



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated August 23, 2023, which reads as follows:

“A.M. No. P-23-078 (Office of the Court Administrator v. Clerk III Jamie Anne A. Flores, Regional Trial Court, Branch 20, Imus, Cavite) [Formerly A.M. No. 19-11-283-RTC] (In Re: Habitual Tardiness of Clerk III Jamie Anne A. Flores, Regional Trial Court, Branch 20, Imus, Cavite). — This resolves the administrative charge against Jamie Anne A. Flores (Flores), Clerk III, Branch 20, Regional Trial Court, Imus, Cavite, for Habitual Tardiness.

Antecedents

On November 22, 2019, Ryan U. Lopez, Officer-in-Charge, Employees’ Leave Division, Office of Administrative Services (OAS), Office of the Court Administrator (OCA), submitted a Report,¹ stating that Flores was tardy 11 times in August 2019 and 18 times in September 2019.

In the 1st Indorsement² dated December 3, 2019, the OCA directed Flores to comment on the report within 10 days from receipt thereof. As of September 10, 2020, the OCA’s records showed that Flores has not yet submitted her Comment. Thus, the OCA sent Flores a 1st Tracer³ dated September 10, 2020, directing her to comply with the prior directive within five days from receipt of the Tracer.

On January 21, 2021, the OCA received Flores’ Comment⁴ dated February 7, 2020 *via* electronic mail.⁵ In her Comment, Flores admitted her mistake but did not provide any excuse for her tardiness. She stated that she

¹ *Rollo*, pp. 3, 6-7.

² *Id.* at 8.

³ *Id.* at 10.

⁴ *Id.* at 12.

⁵ *Id.* at 11.

“deeply regret[s] having committed the same”⁶ and that she is “currently taking steps to ensure that [her] marital/family problems will not interfere with [her] profession.”⁷

**Report and Recommendation of
the Office of the Executive Director
of the Judicial Integrity Board**

In its Report and Recommendation⁸ dated February 23, 2021, the Office of the Executive Director (OED) of the Judicial Integrity Board (JIB) found Flores guilty of Habitual Tardiness. As it was Flores’ second offense, the OED recommended her suspension for one month, with a stern warning that a repetition of the same and any similar offense shall be dealt with more severely by the Court. The said Report states:

IN VIEW OF THE FOREGOING, it is respectfully submitted that [the] Honorable Board recommend to the Supreme Court that:

1. the Report dated 22 November 2019 of Mr. Ryan U. Lopez, Officer-in-Charge, [Employees] Leave Division, Office of Administrative Services, Office of the Court Administrator (OCA), relative to the habitual tardiness of [Ms.] Jamie Anne A. Flores, Clerk III, Branch [20], Regional Trial Court, Imus Cavite, be **RE-DOCKETED** as a regular administrative matter; and
2. respondent Flores be found **GUILTY OF HABITUAL TARDINESS** (2nd offense) and be suspended for one (1) month with **STERN WARNING** that a repetition of the same and any similar offense shall be dealt with more severely by the Court.⁹

Under Civil Service Commission (CSC) Memorandum Circular (MC) No. 23, Series of 1998,¹⁰ employees shall be considered habitually tardy if they incur tardiness, regardless of the number of minutes, 10 times a month for at least two months in a semester or at least two consecutive months during a year. According to the OED, the records clearly show that Flores was habitually tardy and violated CSC MC No. 23, s. 1998.¹¹

The OED applied the 2017 Rules on Administrative Cases in the Civil Service¹² (2017 RACCS), wherein Habitual Tardiness is considered either a grave offense, if the tardiness prejudiced the operations of the office,

⁶ Id. at 12.

⁷ Id.

⁸ Id. at 14-15. Penned by Deputy Clerk of Court At-Large, Office of the Court Administrator and JIB Acting Executive Director James D.V. Navarrete, and JIB Acting SC Senior Chief Staff Officer of the Research and Investigation Services Eduardo C. Tolentino.

⁹ Id. at 15.

¹⁰ Entitled “Reprimand as the Penalty for First Offense in Habitual Tardiness.” Dated: June 15, 1998.

¹¹ *Rollo*, p. 14.

¹² Promulgated: July 3, 2017.

punishable by (a) suspension of six months and one day for the first offense, and (b) dismissal from the service for the second offense;¹³ or a light offense, if it is plain habitual tardiness, punishable by (a) reprimand for the first offense, (b) suspension of one day to 30 days for the second offense, and (c) dismissal from the service for the third offense.¹⁴ Since it found that it was Flores' second offense and that it was not established that her tardiness prejudiced the operations of the office, the OED recommended the penalty of suspension for one month as appropriate.¹⁵

Report of the Judicial Integrity Board

The JIB adopted the recommendation of the OED in its Report¹⁶ dated August 17, 2022, and recommended to the Court the following:

ACCORDINGLY, the Judicial Integrity Board respectfully **RECOMMENDS** to the Honorable Supreme Court, that:

- (1) the "Report on Tardiness Incurred by Ms. Jamie Anne A. Flores" dated November 22, 2019 of Ryan U. Lopez, Officer-in-Charge, Employees' Leave Division, Office of Administrative Services, Office of the Court Administrator, be **RE-DOCKETED** as a regular administrative matter against Jamie Anne A. Flores, Clerk III, Branch 20, Regional Trial Court, Imus, Cavite; and
- (2) Jamie Anne A. Flores be found **GUILTY** of Habitual Tardiness (2nd Offense) and be **SUSPENDED** from office without salary and other benefits for **ONE (1) MONTH**, with a **STERN WARNING** that a repetition of the same or similar offense shall be dealt with more severely.¹⁷

Section 15(c) of Rule 140¹⁸ of the Rules of Court (Rule 140) classifies habitual tardiness as a less serious charge, punishable by (a) suspension from office without salary and other benefits for not less than one month nor more than six months; or (b) a fine of more than ₱35,000.00 but not exceeding ₱100,000.00.¹⁹

In the determination of the penalty to be imposed on respondent, Rule 140 provides that the finding of a previous administrative liability where a penalty is imposed, regardless of nature and/or gravity, may be considered as

¹³ 2017 RACCS, Rule 10, Sec. 50(B)(6).

¹⁴ Id., Sec. 50(F)(4).

¹⁵ *Rollo*, p. 15.

¹⁶ Id. at 16-21. Penned by Chairperson Justice Romeo J. Callejo, Sr. (Ret.), and concurred in by Vice-Chairperson Justice Angelina Sandoval-Gutierrez (Ret.), First Regular Member Justice Sesinando E. Villon (Ret.), Second Regular Member Rodolfo A. Ponferrada (Ret.), and Third Regular Member Justice Cielito N. Mindaro-Grulla (Ret.).

¹⁷ Id. at 20.

¹⁸ As amended by A.M. No. 21-08-09-SC, entitled "Further Amendments to Rule 140 of the Rules of Court." Promulgated: February 22, 2022.

¹⁹ RULES OF COURT, Rule 140, Sec. 17(2).

an aggravating circumstance,²⁰ and if one or more aggravating circumstances and no mitigating circumstances are present, the Supreme Court may impose penalties of suspension or fine for a period or amount not exceeding double of the maximum prescribed under this Rule.²¹

The JIB found that for Habitual Tardiness, the period or amount not exceeding double of the maximum prescribed under Rule 140, *i.e.*, penalty of suspension for 12 months or fine of ₱200,000.00, is too harsh on respondent; thus, the JIB recommended the penalty of suspension of one month for humanitarian considerations.²²

The Court's Ruling

Under CSC MC No. 23, s. 1998, as reiterated in CSC MC No. 1, s. 2017,²³ employees shall be considered habitually tardy if they incur tardiness, regardless of the number of minutes, 10 times a month for at least two months in a semester or at least two consecutive months during the year.

According to the report of the OAS, Flores incurred tardiness at least 10 times each in the months of August and September 2019. Flores did not controvert this, and even admitted her mistake. Based on the CSC circulars, this constitutes Habitual Tardiness.

Being a less serious charge under Rule 140, Habitual Tardiness is punishable by (a) suspension from office without salary and other benefits for not less than one month nor more than six months; or (b) a fine of more than ₱35,000.00 but not exceeding ₱100,000.00.²⁴

The JIB recommended the penalty of suspension for one month, even if this is the second time that Flores is found guilty of the same act, on the ground of humanitarian considerations.

We find the recommendation of the JIB proper, but with clarification.

The JIB found that, aside from the aggravating circumstance of Flores' previous administrative liability where she was reprimanded,²⁵ there also

²⁰ *Id.*, Sec. 19(2)(a).

²¹ *Id.*, Sec. 20.

²² *Rollo*, p. 19.

²³ Entitled "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." Dated: January 31, 2017.

²⁴ RULES OF COURT, Rule 140, Sec. 17(2).

²⁵ *Office of the Court Administrator v. Flores*, A.M. No. P-20-4028, January 6, 2020. See also RULES OF COURT, Rule 140, Sec. 19(2)(a).

exists the mitigating circumstance of humanitarian considerations,²⁶ as Flores acknowledged her mistake and is taking responsibility for her acts.²⁷

Sec. 20 of Rule 140 provides:

[Sec.] 20. *Manner of Imposition.* — If one (1) or more aggravating circumstances and no mitigating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not exceeding double of the maximum prescribed under this Rule.

If one (1) or more mitigating circumstances and no aggravating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not less than half of the minimum prescribed under this Rule.

If there are both aggravating and mitigating circumstances present, the Supreme Court may offset each other. (Emphasis supplied)

Applying the foregoing, the aggravating and mitigating circumstances obtaining in this case offset each other. The recommended penalty of suspension of one month being within the imposable penalty prescribed for less serious charges, *i.e.*, suspension of not less than one month nor more than six months, We find the recommended penalty proper in this case.

WHEREFORE, the Court finds Jamie Anne A. Flores, Clerk III of the Regional Trial Court of Imus, Cavite, Branch 20, **GUILTY** of Habitual Tardiness during the months of August and September 2019. She is meted the penalty of **SUSPENSION** from office without salary and other benefits for **ONE MONTH**, with a **STERN WARNING** that a repetition of the same offense or commission of a similar act in the future will be dealt with more severely.

SO ORDERED.” *Marquez, J., no part; Lopez, J., J., designated additional Member per Raffle dated January 25, 2022.*

By authority of the Court:



MARIA TERESA B. SIBULO
Deputy Division Clerk of Court and
Acting Division Clerk of Court ^{am}

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²⁶ RULES OF COURT, Rule 140, Sec. 19(1)(d).

²⁷ See *Public Assistance and Corruption Prevention Office v. Paumig*, 844 Phil. 440, 452 (2018); *Mahinay v. Daomilas, Jr.*, 833 Phil. 310, 327 (2018); and *Office of the Court Administrator v. Judge Chavez*, 815 Phil. 41, 45-46 (2017).

Hon. Raul B. Villanueva (x)
Court Administrator
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

Hon. Romeo J. Callejo, Sr. (x)
Hon. Angelina Sandoval-Gutierrez (x)
Hon. Sesinando E. Villon (x)
Hon. Rodolfo A. Ponferrada (x)
Hon. Cielito N. Mindaro-Grulla (x)
Office of the Executive Director (x)
Office of the General Counsel (x)
Atty. James D.V. Navarrete (x)
Deputy Clerk of Court-at-Large
Judicial Integrity Board
Supreme Court

Ms. Jamie Anne A. Flores
Respondent - Clerk III
Regional Trial Court, Branch 20
Imus, 4103 Cavite

The Clerk of Court
Regional Trial Court, Branch 20
Imus, 4103 Cavite

Office of Administrative Services (x)
Legal Office (x)
Court Management Office (x)
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