



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **10 February 2021** which reads as follows:*

“A.M. No. P-21-001 (Office of the Court Administrator v. Ruby C. Tabio, Court Stenographer III, Regional Trial Court, Branch 49, Puerto Princesa, Palawan) [(Formerly A.M. No. 19-07-167-RTC - Re: Habitual Tardiness of Ruby C. Tabio, Court Stenographer III, Branch 49, Regional Trial Court, Puerto Princesa, Palawan)] —

Antecedents

Per Report¹ dated July 9, 2019 of the Employees’ Leave Division, Office of Administrative Services (OAS), Office of the Court Administrator (OCA), respondent Ruby C. Tabio, Court Stenographer III, Regional Trial Court-Branch 49, Puerto Princesa City, Palawan, was cited for her habitual tardiness eleven (11) times in January 2019 and sixteen (16) times in May 2019.

In her Comment² dated September 30, 2019, respondent admitted her habitual tardiness and apologized therefor. She explained that she had been undergoing therapy sessions almost every night following her exploratory laparotomy and appendectomy procedures. She would usually arrive home late at night and wake up late in the morning.³ Since she got notified of her first round of tardiness incurred between July and December 2018, her punctuality had already improved.⁴ In fact, she continued to perform well in all her tasks and even exceeded her targets so much so that she got a Very

¹ *Rollo*, p. 3.

² *Id.* at 8.

³ See also respondent’s Comment in A.M. No. 19-04-84-RTC, *id.* at 10-11.

⁴ *Id.*

Satisfactory Rating in her latest Individual Performance Commitment Review (IPCR).⁵ She pleaded for leniency and consideration.

Report and Recommendation of the OCA

In its Report⁶ dated September 17, 2020, the OCA, through Court Administrator Jose Midas P. Marquez and Deputy Court Administrator Raul Bautista Villanueva recommended that respondent be suspended for thirty (30) days due to her habitual tardiness.

The OCA noted that this was respondent's second round of habitual tardiness. For her first round, she had already been reprimanded with warning. Thus, respondent should now be meted with the more severe penalty of suspension with stern warning that a third offense will already warrant her dismissal from service.

Ruling

Respondent has admitted to being tardy eleven (11) times in January 2019 and sixteen (16) times in May 2019 as reflected in the Report⁷ dated July 9, 2019 of the Employees' Leave Division, OAS, OCA. In other words, she was tardy more than ten (10) times for two (2) months in the first semester of 2019.

She is thus guilty of habitual tardiness as defined under The Civil Service Commission (CSC) Memorandum Circular No. 01, series of 2017⁸ which provides that any Frequent Unauthorized Tardiness (Habitual Tardiness) "is committed when an official or employee 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."⁹ Verily, respondent fell short of the stringent standard of conduct demanded of her as a public servant involved in the administration of justice.¹⁰

Respondent's so called therapy sessions almost every night following her exploratory laparotomy and appendectomy procedures, her coming home late at night and waking up late in the morning are not valid excuses for her habitual tardiness.¹¹

In the recent case of *OCA v. Torio*,¹² the Court emphasized that moral obligations, performance of household chores, traffic problems, and **health**,

⁵ *Id.*

⁶ *Id.* at 19-20.

⁷ *Id.* at 3.

⁸ Reiteration of the Policy on Government Office Hours; and the Administrative Offenses of Frequent Unauthorized Absences (Habitual Absenteeism); Tardiness in reporting for Duty; and Loafing from Duty during Regular Office Hours, January 31, 2017.

⁹ See A.M. No. P-18-3826, *OCA v. Bilgera*, September 7, 2020.

¹⁰ *Rollo*, pp. 19-20.

¹¹ See also respondent's Comment in A.M. No. 19-04-84-RTC, *id.* at 10-11.

¹² A.M. No. P-20-4082, *OCA v. Torio, Jr.*, November 25, 2020.

domestic and financial concerns are not sufficient reasons to excuse habitual tardiness.

While we recognize the attestation of respondent's immediate supervisor, Atty. Mary Melanyn G. Arambulo,¹³ that respondent's performance remains very satisfactory despite her physical challenges and her tardiness had not been prejudicial in the public service,¹⁴ records show that this is not respondent's first infraction for habitual tardiness.

In *A.M. No. P-20-4026*,¹⁵ the Court had already imposed the penalty of **reprimand** on respondent for her first offense of habitual tardiness incurred during the second semester of 2018. She was already warned that a repetition of the same or similar infraction will warrant the imposition of a more severe penalty. But as shown, she still incurred a second round of habitual tardiness now subject of the present administrative case.

Civil Service Commission Resolution No. 1701077 (2017 RACCS)¹⁶ classifies habitual tardiness as either a grave or light offense. If habitual tardiness prejudiced the operations of the office, it is considered a grave offense punishable by suspension of six (6) months and one (1) day to one (1) year for the first offense and dismissal from service for the second offense.¹⁷ Plain habitual tardiness, however, remains a light offense which is 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.¹⁸

On October 2, 2018, however, the Court approved A.M. No. 18-01-05-SC¹⁹ which contained amendments to Rule 140 of the Rules of Court, *viz.*:

Rule 140

Discipline of Judges of Regular and Special Courts, Justices of the Court of Appeals, the Sandiganbayan, Court of Tax Appeals, Court Administrator, Deputy Court Administrator and Assistant Court Administrator

SECTION 1. *How instituted.* – Proceedings for the discipline of Justices of the Court of Appeals, the Sandiganyan, Court of Tax Appeals and Judges **and personnel of the lower courts**, including the Shari'a Courts, and the officials and employees of the Office of the Jurisconsult, Court Administrator, Deputy Court Administrator, Assistant Court Administrator and their personnel, may be instituted, *motu proprio*, by the Supreme Court, in the Judicial Integrity Board.

x x x x

¹³ Clerk of Court V of the Regional Trial Court-Br. 49 Puerto Princesa City, Palawan.

¹⁴ As stated in the Affidavit dated September 30, 2019, *rollo*, pp. 12-13.

¹⁵ *Re: Habitual Tardiness of Ruby C. Tabio, Court Stenographer III, Branch 49, Regional Trial Court, Puerto Princesa, Palawan*, January 27, 2020.

¹⁶ The 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS), promulgated on July 3, 2017.

¹⁷ See Rule 10, Section 50 (B) (6) of the 2017 RACCS.

¹⁸ See Rule 10, Section 50 (F) (4) of the 2017 RACCS.

¹⁹ Entitled "Establishment of the Judicial Integrity Board (IB) and the Corruption Prevention and Investigation Office (CPIO).

SECTION 23. Less Serious Charge. – Less serious charge include:

x x x x

2. Frequent and unjustified absences without leave or **habitual tardiness**

x x x x

SECTION 25. *Sanctions.* –

x x x x

B. If the respondent is guilty of a less serious charge, any of the following sanctions shall be imposed:

1. **Suspension from office without salary and other benefits for not less than one (1) month nor more than three (3) months; or**

2. **A fine of not more than ₱10,000.00 but not exceeding ₱20,000.00.** (Emphases and underscoring supplied)

Under the amendments to Rule 140 of the Revised Rules of Court,²⁰ habitual tardiness falls under less serious charges. The foregoing amendments were largely carried over to the Court's July 7, 2020 Resolution in A.M. No. 18-01-05-SC.

Here, since respondent committed her second round of habitual tardiness during the first semester of 2019 and hence, after the Court's promulgation of the October 2, 2018 Resolution in A.M. No. 18-01-05-SC – **the provisions of the amended Rule 140 and not the 2017 RACCS, must be applied.** This notwithstanding, the OCA's recommendation of **suspension for thirty (30) days** is proper as the same is in accordance with Section 25 (B) (1) of Rule 140, as amended.

A final word. Officials and employees of the Judiciary must be role models in the faithful observance of the constitutional canon that public office 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. Therefore, to inspire public respect for the justice system, court officials and employees are at all times dutybound to strictly observe official time. As punctuality is a virtue, absenteeism and tardiness are impermissible.²¹

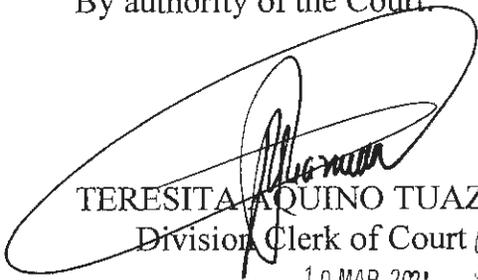
²⁰ See A.M. No. 18-01-05-SC, October 2, 2018.

²¹ *Imposition of Corresponding Penalties for Habitual Tardiness Committed during the First and Second Semester of 2003 by Gerardo H. Alumbro*, 469 Phil. 534, 545-546 (2004).

WHEREFORE, Ms. Ruby C. Tabio is found **GUILTY** of Habitual Tardiness under Rule 140 of the Rules of Court, as amended. She is **SUSPENDED** for thirty (30) days with **STERN WARNING** that a commission of the same or similar offense for the third time will already warrant her dismissal from service.

SO ORDERED.”

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court *WTh*
10 MAR 2021 3:10

HON. COURT ADMINISTRATOR
Jose Midas P. Marquez (x)
HON. DEPUTY COURT ADMINISTRATOR
Raul B. Villanueva (x)
Jenny Lind Aldecoa-Delorino (x)
Leo T. Madrazo (x)
ASSISTANT COURT ADMINISTRATOR
Hon. Lilian C. Baribal-Co (x)
Hon. Maria Regina Adoracion
Filomena M. Ignacio (x)
Legal Office (x)
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

RUBY C. TABIO (reg)
Stenographer III
Regional Trial Court, Branch 49
Puerto Princesa, Palawan

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 49
Puerto Princesa, Palawan

LEAVE DIVISION (x)
c/o Office of Administrative Services (OAS)
Office of the Court Administrator (OCA)
Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)
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OFFICE OF THE CHIEF ATTORNEY (x)
OFFICE OF THE REPORTER (x)
PHILIPPINE JUDICIAL ACADEMY (x)
Supreme Court, Manila

Please notify the Court of any change in your address.
AM P-21-001. 02/10/2021(102)URES