

ATTYS. ROWENA V. GUANZON AND PEARL R. MONTESINO OF THE GENDER WATCH COALITION, ASSISTANT CITY PROSECUTOR ROSANNA SARIL-TOLEDANO, BACOLOD CITY, AND ATTY. ERFE DEL CASTILLO-CALDIT...

A.M. NO. RTJ-07-2038 (Formerly A.M. OCA IPI No. 05-2250-RTJ). October 19, 2007

Ponente: SANDOVAL-GUTIERREZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/0b36d0c2c0bc/>

SANDOVAL-GUTIERREZ, J.:

For our resolution is the February 11, 2005 letter-complaint[1] filed by complainants Atty. Rowena V. Guanzon and Atty. Pearl R. Montesino of the Gender Watch Coalition, Assistant City Prosecutor Rosanna Saril-Toledano, Bacolod City, and Atty. Erfe del Castillo-Caldit against respondent Judge Anastacio C. Rufon of the Regional Trial Court, Branch 52, same city, for violations of the Code of Judicial Conduct and the Rule on Gender-Fair Language, use of foul, or obscene and discriminatory language, discrimination against women lawyers and litigants and unethical conduct.

In his comment[2] dated January 20, 2006, respondent judge vehemently denied the charges.

On March 14, 2006, the Court referred the case to Justice Rebecca De Guia-Salvador of the Court of Appeals for investigation, report and recommendation.

On July 13, 2006, Justice Salvador set the case for preliminary conference. Only complainant Guanzon and respondent judge appeared. Because of the distance between Bacolod and Manila, the parties found it quite difficult and expensive to attend subsequent hearings of the case. Respondent submitted a pre-trial brief proposing stipulation of facts. Complainant Guanzon, for herself and in representation of complainant Montesino, filed a preliminary conference brief enumerating the charges in their complaint and the probable witnesses and documentary evidence they intended to present in support thereof. Later, complainant Guanzon submitted an affidavit of complainant Toledano, who was then a resident of the United States, imputing bias and abuse of authority to respondent for granting bail in Criminal Cases Nos. 03-24800 and 03-24801. Complainant Calditi executed a letter withdrawing her complaint against respondent.

In view of the parties' failure to attend the proceedings, Justice Salvador resolved the case on the bases of the pleadings and documents filed by the parties.

On March 5, 2007, Justice Salvador submitted her Report and Recommendation reproduced hereunder:

The Issue

WHETHER OR NOT SUFFICIENT CAUSE EXISTS TO HOLD RESPONDENT ADMINISTRATIVELY LIABLE FOR VIOLATION OF THE CODE OF CONDUCT FOR JUDGES AND THE RULE ON GENDER-FAIR LANGUAGE, USE OF FOUL OR OBSCENE AND DISCRIMINATORY LANGUAGE, DISCRIMINATION AGAINST WOMEN LAWYERS AND LITIGANTS AS WELL AS UNETHICAL CONDUCT.

Findings and Conclusions

A careful scrutiny of the record shows sufficient ground for a reprimand and an admonition to respondent to act with utmost temperance, sensitivity and circumspection in the discharge of his functions.

X X X X X X X X

Concededly, complainants in administrative proceedings have the burden of proving by substantial evidence the allegations in their complaint (*Araos v. Luna-Pison*, 378 SCRA 246). The fact that, owing to the unavailability of the parties, no hearings were conducted in the case to thresh out the issues presented by their various pleadings and incidents did not, however, totally discount the existence of factual bases for the charges leveled against respondent. In her November 8, 2006 affidavit (pp. 169-170, Rollo), Cynthia Bagtas-Serios significantly gave the following account of respondent's deportment which goes into the heart of the complaint, viz.:

X X X X X X X X

In one of the first hearings of my case, when Atty. Rowena Guanzon was not assisting me but another counsel, I was shocked when Judge Anastacio Rufon, inside the court with so many people present, said to me "next time you see your husband, open your arms and legs." I felt humiliated and insulted, and was glad that the hearing did not proceed because the respondent was not present.

The following day, I called Atty. Rowena Guanzon and reported Judge Rufon's foul language and intolerable conduct to her (p. 170, *ibid.*).

X X X X X X X X

Respondent had, of course, taken great pains to refute the foregoing allegations (pp. 215-219, *ibid.*), complete with transcript of stenographic notes taken in Civil Case No. 99-10985 (pp. 220-240, *ibid.*) as well as the orders issued in the case (pp. 241-243, *ibid.*). In denying the charges leveled against him, however, appropriate note may be taken of the fact that respondent's January 20, 2006 comment admitted his use of "frank language" in court when exhorting litigants to settle their differences and his resort to "strong and colorful" words whenever he has had a drink or two, albeit after office hours (pp. 81-82, *ibid.*). Even more significantly, the July 12, 2006 letter of complainant Caldit which was attached as Annex "4" to respondent's own Pre-Trial Brief contains the following tell-tale assertions, viz.:

X X X X X X X X

Respondent should bear in mind that a judge holds a position in the community that is looked up to with honor and privilege (*Ramos v. Barot*, 420 SCRA 406). Although judges are subject to human limitations (*Misajon v. Feranil*, 440 SCRA 298), it cannot be over-emphasized that no position is more demanding as regards moral righteousness and uprightness of any individual than a seat on the Bench (*Resngit-Marquez v. Llamas, Jr.*, 385 SCRA 6). Because a judge is always looked upon as being the visible representation of law and, from him, the people draw much of their will and awareness to obey legal mandates (*Garcia v. Bueser*, 425 SCRA 93), it has been rightfully ruled that moral integrity is more than a cardinal virtue in the judiciary; it is a necessity (*Office of the Court Administrator v. Sayo, Jr.*, 381 SCRA 659).

In closing, it would be remiss not to remind respondent of the fact that all judges should always observe courtesy and civility (*Fineza v. Aruelo*, 385 SCRA 339) and also be temperate, patient and courteous both in conduct and language (*Fidel v. Caraos*, 394 SCRA 47), especially to those appearing before him (*Lastimosa-Dalawampu v. Yrastorsa, Sr.*, 422 SCRA 26). The exacting standards of conduct demanded from judges are designed to promote public confidence in the integrity and impartiality of the judiciary (*Imbang v. Del Rosario*, 421 SCRA 523). In

view of the fact that public confidence in the judiciary is very easily eroded by irresponsible and improper conduct of judges (Navarro v. Tormis, 428 SCRA 37), respondent should remember to avoid improprieties and the appearance of impropriety in all of his activities (Veloso v. Caminade, 434 SCRA 7).

Recommendation

WHEREFORE, premises considered, the REPRIMAND of respondent is recommended alongside a stern admonition that he should, henceforth, take care to act with utmost temperance, sensitivity and circumspection in the discharge of his functions.

We sustain the finding of Justice Salvador that respondent judge uttered in open court intemperate and obscene language injurious to the sensitivity and feelings of complainants who are all women.

Judicial decorum requires a magistrate to be at all times temperate in his language,[3] refraining from inflammatory or excessive rhetoric or from resorting “to language of vilification.”[4] It is very essential that they live up to the high standards demanded by Section 6, Canon 6 of the New Code of Judicial Conduct for the Philippine Judiciary[5] which provides:

SEC. 6. Judges shall maintain order and decorum in all proceedings before the court and be patient, dignified and courteous in relation to litigants, witnesses, lawyers and others with whom the judge deals in an official capacity. x x x

In Fidel v. Caraos,[6] we held that although respondent judge may attribute his intemperate language to human frailty, his noble position in the bench nevertheless demands from him courteous speech in and out of the court. Judges are demanded to be always temperate, patient and courteous both in conduct and in language.[7]

Thus, we declare respondent judge guilty of vulgar and unbecoming conduct considered a light charge under Section 10(1), Rule 140 of the Revised Rules of Court, punishable under Section 11(C) of the same Rule, by:

- A fine of not less than P1,000.00, but not exceeding P10,000.00 and/or
- Censure
- Reprimand
- Admonition with warning

ACCORDINGLY, respondent Judge Anastacio C. Rufon is found guilty of vulgar and unbecoming conduct and is FINED in the amount of P5,000.00, with a warning that a repetition of a similar offense in the future shall be dealt with more severely.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Carpio, Austria-Martinez, Corona, Carpio-Morales, Azcuna, Tinga, Chico-Nazario, Garcia, Velasco, Jr., Nachura, and Reyes, JJ., concur.

[1] Rollo, pp. 12-13.

[2] Id., pp. 73-74.

[3] Turqueza v. Hernando, G.R. No. L-51626, April 30, 1980, 97 SCRA 483.

[4] Royeca v. Animas, G.R. No. L-39584, May 3, 1976, 71 SCRA 1.

[5] Agunday v. Tresvalles, A.M. No. MTJ-99-1236, November 25, 1999, 319 SCRA 134.

[6] A.M. No. MTJ-99-1224, December 12, 2002, 394 SCRA 47.

[7] Seludo v. Judge Fineza, A.M. No. RTJ-04-1864, December 16, 2004, 447 SCRA 73.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.