

CYNTHIA RESNGIT-MARQUEZ, SHIELAH J. RAMOS, ROSALINDA L. ROQUILLAS AND VICKY F. RAMOS, COMPLAINANTS, VS. JUDGE VICTOR T. LLAMAS, JR., REGIONAL TRIAL COURT, BRANCH 56, SAN CARLOS ...

A.M. No. RTJ-02-1708. July 23, 2002

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PER CURIAM:

A magistrate has to live by the example of his precepts. He cannot judge the conduct of others when his own needs judgment. It should not be “do as I say and not what I do.” For then the court over which he is called to preside will be a mockery, one devoid of respect.[1]

We are called upon to reiterate this dictum in the administrative matter before us.

In an affidavit-complaint[2] dated March 27, 1998, complainants’ court employees Cynthia Resngit-Marquez, Shielah J. Ramos, Rosalinda L. Roquillas and Vicky F. Ramos charged respondent Victor T. Llamas, Jr., Presiding Judge of the Regional Trial Court, Branch 56, San Carlos City, Pangasinan, with immorality and gross misconduct. They alleged that respondent judge, though married, maintains an illicit relationship with a married woman, Lourdes Muñoz-Garcia, and both are living together as husband and wife under one roof; that the court sala of respondent Judge, as well as the office of his personnel, have been utilized as dancing halls and drinking wine rooms on office hours; that respondent Judge is drunk almost everyday; that respondent Judge is living a highly immoral and disgraceful life, and this is of open and public knowledge, and his mistress fondly calls him “Daddy”, thereby trumpeting their affair in open view; that the complainant have been subjected to the intimidation and harassment by respondent Judge.

In his Answer[3], dated July 30, 1998, respondent Judge emphatically denied the accusations against him.

In a Resolution dated June 16, 1999, the affidavit-complaint was referred to Associate Justice Romeo A. Brawner of the Court of Appeals for investigation, report and recommendation.

Justice Brawner, after conducting the necessary investigation, submitted his Report and Recommendation dated September 14, 2001. Lengthy hearings were conducted on the case. Complainants Cynthia Resngit Marquez and Shielah J. Ramos and their witnesses Angelito Dixon Dispo, Engr. Librado C. Moises, Manuel Marquez, Atty. Leopoldo C. Tulagan, Sr., Atty. Omega Lacandola Moises and Mario Resultan testified in support of the complaint. On the other hand, respondent Judge himself testified as well as Lourdes Garcia, Angelica Muñoz, Joseph Muñoz, Gaudencio Sabangan, Benigno Abalos, Jr., Dolores Daligdig, Maura Doctolera, Andrew Mapanao and Rica Cabaccan.

We reproduce the following findings of fact and conclusions of the Investigating Justice:

“Complainant Cynthia Resngit-Marquez is the Court Interpreter of the Regional Trial Court of San Carlos City, Pangasinan, Branch 57 until she requested for a transfer sometime in 1994. The presiding judge of Branch 56 at the time she was the Interpreter was respondent Judge. During that time, respondent Judge

already had a drinking habit that started sometime in 1991.

“In February 1997, after his assignment in Dagupan City respondent Judge went back to San Carlos City. In March 1997, she saw respondent Judge again resume his drinking habits and he was always seen with a glass of wine in his hands roaming the Justice Hall premises even during office hours. He usually drank with lawyers and litigants and he would force his staff to drink with them. Should his staff refuse to join him, he would harass them. He loved drinking Carlsberg beer as he claims that it made him feel his young urges again.

“When complainant’s husband was in Saudi Arabia, respondent Judge would insinuate that it was better for her to have an old car she could use everyday rather than a new car that she could not use. Aside from the drinking, respondent Judge would also engage in singing and dancing in the courtroom even during office hours. The complainant identified the pictures (Exhibits “D”, “E”, “F” and “G”) showing the recreation area behind the Justice Hall and the corridor leading to the courtroom where respondent Judge conducted his drinking sessions.

“After respondent Judge’s return to San Carlos City, complainant saw Lourdes Muñoz Garcia almost everyday, as respondent Judge would drop her at her place of work at City Hall every morning. Lourdes Muñoz Garcia would usually appear again every lunchtime to join respondent Judge and would come back again in the afternoon after office hours and they would leave walking side by side with their arms sometimes touching each other. During the occasions that Lourdes Muñoz Garcia was in the office of respondent Judge, she would address him as ‘Daddy’ or ‘Masiken’ (Pangasinense for old man).

“All the time that respondent Judge had been assigned in San Carlos City, he resided near the cemetery in Karaengan, San Carlos City then near the school in Bulingit, San Carlos City and after his stint in Dagupan City, he stayed at Gabon, Calasiao, Pangasinan. In all these places, respondent Judge lived with Lourdes Muñoz Garcia.

“During her cross-examination, she admitted that a previous case was filed against respondent Judge charging him for the same offenses as this present case. Although she states that she had nothing to do with the case it appears that the Motion to Dismiss said case (Exhibit “14”) was signed by her and her father, which motion paved the way for the dismissal of Administrative Matter No. 95-3-88 (Exhibit “15”).

“Angelito Dixon Dispo is employed as Clerk III in the Office of the Clerk of the Regional Trial Court in San Carlos City, Pangasinan since October 3, 1993. Almost everyday, part of his duties included buying liquor for respondent Judge at the nearby grocery that the judge and some lawyers partook of in the courtroom. Aside from his drinking, there was singing with the use of the sing-along machine in the courtroom of RTC Branch 56 where the respondent Judge was presiding. Some private practitioners and prosecutors would join in the merrymaking that happened as often as thrice a week in the courtroom of respondent Judge. During these times, the noise emanating from his courtroom could be heard downstairs.

“At that time, respondent Judge was residing at Barangay Kariinan, San Carlos City. There was a time that the house of respondent Judge was flooded and Angelito Dispo was ordered to go there to pile sandbags. At respondent Judge’s residence, he came upon Lourdes Muñoz Garcia attired in shorts and undershirt (sando) supervising the piling of sandbags.

“On December 1, 1994, he was again at the house of respondent Judge butchering a goat in preparation for the birthday celebration of Lourdes Muñoz Garcia the following day. That afternoon, while he was washing the dishes, respondent Judge and Lourdes Muñoz Garcia were embracing and kissing each other on the lips.

“It was March 28, 1995 or a day before respondent Judge’s birthday party that found Angelito Dispo again at his (Judge) residence where he was helping in the preparations for the birthday celebration. Again, Lourdes Muñoz Garcia was present and again she was attired in her shorts and undershirt without anything beneath her shirt. He noticed that the respondent Judge and this woman were very sweet with one another.

“He would always see Lourdes Muñoz Garcia in the office of respondent Judge at RTC Branch 56 almost four times every week and they would intimately refer to each other as ‘Daddy’ and ‘Mommy.’

“At the time he testified in this investigation on September 14, 1999, Angelito Dispo stated that respondent Judge lives in Barangay Gabon, Calasiao, Pangasinan with Lourdes Muñoz Garcia and the latter’s daughter.

“On September 3, 1999, respondent Judge went to Angelito Dispo’s house and told him not to testify against him (Judge) in this case. Angelito had this incident recorded in the police blotter (Exhibit “B”).

“Engr. Librado C. Moises took up the tale and testified that sometime in December 1997, he went to the house of respondent Judge in Gabon, Calasiao, Pangasinan to attend a party held there in honor of some sisters of respondent Judge who had just arrived from the United States. He was with some court personnel as Clerk of Court Atty. Omega Lacandola Moises is his wife. At the party, it was Lourdes Muñoz Garcia, attired in a housedress, who was attending to their needs and serving as hostess for respondent Judge. When they left, Lourdes Muñoz Garcia stayed behind.

“Manuel Marquez testified that while he was in the employ of the Central Pangasinan Electric Company from 1995 to 1998, he would often visit his wife, complainant Cynthia Marquez, in the court where she was working and he would see respondent Judge singing and dancing with some of his female staff as early as 3:00 or 4:00 o’clock in the afternoon for as many as 4 times a month. Pointing to the picture marked Exhibit “A” and Exhibit “1,” he described that the benches were moved towards the table of the Presiding Judge in the courtroom thus creating more space for their dancing.

“As stenographer of RTC Branch 57 in San Carlos City, complainant Shielah Ramos stated that she has known respondent Judge since 1989 when she first entered the court’s employ. Since 1996 she has seen respondent Judge and Lourdes Muñoz Garcia together both in the old building housing the courtrooms as well as in the new Justice Hall. She would see them eat their meals together at lunchtime and go home together after office hours. During the singing and dancing sessions conducted by respondent Judge in the courtrooms almost everyday and during special occasions, Lourdes Garcia would always be with respondent Judge.

“Sometime in January 1998, she saw them together at respondent Judge’s rented house in Gabon, Calasiao, Pangasinan. Respondent Judge was with his dog while Lourdes Garcia was dusting his car. Confronted with pictures of the rented house, the two cars and the dog (Exhibits “3-A” to “3-C”), Shielah Ramos pointed to the new car as the one being dusted by Lourdes Garcia when she happened to pass by.

“Atty. Leopoldo C. Tulagan, Sr. took the witness stand and manifested that as law practitioner with an office in San Carlos City, he knows respondent Judge ever since he came to preside over RTC Branch 56. Sometime in 1995, there was what he called a ‘happy hour’ every Thursday in the courtroom of respondent Judge. Proceedings would be suspended and all lawyers then appearing would be invited to a drinking spree right in the courtroom. The lawyers would contribute to buy wine and finger food. There would be singing with even the court personnel participating. This practice stopped when respondent Judge was transferred to Dagupan City. However, when he returned to San Carlos City in 1997, the drinking and singing sessions resumed. This time there was even dancing and these all happened sometimes once or twice a week.

“On one birthday occasion of respondent Judge, a Vice-Governor Llamas of Tarlac was present. Two ladies were requested to give a number and they were both introduced as Mrs. Llamas and Mrs. Llamas, one of them was the lady companion of Vice-Governor Llamas and the other was Lourdes Garcia.

“When respondent Judge went back to San Carlos City in 1997, Atty. Tulagan often saw Lourdes Garcia going to his courtroom for as many as five or six times a week. Further, on several occasions, he saw them together in respondent Judge’s car as the Judge would bring her to City Hall where she was employed and fetch her again in the afternoon.

“In an earlier case filed by Atty. Antonio Resngit and complainant Cynthia Marquez, Atty. Tulagan executed

an affidavit (Exhibit “C”) before the National Bureau of Investigation supporting the allegations of the complainants.

“Atty. Omega Lacandola Moises, another witness for the complainants testified that sometime in November 1993, Lourdes Muñoz Garcia fetched her and together they went to respondent Judge’s house in Karaenan, San Carlos City. Again, during an office day in May 1994, she went to respondent Judge’s rented house as there was a celebration of some sort and that was where she had lunch. Respondent Judge had just arrived from the United States and Lourdes Muñoz Garcia who was also there gave her ‘pasalubong.’

“On December 2, 1994, she again went to respondent Judge’s house and had lunch there, as it was the birthday celebration of Lourdes Muñoz Garcia. Present during the occasion were the relatives of Lourdes Garcia as well as her officemates and wife of former San Carlos City Mayor Douglas Soriano. Sometime in June 1997, she, her husband and her brother went to respondent Judge’s house in Gabon, Calasiao as the latter had just arrived from another trip to the United States and Lourdes Muñoz Garcia was again at the house.

“In December 1997, she was invited to respondent Judge’s house, as it was the birthday celebration of Lourdes Muñoz Garcia as well as a welcome for respondent Judge’s brothers, sisters, nephews and nieces who had just arrived from the United States for a visit. As they arrived early, Lourdes Muñoz Garcia was still in her housedress but she eventually changed into something suitable for the occasion. Pictures (Exhibits “N” and “O” also “Exhibits “18” and “19”) of the persons present at the occasion were presented to her and she identified them.

“Another birthday party for Lourdes Muñoz Garcia took place in an apartment rented by respondent Judge and Lourdes Garcia in Bonoan, Dagupan City. Atty. Moises together with Atty. Geraldine Baniqued and Geraldine’s husband were in attendance but as it was a workday, they only stayed long enough to finish their lunch.

“On the occasion of respondent Judge’s birthday on March 29, Lourdes Muñoz Garcia fetched her at lunchtime and brought her to that same rented apartment in Bonoan. She soon left after lunch but she went “back alone, Lourdes remaining behind to attend to the guests of respondent Judge.

“Mario Resultan testified that as sheriff of RTC Branch 56 at San Carlos City presided by respondent Judge, he is aware and knows that Judge Llamas and Lourdes Garcia have been living together as husband and wife since 1990 up to the present. They first stayed at Valerio Hall, Mabini Street then they transferred to Balingit Street, followed by Kareanan Street, all in San Carlos City. They also stayed together in Calasiao, Pangasinan and Dagupan City.

“In all these places of residence, Mario Resultan was usually invited by respondent Judge and they would drink and sing. During these sessions, Lourdes Garcia would always attend to their needs, sometimes in her street clothes but oftentimes in her house clothes.

“On February 19, 1994, Mario Resultan went along with respondent Judge to Manila to confirm his flight as Judge Llamas was leaving for the United States the following day. With them on this trip were Lourdes Garcia and respondent Judge’s sister, Evelyn Llamas. They spent the night in the house of the brother of respondent Judge’s sister-in-law. He slept in the living room while respondent Judge and Lourdes Garcia shared one room.

“As he would be out of the country, respondent Judge executed a Special Power of Attorney in favor of Mario Resultan authorizing him to receive all his checks covering his salaries and allowances, encashing these and delivering the money to Lourdes Garcia. He did what was asked of him and each time he would deliver the money to Lourdes Garcia, he would indicate the dates and the amounts in his diary (Exhibit “P”).

“Against all these evidence, respondent Judge denies the charge.

“Judge Llamas claims that complainant Cynthia Resngit Marquez has an ax to grind against him for objecting to her application as Legal Researcher of his court, RTC Branch 56, and instead endorsing Aldrin Lee who was eventually appointed to the position. Because he did not accede to her request, complainant and his father filed several charges against him ranging from immorality to harassment of court employees to high-handedness and arrogance. However, these cases were eventually dismissed by the Supreme Court (Exhibit “15”) on motion of complainant Cynthia Marquez and her father, Atty. Antonio Resngit (Exhibit “14”). But the trouble between respondent Judge and complainant did not stop there as could be seen in several cases filed by complainant against him before the Office of the Ombudsman. These cases were again dismissed (Exhibit “20-A”). He therefore considers this present charge as another form of harassment employed by complainant in her avid desire to oust him from his present position.

“Further, he denies ever drinking and dancing in his courtroom as he claims there are several restaurants outside the office equipped with the necessary facilities for his pleasure. Besides if ever he drinks with a visitor, it was part of his hospitable nature and it was always done after office hours.

“As to the charge of immorality, he emphatically denied that he has an amorous relationship with Lourdes Garcia. He is a married man and his family lives in Dagupan City. However, he is estranged from his wife due to irreconcilable differences in the rearing of their children. This does not mean however that he maintains an illicit relationship with Lourdes Garcia. He does admit that he knows the woman as she is an employee at the City Legal Office and it is her responsibility to look into the status of cases filed by San Carlos City pending in the courts.

“Respondent Judge claims that all the testimonies of the complainants and their witnesses in so far as they saw him and Lourdes Garcia always together on several occasions, either walking side by side or riding in his car together or him dropping and fetching her at her place of work are all impossible and figments of their fertile imagination. They did not live together in all the places mentioned and definitely he would not be celebrating Lourdes Garcia’s birthdays for her in his own residence. If ever he was seen in the company of the woman, it was on social occasions when they would either be guests or she was a guest at a party he tenders.

“His emphatic denial is supported by his witnesses, Lourdes Garcia, Angelica Muñoz, Joseph Muñoz, Gaudencio Sabangan, Benigno Abalos, Jr., Dolores Daligdig, Maura Doctolera, Andrew Mapanao and Rica Cabaccan.

“Lourdes Garcia states that she first knew respondent Judge when she was detailed at the City Prosecutor’s Office and it was her responsibility to get the court calendars for the guidance of the Court Prosecutors.

“It was Gaudencio Sabangan who introduced respondent Judge to her formally on November 30, 1990 during the occasion of the birthday of Normida Sabangan, Lourdes’s niece and Gaudencio Sabangan’s granddaughter. They were both guests at the party and from then on whenever they would see each other they would engage in casual conversations.

“Aside from this, it was respondent Judge who helped her get her permanent appointment as Administrative Officer in the City Legal Office at San Carlos City. Respondent Judge being close with then Mayor Soriano, he paved the way for her being detailed at that office where she was given a permanent position.

“In 1993 respondent Judge asked her whether she could recommend somebody to do his laundry. She volunteered her mother and thus the relationship between her family and respondent Judge became closer. When her mother became sick and could not do the laundry anymore, her younger sister and brother stayed with respondent Judge and did the household chores for him in exchange for allowances and tuition fee.

“Lourdes Garcia further stated that she is a married woman who has stayed all her life in Barangay Roxas, San Carlos City except for that year in 1982 when she went to live in Victoria, Tarlac, her husband’s place but when she was about to give birth, she went back to San Carlos “City and has remained there. She absolutely

denies living with respondent Judge and states that the only time she went to respondent Judge's place was when she tagged along with her superior to attend the party given by the Judge in honor of his nephews and nieces who arrived from the United States.

"As for her presence at the Justice Hall, she admits going there but her visits are all in connection with her work and since she has a lot of friends there, she drops on them for a chat before going back to the City Hall where she has her office.

"She states that she was likewise charged with immorality at the Civil Service Commission in May 1998 but the case was dismissed in April 1999.

"Her mother Angelica Muñoz confirms her story and states that she did the laundry of respondent Judge but subsequently turned it over to her younger daughter. Also, she says that indeed her daughter Lourdes always stayed at their house and never lived with respondent Judge. She claims that her daughter is married to a soldier but admits that her son-in-law does not stay with his family as in fact she has not seen him for a long time now.

"Amidst all these conflicting testimonies given by all those who took part in these very lengthy proceedings, it behooves upon the Investigating Justice to determine whether or not the complainants have been able to prove their charges against respondent Judge.

"Respondent Judge is charged with Immorality and Gross Misconduct. According to the complainants and their witnesses, his misconduct consists in his drinking, singing and dancing with lawyers and court personnel in his courtroom during office hours almost everyday.

"The Investigating Justice believes that indeed respondent Judge used his court to indulge his drinking, singing and dancing habits to the detriment of the other courts within the building who were disturbed by all the noise coming from his courtroom. This conduct unbecoming of a Judge deserves a reprimand but this administrative misdemeanor may be relegated to the background in the face of the more serious charge of Immorality.

"The complainants and their witnesses all gave positive testimonies of how respondent Judge flaunted his mistress in the eyes of the public. Bringing and picking her up from work, dancing and singing with her in public, living with her in different places, celebrating her birthdays with parties in her honor, authorizing her to receive his salaries and being seen around with her and behaving as if they were husband and wife are all manifestations of how respondent Judge acted towards Lourdes Garcia as seen in the eyes of the complainants and their witnesses.

"What more proof would one need to show an immoral relationship other than these straightforward statements of the complainants and their witnesses? Both respondent Judge and Lourdes Garcia admit being married to other persons but the way they behaved in front of the public is as if they were married to one another.

"Against these positive testimonies is respondent Judge's denial. But it is axiomatic in the law of evidence that positive statements prevail over negative statements.

"A look at the denials of respondent Judge and his witnesses remain denials. Although they would attempt to explain that the presence of respondent Judge and Lourdes Garcia together on several occasions were due to circumstances or plain coincidences, it would appear to the Investigating Justice that these coincidences are one too many.

"In his Memorandum, respondent Judge questions the motives of the complainants and their witnesses stating that all of them had something against him and would lie through their teeth just to oust him out of his position.

"Respondent Judge claims that the testimony of Atty. Omega Moises Lacandola is biased and fraught with exaggerations and distortions. He traces Atty. Lacandola's prejudice against him to the fact that she was

getting back at him for his act of filing an administrative case against Judge Bienvenido R. Estrada.

“Judge Estrada was her Presiding Judge when she was a Branch Clerk of Court. Now that Atty. Lacandola is the Clerk of Court, Judge Estrada is the Executive Judge of the Regional Trial Court in San Carlos City.

“Respondent Judge claims that as Judge Estrada and Atty. Lacandola have a very close working relationship, the latter would go to all lengths to destroy him (respondent Judge) including fabricating stories against him just because he filed an administrative case against Judge Estrada.

“This theory is too far-fetched to be believed. First, the case filed by respondent Judge against Judge Estrada came after this case had already been filed. If at all, it appears that respondent Judge in filing the case against Judge Estrada after this case was filed was the one who was trying to even the score between him and the latter.

“Second, the testimony of Atty. Lacandola does not appear to be improbable or impossible despite what respondent Judge believes. She testified on what she saw and observed and she may have been hostile and stubborn at times but this does not mean that she was making up a story.

“As far as the testimony of complainant Cynthia Marquez is concerned, respondent Judge in his Memorandum claims that it ‘was polluted by hate, desire for revenge, and for personal gain.’

“It appears that respondent Judge filed an administrative case against her for dishonesty and falsification of daily time record in 1994 but he himself had it dismissed in 1995. Not only that.

“Respondent Judge did not indorse Cynthia Marquez for the position of Legal Researcher of his court and instead recommended somebody else. Her displeasure at respondent Judge’s actions and her desire to get back at him motivated Cynthia Marquez to weave an incredible story against him.

“But respondent Judge’s conclusion seems to be illogical. Since respondent Judge himself had the case dismissed, why would Cynthia Marquez still be bent on getting back at him?

“In fact, it is respondent Judge himself who got back at Cynthia Marquez by filing another administrative case against her while this case was being heard. That case stemmed from the earlier case and this time respondent Judge was charging Cynthia Marquez with falsification of her personal data sheet and procuring her appointment as Interpreter under false pretenses.

“As far as her non-endorsement is concerned, the Investigating Justice believes that this is not sufficient ground to doubt the testimony of Cynthia Marquez. She gave her story replete with details and events that showed the immoral acts of respondent Judge. If her testimony were contrived, she would be one great storyteller.

“Respondent Judge also states in his Memorandum that the reason why Atty. Leopoldo C. Tulagan testified against him is because said lawyer wanted his pound of flesh as he lost several cases in respondent Judge’s court. This is incredible. Following this reasoning we will come to the conclusion that all lawyers who lost their cases before judges would readily testify against them at the expense of committing perjury. The Supreme Court would be clogged with administrative cases against judges filed by lawyers who take offense for the defeat of their cases.

“All told, respondent Judge attacks all the testimonies of the complainants and their witnesses as improbable and motivated by ill will and desire for revenge. He states that they could not have seen what they claim to have seen because it was impossible to see through a closed window, the parking spaces for jeeps was not located at a place where the Justice Hall or the City Hall could be seen, or that goats are not butchered nor fishes cleaned a day before cooking.

“But if we look closely at what respondent Judge calls impossible stories, these are minor, even

inconsequential details that do not detract from the truth of what the complainants and their witnesses saw and testified on.

“Not contented with accusing complainants and their witnesses as telling improbable stories, respondent Judge states that all of them were prejudiced against him as they all had their respective reasons for wanting to get back at him. This encompassing conclusion is more imagined than real. Respondent Judge would like to portray that he is the victim of an “elaborate plot concocted by the complainants to get him out of office. But using as defense this ‘delusion of persecution’ is not enough to overthrow the persuasive and convincing evidence mounted against respondent Judge.

“Respondent Judge readily concludes the motives of complainants and their witnesses as suspect. But could not their motives also be the desire to tell the truth? Much as respondent Judge would like to portray them all as pathological liars, their ‘lies’ border more on the truth and appear to be more convincing than respondent Judge’s bare-faced denials.

“As the Investigating Justice heard this case personally from the beginning to its conclusion, he has observed the demeanor of all those who swore to tell the truth and nothing but the whole truth. And while this oath may have appeared to be meaningless for some, it was clearly noticeable that the complainants and their witnesses were the ones who valued its meaning and honored their oath to tell the truth.

“From the evidence presented, there can be no denying that indeed respondent Judge and Lourdes Muñoz Garcia are maintaining an illicit relationship. The details of such relationship are clearly and unequivocally outlined by the complainants and their witnesses, who have nothing to gain by pitting themselves against a powerful figure.

“Moreover, Lourdes Garcia admitted herself that she owes her present position to respondent Judge who helped her secure a permanent appointment at the City Legal Office in San Carlos City. Why would respondent Judge do that for her if according to both of them they were merely casual acquaintances? What motive would respondent Judge have in helping her get that position were it not for the fact that they had an intimate relationship?

“Admitting that he is estranged from his wife, respondent Judge himself has made possible the circumstances that could have led to his present situation. He may be a judge but he is still a man with the same feelings and urges as any other man. Lourdes Garcia is a married woman who appears to be also estranged from her husband as nowhere in her testimony can be seen what happened to her husband except for the testimony of her own mother who stated that she never saw her son-in-law for a long time now.

“Hence, we have here a man and a woman both living away from their respective spouses and being thrown together has brought out in them the fulfillment of their desires not to be alone. True it may be human nature to feel needed and not be alone but in this case the man happens to be a Judge.

“A judge is expected to be above himself, to transcend basic human urges if it is in conflict with the responsibility he swore to uphold when he took his oath.

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“In his Memorandum, respondent Judge states that he has been previously charged with Immorality by complainant Cynthia Marquez but she herself had it dismissed. Also, Lourdes Muñoz Garcia had already been charged with immorality before the Civil Service Commission in 1998 but the charges were dismissed in 1999. Citing the case of Felicisimo San Luis, et. al. vs. Court of Appeals, G.R. No. L-80160, June 26, 1989, respondent Judge now claims that the dismissal of the first case against him operated as a bar to this instant case because of res judicata and that he would be twice in jeopardy of being convicted of the same offense.

“The case cited by respondent Judge finds no application to his case. The fact that the previous charges were

dismissed against both him and Lourdes Garcia should not be taken to mean that they have been exonerated entirely. Immorality is a continuing offense and the first charge should have at least warned him to mend his ways. But he failed to do so and now that there is another charge he labels it an act of persecution. Further, the complainants and their witnesses testified on acts of immorality of respondent Judge from 1991 until this present charge was filed in 1998. Angelito Dispo even went to the extent of stating that at the time he testified in this case on September 14, 1999, respondent Judge and Lourdes Muñoz Garcia were living together under one roof in Barangay Gabon, Calasiao, Pangasinan.

“Thus, granting that there was a previous charge of immorality in 1994 but was dismissed in 1995, this dismissal would only operate to absolve him of immoral acts until 1995. As this case was filed in 1998, it shows that despite the dismissal in 1995, respondent Judge continued his illicit relations with Lourdes Muñoz Garcia for which he faces this present charge of Immorality.

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“Respondent Judge has shown that he is not worthy to don the robe of justice much less dispense justice when he himself transgresses the law which he has sworn to uphold. His blanket denial of the charges has not served to cause a dent in the positive evidence against him, neither has it portrayed him an innocent victim of malicious persecution, as he would want the Investigating Justice to believe.

“As the evidence presented definitely shows a lack of circumspection and delicadeza on the part of the respondent judge in displaying before the public his immoral relationship, the extreme penalty of dismissal is believed to be in order.

“Immorality is a very serious charge that cannot be penalized by a mere fine or even suspension, as these light penalties would be tantamount to a tacit approval of the immoral act.

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“Respondent Judge has failed to live up to these exacting magnitude of how a judge should behave. His disregard for common decency and morality has made him unfit to discharge his present position “and thus his dismissal is in order. His retirement benefits should likewise be forfeited but his wife who has never appeared on the scene should now be his saving grace against such forfeiture.

“Indeed it is the wife of Judge Llamas who is the aggrieved party in the infidelity of her husband but she was not the one who initiated this complaint nor did she participate in its prosecution. This factor should be considered in respondent Judge’s favor and therefore he should be spared the forfeiture of his earned benefits.”[4] [emphasis supplied]

Justice Brawner thus recommended that respondent Judge be dismissed from service but without forfeiture of his earned benefits.

In administrative proceedings, only substantial evidence, i.e., that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion, is required. We find no room to accommodate doubts on Justice Brawner’s findings of facts, which we find to be a result of a meticulous and dispassionate analysis of the testimonies of the complainants and the respondent as well as their respective witnesses. Thus, we adopt Justice Brawner’s recommendation of dismissal.

The Code of Judicial Conduct mandates that a judge should be the embodiment of competence, integrity, and independence.[5] He should so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary,[6] and avoid impropriety and the appearance of impropriety in all activities.[7] His personal behavior, not only while in the performance of official duties but also outside the court, must be beyond reproach, for he is, as he so aptly is perceived to be, the visible personification of law and of justice.[8]

Regrettably, respondent Judge failed to live up to these standards. He brazenly flouted judicial ethics and betrayed judicial standards by using 'his court to indulge his drinking, singing and dancing habits to the detriment of the other courts within the building who were disturbed by all the noise coming from his courtroom"; and, especially, by maintaining an illicit relationship with Lourdes Muñoz Garcia, a married woman. A judge suffers from moral obtuseness or has a weird notion of morality in public office when he labors under the delusion that he can be a judge and at the same time have a mistress in defiance of the mores and sense of morality of the community.[9]

A judge traces a line around his official as well as personal conduct, a price one has to pay for occupying an exalted position in the judiciary, beyond which he may not freely venture.[10] No position is more demanding as regards moral righteousness and uprightness of any individual than a seat on the Bench.[11] Thus, a judge ought to live up to the strictest standard of honesty, integrity and uprightness. Certainly, keeping a mistress is not an act one would expect of a judge who is expected to possess the highest standard of morality and decency.[12]

Respondent Judge shamelessly mocked the dignity of his office and tainted the image of the entire judiciary to which he owes fealty and the obligation to keep it at all time unsullied and worthy of the people's trust. Respondent Judge has shown himself unworthy of the judicial robe and the place of honor reserved for the guardian of justice in a civilized community. On this occasion, therefore, the Court metes upon respondent Judge the severest of administrative penalties. He is hereby stripped of his judicial robe.

However, we are unable to agree with the reservation of Justice Brawner on the forfeiture of earned benefits due respondent Judge based on the fact that respondent Judge's wife was not the one who initiated this complaint nor did she participate in its prosecution. The non-participation or non-appearance of the wife in the administrative proceedings for immorality is not a factor in the imposition of penalty. Neither should it be beneficial to respondent Judge.

Under Section 8 of A.M. No. 01-8-10-SC amending Rule 140 of the Rules of Court on the Discipline of Justices and Judges, which took effect on October 1, 2001, gross misconduct and immorality are classified as serious charges, each of which carry with it a penalty of either (a) dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations. Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits; (b) suspension from office without salary and other benefits for more than three (3) but not exceeding six (6) months; or (c) a fine of more than P20,000.00 but not exceeding P40,000.00.

In *Carina Agarao vs. Judge Jose J. Parentela, Jr.*, [13] we dismissed respondent judge on ground of immorality and we ordered the forfeiture of one-half of all the retirement benefits of respondent Judge, excluding the monthly equivalent of his accrued leave credits.

WHEREFORE, finding respondent Judge Victor T. Llamas, Jr. guilty of the charge of immorality, he is hereby DISMISSED from the service with forfeiture of 50% of all his retirement benefits excluding any earned leave credits; and, with prejudice to re-employment in any branch or agency of the government, including government-owned and controlled corporations.

SO ORDERED.

Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, and Corona, JJ., concur. Davide, Jr., C.J., on official leave.
Bellosillo, J., no part. Did not take part in deliberations.

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- [1] *Viojan v. Duran*, 4 SCRA 390, 392 [1962]; *Imbing v. Tiongson*, 229 SCRA 690, 693 [1994].
- [2] *Rollo*, pp. 1-2.
- [3] *Rollo*, pp. 28-32.
- [4] Report and Recommendation, pp. 1-16, 17, 19-21.
- [5] Canon 1, Rule 1.01.
- [6] Code of Judicial Conduct, Canon 2, Rule 2.01.
- [7] Code of Judicial Conduct, Canon 2.
- [8] *Agpalasin v. Agcaoili*, 330 SCRA 250, 265 [2000], citing *Marcelino v. Singson, Jr.*, 243 SCRA 685 [1995].
- [9] *Leynes v. Veloso*, 82 SCRA 325, 329 [1978].
- [10] *Villaluz Vda. De Enriquez v. Bautista*, 331 SCRA 521, 529 [2000].
- [11] *Yu-Asensi v. Villanueva*, 322 SCRA 255, 266 [2000]; *Vedana v. Valencia*, 295 SCRA 1, 15-16 [2000].
- [12] Re: Complaint of Mrs. Rotilla A. Marcos and her children against Judge Ferdinand J. Marcos, RTC, Br. 20, Cebu City, A.M. No. 97-2-53-RTC, July 6, 2001, p. 23.
- [13] A.M. No. RTJ-00-1561, promulgated Nov. 21, 2001.

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