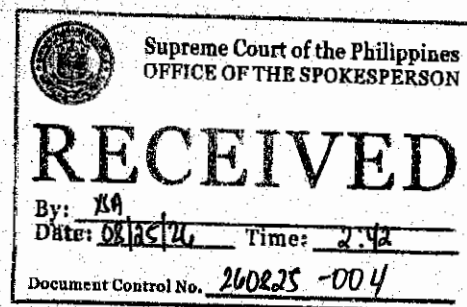




Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

JUDICIAL INTEGRITY BOARD A.M. No. P-26-417

Complainant, [Formerly JIB FPI No. 24-342-P]

Present:

- versus -

GESMUNDO, C.J., Chairperson
HERNANDO,
ZALAMEDA,
ROSARIO, and
MARQUEZ, JJ.

RONALYN D. DAVID, Court
Stenographer III, Branch 101,
Regional Trial Court, Quezon
City,

Respondent. Promulgated:

AUG 10 2026

X-----X

DECISION

ROSARIO, J.:

This administrative matter arose from the Report on Tardiness Incurred by Ms. Ronalyn D. David¹ dated December 11, 2023, which was prepared by the Employees' Leave Division, Office of Administrative Services (OAS), Office of the Court Administrator (OCA). Records show that respondent Ronalyn D. David (David), Court Stenographer III in Branch 101, Regional Trial Court (RTC), Quezon City, was tardy from work 14 times in October 2023 and 10 times in November 2023.² The OAS-OCA then endorsed the Report to Atty. Eduardo C. Tolentino (Atty. Tolentino), Officer-in-Charge, Office of the Executive Director of the Judicial Integrity Board (JIB), for appropriate action.³ The JIB directed David to file a Comment.⁴

¹ Rollo, pp. 3-5.

² Id.

³ Id. at 2.

⁴ Id. at 6..

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In her verified Comment,⁵ David explained that she was late only nine times in November 2023. Specifically, she averred that she was officially on sick leave the whole day of November 7, 2023 and half of the day on November 8, 2023. Immediately upon returning to work, she filed her application for leave for the said one and a half days, which was recommended for approval by Presiding Judge Evangeline C. Castillo-Marigomen (Judge Castillo-Marigomen) and forwarded to Executive Judge Rosanna Fe Romero-Maglaya (Executive Judge Romero-Maglaya).⁶ This leave application was reflected in the December 15, 2023 Letter of Judge Castillo-Marigomen to Executive Judge Romero-Maglaya regarding leave applications.⁷ David discussed that she was erroneously recorded late on November 8, 2023 in her daily time record⁸ because she failed to indicate that she was on a half day sick leave on that date.⁹

David also discussed that prior to October and November 2023, she had been dutiful in her attendance and performance of her tasks, which resulted in multiple “outstanding” ratings in her Individual Performance Commitment and Review (IPCR) forms.¹⁰ She also explained that she took the 2023 bar examinations held in September 2023. When she returned to work in October 2023, she was still feeling drained after studying and taking the examinations.¹¹

To prove that she was on approved leave on November 8, 2023, David submitted a Supplemental Comment¹² with an attached copy of her Application for Leave for the whole day of November 7, 2023 and half of the day on November 8, 2023, as approved by Executive Judge Romero-Maglaya.¹³

Recommendation of the JIB

The JIB found David guilty of habitual tardiness for being late 14 times in October 2023 and 10 times in November 2023. Moreover, the JIB found that the reasons David gave, i.e., the bar examinations, the death of her mother-in-law, and the heavy traffic in her area, were insufficient to excuse habitual tardiness. It also ruled that there was no legal basis for a half-day sick leave.¹⁴ It cited Section 15(c) in relation to Section 17(3) of Rule 140 of the

⁵ *Id.* at 9–15.

⁶ *Id.* at 9.

⁷ *Id.* at 16.

⁸ *Id.* at 3.

⁹ *Id.* at 9.

¹⁰ *Id.* at 11, 38–44.

¹¹ *Id.* at 12.

¹² *Id.* at 75–76.

¹³ *Id.* at 77.

¹⁴ *Id.* at 85.

Rules of Court¹⁵ to impose a fine and a reprimand. The JIB applied the mitigating circumstances that David had no previous disciplinary record and her more than 10 years of service.¹⁶

The dispositive portion of the Report and Recommendation¹⁷ of the JIB reads as follows:

IN VIEW OF THE FOREGOING, it is respectfully submitted for the consideration of the Honorable Board that the instant matter be **RE-DOCKETED** and the following recommendations be submitted to the Supreme Court:

- 1.) respondent **RONALYN D. DAVID**, Court Stenographer III, Branch 101, Regional Trial Court, Quezon City, be found **GUILTY** of habitual tardiness for the period October to November 2024 and be **FINED** in the amount of [PHP 17,501.00], payable within [three months] from the time the decision or resolution of the Supreme Court is promulgated; and
- 2.) respondent David be **STERNLY WARNED** that a repetition of the same or similar offense shall be dealt with more severely by the Supreme Court.¹⁸ (Emphasis in the original)

Ruling of this Court

The Court affirms the factual findings of the JIB. However, with the effectivity of the 2025 Code of Conduct and Accountability for Court Officials and Personnel (CCACOP),¹⁹ the Court finds respondent guilty of ordinary habitual tardiness not causing prejudice to the operations of the office.

On December 21, 2025, the CCACOP took effect. Section 1 of the General Provisions governs its application to pending cases, thus:

SECTION 1. *Transitory clause.* – The Code shall be applied to all pending and future cases, except to the extent that in the opinion of the Supreme Court, its retroactive application would not be feasible or would

¹⁵ Rules of Court, Rule 140, secs. 15(c) and 17(3) read:
Section 15. *Less Serious Charges.* — Less serious charges include:

....
(c) Habitual absenteeism and/or tardiness[.]

Section 17. *Sanctions.* —

3) If the respondent is guilty of a light charge, any of the following sanctions shall be imposed:
(a) A fine of not less than [PHP 1,000.00] but not exceeding [PHP 35,000.00];
(b) Censure; or
(c) Reprimand.

¹⁶ *Rollo*, p. 86.

¹⁷ *Id.* at 83–87. The August 21, 2024 Report and Recommendation in JIB FPI No. 24-342-P was penned by Acting Executive Director Eduardo C. Tolentino of the Judicial Integrity Board.

¹⁸ *Id.* at 86–87.

¹⁹ SC Administrative Matter No. 25-06-11-SC, October 28, 2025.

work injustice, in which case the procedure under which the cases were filed shall govern.

This Court finds that the application of the CCACOP to the present case is feasible and shall not work injustice.

Notably, the CCACOP made a distinction between habitual tardiness that cause prejudice to the operations of the office and ones that do not. The relevant portions of Canon V, Sections 20 and 21 of the CCACOP are quoted as follows:

SECTION 20. *Less Serious Offenses.* – Less Serious offenses include:

....

(b) Habitual tardiness causing prejudice to the operations of the office and/or habitual absenteeism;

....

SECTION 21. *Light Offenses.* – Light Offenses include:

....

(c) Ordinary habitual tardiness not causing prejudice to the operations of the office[.]

In *Office of the Court Administrator v. Salao*,²⁰ this Court applied CSC Memorandum Circular No. 23, series of 1998 provision on habitual tardiness, thus:

The JIB found that under Civil Service Commission Memorandum Circular No. 23, [s]eries of 1998, it is provided that “[a]ny employee 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.” Respondent was tardy for 21 times for two months in the first semester of 2019, [i.e.], 10 times in January 2019 and 11 times in March 2019. Hence, the JIB recommended that respondent be held administratively liable for [h]abitual [t]ardiness.

....

Here, it was established that respondent is guilty of [h]abitual [t]ardiness. Respondent was tardy at least 10 times for two months in the first semester of 2019, [i.e.], 10 times in January 2019 and 11 times in March 2019.²¹ (Citations omitted)

²⁰ 923 Phil. 618 (2022) [Per J. Inting, Third Division].

²¹ *Id.* at 619, 623.

The sole issue in this case is whether respondent was actually tardy 10 times for two consecutive months. Notably, OCA Circular No. 118-2010 provides that employees absent in the morning are considered tardy.²²

In the present case, respondent does not deny being absent at work during the morning of November 8, 2023; she argues that her absence could not be a basis for disciplinary action because she had filed a half-day sick leave.²³

Respondent's argument is without merit.

Records show that respondent reported for work at 10:25 a.m. on November 8, 2023.²⁴ Notably, records also include respondent's leave application and the recommendation for approval made by Judge Castillo-Marigomen.²⁵

Under CSC Memorandum Circular No. 17, series of 2010 (*Re: Policy on Half Day Absence*), "[a]ny officer or employee who is absent in the morning is considered to be tardy and is subject to the provisions on [h]abitual [t]ardiness." The same policy was likewise reiterated in OCA Circular No. 118-2010²⁶ (*Re: Policy on Undertime and Half Day Absence*). Equally important, there is no "half day sick leave" contemplated under the CSC laws, rules, and regulations. Clearly, respondent was still tardy when she logged in at 10:25 a.m. or was on "half day" on November 8, 2023.

Thus, even if respondent filed an application for sick leave for November 8, 2023, which was approved, she was still tardy under the foregoing rules. However, as will be discussed later, her tardiness shall be deducted from either her sick or vacation leave credits, as may be applicable, under Section 34²⁷ of the Omnibus Rules on Leave, Tardiness and Undertime.

As aptly discussed by the JIB, respondent was late for work 14 times in October 2023 and 10 times in November 2023. Hence, she was habitually tardy for two consecutive months, clearly placing her within the ambit of the rules on habitual tardiness.²⁸

²² OCA Circular No. 118-2010, par 2(1) reads:

Any officer or employee who is absent in the morning is considered to be tardy and is subject to the provisions on habitual tardiness.

²³ *Rollo*, p. 9.

²⁴ *Id.* at 17.

²⁵ *Id.* at 16, 76.

²⁶ OCA Circular No. 118-2010 (2010).

²⁷ Omnibus Rules on Leave, Tardiness, and Undertime (2010), sec. 34 reads:

Sec. 34. Tardiness and undertime are deducted against vacation leave credits. – Tardiness and undertime are deducted from vacation leave credits and shall not be charged against sick credits, unless the undertime is for health reasons supported by medical certificate and application for leave.

²⁸ *Rollo*, p. 85.

As to whether the offense should be classified as a less serious offense or a light offense, what is crucial is the determination of whether respondent's tardiness caused prejudice to the operations of the office.

In the present case, the Court affirms the finding of the JIB that no prejudice was caused to the operations of respondent's office. Thus, she must be found guilty only of the light offense of ordinary habitual tardiness not causing prejudice to the operations of the office under the CCACOP.

Canon V, Section 22 of the CCACOP provides that penalties for light offenses may range from a fine to a reprimand. Section 22(3) reads:

SECTION 22. Penalties –

(3) If the respondent is found guilty of a Light Offense, any of the following penalties shall be imposed:

- (a) a fine of not less than PHP 20,000.00 but not more than PHP 50,000.00;
- (b) Censure; or
- (c) Reprimand.

Canon V, Section 24 of the CCACOP provides for mitigating circumstances which the Court may, in its discretion, consider in determining the appropriate penalty to be imposed. Section 24(1) reads:

SECTION 24. *Modifying circumstances.* – In determining the appropriate penalty to be imposed, the Court may, in its discretion, appreciate the following mitigating and aggravating circumstances:

(1) Mitigating circumstances:

- (a) First offense;
- (b) Length of service of, at least, 10 years with no previous disciplinary case where respondent was meted with an administrative penalty;
- (c) Exemplary performance;
- (d) Humanitarian considerations;
- (e) Unconditional admission of guilt and public demonstration of remorse; and
- (f) Other analogous circumstances.

The JIB found that: (1) this was respondent's first offense; (2) she had almost 17 years of service in the Judiciary with no prior administrative penalty; and (3) she was rated by her superior as "Outstanding" in her IPCR.²⁹ Taken together, respondent may benefit from three mitigating circumstances in the present case, i.e.,: (1) first offense; (2) length of service of at least 10

²⁹ *Id.* at 86.

years with no pervious disciplinary case where respondent was meted with an administrative penalty; and (3) exemplary performance.

In *In Re: Employees Incurring Habitual Tardiness in the Second Semester of 2009*,³⁰ this Court imposed the penalty of reprimand to first time offenders of habitual tardiness.³¹ Similarly, in the previously cited case of *In Re: Employees Incurring Habitual Tardiness and Undertime in the First Semester of 2017*,³² this Court issued the penalty of a reprimand.³³

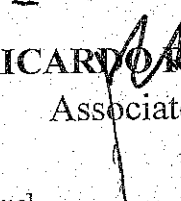
Hence, this Court finds it proper that a reprimand shall suffice as respondent's penalty.

Lastly, under Section 34 of the Omnibus Rules on Leave, Tardiness, and Undertime, tardiness and undertime are deducted against vacation leave credits unless the application is supported by a medical certificate, in which case, the same shall be deducted against the employee's sick leave credits.³⁴ In the present case, respondent's sick leave application, submitted for approval to RTC, Quezon City's executive judge, was not supported by a medical certificate.³⁵ Her tardiness should, therefore, be deducted against her vacation leave credits and not her sick leave credits.

ACCORDINGLY, as recommended by Acting Executive Director Eduardo C. Tolentino, respondent Ronalyn D. David, Court Stenographer III, Branch 101, Regional Trial Court, Quezon City, is found **GUILTY** of ordinary habitual tardiness not causing prejudice to the operations of the office. She is **REPRIMANDED** with a **STERN WARNING** that a repetition of the same or similar offense shall be dealt with more severely by this Court.

Any sick leave credit or portion thereof which respondent Ronalyn D. David may have lost from filing her application of half day leave on November 8, 2023 shall be redeemed, and her undertime for the same date shall be deducted from her vacation leave credits.

SO ORDERED.


RICARDO R. ROSARIO
Associate Justice

³⁰ 660 Phil. 608 (2011) [Per J. Delos Bersamin, *En Banc*].

³¹ *Id.* at 617.

³² 877 Phil. 969 (2020) [Per J. Delos Santos, Second Division].

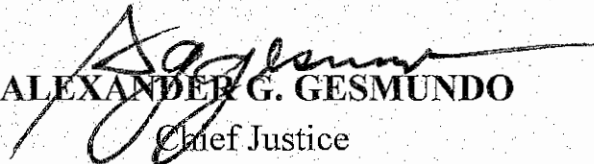
³³ *Id.* at 982.

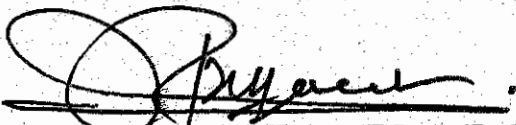
³⁴ Omnibus Rules Implementing Book V of Executive Order No. 292, sec. 34 reads:

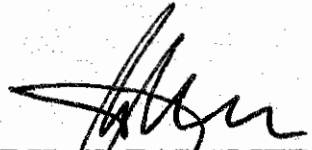
Section 34. Tardiness and undertime are deducted against vacation leave credits. – Tardiness and undertime are deducted from vacation leave credits and shall not be charged against sick credits, unless the undertime is for health reasons supported by medical certificate and application for leave.

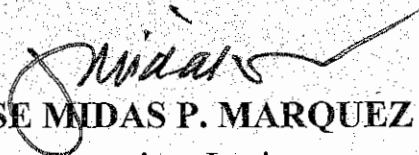
³⁵ *Rollo*, p. 16.

WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice
Chairperson


RAMON PAUL L. HERNANDO
Associate Justice


RODIL V. ZALAMEDA
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice