

THIRD DIVISION

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

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

DECISION

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: