

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
JUDGE MA. ELLEN M. AGUILAR, REGIONAL TRIAL COURT, BRANCH
70, BURGOS, PANGASINAN, RESPONDENT.**

A.M. No. RTJ-07-2087 (Formerly OCA I.P.I. No. 07-2621-RTJ). June 07, 2011

Ponente: LEONARDO-DE CASTRO, J.

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LEONARDO-DE CASTRO, J.:

This case stemmed from (1) the undated letter [1] of Ramon Ona-Ligaya (Ligaya) of Olongapo City, addressed to then Chief Justice Artemio V. Panganiban, and the Judicial and Bar Council (JBC), expressing disappointment over the appointment of Ma. Ellen Aguilar (Aguilar) as judge of the Regional Trial Court (RTC) of Burgos, Pangasinan, since she had been charged with several criminal offenses involving moral turpitude; and (2) the Indorsement letter [2] dated December 4, 2006 of the Office of the City Legal Officer of Olongapo City, referring to the Office of the Court Administrator (OCA) for appropriate action the decision of the Deputy Ombudsman for Luzon in OMB-L-A-03-0718-G, [3] which imposed upon Atty. Aguilar, formerly City Legal Officer of Olongapo City, a fine equivalent to one month salary.

For the antecedent factual background of the charges, we refer to the report of Associate Justice Teresita Dy-Liacco Flores (Dy-Liacco Flores) of the Court of Appeals, who was later tasked by the Court to investigate the present administrative matter against Judge Aguilar. Investigating Justice Dy-Liacco Flores found that:

Sometime on July 2, 1998, while [Atty. Aguilar] was still the Legal Officer of Olongapo City, mortgagor Lourdes Sison and mortgagee Angelina Cuevas came to her office together, asking her to notarize a prepared real estate mortgage contract. The document showed that it was a security for a loan of P120,000.00. [Atty. Aguilar] acceded. Later, Sison and Cuevas returned with a different document. It was obviously the same real estate mortgage contract between the parties but the amount of the loan was now raised to P140,000.00. The parties explained that this is the real agreement between them. [Atty. Aguilar] notarized it in replacement of the previous document, deeming the first cancelled. Hence, the second document carried the same entries like document number, book number and the like as the first document. Either by oversight or inattentiveness, the secretary of Atty. Aguilar put the two documents together.

Sometime in 2002, Arnel Sison, the son of mortgagor Lourdes Sison, discovered the existence of the two documents with different amounts but one notarial document number. Furious, he went to see then Atty. Aguilar. She explained to him the circumstances under which both documents were notarized. Unappeased, Arnel Sison filed complaints for Falsification of Public Document, Perjury and Estafa against Atty. Aguilar and Angelina Cuevas before (1) the Office of the Regional State Prosecutor of Bataan AND (2) the Office of the Ombudsman. [4]

The complaint for Falsification of Public Document, Perjury and Estafa against Atty. Aguilar and Angelina Cuevas was filed by Arnel Sison before the Regional State Prosecutor, and was docketed as I.S. Nos. 03-S-2282 to 03-S-2284. After preliminary investigation, Angelito V. Lumabas, Acting City Prosecutor of Olongapo City, issued a Resolution [5] dated March 2, 2004, dismissing the complaint for lack of probable cause.

Meanwhile, proceedings on Arnel Sison's complaint for Dishonesty and Misconduct against Atty. Aguilar, filed before the Ombudsman and docketed as OMB-L-A-03-0718-G, continued. Atty. Aguilar filed her counter-affidavit therein on October 2, 2003.

Following her retirement as City Legal Officer of Olongapo City effective December 13, 2003, Atty. Aguilar, through a letter [6] dated September 3, 2004, addressed to the JBC Chairman, applied for the position of judge, preferably at the RTC Branch 71, of Iba, Zambales. In support of her application, Atty. Aguilar accomplished and submitted a Personal Data Sheet (PDS), which consisted of four pages. Question No. 23 of the PDS asked: "Is there any pending civil, criminal or administrative (including disbarment) case or complaint filed against you pending before any court, prosecution office, any other office, agency or instrumentality of the government, or the Integrated Bar of the Philippines?" [7] In answer to said question, Atty. Aguilar wrote "None." [8] The PDS was notarized in September 2004.

Atty. Aguilar was appointed as RTC Judge of Burgos, Pangasinan, on October 15, 2005.

After her appointment to the Judiciary, the Deputy Ombudsman for Luzon rendered a Decision [9] in OMB-L-A-03-0718-G on November 29, 2005, finding no liability on Atty. Aguilar's part for dishonesty but only for misconduct, as follows:

After a careful evaluation of the facts and evidence adduced by both parties, the undersigned finds [Atty. Aguilar] guilty of misconduct. Records disclose that two (2) deeds of Real Estate Mortgage were notarized on July 2, 1998, by Atty. Aguilar. However, based on the certification dated July 3, 2003 issued by the Office of the Clerk of Court of the Regional Trial Court of Olongapo City, it appears that [Atty. Aguilar] was commissioned as notary public in the year 1999 up to the present. Evidently, [Atty. Aguilar] was not yet commissioned as notary public when she notarized the aforesaid documents. As to the claim of [Atty. Aguilar] that she is a notary public ex-officio, as such she may perform her functions only in the notarization of documents connected with the exercise of her official functions. She may not, as notary public ex-officio, undertake the preparation and acknowledgement of private documents, contracts and other acts of conveyances which bear no direct relation to the performance of her functions as City Legal Officer. [10]

For her misconduct, the Deputy Ombudsman for Luzon imposed upon Atty. Aguilar the penalty of one month suspension. Atty. Aguilar filed a motion for reconsideration, arguing that she could no longer be held administratively liable as she had already retired from her position as Legal Officer of Olongapo City as of December 13, 2003. The Deputy Ombudsman for Luzon, in an Order [11] dated January 31, 2006, [12] denied Atty. Aguilar's motion for reconsideration, but modified the penalty imposed upon her from one month suspension from service to a fine of one month pay. The City Mayor and the Office of the City Legal Officer of Olongapo City were furnished with copies of the Decision dated November 29, 2005 and Order dated January 31, 2006 of the Deputy Ombudsman for Luzon in OMB-L-A-03-0718-G, for immediate implementation.

Atty. Aguilar assumed her judicial position on February 8, 2006. She accomplished another PDS for submission to the Supreme Court on March 6, 2006. In the more recent PDS, the following questions were asked:

- a. Have you ever been formally charged?
- b. Have you ever been guilty of any administrative offense?

- Have you ever been convicted of any crime or violation of any law, decree, ordinance or regulation by any court or tribunal? [13]

Judge Aguilar answered "No" [14] to all the aforequoted questions.

On March 6, 2006, the Office of the Chief Justice (OCJ) received Ligaya's undated letter, bringing to the attention of said office two criminal cases still pending against Judge Aguilar, particularly: (1) Criminal Case No. 523-04,

for Estafa thru Falsification, pending before the RTC of Olongapo City, Branch 74; and (2) Criminal Case No. 844-04, for Falsification, pending before the Municipal Trial Court in Cities of Olongapo City. Ligaya sought the recall of Judge Aguilar's appointment. Then Chief Justice Panganiban endorsed Ligaya's letter to the JBC. [15]

Given Atty. Aguilar's retirement as City Legal Officer of Olongapo City and her subsequent appointment as RTC judge, the Office of the City Legal Officer of Olongapo City believed that it no longer had the authority to implement the Deputy Ombudsman for Luzon's Decision dated November 29, 2005 and Order dated January 31, 2006 in OMB-L-A-03-0718-G against now Judge Aguilar. Consequently, in its 1st Indorsement dated December 4, 2006, the Office of the City Legal Officer forwarded said decision and order of the Deputy Ombudsman for Luzon against Judge Aguilar to the OCA for pertinent action.

Atty. Wilhelmina D. Geronga (Geronga), OCA Chief of Staff, directed Judge Aguilar to comment on why she failed to disclose in her PDS the pendency of OMB-L-A-03-0718-G. Attached to the OCA directive was a copy of the Order dated January 31, 2006 of the Deputy Ombudsman for Luzon in OMB-L-A-03-0718-G, denying Judge Aguilar's motion for reconsideration of the Decision dated November 29, 2005.

In her Comment, Judge Aguilar avers that she only learned that her motion for reconsideration of the Decision dated November 29, 2005 in OMB-L-A-03-0718-G was denied by the Deputy Ombudsman for Luzon in an Order dated January 31, 2006, when she was furnished a copy of said order by the OCA on June 1, 2007. Judge Aguilar would have wanted to challenge the decision and order of the Deputy Ombudsman for Luzon before the Court of Appeals, but she desisted because of her desire to have closure on the matter. Instead, Judge Aguilar already paid the fine, equivalent to one month salary, imposed upon her in OMB-L-A-03-0718-G on June 5, 2007.

Judge Aguilar further explains in her Comment that when she notarized the real estate mortgage contracts between Lourdes Sison and Angelina Cuevas, she was merely performing her duty to give free legal services to the people of Olongapo City who have no resources to avail themselves of the services of lawyers; and maintains that she did not charge or receive any consideration from the parties for the notarization.

Finally, Judge Aguilar apologizes for the inaccuracies in her PDS and promises to be more circumspect and accurate in her future submissions.

On July 11, 2007, Atty. Geronga issued a Memorandum [16] to then Court Administrator Christopher Lock recommending that the complaint against Judge Aguilar be docketed as a regular administrative matter and that Judge Aguilar be required to manifest whether she wanted to submit the case for resolution based on the pleadings or to have the matter formally investigated.

As Atty. Geronga recommended, Court Administrator Lock directed Judge Aguilar to manifest whether she wanted to submit the case for resolution based on the pleadings or to have the matter formally investigated. [17] In her letter [18] dated August 7, 2007, Judge Aguilar informed the OCA that she opted for a formal investigation of the charges against her.

On September 24, 2007, Court Administrator Lock recommended to the Court that the case against Judge Aguilar be re-docketed as a regular administrative matter and to refer the case to a consultant for investigation, report, and recommendation. [19]

The Court, in a Resolution [20] dated October 17, 2007, re-docketed the case as a regular administrative matter.

Upon the recommendation [21] of succeeding Court Administrator Zenaida N. Elepaño, the administrative matter was referred to the Court of Appeals on March 4, 2008, to be raffled among the Associate Justices for investigation, report, and recommendation. It was raffled to Investigating Justice Dy-Liacco Flores on June 2,

2008.

During the preliminary conference on September 4, 2008, Investigating Justice Dy-Liacco Flores encouraged the parties to focus on the core issues. She suggested that OMB-L-A-03-0718-G, which addressed Judge Aguilar's wrongful notarization of the deeds of Real Estate Mortgage between Lourdes Sison and Angelina Cuevas, should already be deemed closed since Judge Aguilar had already paid the fine imposed therein; and that the present investigation be limited to the purportedly inaccurate entries made by Judge Aguilar in her PDS.

After consideration of the documents and testimonies of the parties, Investigating Justice Dy-Liacco Flores submitted her report, pertinent portions of which read:

The undersigned Investigator finds [Judge Aguilar] guilty of dishonesty.

x x x x

[Judge Aguilar] explained that she thought her retirement as Legal Officer of Olongapo City on December 13, 2003 rendered *functus officio* the administrative case filed by Arnel Sison against her and the unusual penalties attendant to the administrative charges such as removal, suspension or censure had been mooted by her retirement. She claims that even if such belief is wrong, it is not entirely baseless.

[Judge Aguilar's] explanation fails to persuade. When she made said entry, she was not an ordinary layman ignorant of the intricacies of the law but an experienced lawyer who had served as City Legal Officer for more than sixteen (16) years. Also, [Judge Aguilar] always graduated at the top of her class in law school and in her liberal arts degree at a prestigious university. Thus, she is deemed to know the import of a simple question: "Is there any pending civil, criminal or administrative (including disbarment) case or complaint filed against you pending before any Court, prosecution office, or any other office, agency or instrumentality of the government or the Republic of the Philippines or the Integrated Bar of the Philippines?"

The simplicity of the question would have dawned on her right away that her belief about the effect of her resignation is irrelevant to the question. At any rate, in the case of *Pagano vs. Nazarro, et al.*, the Supreme Court stated thus:

(T)he precipitate resignation of a government employee charged with an offense punishable by dismissal from service does not render moot the administrative case against him. Resignation is not a way out to evade administrative liability when facing administrative sanction. The resignation of a public servant does not preclude the finding of any administrative liability to which he or she shall still be answerable.

A case becomes moot and academic only when there is no more actual controversy between the parties or no useful purpose can be served in passing upon the merits of the case. The instant case is not moot and academic despite petitioner's [Judge Aguilar] separation from service. Even if the most severe of administrative sanctions - that of separation from service - may no longer be imposed on the petitioner, there are other penalties which may be imposed on her if she is later found guilty of administrative offenses charged against her, namely, the disqualification to hold any government office and the forfeiture of benefits.

[Judge Aguilar's] plea of good faith is controverted by the fact that the misrepresentation is so palpable that it could not have been missed or overlooked by a brilliant mind like that of [Judge Aguilar]. As a City Legal Officer for a long time, she must have known that a truthful revelation of the pendency of her administrative case could derail her application to the bench. Her desire to avoid the risk explains that misrepresentation. [22]

Ultimately, Investigating Justice Dy-Liacco Flores recommended as follows:

In view of the foregoing, the undersigned Investigator recommends the penalty of dismissal from service with forfeiture of all benefits except earned leave credits, and disqualification from reinstatement or appointment to

any public office, including government-owned or controlled corporations. [23]

The Court referred the foregoing report and recommendation of Investigating Justice Dy-Liacco Flores to the OCA for evaluation, report, and recommendation.

On May 6, 2009, the OCA, through then Court Administrator, now Associate Justice of this Court, Jose P. Perez, submitted its report, concurring with the findings of Investigating Justice Dy-Liacco Flores and recommending thus:

In view of the foregoing, it is respectfully submitted for the consideration of the Honorable Court the recommendations that Judge Ma. Ellen M. Aguilar, Regional Trial Court, Branch 70, Burgos, Pangasinan, be DISMISSED from the service with forfeiture of all benefits except earned leave credits, with prejudice to re-employment to any public office, including government-owned or controlled corporations. [24]

The Court agrees with the reports of the OCA and Investigating Justice Dy-Liacco Flores adjudging Judge Aguilar guilty of dishonesty in filling out her PDS, but modifies the recommended penalty of dismissal to suspension of six (6) months given the attendant circumstances.

Judge Aguilar admitted that in two of her PDS - one accomplished in September 2004, attached to her application for judgeship position, and the other accomplished on March 6, 2006, upon her assumption as RTC Judge of Burgos, Pangasinan - Judge Aguilar answered that she had no pending administrative case against her; and that she had not been formally charged nor found guilty of any administrative charge. All the while, Arnel Sison's administrative complaint against Judge Aguilar, OMB-L-A-03-0718-G, was pending before the Deputy Ombudsman for Luzon. The Deputy Ombudsman for Luzon, in a Decision dated November 29, 2005 in OMB-L-A-03-0718-G, found Judge Aguilar guilty of misconduct and imposed upon her the penalty of one month suspension; and in an Order dated January 31, 2006, denied Judge Aguilar's motion for reconsideration, but modified the penalty imposed by converting it to a fine equivalent to one month salary.

The accomplishment of the PDS is a requirement under the Civil Service Rules and Regulations for employment in the government. Since truthful completion of PDS is a requirement for employment in the Judiciary, the importance of answering the same with candor need not be gainsaid. [25]

With respect to Judge Aguilar's supposed omission in her PDS submitted with her judgeship application, we are guided by the ruling in *Plopinio v. Zabala-Cariño*, [26] wherein we clarified that a person shall be considered formally charged in administrative cases only upon a finding of the existence of a prima facie case by the disciplining authority, in case of a complaint filed by a private person. However, Judge Aguilar's failure to disclose OMB-L-A-03-0718-G in her PDS filed upon her assumption of office when she already had notice of the adverse decision therein constitutes dishonesty, considered a grave offense under the Administrative Code of 1987, as well as the Uniform Rules on Administrative Cases in the Civil Service (Civil Service Rules), with the corresponding penalty of dismissal from service even for the first offense.

Nonetheless, Rule IV, Section 53 of the Civil Service Rules also provides that in the determination of the penalties to be imposed, extenuating, mitigating, aggravating or alternative circumstances attendant to the commission of the offense shall be considered. Among the circumstances that may be allowed to modify the penalty are (1) length of service in the government, (2) good faith, and (3) other analogous circumstances.

In several jurisprudential precedents, the Court has refrained from imposing the actual administrative penalties prescribed by law or regulation in the presence of mitigating factors. Factors such as the respondent's length of service, the respondent's acknowledgement of his or her infractions and feeling of remorse, family circumstances, humanitarian and equitable considerations, respondent's advanced age, among other things, have had varying

significance in the determination by the Court of the imposable penalty. For equitable and humanitarian reasons, the Court reduced the administrative penalties imposed in the following cases:

The Court had the occasion to rule in *Office of the Court Administrator v. Flores*, [27] wherein the respondent legal researcher was charged with dishonesty for her failure to disclose her suspension and dismissal from her previous employment in her PDS, that:

This Court has in the past punished similar infractions pertaining to making untruthful statements in the PDS with the severe penalty of dismissal such as failing to state previous employment and the fact of separation for cause therefrom, falsely declaring passing the career service professional examination when in fact one did not, and neglecting to declare the pendency of a criminal case.

x x x x

While dishonesty is considered a grave offense punishable by dismissal even at the first instance, jurisprudence is replete with cases where the Court lowered the penalty of dismissal to suspension taking into account the presence of mitigating circumstances such as length of service in the government and being a first time offender.

Since respondent has been in the service for fourteen (14) years and since this is her first offense during employment in the judiciary, the Court deems it proper to impose the penalty of suspension for six (6) months without pay. [28] (Emphases supplied. Citations omitted.)

Similar considerations were applied in other cases involving administrative charges of dishonesty. In *Concerned Employees of the Municipal Trial Court of Meycauayan, Bulacan v. Larizza Paguio-Bacani*, Branch Clerk of Court II, Municipal Trial Court of Meycauayan, Bulacan, [29] respondent Paguio-Bacani's act of falsifying her Daily Time Records (DTRs) amounted to dishonesty, which under the Civil Service Rules carried the penalty of dismissal from the service even for a first offense. Even though dishonesty through falsification of DTRs is punishable by dismissal, such an extreme penalty was not imposed on the errant employee where there exist mitigating circumstances which could alleviate her culpability. Paguio-Bacani had been Branch Clerk of Court for about ten years and this was the first administrative complaint against her. Thus, Paguio-Bacani was suspended from the service for one year without pay, with a warning that a repetition of the same or similar act will be dealt with more severely.

Respondent Valentin, in *Concerned Employee v. Roberto Valentin*, Clerk II, Records Division, Office of the Court Administrator, [30] was found guilty of dishonesty for claiming to have rendered overtime service for 12 days, receiving overtime allowance for the same, when he could not have actually been at the office since he served as an umpire at table tennis matches held on the same dates. Instead of the penalty of dismissal, Valentin was suspended from the service for six months without pay, with a warning that a repetition of the same or similar act will be dealt with more severely. Valentin had been in the government service for almost eight years and had performed his assigned tasks satisfactorily. These two circumstances were considered mitigating and, therefore, decreased the imposable penalty upon Valentin.

Respondents Ting and Esmerio, in *Re: Administrative Case for Dishonesty Against Elizabeth Ting*, Court Secretary I, and *Angelita C. Esmerio*, Clerk III, Office of the Division Clerk of Court, Third Division, [31] were likewise found guilty of dishonesty in deliberately failing to use the Chronolog Time Recorder Machine to register their actual time of arrival in the office and making it appear in their Daily Report of Attendance and Tardiness that they had always arrived on time. The Court, for humanitarian considerations, in addition to various mitigating circumstances in Ting's and Esmerio's favor, imposed the penalty of six months suspension, instead of the most severe penalty of dismissal from service. The following circumstances convinced the Court to extend

mercy and indulgence to Ting and Esmerio: (1) their long years of service in the judiciary, ranging from 21 to 38 years; (2) their acknowledgement of their infractions and feelings of remorse; (3) the importance and complexity of the nature of their duties; (4) their "very satisfactory" performance rating; and (5) their family circumstances.

In *Reyes-Domingo v. Morales*, [32] respondent Morales, the branch Clerk of Court of the Metropolitan Trial Court of Manila, Branch 17, was found guilty of dishonesty in not reflecting his absences on the 10[th] and 13[th] of May 1996 in his DTR, when he was at Katarungan Village interfering with the construction of the Sports Complex therein, and at the Department of Environment and Natural Resources-National Capital Region pursuing his personal business. The OCA recommended Morales's dismissal from the service reasoning that his falsification of his DTRs amounted to dishonesty. However, the Court merely imposed a fine of P5,000.00 on Morales, given that this was his first offense, and his absences could not yet be classified as frequent or habitual.

In *Floria v. Sunga*, [33] Floria, Executive Assistant IV at the Archives Section, Court of Appeals, was found liable for immorality, since she had an illicit relation with Badilla, a married man; and for the administrative offense of dishonesty, because she falsified her children's birth certificates by stating therein that she and Badilla were married on May 22, 1972. The Court tempered justice with mercy by imposing on Floria a fine of P10,000.00, in light of the following circumstances: the administrative offense of immorality charged against Floria took place many years ago; it was the first time that Floria was being held administratively liable in her 29 years of employment at the Court of Appeals; and Floria's children were innocent victims, and dismissing or suspending their mother from the service would be a heavy toll on them, a punishment they did not deserve.

The Court, in *Concerned Taxpayer v. Norberto Doblada, Jr.*, [34] found that the inaccuracies and inconsistencies in the Statement of Assets and Liabilities of Doblada, the Sheriff at the Regional Trial Court of Pasig City, Branch 155, were tantamount to dishonesty, which under Civil Service rules and regulations is punishable with dismissal even for the first offense. However, the Court reduced the penalty to six months suspension without pay, bearing in mind attendant equitable and humanitarian considerations therein, to wit: Doblada had spent 34 years of his life in government service and that he was about to retire; this was the first time that Doblada was found administratively liable; Doblada and his wife were suffering from various illnesses that required constant medication; and that Doblada and his wife were relying on Doblada's retirement benefits to augment their finances and to meet their medical bills and expenses.

In *De Guzman, Jr. v. Mendoza*, [35] Antonio Mendoza, Sheriff IV of the Makati City Regional Trial Court, Branch 58, was charged with conniving with another in causing the issuance of an alias writ of execution and profiting from the rentals collected from the subject property. Mendoza was subsequently found guilty of Grave Misconduct, Dishonesty and Conduct Prejudicial to the Best Interest of the Service; but instead of imposing the penalty of dismissal, the Court meted out the penalty of suspension for one year without pay, it appearing that it was Mendoza's first offense.

Drawing on the same compassion displayed by the Court in the foregoing catena of cases, the Court should take into consideration the following mitigating circumstances existent in the case at bar:

a)

The criminal complaint for falsification, perjury and estafa against Judge Aguilar was dismissed by the Office of the Provincial Prosecutor for lack of probable cause. The administrative case against Judge Aguilar was already decided by the Office of the Deputy Ombudsman for Luzon, suspending Judge Aguilar for one month (later modified to a fine equivalent to one month salary by reason of her voluntary retirement from office) for misconduct but not for dishonesty. Both the dismissed criminal complaint and decided administrative case against Judge Aguilar concern her notarization of private documents that bore no relation to the performance of her

functions as City Legal Officer;

b)

Judge Aguilar appeared to have believed that she was authorized to notarize said private documents as part of her duties as City Legal Officer, and she neither charged any fee nor received any consideration therefor;

c)

Setting aside for the moment her previous administrative case, Judge Aguilar had otherwise strong credentials for her appointment as a judge; [36]

d)

Judge Aguilar has rendered more than 20 years of government service;

e)

This is Judge Aguilar's first and only administrative charge in the Judiciary for which she was found guilty; and

f)

Judge Aguilar readily acknowledged her offense, apologized, and promised to be more circumspect and accurate in her future submissions.

Judge Aguilar's case should be distinguished from our previous rulings in *Office of the Court Administrator v. Judge Estacion, Jr.*, [37] *Gutierrez v. Belan* [38] and *Re: Non-Disclosure before the Judicial and Bar Council of the Administrative Case Filed Against Judge Jaime V. Quitain* [39] (the last two cited in the report of Investigating Justice Dy-Liacco Flores). In *Estacion*, the respondent judge failed to disclose his pending criminal cases for homicide and attempted homicide when he applied to the Judiciary; while in *Belan*, the respondent judge failed to previously disclose a pending criminal case for reckless imprudence resulting in serious physical injuries. In *Quitain*, the previous administrative case which the respondent judge failed to disclose upon his application for judgeship was one for grave misconduct for which he was dismissed from the service with forfeiture of benefits prior to his application to the Judiciary. The seriousness of the case or cases which respondent judges failed to disclose in their PDS or applications for judgeship, and the absence of mitigating circumstances, sufficiently differentiate *Estacion*, *Belan*, and *Quitain*, from the one at bar.

Under Section 11, Rule 140 of the Rules of Court, a judge found guilty of a serious charge, such as dishonesty, may be subjected to any of the following penalties:

Sec. 11. Sanctions. -- A. If the respondent is guilty of a serious charge, any of the following sanctions may be imposed:

1. 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;
2. Suspension from office without salary and other benefits for more than three (3) but not exceeding six (6) months; or
3. A fine of more than P20,000.00 but not exceeding P40,000.00.

Accordingly, the Court finds it appropriate to impose a suspension of six months without pay in light of the above discussed extenuating circumstances.

WHEREFORE, Judge Ma. Ellen M. Aguilar is hereby found guilty of dishonesty and is SUSPENDED from the service for six (6) months without pay, with a warning that a repetition of the same or similar act will be dealt with more severely.

SO ORDERED.

Corona, C.J., Carpio, Carpio Morales, Velasco, Jr., Nachura, Brion, Peralta, Bersamin, Del Castillo, Abad, Villarama, Jr., Mendoza, and Sereno, JJ., concur.

Perez, J. No part.

[1] Rollo, p. 17.

[2] Id. at 1.

[3] Id. at 4-8.

[4] Id. at 255.

[5] Id. at 45-53.

[6] Id. at 18.

[7] Id. at 20.

[8] Id.

[9] Id. at 4-8.

[10] Id. at 7.

[11] Id. at 11.

[12] Erroneously dated as January 31, 1006.

[13] Rollo, p. 29 (back page).

[14] Id.

[15] Id. at 9.

[16] Id. at 78-83.

[17] Id. at 84.

[18] Id. at 136.

[19] Id. at 132.

[20] Id. at 133.

[21] Id. at 140.

[22] Id. at 246-247.

[23] Id. at 251.

[24] Id. at 344.

[25] *Inting v. Tanodbayan*, 186 Phil. 343, 348 (1980); *Belosillo v. Rivera*, 395 Phil. 180, 191 (2000).

[26] A.M. No. P-08-2458, March 22, 2010, 616 SCRA 269, 278.

[27] A.M. No. P-07-2366, April 16, 2009, 585 SCRA 82.

[28] *Id.* at 90-92.

[29] A.M. No. P-06-2217, July 30, 2009, 594 SCRA 242.claw

[30] 498 Phil. 347 (2005).

[31] 502 Phil. 264 (2005).

[32] 396 Phil. 150 (2000).

[33] 420 Phil. 637 (2001).

[34] 507 Phil. 222 (2005).

[35] 493 Phil. 690 (2005).

[36] Apart from fulfilling the requisite years of legal practice, Judge Aguilar graduated magna cum laude both in her undergraduate course and from law school at the University of Santo Tomas.

[37] 260 Phil. 1 (1990).

[38] 355 Phil. 428 (1998).

[39] JBC No. 013, August 22, 2007, 530 SCRA 729.

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