

EMELIE DELGADO-ARANAS, COMPLAINANT, VS. HON. GINO JOVITO C. ARANAS, PRESIDING JUDGE, MUNICIPAL CIRCUIT TRIAL COURT, KABASALAN-SIAY-PAYAO, ZAMBOANGA SIBUGAY, RESPONDENT.

A.M. No. MTJ-24-031 (Formerly OCA IPI No. 20-3126-MTJ), April 08, 2026

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PER CURIAM:

For the Court's consideration is a Verified Complaint[1] dated August 27, 2020, filed by complainant Emelie Delgado-Aranas (Emelie) against respondent Judge Gino Jovito C. Aranas (Judge Aranas), Presiding Judge of the Municipal Circuit Trial Court (MCTC), Kabasalan-Siay-Payao, Zamboanga Sibugay for gross immorality, gross misconduct, dishonesty, and conduct prejudicial to the best interest of the service.

The Antecedents

On November 17, 2020, Emelie filed the instant complaint against her husband, Judge Aranas. Therein, she averred that on the morning of February 20, 2020, her close friend disclosed to her the extramarital affair of her husband with a certain Kristine Rio M. Esteban (Kristine). From the illicit relationship, a boy named Gino Jovito Esteban Aranas, Jr. was born on February 3, 2020. Judge Aranas acknowledged the child as his son by affixing his signature to the child's birth certificate. The friend further informed Emelie that Judge Aranas and Kristine started their relationship some six years ago and established their love nest in Barangay Tuburan, Municipality of Malangas, Zamboanga Sibugay.[2]

At first, Emelie shrugged off the information she received considering that her husband was medically diagnosed to be suffering from low sperm count. However, feeling confused and disturbed, Emelie confronted Judge Aranas. The latter admitted his illicit relationship with Kristine and the birth of his son with her. Judge Aranas, however, quickly apologized for his mistake. Emelie was depressed and could not believe that her husband could betray her when they had been together for almost 22 years.[3]

During their marriage and prior to her discovery of her husband's betrayal, Emelie played a wife-slave role. Despite the couple's physical impossibility to conceive a child, Emelie did not lose hope and even considered domestic adoption. Even after finding out about her husband's infidelity, Emelie still hoped and believed that they could build a happy family together and thought of options to conceive such as in vitro fertilization and surrogacy. However, her husband changed. Judge Aranas became judgmental, suspicious, and argumentative.[4]

The spouses sought advice from Emelie's uncle, retired Judge Rodolfo Vapor (Judge Vapor), on March 15, 2020 in the latter's residence in Ozamis City. During their meeting, Judge Aranas confessed to Judge Vapor his illicit relationship with Kristine.[5]

Emelie later learned that Judge Aranas bought a parcel of land worth PHP 600,000.00 and paid for it from their joint account in Metrobank without her knowledge and consent. Worse, Judge Aranas registered the land under the name of his son. The Deed of Sale even contains the phrases, "by his father, GINO JOVITO C. ARANAS," and "by his mother, KRISTINE RIO M. ESTEBAN." [6]

To add insult to injury, Judge Aranas boasted to his and Emelie's friends and family the fact of his illicit relationship with Kristine and the existence of their son. Judge Aranas even shared this fact with the whole world through social media. This only shows that Judge Aranas was proud of what he had done and felt no remorse for it.[7]

On April 10, 2020, between 7:00 a.m. and 8:00 a.m., Judge Aranas fired his handgun inside their house and threatened to kill anyone who was against his relationship with Kristine.[8]

On June 29, 2020, Judge Aranas left their family home without a word. He abandoned Emelie and since then Judge Aranas did not contact her and completely cut her off from his life.[9] Emelie, thus, averred that Judge Aranas's actions were in direct violation of the Code of Judicial Ethics, as well as the Code of Professional Responsibility (CPR). He also violated the Lawyer's Oath for being unlawful and immoral.[10]

On November 24, 2020, the Office of the Court Administrator (OCA) issued a 1[st] Indorsement[11] requiring Judge Aranas to file his comment to the complaint filed by Emelie.

Judge Aranas, in compliance thereto, filed his Comment[12] dated February 19, 2021. He admitted being the legal husband of Emelie, having a child named Gino Jovito Esteban Aranas, Jr. as a result of his one-time fling with Kristine, seeking advice from retired Judge Vapor, purchasing a lot for his child, and leaving the family home. Judge Aranas, however, denied cohabiting with Kristine. He explained that after leaving their family home, he lived alone in an unused stockroom at the back of the municipal hall. He further insisted that he and Kristine did not have an amorous relationship.[13]

Judge Aranas narrated that he met Kristine sometime in March 2019 while having his usual dinner at the Tribu Grill in Buug, Zamboanga Sibugay. Their paths crossed again in April 2019 at the same restaurant. Kristine and her friend were seated near the table of Judge Aranas. At that time, Judge Aranas was suffering from amoebiasis. Kristine challenged him to drink beer, saying that it would kill the bacteria. Judge Aranas acceded and ended up drinking two bottles of beer. He then got tipsy and invited Kristine to accompany him to the drugstore where he could buy medicine for his amoebiasis. Kristine agreed and while they were seated inside Judge Aranas's truck, Judge Aranas held her hand. Kristine did not resist. Then something happened between the two of them in a secluded area inside the truck.[14]

After the incident, Judge Aranas and Kristine went back to the Tribu Grill and went on his way home to Pagadian City. It was the last occasion that he saw Kristine but they exchanged their mobile numbers.[15]

Sometime in May 2019, Kristine called Judge Aranas and informed him that she was pregnant with his child. Frightened, Judge Aranas asked someone to check if Kristine had a boyfriend between March and April 2019, but it turned out he was her only sexual partner in April 2019. He only saw Kristine when she was about to give birth. He, therefore, had no choice but to support Kristine and their son who was born on February 3, 2020, at the Aisah Medical Hospital.[16]

Judge Aranas was just waiting for the right time to inform his wife of his predicament when an alleged friend of his wife spilled the bean about his one-time affair. He, however, planned to take his child to his home to strengthen his relationship with Emelie. They then consulted retired Judge Vapor together with Emelie's sister on this matter, but Emelie did not accept his plan of bringing the child into their home.[17]

One or two days after his wife learned of his predicament, Judge Aranas recalled that Emelie told her that since he has a child, he can do anything good for the child. So, he purchased a lot and named it under his son relying on the generosity of his wife. However, Emelie's generosity proved to be a mere semblance. Judge Aranas learned later that his wife transferred all the funds maintained in their five different banks to her sole account.[18]

Months later, Emelie told Judge Aranas that she would sell their house and lot to her three sisters. Despite being against the proposal, Judge Aranas was made to prepare deeds of absolute sale conveying their house and lot to Emelie's three sisters and sign the same. This explains why he now lives in an unused stockroom.[19]

While Judge Aranas admitted leaving the family home, he did not actually abandon Emelie. He explained that the treatment he received from Emelie and her sisters left him no other choice. Simply, he was booted out of the house. Notwithstanding, he continued hoping and praying that one day everything would be the same as before.[20]

Judge Aranas also denied posting pictures of him and his son and/or Kristine through social media. He explained that the Facebook accounts and posts do not belong to him. While he admitted that he was the man shown in the picture of a child and a man, such picture was posted by Kristine in her account and in an account she made for their child. He also averred that the postings made by Kristine were without his consent and even became the subject of their intense quarrel over the phone.[21]

Judge Aranas also belied Emelie's claim that she considered adoption stating that Emelie rejected domestic adoption as "she could not take someone unrelated to her grow wayward, who might just push her from the top of the stairs just to inherit what they would be leaving." [22]

On the alleged firing of his handgun, Judge Aranas explained that what Emelie heard was not from inside their house, but from the back of their walled compound, somewhere in the neighboring apartment occupied by several people and families. He expounded that the sound may have even come from a wooden improvised firearm, but not his handgun.[23]

To contradict the allegations of Judge Aranas in his Comment, Emelie filed a Reply[24] dated April 26, 2021. Emelie insisted that Judge Aranas's illicit affair with Kristine was not a one-time fling and started in 2014. Even if the alleged "fleeting and one-time sexual fling" is true, it already amounts to immorality.[25]

Emelie stressed that the appropriation of PHP 600,000.00, her hard-earned money, for the benefit of a third party (Kristine and their son), without her consent and through the manipulation of Judge Aranas and Kristine is considered a form of willful, flagrant, and intentional swindling.[26] Finally, Emelie asserted that Judge Aranas deliberately and voluntarily abandoned her, along with his responsibilities as her husband.[27]

On January 31, 2024, the Office of the Executive Director of the Judicial Integrity Board (JIB) [now Judicial Integrity Office], through acting executive director Eduardo C. Tolentino (Atty. Tolentino), served a letter[28] to Judge Aranas requiring him to show cause why he should not be disciplined as a member of the Philippine Bar for violation of Canon II, Section 2 of the Code of Professional Responsibility and Accountability (CPRA).

In compliance, Judge Aranas filed his Supplemental Comment[29] dated February 12, 2024 wherein he adopted in toto his Verified Comment dated February 19, 2021. He also added that the sale of their family home to Emelie's three siblings demonstrates Emelie's unwavering determination to shoo him away from their conjugal abode and to strip him of everything that is left of him.[30]

On March 6, 2024, Emelie filed her Reply[31] to Judge Aranas's Supplemental Comment. She averred that Judge Aranas's allegation that he now leads a life of being alone is only for a show, as he and his mistress still publicized their life together with their love child on social media.[32]

Report and Recommendation of Atty. Tolentino

In his Report, Atty. Tolentino recommended that Judge Aranas be administratively held liable for gross immorality and prejudicial conduct that gravely besmirches or taints the reputation of the service. He should

likewise be sanctioned as a member of the Bar. Atty. Tolentino explained that despite a subsisting marriage, Judge Aranas chose to have an affair and have a child out of wedlock. His excuse that it was only a one-time sexual fling does not alter the gravity of his infraction. By engaging in an extramarital affair and having a child with someone not his wife is a violation of the trust reposed on his office and failed to strictly live up to the standards of morality. Furthermore, such infraction tarnishes the image and integrity of the Judiciary.[33]

As a member of the Bar, his infidelity is a violation of Canon II, Sections 1 and 2(2) of the CPRA.[34] Atty. Tolentino, thus, submitted the following recommendations:

- [R]espondent Judge Gino Jovito C. Aranas, Municipal Circuit Trial Court, Kabasalan-Siay-Payao, Zamboanga Sibugay be found GUILTY of gross immorality and prejudicial conduct that gravely besmirches or taints the reputation of the service and accordingly DISMISSED from the service, with forfeiture of his retirement and other benefits except accrued leave credits, and perpetual disqualification from reinstatement or appointment to any public office, including any government-owned or -controlled corporation;

- [T]he instant matter be TREATED as a complaint against respondent Judge as a member of the Philippine Bar; and

- [R]espondent Judge Aranas be found GUILTY of violation of Canon II, Sections 1 and 2 of the Code of Professional Responsibility and Accountability and accordingly DISBARRED from the practice of law, effective immediately upon receipt of the Supreme Court's decision or resolution.[35]

Report of the JIB

In its Report[36] dated July 30, 2024, the JIB affirmed Atty. Tolentino's recommendation with modification in that Judge Aranas should be held guilty of gross immorality and violation of Canon II, Sections 1 and 2 of the CPRA, but not conduct prejudicial to the interest of the service. The JIB agreed with the recommendation of Atty. Tolentino that Judge Aranas should be dismissed from the service and be disbarred as a member of the Philippine Bar.[37]

The Issue

Whether Judge Aranas should be held administratively liable for the administrative offenses charged against him as a judge and as a member of the Philippine Bar.

The Ruling of the Court

At the very outset, during the pendency of this case, A.M. No. 25-04-04-SC,[38] otherwise known as The Code of Judicial Conduct and Accountability, (CJCA) took into effect. Section 1 of the General Provisions of the CJCA specifically states that the CJCA shall be applied to all pending and future cases. Thus, the Court will be guided by the pertinent provisions of the CJCA in resolving this case.

Judge Aranas is administratively liable for gross immorality

Immorality is a recognized ground for the discipline of judges and justices under the Rules of Court. Canon IV (Propriety), Sections 1 and 2 of the CJCA cover propriety, overall conduct of a judge and conformity to the highest ethical standards. It requires all judges to conduct themselves in a manner consistent with the dignity of the judicial office. It obliges judges to refrain from committing any act, in or out of court, that may cause dishonor to, or reasonably tend to tarnish the image and dignity of the judicial office. Simply put, it requires judges to avoid impropriety and the appearance of impropriety in all their activities.

Immorality includes not only sexual matters, but also "conduct inconsistent with rectitude, or indicative of

corruption, indecency, depravity, and dissoluteness; or is willful, flagrant or shameless conduct showing moral indifference to opinions of respectable members of the community, and an inconsiderate attitude toward good order and public welfare." [39] Despite this broad scope, jurisprudence on gross immorality often involves a judicial personnel having an illicit affair or cohabiting with a person other than his or her spouse. [40]

In this case, it is established that Judge Aranas had an illicit sexual relationship with Kristine, who is not his wife. Such an illicit relationship even bore him a son. To recall, Judge Aranas admits that he had a one-time sexual fling with Kristine. He also admitted to having a child with Kristine. The birth certificate of the child with Judge Aranas written and signed as the father is a testament of the child born out of an illicit relationship. He even admitted to giving a parcel of land to his child with Kristine. These facts render him administratively liable for gross immorality.

While Judge Aranas raised an excuse that it was only a one-time sexual fling, the frequency or infrequency of such an immoral act is irrelevant. Otherwise stated, having an affair with someone other than his or her spouse, regardless of how many times it happened, is inherently immoral, and there can never be an excuse for it. "[I]t is morally reprehensible for a married man or woman to maintain intimate relations with a person other than his or her spouse." [41]

It bears stressing that in a plethora of cases, [42] the Court did not hesitate to hold a judge administratively liable for gross immorality for having an illicit affair with someone other than his or her spouse.

As to the imposable penalty, Canon VII, Section 18(i) of the CJCA categorizes gross immorality as a serious offense. Canon VII, Section 22(1) of the CJCA further provides that a serious offense is punishable by:

(a)

Dismissal from the service, forfeiture of all or part of the benefits as the Supreme 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 one year and one day up to three years; and/or

(c)

A fine of PHP 101,000.00 but not more than PHP 500,000.00.

In the previous cases where judges were found grossly immoral for having an extramarital affair, the Court meted upon the erring judges the maximum penalty of dismissal from the service. The Court finds no reason to deviate from settled jurisprudence and imposes upon Judge Aranas the maximum penalty of dismissal from the service, with forfeiture of all benefits except accrued leave credits. He is likewise disqualified from reinstatement or appointment to any public office, including government-owned or -controlled corporations.

It must be stressed that the Code of Judicial Conduct mandates that the behavior of a judge must be free of a whiff of impropriety both in his professional and private conduct in order to preserve the good name and integrity of the Court. There is no dichotomy of morality: a public official is also judged by his private morals. The Code further dictates that a judge, in order to promote public confidence in the integrity and impartiality of the Judiciary, must

behave with propriety at all times.[43] The Court, in *Tuvillo v. Laron*,[44] reminded judges that:

As the judicial [frontliners], judges must behave with propriety at all times as they are the intermediaries between conflicting interests and the embodiments of the people's sense of justice. These most exacting standards of decorum are demanded from the magistrates in order to promote public confidence in the integrity and impartiality of the Judiciary. No position is more demanding as regards moral righteousness and uprightness of any individual than a seat on the Bench. As the epitome of integrity and justice, a judge's personal behavior, both in the performance of his official duties and in private life should be above suspicion. For moral integrity is not only a virtue but a necessity in the [J]udiciary.[45]

Judge Aranas clearly failed to adhere to the standards required of him as a member of the bench when he had an illicit sexual relationship with Kristine who bore him a son. The imposition of the most extreme penalty is, therefore, warranted in this case.

Anent the other allegations of Emelie against Judge Aranas, such as the firing of his handgun inside their house and threatening to kill anyone who is against his relationship with Kristine, the Court finds the same bereft of any merit.

It is settled that it is the complainant who has the burden of proving by substantial evidence the allegations in his or her complaint. The basic rule is that mere allegation is not evidence and is not equivalent to proof. Charges based on mere suspicion and speculation likewise cannot be given credence.[46]

In the present case, Emelie failed to prove, by substantial evidence, these specific allegations in her complaint. Other than her allegations, she failed to present corroborative evidence, either documentary or otherwise, to support her claims. Thus, her allegations remain mere speculations which cannot be given credence. There is, therefore, no sufficient, clear, and convincing evidence to hold Judge Aranas administratively liable for such alleged acts.

Judge Aranas, as a member of the Philippine Bar, is administratively liable for grossly immoral conduct

Canon II, Sections 1 and 2 of the CPRA[47] states:

SECTION 1. Proper Conduct. — A lawyer shall not engage in unlawful, dishonest, immoral, or deceitful conduct.

SECTION 2. Dignified Conduct. — A lawyer shall respect the law, the courts, tribunals, and other government agencies, their officials, employees, and processes, and act with courtesy, civility, fairness, and candor towards fellow members of the bar.

A lawyer shall not engage in conduct that adversely reflects on one's fitness to practice law, nor behave in a scandalous manner, whether in public or private life, to the discredit of the legal profession. (Emphasis supplied)

As to what constitutes grossly immoral conduct, *Perez v. Atty. Catindig*[48] is on point:

A lawyer may be suspended or disbarred for any misconduct showing any fault or deficiency in his moral character, honesty, probity or good demeanor. Immoral conduct involves acts that are willful, flagrant, or shameless, and that show a moral indifference to the opinion of the upright and respectable members of the community. Immoral conduct is gross when it is so corrupt as to constitute a criminal act, or so unprincipled as to be reprehensible to a high degree, or when committed under such scandalous or revolting circumstances as to shock the community's sense of decency. The Court makes these distinctions, as the supreme penalty of disbarment arising from conduct requires grossly immoral, not simply immoral, conduct.[49]

The established facts and, ironically, Judge Aranas's own admission, indeed establish a pattern of conduct that is

grossly immoral. It is not only corrupt and unprincipled, but reprehensible to a high degree.

In this case, despite being wed to his wife for more than 20 years, Judge Aranas chose infidelity. He had an illicit relationship with Kristine and had a son with her. The foregoing circumstances seriously taint Judge Aranas's sense of social propriety and moral values, and constitute a blatant and purposeful disregard of our laws on marriage. Such is tantamount to grossly immoral conduct.

Under Canon VI, Section 33(f) of the CPRA, grossly immoral conduct is considered a serious offense. Such offense is punishable by any of the following: (i) disbarment, (ii) suspension from the practice of law for a period exceeding six months, (iii) revocation of notarial commission and disqualification as notary public for not less than two years, or (iv) a fine exceeding PHP 100,000.00.[50]

Meanwhile, Section 38(a) of the CPRA enumerates the mitigating circumstances that may be appreciated in the imposition of penalties, to wit:

SECTION 38. Modifying Circumstances. — In determining the appropriate penalty to be imposed, the Court may, in its discretion, appreciate the following mitigating and aggravating circumstances:

(a)

Mitigating circumstances:

(1)

First offense, except in charges of gross misconduct, bribery or corruption, grossly immoral conduct, misappropriating a client's funds or properties, sexual abuse, and sale, distribution, possession and/or use of illegal drugs or substances;

(2)

Absence of bad faith or malice;

(3)

Return of the amounts owed;

(4)

Expression of remorse;

(5)

Reconciliation with the complainant;

(6)

Rectification of wrongdoing;

(7)

Act or omission did not prejudice the client;

(8)

Age;

(9)

Number of years in the practice of law;

(10)

Humanitarian considerations; and

(11)

Other analogous circumstances. (Emphasis supplied)

Meanwhile, the second paragraph of Canon VI, Section 39 of the CPRA states that "[I]f one (1) or more mitigating circumstances and no aggravating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not less than half of the minimum prescribed under the CPRA."

The Court has lent zero tolerance to lawyers who openly engaged in illicit affairs during the subsistence of their marriages. In fact, in a catena of cases,[51] the Court disbarred lawyers for abandoning their families and maintaining their illicit relationship with their paramours. The Court, however, must not turn a blind eye to the mitigating circumstances that may be appreciated in a particular case in the imposition of the appropriate penalty.

In this case, the following circumstances fall within the ambit of the mitigating circumstance of expression of remorse, humanitarian consideration and other analogous circumstances: First, Judge Aranas admitted to his wrongdoing, apologized for what he had done, and showed remorse for having a one-time fling. To recall, Judge Aranas would have disclosed to Emelie his one-time fling with Kristine if not for Emelie's gossiping friend. When Emelie confronted Judge Aranas, the latter admitted his illicit relationship with Kristine and the birth of his son with her. Judge Aranas, however, quickly apologized for his mistake. Moreover, he tried to mend their marriage and even sought advice from Emelie's uncle, retired Judge Vapor.

Second, while Judge Aranas admitted leaving the family home, he did not actually abandon Emelie but was booted out of the house. He explained that the treatment he received from Emelie and her sisters left him no other choice but to leave. He now lives alone and is continuously hoping and praying that one day everything will be the same as before.

Third, Judge Aranas exerted effort to be a father to his son. Unlike other men who choose to leave and abandon

their illegitimate children, Judge Aranas acknowledged the child as his and made himself responsible for the child.

Fourth, Judge Aranas did not post pictures of him and his son and/or Kristine through social media. He adequately explained that the Facebook accounts and posts do not belong to him. They were posted by Kristine in her account and in a Facebook account she made for their child. Furthermore, the postings made by Kristine were without his consent.

Finally, if the Court imposes upon Judge Aranas the most severe penalty of disbarment, he will be deprived of his only source of income, that is, being a lawyer. Needless to state, stripping Judge Aranas of his profession, his sole means of livelihood, will greatly affect his son, who relies on him for all his needs. The Court cannot allow an innocent child to suffer due to the shortcomings and mistakes of his father.

The Court condemns and denounces the actions of Judge Aranas, but if the Court imposes upon him the penalty of disbarment and deprives his son of his right to live a modest life, the Court will be condemning an innocent child for a misdemeanor he is not and cannot be a part of.

From all the foregoing, the Court deems it proper to impose upon Judge Aranas suspension from the practice of law for three years, which is still within the imposable penalty for Grossly Immoral Conduct under the CPRA. Judge Aranas's dismissal from the service, including his perpetual disqualification from service, forfeiture of his retirement and other benefits, except accrued leave credits, and suspension for three years from the practice of law, are commensurate sanctions to his wrongful conduct.

On a final note, the Court reiterates and reminds lawyers to always be honorable and reliable. This is so because any lawyer who cannot abide by the laws in his private life cannot be expected to do so in his professional dealings.[52]

ACCORDINGLY, the Court finds respondent Judge Gino Jovito C. Aranas of the Municipal Circuit Trial Court, Kabasalan-Siay-Payao, Zamboanga Sibugay, GUILTY of gross immorality. He is DISMISSED from the service, with forfeiture of his retirement and other benefits, except accrued leave credits, and perpetual disqualification from reinstatement or appointment to any public office, including any government-owned or -controlled corporation.

The Court also finds Judge Gino Jovito C. Aranas GUILTY of grossly immoral conduct under Canon VI, Section 33(f) of the Code of Professional Responsibility and Accountability for which he is SUSPENDED from the practice of law for three years. He is STERNLY WARNED that a repetition of the same or similar acts shall be dealt with more severely.

Let copies of this Decision be furnished to the Office of the Bar Confidant for immediate implementation; the Office of the Court Administrator for dissemination to all courts of the country; and to the Integrated Bar of the Philippines for its information and guidance.

SO ORDERED.

Gesmundo, C.J., Lazaro-Javier, Inting, Zalameda, Gaerlan, Rosario, Lopez, Dimaampao, Marquez, Kho, Jr., and Villanueva, JJ., concur.

Leonen, SAJ., see concurring and dissenting opinion.

Caguioa, J., see concurring.

Hernando, J., see dissenting opinion.

Singh,[*] J., on leave.

[*] On leave.

[1] Rollo, pp. 4-15.

[2] Id. at 5-6.

[3] Id. at 6.

[4] Id.

[5] Id. at 7.

[6] Id. at 7.

[7] Id.

[8] Id. at 8.

[9] Id.

[10] Id. at 10.

[11] Id. at 93.

[12] Id. at 95-109.

[13] Id. at 95-96.

[14] Id. at 96.

[15] Id.

[16] Id. at 96-97.

[17] Id. at 98-99.

[18] Id. at 99.

[19] Id. at 100-101.

[20] Id. at 101.

[21] Id. at 106.

[22] Id. at 104.

[23] Id. at 106.

[24] Id. at 124-132.

[25] Id. at 125.

[26] Id. at 127.

[27] Id. at 127-128.

[28] Id. at 167-168.

[29] Id. at 171-173.

[30] Id. at 171-172.

[31] Id. at 197-202.

[32] Id. at 200.

[33] Id. at 209-210.

[34] Id. at 211-212.

[35] Id. at 212.

[36] Id. at 298-309.

[37] Id. at 308-309.

[38] December 21, 2025.

[39] Anonymous Complaint Against Judge Pintac and Ms. Sumague, RTC, Branch 15, Ozamiz City, 886 Phil. 1, 19-21 (2020) [Per Curiam, En Banc].

[40] See Anonymous Complaint v. Judge Dagala, 814 Phil. 103, 119-120 (2017) [Per Curiam, En Banc].

[41] Galit-Inoy v. Inoy, 926 Phil. 185, 189 (2022) [Per J. Inting, Third Division].

[42] See Anonymous Complaint v. Judge Dagala, 814 Phil. 103, 136 (2017) [Per Curiam, En Banc]; Tuvillo v. Judge Laron, 797 Phil. 449, 468 (2016) [Per Curiam, En Banc]; Castillo v. Judge Calanog, Jr., 276 Phil. 70, 83 (1991) [Per Curiam, En Banc].

[43] Castillo v. Judge Calanog, Jr., 276 Phil. 70, 81 (1991) [Per Curiam, En Banc].

[44] Tuvillo v. Judge Laron, 797 Phil. 449 (2016) [Per Curiam, En Banc].

[45] Id. at 462-463.

[46] Macaventa v. Atty. Nuyda, 887 Phil. 818, 824 (2020) [Per C.J. Peralta, First Division].

[47] CODE OF PROFESSIONAL RESPONSIBILITY AND ACCOUNTABILITY, Effective May 29, 2023.

[48] 755 Phil. 297 (2015) [Per Curiam, En Banc].

[49] Id. at 307-308.

[50] CODE OF PROFESSIONAL RESPONSIBILITY AND ACCOUNTABILITY, Canon VI, sec. 37(a).

[51] See Panagsagan v. Atty. Panagsagan, 864 Phil. 19 (2019) [Per Curiam, En Banc]; Ceniza v. Atty. Ceniza, Jr., 851 Phil. 372 (2019) [Per Curiam, En Banc]; Dantes v. Atty. Dantes, 482 Phil. 64 (2004) [Per Curiam, En Banc]; Narag v. Atty. Narag, 353 Phil. 643 (1998) [Per Curiam, En Banc].

[52] Panagsagan v. Atty. Panagsagan, 864 Phil. 19, 28-29 (2019) [Per Curiam, En Banc].

CONCURRING AND DISSENTING OPINION

LEONEN, SAJ:

I respectfully disagree with the majority that respondent Hon. Gino Jovito C. Aranas is administratively liable for gross immorality. However, I concur with the result that he should be dismissed from service with forfeiture of all benefits, and be suspended from the practice of law for three years, but on a different ground—gross misconduct.

This case involves an administrative complaint for gross immorality, gross misconduct, dishonesty, and conduct prejudicial to the best interest of the service filed by respondent's wife.[1] She charges her husband with having an extramarital affair with whom he sired a child.[2] Respondent's wife also found out that her husband bought a parcel of land using their conjugal funds, without her knowledge and consent, and registered it under his son's name.[3]

Complainant also claims that respondent bragged about his illicit relationship and the existence of his son in social media, showing no remorse to her feelings.[4] She also avers that respondent fired his handgun inside their family house and threatened to kill anyone who was against his extramarital relationship. Eventually, respondent left their family home, abandoning complainant without any communication until the filing of the case.[5]

Meanwhile, respondent admitted having a child outside of his marriage, but denied having a relationship with his son's mother. He claims that it was only a "fleeting and one-time sexual fling resulting in unintended consequence." [6] Respondent also admitted to purchasing a lot under his son's name, stating that he did so in reliance on his wife's generosity,[7] who had told him he could "do anything good for the boy." [8]

However, respondent denied posting pictures of him, his son, and her alleged paramour in social media. He explained that his photo carrying a child was posted by his child's mother in her own account and the account she made for their son.[9]

Respondent also denied firing his handgun and claimed that the gunshot that his wife heard came from the back of their walled compound, which might have come from a real firearm or an improvised one.[10] Lastly, respondent admitted to leaving the family home, but claimed that he was effectively forced out after his wife sold the property to her three sisters. Feeling unwelcome and excluded, respondent ultimately chose to vacate the house.[11]

On July 30, 2024, the Judicial Integrity Board (JIB) found respondent guilty of gross immorality and of violating Canon II, Sections 1 and 2 of the Code of Professional Responsibility and Accountability (CPRA). Consequently, the JIB recommended respondent's dismissal from service and disbarment.[12]

The ponencia affirmed with modification the recommendation of the JIB, finding respondent administratively liable for gross immorality. It emphasized that the Court, in a long line of cases, has consistently held that judges who engage in illicit relationships outside of marriage should be dismissed from service.[13]

With all due respect, I disagree.

I

I reiterate my position that the Court must exercise prudence and circumspection in resolving administrative cases involving allegations of gross immorality.

In *Perfecto v. Judge Esidera*: [14]

Morality refers to what is good or right conduct at a given circumstance. In *Estrada v. Escritor*, this court described morality as how we ought to live and why.

Morality may be religious, in which case what is good depends on the moral prescriptions of a high moral authority or the beliefs of a particular religion. Religion, as this court defined in *Aglipay v. Ruiz*, is a profession of faith to an active power that binds and elevates man to his Creator. A conduct is religiously moral if it is consistent with and is carried out in light of the divine set of beliefs and obligations imposed by the active power.

Morality may also be secular, in which case it is independent of any divine moral prescriptions. What is good or right at a given circumstance does not derive its basis from any religious doctrine but from the independent moral sense shared as humans.

The non-establishment clause bars the State from establishing, through laws and rules, moral standards according to a specific religion. Prohibitions against immorality should be based on a purpose that is independent of religious beliefs. When it forms part of our laws, rules, and policies, morality must be secular. Laws and rules of conduct must be based on a secular purpose.

In the same way, this court, in resolving cases that touch on issues of morality, is bound to remain neutral and to limit the bases of its judgment on secular moral standards. When laws or rules refer to morals or immorality, courts should be careful not to overlook the distinction between secular and religious morality if it is to keep its part in upholding constitutionally guaranteed rights.[15] (Citations omitted)

In my separate opinion in *Anonymous Complaint v. Judge Dagala*,^[16] I emphasized that it is important to distinguish between standards imposed on judges and those expected of religious figures such as priests, imams, and other faith leaders:

A lawyer and a judge should not be required to be saints. We should not confuse the morality of our secular law with the ethical requirements of our religious faiths.

The vulnerability of having committed mistakes in the past even assists the human incumbents of our judicial offices. Past mistakes properly acknowledged, addressed, and atoned broaden the understanding of a judge of human frailty and the possibility of forgiveness from those he or she has wronged. Properly addressed, human sins inscribe compassion for our judges. Within the limits of the law, he or she will be able to calculate the proper reliefs of penalties appropriate to the action.

Implicit in this understanding is the view that our judiciary is not simply a mechanical cog that dispenses specific penalties without full regard for the context of the facts proven. If this were so, current technology could simply be harnessed to substitute judges and justices, even for this Court, with robots. The legal system composed of the branches that promulgate, execute, and interpellate the law should not be seen as less than human institutions.

Justices should be able to see the general norms that would apply given the set of facts that can be reasonably inferred from the evidence. However, in interpreting the facts, we should always examine the premises we have that are articulated by our conception of our realities that provide us with the basis for our inferences.[17]

It is also my view that under our current legal framework which does not recognize divorce, individuals who find themselves in irreparably broken or loveless marriages are placed in an unjust position. The absence of a legal and just remedy for dissolving a failed union renders it profoundly difficult, if not inhumane, for a person to make morally responsible choices without running afoul of societal judgment or legal repercussions.

In effect, the law may compel individuals to remain bound to relationships that no longer serve their emotional, psychological, or even moral well-being. This raises serious questions about the fairness and humanity of our legal system in matters of family and personal autonomy. I remain firm in my stand that the choice to stay or leave a marriage is not for this Court or the State to make. The choice is and should be given to the partners.

Owing to these realities, an objective criterion of immorality, which is tantamount to an illegal act, should be used in cases of administrative sanctions for erring judges and lawyers:

Thus, for purposes of determining administrative liability of lawyers and judges, "immoral conduct" should relate to their conduct as officers of the court. To be guilty of "immorality" under the Code of Professional Responsibility, a lawyer's conduct must be so depraved as to reduce the public's confidence in the Rule of Law. Religious morality is not binding whenever this court decides the administrative liability of lawyers and persons under this court's supervision. At best, religious morality weighs only persuasively on us.[18]

Here, respondent admitted that he has sired a child with a woman other than his wife. However, this admission alone is inadequate to prove gross immorality.

Respondent's decision to acknowledge and provide care for a child, regardless of the child's status as marital or nonmarital, should never be viewed as immoral. This act is not illegal. In fact, recognizing and taking responsibility for one's own child is a moral obligation, not a transgression. It demonstrates a profound sense of responsibility and commitment to the child's well-being—the right conduct that is, and ought to be, expected of any parent.

Morality should not be measured by rigid legal classifications, but by the actions taken to ensure that every child is treated with dignity, love, and support. To condemn such a decision is to place outdated notions of propriety above the fundamental values of empathy and parental duty. For this reason, I disagree with the majority.

II

Be that as it may, I still concur with the majority that respondent should be dismissed from service and be suspended from the practice of law for three years for having committed violations against the New Code of Judicial Conduct for the Philippine Judiciary and the CPRA.

In *Divinagracia v. Ozon*:[19]

Misconduct is a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by the public officer. The offense becomes gross misconduct when any of the elements of corruption, clear intent to violate the law, and flagrant disregard of established rule is present.[20] (Citations omitted)

To recall, complainant alleged that respondent purchased a parcel of land using their conjugal funds, without her knowledge or consent, and registered it in his son's name.[21] She also claimed that respondent had an extramarital affair with the mother of his child, discharged a firearm within their family home, threatened to harm anyone who opposed his extramarital relationship, and abandoned their family home.[22]

With respect to the allegations that respondent fired his handgun inside their house and threatened to kill anyone who opposed his illicit affair, I concur with the ponencia that these claims lack merit.

There is no supporting evidence beyond complainant's bare assertions. Thus, for failure of complainant to present "corroborative evidence, either documentary or otherwise,"[23] her allegations cannot be sustained.

With regard to the purchase of the lot using conjugal funds, complainant submitted the following documents in support of her claim: (1) a Deed of Absolute Sale indicating respondent as the payor and his son as the lawful owner;[24] (2) a Metrobank application for a miscellaneous transaction amounting to PHP 600,000.00, listing respondent as the applicant and Alfredo Araneta Atilano, the seller of the lot, as the payee;[25] and (3) a photocopy of a passbook showing the joint account of complainant and respondent and the corresponding withdrawal of PHP 600,000.00.[26]

Respondent did not deny that he bought a parcel of land which he registered under his son's name, saying that his wife allowed him to do anything that was good for his child.[27] I find this excuse without merit.

The administration and enjoyment of funds belong to both spouses jointly. This rule is enshrined in Article 96 of the Family Code, which states that any disposition or encumbrance, of community property requires the written consent of both spouses or judicial authorization if one spouse is incapacitated or otherwise unable to participate in the administration of the property. In the absence of such consent or authority, the transaction shall be void.[28]

While this present case does not concern the legality of the purchase of the lot, it is impossible to ignore the glaring irregularity in respondent's actions. The evidence on record clearly establishes that respondent disposed of conjugal funds—resources which legally belong to both him and complainant—to purchase the lot.[29] However, disregarding Article 96 of the Family Code, respondent did not secure his wife's written consent to the transaction.

Such conduct, especially when committed with full knowledge of the nature and ownership of the funds used, constitutes more than a procedural oversight. It reeks of an unlawful act, tainted with bad faith and a willful intent to exclude the other spouse from a decision that legally required her participation.

This act reveals not only a violation of law, but a betrayal of the trust and mutual confidence that form the foundation of a marital union. Thus, respondent's actions do not simply breach property rules under the Family Code, it underscores a dishonest and deceitful conduct that undermines both legal norms and moral obligations within a marriage. This is a violation of the law and a flagrant disregard to an established rule. Thus, I find respondent guilty of gross misconduct.

III

Respondent also denied engaging in an illicit affair, claiming that his relationship with the mother of the child is purely friendly and he never even considered cohabiting with her when he left their home.[30] He stated that he had been living alone in an unused stockroom located at the back of the municipal hall building near the barracks of the Citizen Armed Force Geographical Unit (CAFGU) since he was forced out of his home by his wife.[31]

To support his claim, respondent attached the affidavits of Wilberto B. Carriedo, a clerk in the same office of respondent,[32] and Samuel F. Alipuyo, a CAFGU member of the municipality.[33] Both affidavits attest to the fact that respondent was living in the unused stockroom of the municipal hall.[34]

Although the ponencia did not elaborate on this point, I consider this act to be an additional violation committed by the respondent.

No less than the Constitution mandates that a public office is a public trust.[35] In *Office of the Court Administrator v. Puno*: [36]

Public servants are mandated to uphold public interest over personal needs. Certainly, no less can be expected from those involved in the administration of justice. Everyone, from the highest official to the lowest rank employee must live up to the strictest norms of probity and integrity in the public service. Safekeeping of public and trust funds is essential to an orderly administration of justice. Personal problems cannot justify the misuse by any court employee of judiciary funds in their custody. Such are government funds, and public servants have absolutely no right to use them for their own purposes.[37] (Citations omitted)

Largo v. Court of Appeals [38] defines conduct prejudicial to the best interest of service as any misconduct "which need not be related or connected to the public officers' official functions. . . [but tends to tarnish] the image and integrity of his/her public office." [39]

Abos v. Borromeo [40] provides for examples of what constitute this offense:

While there is no specific list of acts that may constitute the offense, this court has previously characterized certain acts as conduct prejudicial to the best interest of service: seeking the assistance of an elite police force for a purely personal matter; changing the internet protocol (IP) address on a work computer to gain access to restricted websites; and fencing in a litigated property in order to assert ownership.[41] (Citations omitted)

In this case, respondent openly admits to using government property—the stockroom of the municipal hall as his residence—for his personal benefit.[42] While he claims that owing to his personal circumstances led him to do so, whether such condition was voluntary or not, it does not and cannot serve as a valid excuse.

Personal hardships, no matter how compelling, do not justify the unauthorized use of government resources for private purposes. Such conduct reflects a clear disregard for public trust and tends to tarnish the integrity and the responsibility attached to public office. Thus, I find respondent guilty of conduct prejudicial to the best interest of the service.

IV

While I concur with the ponencia that respondent should be administratively liable as a member of the Philippine Bar, I respectfully dissent as to the ground cited. As discussed above, respondent's actions do not rise to the level of grossly immoral conduct, but constitute violations of the CPRA.

Canon II of the CPRA provides:

A lawyer shall, at all times, act with propriety and maintain the appearance of propriety in personal and professional dealings, observe honesty, respect and courtesy, and uphold the dignity of the legal profession consistent with the highest standards of ethical behavior.

Section 1. Proper conduct. — A lawyer shall not engage in unlawful, dishonest, immoral, or deceitful conduct.

Lawyers are expected to uphold the integrity and dignity of the legal profession at all times. They must exercise prudence not only in their legal practice but also in their personal affairs,[43] as they may be disciplined for "gross misconduct not connected with [their] professional duties, which [show them] to be unfit for the office and unworthy of the privileges which [their] license and the law confer to [them]."[44]

V

Regarding the penalty, Section 14(a) and (l) of Rule 140, as amended, classifies gross misconduct and conduct that gravely besmirches or taints the reputation of the service as a serious charge. Section 17(a) of the same rule provides for the penalty for a serious charge which may be: (1) dismissal from service; (2) suspension from office for more than six months but not exceeding one year; or (3) a fine of more than PHP 100,000.00 but not exceeding PHP 200,000.00. Thus, the penalty of dismissal from service is proper in this case.

Meanwhile, Canon VI, Section 33(a) and (b) of the CPRA classifies gross misconduct, or any inexcusable, shameful or flagrant unlawful conduct; serious dishonesty, fraud, or deceit, including falsification of documents and making untruthful statements as a serious offense. Canon VI, Section 37 of the same code provides for the penalty of a serious offense which may be: (1) disbarment; (2) suspension from the practice of law for a period exceeding six months; (3) revocation of notarial commission and disqualification as notary public for not less than two (2) years; or (4) a fine exceeding Php100,000.00.

The ponencia modified the recommendation of the JIB as to the penalty for his violation of the CPRA from disbarment to suspension from the practice of law for three years.[45] The ponencia also explained that to deprive respondent with his only source of income would be to deny his son a right to a modest life.[46]

I agree.

No parent is perfect, but responsibility defines true parenthood. Those who admit their failings yet continue to provide for their child deserve not condemnation, but the Court's grace and understanding. Consequently, the penalty of suspension from the practice of law for three years is also proper.

All told, while I do not agree with the majority that respondent is liable for gross immorality. In my opinion, it is enough to hold him liable for gross misconduct, conduct prejudicial to the best interest of the service, and for violation of Canon II, Section 1 of the CPRA.

ACCORDINGLY, I vote to DISMISS respondent Judge Gino Jovito C. Aranas from service and to SUSPEND him from the practice of law for three years.

[1] Ponencia, pp. 1-2.

[2] Id. at 2.

[3] Id. at 3.

[4] Id.

[5] Id.

[6] Rollo, p. 96.

[7] Ponencia, p. 4.

[8] Id.

[9] Id. at 5.

[10] Id.

[11] Id.

[12] Id. at 7.

[13] Id. at 8-10.

[14] 764 Phil. 384 (2015) [Per J. Leonen, Second Division].

[15] Id. at 397-398.

[16] J. Leonen, Concurring and Dissenting Opinion in Anonymous Complaint v. Judge Dagala, 814 Phil. 103 (2017) [Per Curiam, En Banc].

[17] Id. at 149.

[18] Perfecto v. Judge Esidera, 764 Phil. 384, 399-400 (2015) [Per J. Leonen, Second Division].

[19] 950 Phil. 571 (2024) [Per Curiam, En Banc].

[20] Id. at 579-580. (Citations omitted)

[21] Ponencia, p. 3.

[22] Id.

- [23] Id. at 10.
- [24] Rollo, pp. 27-28.
- [25] Id at 29.
- [26] Id. at 30-31.
- [27] Ponencia, p. 4.
- [28] See *Dadis v. Spouses De Guzman*, 810 Phil. 749, 766 (2017) [Per J. Peralta, Second Division].
- [29] Ponencia, p. 3.
- [30] Rollo, p. 101.
- [31] Id.
- [32] Id. at 110-113.
- [33] Id. at 114-119.
- [34] Id. at 110, 115.
- [35] CONST., art. XI, sec. F.
- [36] 587 Phil. 549 (2008) [Per Curiam, En Banc].
- [37] Id. at 555-556.
- [38] 563 Phil. 293 (2007) [Per J. Ynares-Santiago, En Banc].
- [39] Id. at 305.
- [40] 765 Phil. 10 (2015) [Per J. Leonen, Second Division].
- [41] Id. at 17-18.
- [42] Rollo, p. 101.
- [43] *Agno v. Cagatan*, 580 Phil. 1, 17 (2008) [Per J. Leonardo-De Castro, En Banc].
- [44] *Enriquez v. De Vera*, 756 Phil. 1, 13 (2015) [Per J. Leonen, Second Division]. (Citations omitted)
- [45] Ponencia, p. 14.
- [46] Id.

CONCURRING OPINION

CAGUIOA, J.:

I concur in finding Judge Gino Jovito C. Aranas (Judge Aranas) liable for Gross Immorality and dismissing him from the service. As well, I agree that he should be penalized as a member of the Bar by suspending him from the practice of law for three years.

The facts are not disputed. Judge Aranas, during his tenure as a Presiding Judge of the Municipal Circuit Trial Court of Kabasalan-Siay-Payao, Zamboanga Sibugay, had an extramarital affair that bore a child. He eventually

left his wife, which prompted her to initiate the present complaint.

While Judge Aranas is dismissed from the service, the ponencia applies several mitigating circumstances with respect to his liability as a lawyer to temper the penalty from disbarment to suspension. The ponencia reasons as follows:

First, Judge Aranas admitted to his wrongdoing, apologized for what he had done, and showed remorse for having a one-time fling. To recall, Judge Aranas would have disclosed to Emelie his one-time fling with Kristine if not for Emelie's gossiping friend. When Emelie confronted Judge Aranas, the latter admitted his illicit relationship with Kristine and the birth of his son with her. Judge Aranas, however, quickly apologized for his mistake. Moreover, he tried to mend their marriage and even sought advice from Emelie's uncle, retired Judge Vapor.

Second, while Judge Aranas admitted leaving the family home, he did not actually abandon Emelie but was booted out of the house. He explained that the treatment he received from Emelie and her sisters left him no other choice but to leave. He now lives alone and is continuously hoping and praying that one day everything will be the same as before.

Third, Judge Aranas exerted effort[s] to be a father to his son. Unlike other men who choose to leave and abandon their illegitimate children, Judge Aranas acknowledged the child as his and made himself responsible for the child.

Fourth, Judge Aranas did not post pictures of him and his son and/or Kristine through social media. He adequately explained that the Facebook accounts and posts do not belong to him. They were posted by Kristine in her account and in a Facebook account she made for their child. Furthermore, the postings made by Kristine were without his consent.

Finally, if the Court imposes upon Judge Aranas the most severe penalty of disbarment, he will be deprived of his only source of income, that is, being a lawyer. Needless to state, stripping Judge Aranas of his profession, his sole means of livelihood, will greatly affect his son, who relies on him for all his needs. The Court cannot allow an innocent child to suffer due to the shortcomings and mistakes of his father.[1]

Again, I agree. During the deliberations, however, several members of this Court emphasized the necessity to impose the harshest penalty on Judge Aranas, both as a member of the Judiciary and the Bar. Thus, I write this Opinion to emphasize that judges are not infallible—both in their official functions and in their personal affairs. While the Court is vested with disciplinary power over judges, this authority, as in disbarment, should be exercised in the preservative and not the vindictive principle. Imposing the harshest penalty, regardless of the offense and the extenuating circumstances, is manifestly contrary to this principle.

I.

With respect to members of the legal profession, the Court reserves the penalty of disbarment for lawyers who demonstrate a cavalier attitude towards their marriage. These cases include a lawyer who boasted to his wife and children that his paramour is wealthy,[2] a lawyer who abandoned his wife and family to cohabit with another woman, even publicizing the relationship on social media,[3] and a lawyer who engaged in extramarital affairs with several women during the subsistence of his marriage.[4]

In *Samaniego v. Atty. Ferrer*,[5] the Court recognized these as aggravating circumstances that would warrant the imposition of a heavier penalty:

Atty. Ferrer admitted his extra-marital affair; in his words, his indiscretion which ended in 2000. We have considered such illicit relation as a disgraceful and immoral conduct subject to disciplinary action. The penalty

for such immoral conduct is disbarment, or indefinite or definite suspension, depending on the circumstances of the case. Recently, in *Ferancullo v. Ferancullo, Jr.*, we ruled that suspension from the practice of law for two years was an adequate penalty imposed on the lawyer who was found guilty of gross immorality. In said case, we considered the absence of aggravating circumstances such as an adulterous relationship coupled with refusal to support his family; or maintaining illicit relationships with at least two women during the subsistence of his marriage; or abandoning his legal wife and cohabiting with other women.[6] (Emphasis supplied, citations omitted)

In *Ignacio v. Atty. Ignacio*,[7] a case where the respondent-lawyer contracted a bigamous marriage and had several children with different women, the Court found that disbarment is not the appropriate penalty. The Court appreciated therein respondent-lawyer's candor in admitting his transgression. The lawyer was penalized with suspension from the practice of law for five years.

In determining the appropriate penalty, the Court therefore considers the facts of each case and determines whether the erring lawyer was unabashedly engaged in an extramarital affair.

As well, in *Quindoza v. Atty. Delos Santos*,[8] the Court explicitly stated that disbarment should be imposed with caution and "only in clear cases of misconduct that seriously affect the standing and character of the lawyer as a legal professional and as an officer of the Court." [9] It was further highlighted that the immoral conduct must be grossly immoral or "so corrupt as to virtually constitute a criminal act or so unprincipled as to be reprehensible to a high degree or committed under such scandalous or revolting circumstances as to shock the common sense of decency." [10]

None of the foregoing circumstances exist in this case. Judge Aranas did not pursue his extramarital affair with the biological mother of his non-marital child. Neither did he abandon his wife, as he only left their family home upon his wife's directive. He also sought to repair his marriage; expressed remorse and admitted his mistake. But since his illicit affair bore a child, Judge Aranas had to reach out to his child's biological mother to provide, at the very least, some financial support for his child.

Clearly, in refraining from disbarring Judge Aranas, the ponencia correctly appreciates the extenuating circumstances that negate any malice or depravity on his part. As the Court has often held, disbarment should be reserved for the most extreme cases and only for the gravest reasons. The Court is called to exercise caution in imposing disbarment, especially in this case when a lesser penalty could accomplish the end desired.[11]

II.

Having established that the ponencia has correctly refrained from disbarring Judge Aranas, I now turn to his liability as a member of the Judiciary.

The Court has consistently held that: "[I]mmorality has not been confined to sexual matters, but includes conduct inconsistent with rectitude, or indicative of corruption, indecency, depravity, and dissoluteness; or is wil[l]ful, flagrant, or shameless conduct showing moral indifference to opinions of respectable members of the community, and as an inconsiderate attitude toward good order and public welfare." [12] Verily, what is punished is wickedness, not weakness.

Here, far from exhibiting the shameless conduct or moral indifference that characterizes gross immorality, Judge Aranas sought to rectify his indiscretions by acknowledging paternity and providing support to his child. These circumstances, to my mind, negate any ill-will or malice on the part of Judge Aranas. Neither does it demonstrate a diminished capacity to dispense justice. To be sure, I submit that his misconduct should not go unpunished. But it does not warrant the severest condemnation. On the contrary, Judge Aranas's ownership of his mistake and

expression of remorse strongly evince a commitment to accountability. Certainly, it would have been more unjust if Judge Aranas continued with his extramarital affairs and denied support to his non-marital child. Had this been the case, the extreme penalty of dismissal from the service would undoubtedly be commensurate to the offense.

It should be emphasized that the 2025 Code of Judicial Conduct and Accountability does not provide for a singular penalty when a judge is found liable for an offense. Administrative charges are penalized by a range of penalties, which applies even if the respondent judge is guilty of a serious charge, such as gross immorality. This disciplinary framework evidently vests the Court with the discretion to, in the case of gross immorality, impose either dismissal from the service, or suspension from office for more than six months but not exceeding one year.[13] The Court may also appreciate modifying circumstances that either mitigate or aggravate the impossible penalty.[14]

Given these, the Court must exercise its disciplinary authority not only by evaluating whether the judge may indeed be held liable, but also by assessing the appropriate penalty in accordance with the facts of each case. A similar offense that was committed by a judge, who was meted the most severe penalty, does not necessarily warrant the same penalty for misconduct of similar nature. Ultimately, the Court should observe the principles of proportionality and fairness in disciplinary proceedings against judges.

Needless to state, judges are held to a high standard of conduct to promote the integrity of the Judiciary. They must comport themselves free from any whiff of impropriety. However, even with these standards, judges are not morally infallible. And like with all mortal people, it would not be fair and realistic that they be held to such an impossible standard of perfection. It is the Court's duty, therefore, to determine whether their breach is of such nature that warrants the most onerous penalty. As the Court observed in *Re: Anonymous Complaint Against Judge Alzate*, Br. 2, RTC, Bangued, Abra:[15] "While people perceive judges to be above the ordinary run of men, they know that a perfect judge, like a perfect priest, exists only in fantasy." [16]

In all, I concur with the result. The penalties imposed on Judge Aranas as a member of the Judiciary and the Bar are within the range of the relevant rules.

[1] Ponencia, pp. 13-14.

[2] *Atty. Saldares v. Atty. Saldares*, 934 Phil. 903, 911-912 (2023) [Per Curiam, En Banc].

[3] *Panagsagan v. Atty. Panagsagan*, 864 Phil. 19, 27 (2019) [Per Curiam, En Banc].

[4] *Dantes v. Atty. Dantes*, 482 Phil. 64, 71 (2004) [Per Curiam, En Banc].

[5] 578 Phil. 1 (2008) [Per J. Quisumbing, Second Division].

[6] *Id.* at 4-5.

[7] 879 Phil. 493 (2020) [Per Curiam, En Banc].

[8] 934 Phil. 972 (2023) [Per J. J. Lopez, En Banc].

[9] *Id.* at 977. (Citation omitted)

[10] *Id.* (Emphasis supplied, citation omitted)

[11] *Ferancullo v. Atty. Ferancullo, Jr.*, 538 Phil. 501, 516 (2006) [Per J. Tinga, En Banc].

[12] *Dr. Alfonso v. Judge Juanson*, 298-A Phil. 193, 212 (1993) [Per J. Davide, Jr., En Banc]. (Citation omitted).

See also Anonymous Complaint v. Judge Dagala, 814 Phil. 103, 119-120 (2017) [Per Curiam, En Banc].

[13] A.M. No. 25-04-04-SC, Canon VII, sec. 22, approved on November 11, 2025; See also A.M. No. 21-08-09-SC, Further Amendments to Rule 140 of the Rules of Court, Rule 140, sec. 17, approved on February 22, 2022.

[14] A.M. No. 25-04-04-SC, id. at Canon VII, sec. 24.

[15] 905 Phil. 1 (2021) [Per J. Zalameda, First Division].

[16] Id. at 1. (Emphasis in the original, citation omitted)

DISSENTING OPINION

HERNANDO, J.:

This administrative case pertains to the verified Complaint^[1] filed by complainant Emelie Delgado-Aranas (Emelie) against her spouse, respondent Judge Gino Jovito C. Aranas (Judge Aranas), Presiding Judge, Branch 3, Municipal Circuit Trial Court, Kabasalan-Siay-Payao, Zamboanga Sibugay (MCTC), for gross immorality, gross misconduct, dishonesty, and conduct prejudicial to the best interest of the service.

I fully agree that Judge Aranas should be held administratively liable for: (a) gross immorality under A.M. No. 25-04-04-SC^[2] or The Code of Judicial Conduct and Accountability (CJCA); and (b) grossly immoral conduct under Canon VI, Section 33(f) of the Code of Professional Responsibility and Accountability (CPRA).^[3]

I also agree with the imposition of the penalty of dismissal from the service pursuant to Canon VII, Section 22(1)(a) of the CJCA.

I respectfully disagree, however, with the imposition of the penalty of suspension from the practice of law for three years.^[4] Upon a careful scrutiny of the records, and considering the gravity of Judge Aranas's offense, a disbarment is warranted, and not just a mere suspension of three years from the practice of law.

For context, I reproduce below the factual antecedents.

Emelie and Judge Aranas were married on December 3, 1998.^[5] On February 20, 2020, after almost 22 years of their marriage, Emelie learned of her husband's marital infidelity. A concerned friend told Emelie that Judge Aranas has an extramarital affair with Kristine Rio M. Esteban (Kristine). Out of the illicit relationship, a child named Gino Jovito Esteban Aranas, Jr. (Gino Jr.) was born on February 3, 2020.^[6] Gino Jr.'s Certificate of Live Birth^[7] indicated Judge Aranas and Kristine as the parents.

When confronted by Emelie, Judge Aranas apologized and admitted siring a child with Kristine.^[8]

On March 15, 2020, Judge Aranas and Emelie sought advice from the latter's uncle, Ret. Judge Rodolfo Vapor (Judge Vapor), in Ozamis City. There, Judge Aranas confessed to his infidelity.^[9] According to Judge Vapor's Affidavit,^[10] Judge Aranas shared his plan to purchase a lot and construct a boarding house to serve as Kristine's source of income. He also proposed an arrangement where he will spend his Tuesdays and Thursdays with Kristine and Gino Jr., and will spend the remaining five days of the week with Emelie. However, Emelie rejected this proposal.^[11]

Later on, Emelie learned that Judge Aranas and Kristine purchased a parcel of land, which they registered in the name of Gino Jr.^[12] Emelie attached to her Complaint an unnotarized and undated Deed of Absolute Sale^[13]

(Deed) executed by Alfredo A. Atilano (Atilano) as seller. The Deed stated that the buyer, Gino Jr., is represented by his parents Judge Aranas and Kristine.[14] The Deed was presented by Atilano to Metrobank Pagadian Branch to justify the manager's check paid to him by Judge Aranas. The purchase price of PHP 600,000 was drawn from the joint account of Judge Aranas and Emelie, without the latter's knowledge and consent.[15]

Photos of Gino Jr. with either Judge Aranas or Kristine were also posted in various Facebook accounts with the profile names "Gino Jovito Aranas Jr.," "Ponente Ponencia (Gino J. Aranas Jr)," and "Per Curiam (gjea jr Dodong Balong)."[16] The Facebook account "Ponente Ponencia" posted a photo of Kristine with the caption "Ang mama ni Dodong nga guapa." [17] The Facebook account "Per Curiam" also shared photos of Gino Jr. with the caption "Thank you Lord Jesus Christ, my God and Savior for keeping my dodong always in the pink of his health. . . . (At 1 month [and] 6 days old)," [18] and a photo of Kristine and Gino Jr. with the caption "MAY 29, 2020 @ past 5:00 p.m., THE EVER GOOD LOOKING DOU, expressing each other's love, that uplifts papa's tattered spirit." [19] As evident in the screenshots attached by Emelie to her Complaint, the privacy setting of these Facebook posts was set to public.[20]

On June 29, 2020, Judge Aranas left their family home.[21]

Thus, Emelie filed the Complaint with the Judicial Integrity Board (TIB).

In his Comment,[22] Judge Aranas acknowledged that he is the father of Gino Jr. He claimed, among others, that he did not cohabit with Kristine,[23] and that his relationship with her was a "one[-]time sexual fling." [24]

Judge Aranas also denied abandoning Emelie. He asserted that it was Emelie who booted him out of their family home and asked him to prepare deeds of sale conveying the family house and lot to Emelie's sisters.[25] After he left their family home, Judge Aranas lived alone in an "unused stockroom" at the back of the municipal hall of Kabasalan, Zamboanga Sibugay.[26] While living in the "unused stockroom," he yearned to be reunited with Emelie. He confided this desire to Rosemarie M. Lasaca (Lasaca), a friend who visited him in his office.[27]

Moreover, he maintained that he is not the owner of the Facebook accounts "Per Curiam" and "Ponente." He claimed that the Facebook account "Gino Jovito Aranas Jr" was created by Kristine for Gino Jr. while the Facebook account "Rio Seniorita" was owned by Kristine. He had no control over whatever Kristine posts on both accounts, including photos of him with Gino Jr.[28]

Judge Aranas attached to his Comment the Judicial Affidavits of Wilfredo B. Carriedo (Carriedo), Clerk II of the MCTC,[29] and Samuel F. Alipuyo (Alipuyo), a member of the Citizen Armed Force Geographical Unit (CAFGU) assigned to provide security assistance to the municipal hall of Kabasalan.[30] Both Carriedo and Alipuyo know that Judge Aranas had an extramarital affair with Kristine and sired a child with her.[31] Alipuyo on several instances accompanied Judge Aranas in delivering infant milk, diapers, cash and other child supplies to Gino Jr. in Malangas.[32]

In her Reply,[33] Emelie insisted, among others, that she did not boot out Judge Aranas from their family home.[34]

In his Supplemental Comment,[35] Judge Aranas attached the Affidavits of Witness of Julius C. Totana (Totana)[36] and Evelyn B. Villagantol (Villagantol).[37] Both Totana and Villagantol stated that Judge Aranas eventually moved out of the "stockroom" in the municipal hall. They also claimed that CAFGU personnel prepared food for Judge Aranas, washed his clothes, and cleaned the house where he transferred to. Judge Aranas also submitted the Judicial Affidavit[38] of Ge-Anne B. Delgado (Delgado), Emelie's niece, to bolster his position.

Report of the JIB

In its Report,[39] the JIB recommended to impose on Judge Aranas the penalties of dismissal from service and disbarment. The JIB found Judge Aranas guilty of gross immorality "for siring a child out of wedlock during the subsistence of his marriage" and gross misconduct under the CPRA.[40]

The Ponencia

The ponencia found Judge Aranas guilty of gross immorality under the CJCA, and grossly immoral conduct under the CPRA and imposed the penalty of dismissal from service, with forfeiture of retirement benefits except accrued leave credits, and with perpetual disqualification from re-employment in any of the branches of the government, including government-owned and controlled corporation.

I concur with the finding that Judge Aranas is guilty of gross immorality and of grossly immoral conduct, and with the penalties imposed, except for the penalty of suspension from the practice of law for three years. I submit the infractions of Judge Aranas merit likewise the penalty of disbarment. In particular, I find that the ponencia erred in its appreciation of the so-called attendant mitigating circumstances.

Judge Aranas is guilty of gross immorality as a judge

Gross immorality is a ground for the discipline of judges and justices under Rule 140, Section 14(i) of the Rules of Court. Canon 4, Sections 1 and 2 of the CJCA mandate all judges to conduct themselves in conformity to the highest ethical standards and in a manner consistent with the dignity of the judicial office; and to refrain from committing any act, in or out of court, that may cause dishonor to, or reasonably tend to tarnish the image and dignity of the judicial office.

Immorality pertains to such conduct that "shows indifference to the moral norms of society." To warrant disciplinary action, the infraction must be grossly immoral, i.e., "so corrupt and false as to constitute a criminal act or so unprincipled as to be reprehensible to a high degree." [41] It is not necessary that the grossly immoral conduct constitutes an illegal act, as "the spirit that moves our criminal law penalizing criminal infidelity is not the same as the rationale which compels us to sanction acts of immorality." [42]

Gross immorality committed by judges erodes the people's faith in the judiciary. As the Court ruled in *Castillo v. Calanog, Jr.*: [43]

[T]he conduct of a judge must be free of a whiff of impropriety not only with respect to [their] performance of [their] judicial duties, but also to [their] behavior outside [their] sala and as a private individual. There is no dichotomy of morality: a public official is also judged by [their] private morals. . . [A] judge, in order to promote public confidence in the integrity and impartiality of the judiciary, must behave with propriety at all times. . . [A] judge's official life [cannot] simply be detached or separated from [their] personal existence. [44]

As regards marital infidelity, the Court ruled in *Regir v. Regir* [45] that "[i]t is morally reprehensible for. . . married [persons] to maintain intimate relations with a person other than [their] spouse." [46] This moral norm is consistent with the protection of marriage as "an inviolable social institution" under the Constitution. [47] Thus, in several cases, the Court has administratively disciplined judges for marital infidelity. [48]

Here, it is undisputed that Judge Aranas engaged in an extramarital affair with Kristine. In fact, a child was born out of this illicit relationship. When measured against the prevailing moral norms of a society that treats extramarital affairs as "morally reprehensible," the conduct of Judge Aranas clearly amounts to gross immorality.

Furthermore, Judge Aranas's extramarital affair constitutes an impropriety that diminishes the public's confidence in the judiciary.

Based on the records, Judge Aranas's illicit affair is known not only to the complainant, Kristine, and Judge Vapor, but also to several other people, including: (a) Emelie's concerned friend who exposed Judge Aranas's extramarital affair;[49] (b) Judge Vapor's wife who was present during the consultation with the former;[50] (c) Emelie's and Judge Aranas's siblings;[51] (d) Atilano, the owner of the land purchased by Judge Aranas and Kristine for their child;[52] (e) the Facebook users who may have seen the publicly accessible photos of Judge Aranas with Gino Jr. posted in the Facebook accounts "Per Curiam," "Ponente," "Gino Jovito Aranas Jr.," and "Rio Seniorita";[53] (f) Lasaca, a friend;[54] (g) Kristine's companion friend when she first met Judge Aranas by chance in the restaurant in Buug, Zamboanga Sibugay;[55] (h) Judge Aranas's tennis partner to whom he confided about Kristine's pregnancy;[56] (i) Kristine's family, including her parents, siblings, aunt, and relatives who brought her to the hospital;[57] (j) Carriedo, a judicial staff of Judge Aranas;[58] (k) Alipuyo, a CAFGU member who accompanied Judge Aranas in delivering supplies to Gino Jr.;[59] (l) Totana and Villagantol, who observed that Judge Aranas is not residing in his family home;[60] (m) the CAFGU members who cooked and performed household chores for Judge Aranas;[61] (n) Delgado, Emelie's niece;[62] and (o) Mary Ferlaine Aranas Rojas (Mary), Judge Aranas's sister whom he accused of poisoning Emelie's mind.[63]

Judge Aranas is guilty of grossly immoral conduct as a lawyer

Under the CPRA, grossly immoral conduct is a ground for the discipline of lawyers.[64] Canon II, Section 1 of the CPRA prohibits lawyers from engaging in immoral conduct. Also, Canon II, Section 2 of the CPRA provides that "[a] lawyer shall not engage in conduct that adversely reflects on one's fitness to practice law, nor behave in a scandalous manner, whether in public or private life, to the discredit of the legal profession."

Grossly immoral conduct is defined as "one that is so corrupt as to constitute a criminal act, or so unprincipled as to be reprehensible to a high degree or committed under such scandalous or revolting circumstances as to shock the common sense of decency." [65] It is understood as such conduct which is "willful, flagrant, or shameless, and which shows moral indifference to the opinion of respectable members of the community." [66] Thus, in previous cases, the Court administratively disciplined lawyers for engaging in an extramarital affair.[67]

Here, Judge Aranas's illicit affair constitutes a shameless and indecent conduct adversely affecting his fitness to practice law, let alone to serve as a judge. The circumstances surrounding his marital infidelity, as discussed above, likewise taint the public's perception of the legal profession. Hence, Judge Aranas should be held liable for grossly immoral conduct.

Judge Aranas should be dismissed from the service and disbarred

To stress, the ponencia meted the following penalties on Judge Aranas: (a) dismissal from the service, and all its accessory penalties, for his administrative liability as a member of the Bench; and (b) suspension from the practice of law for three years with a stern warning that a repetition of the same or similar acts shall be dealt with more severely, for his administrative liability as a member of the Bar.[68]

In imposing the penalty of suspension from the practice of law for three years, the ponencia considered the following mitigating circumstances under the CPRA: (1) expression of remorse; (2) humanitarian consideration; and (3) analogous circumstances such as: (a) Judge Aranas did not abandon Emelie but was booted out of the house; (b) Judge Aranas exerted efforts to be a father to Gino Jr.; and (c) the fact that Judge Aranas was not the one who posted pictures of him and his child on Facebook.[69]

With all due respect, I submit that the ponencia misapplied these attendant mitigating circumstances; Judge Aranas deserves the supreme penalty of disbarment.

First, the ponencia erred in appreciating the mitigating circumstance of expression of remorse.

In ordinary parlance, remorse is defined as "a gnawing distress arising from a sense of guilt for past wrongs"[70] or "a strong feeling of guilt and regret about something [one has] done." [71]

From the records, it is clear that Judge Aranas did not at all manifest remorse for his wrongdoing.

First, it is beyond cavil that Judge Aranas only apologized to his wife when he was directly confronted with his wrongdoing. The apology did not come voluntarily. His claim that he would have disclosed the affair to Emelie if not for her gossiping friend is completely negated by his own actions. The illicit affair had been going on for a long time and yet he did not make any attempt to own to his infidelity to his wife. It was only when his immorality was discovered that he made the admission. At that point, he could only own to his infractions considering the Emelie was already armed with substantial evidence of his wrongdoings.

The records also show that Judge Aranas had several opportunities to disclose his infidelity to Emelie—from the day when he confirmed that he was the only sexual partner of Kristine in April 2019 to the days leading to Gino Jr.'s birth in February 2020. However, not once during this period did Judge Aranas even try to admit to what he calls a "one[-]time sexual fling resulting in [an] unintended consequence." [72] Instead, he now conveniently pleads that he would have confessed his illicit affair to Emelie had the latter's friend not exposed him first. This is a mere afterthought that deserves scant consideration.

Significantly, the timeline of the events would show that there was no manifestation of remorse at all on the part of Judge Aranas. On the contrary, he manifested his intent to continue with the illicit affair to the detriment of his legal wife. Consider these: Emelie learned of the infidelity on February 20, 2020.[73] A month after, or on March 15, 2020, they sought the advice of Emelie's uncle, Judge Vapor.[74] However, it not clear from the records what advice they exactly sought. At any rate, it appears that Judge Aranas did not take to heart whatever counsel he received from Judge Vapor because he even proceeded to purchase a parcel of land in favor of his out-of-wedlock child, using conjugal funds, and without the knowledge and consent of his legal spouse.[75] He also planned to build a boarding house for his mistress to make sure that she has her own source of income. He also persisted on seeing his mistress since he even proposed to divide his time between his mistress and his wife. Worse, on June 29, 2020, he left their conjugal home.[76]

His lack of remorse is clearly manifest in his Comment. Therein, Judge Aranas accused Emelie of "vindictiveness... that blood is soaked in her hands;" [77] that without substantial evidence, the nephews and nieces of Emelie could be behind the nasty text messages he has been receiving from an anonymous person claiming to be the true father of Gino Jr.; [78] that Emelie "does not have an enduring love" and respect for him; that Emelie disliked Gino Jr. and even availed of "the black magic of a witch" to harm the child; and that Mary, his elder sister, was poisoning Emelie's mind and fueling her resentment towards him.[79]

Plainly, the foregoing statements are inconsistent with a truly remorseful and repentant heart. On the contrary, they reek of Judge Aranas's contempt for and animosity towards Emelie. Instead of sincerely apologizing for his "one-time fling," Judge Aranas appears to be shifting the blame to Emelie. Clearly, his apology and admission of guilt are empty. They are intended only to exculpate himself from administrative liability.

Thus, the ponencia clearly erred in appreciating the mitigating circumstance of expression of remorse. On the contrary, Judge Aranas's lack of real remorse, as explained above, should have been considered by the ponencia as an aggravating circumstance under the CPRA.[80]

Second, the ponencia also erred in appreciating humanitarian considerations in imposing the lesser penalty of suspension, and not disbarment, on the erring judge. According to the ponencia, "stripping Judge Aranas of . . . his sole [source of income], will greatly affect his [child], who relies on him for all his needs"; [81] that "the court

cannot allow an innocent child to suffer due to the shortcomings and mistake of his father";[82] and "the Court will be condemning an innocent child for a misdemeanor he is not and cannot be a part of." [83] The ponencia thus refrained from imposing disbarment and instead penalized Judge Aranas with suspension from the practice of law for three years.

This is plain error.

These sweeping and general statements in the ponencia unintentionally shielded Judge Aranas in particular, and lawyers in general, who commit marital infidelity from suffering the ultimate penalty of disbarment. The ponencia posits that since the illicit affair bore a child, the erring judge or lawyer only becomes eligible for suspension and not disbarment as demanded by the gravity of their infractions.

I cannot agree to this.

The erring judge should be made to account for his actions. By engaging in an illicit relationship, the judge or lawyer is expected to have been aware of the consequences of their actions, like siring a child out of wedlock. They should not be made to benefit later on from the consequences of their wrong ways.

Finally, the following analogous aggravating circumstances should be considered as aggravating circumstances in the imposition of the penalty on Judge Aranas:

(1) Judge Aranas drank beer while bantering with Kristine and drove his truck while being tipsy after drinking alcohol.[84] This actuation is a display of his lack of regard to the law and regulations on drunk driving and road safety.[85]

(2) Judge Aranas likewise admitted having sex with Kristine while inside the truck, which was parked in a secluded area along Samico Road in Buug, Zamboanga Sibugay.[86] Even if the area was secluded, it is not unlikely that passing pedestrians and vehicles may have identified Judge Aranas or his truck, or may have noticed whatever he is doing inside the truck with Kristine. This irresponsible act reflects Judge Aranas's blatant lack of due regard to the dignity of his office.

(3) Judge Aranas withdrew funds from their conjugal bank account, which he jointly owns with Emelie, without the latter's consent. Emelie asserted that she did not agree to purchasing a land for Gino Jr., let alone using funds from their joint account for that purpose.[87] This shows Judge Aranas's disregard of the law governing the disposition of conjugal property.[88]

(4) Judge Aranas's extramarital affair is known not only to Emelie and Kristine but also to their family members, some friends, certain judicial staff of Judge Aranas, CAFGU members who assisted Judge Aranas, among others. Instead of trying to keep the issue of his marital infidelity within a tight circle, Judge Aranas even carelessly confided the same to some of his judicial staff, CAFGU escorts, and friends. This shows his utter disregard of the dignity of his office.

(5) Judge Aranas admitted living in a "stockroom" at the back of the municipal hall for some time after he abandoned their family home.[89] His stay in the "stockroom" likely raised questions and speculations in the mind of the people who hold office, transact, or are stationed in the municipal hall. It is improper and unethical for Judge Aranas, a magistrate of the law, to reside and establish his personal dwelling in the seat of a local government unit. Judge Aranas clearly failed to conduct himself in conformity to the highest ethical standards, and in a manner consistent with the dignity of his office, as mandated by the CPRA.

(6) Worse, Judge Aranas even asked the help of Alipuyo, a CAFGU member, to deliver supplies to Gino Jr. He also sought the assistance of two CAFGU escorts in preparing his food, washing his clothes, and cleaning his

house. These CAFGU members are supposed to provide security assistance in the municipal hall and to Judge Aranas. However, Judge Aranas asked them, to perform tasks beyond their official duties, to the extent of being involved in delivering supplies to Kristine and Gino Jr. This only demonstrates Judge Aranas's indifference to the dignity of his office.

These circumstances clearly demonstrate the gravity of Judge Aranas's offense, and his failure to abide by the exacting ethical standards for judges and the prevailing moral standards of society. He disregarded the laws governing marriage, disposition of conjugal property, and drunk driving and road safety. He was unmindful of the impact of his actions to the public's perception of the judiciary. He utterly disregarded the dignity of his office. He did not even take sufficient measures to minimize the public exposure of his predicament for the sake of maintaining respect for his office.

In view of the foregoing, I submit that the penalty of disbarment is more commensurate to the infractions committed by respondent judge, and not just a mere suspension of three years. While Judge Aranas's effort to care for Gino Jr. is laudable, the Court cannot turn a blind eye to the gravity of his offense.

As a final note, members of the Bench, like Judge Aranas, ought to be reminded to conduct themselves beyond reproach and suspicion, and to avoid the appearance of impropriety in their everyday lives:

Since the dispensation of justice has to originate from sound moral consciousness, one who lacks it, or has shown to be wanting of it, cannot offer the guaranty required for the performance of a just dispensation. A magistrate has to live by the example of [their] precepts. [They] cannot judge the conduct of others when [their] own needs judgment. It should not be "do as I say and not what I do." For then the court over which [they are] called to preside will be a mockery, one devoid of respect.[90] (Citation omitted)

ACCORDINGLY, I vote to impose the penalty of disbarment to Judge Gino Jovito C. Aranas, instead of a mere three-year suspension from the practice of law, in addition to his dismissal from the service, with forfeiture of all benefits except accrued leave credits and with disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations.

[1] Rollo, pp. 4-15.

[2] Promulgated on November 11, 2025.

[3] Ponencia, p. 14.

[4] Id. at 15.

[5] Rollo, pp. 5, 18.

[6] Id. at 5-6.

[7] Id. at 23.

[8] Id.

[9] Id. at 6-7.

[10] Id. at 25-26.

[11] Id.

[12] Id. at 7.

[13] Id. at 27-28.

[14] Id. at 27.

[15] Id. at 7, 30-31, Passbook of the joint account of Judge Aranas and Emelie in Metrobank, Pagadian-Rizal branch; 29, Application for the issuance of a cashier's check to be drawn from the joint account of Judge Aranas and Emelie and to be issued to Atilano as payee.

[16] Id. at 7-8, 32-45.

[17] Id. at 41. The Facebook post bears the time stamp "[May 27] at 11:07 p.m."

[18] Id. at 35. The Facebook post bears the time stamp "[March 13] at 10:49 p.m."

[19] Id. at 39. The Facebook post bears the time stamp "[May 29] at 10:03 p.m."

[20] Id. at 25, 39, 41. The Facebook posts show a globe icon, which means that the post is visible to the public and not just to the friends of the concerned Facebook account.

[21] Id. at 8.

[22] Id. at 95-101.

[23] Id. at 95.

[24] Id. at 96-98.

[25] Id. at 99-101.

[26] Id. at 95, 101.

[27] Id. at 101.

[28] Id. at 106-107.

[29] Id. at 110-113.

[30] Id. at 114-119.

[31] Id. at 111-112.

[32] Id. at 115-118.

[33] Id. at 124-132.

[34] Id. at 127-128.

[35] Id. at 171-173.

[36] Id. at 182.

[37] Id. at 183.

[38] Id. at 214-241.

[39] Id. at 298-309. The July 30, 2024 Report in OCA IPI No. 20-3126-MTJ was submitted by Justice Cielito N. Mindaro-Grulla (Ret.) and concurred in by Justice Angelina Sandoval-Gutierrez (Ret.), Judicial Integrity Board, Supreme Court, Manila.

[40] Id. at 302-308.

[41] Dela Cueva v. Omega, 637 Phil. 14, 25 (2010) [Per J. Mendoza, Second Division].

[42] Anonymous Complaint v. Dagala, 814 Phil. 103, 122 (2017) [Per Curiam, En Banc].

[43] 276 Phil. 70 (1991) [Per Curiam, En Banc].

[44] Id. at 81.

[45] 612 Phil. 771 (2009) [J. Leonardo-De Castro, First Division].

[46] Id. at 778. (Citation omitted)

[47] CONST., art. XV, sec. 2.

[48] See Anonymous Complaint v. Judge Dagala, 814 Phil. 103, 156 (2017) [Per Curiam, En Banc]; Tuvillo v. Judge Laron, 797 Phil. 449, 468 (2016) [Per Curiam, En Banc]; Mah-Arevalo v. Judge Mantua, 747 Phil. 147, 156 (2014) [Per J. Perlas-Bernabe, First Division]; Tan v. Judge Pacuribot, 565 Phil. 1, 58 (2007) [Per Curiam, En Banc]; Musayac-De Villa v. Court of Appeals, 460 Phil. 613, 624 (2003) [Per J. Panganiban, Third Division]; Resngit-Marquez v. Judge Llamas, 434 Phil. 184, 205 (2002) [Per Curiam, En Banc]; National Bureau of Investigation v. Judge Villanueva, 421 Phil. 649, 664 (2001) [Per J. Panganiban, En Banc]; In re: Complaint of Mrs. Rotilla A. Marcos, 413 Phil. 65, 95 (2001) [Per Curiam, En Banc]; Imbing v. Judge Tiongson, 299 Phil. 737, 754 (1994) [Per Curiam, En Banc]; Alfonso v. Judge Juanson, 298-A Phil. 193, 193 (1993) [Per J. Davide, Jr., En Banc]; Vistan v. Judge Nicolas, 278 Phil. 531, 544 (1991) [Per Curiam, En Banc]; Castillo v. Judge Calanog, Jr., 276 Phil. 70, 91 (1991) [Per Curiam, En Banc]; Sicat v. Judge Alcantara, 244 Phil. 340, 345 (1988) [Per Curiam, En Banc]; Leynes v. Judge Veloso, 172 Phil. 312, 316 (1978) [Per J. Aquino, En Banc].

[49] Rollo, pp. 5-6.

[50] Id. at 98.

[51] Id. at 99-101.

[52] See id. at 27.

[53] See id. at 32-45.

[54] Id. at 101.

[55] Id. at 96.

[56] Id. at 97.

[57] Id.

[58] Id. at 110-113.

[59] Id. at 114-119.

[60] See id. at 182-183.

[61] See id.

[62] Id. at 214-241.

[63] Id. at 224-226.

[64] CODE OF PROF. RESPONSIBILITY & ACCOUNTABILITY, Canon VI, sec. 33(f).

[65] Guevarra-Castil v. Atty. Trinidad, 925 Phil. 582, 592 (2022) [Per Curiam, En Banc]. See also CODE OF PROF. RESPONSIBILITY & ACCOUNTABILITY, Canon VI, sec. 33(f): "[g]rossly immoral conduct, or an act that is so corrupt or false as to constitute a criminal act, or so immoral as to be reprehensible to a high degree."

[66] Samala v. Atty. Valencia, 541 Phil. 1, 16 (2007) [Per J. Austria-Martinez, En Banc]. (Citation omitted)

[67] See Quindoza v. Atty. Delos Santos, 934 Phil. 972, 977 (2023) [Per J. Lopez, J., En Banc]; Atty. Saldares v. Atty. Saldares, 934 Phil. 903, 910 (2023) [Per Curiam, En Banc]; Guevarra-Castil v. Atty. Trinidad, 925 Phil. 582, 594 (2022) [Per Curiam, En Banc]; Panagsagan v. Atty. Panagsagan, 864 Phil. 19, 29 (2019) [Per Curiam, En Banc]; Ceniza v. Atty. Ceniza, Jr., 851 Phil. 372, 390 (2019) [Per Curiam, En Banc]; Atty. Ecraela v. Atty. Pangalangan, 769 Phil. 1, 20 (2015) [Per Curiam, En Banc]; Garrido v. Atty. Garrido, 625 Phil. 347, 367 (2010) [Per Curiam, En Banc]; Guevarra v. Atty. Eala, 555 Phil. 713, 731 (2007) [Per Curiam, En Banc]; Dantes v. Atty. Dantes, 482 Phil. 64, 72 (2004) [Per Curiam, En Banc]; Bustamante-Alejandro v. Atty. Alejandro, 467 Phil. 139, 146 (2004) [Per Curiam, En Banc]; Narag v. Atty. Narag, 353 Phil. 643, 664 (1998) [Per Curiam, En Banc].

[68] Ponencia, p. 15.

[69] Id. at 9-11, 13-15.

[70] MERRIAM-WEBSTER DICTIONARY, "remorse," available at <https://www.merriam-webster.com/dictionary/remorse> (last accessed on April 15, 2026).

[71] CAMBRIDGE DICTIONARY, "remorse," available at <https://dictionary.cambridge.org/dictionary/english/remorse> (last accessed on April 15, 2026).

[72] Rollo, pp. 96-98.

[73] Ponencia, p. 2.

[74] Id.

[75] Id. at 4.

[76] Id. at 3.

[77] Rollo, p. 102.

[78] Id. at 105.

[79] Id. at 216, 224-226.

[80] CODE OF PROF. RESPONSIBILITY & ACCOUNTABILITY, Canon VI, sec. 38(b)(7).

[81] Ponencia, p. 14.

[82] Id.

[83] Id.

[84] Rollo, p. 96.

[85] See Republic Act No. 10586 (2013), Anti-Drunk and Drugged Driving Act of 2013.

[86] Rollo, p. 96.

[87] Id. at 7, 27-28, 30-31.

[88] See FAMILY CODE, art. 96: "The administration and enjoyment of the community property shall belong to both spouses jointly." Moreover, FAMILY CODE, art. 98 provides that: "Neither spouse may donate any community property without the consent of the other."

[89] Id. at 95, 101.

[90] *Tuvillo v. Judge Laron*, 797 Phil. 449, 535 (2016) [Per Curiam, En Banc].

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