OFFICE OF THE COURT ADMINISTRATOR, PETITIONER, VS. JUDGE FLORENTINO V. FLORO, JR., RESPONDENT.

A.M. NO. RTJ-99-1460. August 11, 2006

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

On 31 March 2006, the Court en banc rendered a Decision in these consolidated cases, the dispositive portion of which states:

> WHEREFORE, premises considered, the Court resolves to:
>
> 1) FINE Judge Florentino V. Floro, Jr. in the total amount of FORTY THOUSAND (P40,000.000) PESOS for seven of the 13 charges against him in A.M. No. RTJ-99-1460;
>
> 2) RELIEVE Judge Florentino V. Floro, Jr. of his functions as Judge of the Regional Trial Court, Branch 73, Malabon City and consider him SEPARATED from the service due to a medically disabling condition of the mind that renders him unfit to discharge the functions of his office, effective immediately;
>
> 3) As a matter of equity, AWARD Judge Florentino V. Floro, Jr. back salaries, allowances and other economic benefits corresponding to three (3) years;
>
> 4) DISMISS the charge in A.M. No. RTJ-06-1988 (Luz Arriego v. Judge Florentino V. Floro, Jr.) for LACK OF MERIT; and
>
> 5) DISMISS the charge in A.M. No. 99-7-273-RTC (Re: Resolution Dated 11 May 1999 of Judge Florentino V. Floro, Jr.) for MOOTNESS.

Judge Floro filed three[1] Partial Motions for Reconsideration grounded on the following:

> I.
>
> The Intent of the Framers of the 1987 Constitution (1 Record 443, 495-6, and 1 Journal 237 of the 1986 Constitutional Commission, specifically, the Constitutional Convention's Mr. Concepcion & Fr. Bernas, S.J.) is: The power to determine the incapacity of judges to discharge the duties of their office is part of the overall administrative authority of the Supreme Court over all its members and all the members of the judiciary. It can only declare "the incapacity of a judge" (under Sec. 11, Art. VIII, Constitution) by creating a panel of impartial (private) doctors-specialists in the field.
>
> Ms. Francianina G. Sanchez, Clinical Psychologist and Chief Judicial Staff Officer, Psychologist Ms. Beatriz O. Cruz, Dr. Celeste P. Vista, M.D. (Psychiatrist and Medical Officer IV), and Supreme Court Senior Chief Staff Officer, general practitioner and government physician Dr. Rosa J. Mendoza, M.D. who conducted the mental tests on Judge Floro (on December 15, 2000) are absolutely disqualified by the Constitutional provision; and their March 7, 2001 psychological/psychiatric evaluation reports are NULL and VOID ab initio/inadmissible for any legal purpose.
>
> II.

Without the complainant, OCA's presenting the 6 mental health professionals --- Dr. Cecilia Villegas and Ms. Melinda Grio, 1995 and Dr. Celeste Vista, Ms. Beatriz Cruz, (I.Q. 68 of Judge Floro) Ms. Francianina G. Sanzhez, 1998, 2001, and general physician Dr. Rosa J. Mendoza, M.D. --- their questioned (evaluation) report on Judge Floro, aside from being grossly incomplete and inadequate, is HEARSAY evidence.

Judge Floro is entitled to cross-examine said mental health professional who made the report. Without such examination, he would be deprived of the right to confront and examine the witnesses against him.

The Investigator (Ret.) Justice Pedro A. Ramirez's repeated denials of (1) Judge Floro's Continuing Trial Objections and (2) December 5, 2000, September 28, October 9, 2001 & February 21, 2002 Omnibus Motions to a) put on the witness stand, to confront and to determine their qualifications as experts b) to cross-examine and c) to disqualify or inhibit, the said 6 mental health professionals, violated the cardinal primary rights of Judge Floro (Ang Tibay vs. CIR) to administrative, substantive and constitutional due process of law; it is no less than denial of justice; such denial suffices to cast on the investigation, official acts and the mental reports the impress of nullity.

III.

Judge Floro's cardinal primary rights --- "2. the tribunal must consider the evidence presented; 3. the decision must have something to support itself; 4. the evidence must be substantial 5. the decision must be based on the evidence presented at the hearing" --- were flagrantly violated by the Investigator (Ret.) Justice Ramirez's March 7, 2001 Partial Confidential Report: it blatantly discarded, excluded, and failed to consider the testimonies and opinions of all his ordinary witnesses.

Under Sec. 50 (c), Rule 130, Rules on Evidence, Judge Floro's ordinary witnesses proved by unrebutted, clear, convincing and straightforward testimonies/opinions (excluded by J. Ramirez's Report and Conclusions) his medical and mental capacity/fitness to sit as RTC Judge.

III.A.

Under Sec. 50 (c), Rule 130, Rules on Evidence, Judge Floro's ordinary witnesses --- a) RTC Malabon Court Officers ---Fiscal Pacifico Flores, Fiscal Neptali Aliposa, PAO Lawyer Erwin Gallevo, Legal Researcher Aina Talag Pascual and NCR/RTC Judge Edmundo T. Acuna (former Malabon Fiscal), Atty. Arsenio Reyes (Malabon Lawyer), and b) Judge Floro's neighbors/townmates Jocelyn Fernandez, Belen Gomez, Asuncion Borjal, Jovita Estrella, Dr. Ma. Nieves Celeste, M.D., & Danilo Cuarto --- proved by unrebutted, clear, convincing and straightforward testimonies/opinions (excluded by J. Ramirez's Report and Conclusions) his medical and mental capacity/fitness to sit as RTC Judge.

Their opinions refuted, traversed and nullified the lies, fabrications and falsehood offered by the OCA's witness Judge Aquino, Jr., inter alia.

III.B.

Judge Floro's cardinal primary rights --- "2. the tribunal must consider the evidence presented; 3. the decision must have something to support itself; 4. the evidence must be substantial 5. the decision must be based on the evidence presented at the hearing" --- were flagrantly violated by the investigator (Ret.) Justice Ramirez's March 7, 2001 Partial Confidential Report: it blatantly discarded, excluded, and failed to consider the expert testimony and opinion of Mr. JAIME T. LICAUCO, a parapsychologist and Visiting Faculty Member of the Rosebridge Graduate School of Intergrative PSYCHOLOGY in Concord, California.[2]

Then, on 30 June 2006, Judge Floro filed a Verified Third Supplement dated 23 June 2006 essentially praying that a) the instant administrative complaint against Judge Floro for mental unfitness to sit as Judge be DISMISSED for lack of merit; b) Judge Floro be fully REINSTATED; and c) concomitantly, Judge Floro be declared entitled to back wages, back salaries, allowances and other economic benefits, LESS the amounts Judge Floro already

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received by virtue of paragraph 3 of the Decision in this case.

Incidentally, in one of the pleadings dated 30 May 2006 filed by Judge Floro, he informed the Court that he has already received the amount of P1,180,325.80 pursuant to the Decision dated 31 March 2006.

The Partial Motions for Reconsideration, as well as the supplements thereto, are DENIED as Judge Floro has not shown any compelling reason that would warrant the reconsideration he seeks.

In denying said motions, neither the etiology of Judge Floro's belief in "dwendes" nor the validity of such belief is being passed upon. We reiterate that judges are expected to be guided by the rule of law and to resolve cases before them with judicial detachment. The acceptance by the public of the legitimacy of the judicial process and the binding effect of court decisions is mostly dependent on the judges' adherence to such judicial behavior.

The psychological finding of mental unfitness (made not only by the psychiatrists of the Supreme Court Clinic but by Judge Floro's own doctors during the hearing of his cases), when taken together with Judge Floro's claimed dalliance with "dwendes," poses a serious challenge to such required judicial detachment and impartiality and would eventually erode the public's acceptance of the judiciary as the rational guardian of the law, if not make it an object of ridicule.

His insistence on the existence of "dwendes," among other beliefs, conflicts with the prevailing expectations concerning judicial behavior and manifests a mental state that should lay to rest any doubts about his valid removal from office for lack of the judicial temperament required of all those in the Bench.

In fine, Judge Floro himself has confirmed that he is incapable of discharging the duties of a judge free from extrajudicial influences and that he falls short of the fundamental requirements of competence and objectivity expected of all judges.

WHEREFORE, premises considered, Judge Floro's Partial Motions for Reconsideration as well as the Supplements thereto are hereby DENIED WITH FINALITY there being no merits. No other pleading, however denominated, shall henceforth be entertained by this Court.

SO ORDERED.

Panganiban, C.J., Puno, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio Morales, Callejo, Sr., Azcuna, Tinga, Garcia and Velasco, Jr., JJ., concur.

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[1] Dated 21 April 2006; Dated 28 April 2006; and Dated 5 May 2006.

[2] Temporary rollo (A.M. No. RTJ-99-1460), pp. 3-5.

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