

AHMAD OMAR, COMPLAINANT, VS. PRESIDING JUDGE BETLEE-IAN J. BARRAQUIAS, REGIONAL TRIAL COURT, BRANCH 4, JOLO, SULU, RESPONDENT.*A.M. No. RTJ-17-2498. September 28, 2021*

Ponente: PERLAS-BERNABE, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/9975a8b736b6/>**PERLAS-BERNABE, J.:**

For resolution is the Petition/Application for Judicial Clemency[1] dated July 23, 2018 (petition) filed by Judge Betlee-Ian J. Barraquias (Judge Barraquias), then Presiding Judge of Regional Trial Court (RTC) of Jolo, Sulu, Branch 4, in connection with his desire to apply as a presiding judge in any of the RTCs in Manila.

In a Resolution dated June 19, 2017,[2] the Court found Judge Barraquias guilty of undue delay in rendering a decision or an order, and accordingly, imposed upon him the penalty of fine in the amount of P10,000.00, with a stern warning that a repetition of the same and similar act in the future shall merit a more severe sanction.[3] On August 31, 2017, Judge Barraquias paid the fine in the amount of P10,000.00[4] in compliance with the said Resolution.[5]

In his Petition,[6] Judge Barraquias claimed that he desires to apply as a presiding judge in any of the RTCs in Manila but was disqualified under Section 5 (2) (c), Rule 4 of the 2016[7] Revised Rules of the Judicial and Bar Council (JBC Rules)[8] on account of the aforementioned penalty imposed upon him. He further averred that it is difficult for him to return to Jolo, Sulu due to the threats on his life and those of his family by the Abu Sayaff. Likewise, he alleged that he had learned his lessons from the penalty imposed upon him in this case, as in fact, for a period of one (1) year, he already disposed of a total of 413 cases from the three (3) courts where he was assigned as an Acting/Assisting Judge.[9]

For reference, Section 5 (2) (c), Rule 4 of the JBC Rules, as amended,[10] provides:

RULE 4**INTEGRITY AND PROBITY**

x x x x

SEC. 5. Disqualification. – The following are disqualified from being nominated for appointment to any judicial post or to the positions of Ombudsman, Deputy Ombudsman, Special Prosecutor, or Chairperson or Regular Member of the LEB:

x x x x

2. Applicants with Administrative Cases

x x x x

c. Those who have been found guilty in an administrative case where the penalty imposed is suspension for a period of at least ten (10) days or a fine of at least [P]10,000.[00] unless they have been granted judicial

clemency or clemency extended by appropriate disciplining authorities and expressly allowed to be considered for positions in the Judiciary, the Office of the Ombudsman, and the Legal Education Board[.] (Emphases supplied)

As he was previously penalized with a fine in the amount of P10,000.00, Judge Barraquias claims that, pursuant to the JBC Rules, he is disqualified from being nominated for appointment to any judicial post, unless he would be accorded judicial clemency for this purpose.

In Re: Letter of Judge Augustus C. Diaz, Metropolitan Trial Court of Quezon City, Branch 37, Appealing for Judicial Clemency (Diaz),[11] the Court laid down the following guidelines in resolving requests for judicial clemency:

1.

There must be proof of remorse and reformation. These shall include but should not be limited to certifications or testimonials of the officer(s) or chapter(s) of the Integrated Bar of the Philippines, judges or judges associations and prominent members of the community with proven integrity and probity. A subsequent finding of guilt in an administrative case for the same or similar misconduct will give rise to a strong presumption of non-reformation[;]

2.

Sufficient time must have lapsed from the imposition of the penalty to ensure a period of reform[;]

3.

The age of the person asking for clemency must show that he still has productive years ahead of him that can be put to good use by giving him a chance to redeem himself[;]

4.

There must be a showing of promise (such as intellectual aptitude, learning or legal acumen or contribution to legal scholarship and the development of the legal system or administrative and other relevant skills), as well as potential for public service[;] and

5.

There must be other relevant factors and circumstances that may justify clemency.[12] (citations omitted)

Notably, on January 19, 2021, the Court promulgated its Resolution in Re: Allegations Made Under Oath at the Senate Blue Ribbon Committee Hearing Held on September 26, 2013 Against Associate Justice Gregory S. Ong, Sandiganbayan (Ong),[13] wherein the above clemency guidelines were refined. In Ong, the Court required that "[w]hen there is a private offended party, there should be an attempt at reconciliation where the offender offers an apology and, in turn, the wronged gives a full and written forgiveness [, and that] [w]here there is no private offended party, the plea for clemency must contain the public apology." [14] It was also ruled in Ong that clemency should only take into consideration facts which have happened after the penalty has become final and served for at least five (5) years.[15] Nonetheless, the Court clarified that the Ong guidelines are prospective in

application.[16]

In this case, the petition for judicial clemency was filed on July 23, 2018, prior to the promulgation of Ong on January 19, 2021. Thus, the Court shall examine the instant case under the old guidelines enunciated in Diaz.

Applying the Diaz guidelines, the Court finds merit in Judge Barraquias' petition.

As evinced by the records, Judge Barraquias has sufficiently shown remorse and reformation. He accepted his shortcomings as well as the penalty imposed upon him.[17] He also expressed sincere repentance for his past actions as the presiding judge of the RTC of Jolo, Sulu, Branch 4, and committed himself to the expeditious disposition of cases.

Moreover, the Court received numerous letters[18] of support from the following persons attesting to Judge Barraquias' character reformation and recognizing his qualifications and abilities as a judge, as well as his exemplary qualities as an individual: (a) Philippine Judges Association President Felix P. Reyes;[19] (b) Integrated Bar of the Philippines (IBP) Pasay, Parañaque, Las Piñas, Muntinlupa Chapter President Atty. Florante B. Legaspi, Jr.;[20] (c) IBP Zamboanga-Basilan-Sulu-Tawi-Tawi Chapter President Atty. John Paul S. Pagteilan;[21] (d) IBP Cavite Chapter Secretary Atty. Ian DC Encarnacion;[22] (e) National Director of the Pope's Worldwide Prayer Network Rev. Fr. Victor Concepcion de Jesus, S.J.;[23] (f) 2nd District Representative, Zamboanga City Manuel "Mannix" M. Dalipe;[24] (g) Cavite City Mayor Bernardo "Totie" Paredes;[25] (h) Rosario, Cavite Municipal Mayor Jose Voltaire V. Ricafrente;[26] (i) Parañaque City Mayor Edwin L. Olivarez;[27] (j) RTC of Cavite City, Branch 17 Presiding Judge Rowena R. Arevalo;[28] (k) RTC of Bacoar, Cavite, Branch 110 Presiding Judge Arnel G. Espiritu;[29] (l) RTC of Parañaque City Executive Judge Noemi J. Balitaan;[30] and (m) RTC of Parañaque City, Branch 274 Presiding Judge Regina Paz A. Ramos-Chavez.[31]

At this juncture, it should be noted that the infraction committed by Judge Barraquias, for which he was meted the penalty of fine, occurred more than seven (7) years ago. Since his previous administrative case, he has disposed of a total of 1,151 cases[32] when he was assigned as the Acting Presiding Judge of the RTC of Cavite City, Branch 17, the RTC of Parañaque City, Branch 274, and the RTC of Makati City, Branch 56. There is also no evidence on record to show that he had committed any similar infraction of undue delay in rendering a decision or order, for which he was initially penalized by the Court.

Further, the Court notes that Judge Barraquias is only 49 years old;[33] thus, it appears that he still has productive years ahead of him that can be put to good use by giving him a chance to redeem himself.

And finally, records disclose that Judge Barraquias had already paid the fine in the amount of P10,000.00,[34] in compliance with the Court's Resolution dated June 19, 2017. Moreover, he filed the present petition for judicial clemency not only for the purpose of redeeming himself, but particularly to allow him to be considered for positions in the judiciary. In this regard, he expressed his desire for a "lateral transfer to any other Regional Trial Courts outside Jolo, Sulu[.]"[35]

Thus, in view of the foregoing circumstances that square with the Diaz parameters, the Court grants Judge Barraquias judicial clemency as prayed for in his petition.

As a final word, it bears to stress that judicial clemency is not a privilege or a right that can be availed of at any time.[36] Clemency, as an act of mercy removing any disqualification, should be balanced with the preservation of public confidence in the courts. The Court will grant it only if there is a showing that it is merited,[37] as in this case.

WHEREFORE, the petition for judicial clemency is GRANTED.

SO ORDERED.

Gesmundo, C.J., Leonen, Caguioa, Hernando, Carandang, Lazaro-Javier, Inting, Zalameda, M. Lopez, Gaerlan, Rosario, J. Lopez, and Dimaampao, JJ., concur.

[1] Rollo, pp. 174-175.

[2] Id. at 156-158. Signed by then Division Clerk of Court Edgar O. Aricheta.

[3] See id. at 158.

[4] As evidenced by the Certification issued by the Cash Division, Financial Management Office and Official Receipt No. 5971359 C, both dated August 31, 2017; id. at 167. See also Resolution dated March 6, 2019; id. at 194-195.

[5] Id. at 156-158.

[6] Id. at 174-175.

[7] This is the JBC Rules cited since the petition was filed on July 23, 2018.

[8] JBC No. 2016-01, entitled "THE REVISED RULES OF THE JUDICIAL AND BAR COUNCIL," effective on October 24, 2016.

[9] See rollo, pp. 174-175.

[10] JBC No. 2020-01, entitled "THE 2020 REVISED RULES OF THE JUDICIAL AND BAR COUNCIL," effective on June 8, 2020.

[11] 560 Phil. 1 (2007).

[12] Id. at 5-6.

[13] A.M. No. SB-14-21-J, January 19, 2021.

[14] See id.

[15] See id.

[16] See id.

[17] See rollo, pp. 198-199.

[18] Id. at 260-276.

[19] Id. at 260-261.

[20] Id. at 262-263.

[21] Id. at 264.

[22] Id. at 265.

[23] Id. at 266-267.

[24] Id. at 268-269.

[25] Id. at 270.

[26] Id. at 271.

[27] Id. at 272.

[28] Id. at 273.

[29] Id. at 274.

[30] Id. at 275.

[31] Id. at 276.

[32] See Certification dated July 2, 2018 issued by RTC of Cavite City, Branch 17, Clerk of Court Sherry Anne C. Gabriel. See also Certification dated March 9, 2021 issued by the RTC of Parañaque City, Branch 274, Clerk of Court Atty. Roberto S. Makalintal, Jr. and Certification dated March 5, 2021 issued by the RTC of Makati City, Branch 56, Officer-in-Charge/Clerk of Court Mary Joy G. Elejorde. (Id. at 284-286).

[33] See id. at 291.

[34] As evidenced by the Certification issued by the Cash Division, Financial Management Office and Official Receipt No. 5971359 C, both dated August 31, 2017; id. at 167. See also Resolution dated March 6, 2019; id. at 194-195.

[35] See Motion for Reconsideration dated October 16, 2020; id. at 212.

[36] *Concerned Lawyers of Bulacan v. Villalon-Pornillos*, 805 Phil. 688, 691 (2017).

[37] See id. at 693.

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