

JOCELYN TALENS-DABON, COMPLAINANT, VS. JUDGE HERMIN E. ARCEO, RESPONDENT.

A.M. No. RTJ-96-1336. July 25, 1996

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PER CURIAM:

Once again, this Court must strike hard at an erring member of the Judiciary.

The case before us stemmed from a sworn-complaint filed by Jocelyn C. Talens-Dabon, Clerk of Court V of the Regional Trial Court of San Fernando Pampanga, charging Judge Hermin E. Arceo, the Executive Judge thereof with gross misconduct. The complaint was later amended to include immorality. Judge Arceo filed his answer with counter-complaint to the main complaint and his answer to the amended complaint. He likewise submitted the affidavits of his witnesses.

After considering the answers, we issued a Resolution dated February 1, 1996 referring the case to Associate Justice Portia Aliño-Hormachuelos of the Court of Appeals for investigation, report, and recommendations, and at the same time, placing Judge Arceo under preventive suspension for the duration of the investigation (p. 61, Rollo).

After requests for postponement from both parties, hearings were held on March 4, 19, 20, 21, 22, and on April 1, 8, 10 and 18, 1996. Both parties presented their respective witnesses. Except for Atty. Arnel Santos and Prosecutor Ramon S. Razon, all of Judge Arceo's witnesses were court employees assigned at either the Office of the Clerk of Court or Branch 43 of the Regional Trial Court of San Fernando, Pampanga.

In due time, the Investigating Justice submitted her Report and Recommendation with the following findings:

The evidence shows that complainant Atty. Jocelyn "Joy" C. Talens-Dabon, 29, a resident of Dolores, San Fernando, Pampanga, is the Assistant Clerk of Court of the RTC, San Fernando, Pampanga which item she assumed on August 10, 1995, after working for more than a year as Branch Clerk of Court of RTC Kalookan City under Judge Adoracion G. Angeles. At the time of her assumption to office, she was about to get married to Atty. Dabon, a lawyer who work at the Court of Appeals. She is a Methodist, the same religion as that of respondent's wife and family.

Respondent Judge Hermin E. Arceo, 54, a resident of Guiguinto, Bulacan is the Presiding Judge of the RTC Branch 43 in San Fernando, Pampanga. He was newly designated Executive Judge therein vice Judge Teodoro Bay who transferred to Quezon City. His wife is ailing and on dialysis, and has been residing in the U.S. with their daughter since 1989. His family is in the printing business and his translations of some laws and books have been published (Exhs. 15-23). He has pursued further legal studies abroad either as participant or guest. He is President of the Pampanga-Angeles City RTC Judges Association and was designated Presidential Assistant for Operations of the Philippine Judges Association (PJA).

Three days after complainant first reported at the Office of the Clerk of Court, Atty. Elenita Quinsay, she was summoned by respondent. He was typing when she came in and at this first meeting, she was surprised that without even looking up at her, he asked her in a loud voice what she wanted. When he did look at her she was

bothered by the way he looked at her from head to foot "as if he were undressing her." Respondent told her that she was going to be detailed to his office as his assistant, a situation which she did not welcome having heard of respondent's reputation in the office as "bastos" and "maniakis" prompting her to work for her transfer to Branch 45 under Judge Adelaida Ala-Medina.

On August 21, 1995, complainant received respondent's Executive Order No. 001-95 (Exh. H) requiring her to report to the office of the Executive Judge effective August 28, 1995. Her work was to draft and file memos and circulars, pay telephone and electric bills and other clerical duties assigned to her by respondent. At one time she was designated to act as Branch Clerk of Court of Branch 43 in the absence of OIC Bernardo Taruc. She observed respondent to be rude and disrespectful to her and the other court personnel. He talked in a loud voice and shouted at them; used offensive words such as "walang isip", "tanga"; told green jokes and stories; made harsh and negative comments about court personnel in the presence of others. Whenever he had the opportunity he would make bodily contact ("chancing") with her and certain female employees. Twice as she was about to go out the door respondent would approach it in big strides so that his body would be in contact with hers and he would press the lower part of his body against her back. When complainant introduced her fiancé to him, respondent asked her why she was playing with her forefinger, at the same time gesturing with his to signify sexual intercourse. Sometime in November 1995, respondent kissed complainant on the cheek, a fact admitted by him in his testimony. He also admitted kissing witnesses Marilyn Leander, Ester Galicia and other female employees.

Sometime in October 1995, the Courts of San Fernando transferred to the Greenfields Country Club due to the inundation of their regular offices with lahar. Ester Galicia whose house was also affected was allowed to house her appliances in the staff room of RTC Branch 43. These included a VCR on which, as testified by witness Bernardo Taruc, a VHS tape entitled "Illegal in Blue" brought by respondent was played at respondent's bidding. The tape contained explicit sex scenes and during its showing respondent would come out of his chamber and tease the female employees about it. Taruc further related that at one time respondent brought and showed to the employees a picture which when held in some way showed figures in coital position.

Adding to complainant's apprehensions about respondent's sexual predilection were the revelations of Marilyn Senapilo-Leander, 23, a stenographer of Branch 43. Testifying on her own experiences with respondent, Leander stated that respondent wrote a love poem to her (Exh. A) and that many times while taking dictation from respondent in his chamber, he would suddenly dictate love letters or poems addressed to her as if courting her (Exhs. B to E). He kissed her several times, pointedly stared at her lower parts when she wore tight pants and made body contacts ("chancing"). At one point bursting into tears -- which prompted this Investigator to suspend her testimony; she was so agitated -- Leander testified of the time that respondent summoned her to his chamber and she found him clad only in briefs. When she turned around to flee, respondent called after her saying "why are you afraid. After all, this is for you."

Leander took into her confidence the most senior employee in Branch 43, OIC Clerk of Court Bernardo Taruc who then took it upon himself to accompany Leander in respondent's office whenever he could or ask other female employees to accompany her. Taruc asked Leander to report the matter to Deputy Court Administrator Reynaldo Suarez but Leander expressed fear of retribution from respondent. When Leander's wedding was set in late 1995, respondent taunted her by saying "Ikay, ang dami ko pa namang balak sa 'yo, kinuha pa naman kita ng bahay sa isang subdivision, tapos sinayang mo lang, tanga ka kasi!" This is admitted by respondent who said it was only a joke. Asked why she did not file any complaint against the respondent for sexually harassing her, Marilyn Leander explained:

"I am afraid considering that I am just an ordinary employee. And I know for a fact that Judge Hermin Arceo is a very influential person, he is very rich. I know he has lots of friends in Pampanga like the Governor. I know I cannot fight by myself alone." (TSN, March 20, 1996, p. 30).

For the complainant, these personal and vicarious experiences hit bottom with the incident that happened in the afternoon of December 6, 1995. As testified by complainant, corroborated in parts by Bemardo Taruc, Yolanda Valencia and Rosanna Garcia, complainant was summoned at about 1:30 p.m. to respondent's temporary chamber at Greenfields Country Club by respondent who himself came to the Staff room. By this time, only the Office of the Clerk of Court and RTC Branch 43 had been left at Greenfields; the other RTC branches had returned to their usual offices at the Hall of Justice. The Sangguniang Panglalawigan which had also occupied Greenfields had likewise vacated the building only the day before.

At his temporary chamber at Greenfields, respondent occupied two (2) small adjoining rooms while the personnel of the Office of the Clerk of Court and RTC Branch 43 occupied a bigger room called the Maple Room (Please see Exhs. "J", "K" and "2"). In respondent's Floor Plan marked Exhibit "2" it appears that from respondent's chamber, one had to pass a chapel and bar lounge before reaching the staff room. The door to the outer room of the chamber was equipped with a knob and an automatic door closer. When locked from inside, it could not be opened outside except with a key. Since there was no airconditioner, this door was usually held open for ventilation by a chair or a small table. The outer room had filing cabinet and sacks of rice lined up on two (2) sides of the wall. The inner room also had a door but without a knob. Respondent had his desk here. The window in this room opened to the lawn of the Country Club.

Amid this backdrop in what may have been a somnolent afternoon at Greenfields, complainant entered respondent's office. Already made cautious by respondent's reputation and Mrs. Leander's experience, she took care to check the outer door and noted the chair which prevented it from closing. Her apprehension increased because the hallway was clear of people and only the personnel of Branch 43 and the Office of the Clerk of Court were left holding office there. She entered the inner room, and sat on a chair in front of respondent's desk. They talked about the impending construction of the Hall of Justice. Their conversation was interrupted when Bemardo Taruc dropped by to tell respondent of a phone call for him. Respondent left the room but told complainant to remain for the signing of her Certificate of Service which she was then bringing. After a few minutes respondent returned and they resumed their conversation. When the talk veered to his wife, complainant became uneasy and directed respondent's attention to her unsigned Certificate of Service. After respondent signed it, complainant prepared to leave the room. At this juncture, respondent handed to her a folded yellow paper containing his handwritten poem (Exh. M; p. 22, Record).

Hereunder quoted is the poem and complainant's interpretation of it as contained in her Memorandum:

"Dumating ka sa buhay ko isang araw ng Agosto
Ang baon mo ay 'yong ganda at talinong abogado
Ang tamis ng 'yong ngiti ang bumihag sa puso ko
Malakas na pampalubag sa mainit kong ulo."

"Indeed, the last two lines of the first stanza are consistent with complainant's claim regarding respondent's rude manner and erratic mood swings.

"The second stanza of respondent's poem also jibes with his own testimony that he would often look for complainant whenever he would not see her, and with complainant's testimony that respondent's behavior towards her -- his propensity to utter remarks with sexual connotations, his acts of making physical contact with her, among others --

"Ang akala ko'y gayong lamang magiging pagtingin sa iyo
Ako itong amo at ikaw ang empleyado
Bakit habang tumatagal isip ko'y nagugulo
Pag di ka nakikita'y laging nagagalit ako."

"The third stanza is most descriptive of respondent's attitude towards complainant which complainant and her witnesses described as rude. It is also consistent with the testimonies of witnesses that respondent would shout at

complainant and would crack green jokes towards her:

"Damdamin kong sumusumpling pilit kong itinatago
Sa malalakas na mga tinig asik at mga biro
Ngunit kung nag-iisa puso ko'y nagdurugo
Hinahanap ng puso ko ang maganda mong anyo.

"The fifth stanza jibes with complainant's testimony that respondent gave her an unexpected kiss on at least two occasions:

"Bawat patak ng luha ko'y mga butil ng pag-ibig
Na siya kong kalasag sa pagnanakaw ng halik
Sa pisngi mo aking mahal, aking nilalangit
Patak ng ulan -- sa buhay kong tigang ang nakakawangis."

"Finally, the fourth and last paragraphs of the poem provides the context of the lascivious acts committed by respondent against complainant on 6 December 1995:

"Sawingpalad na pagibig nabigong pangarap
Na ikaw ay maangkin, mahagkan at mayakap
Pag-ibig mo'y ibinigay sa higit na mapalad
Ako ngayo'y naririto bigong-bigong umiiyak."
Kapalaran ay malupit, di kita makatalik
Sa ngayon o bukas pagkat di mo ibig
Aangkinin kita kahit sa panaginip
Gano'n kita kamahal Joy, aking pag- ibig."

(Complainant's Memorandum, pp. 32-33)

Complainant found the poem repulsive (obscene) particularly the line saying "Kapalaran ay malupit, di kita makatalik sa ngayon at bukas pagkat di mo ibig." In her testimony, complainant said she considered the poem malicious because they were both married persons, and he was a judge and she was his subordinate. Although outraged, complainant respectfully asked permission to leave while putting the poem in the pocket of her blazer. She then proceeded towards the outer room where she was surprised to find the door closed and the chair holding it open now barricaded it. The knob's button was now in a vertical position signifying that door was locked.

Complainant was removing the chair when respondent walked to her in big strides asking her for a kiss. Seconds later he was embracing her and trying to kiss her. Complainant evaded and struggled and pushed respondent away. Then panicking, she ran in the direction of the filing cabinets. Respondent caught up with her, embraced her again, pinned her against the filing cabinets and pressed the lower part of his body against hers. Complainant screamed for help while resisting and pushing respondent. Then she ran for the open windows of the inner room. But before she could reach it respondent again caught her. In the ensuing struggle, complainant slipped and fell on the floor, her elbows supporting the upper part of her body while her legs were outstretched between respondent's feet. Respondent then bent his knees in a somewhat sitting (squatting) position, placed his palms on either side of her head and kissed her on the mouth with his mouth open and his tongue sticking out. As complainant continued to struggle, respondent suddenly stopped and sat on the chair nearest the door of the inner room with his face red and breathing heavily. Complainant angrily shouted "maniac, demonyo, bastos, napakawalanghiya ninyo". Respondent kept muttering "I love you" and was very apologetic offering for his driver to take her home. Complainant headed for the Maple Room where, when she entered, she was observed by Bernardo Taruc and Yolanda Valencia to be flushed in the face and with her hair disheveled. Yolanda particularly found surprising complainant's disheveled hair because complainant considered her (long straight) hair one of her assets and was

always arranging it. Rosanna Garcia in her testimony observed that complainant was really angry as shown by the way she grabbed her bag "talagang galit."

It is to be noted that Mrs. Rosanna Garcia, 36, was a most reluctant witness. When first subpoenaed, she did not appear and sent a medical certificate (p. 120, Record) that she was suffering from hypertension. She testified that she was asked by respondent to sign an affidavit (Exh. F, pp. 56-57, Record) prepared by him and that eventually, she executed a Sinumpaang Salaysay in her own handwriting (Exh. G) wherein she stated that some of the statements in her earlier affidavit were false and that she was only forced to sign because respondent shouted at her when she refused; that she was afraid of respondent who was her boss. She corroborated complainant's declaration that respondent went to the door of the Maple Room in order to call her (complainant), adding that his call could not be made from his office because he could not be heard as his office was far from the Maple Room. This is in direct contrast to respondent's testimony that he did not summon complainant but she came to him to get the poem that she asked him to make for her.

When complainant angrily left the Maple Room, Yolanda Valencia followed and walked with her outside. On the road, complainant told Valencia "napakawalanghiya ni Judge, bastos, demonyo" and vowed that she would tell her family about what respondent did to her so that her father would maul him. As testified by Yolanda Valencia, complainant was so angry "nagdadabog talaga siya" (TSN, March 19, 1996, p. 194). But as they were already on the road, complainant did not tell Valencia what happened.

The next day complainant related her experience to Bernardo Taruc with whom she rode to the office. As testified by Taruc:

"A

She was telling me about the incident which happened that afternoon of December 6, 1995.

Q

Can you tell us what she told you about the December 6, 1995 incident?

A

She told me that she was kissed by the Judge inside his office.

Q

What else did she tell you, if any?

A

She said that she was pushed on the floor and she was very disorganized in relating the incident it was as if she was trying to say all things at the same time. But what I got from her was that she was kissed by the Judge in the office on December 6 on the lips and she was fuming mad.

Q

What was your reaction when you heard that from Atty. Talens-Dabot?

A

I was . . . I was shocked . . . I don't know the proper term. I was shocked.

Q

What did you say or do upon learning the incident?

A

When she later on was pacified, she asked me, 'what am I going to do? Am I going to press charges?'

Q

What did you say?

A

I told her it is up to her and before doing it she has to weigh all things, the consequences if she would file a case.

Q

Was that the end of the conversation?

A

No, she kept on retelling it all over again till we reach the office."

(TSN, March 20, 1966, pp. 127-128).

Complainant also related what happened to witness Atty. Elenita Quinsay but, as testified by Atty. Quinsay, complainant did not want anybody (else) to know about the kissing incident at that point. Atty. Quinsay advised complainant to talk with respondent and ask for a transfer.

On December 12, 1995 complainant went to the Hall of Justice where respondent was, and as he was about to board his car, approached him and verbally broached her request for transfer. He acceded. Thus in the morning of December 18, 1995, complainant brought her written request for transfer dated December 12, 1995 (Exh. N) for respondent's signature, reminding him of his earlier verbal approval. He refused saying he needed her for two (2) administrative cases that he was investigating. When she insisted, he shouted at her saying it was his decision and had to be obeyed. However, he eventually signed the memorandum (Exh. O) transferring her later that morning.

Two days later, on December 20, 1995, complainant, after consulting her family, reported the matter to the police and filed with the Municipal Trial Court of San Fernando, Pampanga criminal cases for acts of lasciviousness (Exh. 3), Violation of Anti-Sexual Harassment Law (Exh. 5) and this administrative case the following day.

For his part, respondent mostly denied complainant's allegations. He presented his version of some specific incidents or conduct such as that he was merely imitating complainant's gesture with her forefinger as she nervously introduced her boyfriend to him. He admitted that he kissed her ("November incident was not the first but it was the last") and other female employees; admitted the pre-wedding incident where he told Mrs. Leander "tanga ka kasi" but said it was only a joke; admitted that his voice is louder than others but he does not shout; admitted that he tells green but "never vulgar" jokes. Denying Marilyn Leander's allegations and disclaiming any knowledge of Exhs. A to E, he described Leander as a "very young funny person, always laughing." In his testimony he never showed why Marilyn Leander, Rosanna Garcia or Yolanda Valencia would testify against him to corroborate complainant's testimony, reserving his venom for Bernardo Taruc. He said Taruc's research work were "not usable." He insinuated that Taruc perjured himself because he was jealous about Marilyn Leander with whom he (Taruc) has a relationship.

He declared that nothing happened on December 6, that it was complainant who entered his room to get the poem she herself asked him to make. He called the December 6 incident a "mere fabrication" of complainant in vengeful retaliation of four (4) incident that he either scolded or humiliated her namely: in September 1995 when he

reminded, but did not scold, her to report to Branch 43; in November 1995 when he reproached her for not reflecting in her Certificate of Service that she had gone to Hongkong; in the first week of December 1995 when she committed an error in the notice for a judges' meeting; and finally on December 18, 1995, when he scolded her for insisting to allow her to return to the Office of the Clerk of Court. He asserted that he never noticed any change of complainant's behavior towards him and that he was never attracted to her.

He dismissed the poem marked Exhibit "M" as nothing more than an intellectual creation "too apocryphal to be true", that it was exaggerated and meant only to praise and entertain complainant. He declared that he had in fact written other poems (Exhs. 25 to 30) including the one published through a certain Fred Roxas (Exh. 25). Belying the kissing incident, he contended that there had been a gardener working at 3:00 to 5:00 that afternoon on the lawn just outside the window of his office, implying that if indeed complainant had screamed, it would have been heard by the gardener. But it is to be noted that this alleged gardener was never presented.

(pp. 11-31, Report and Recommendation)

Based on the foregoing findings, the Investigating Justice made the following conclusions: a) that there is sufficient evidence to create a moral certainty that respondent committed the acts complained of, especially the violent kissing incident which transpired last December 6, 1995; b) that complainant and her witnesses are credible witnesses who have no ulterior motive or bias to falsely testify against respondent; c) that respondent's denials can not prevail over the weight and probative value of the affirmative assertions of complainant and her witnesses; d) that respondent's poem has damned him, being documented proof of his sexual intentions towards the complainant; e) that by filing her charges imputing to respondent a crime against chastity and with her background as a lawyer and a court employee, complainant was well-aware that her honor would itself be on trial; f) that it is unbelievable that complainant, a demure newly-married lady and a religious person, would fabricate a story with such severe implications on respondent's professional and personal life just to get even with respondent for an alleged simple scolding incident; and g) that by doing the acts complained of, respondent has tempted the morals of not only complainant but also the other court employees over whom he exercised power and influence as Executive Judge. The Investigating Justice thereupon, recommended that respondent be dismissed from the service with prejudice to re-appointment in any other government position and with forfeiture of all benefits and privileges appertaining him, if any.

The Court has reviewed the record of this case and has thereby satisfied itself that the findings and recommendations of the Investigating Justice are in truth adequately supported by the evidence and are in accord with applicable legal principles. The Court agrees and adopts such findings and recommendations.

The integrity of the Judiciary rests not only upon the fact that it is able to administer justice but also upon the perception and confidence of the community that the people who run the system have done justice. At times, the strict manner by which we apply the law may, in fact, do justice but may not necessarily create confidence among the people that justice, indeed, is served. Hence, in order to create such confidence, the people who run the judiciary, particularly judges and justices, must not only be proficient in both the substantive and procedural aspects of the law, but more importantly, they must possess the highest integrity, probity, and unquestionable moral uprightness, both in their public and private lives. Only then can the people be reassured that the wheels of justice in this country run with fairness and equity, thus creating confidence in the judicial system.

With the avowed objective of promoting confidence in the Judiciary, we have the following provisions of the Code of Judicial Conduct:

Canon I

Rule 1.01: A Judge should be the embodiment of competence, integrity and independence.

Canon II

Rule 2.00: A Judge should avoid impropriety and the appearance of impropriety in all activities.

Rule 2.01: A judge should so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary.

The Court has adhered and set forth the exacting standards of morality and decency which every member of the judiciary must observe (*Sicat vs. Alcantara*, 161 SCRA 284 [1988]). A magistrate is judged not only by his official acts but also by his private morals, to the extent that such private morals are externalized (*Junio vs. Rivera*, 225 SCRA 688 [1993]). He should not only possess proficiency in law but should likewise possess moral integrity for the people look up to him as a virtuous and upright man.

In *Dy Teban Hardware and Auto Supply Co. vs. Tapucar* (102 SCRA 493 [1981]), the Court laid down the rationale why every judge must possess moral integrity, thusly;

The personal and official actuations of every member of the judiciary must be beyond reproach and above suspicion. The faith and confidence of the people in the administration of justice can not be maintained if a judge who dispenses it is not equipped with the cardinal judicial virtue of moral integrity and if he obtusely continues to commit affront to public decency. In fact, moral integrity is more than a virtue; it is a necessity in the judiciary.

(at p. 504.)

In *Castillo vs. Calanog* (199 SCRA 75 [1991]), it was emphasized that:

The Code of Judicial Ethics mandates that the conduct of a judge must be free of a whiff of impropriety not only with respect to his performance of his judicial duties, but also to his behavior outside his sala and as a private individual. There is no dichotomy of morality; a public official is also judged by his private morals. The Code dictates that a judge, in order to promote public confidence in the integrity and impartiality of the judiciary, must behave with propriety at all times. As we have very recently explained, a judge's official life can not simply be detached or separated from his personal existence. Thus:

Being the subject of constant public scrutiny, a judge should freely and willingly accept restrictions on conduct that might be viewed as burdensome by the ordinary citizen.

A judge should personify integrity and exemplify honest public service. The personal behavior of a judge, both in the performance of his official duties and in private life should be above suspicion.

(at p. 93.)

Respondent has failed to measure up to these exacting standards. He has behaved in a manner unbecoming of a judge and as model of moral uprightness. He has betrayed the people's high expectations and diminished the esteem in which they hold the judiciary in general.

We need not repeat the narration of lewd and lustful acts committed by respondent judge in order to conclude that he is indeed unworthy to remain in office. The audacity under which the same were committed and the seeming impunity with which they were perpetrated shock our sense of morality. All roads lead us to the conclusion that respondent judge has failed to behave in a manner that will promote confidence in the judiciary. His actuations, if condoned, would damage the integrity of the judiciary, fomenting distrust in the system. Hence, his acts deserve no less than the severest form of disciplinary sanction of dismissal from the service.

The actuations of respondent are aggravated by the fact that complainant is one of his subordinates over whom he exercises control and supervision, he being the executive judge. He took advantage of his position and power in

order to carry out his lustful and lascivious desires. Instead of he being in loco parentis over his subordinate employees, respondent was the one who preyed on them, taking advantage of his superior position.

Noteworthy then is the following observation of the Investigating Justice:

But the very act of forcing himself upon a married woman, being himself a married man, clearly diverts from the standard of morality expected of a man of less than his standing in society. This is exacerbated by the fact that by doing the acts complained of, he has tempted the morals of not only the complainant but also the young Mrs. Marilyn Leander and the other employees in the court over whom he exercised power and influence as Executive Judge.

(pp. 36-37.)

Respondent may indeed be a legally competent person as evidenced by his published law books (translations from English to Tagalog) and his legal studies abroad, but he has demonstrated himself to be wanting of moral integrity. He has violated the Code of Judicial Conduct which requires every judge to be the embodiment of competence, integrity, and independence and to avoid impropriety and the appearance of impropriety in all activities as to promote public confidence in the integrity and impartiality of the judiciary.

Having tarnished the image of the Judiciary, respondent, the Court holds without any hesitation, must be meted out the severest form of disciplinary sanction -- dismissal from the service.

As a reminder to all judges, it is fitting to reiterate one of the mandates of the Court in its Circular No. 13 dated July 1, 1987, to wit:

Finally, all trial judges should endeavor to conduct themselves strictly in accordance with the mandate of existing laws and the Code of Judicial Ethics that they be exemplars in the communities and the living personification of justice and the Rule of Law.

WHEREFORE, Judge Hermin E. Arceo is hereby DISMISSED from the service for gross misconduct and immorality prejudicial to the best interests of the service, with forfeiture of all retirement benefits and with prejudice to re-employment in any branch of the government, including government-owned and controlled corporations.

SO ORDERED.

Narvasa, C.J., Padilla, Regalado, Davide, Jr., Romero, Melo, Vitug, Kapunan, on Mendoza, Francisco, Hermosisima Jr., Panganiban, and Torres, Jr., JJ., concur.

Bellosillo, J., on leave.

Puno, J., no part due to counsel.

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