

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
EVACUATO F. BALBONA, SHERIFF IV, REGIONAL TRIAL COURT,
BRANCH 13, CEBU CITY, RESPONDENT.**

A.M. NO. P-04-1866 (FORMERLY A.M. NO. 04-6-336-RTC). April 22, 2005

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

On March 12, 2003, Deputy Court Administrator (DCA) Zenaida N. Elepaño wrote a letter[1] to Judge Meinrado P. Paredes of the Regional Trial Court, Branch 13, Cebu City, informing him that respondent Evacuato Balbona, sheriff IV, of the same court was 13 times tardy in October 2002 and 11 times in December 2002. Judge Paredes then directed respondent to explain within 72 hours why he should not be administratively charged.

In his explanation dated April 10, 2003, respondent stated that he committed tardiness because he woke up at dawn in order “to stock water for his family’s consumption;” that before leaving for work, he attended to the needs of his aged mother; and he had to wait for his wife, until she finished her household chores, so they could be together going to their respective places of work, which arrangement reduced their transportation fares.

On March 15, 2004, the Office of the Court Administrator (OCA), through Hermogena Bayani, Chief of the Leave Division, issued a Certification[2] that respondent incurred the following tardiness:

October 2002

-13 times

December 2002

-11 times

January 2003

-18 times

February 2003

-17 times

March 2003

-13 times

April 2003

-11 times

On April 16, 2004, DCA Elepaño referred respondent’s letter as well as the above Certification, to the OCA for

appropriate action and disposition.

Court Administrator Presbitero J. Velasco, Jr. submitted to this Court his Evaluation of the case:

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

‘An employee shall be considered tardy if he incurs tardiness, regardless of number of minutes, ten (10) times a month for at least two (2) months in a semester of at least two (2) consecutive months during the year.’

From the foregoing, it appears that the explanation of Mr. Balbona does not merit consideration to justify his habitual tardiness. As held by the Court in A.M. No. 00-06-09-SC, moral obligations, performance of household chores, traffic problems, health conditions, domestic and financial concerns are not sufficient reasons to excuse habitual tardiness. By being habitually tardy, employees have fallen short of the stringent standard of conduct demanded from everyone connected with the administration of justice. By reason of the nature and functions of their office, 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.”

In our Resolution[3] January 28, 2002, we required respondent to manifest whether he is submitting the case for resolution on the basis of the pleadings/records filed.

Respondent then submitted a Manifestation[4] dated October 11, 2004 stating that he is submitting the matter to the sound judgment of the Court.

Civil Service Commission (CSCS) Memorandum Circular No. 23, Series of 1998 provides:

“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 months in a semester or at least two (2) consecutive months during the year.”

It is indisputable that respondent incurred habitual tardiness. We cannot tolerate such infraction for it seriously impairs efficiency and hampers public service. By being habitually tardy, he has fallen short of the stringent standard of conduct demanded from everyone connected with the civil service, especially the administration justice.[5] By reason of the nature and functions of their office, officials and employees of the Judiciary must be role models in the faithful observance of the constitutional mandate that public office is a public trust.[6] 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.[7]

Thus, to inspire public respect for the justice system, the court officials and employees are at all times behooved to strictly observe official time. Indeed, absenteeism and tardiness are impermissible.

The reasons relied upon by respondent do not merit consideration. We have ruled that moral obligations, performance of household chores, traffic problems, health conditions, domestic and financial concerns are not sufficient reasons to excuse habitual tardiness.

WHEREFORE, respondent Evacuato F. Balbona is hereby declared guilty of tardiness and is **SUSPENDED** for thirty (30) days, with a warning that a repetition of similar offense in the future will be dealt with more severely.

SO ORDERED.

Panganiban, (Chairman), Corona, Carpio-Morales, and Garcia, JJ., concur.

[1] Rollo at 1-2.

[2] Rollo at 4.

[3] Id. at 12.

[4] Id. at 13.

[5] Re: Imposition of Corresponding Penalties for Habitual Tardiness Committed During the First Semester of 2004 by the Following Employees of this Court: Maria Liza S. Almojuela, Efren Ascrate, Maria Flora C. Ayllon, Jose Emmanuel David M. Eva III, Reynaldo B. Iglesias, Resurreccion M. Ilagan, Aurora E. Quintos, Ma. Fe M. Santiago, Ariel N. Vicedo, Antonio M. Acana, Armando D. Guarin and Romeo C. Fabia., A.M. 00-06-09-SC, November 10, 2004.

[6] Section 1, Article XI, 1987 Constituion.

[7] Administrative Circular No. 2-99, "Strict Observance of Working Hours and Disciplinary Action for Absenteeism and Tardiness," dated January 15, 1999.

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