

ELNORA S. PANGANIBAN, COMPLAINANT, VS. JUDGE FRANCISCO MA. GUERRERO, JR., REGIONAL TRIAL COURT, BRANCH 34, CALAMBA, LAGUNA, RESPONDENT.*A.M. No. RTJ-94-1200. March 01, 1995*

Ponente: REGALADO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/8b206ab7d96c/>**REGALADO, J.:**

In the present administrative matter, complainant Elnora S. Panganiban, a legal researcher in Branch 35 of the Regional Trial Court of Calamba, Laguna, denounces the alleged oppressive conduct of respondent Judge Francisco Ma. Guerrero Jr., former presiding judge of Branch 34 of said court, who has since retired from government service due to disability. [1]

Complainant avers that at around 8:30 A.M. on March 28, 1994, respondent castigated her in his chambers in front of several persons relative to the release of the cash bond in Criminal Case No. 3753-93-C. At that time, respondent was also the pairing judge for Branch 35 of the same regional trial court. It appears that respondent thought that the bond posted in said case had been accepted without the requisite undertaking. When complainant tried to explain the matter, respondent suddenly lost his temper and snapped at her, saying, "Punyeta, sumasagot ka pa." Complainant could only mutter her apologies, which respondent brushed aside with the curt statement, "Anong mangyayari sa sorry." Thereafter, when respondent had been duly satisfied that there was really no irregularity, he nonetheless remarked, "Dapat sa iyo paluin sa puwet na walang panty". [2]

A couple of days later, or on March 30, 1994, complainant was summoned by respondent to his chambers at around 3:00 P.M., in connection with a transmittal letter of Branch 35 which was prepared pursuant to the memorandum order of Vice Executive Judge Odilon Bautista. When respondent noticed insufficiencies in the text of the letter, he again flared up and, then and there, repeatedly demanded that complainant resign, prompting the latter to flee from respondent's office. Later, respondent judge had Panganiban called back to his chamber where he told her to just correct the mistake. [3]

The following day, respondent once more summoned complainant to his office relative to the transmittal letter. When complainant handed over said letter to respondent, the latter informed Judge Odilon Bautista, who was then present, that "(t)inamaan sa akin itong si Elnora because of her transmittal letter. Itong si Elnora nga pinapagre-resign ko na nga eh."

Then, on April 8, 1994, respondent judge asked complainant about the report in connection with Civil Case No. 1727-91-C. When complainant answered that it was still with the prosecutor concerned therewith, respondent again angrily shouted at her, thus: "Elnora, tatamaan ka na naman sa akin! Mag-resign ka na nga; sisikaran kita, meg-resign ka na! Tawagin mo si Atty. Baybay ng may katulong ako sa pagpapa-resign sa iyo." [4]

Complainant adds that after she was able to procure a copy of the report in question and thereafter handed it to the judge, the latter asked for her resignation papers. Then, respondent inquired, "Elnora, ilang beses na kitang pinagre-resign?" to which complaint replied, "Dalawa na po, Judge." Respondent then ordered Panganiban in the

presence of Prosecutor Florante Gonzales. "Kapag patatlong beses na kitang pinagresign, mag-resign ka na ha!" Complainant could only manage to answer, "Opo, Judge." [5]

On the other hand, respondent judge denied having heaped abusive language at complainant Panganiban or having committed any offensive act against her. In his comment which he filed with this Court on August 25, 1994, respondent did not dispute that he had indeed dealt with complainant on the dates alleged by her and with respect to the matters pointed out in the complaint. Respondent admitted having criticized her by calling her attention to her shortcomings in her work, but he hastens to add that, contrary to Panganiban's assertions, he in fact called her attention to her inadequacies with an altogether pleasant disposition. He concludes that complainant may very well have "resented his criticisms and probably took his statements out of context as embarrassing and humiliating." [6]

On September 19, 1994, the Court resolved to refer complainant's grievances against respondent to the Office of the Court Administrator for evaluation, report and recommendation. In a memorandum dated December 29, 1994, Deputy Court Administrator Reynaldo L. Suarez, with the approval of Court Administrator Ernani Cruz Paño, recommended the imposition of a fine in the amount of P1,000.00 on respondent judge, after evaluating and giving credence to the complaint of Elnora S. Panganiban. [7] We are constrained to agree with the said findings and to adopt the aforesaid recommendation which we assume to have taken into account, by way of extenuation of the penalty, the irritability arising from the disability of respondent judge.

A judge's official conduct should be free from and be untainted by the appearance of impropriety, and his or her personal behavior, not only upon the bench and in the performance of judicial duties, but also in his or her everyday life, should be beyond reproach. [8] Respondent judge has not been exactly scrupulous in exemplifying such high ideals, as earlier narrated. One improvident act committed in an unguarded moment could have been understandable, but not a regrettable series thereof.

It need only be said that public confidence in the judiciary is eroded by irresponsible or improper conduct of judges. What is worse in the case of respondent judge is that the hapless recipient of his deplorable behavior was a subordinate fellow worker in government and a lady to boot. Certainly, nothing could be more demoralizing to an employee than an insensitive and unkind colleague who is her superior at that.

We cannot conceive of, and our attention has not been called to, any creditable reason why complainant should make the aforesaid imputations against respondent unless they are true. The Court accordingly quotes with approval the findings of the aforementioned deputy court administrator in his memorandum to wit:

"x x x After going over the records of the case, the undersigned is more than inclined to give weight to the allegations of complainant. This is so because complainant, being a lowly employee of the judiciary who wields neither power nor influence, would never have the courage to file charges against her superior unless she is thoroughly convinced that her allegations could withstand judicial scrutiny. It is most likely that complainant's decision to file an administrative complaint against respondent may have been prompted by the fact that she could no longer bear to suffer the letter's 'sadism and abusive conduct' in silence. Moreover, assuming without admitting, that complainant really committed the errors or mistakes being attributed to her by respondent, the latter could have easily called the attention of the former in such a manner that would not expose her to shame, embarrassment, humiliation and even ridicule in front of so many people. Finally, respondent should have taken into consideration that complainant, notwithstanding her shortcomings, is also an employee of the judiciary who does not have to be treated the way she was treated and is also entitled to receive some measure of respect from respondent."

Indeed, respondent judge, in line with his own professedly uncompromising belief that "much is expected of people in the service of the government," should have exhibited restraint and acted with understanding towards

complainant Panganiban, however gross her inefficiency was in his perception. Had respondent acted with kindness and consideration, it would most certainly have elicited not only praise but more importantly, respect for him from complainant herself, a distinction that he would doubtless have left behind for fond remembrance by those who worked with him and as a hallmark of his service in the judiciary. That this is not to be is the more unfortunate although unwritten sanction in the instant administrative proceeding.

WHEREFORE, a FINE of P1,000.00 is hereby imposed upon respondent Judge Francisco Ma. Guerrero, Jr., which shall be deducted from the amount retained by this Court from his retirement benefits.

SO ORDERED.

Narvasa, C.J., (Chairman), Bidin, Puno, and Mendoza, JJ., concur.

[1] In an En Banc Resolution dated July 14, 1994, entitled "A.M. No. 8354-Ret. - Re: Application for disability retirement of Judge Francisco M. Guerrero, Jr.," this Court resolved to: "(1) GRANT the aforesaid application for disability retirement of Judge Francisco M. Guerrero, Jr. x x x: and (2) DIRECT the Fiscal Management and Budget Officer of this Court to RETAIN the amount of P15,000.00 from the retirement benefits of Judge Francisco M. Guerrero, Jr., pending the outcome of A.M. No. RTJ-93-1099." This A.M. No. RTJ--93-1099 was filed against respondent judge on November 15, 1993 by the Chief State Prosecutor for grave abuse of discretion.

[2] Rollo , 1-2.

[3] Ibid., 2-3.

[4] Ibid., 3.

[5] Ibid., 4.

[6] Ibid., 27-32.

[7] Memorandum, Re: A.M. No. RTJ-93-1200, 6.

[8] Javier vs. De Guzman, Jr., A.M. No. RTJ-89-380, December 19, 1990, 192 SCRA 434; Code of Judicial Conduct, Canon 2, Rule 2.01.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.