public accountability by his frequent unauthorized absences and tardiness. Thus, he should be administratively sanctioned.

WHEREFORE, respondent *JUNAR G. ARMIDA*, having committed frequent unauthorized absences and tardiness, is *SUSPENDED for SIX (6) MONTHS and ONE (1) DAY.* He is sternly *WARNED* that a repetition of the same acts will be dealt with more severely.

SO ORDERED.

Puno (Chairman), Panganiban, Corona, and *Carpio Morales, JJ.*, concur.

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[11] Section 1, Article XI of the 1987 Constitution.

[12] *Loyao, Jr. vs. Manatad*, A.M. No. P-99-1308, May 4, 2000, 331 SCRA 324.

[13] 315 Phil. 681 (1995).