

PABLITO R. SORIA, ET AL., COMPLAINANTS, VS. JUDGE FRANKLYN A. VILLEGAS, REGIONAL TRIAL COURT OF PAGADIAN CITY, BRANCH 19, RESPONDENT.

A.M. No. RTJ-03-1812 (OCA I.P.I. No. 01-1226-RTJ). November 18, 2004

Ponente: DAVIDE JR., CJ.

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DAVIDE JR., CJ.:

This is in connection with respondent's Second Motion for the Reconsideration of our Decision of 19 November 2003, which ordered respondent's dismissal from the service, with forfeiture of all retirement benefits excluding leave credits and vacation benefits, and with prejudice to employment in any branch of the government or any of its instrumentalities, including government-owned and controlled corporations. The ground for his dismissal from the service was his "continued refusal to comply with the lawful orders" of the Court because he did not comply with the two (2) directives of the OCA and the resolutions of the First Division of the Court of (1) 29 July 2002 which required him to comment on the complaint within ten days from notice; and explain why no disciplinary action should be taken against him for insubordination for failure to heed OCA's directives; (2) 4 December 2002 which reiterated the resolution of 29 July 2002; (3) 23 April 2003 which resolved "to require ANEW the said judge to SHOW CAUSE why he should not be disciplinarily dealt with or held in contempt for such failure and to COMPLY with the said resolution of July 29, 2002 requiring explanation." We ruled that respondent's failure to do so "constitutes gross disrespect to the lawful orders and directives bordering on willful contumacy," and "underscores his lack of respect for authority and a defiance for law and order which is the very core of his position."

On 13 August 2003, acting on complainants' letter of 18 July 2003 expressing their sentiments on the long continued non-compliance of respondent with the Court's show-cause resolution at the same time hoping for an expeditious resolution of this case in their favor, we resolved to REFER this case to the Office of the Court Administrator for evaluation, report and recommendation. The Office of the Court Administrator thereafter submitted its report and recommendation, dated 26 September 2003. It recommended that respondent

- (1) ... be meted out the penalty of ONE YEAR SUSPENSION from office without pay effective immediately upon receipt of notice for gross misconduct and insubordination for continuously defying the orders of the Court;
- (2) ... DIRECTED to file his comment to the complaint within five (5) days from notice or face arrest and detention until such time that he will comply;
- (3) ... ordered to pay a fine of Five Thousand Pesos (P5,000.00) to be paid within ten days from notice hereof;
- (4) ... be immediately DIVESTED of his position as Executive Judge of RTC, Pagadian City in accordance with Administrative Order No. 33-2003.

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Deliberating on the case, the First Division adopted the findings and conclusion of the Office of the Court Administrator but disagreed with the recommended penalty. It ruled that the penalty should be DISMISSAL from the service with all its consequences.

In light of the penalty determined by the First Division, the matter was referred to the Court En Banc pursuant to the revised resolution in A.M. No. 99-12-08-SC. The Court en banc accepted it in its Resolution of 18 November 2003. After deliberating thereon and reaching a conclusion sanctioning the First Division, the matter was assigned to the ponente for the writing of the decision. The decision was promulgated on 19 November 2003. A motion to reconsider it was denied with finality in the resolution of 25 May 2004.

In his second motion for reconsideration, respondent begs us to reconsider the decision “in the spirit of the doctrine of the STARE DECISIS ... taking into account the length of service of more than twenty (20) years he has served the Judiciary,” and proceeds to discuss on stare decisis, thus:

Respondent anchors his hypothesis on the very same jurisprudence Your Honors’ have cited. With due respect, please allow the herein respondent to make the following observations:

(a) In *Davila vs. Generoso*, [336 SCRA 576, 580 (200)], citing *Longboan vs. Polig*, 186 SCRA 557, 561, (1990), the respondent Judge therein was required to comply the directives of the Honorable Court’s directives, particularly in the cited Resolutions therein, more specifically, Resolution dated January 21, 1998, requiring him to show cause why he should not be dealt with disciplinarily or held in contempt for failure to comment on subject complaint of complainant Davila and to comply with the resolution of August 13, 1997, within ten (10) days from notice. The same was followed with a Resolution dated October 5, 1998, wherein the respondent judge was required to comply with the resolution of January 21, 1998, within ten (10) days from notice, under pain of appropriate disciplinary action, yet, he was still afforded one last chance and finally in a Resolution dated March 17, 1999, the respondent was required to show cause why he should not be dealt with more severely for failure to comply with the Resolution, dated December 11, 1995, and to file the required comment within ten (10) days from notice.

It is most respectfully noted that there were at least three (3) warnings given the respondent before he was finally handed the verdict of dismissal from service.

(b) In *Parane vs. Relosa*, [238 SCRA 1, (1994)], the respondent likewise failed to heed the Honorable Court’s directives and in the Resolution of August 4, 1994, the Court, wishing to afford respondent Judge another opportunity to explain himself, resolve thusly:

“WHEREFORE, finding respondent Judge guilty of gross misconduct and insubordination in his continued failure to comply with the lawful orders of this Court, the Court hereby IMPOSES on the respondent Judge a FINE of Five Thousand Pesos (P5,000,00). Said respondent is still required to COMPLY with the resolution of 22 July 1993 within ten (10) days from receipt hereof, with a STERN WARNING that non-compliance therewith will be dealt with most severely as so herein above expressed. x x x”

With respondent’s continued defiance of the last Court directive, he was ultimately dismissed from the service on November 7, 1994. It is further noted that the respondent was afforded his final chance before the extreme penalty of dismissal from the service was handed down.

(c) In the case of *Guerrero vs. Deray* [A.M. No. MTJ-02-1466, 10 Dec. 2002, citing *Joseph vs. Abarquez*, 261 SCRA 629 (1996)], the respondent was found guilty of gross incompetence and inefficiency, gross misconduct and conduct prejudicial to the best interest of the service.

The Honorable Court has meted upon the respondent the extreme penalty of dismissal because it was warranted by the circumstances, when it said: “In other words, indifference or defiance to the Court’s orders or Resolutions may be punished with dismissal, suspension or fine as warranted by the circumstances.”

(d) In the case of Erlinda Alonto-Frayna vs. Judge Abdulmajid J. Astih [300 SCRA 199 (1998)], The Honorable Court found the respondent guilty of gross inefficiency and neglect of duty exacerbated by his audacious stance in defying the Court's orders.

We have carefully examined the rollo of this case and we noticed that, first, our resolution of 23 April 2003 which required ANEW the respondent to show cause and to comply with the resolution of 29 July 2002 did not specify the period within which to do so. Second, the resolution of 13 August 2003 which noted the letter of complainants expressing their sentiments on the continued non-compliance of respondent with the show-cause resolution did not take any direct affirmative action against the respondent; it only referred "this case to the Office of the Court Administrator for evaluation, report and recommendation within thirty (30) days from notice hereof." In short, we did not warn the respondent of the consequences if he will fail to show cause and to comply with the resolution of 29 July 2002. By referring the case to the OCA for evaluation, report and recommendation, we could only have meant a declaration that respondent had waived the filing of the comment.

Third, after the OCA submitted its evaluation, report and recommendation, we did not require the parties to manifest if they would submit the matter for decision on the basis of the pleadings heretofore filed. This is our policy and practice.

Fourth, respondent has in fact filed his compliance with the show-cause Resolution and Comment on the complaint in a pleading entitled COMMENT WITH PRAYER FOR INDULGENCE AND CLEMENCY FOR NOT COMPLYING ON TIME, dated 28 November 2003 and received by the First Division on 4 December and the Clerk of Court En Banc on 5 December 2003 before respondent received a copy of the decision of 19 November 2003. He received a copy of the decision on 2 December 2003 as admitted by him in his first Motion for Reconsideration.

Fifth, respondent has served the judiciary for more than 20 years and there is no record whatsoever that he has been charged with any act of dishonesty, gross ignorance of law or any impropriety other than the instant case and A.M. No. RTJ-00-1526 (OCA vs. Franklyn A. Villegas), which was filed earlier than the instant case. In the resolution of 3 June 2004 in A.M. No. RTJ-00-1526, he was found guilty of two offenses, namely, undue delay in rendering a decision and violation of Supreme Court directives. He was fined in the amount of P20,000. In A.M. No. RTJ-00-1526, respondent claims that he failed to comply with two (2) OCA directives and six (6) resolutions of the Court requiring him to file his Comment and to show cause. He thus prays that since in this case only three resolutions of the Court were defied, he should be meted at least the same penalty as in A.M. No. RTJ-00-1526.

In our En Banc decision of 03 February 2004 in A.M. No. 03-1515-MTJ (Dolores Imbang vs. Judge Deogracias del Rosario, MCTC Patnongon, Bugasong, Valderama, Antique), we meted the penalty of fine of P10,000 on respondent Judge for his failure to comply with many directives of the Office of the Court Administrator requiring him to file a comment on the Complaint and for failure to immediately resolve pending motions and to decide a case within the 90-day period, which constituted gross inefficiency. In that case the complaint was filed on 31 July 1998 yet. Judge Del Rosario was required to comment thereon by the OCA in its 1st Indorsement of 9 February 1999, but Judge Del Rosario did not comply with it despite several subsequent letters from the OCA, forcing the OCA to report the matter to the Court and to recommend that Judge Del Rosario be fined in the amount of P5,000 "for his obdurate defiance of the several directives of the Office of the Court Administrator"; considered to have waived his right to defend himself in said case; and be fined P2,000 for delaying the administration of justice by failing to decide Civil Case No. 318 entitled Dolores Imbang vs. Alice Guerra.

In the del Rosario case, despite our conclusion that Judge Del Rosario's "failure to comply with the Court's directive to file his comment to the letter complaint against him constitutes a blatant display of his indifference to the lawful directives of the Court" and "gross misconduct and insubordination;" and his prior convictions in two

administrative cases, we merely imposed upon him a fine of P10,000. He was further directed to show cause within 10 days from notice why he should not be dismissed from the service for his refusal to file his Comment as directed by the Court.

While indeed a second motion for reconsideration is a prohibited pleading under the 1997 Rules of Civil Procedure, we have allowed it in certain cases. Besides, in administrative cases involving discipline of judges and court personnel, we have allowed second or even third motions for reconsideration whenever justified by the circumstances. In the instant case, and taking the foregoing observations, we have resolved to give due course to the second motion for reconsideration and to partly grant the relief prayed for. The penalty of dismissal from the service which we have imposed on respondent may seem, indeed, to be harsh. There were administrative cases of more serious nature where we have been less harsh. (Zarate vs. Judge Balderian, (A.M. No. MTJ-00-1261, 3 April 2000; 386 Phil. 1); Guintu vs. Judge Lucero, (A.M. MTJ-93-794, 23 August 1996, 329 Phil. 704). Only last 10 September 2004, in Tamondong vs. Judge Marino de la Cruz, (A.M. No. 00-1-10-RTC) we merely imposed a fine of P40,000, despite the finding of “repeatedly failing to heed the Court’s show cause orders, as well as the lawful directives of the OCA.”

WHEREFORE, in light of the foregoing, the Second Motion for Reconsideration of respondent is hereby given due course, and is partly granted. The penalty of dismissal from the service imposed on respondent is hereby REDUCED to suspension for a period reckoned from the time respondent received a copy of the decision of 19 November 2003 until he shall re-assume office by virtue of this Resolution, which he must do within ten (10) days from notice of this Resolution. Respondent is further directed to pay, within thirty (30) days from notice of this Resolution, a fine of P50,000.

SO ORDERED.

Puno, Quisumbing, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., Azcuna, Tinga, Chico-Nazario, and Garcia, JJ., concur.

Ynares-Santiago, J., please see dissenting opinion.

Panganiban, J., join J. Santiago’s dissent.

Corona, J., on leave.

DISSENTING OPINION

YNARES-SANTIAGO, J.:

With due respect, I dissent from the decision of the majority to partially grant the respondent’s second motion for reconsideration and to reduce the penalty imposed on respondent from dismissal from the service to suspension for a period reckoned from the time respondent received a copy of the decision of 19 November 2003 until he shall re-assume office and to pay, within thirty (30) days from notice of this Resolution, a fine of P50,000.00.

I maintain that the penalty of dismissal from the service imposed is warranted owing to the gravamen of respondent’s misconduct. Neither good faith nor an allegedly long unblemished service in the judiciary can justify his administrative offense.[1] For his refusal to heed not merely one but several directives issued by the Court, respondent offered the lame excuse that he thought he was merely being harassed and he believed that the complaint against him was filed “to influence the wheels of justice”, which he could not countenance.[2]

Respondent further insists that he did not commit a deliberate act of ignoring the Court; rather his conduct should be “considered simply as an act of ignoring the complainants out of dismay, disbelief and emotional sensitivities.”

In short, his emotions “controlled” his acts.[3] Therein lies the fatal absurdity in respondent’s explanation, for he cannot ignore complainants without ignoring us. Indeed, respondent ignored not merely one but several of our directives.

As a magistrate presiding over a court of law allegedly for over two (2) decades, respondent, more than anyone else, should know that acts are judged largely by their results and not by the underlying reasons or the motives proffered to justify their commission. No man may be punished for what he thinks. Cogitationis poenam nemo meret.[4] Respondent’s personal beliefs that complainant’s charges lacked basis are no excuse for him to ignore the Court’s orders.

Besides the basic equipment of possessing the requisite learning in the law, a magistrate must exhibit that hallmark judicial temperament of utmost sobriety[5] and self-restraint which are indispensable qualities of every judge.[6] A judge anywhere should be the last person to be perceived as a petty tyrant holding imperious sway over his domain. Such an image is, however, evoked by the actuations of respondent judge in this case. It has time and again been stressed that the role of a judge in relation to those who appear before his court must be one of temperance, patience and courtesy.[7]

In recent case of Office of the Court Administrator v. Villegas,[8] our attention was called to respondent’s delay of almost fifteen (15) years in deciding Civil Case No. 1576 which had been pending in his sala since August 22, 1984. He was fined P1,000.00 during the course of the proceedings for “his continued failure to comply”[9] with our directives. The fine was increased to P2,000.00 in a Resolution dated January 16, 2001.

IN THE LIGHT OF THE FOREGOING, I vote to DENY the respondent’s Second Motion for Reconsideration for lack of merit.

[1]Taran v. Jacinto, A.M. No. MTJ-92-1436, 12 January 2004, 419 SCRA 1.

[2] See comment, With Prayer For Indulgence and Clemency, p. 8.

[3] Id., pp. 8-9.

[4] Aquino, Revised Penal Code, vol. 1, 1997 ed., p. 34.

[5] Martinez v. Pahimulin, A.M. No. 78-MJ, 30 August 1982, 116 SCRA 136.

[6] Ferrer v. Maramba, 352 Phil. 351 [1998].

[7] See Delgra, Jr. v. Gonzales, G.R. No. L-24981, 30 June 1970, 31 SCRA 237; Laguio v. Diaz, A.M. NO. (3167-V) P-2195, 29 May 1981, 104 SCRA 689; Retuya v. Equipilag, A.M. No. 1431-MJ, 16 July 1979, 91 SCRA 416.

[8]A.M. No. RTJ-00-1526, 3 June 2004.

[9]Id., 4[th] paragraph of Resolution.

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