

SECOND DIVISION

[A.M. No. 08-1-11-MeTC, August 11, 2008]

**OFFICE OF THE COURT ADMINISTRATOR, PETITIONER, VS.
MYRENE C. BALISI, COURT STENOGRAPHER II, METROPOLITAN
TRIAL COURT (METC), BRANCH 29, MANILA, RESPONDENT.**

R E S O L U T I O N

BRION, J.:

A Report of Tardiness submitted by the Leave Division of the Office of the Court Administrator (OCA) on November 28, 2007, shows that Myrene C. Balisi, Court Stenographer II, Metropolitan Trial Court (MeTC), Branch 29, Manila, had been tardy in going to her office, eleven (11) times in February and fourteen (14) times in April 2007.

Required to comment on the Report, Ms. Balisi admitted her tardiness. She, however, reasoned out that before she could leave for the office, she has to attend to her 5-year old daughter whose nanny left and went home to the province. She could report for work on time only when she leaves her daughter to the care of her mother.

In her evaluation report, Court Administrator Zenaida N. Elepaño found that respondent "had indeed violated the rule on tardiness." According to her, Ms. Balisi's explanation does not merit consideration to justify her tardiness. Hence, Court Administrator Elepaño submitted the following recommendation:

Respectfully submitted for the consideration of the Honorable Court recommending that this be RE-DOCKETED as a regular administrative matter; that Ms. Myrene C. Balisi, Court Stenographer II, MeTC, Branch 29, Manila, be REPRIMANDED for habitual tardiness and WARNED that a repetition of the same or similar offense will warrant the imposition of a more severe penalty.

Under CSC Memorandum Circular No. 04, Series of 1991, an officer or employee of the civil service is 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 for at least two (2) consecutive months.^[1] To ensure its observance, it was circularized in the Court on May 5, 1998 for the information and guidance of all its officials and employees.

The policy on absenteeism and tardiness was reiterated by the Court with the issuance of Administrative Circular No. 2-99 dated February 15, 1999 which provides that: Absenteeism and Tardiness, even if such do not qualify as "habitual" or "frequent" under CSC Memorandum Circular No. 04, S. 1991, shall be dealt with severely, and falsification of daily time records to cover-up for such absenteeism and/or tardiness shall constitute gross dishonesty and serious misconduct. This was