

**BOSTON FINANCE AND INVESTMENT CORPORATION,
COMPLAINANT, V. CANDELARIO V. GONZALEZ, PRESIDING JUDGE
OF REGIONAL TRIAL COURT OF BAIS CITY, NEGROS ORIENTAL,
RESPONDENT.**

A.M. No. RTJ-18-2520 (Formerly OCA IPI No. 14-4296-RTJ). October 09, 2018

Ponente: PERLAS-BERNABE, J.

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PERLAS-BERNABE, J.:

This administrative case arose from a verified complaint[1] for undue delay in rendering an order amounting to gross dereliction of duty and violation of Administrative Matter (A.M.) No. 99-10-05-0[2] relative to Civil Case No. 10-27-MY, entitled "Estate of Danilo Y. Uy (deceased) and Thelma D. Uy and Heirs v. Boston Finance and Investment Corporation," filed by Boston Finance and Investment Corporation (complainant) against Presiding Judge Candelario V. Gonzalez (respondent) of the Regional Trial Court of Bais City, Negros Occidental, Branch 45 (RTC).

The Facts

Complainant alleged that on November 19, 2010, the plaintiffs in Civil Case No. 10-27-MY, the Estate of Danilo Y. Uy and Thelma D. Uy, et al. (plaintiffs), filed a Petition with Application for Preliminary Injunction and/or Temporary Restraining Order (TRO)[3] before the RTC, praying for the issuance of a writ of preliminary injunction/TRO to enjoin the sale at public auction of the properties that served as collateral for the loans they obtained from complainant. Respondent issued an Order[4] of even date directing complainant to show cause why an injunctive writ should not be issued. In the same order, however, respondent also directed the Clerk of Court, as Ex-Officio Sheriff, and her Deputy Sheriff "to cease and desist from conducting the scheduled public auction on November 19, 2010 pending the resolution of the instant petition"[5] without, however, specifying the duration of its effectivity.

On December 2, 2010, complainant filed its Compliance,[6] maintaining that no injunctive writ should issue in favor of the plaintiffs, and that the petition should be dismissed on the grounds of forum shopping and litis pendentia. It appears that the plaintiffs had instituted a similar case before the Municipal Trial Court in Cities (MTCC) of Bacolod City seeking the enjoinder of the foreclosure sale.[7] Subsequently, complainant also filed its Answer,[8] praying for the dismissal of the petition and reiterating the affirmative defenses in its Compliance. Furthermore, in a Manifestation with Motion[9] dated June 14, 2011, complainant alleged that there were other pending incidents in the case that respondent needed to resolve.

Unfortunately, respondent failed to resolve all pending incidents in connection with the case for a relatively long time. The scheduled hearings were also postponed several times for various reasons, one of which was the information given to the court by plaintiffs' counsel that the parties were in the process of negotiations for a final settlement.[10]

Thereafter, or on March 18, 2013, complainant again moved[11] for the prompt resolution of all pending incidents in the case. Although it denied that the parties were currently undergoing amicable settlement,[12] complainant nonetheless expressed its willingness to enter into a compromise agreement with plaintiffs.[13] However, no compromise agreement was reached for failure of the plaintiffs to cooperate with complainant. Finally, in an Order[14] dated July 24, 2013, respondent suspended the proceedings in and archived Civil Case No. 10-27-MY "pending resolution of the other related case in Bacolod City." [15]

In his defense,[16] respondent claimed that he issued the July 24, 2013 Order in the honest belief that the parties were in the process of finalizing an amicable settlement, especially since complainant's counsel did not object thereto.[17] He explained that the suspension of the proceedings was not intended to delay the resolution of the case, but to facilitate the parties' negotiations preparatory to a compromise agreement.[18]

In rebuttal,[19] complainant maintained that respondent's failure to promptly resolve all pending incidents in the case, i.e., the motion to lift the cease and desist order and the motion to dismiss Civil Case No. 10-27-MY, despite repeated pleas for their immediate resolution, constituted gross dereliction of duty and violation of A.M. No. 99-10-05-0.[20] Likewise, complainant pointed out that its several manifestations and motions praying for the early resolution of the pending incidents should have been sufficient to apprise respondent that it was no longer willing to enter into a compromise agreement with plaintiffs. As such, respondent had no basis to assume that the parties were close to having an amicable settlement.[21]

Finally, although respondent admitted[22] that there were several incidents which remained unacted upon, he insisted that it was because the preliminary hearing on complainant's affirmative defenses has not yet been terminated due to the latter's failure to appear. He claimed that complainant actively participated in the similar case pending before the MTCC in Bacolod City, where the parties were allegedly negotiating for an amicable settlement.[23]

The OCA's Report and Recommendation

In a Memorandum[24] dated June 28, 2017, the Office of the Court Administrator (OCA) recommended, inter alia, that respondent be found guilty of: (a) gross ignorance of the law and be fined in the amount of P30,000.00; and (b) undue delay in resolving pending incidents in Civil Case No. 10-27-MY and violation of Sections 3 and 5, Canon 6 of the New Code of Judicial Conduct for the Philippine Judiciary,[25] and additionally be fined in the amount of P11,000.00.[26]

Citing the provisions of Section 5,[27] Rule 58 of the Rules of Court on the issuance of a preliminary injunction, the OCA found that since respondent issued the "cease and desist" Order dated November 19, 2010 – which was in the nature of a TRO – without any justification or any indication of its effectivity, and that he also failed to conduct a summary hearing within seventy-two (72) hours from its issuance to determine whether the same should be extended, he should therefore be found guilty of gross ignorance of the law and procedure.[28] The OCA held that while there was no finding of malice or bad faith against respondent, the rules that the latter violated were so basic that all magistrates are presumed to know.[29]

Gross ignorance of the law is a serious charge punishable by either dismissal from service, suspension from office without salary and other benefits for more than three (3) months but not exceeding six (6) months, or a fine of more than P20,000.00, but not exceeding P40,000.00. Considering that this is respondent's first offense, the OCA recommended that he be meted the penalty of a fine in the amount of P30,000.00.[30]

Similarly, the OCA observed that respondent's failure to expeditiously resolve the pending incidents in the case resulted in the undue and inordinate delay in the resolution thereof. Moreover, although a judge may order that a

civil case be archived under several circumstances,[31] the prescribed period should not exceed ninety (90) days after which, the case should immediately be included in the trial calendar. In this case, a period of two (2) years had already lapsed, displaying respondent's lackadaisical treatment of the case.[32]

Under Item No. 1, Section 9,[33] Rule 140 of the Rules of Court, undue delay in rendering an order is a less serious charge punishable by suspension from office without salary and other benefits for not less than one (1) month nor more than three (3) months, or a fine of more than P10,000.00, but not exceeding P20,000.00. Citing jurisprudence, the OCA recommended that respondent be fined in the amount of P11,000.00 for this particular offense.[34]

The Issue Before the Court

The sole issue for the Court's determination is whether or not respondent should be held administratively liable.

The Court's Ruling

After a punctilious review of this case, the Court finds respondent guilty of gross ignorance of the law and undue delay in rendering an order.

"To be able to render substantial justice and maintain public confidence in the legal system, judges should be embodiments of competence, integrity [,] and independence. Judges are also expected to exhibit more than just a cursory acquaintance with statutes and procedural rules and to apply them properly in all good faith. Judges are likewise expected to demonstrate mastery of the principles of law, keep abreast of prevailing jurisprudence, and discharge their duties in accordance therewith."[35]

In this case, respondent's "cease and desist" Order issued on November 19, 2010 was, as the OCA had correctly pointed out, in the nature of a TRO. However, the aforesaid order failed to justify the necessity for its issuance, as it merely issued the directive to the Clerk of Court, acting as Ex-Officio Sheriff, and the Deputy Sheriff without stating the reasons therefor. Likewise, it did not specify any period for its effectivity, in essence making the same indefinite. These omissions on respondent's part are contrary to the provisions of Section 5, Rule 58 of the Rules of Court, which provides:

Section 5. Preliminary injunction not granted without notice; exception. — No preliminary injunction shall be granted without hearing and prior notice to the party or person sought to be enjoined. If it shall appear from facts shown by affidavits or by the verified application that great or irreparable injury would result to the applicant before the matter can be heard on notice, the court to which the application for preliminary injunction was made, may issue a temporary restraining order to be effective only for a period of twenty (20) days from service on the party or person sought to be enjoined, except as herein provided. Within the said twenty-day period, the court must order said party or person to show cause, at a specified time and place, why the injunction should not be granted, determine within the same period whether or not the preliminary injunction shall be granted, and accordingly issue the corresponding order. (See Resolution dated February 17, 1998 in Bar Matter No. 803 entitled "RE: CORRECTION OF CLERICAL ERRORS IN THE 1997 RULES OF CIVIL PROCEDURE WHICH WERE APPROVED ON APRIL 8, 1997, EFFECTIVE JULY 1, 1997.)

However, and subject to the provisions of the preceding sections, if the matter is of extreme urgency and the applicant will suffer grave injustice and irreparable injury, the executive judge of a multiple-sala court or the presiding judge of a single sala court may issue ex parte a temporary restraining order effective for only seventy-two (72) hours from issuance but he shall immediately comply with the provisions of the next preceding section as to service of summons and the documents to be served therewith. Thereafter, within the aforesaid seventy-two (72) hours, the judge before whom the case is pending shall conduct a summary hearing to determine whether the temporary restraining order shall be extended until the application for preliminary injunction can be heard. In no case shall the total period of effectivity of the temporary restraining order

exceed twenty (20) days, including the original seventy-two hours provided herein.

In the event that the application for preliminary injunction is denied or not resolved within the said period, the temporary restraining order is deemed, automatically vacated. The effectivity of a temporary restraining order is not extendible without need of any judicial declaration to that effect and no court shall have authority to extend or renew the same on the same ground for which it was issued.

However, if issued by the Court of Appeals or a member thereof, the temporary restraining order shall be effective for sixty (60) days from service on the party or person sought to be enjoined. A restraining, order issued by the Supreme Court or a member thereof shall be effective until further orders. (Emphases supplied)

In issuing an indefinite cease and desist order, respondent clearly failed to observe the rules and restrictions regarding the issuance of a TRO, which are basic tenets of procedure, and hence, renders him administratively liable for gross ignorance of the law. Case law states that "when a law or a rule is basic, judges owe it to their office to simply apply the law." [36] It is of no moment that he was motivated by good faith or acted without malice, as these affect his competency and conduct as a judge in the discharge of his official functions. According to jurisprudence, gross ignorance of the law or incompetence cannot be excused by a claim of good faith. [37]

Similarly, the Court finds respondent guilty of undue delay in rendering an order for his failure to expeditiously resolve the pending incidents in Civil Case No. 10-27-MY despite complainant's repeated motions for early resolution. In fact, it was only when the case was transferred to another judge that it was finally acted upon. [38] Likewise, his explanation for archiving the case on the ground that the parties were in the process of entering into an amicable settlement does not justify the prolonged inaction thereon, in light of the provisions of Administrative Circular No. 7-A-92 or the "Guidelines in the Archiving of Cases," which provides that a case may be archived only for a period not exceeding ninety (90) days, after which, it shall be immediately included in the trial calendar after the lapse thereof. Respondent's failure to perform his judicial duty with reasonable promptness in this respect clearly contravenes the provisions of Sections 3 and 5, Canon 6 of the New Code of Judicial Conduct for the Philippine Judiciary, to wit:

Section 3. Judges shall take reasonable steps to maintain and enhance their knowledge, skills and personal qualities necessary for the proper performance of judicial duties, taking advantage for this purpose of the training and other facilities which should be made available, under judicial control, to judges.

Section 5. Judges shall perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness.

Under Rule 140 of the Revised Rules of Court, as amended, gross ignorance of the law or procedure is a serious charge [39] punishable by either: (a) dismissal from 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 and controlled corporation; or (b) suspension from office without salary and other benefits for more than three (3) months, but not exceeding six (6) months; or (c) a fine of more than P20,000.00 but not exceeding P40,000.00. [40] On the other hand, undue delay in rendering a decision or order is a less serious charge [41] punishable by either: (a) suspension from office without salary and other benefits for not less than one (1) month nor more than three (3) months; or (b) a fine of more than P10,000.00, but not exceeding P20,000.00. [42]

Considering that this is the first time that respondent has been found administratively liable for both offenses, and in light of relevant jurisprudence [43] where separate penalties had been imposed on a respondent judge who is found guilty of two (2) or more offenses, the Court metes upon respondent in this case the penalty of a fine in the amount of P30,000.00 for gross ignorance of the law, as well as a fine of P11,000.00 for undue delay in resolving

pending incidents in Civil Case No. 10-27-MY. Further, respondent is sternly warned that a repetition of the same or similar acts shall be dealt with more severely.

At this juncture, it may be ruminated: is not Section 50, Rule 10 of the Revised Rules on Administrative Cases in the Civil Service (RRACCS)[44] — which provides that "[i]f the respondent is found guilty of two (2) or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge and the rest shall be considered as aggravating circumstances" — applicable in meting out the penalties on herein respondent"?

The Court is aware that in previous cases,[45] it had indeed applied Section 50, Rule 10 of the RRACCS in imposing penalties on erring judges who were found guilty of multiple administrative charges or counts. In *Hipe v. Literato*[46] the Court found Judge Rolando T. Literato liable for two (2) offenses, particularly gross ignorance of the law and undue delay in rendering a decision. Applying Section 50, Rule 10 of the RRACCS, it imposed a penalty of fine in the amount of P30,000.00, which corresponds to the penalty for the most serious charge, while undue delay in deciding a case was considered only as an aggravating circumstance.[47] In *Spouses Crisologo v. Omelio*,[48] respondent judge was found guilty of four (4) counts of gross ignorance of the law, for which the Court imposed the penalty for the offense "in its maximum, due to the presence of aggravating circumstances." [49] In *Re: Anonymous Complaints Against Bandong*,[50] retired Judge Dinah Evangeline B. Bandong was found liable for gross misconduct, conduct prejudicial to the best interest of service, and violation of Supreme Court rules but the penalty imposed on her was a single fine of P40,000.00, based on her most serious charge of gross misconduct, while the rest were only considered as aggravating circumstances.

In contrast, in another set of cases (which were above-cited and applied herein),[51] the Court had imposed separate penalties on respondent judges who were found guilty of two (2) or more offenses. In *Re: Evaluation of Administrative Liability of Lubao*,[52] the Court found Judge Antonio C. Lubao guilty of various offenses[53] under Rule 140 of the Rules of Court and separately penalized the judge for each violation. In *Medina v. Canoy*,[54] Judge Victor A. Canoy was found guilty of gross ignorance of the law and undue delay in rendering a decision under Rule 140 of the Rules of Court, and accordingly, was meted separate fines for each offense.[55] Similarly, in *Reyes v. Paderanga*,[56] Judge Rustico D. Paderanga was found guilty of two (2) offenses under Rule 140 of the Rules of Court and was separately fined for each offense.[57]

Recognizing these diverging strands of jurisprudence, the Court finds it opportune to herein settle the conflict by resolving that henceforth, in administrative cases involving judges and justices of the lower courts, the respondent shall be charged and penalized under Rule 140 of the Rules of Court, and accordingly, separate penalties shall be imposed for every offense. The penalty provisions under the RRACCS shall not apply in such cases. To avoid any confusion, the underlying considerations therefor shall be explicated below.

Fundamentally, the setting of parameters pertaining to the discipline of all court personnel, including judges and justices, clearly fall within the sole prerogative of the Court. The Supreme Court's exclusive authority to set these parameters is based on no other than the 1987 Constitution, which provides:

ARTICLE VIII

Section 6. The Supreme Court shall have administrative supervision over all courts and the personnel thereof.
(Emphases supplied)

In this relation, Section 11, Article VIII of the Constitution particularly states that "[t]he Supreme Court en banc shall have the power to discipline judges of lower courts, or order their dismissal x x x." [58]

Anchored on these constitutional mandates, the Court issued two (2) separate body of rules to govern judicial discipline cases, to wit: (a) Rule 140 of the Rules of Court to apply to judges and justices of lower courts; and (b)

the Code of Conduct for Court Personnel (CCCP),[59] which incorporates the RRACCS, to apply to all judiciary personnel "who are not justices or judges." [60] Each shall be discussed in turn.

In its present form, Rule 140[61] of the Rules of Court is entitled "Discipline of Judges of Regular and Special Courts and Justices of the Court of Appeals and the Sandiganbayan." As its titular heading denotes, Rule 140 was crafted to specifically govern the discipline of judges and justices of the lower courts, providing therein not only a distinct classification of charges but also the applicable sanctions.[62] A perusal of the offenses listed therein shows that they are broad enough to cover all kinds of administrative charges related to judicial functions, as they even include violations of the codes of conduct for judges, as well as of Supreme Court directives.[63] It is likewise apparent that the list of offenses therein includes even violations of the civil service rules, such as acts of dishonesty,[64] gambling in public,[65] and engaging in partisan political activities.[66] The Court therefore holds that violations of civil service laws and rules are subsumed under the charges enumerated in Rule 140 of the Rules of Court. On this score, it is highly-instructive to echo the observations of retired Associate Justice Presbitero J. Velasco, Jr. in his Separate Opinion in the case of *OCA v. Chavez*,[67] explaining the "non-application of administrative offenses under the ordinary civil service rules with respect to judges by reason of them being covered by another set of rules or law that specially deals with the grounds for their discipline," viz.:

1.

The RRACCS is intended to govern administrative proceedings in the entire civil service, in general. Rule 140 of the Rules of the Court, on the other hand, is specifically meant to govern the disciplinary proceedings against members of the judiciary. Since the RRACCS could not possibly have repealed Rule 140, the latter rule ought to be considered as an exception to the former rule. In other words, the RRACCS must yield to Rule 140 with respect to matters specifically treated in the latter.

Among those specifically treated under Rule 140 of the Rules of Court are the different administrative offenses that a member of the judiciary may be charged with and held liable under. Viewed thusly, the administrative offenses under RRACCS can have no application to members of the judiciary.

2.

The above conclusion is supported by the 1982 case of *Macariola v. Asuncion* [199 Phil. 295 (1982)].

In *Macariola*, a judge, who associated himself with a private corporation as an officer and a stockholder during his incumbency, was administratively charged of, among others, violating a provision of the Civil Service Rules which was promulgated by the CSC pursuant to Republic Act (RA) No. 2260 or the Civil Service Act of 1959. The issue then was whether the judge may be held administratively liable under such a charge.

Macariola answered the issue in the negative and dismissed the said charge. It ruled that administrative charges under the Civil Service Act of 1959 and the rules that were promulgated thereunder do not apply to judges, they being members of the judiciary and thus covered by the Judiciary Act of 1948 as to matters pertaining to grounds for their discipline.

3.

While the rules and laws referred to in *Macariola* had since been superseded by more recent issuances and enactments, the doctrine established therein, i.e., the non-application of administrative offenses under the ordinary civil service rules with respect to judges by reason of them being covered by another set of rules or law that specially deals with the grounds for their discipline, remains valid. Like it was during the time of *Macariola*, the grounds for the discipline of members of the judiciary are still provided for under a special set of rules distinct from the ordinary civil service rules promulgated by the CSC.

Rule 140 of the Rules of Court are the set of rules especially promulgated by the Court to govern disciplinary proceedings against members of the judiciary. Sections 8, 9[,] and 10 of the said rule, in turn, provide the specific administrative charges that can be applied against a member of the judiciary. These provisions are completely separate from the administrative offenses under Section 46 of the RRACCS.

4.

There is also practical value in maintaining the Macariola doctrine. A contrary rule, i.e., allowing the administrative offenses under the RRACCS to be concurrently applied with those under Rule 140, will only lead to confusion and even compromise the court's ability, in administrative proceedings against members of the judiciary, to impose uniform sanctions in cases that bear similar sets of facts. A couple of examples quickly comes to mind:

a.

A judge who fails to render a decision within the reglementary period under the Constitution is liable for the less serious charge of Undue Delay in Rendering Decision under Rule 140 of the Rules of Court. However, if the offenses under the RRACCS are rendered applicable, then another judge who commits the same fault may instead find himself charged with the grave offense of Gross Neglect of Duty under the said rule.

b.

A judge who is an alcoholic and a habitual drunk is liable for a serious charge under Rule 140 of the Rules of Court. However, should the RRACCS be made applicable, a second judge who is every bit as alcoholic and drunk as the first may instead be held accountable only for a less grave offense under the said rule.

The above examples, needless to state, are merely the proverbial tip of the iceberg of confusion that may follow should we allow the administrative offenses under the RRACCS to be applied against members of the judiciary.[68] (Emphases supplied)

Hence, in resolving administrative cases against judges or justices of the lower courts, reference need only be made to Rule 140 of the Rules of Court as regards the charges, as well as the impossible penalties. If the respondent judge or justice is found liable for two (2) or more charges, separate penalties shall be imposed on him/her such that Section 50 of the RRACCS shall have no application in imposing sanctions.

On the other hand, as regards other court personnel who are not judges or justices, the CCCP governs the Court's exercise of disciplinary authority over them. It must be pointed out that the CCCP explicitly incorporates civil service rules, viz.:

INCORPORATION OF OTHER RULES

Section 1. All provisions of law, Civil Service rules, and issuances of the Supreme Court governing or regulating the conduct of public officers and employees applicable to the Judiciary are deemed incorporated into this Code. (Emphases supplied)

Hence, offenses under civil service laws and rules committed by court personnel constitute violations of the CCCP, for which the offender will be held administratively liable. However, considering that the CCCP does not specify the sanctions for those violations, the Court has, in the exercise of its discretion, adopted the penalty provisions under existing civil service rules, such as the RRACCS, including Section 50 thereof.

Accordingly, in cases where a respondent court personnel had committed multiple infractions, the Court has applied Section 50 of the RRACCS. To illustrate, in the recent case of *Paduga v. Dimson*,[69] a sheriff was found

guilty of three (3) offenses amounting to conduct prejudicial to the best interest of the service, less serious dishonesty, and simple neglect of duty under the RRACCS. Since there were multiple violations, the Court applied Sections 50 of the RRACCS in imposing the penalty of suspension for one (1) year. Similarly, in Anonymous Complaint Against Camay, Jr.,^[70] a utility worker of the Judiciary was found guilty of various serious offenses, and applying Section 50 of the RRACCS, the Court dismissed him from service.

Consistent with these cases, the Court resolves that in administrative cases wherein the respondent court personnel commits multiple administrative infractions, the Court, adopting Section 50 of the RRACCS, shall impose the penalty corresponding to the most serious charge, and consider the rest as aggravating circumstances.

Thus, to summarize the foregoing discussion, the following guidelines shall be observed:

(a)

Rule 140 of the Rules of Court shall exclusively govern administrative cases involving judges or justices of the lower courts. If the respondent judge or justice of the lower court is found guilty of multiple offenses under Rule 140 of the Rules of Court, the Court shall impose separate penalties for each violation; and

(b)

The administrative liability of court personnel (who are not judges or justices of the lower courts) shall be governed by the Code of Conduct for Court Personnel, which incorporates, among others, the civil service laws and rules. If the respondent court personnel is found guilty of multiple administrative offenses, the Court shall impose the penalty corresponding to the most serious charge, and the rest shall be considered as aggravating circumstances.

The multiplicity of penalties to be imposed on judges and justices is consistent with the higher level of decorum expected from them. Nevertheless, it must be pointed out that the guidelines herein set forth are based on the prevailing legal framework in judicial discipline cases, which the Court may, in its discretion, eventually revise through the proper administrative issuance. After all, the power of supervision over all judiciary personnel is exclusively vested in the Court.^[71]

WHEREFORE, respondent Candelario V. Gonzalez, Presiding Judge of the Regional Trial Court of Bais City, Negros Oriental, Branch 45 is hereby found GUILTY of Gross Ignorance of the Law and accordingly, meted the penalty of FINE in the amount of P30,000.00. Likewise, he is found GUILTY of Undue Delay in Rendering an Order and accordingly, meted the penalty of FINE in the amount of P11,000.00. He is STERNLY WARNED that a repetition of the same or similar offenses shall be dealt with more severely.

Furthermore, the Court hereby RESOLVES that the aforesated guidelines shall be observed. These guidelines shall APPLY to all pending and future administrative cases involving court employees, subject to revision by the Court through the pertinent issuance therefor.

SO ORDERED.

Leonardo-De Castro, C.J., Carpio, Peralta, Del Castillo, Leonen, Jardeleza, Caguioa, Tijam, and A. Reyes, Jr., JJ., concur.

Bersamin and Gesmundo, JJ., on official business.

J. Reyes, Jr., J., on official leave.

[1] Dated July 21, 2014. Rollo, pp. 1-6.

[2] Otherwise known as the "PROCEDURE IN EXTRAJUDICIAL OR JUDICIAL FORECLOSURE OF REAL ESTATE MORTGAGES," as amended (March 10, 2007). See also Office of the Court Administrator (OCA) Circular No. 25-07 dated March 5, 2007.

[3] Dated November 17, 2010. Id. at 7-9.

[4] Id. at 10-11.

[5] Id. at 11; italics supplied.

[6] Dated November 26, 2010. Id. at 12-16.

[7] See id. at 13-14.

[8] Dated December 10, 2010. Id. at 17-22.

[9] Id. at 26-27.

[10] See Order dated December 3, 2012; id. at 34. See also id. at 63.

[11] See Manifestation with Motion dated March 12, 2013; id. at 35-37.

[12] Id. at 35.

[13] See Manifestation with Motion dated July 1, 2013; id. at 40-41.

[14] Id. at 42.

[15] Id.

[16] See Compliance with a Motion to Dismiss dated October 9, 2014; id. at 44-48.

[17] See id. at 46.

[18] See id. at 47.

[19] See Manifestation dated July 13, 2015; id. at 58-61.

[20] See id. at 58.

[21] See id. at 60.

[22] See Counter Manifestation dated August 3, 2015; id. at 49-51.

[23] See id. at 49-50.

[24] Id. at 62-70. Issued by Court Administrator Jose Midas P. Marquez and Deputy Court Administrator Jenny Lind R. Aldecoa-Delorino.

[25] Entitled "ADOPTING THE NEW CODE OF JUDICIAL CONDUCT FOR THE PHILIPPINE JUDICIARY," A.M. No. 03-05-01-SC (June 1, 2004).

[26] Rollo, p. 70.

[27] Section 5. Preliminary injunction not granted without notice; exception. — No preliminary injunction shall be granted without hearing and prior notice to the party or person sought to be enjoined. If it shall appear from facts shown by affidavits or by the verified application that great or irreparable injury would result to the applicant before the matter can be heard on notice, the court to which the application for preliminary injunction was made,

may issue a temporary restraining order to be effective only for a period of twenty (20) days from service on the party or person sought to be enjoined, except as herein provided. Within the said twenty-day period, the court must order said party or person to show cause, at a specified time and place, why the injunction should not be granted, determine within the same period whether or not the preliminary injunction shall be granted, and accordingly issue the corresponding order. (See Resolution dated February 17, 1998 in Bar Matter No. 803 entitled "RE: CORRECTION OF CLERICAL ERRORS IN THE 1997 RULES OF CIVIL PROCEDURE WHICH WERE APPROVED ON APRIL 8, 1997, EFFECTIVE JULY 1, 1997.)

However, and subject to the provisions of the preceding sections, if the matter is of extreme urgency and the applicant will suffer grave injustice and irreparable injury, the executive judge of a multiple-sala court or the presiding judge of a single sala court may issue ex parte a temporary restraining order effective for only seventy-two (72) hours from issuance but he shall immediately comply with the provisions of the next preceding section as to service of summons and the documents to be served therewith. Thereafter, within the aforesaid seventy-two (72) hours, the judge before whom the case is pending shall conduct a summary hearing to determine whether the temporary restraining order shall be extended until the application for preliminary injunction can be heard. In no case shall the total period of effectivity of the temporary restraining order exceed twenty (20) days, including the original seventy-two hours provided herein.

In the event that the application for preliminary injunction is denied or not resolved within the said period, the temporary restraining order is deemed, automatically vacated. The effectivity of a temporary restraining order is not extendible without need of any judicial declaration to that effect and no court shall have authority to extend or renew the same on the same ground for which it was issued.

However, if issued by the Court of Appeals or a member thereof, the temporary restraining order shall be effective for sixty (60) days from service on the party or person sought to be enjoined.

[28] See rollo, pp. 65-66.

[29] Id. at 67.

[30] See id. at 67.

[31] See Administrative Circular No. 7-A-92, entitled "Re: GUIDELINES IN THE ARCHIVING OF CASES," issued on June 21, 1993.

[32] See rollo, pp. 67-68.

[33] Section. 9. Less Serious Charges. - Less serious charges include:

1. Undue delay in rendering a decision or order, or in transmitting the records of a case[.]

[34] See rollo, pp. 69-70.

[35] Re: Anonymous Letter dated August 12, 2010, Complaining Against Judge Pinto, 696 Phil. 21, 26 (2012), citations omitted.

[36] Id. at 28; citing *Conquilla v. Bernardo*, 657 Phil. 289, 299 (2011).

[37] Id., citing *De los Santos-Reyes v. Montesa, Jr.*, 317 Phil. 101, 112-113 (1995).

[38] See rollo, p. 67.

[39] See Item No. 9, Section 8, Rule 140 of the Rules of Court.

[40] See Item Nos. 1, 2, and 3, Section 11 (A), Rule 140 of the Rules of Court.

[41] See Item No. 1, Section 9, Rule 140 of the Rules of Court.

[42] See Item Nos. 1 and 2, Section 11 (B), Rule 140 of the Rules of Court.

[43] See *Re: Evaluation of Administrative Liability of Lubao*, A.M. No. 15-09-314-RTC, April 19, 2016, 790 SCRA 188; *Medina v. Canoy*, 682 Phil. 397 (2012); and *Reyes v. Paderanga*, 572 Phil. 27 (2008), the particulars of which shall be briefly discussed below.

[44] CSC Resolution No. 1101502, promulgated on November 8, 2011.

[45] See *Re: Anonymous Complaints Against Bandong*, A.M. No. RTJ-17-2507, October 9, 2017; *Spouses Crisologo v. Omelio*, 696 Phil. 30 (2012); and *Hipe v. Literato*, 686 Phil. 723 (2012).

[46] See *Hipe v. Literato*, *id.*

[47] See *id.* at 735.

[48] See *Spouses Crisologo v. Omelio*, *supra* note 45.

[49] *Id.* at 68.

[50] See *Re: Anonymous Complaints Against Bandong*, *supra* note 45.

[51] See *supra* note 43.

[52] See *Re: Evaluation of Administrative Liability of Lubao*, *supra* note 43.

[53] I.e., gross misconduct, undue delay in rendering decisions and submission of monthly reports, violation of Supreme Court rules, directives, and circulars. (*Id.* at 203-204.)

[54] See *Medina v. Canoy*, *supra* note 43.

[55] See *id.* at 410.

[56] See *Reyes v. Paderanga*, *supra* note 43.

[57] See *id.* at 44.

[58] Emphasis and underscoring supplied.

[59] A.M. No. 03-06-13-SC (June 1, 2004).

[60] CCCP, Section 1, Scope; emphasis supplied.

[61] See Rule 140 of the Rules of Court, as amended by A.M. No. 01-8-10-SC, entitled "RE: PROPOSED AMENDMENT TO RULE 140 OF THE RULES OF COURT RE DISCIPLINE OF JUSTICES AND JUDGES" (October 1, 2001). Section 11, Article VIII of the CONSTITUTION further stresses the Court's disciplinary power over them.

[62] See Sections 7-11, Rule 140 of the Rules of Court, as amended.

[63] Rule 140 of the Rules of Court incorporates violations of the Code of Judicial Conduct as serious charges (see Item No. 3, Section 8) and violations of Supreme Court rules, directives, and circulars as less serious charges (see Item No. 4, Section 9). The New Code of Judicial Conduct for the Philippine Judiciary states that it "supersedes the Canons of Judicial Ethics and the Code of Judicial Conduct" but "in case of deficiency or absence

of specific provisions in [the] New Code, the Canons of Judicial Ethics and the Code of Judicial Conduct shall" apply suppletorily.

[64] This is listed as a serious charge under Item No. 2, Section 8, Rule 140 of the Rules of Court and is likewise prohibited under Section 46 (b) (1), Chapter 7, Subtitle A, Title I, Book V of Executive Order No. 292, entitled "INSTITUTING THE 'ADMINISTRATIVE CODE OF 1987,'" also known as the "ADMINISTRATIVE CODE OF 1987" (August 3, 1988), as well as Section 50 (A) (1) and (B) (1), Rule 10 of the "2017 RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE (2017 RACCS)," CSC Resolution No. 1701077, approved on July 3, 2017.

[65] This is a light charge under Item No. 2, Section 10, Rule 140 of the Rules of Court, and is also a light offense under Section 50 (F) (5), Rule 10 of the 2017 RACCS. This is likewise prohibited under Section 46 (b) (16) Chapter 7, Subtitle A, Title I, Book V of the ADMINISTRATIVE CODE OF 1987.

[66] This is listed as a serious charge under Item No. 10, Section 8, Rule 140 of the Rules of Court, and is likewise prohibited under Section 46 (b) (26) of the ADMINISTRATIVE CODE OF 1987. This is also listed as a less grave offense under Section 50 (D) (10), Rule 10 of the 2017 RACCS.

[67] See A.M. No. RTJ-10-2219 and A.M. No. 12-7-130-RTC, August 1, 2017.

[68] See *id.*; citations omitted.

[69] See A.M. No. P-18-3833, April 16, 2018.

[70] See A.M. No. P-17-3659, March 20, 2018.

[71] See *Maceda v. Vasquez*, G.R. No. 102781, April 22, 1993, 221 SCRA 464, 466-467.

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