

BY: ysg
TIME: 1:16

Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **October 9, 2019**, which reads as follows:

“A.M. No. P-19-4018 (Office of the Court Administrator vs. Edith P. Haboc, Clerk III, Branch 62, Metropolitan Trial Court, Makati City) [Formerly A.M. No. 18-04-29-MeTC] (Re: Habitual Tardiness of Edith P. Haboc, Clerk III, Branch 62, Metropolitan Trial Court, Makati City). – The Office of the Court Administrator (OCA), in its Report and Recommendation¹ (Report) dated July 23, 2019, informed the Court that Ryan U. Lopez, Officer-in-Charge, Employees’ Leave Division, Office of Administrative Services, OCA, submitted a Report dated March 1, 2018 stating that Edith P. Haboc, Clerk III, Branch 62, Metropolitan Trial Court (MeTC), Quezon City, incurred tardiness during the months of January 2017 (10 times), April 2017 (10 times), May 2017 (12 times), June 2017 (17 times), July 2017 (13 times), and August 2017 (12 times).

In the 1st Indorsement² dated April 13, 2018, the OCA directed Edith Haboc to comment on the Report of Ryan Lopez. When she failed to comply, a 1st Tracer³ dated October 16, 2018 was sent reiterating the prior directive, but to no avail. The Registry Return Receipt shows that a copy of the 1st Indorsement was sent by the Legal Office of OCA to Edith Haboc, which was received by one Marcelo Zamora. However, Edith Haboc still failed to submit her comment.

The OCA’s Report further revealed other relevant information to the effect that in the Resolution dated August 9, 2017 in A.M. No. P-17-3738 (*Habitual Tardiness of Edith P. Haboc, Clerk III, Branch 62, Metropolitan Trial Court, Makati City*), Edith Haboc was reprimanded for habitual tardiness and sternly warned that a repetition of the same or any similar offense shall warrant a more severe penalty.

¹ Signed by Court Administrator Jose Midas P. Marquez and Assistant Court Administrator Maria Regina Adoracion Filomena M. Ignacio; *rollo*, pp. 12-14.

² *Rollo*, p. 10.

³ *Id.* at 11.

Also, in another Resolution dated October 17, 2018 in A.M. No. 15-06-62-MeTC (*Re: Dropping from the Rolls of Ms. Edith P. Haboc, Clerk III, Branch 62, Metropolitan Trial Court [MeTC], Makati City*), Edith Haboc was dropped from the rolls effective November 2, 2017 for having been absent without leave.

In view of the foregoing facts, the OCA recommended that the March 1, 2018 Report of Ryan Lopez be **re-docketed** as a regular administrative matter against Edith P. Haboc; and that the latter be found **guilty** of habitual tardiness for the months of January 2017, April 2017, May 2017, June 2017, July 2017, and August 2017 and, accordingly, be **fined** in the amount equivalent to her one (1) month salary to be deducted from her leave credits and/or whatever monetary benefits she may be entitled to under the law.

In support of its recommendation, the OCA opined:

EVALUATION: Civil Service Memorandum Circular No. 23, series of 1998, provides that "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."

From the foregoing, it is clear that Ms. Haboc was habitually tardy. In fact, her tardiness covered four (4) months in the first semester and two (2) more months in the succeeding semester of 2017. This Office gave Ms. Haboc full opportunity to explain her tardiness through a 1st Indorsement dated 13 April 2018 and a 1st Tracer dated 16 October 2018. However, the directive remained unheeded and no comment was filed by Ms. Haboc on the matter.

As held by the Court in *Re: Imposition of Corresponding Penalties for Habitual Tardiness Committed during the first and second semester of 2003 by the following employees of this Court: Gerardo H. Alumbro, et al.*:

[Habitual tardiness] seriously compromises efficiency and hampers public service. By being habitually tardy these employees have fallen short of the stringent standards of conduct demanded from anyone connected with the administration of justice. By reason of the nature and function of their office, officials and employees of the Judiciary must be role models in the faithful observance of the constitutional canon that public service is a public trust. Inherent in this mandate is the observance of prescribed office hours and the efficient use of every moment thereof for public service, if only to recompense the Government, and ultimately the people who shoulder the cost of maintaining the Judiciary. Thus, to inspire public respect for the justice system, court officials and employees are at all times behooved to strictly observe official time. As punctuality is a virtue, absenteeism and tardiness are impermissible.

Under the 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS), habitual tardiness is now classified as either a grave or light offense. It is considered as grave offense under Rule 10, Section 50 (B)(6) if the tardiness prejudiced the operations of the office. On the other hand, it remains a light offense under Rule 10, Section 50 (F)(4) if the case involves plain habitual tardiness.

In the absence of proof that the operations of Branch 62, MeTC, Makati, were prejudiced, this case falls under the category of plain tardiness, a light offense punishable by reprimand for the first offense; suspension of one (1) to thirty (30) days for the second offense; and dismissal from service for the third offense. Considering that this is respondent's second infraction relating to habitual tardiness, the penalty of suspension for thirty (30) days should have been imposed. However, it appearing that Ms. Haboc was already dropped from the rolls, the penalty of fine in lieu of suspension is warranted.

In *OCA vs. Jornacion*, the Court imposed the penalty of fine equivalent to one (1) month salary against the late Rodrigo P. Jornacion, Process Server, Branch 152, RTC, Pasig City, considering that the penalty of suspension could no longer be imposed upon him in view of his untimely death. Similarly, Ms. Haboc can no longer be suspended having been dropped from the rolls effective 2 November 2017. Thus, the penalty of fine equivalent to her one (1) month salary may be imposed, to be deducted from her remaining leave credits or whatever monetary benefits she may be entitled to under the law.⁴

The findings of the OCA are duly supported by the facts on record and the applicable laws on the matter.

WHEREFORE, the recommendation of the Office of the Court Administrator, being in accord with the facts and the law, is hereby **APPROVED**. Edith P. Haboc, Clerk III, Branch 62, Metropolitan Trial Court, Quezon City, is found **GUILTY** of habitual tardiness and is **FINED** in the amount equivalent to her one (1) month salary to be deducted from her leave credits and/or whatever monetary benefits she may be entitled to under the law.

SO ORDERED." (*Inting, J., on leave*)

Very truly yours,

Mi SDC Batt
MISAELO DOMINGO C. BATTUNG III
Deputy Division Clerk of Court

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11/4/19

⁴ *Id.* at 12-13. (Citations omitted)

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