CONCERNED LAWYERS OF BULACAN, PETITIONERS, VS. PRESIDING JUDGE VICTORIA VILLALON-PORNILLOS, RTC, BRANCH 10, MALOLOS CITY, BULACAN, RESPONDENT.

A.M. NO. RTJ-09-2183 [FORMERLY A.M. OCA IPI NO. 05-2346-RTJ]. July 07, 2009

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PER CURIAM:

Some "Concerned Lawyers of Bulacan," denominating themselves as such, filed a five-page Anonymous Administrative Complaint of August 31, 2005 against Presiding Judge Victoria Villalon-Pornillos (respondent) of Branch 10 of the Regional Trial Court (RTC) of Malolos City.

THE CHARGES AGAINST RESPONDENT:

Complainants charged respondent with having violated Republic Act Nos. 3019 and 6713, the Canons of Judicial Conduct, the Code of Professional Responsibility, and the Rules of Court, Rule 140, Sections 1, 8 (pars. 1-4, 6-9) and 9 (pars. 2, 4), as amended by A.M. No. 01-8-10-SC[1] (2001), and furnished details synthesized as follows:

Respondent has a notorious history of committing graft and corruption by "fixing" cases and "selling" decisions or orders, such as receiving P5 million from Lorna Silverio, extorting P6 million from Romeo Estrella, and obtaining P200,000 from Leonardo de Leon and asking him to pay her electric bills while simultaneously extorting from de Leon's detractors, all relative to the election protests involving the mayoralty race at San Rafael, Baliuag and Angat, respectively.

Respondent is maintaining amorous relationships with her driver and bodyguards, borrowing money from her staff and other court officers to cover up her corruption, vindictively detailing almost all of her staff to other offices, and bragging about her associations with former classmates now working in the judiciary.

Respondent has ostentatiously displayed ill-gotten wealth. She rented a taxi for P2,000 a day for almost six months. She maintains and enrolls her four children in first-class schools. And she acquired a new Ford Lynx car.

Respondent reports to court only twice a week. She became mentally ill when her husband passed away in 1993 and experienced mental trauma when her alleged lover was killed.

REFERRAL OF THE COMPLAINT TO, AND ACTION TAKEN BY, THE OFFICE OF THE COURT ADMINISTRATOR:

By internal Resolution of September 20, 2005,[2] the Court directed the Office of the Court Administrator (OCA) to conduct a discreet investigation of the charges and to submit a report thereon within 30 days from notice.

A sub rosa investigation was conducted in October 2005 by an investigating team which interviewed court officers and personnel as well as practicing lawyers in Malolos, after apprising and assuring them of the confidentiality of the inquiry. Without disclosing the subject of the investigation, the investigating team represented itself to be on a covert fact-finding mission on alleged irregularities by some RTC judges of Malolos.

The OCA, which submitted its report by Memorandum of November 24, 2005, concluded that the allegations of corruption and extortion were based on hearsay; and absent any evidence from reliable witnesses, it found the same to be difficult to prove; and "as long as no one is willing to come forward and testify based on personal knowledge, the charges of corruption must fail."

On the allegations of respondent's illicit amorous relationships with her driver and bodyguards, the OCA found the same to be based on rumors, noting that not one of the witnesses confirmed that respondent and her alleged lovers were seen under scandalous circumstances.

The OCA confirmed, however, that Judge Pornillos obtained loans from court personnel and lawyers. One lawyer the team interviewed who maintains a law office in Malolos disclosed, under condition of anonymity, that respondent obtained a P5,000 loan from her which has remained unpaid, albeit she has condoned it as she considers respondent as one of her friends. One court employee also interviewed by the team similarly revealed that respondent obtained loans ranging from P500 to P1,000 from her in 1991-1992 which had, however, been settled.

Respecting respondent's alleged reporting to court twice a week, the team noted that a perusal of the guard's logbook indicating the Malolos judges' time of arrival and departure shows that out of the 29 working days for the period from September 1, 2005 to October 11, 2005, respondent reported to court only for 20 days. Respondent notably arrived late in court and departed therefrom almost always earlier than 4:30 p.m.

Upon the recommendation of the OCA, the Court, by Resolution of January 17, 2006, directed the Office of the Deputy Court Administrator to immediately conduct a judicial audit to ascertain conclusively whether respondent could be held to answer administratively for (a) habitual tardiness, (b) failure to report to the court during all working days of the week, and (c) apparent poor records management; and to forthwith submit a judicial report thereon.[3]

The Office of the Deputy Court Administrator thus conducted a judicial audit from July 31, 2007 to August 3, 2007 and examined 354 cases assigned to Branch 10 of the Malolos RTC.

DIRECTIVE FOR RESPONDENT TO COMMENT:

As recommended in the Audit Report of October 15, 2007, the Court, by Resolution of November 20, 2007, required respondent to comment on the following:

> (a) Why the records of Criminal Case No. 600-M-1997 was not presented to the audit team for judicial audit and to submit to the Office of the Court Administrator the status of the said cases;
>
> (b) Why it took her several months to act on the Motion for Reconsideration in the following decided cases: Civil Cases 388-M-2006, CV-520-M-2006, CV-714-M-2002 and CV-195-2006;
>
> (c) Why she designated Ms. Venus M. Awin, Officer-in-Charge/Branch Clerk of Court to receive evidence ex-parte despite the clear mandate of Sec. 9, Rule 30 of the Rules of Court, requiring that only Clerk[s] of Court who are members of the bar can be delegated to receive evidence ex-parte;
>
> (d) Why the criminal cases CR-836-M-98, CR-2315-M-2004, CR-3569-M-2003 and P-558-2004 has not been acted upon for a considerable period of time since its last orders;
>
> (e) Why Election Case No. 01-M-2004 entitled "Apolonio Marcelo vs. Leonardo De Leon" is still pending despite the order of the Comelec for her to cease and desist from acting on the case since April 3, 2006;
>
> (f) Why the following cases has not been set for further hearing/trial for a considerable length of time since its last orders:

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Civil Cases

Criminal Cases

18-M-2005

CR-4180-M-2003

654-M-2004

CR-2189-M-2003

515-M-2005

CR-2190-M-2003

CR-559-M-2004

CR-1385-M-2004

CR-833-M-2003

CR-1433-M-1999[;]

and to submit her comment on the charges of (i) habitual tardiness; (ii) failure to report during all working days of the week; and (iii) apparent poor records management.[4]

RESPONDENT'S COMMENT:

On January 15, 2008, respondent filed her 34-page Comment, devoting the first five pages thereof to imputing to former Judge Florentino Floro the malicious filing of the anonymous complaint. She prayed for the immediate dismissal of "all the false charges engineered by petitioner herein for lack of merit, with costs against him [sic]."[5]

Respondent explains that the record of Criminal Case No. 600-M-1997 was not presented to the audit team for audit because Public Prosecutor Gaudioso Gillera borrowed it on June 1, 2005 along with two other related cases; and that by Order of November 29, 2007, Criminal Case No. 600-M-1997 and the related cases were provisionally dismissed for failure to prosecute.

Respondent belies the delay in resolving the respective motions for reconsideration in four civil cases. Thus, she explains: In Civil Case No. 388-M-2006, the two motions for reconsideration of the September 8, 2006 Decision (which were filed on March 16, 2007 and May 28, 2007) were expunged by Orders of March 16, 2007 and June 28, 2007; the Motion for Reconsideration of March 5, 2007 in Civil Case No. 520-M-2006 was denied by Order of April 17, 2007 after it was submitted for resolution on April 16, 2007, and since no appeal was taken therefrom, the Decision of November 17, 2006 became final and executory; while Civil Case No. 714-M-2002 was dismissed by Decision of November 15, 2005, the Motion for Reconsideration was only resolved on January 10, 2007 because the motion was submitted for resolution only on January 10, 2007; and in Civil Case No. 195-M-2006, a motion for reconsideration of the June 10, 2006 Decision was filed on August 24, 2006 but was resolved only on May 10, 2007 because the motion was submitted for resolution only on May 9, 2007.

Respondent denies designating Venus M. Awin, Officer-in-Charge/Branch Clerk of Court (OIC-BCC), to receive evidence ex parte and claims that she herself heard all cases on the merits in open court, including ex parte proceedings.

Respondent asserts that she has always timely resolved motions submitted for resolution upon receipt of the last

pleading and explains as follows: the last Order in Criminal Case No. 836-M-1998 found in the records by the audit team was one dated February 1, 2006 giving the prosecution five days to file the necessary motion to finally terminate the case but respondent states that she actually issued an Order of June 28, 2007 setting the pre-trial conference/hearing on August 15, 2007, which was followed by notices of pre-trial conference/hearing for September 26, 2007, October 24, 2007 and February 6, 2008; in Criminal Case No. 2315-M-2004 where the last notice referred to a trial in absentia set on June 1, 2005, she scheduled the case for reception of prosecution evidence on October 10, 17, 31, 2007 and of defense evidence on January 30, 2008; in Criminal Case No. 3569-M-2003, she provisionally dismissed the case by Order of November 9, 2005, and as no further setting appeared in the record, the case was archived by Order of April 10, 2007.

On why EPC No. 01-M-2004 was still pending despite the order of the Comelec for her to cease and desist from acting on the case since April 3, 2006, respondent explains that she ordered the suspension of the proceedings on March 17, 2005 and subsequently dismissed the case by Order of August 28, 2007 for being moot after the protestant filed his candidacy for the Sangguniang Barangay elections.

Respecting the cases listed under paragraph (f) of the Court's November 20, 2007 Resolution, respondent states that there was no necessity to set them for further hearings because: Civil Case No. 18-M-2005 was already dismissed for failure to prosecute by Order of April 10, 2007; judgment on the pleadings was rendered on April 19, 2007 in Civil Case No. 654-M-2004; in Civil Case No. 515-M-2005, the process server was required, by Order of May 17, 2007, to explain in writing why no disciplinary action should be taken against him for his non-submission of an Explanation as required by previous Orders; several hearings were set in Criminal Case No. 4180-M-2003 by Orders of April 19, 2007, May 30, 2007, June 20, 2007 and December 5, 2007; in Criminal Cases Nos. 2189-M-2003 and 2190-M-2003, hearings were set on October 3, 2007 and November 21, 2007 by Orders of July 12, 2007 and October 3, 2007, respectively, and subpoena duces tecum/ad testificandum was issued to confirm the alleged death of the accused at the Manila City Jail; Criminal Case No. 559-M-2004 was provisionally dismissed by Order of November 30, 2005; Criminal Case No. 833-M-2003 was provisionally dismissed by Order of July 6, 2005, which dismissal was clarified by Order of January 17, 2006; and Criminal Case No. 1433-M-1999 was provisionally dismissed by Order of December 7, 2007.

As for the status of the cases submitted for decision, respondent relates that Civil Case No. 119-M-2007 was not raffled to Branch 10 but to Branch 20; a Decision of November 10, 2006 was already rendered in Civil Case No. 583-M-2006; a Decision of July 19, 2007 was issued in Civil Case No. 310-M-2007; and a Decision of May 10, 2005 was released in Civil Case No. 071-M-2004.

Respecting the incidents submitted for resolution in the following enumerated cases, respondent narrates that: the motion to dismiss in Civil Case No. 236-M-2007 was granted by Order of July 29, 2007; in Civil Case No. 76-M-2005, the motion for new trial was granted by Order of July 26, 2007; in Civil Case No. 288-M-2006, the Orders of March 19 and 21, 2007 denying the defendant's motions for reconsideration and to quash subpoena were sustained by this Court in G.R. No. 176295 by Resolution of June 18, 2007; in Civil Case No. 497-M-2003, pre-trial conference was set by Order of June 14, 2007; in SP-Proc. 20-M-2000, an Order of November 27, 2007 was issued partly granting a motion to exclude certain properties from the estate and denying the motion to distribute collected rentals from the existing improvements in those partly excluded properties except the withdrawal of the sum to pay inheritance and realty taxes; in Civil Case No. 228-M-2005, judgment on the pleadings was rendered on August 28, 2007; Civil Case No. 797-M-2005 was dismissed without prejudice by Order of August 1, 2007; Civil Case No. 775-M-2001 was dismissed for failure to prosecute by Order of April 9, 2007; Criminal Case No. 1677-M-2006 was dismissed by Order of August 29, 2007; in Criminal Case No. 2199-M-2007, the Amended Information which downgrades the offense to homicide was admitted by Orders of

October 3, 2007; in Criminal Case No. 3866-M-2003, the prosecution's exhibits were admitted by Order of July 23, 2007 which also set the reception of defense evidence on September 19, 2007; Criminal Cases Nos. 452-M-2006, 453-M-2006, 2609-M-2006, 2610-M-2006, 2611-M-2006, 2612-M-2006 were consolidated and set for pre-trial conference on January 30, 2008 per Notice of November 21, 2007; in Criminal Case No. 1197-M-1998, the defense counsel was directed anew to submit the required pleading and to manifest in writing the intention to present rebuttal evidence; and in Criminal Case No. 1359-M-2005, the accused's Motion for Reconsideration was denied by Order of May 30, 2007.

Respondent avers that she arrives early for work, her asthmatic attacks or high fever notwithstanding. She submitted a certification[6] from the Court's Leave Division which enumerates the days for which she had filed leaves of absence. She states that she has always filed leaves of absence for the days that she was absent from work. She adds that while on leave, she would still work on cases and would never use such time for pleasure, travel or vacation. She maintains that she operates the court efficiently despite it being understaffed, as there are only four remaining in her staff, adding that she merely placed some of her erring staff on floating status to reform them after their commission of misdeeds.

As no Reply is expected to be forthcoming from complainants, the Court deems waived their right to file one.[7]

THE COURT'S FINDINGS:

The Court finds no evidence to sustain the charges of corruption and immorality, and accordingly finds the OCA recommendation to dismiss well-taken.

The burden of substantiating the charges in an administrative proceeding against court officials and employees falls on the complainant, who must be able to prove the allegations in the complaint with substantial evidence. In the absence of evidence to the contrary, the presumption that respondent regularly performed her duties will prevail. Moreover, in the absence of cogent proof, bare allegations of misconduct cannot prevail over the presumption of regularity in the performance of official functions. In fact, an administrative complaint leveled against a judge must always be examined with a discriminating eye, for its consequential effects are, by their nature, highly penal, such that the respondent stands to face the sanction of dismissal and/or disbarment. The Court does not thus give credence to charges based on mere suspicion and speculation.[8]

The Court, however, finds well-taken the audit team's observation that Branch 10 lacks proper monitoring of cases.

While respondent provided the Court the latest issued orders in all but one (Criminal Case No. 1385-M-2004) of the listed cases, she failed to justify her failure to act on the incidents thereon despite the lapse of a considerable period. Respondent offered no explanation for the delay in the resolution of the incidents in the cases. She simply furnished their status, some of which involve decisions or orders issued after the conduct of the judicial audit and mostly beyond the prescribed 90-day period,[9] without her having requested extension for the purpose. Notably, respondent failed to explain her inaction for allowing a hiatus of at least one year in Civil Case No. 714-M-2002 and eight months in Civil Case No. 195-M-2006, she appearing to have merely waited for the submission of a comment on/opposition to a motion for reconsideration, and a reply, if any.

Moreover, respecting the orders or decisions purportedly dated before July 31, 2007, the start of the judicial audit, respondent gave no reason why those issuances were not presented or made available to the audit team during the four-day judicial audit ending on August 3, 2007.

It bears emphasis that the responsibility of making a physical inventory of cases primarily rests on the presiding judge, even as he/she is provided with a court staff, and a branch clerk of court who shall take steps to meet the

requirements of the directives on docket inventory.[10] Why respondent failed to make a complete report to the audit team, the court cannot fathom, despite the clear mandate of Administrative Circular No. 10-94[11] for the performance of a semestral physical inventory of the court's docket which, for the first semester of 2007, should have been conducted by June 30, a full month prior to the start on July 31, 2007 of the judicial audit. What was instead presented to the audit team was a docket inventory of cases for the period from July 2006 to December 2006.

Judges are mandated to "perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness."[12] Prompt disposition of the court's business is attained through proper and efficient court management, and a judge is remiss in his duty as court manager if he fails to adopt a system of record management.[13]

Respondent defied the duties to "dispose of the court's business promptly and decide cases within the required periods," to "diligently discharge administrative responsibilities, maintain professional competence in court management, and facilitate the performance of the administrative functions of other judges and court personnel," and to "organize and supervise the court personnel to ensure the prompt and efficient dispatch of business, and require at all times the observance of high standards of public service and fidelity." [14]

A judge being expected to keep his own record of cases so that he may act on them promptly without undue delay, it is incumbent upon him to devise an efficient recording and filing system in his court so that no disorderliness can affect the flow of cases and their speedy disposition. Proper and efficient court management is as much his responsibility. As the judge is the one directly responsible for the proper discharge of official functions, he/she is charged with exercising extra care in ensuring that the records of the cases and official documents in his/her custody are intact. Hence, the necessity of adopting a system of record management and of organization of dockets in order to bolster the prompt and efficient dispatch of business.[15]

Oblivious to the telling condition - res ipsa loquitor, respondent asserts that she efficiently manages her court. If respondent's declarations are, by any measure, reflective of her level of satisfaction with court management, it is unfortunate to find her standard of professional competence in court administration below par. It is disquieting that she, even while acknowledging that she does not have a full complement of court personnel,[16] has not been bothered by the prevailing human resource predicament in her court. She finds comfort in maintaining a limited number of staff for years without actively seeking additional staff, and in detailing her clerk-in-charge of civil cases and legal researcher to other offices for alleged misconduct without initiating the appropriate disciplinary measures.

If respondent became aware of any unprofessional conduct on the part of any of her court personnel, she should have, as a rule of judicial canon,[17] taken or initiated appropriate disciplinary measures against them. By simply detailing them and omitting to initiate an administrative proceeding, she has not only tolerated the misdeed but also paid no heed to finding suitable and qualified replacements who could assist her. Respondent had only to request the Executive Judge of the RTC of Malolos City or the Office of the Court Administrator for the detail of needed personnel in order not to deprive the public of vital services. In previous cases, the Court rejected the lame excuse that a trial court had no legal researcher[18] or branch clerk of court.[19] Adhering to what she personally perceives to be the best way of managing her court, respondent has only herself to blame for any gaffe plaguing her court.

It bears reiteration that proper court management for the effective discharge of official functions is the direct responsibility of judges who, therefore, cannot take refuge behind the inefficiency of the court personnel. The inability of a judge to control and discipline the staff demonstrates weakness in administrative supervision, an

undesirable trait frowned upon by this Court.[20] A judge should be the master of his own domain and take responsibility for the mistakes of his subjects.[21]

Indeed, a judge's duties and responsibilities are not strictly confined to judicial functions. A judge is also an administrator who must organize the court with a view to prompt and convenient dispatch of its business.[22]

Section 9 of Rule 140 of the Rules of Court classifies as less serious offense the undue delay in rendering a decision or order, which is punishable, under Section 11 (b) thereof, by suspension from office without salary and other benefits ranging from one to three months, or a fine of more than P10,000 but not exceeding P20,000.

To further ensure the speedy disposition of cases, Administrative Circular No. 3-99[23] provides the following guidelines for faithful observance:

> I. The session hours of all Regional Trial Courts, Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts and Municipal Circuit Trial Courts shall be from 8:30 A.M. to noon and from 2:00 P.M. to 4:30 P.M. from Monday to Friday. The hours in the morning shall be devoted to the conduct of trial, while the hours in the afternoon shall be utilized for (1) the conduct of pre-trial conferences; (2) writing of decisions, resolutions, or orders; or (3) the continuation of trial on the merits, whenever rendered necessary, as may be required by the Rules of Court, statutes, or circular in specified cases.
>
> However, in multi-sala courts in places where there are few practicing lawyers, the schedule may be modified upon request of the Integrated Bar of the Philippines such that one-half of the branches may hold their trial in the morning and the other half in the afternoon. Except those requiring immediate action, all motions should be scheduled for hearing on Friday afternoons, or if Friday is a non-working day, in the afternoon of the next business day. The unauthorized practice of some judges of entertaining motions or setting them for hearing on any other day or time must be immediately stopped.
>
> II. Judges must be punctual at all times.
>
> III. The Clerk of Court, under the direct supervision of the Judge, must comply with Rule 20 of the 1997 Rules of Civil Procedure regarding the calendar of cases.
>
> IV. There should be strict adherence to the policy on avoiding postponements and needles delay.
>
> Sections 2, 3 and 4 of Rule 30, 1997 Rules on Civil Procedure on adjournments and postponements and on the requisites of a motion to postpone trial for absence of evidence or for illness or a party or counsel should be faithfully observed.
>
> Lawyers as officers of the court, are enjoined to cooperate with judges to ensure swift disposition of cases.

And Administrative Circular No. 1-99[24] enunciates that in inspiring public respect for the justice system, court officials and employees must strictly observe official time. As punctuality is a virtue, absenteeism and tardiness are impermissible.

A s shown by the logbook maintained by the security personnel, respondent was absent for nine out of the 29 working days for the period from September 1, 2005 to October 11, 2005, [25] and for eight out of the 24 working days for the period from July 1, 2007 to August 2, 2007. [26] In both periods, respondent usually arrived at around 9:30 a.m. and mostly stayed for less than four hours in office. Such documented evidence is, however, insufficient to hold respondent liable for habitual tardiness and habitual absenteeism. An employee shall be considered "habitually tardy" if one incurs tardiness, regardless of the number of minutes, ten times a month for at least two months in a semester or at least two consecutive months during the year,[27] while one is considered "habitually absent" if one incurs unauthorized absences in excess of the allowable 2.5 monthly leave credit under the Leave Law for at least three months in a semester or at least three consecutive months during the year.[28]

Nonetheless, under Administrative Circular No. 2-99,[29] absenteeism and tardiness, even if such do not qualify as "habitual" or "frequent," shall be dealt with severely.[30] In Office of the Court Administrator v. Go,[31] the Court enjoined all judges to render at least eight hours of service just like any ordinary government employee.

> Judges are duty bound to comply with the required working hours to insure the maximum efficiency of the trial courts for a speedy administration of justice. Daily trials at a minimum of five hours per working day of the week will enable the judge to calendar as many cases as possible and to dispose with regular dispatch the increasing number of litigations pending with the court. All other matters needing the attention of the judge are to be attended to outside of this five-hour schedule of trial.
>
> Judges are reminded that circulars prescribing hours of work are not just empty pronouncements. They are there for the purpose of promoting efficiency and speed in the administration of justice, and require prompt and faithful compliance by all concerned.[32]

Moreover, OCA Circular 63-2001[33] reiterated the strict observance of working hours and session hours by the trial courts and the rules on punctuality and attendance, and enjoined strict compliance with Administrative Circulars Nos. 1-99, 2-99 and 3-99.

Respecting respondent's designation of OIC-BCC Venus Awin who is a non-lawyer to receive evidence ex-parte, the Court finds the same contrary to the express mandate of Section 9, Rule 30 of the Rules of Court which requires that only clerks of court who are members of the bar can be delegated to receive evidence ex-parte. Respondent's Orders for the OIC-BCC to conduct ex-parte hearings and to submit reports thereon, as confirmed by the audit team from the written orders in the records, clearly contradict and outweigh respondent's denial and avowed posture that she personally heard all cases. A violation of the basic rule on reception of evidence ex-parte or any of its related circulars[34] merits the imposition of an administrative sanction.[35]

Under Section 9 in relation to Section 11(b) of Rule 140 of the Rules of Court, violation of Supreme Court rules, directives and circulars is a less serious offense punishable by suspension from office without salary and other benefits ranging from one to three months, or a fine of more than P10,000 but not exceeding P20,000.

With respect to the OCA's finding that respondent obtained loans from court personnel and lawyers in amounts ranging from P500 to P5,000, the Court takes exception to the OCA's conclusion that such act attaches no administrative liability. That the loans had already been paid or waived by the creditors do not detract from the fact that certain prohibitions were violated. That the loans were obtained way back in 1991-1992 is of no moment, considering that administrative offenses do not prescribe.[36]

There is a standing legal proscription on "[b]orrowing money by superior officers from subordinates," a violation of which is punishable, under the Uniform Rules on Administrative Cases in the Civil Service, by reprimand, suspension ranging from one to 30 days, and dismissal from service, for the first, second and third offense respectively.[37] At the very least, respondent should be admonished for such dealings with her subordinates in an improper manner that is precisely being averted by the prohibition, any tinge or appearance of impropriety of which is sternly avoided by judges.

More severely prohibited is the serious charge of "[b]orrowing money or property from lawyers and litigants in a case pending before the court."[38] In this case, the loan extended to respondent remains unpaid, yet was unilaterally condoned by the lawyer-creditor. Notably, the investigation team did not inquire whether the Malolos-based lawyer-creditor has handled a case pending before Branch 10 of the RTC of Malolos City, over which respondent presides. A perusal of the court calendar submitted by respondent to this Court reveals, however, that the lawyer-creditor has at least two cases pending before respondent's sala.[39]

The impropriety of borrowing money from unsuitable sources is underscored by the broad tenets of Canon 5 of

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the Code of Judicial Conduct[40] which took effect on October 20, 1999 or prior to the date of the loan transactions entered into by respondent. In the recent case of Burias v. Valencia,[41] the Court ruled:

> With respect to the charge of borrowing money in exchange for a favorable judgment, Rule 5.02, Canon 5 of the Code of Judicial Conduct mandates that a judge shall refrain from financial and business dealings that tend to reflect adversely on the court's impartiality, interfere with the proper performance of judicial activities, or increase involvement with lawyers or persons likely to come before the court. A judge should so manage investments and other financial interests as to minimize the number of cases giving grounds for disqualifications.
>
> Under Rule 5.04of Canon 5, a judge may obtain a loan if no law prohibits such loan. However, the law prohibits a judge from engaging in financial transactions with a party-litigant. Respondent admitted borrowing money from complainant during the pendency of the case. This act alone is patently inappropriate. The impression that respondent would rule in favor of complainant because the former is indebted to the latter is what the court seeks to avoid. A Judge's conduct should always be beyond reproach. (Underscoring and emphasis supplied)

Under Section 8 of Rule 140 of the Rules of Court, it is a serious charge to borrow money or property from lawyers and litigants in a case pending before the court. Under the same provision, an act that violates the Code of Judicial Conduct constitutes gross misconduct,[42] which is also a serious charge. In either instance, a serious charge is punishable by: 1) dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations, provided, however, that the forfeiture of benefits shall in no case include accrued leave credits; 2) suspension from office without salary and other benefits for more than three but not exceeding six months; or 3) a fine of more than P20,000 but not exceeding P40,000.[43]

Civil service rules[44] and jurisprudence[45] provide that when the respondent is guilty of two or more charges, the penalty to be imposed shall be that corresponding to the most serious charge, and the rest shall be considered aggravating circumstances.

It bears noting that this is the third time that respondent has been haled to face an administrative complaint. Although, in Portic v. Villalon-Pornillos,[46] the complaint against respondent for abuse of authority and neglect of duty was dismissed, respondent was meted a fine of P5,000 in Dela Cruz v. Villalon-Pornillos[47] for failure to comply with Administrative Circular No. 20-95 with a stern warning against repetition of similar acts.

Considering that respondent is not a first-time offender and taking into account respondent's less serious violations as aggravating circumstances, the Court imposes the penalty of dismissal from service.

All those who don the judicial robe must always instill in their minds the exhortation that the administration of justice is a mission. Judges, from the lowest to the highest levels, are the gems in the vast government bureaucracy, beacon lights looked upon as the embodiments of all what is right, just and proper, the ultimate weapons against injustice and oppression.[48]

Those who cannot meet the exacting standards of judicial conduct and integrity have no place in the judiciary. The various violations of respondent reflect a totality of transgressions of one who no longer deserves a seat in the bench. This Court will not withhold penalty when called for to uphold the people's faith in the judiciary.

WHEREFORE, Judge Victoria Villalon-Pornillos, Presiding Judge of Branch 10 of the Regional Trial Court of Malolos City, is found guilty of violating paragraph 7, Section 8, Rule 140 of the Rules of Court (borrowing money from a lawyer in a case pending before her court) which is also a gross misconduct constituting violation of the Code of Judicial Conduct, aggravated by, inter alia, undue delay in rendering decisions or orders, and

violation of Supreme Court rules, directives and circulars. She is DISMISSED from the service, with forfeiture of all retirement benefits, except accrued leave credits, with prejudice to re-employment in any government agency or instrumentality. Immediately upon service on her of this decision, she is deemed to have vacated her office and her authority to act as judge is considered automatically terminated.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Carpio, Corona, Carpio Morales, Chico-Nazario, Nachura, Brion, Peralta, and Bersamin, JJ., concur.
Velasco, Jr., J., no part due to prior action in OCA.
Leonardo-De Castro, J., no part.

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[1] Issued on September 11, 2001 and took effect on October 1, 2001.

[2] Rollo, p. 28.

[3] Id. at 163-164.

[4] Id. at 352-354.

[5] Id. at 388.

[6] Id. at 389.

[7] Id. at 390.

[8] Guzman v. Lloren, A.M. OCA IPI No. 06-2435-RTJ, December 4, 2006 Resolution.

[9] Constitution, Art. VIII, Sec. 15(1).

[10] Sianghio, Jr. v. Judge Reyes, 416 Phil. 215 (2001); vide SC Administrative Circular No. 10-94.

[11] Issued on June 29, 1994, which restates Administrative Circular No. 1 (January 28, 1988).

[12] A.M. No. 03-05-01-SC (April 27, 2004) entitled Adopting the New Code of Judicial Conduct for the Philippine Judiciary, Canon 6 (Competence and Diligence), Sec. 5.

[13] Office of the Court Administrator v. Janolo, Jr., A.M. No. RTJ-06-1994, September 28, 2007, 534 SCRA 262.

[14] Code of Judicial Conduct (September 5, 1989), Canon 3, Rules 3.05, 3.08 & 3.09. While the New Code of Judicial Conduct for the Philippine Judiciary supersedes the Canons of Judicial Ethics and the Code of Judicial Conduct, it expressly states that the latter two shall be applicable in a suppletory character in case of deficiency or absence of specific provisions in the New Code.

[15] Office of the Court Administrator v. Alon, A.M. No. RTJ-06-2022, June 27, 2007, 525 SCRA 786, 791-792.

[16] Respondent's court staff consists of OIC Carmelita Zamora, interpreter Venus Awin, stenographers Judy Arandela, Aurelia Manoloto, Jessybel Sta. Maria, Carol Gutierrez, process server Samuel Burgos, and sheriff Glen Umali; rollo, pp. 157-158.

[17] Supra, Canon 3, Rule 3.10.

[18] Re: Report on the Judicial Audit & Financial Audit Conducted in MTCs, Bayombong & Solano & MCTC,

Aritao-Sta. Fe, Nueva Vizcaya, A.M. No. 05-3-83-MTC, October 9, 2007, 535 SCRA 224.

[19] Office of the Court Administrator v. Laron, A.M. No. RTJ-04-1870, July 9, 2007, 527 SCRA 45.

[20] Office of the Court Administrator v. Judge Sayo, Jr., 431 Phil. 413 (2002); vide Estoya v. Abraham-Singson, A.M. No. No. RTJ-91-758, September 26, 1994, 237 SCRA 1.

[21] Atty. Pantaleon v. Judge Guadiz, Jr., 380 Phil. 106, 107 (2000).

[22] Vide Tudtud v. Judge Coliflores, 458 Phil. 49 (2003).

[23] Issued on January 15, 1999, which reiterates Circular No. 13 (July 1, 1987) providing that trial judges should strictly observe the requirement of at least eight hours of service a day.

[24] Issued on January 15, 1999.

[25] Rollo, pp. 159-161.

[26] Id. at 199-200.

[27] Civil Service Memorandum Circular No. 23, series of 1998.

[28] Civil Service Memorandum Circular No. 4, series of 1991.

[29] Issued on January 15, 1999.

[30] Vide Yu-Asensi v. Judge Villanueva, 379 Phil. 258 (2000).

[31] A.M. No. MTJ-07-1667, September 27, 2007, 534 SCRA 156.

[32] Id. at 167-168.

[33] Issued on October 3, 2001.

[34] OCA Circular No. 50-2001 (August 17, 2001) which prohibits clerks of court from collecting compensation for services rendered as commissioners in ex-parte proceedings, vide Atty. Concepcion v. Atty. Hubilla, 445 Phil. 689 (2003); Nieva v. Alvarez-Edad, A.M. No. P-01-1459, January 31, 2005, 450 SCRA 45; and SC Circular No. 12 (October 2, 1986) which directs judges to personally hear all adoption cases and desist from the practice of delegating the reception of evidence of the petitioner to the Clerk of Court; vide A.M. No. 02-6-02-SC (August 2, 2002) Rule on Adoption, Sec. 14.

[35] Munsayac-De Villa v. Reyes, A.M. No. RTJ-05-1925, June 26, 2006, 492 SCRA 404, 435, 454.

[36] Floria v. Sunga, 420 Phil. 637, 648-649 (2001); Heck v. Santos, A.M. No. RTJ-01-1657, February 23, 2004, 423 SCRA 329, 351 where it was held that no matter how much time has elapsed from the time of the commission of the act complained of to the time of the institution of the complaint, erring members of the bench and bar cannot escape the disciplining arm of the Court.

[37] CSC Resolution No. 99-1936 (August 31, 1999), Rule IV, Sec. 52, Par. (C), No. 8, which retained the earlier rule found in the Omnibus Civil Service Rules and Regulations (December 27, 1991), Rule XIV. Vide Orfila v. Arellano, A.M. No. P-06-2110, April 26, 2006, 488 SCRA 279.

[38] Rules of Court, Rule 140, Sec. 8. Serious charges include:

- Bribery, direct or indirect;

- Dishonesty and violations of the Anti-Graft and Corrupt Practices Law (R.A. No. 3019);

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- Gross misconduct constituting violations of the Code of Judicial Conduct;

- Knowingly rendering an unjust judgment or order as determined by a competent court in an appropriate proceeding;

- Conviction of a crime involving moral turpitude;

- Willful failure to pay a just debt;

- Borrowing money or property from lawyers and litigants in a case pending before the court;

- Immorality;

- Gross ignorance of the law or procedure;

- Partisan political activities; and

- Alcoholism and/or vicious habits. (Underscoring supplied)

[39] Rollo, pp. 307-308.

[40] Now the "New Code of Judicial Conduct for the Philippine Judiciary," A.M. No. 03-05-01-SC (April 27, 2004).

[41] A.M. No. MTJ-07-1689, March 13, 2009.

[42] Flores v. Garcia, A.M. No. MTJ-03-1499, October 6, 2008.

[43] Rules of Court, Rule 140, Sec. 11 (A).

[44] CSC Omnibus Rules Implementing Book V of Executive Order No. 292, Rule XIV, Sec. 17; Uniform Rules on Administrative Cases in the Civil Service (August 31, 1999), Rule IV, Sec. 55

[45] QBE Insurance Phils., Inc. v. Laviña, A.M. No. RTJ-06-1971, October 17, 2007, 536 SCRA 372, 393; Office of the Court Administrator v. Trocino, A.M. No. RTJ-05-1936, May 29, 2007, 523 SCRA 262..

[46] A.M. No. RTJ-02-1717, May 28, 2004, 430 SCRA 29.

[47] A.M. No. RTJ-04-1853, June 8, 2004, 431 SCRA 153.

[48] Employees of the RTC of Dagupan City v. Judge Falloran-Aliposa, 384 Phil. 168, 191 (2000).

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