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The counter-affidavit clearly showed that Busmente was the legal counsel in Civil Case No. 9284 and that he allowed Dela Rosa to give legal assistance to Ulaso.

Hence, we agree with the findings of the IBP-CBD that there was sufficient evidence to prove that Busmente was guilty of violation of Canon 9 of the Code of Professional Responsibility. We agree with the recommendation of the IBP, modifying the recommendation of the IBP-CBD, that Busmente should be suspended from the practice of law for six months.

WHEREFORE, we *SUSPEND* Atty. Yolando F. Busmente from the practice of law for SIX MONTHS.

Let a copy of this Decision be attached to Atty. Busmente's personal record in the Office of the Bar Confidant. Let a copy of this Decision be also furnished to all chapters of the Integrated Bar of the Philippines and to all courts in the land.

SO ORDERED.

Brion, Perez, Sereno, and *Reyes, JJ.,* concur.

SECOND DIVISION

[A.M. No. P-11-3010. November 23, 2011]
(Formerly A.M. OCA I.P.I. No. 10-3356-P)

LEAVE DIVISION-OAS, OFFICE OF THE COURT ADMINISTRATOR, *complainant, vs.* **LARAINE I. CALINGASAN, COURT STENOGRAPHER II, MUNICIPAL TRIAL COURT IN CITIES, STA. ROSA, LAGUNA,** *respondent.*

SYLLABUS

1. POLITICAL LAW; ADMINISTRATIVE LAW; COURT EMPLOYEES; HABITUAL TARDINESS; FAMILY PROBLEMS,

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HEALTH CONDITIONS, DOMESTIC AND FINANCIAL CONCERNS ARE NOT VALID JUSTIFICATIONS THEREFOR. — It is clear from the facts that Calingasan has been habitually tardy. Consequently, as an employee of the judiciary, she failed to live up to the stringent standard of conduct demanded from everyone connected with the administration of justice [.] x x x The excuses offered by respondent are not the kind that would justify her tardiness. We have previously held that moral obligations, the performance of household chores, traffic problems, health conditions, and domestic and financial concerns are not sufficient causes to excuse habitual tardiness.

2. ID.; ID.; ID.; ID.; PENALTY. — Under Sec. 52 (C) (4), Rule VI of CSC Memorandum Circular No. 19, Series of 1999, habitual tardiness is penalized as follows: First Offense – Reprimand; Second Offense – Suspension for 1-30 days; Third Offense – Dismissal from the service Since this is the first offense of Calingasan, the proper sentence is a reprimand with a stern warning that a repetition of the same or a similar offense in the future will be dealt with more severely.

D E C I S I O N

SERENO, *J.*:

In a report[1] dated 2 March 2011, Ms. Hermogena F. Bayani, Chief of the Leave Division, Office of Administrative Services, Office of the Court Administrator (OCA), transmitted the information that Laraine I. Calingasan (Calingasan), Court Stenographer II, Municipal Trial Court in Cities, Sta. Rosa City, Laguna, had incurred tardiness in the second semester of 2009, specifically on the following dates:

Month/Year	Number of Times Tardy
September 2009	11 times
November 2009	13 times
December 2009	14 times

[1] Report on Tardiness incurred by Ms. Laraine I. Calingasan.

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Photocopies of Calingasan's time cards for the months of September, November, and December were attached to the aforementioned report.

On 2 March 2010, Court Administrator Jose Midas P. Marquez referred the matter to Atty. Wilhelmina D. Geronga of the Legal Office of the OCA for the filing of the appropriate administrative complaint.

The OCA asked respondent on 24 March 2010 to comment on the report charging her with habitual tardiness.

In her Comment dated 28 April 2010, Calingasan explained that her son underwent an operation on 12 August 2009. His operation obliged her to clean his post-surgery wound every morning before going to the office until November 2009, when the wound fully healed. She further claims that, from August 2009 to November 2009, she had to accompany her son to the hospital several times for his medical checkup. For the month of December 2009, the justification she gave for her absences was that she was suffering from hypertension. On most mornings, she needed to take her medicine and wait for her blood pressure to go down before going to work.

The OCA, in its 14 March 2011 report, recommended that Calingasan be reprimanded for her first offense of habitual tardiness. She was also warned that a repetition of the same or a similar offense in the future would be dealt with more severely by this Court.

We adopt the recommendation of the OCA.

The Civil Service Commission (CSC), in its Memorandum Circular No. 23, Series of 1998, promulgated the rules and guidelines on absenteeism and tardiness of public employees, to wit:

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

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It is clear from the facts that Calingasan has been habitually tardy. Consequently, as an employee of the judiciary, she failed to live up to the stringent standard of conduct demanded from everyone connected with the administration of justice,[2] *viz*:

> By being habitually tardy, these 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. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives. 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. Thus, to inspire public respect for the justice system, court officials and employees are at all times behooved to strictly observe official time. As punctuality is a virtue, absenteeism and tardiness are impermissible.[3]

The excuses offered by respondent are not the kind that would justify her tardiness. We have previously held that moral obligations, the performance of household chores, traffic problems, health conditions, and domestic and financial concerns are not sufficient causes to excuse habitual tardiness.[4]

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[2] *Office of the Court Administrator v. Barnedo*, A.M. No. P-04-1888 (formerly A.M. No. 04-6-334-RTC), 7 October 2004, 440 SCRA 186.

[3] *Re: Employees Incurring Habitual Tardiness in the 1st Semester of 2007: Ms. Marivic C. Azurin, Atty. Winston R. Baniel, Ms. Maria Victoria S. Buzon, Mr. Crisanto C. Carillo, Jr., Mr. Allan Michael L. Chua, Mr. Manolito V. de Guzman, Mr. Roderick I. Duero, Mr. Rodel A. Gombio, Mr. Eduardo M. Iglesias, Atty. Teresita Asuncion M. Lacandula-Rodriguez, Mr. Ronald C. Napolitano, Ms. Maria Teresa P. Olipas, Ms. Digna C. Palafox, Ms. Sandra O. Pendon, Mr. Jovito V. Sanchez and Mr. Rolando N. Yacat*, A.M. No. 2007-15-SC, 19 January 2009, 576 SCRA 121.

[4] *Re: Imposition of Corresponding Penalties for Habitual Tardiness Committed During the Second Semester of 2002*, A.M. No. 00-6-09-SC, 14 August 2003, 409 SCRA 9, 15.

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Under Sec. 52 (C) (4), Rule VI of CSC Memorandum Circular No. 19, Series of 1999, habitual tardiness is penalized as follows:

First Offense – Reprimand

Second Offense – Suspension for 1-30 days

Third Offense – Dismissal from the service

Since this is the first offense of Calingasan, the proper sentence is a reprimand with a stern warning that a repetition of the same or a similar offense in the future will be dealt with more severely.

WHEREFORE, LARAINE. I. CALINGASAN, Court Stenographer II, Municipal Trial Court in Cities, Sta. Rosa City, Laguna, is hereby *REPRIMANDED* for her habitual tardiness and *WARNED* that a repetition of the same or a similar offense will warrant the imposition of a more severe penalty.

SO ORDERED.

Carpio (Chairperson), Brion, Perez, and *Reyes, JJ.*, concur.

FIRST DIVISION

[G.R. No. 141019. November 23, 2011]

JOSE TEOFILO MERCADO, *petitioner, vs.* **VALLEY MOUNTAIN MINES EXPLORATION, INC.,** *respondent.*

[G.R. No. 164281. November 23, 2011]

HEIRS OF JUAN OLIMPIADA and HEIRS OF SERGIO OLIMPIADA, *petitioners, vs.* **COURT OF APPEALS, HON. ALFONSO GARCIA, Judge, RTC, Branch 18, Tagaytay City, VALLEY MOUNTAIN MINES EXPLORATION, INC., represented by its President,**