# ROLANDO GASPAR, COMPLAINANT, VS. JUDGE LUISITO T. ADAOAG, MUNICIPAL CIRCUIT TRIAL COURT, GERONA, TARLAC, RESPONDENT.

*A.M. NO. MTJ-04-1565 [FORMERLY OCA IPI NO. 04-1545-MTJ]. August 16, 2006*

Ponente: TINGA, J.

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**TINGA, J.:**

This is an administrative complaint filed by complainant Rolando Gaspar (Gaspar) against Judge Luisito T. Adaoag of the Municipal Circuit Trial Court (MCTC) of Gerona-Ramos-Pura, Tarlac, for violation of Section 3(e) of Republic Act No. 3019 and Canon 2 of the Code of Judicial Conduct.

In a Complaint-Affidavit[1] dated 29 January 2004, complainant alleges that he was the elected and duly proclaimed chairman of Barangay Pance, Ramos, Tarlac during the 15 July 2002 elections. However, an election protest was filed against him by Anastacio Bonifacio before the MCTC of Gerona-Ramos-Pura, Tarlac where respondent judge presides. The election case entitled "Anastacio Bonifacio v. Rolando Gaspar," was docketed as Election Case No. 02-07.[2]

While the election case was pending, respondent Judge was suspended by the First Division of the Court in a Resolution[3] dated 4 August 2003, which reads in part:

> "Administrative Matter No. MTJ-03-1503 (National Bureau of Investigation vs. Acting Presiding Judge Luisito T. Adaoag, MCTC, Gerona-Ramos-Pura, Tarlac) [Formerly Administrative Matter OCA IPI No. 03-1436-MTJ (Re: Report of the National Bureau of Investigation [NBI] on the entrapment set up against Acting Presiding Judge Luisito T. Adaoag, MCTC, Gerona-Ramos-Pura, Tarlac)]. " The Court Resolves to:
>
> x x x x
>
> (d) SUSPEND Judge Luisito T. Adaoag pending final outcome of the criminal proceedings against him considering the evidence is prima facie strong or until further orders from this Court; and
>
> x x x x [4]

Complainant next contends that even while under suspension, respondent judge rendered a Decision[5] on 25 November 2003 in the election case holding that Anastacio Bonifacio was the duly elected Punong Barangay of Pance, Ramos, Tarlac. In said decision, respondent judge further ordered complainant to vacate the position and deliver the same to Bonifacio in a peaceful manner.[6]

Complainant maintains that respondent judge should be held liable for criminal and administrative charges for rendering the decision while under suspension.[7]

In his Comment[8] dated 29 March 2004, respondent judge claims that he rendered the decision in the election case in good faith. He argues that the Court's use of the word "or" in its Resolution dated 4 August 2003 indicates two alternatives with regard to the period of his suspension.[9] Under the first alternative, he believed that his

suspension had been lifted with the dismissal of the criminal action against him,[10] thus enabling him to render the decision in the election case. Under the second alternative, he believed that the Court must issue a resolution or order further suspending him even after the dismissal of the criminal complaint. In the absence of this, he resumed his functions as presiding judge.[11]

Respondent judge further narrates that in a missive[12] dated 13 October 2003, addressed to the First Division of the Court, he requested clarification on the status of his suspension in view of the dismissal of the criminal action. In response, the Court reiterated respondent judge's suspension until further orders. Henceforth, respondent Judge discontinued his judicial functions.[13]

The Office of the Court Administrator (OCA) in its Report dated 19 July 2004 submitted that respondent judge violated Canons 1 and 2 of the Code of Judicial Conduct when he failed to accord respect and obedience to the Court's Resolution dated 4 August 2003.[14] The OCA stated that respondent judge cannot feign good faith as the dismissal of the criminal action is provisional and would thus not result in the automatic lifting of his suspension.[15] The order of the Ombudsman dismissing the case against respondent judge was clearly without prejudice to the outcome of the administrative investigation by this Court upon the referral of the case to the latter. Such dismissal, as the OCA correctly noted, was not by reason of the absence of probable cause against respondent judge, but in deference to the Supreme Court's authority over its employees.[16]

The OCA also noted the fact that he had rendered the decision in the election case before he received the Court's response to his letter dated 13 October 2003. The OCA opined that if respondent judge indeed was in good faith, he should have prudently awaited the Court's pronouncement on the status of his suspension before promulgating the decision.[17] The OCA recommended that respondent judge be fined in the amount of Ten Thousand Pesos (P10,000.00) with a stern warning that a repetition of the same or similar acts in the future will be dealt with more severely.[18]

The Court in a Resolution[19] dated 3 April 2006, referred the instant case to the Executive Judge of the Regional Trial Court of Tarlac City for investigation, report and recommendation.

Executive Judge Arsenio P. Adriano, in an undated report,[20] found that respondent judge wilfully violated the Court's Resolution suspending the latter until further orders from the Court.[21] The Executive Judge observed that respondent judge's interpretation of the Court's Resolution proceeds from an erroneous reasoning. Notably, the Ombudsman's order of dismissal was issued on 17 June 2003 and was approved by Ombudsman Simeon Marcelo on 15 July 2003. It was precisely this dismissal order which precipitated the Court to issue its Resolution dated 4 August 2003. Respondent judge thus could not credibly reason that his suspension order was lifted with the dismissal of the criminal action against him.[22]

The Executive Judge moreover found it imprudent for respondent judge to have rendered the decision in the election case without awaiting the Court's response to his query on the status of his suspension. Further, respondent judge was proven to have received his payslip for 1 to 15 October 2003 with the notation "suspended per memo 8/4/03." The fact that he did not receive his salary after the issuance of the Court's Resolution clearly evidenced his continued suspension.[23]

The Executive Judge recommended that respondent judge be adjudged guilty of grave misconduct and suffer the penalty of three (3) months' suspension without pay, in lieu of dismissal, considering that this is the latter's first administrative offense.[24]

We agree with the findings of the Executive Judge except as to the recommended penalty. We adopt instead the penalty recommended by the OCA.


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It is an imperative for judges to comply with resolutions issued by the Court. By promulgating a decision in the election case whilst under suspension per resolution of the Court dated 4 August 2003, indeed respondent judge miserably failed to render such obeisance to the Court's mandate.

Judges should respect the orders and decisions of higher tribunals, much more so this Court from which all other courts should take their bearings. A resolution of the Supreme Court should not be construed as a mere request and should not be complied with partially, inadequately or selectively.[25]

As we have aptly held in Dr. Alday v. Judge Cruz, Jr.,[26] to wit:

> Directives issued by this Court are not to be treated lightly, certainly not on the pretext that one has misapprehended the meaning of said directives. Effective and efficient administration of justice demands nothing than a faithful adherence to the rules and orders laid down by this Court x x x[27]

In this regard, respondent judge fell short of showing such adherence. Respondent judge instead openly defied the Court's order which should have been implemented without delay. He continued his judicial functions and even rendered the decision in the election case in 25 November 2003 despite knowledge of his suspension ordered by the Court in the Resolution dated 4 August 2003. He cannot hide behind the defense of good faith and misinterpretation of the edict as circumstances noted by the Executive Judge show that he was fully aware of his suspension. And in fact, per our ruling in Alday, the defense of misapprehension will not even work to excuse him from liability.

In Lumapas v. Judge Tamin,[28] we ruled that "[i]ndifference or defiance to the Court's orders or resolutions may be punished with dismissal, suspension, or fine as warranted by the circumstances."[29] In view of the fact that respondent judge had already been suspended indefinitely, the Court is moved to temper justice with mercy and is inclined to adopt the OCA's recommendation that respondent judge be fined in the amount of P10,000.00.

WHEREFORE, in view of the foregoing, respondent Judge Luisito T. Adaoag of MCTC, Gerona, Tarlac, is hereby FINED in the amount of P10,000.00 with a STERN WARNING that a repetition of the same or similar acts in the future will be dealt with more severely.

**SO ORDERED.**

Quisumbing, (Chairperson), Carpio, and Carpio Morales, JJ., concur.
Velasco, Jr., J., no part due to prior action in OCA.

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[1] Rollo, pp. 1-30, with annexes.

[2] Id. at 1, 46.

[3] Id. at 4-6.

[4] Id. at 5.

[5] Id. at 7-28.

[6] Id. at 28.

[7] Id. at 2-3.

[8] Id. at 32-34. See also note 4.

[9] Id. at 32.

[10]Respondent judge was referring to the Order dated 17 June 2003 of the Office of the Ombudsman in OMB-C-C-03-0346-F, containing the recommendation that the criminal case against respondent judge be dismissed and the record of the case referred to this Court, which recommendation, however, was modified by then Ombudsman Simeon V. Marcelo, upon he recommendation of Asst. Ombudsman Pelagio A. Apostol, to the effect that the dismissal is provisional and without prejudice to the administrative investigation by this Court. Id. at 35-43, 42.

[11] Id. at 33.

[12] Id. at 44-45.

[13] Id. at 33, 48.

[14] Id. at 48-49.

[15] Id. at 49.

[16] Id. at 49-50.

[17] Id. at 50.

[18] Id.

[19] Id. at 107.

[20] Id. at 108-112.

[21] Id. at 111.

[22] Id. at 110.

[23] Id. at 111.

[24] Id. at 112.

[25] Fernandez v. Hamoy, A.M. No. RTJ-04-1821, 12 August 2004, 436 SCRA 186, 193.

[26] 426 Phil. 385 (2002).

[27] Id. at 390.

[28] 452 Phil. 972 (2003).

[29] Id. at 984.


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