LOSS OF COURT EXHIBITS AT MTC-DASMARIÑAS, CAVITE.

A.M. NO. MTJ-03-1491 (FORMERLY A.M. NO. 02-9-228-MTC). June 08, 2005

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

The present administrative case stems from a letter, dated February 26, 2002, of Mylene Reintegrado (Mylene) requesting for an investigation on the refusal of Judge Lorinda T. Mupas, of the Municipal Trial Court (MTC) of Dasmariñas, Cavite, to sign the clearance of Giovanni Reintegrado (Giovanni), a Junior Process Server in said court who committed suicide on December 4, 2001.[1]

When required by the Office of the Court Administrator (OCA) to comment on the letter,[2] Judge Mupas, in her letter dated March 11, 2002, explains that Giovanni has property accountability relating to exhibits in pending cases with the court, namely:

> (a) one Cal. 45 pistol colt custom with one pc. magazine and six live ammos used as exhibits in Criminal Case No. 00-0707 entitled "PP vs. Jaime Arandia";
>
> (b) one Cal. 45 pistol (Serial No. 1945040) with one magazine and five live ammos used as exhibits in Criminal Case No. 01-1903 entitled "PP vs. Leonardo Gloton"; and,
>
> (c) one Cal. 38 (defaced Serial No. 094009) with one magazine and six live ammos used as exhibits in Criminal Case No. 01-1618 entitled "PP vs. Silverio Palapo." [3]

In a letter dated April 19, 2002, the OCA directed Amelia G. Rivor (Rivor), Clerk of Court, MTC, Dasmariñas, Cavite, to explain why Giovanni should be held accountable for the loss of the firearms considering that she is the custodian thereof. [4]

In her compliance letter dated May 10, 2002, Rivor admits that she is the custodian of the lost firearms which have been properly recorded and kept in one of the court's locked cabinet of which she has the only key. She claims that she came to know of the loss of the firearms only when Judge Mupas informed her that the firearm used by Giovanni in committing suicide was one of the missing firearms. Considering that she could not think of a reason why said firearm came to be in his possession, she concluded that Giovanni took said firearms from the steel cabinet with the use of a picklock. She disclaims any participation or knowledge of the actions of Giovanni concerning the missing exhibits.[5]

In a Resolution dated September 25, 2002, the Court, upon recommendation of the Deputy Court Administrator, referred the administrative matter to Executive Judge Dolores L. Español of the Regional Trial Court, Branch 90, Dasmariñas, Cavite for investigation, report and recommendation.[6]

After conducting the necessary investigation, Judge Español submitted on March 6, 2003 her Report and Recommendation, portions of which read as follows:.

> . . The following irregularities were established as pervasively taking place in the MTC Dasmariñas only in relation to this Administrative Case. Other instances of similar nature that (sic) have already been reported to

the Supreme Court.

- In this particular instance, Judge Mupas is guilty of obstructing justice by not turning over the firearm in question to the NBI for ballistic examination. She is likewise remiss in her responsibility to conduct a more formal investigation of the reported amorous relationship of her personnel, to see to it that the inventory is conducted properly and, further, she lacks the moral ascendancy to press for an impartial investigation of the alleged "stealing" by Giovanni of the firearms, because she could have been responsible for the same.

- In addition to the above, she abates the utilization of official time and service of court personnel for her personal needs. As testified to by Bisente, he drives for Judge Mupas from Mondays to Wednesdays and performs his duties as Junior Process Server only on Thursdays and Fridays (TSN, Nov. 27, 2002, p. 9). Likewise, Giovanni was allegedly driving for her and acted as bodyguard driver of Judge Mupas and even cooked for her (TSN, Nov. 12, 2002, p. 7). Thus, to be able to perform his work, he was bringing home his paper work such that Mylene had to return 300 unmailed documents and two booklets of Registry Receipts after the incident, evidenced by the Receipt issued by Ms. Rivor (Records, p. 138).

- Non-submission of the cases after the preliminary investigation to the Provincial Prosecutor's Office; keeping so many firearms submitted to the court as evidence inside the cabinet, without formally turning them over to the proper authorities, even as the case may have already been terminated for preliminary investigation, a temptation that could have aggravated the proliferation of firearms in the Court. In addition, the following show gross ignorance of the law.

a) In Criminal Case No. 00-0707, entitled People of the Philippines vs. Jaime Arandia for "Homicide", Judge Mupas provisionally dismissed the case even as the MTC does not have jurisdiction over the case. She acted on the Motion as if the MTC has original jurisdiction of the case, as shown in her Order dated March 5, 2001, without submitting the outcome of her preliminary investigation to the Provincial Prosecutor's Office as required under Rule 112 of the Revised Rules of Criminal Procedure.

To top it all, the Motion to Declare the said case "Permanently Dismissed" and the release of the firearm, Colt .45 caliber pistol, Judge Mupas pretended to direct Ms. Rivor to release subject firearm even as she knows that the subject firearm was missing as she herself reported it to DCA Perez.

b) Criminal Case No. 01-1903, entitled People of the Philippines vs. Sgt. Leonardo Gloton, for "Violation of P.D. No. 1866," the MTC does not have jurisdiction over the same, yet Judge Mupas did not forward the cases to the Provincial Prosecutor's Office for review. In the same manner, Judge Mupas provisionally dismissed the same on February 20, 2002, and the case was never forwarded to the Provincial Prosecutor's Office for its action.

In both cases, the Criminal Complaints should not have been accepted for preliminary investigation by Judge Mupas, as the respondents were for inquest, and Judge Mupas is not authorized to conduct inquest proceedings, provided for in Section 7, Rule 112 of the Revised Rules of Criminal Procedure.

Further, the MTC Dasmariñas does not have jurisdiction of both cases as the firearms are categorized as high powered and they fall within the provisions of Section 1, paragraph 2 of R.A. No. 8294.[7]

In the Resolution dated April 23, 2003, the Court resolved to:

(1) Re-docket the administrative matter as a regular administrative case;

(2) Require Judge Mupas to show cause why she should not be dealt with administratively for Grave Misconduct, Gross Neglect of Duty, Grave Abuse of Authority and Gross Ignorance of Law more particularly described by the Investigating Judge in paragraphs 1, 2 and 3 reproduced in pages 3 to 4 of herein Resolution;

(3) Require Amelia Rivor, who had retired as of July 31, 2002 but has not yet been issued clearance, to show

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cause why her retirement benefits or a portion thereof should not be withheld on ground of Gross Neglect of Duty in the safekeeping of the following items:

(a) one (1) cal. 45 pistol colt custom
one (1) pc. Magazine
six (6) live ammos
(Note: used as exhibits in Crim. Case No. 00-0707 entitled "Pp vs. Jaime Arandia")

(b) one (1) cal. 45 pistol with SN 1945040
one (1) magazine
five (5) live ammos
(Note: used as exhibits in Crim. Case No. 01-1903 entitled "Pp vs. Leonardo Gloton")

(c) one (1) cal. 38 with defaced SN 094009
one (1) magazine
six (6) live ammos.
(Note: used as exhibits in Crim. Case No. 01-1618 entitled "PP vs. Silverio Palapo"); and,

pending termination of herein case; and,

(4) in view of the demise of process server Giovanni Reintegrado on December 4, 2001 before the filing of an administrative case against him - Require the Clerk of Court and the Presiding Judge of the MTC, Dasmariñas, Cavite to sign the clearance insofar only as the above-subject items are concerned without prejudice to the clearances of other government properties for which Giovanni Reintegrado was accountable that must be obtained by Mylene Reintegrado, widow of the deceased, before she may be allowed to receive the benefits due the deceased employee under applicable laws.[8]

In compliance, Judge Mupas submitted her Comment,[9] dated May 30, 2003, refuting that she obstructed justice by not turning over the firearm in question to the National Bureau of Investigation (NBI) for ballistic examination because she claims to have ordered Rivor to do so.

With regard to the lack of investigation on the alleged amorous relationship of her personnel, she claims that sometime in November 2001 she informed the mother of Giovanni of the same so that the latter, as his mother, could do something about it. She adds that she even confronted the personnel allegedly involved in the relationship but both vehemently denied having an illicit affair.

In connection with the inventory of exhibits, she claims that she requested Rivor to conduct an inventory of exhibits upon receipt of the information from Rosauro de Guzman, the godfather of Giovanni, on the lost firearm and as a result of the inventory, caliber .38 was discovered as one of the exhibits in Criminal Case No. 01-1618, entitled, "People of the Philippines vs. Silverio Palapo" for Violation of P.D. No. 1866.

As to the utilization of the official time and service of court personnel for her personal needs, she denies the same. She claims that Process Server Edgardo Bisente goes to office with her to save time and money considering that both of them reside in Cavite City. As for Giovanni, she states that she never asked him to drive, act as her bodyguard or cook for her and it was not her fault that he brought home his paperwork because she does the same.

On the performance of her job, she claims that she follows the provisions of Section 2, Rule 112 of the Rules of Court which provides that Judges of the MTCs are among the officers authorized by law to conduct preliminary investigation. Moreover, Section 6 of the same Rule states that, without waiting for the conclusion of the

investigation, the judge may issue a warrant of arrest if he finds after an examination in writing and under oath of the complainant and his witnesses in the form of searching questions and answers, that a probable cause exists and that there is a necessity of placing the respondent under immediate custody not to frustrate the ends of justice.

With respect to the court's exhibits, she asserts that the Clerk of Court, as custodian of the court exhibits, is the person who turns over the same to the proper authorities.

Lastly, she submits that Criminal Case Nos. 00-0707 and 01-1903 were provisionally dismissed for failure of the prosecution witnesses to appear and testify on the scheduled preliminary investigation. She explains that said cases have not been forwarded to the Office of the Provincial Prosecutor, Imus, Cavite considering that the prosecution witnesses could still file appropriate pleadings within the reglementary period from notice and the fact that the said cases are the subject matter of the present administrative matter.

On the other hand, Rivor, in her Compliance,[10] dated June 2, 2003, explains that she discovered the loss of the firearms on December 8, 2001, or four days after Giovanni died, when Judge Mupas went to her house and informed her that the firearm used by Giovanni in committing suicide was one of the missing firearms, and considering that she could not think of a reason why said firearm came to be in his possession, she concluded that he took said firearm from the steel cabinet with the use of a picklock. She maintains that she has never been remiss in her duties as Clerk of Court and that it is just unfortunate that she was dragged into the controversy without her knowledge, as a result of which she decided to avail of early retirement on July 31, 2002.

In a Resolution dated May 17, 2004, upon recommendation of the Court Administrator, the Court referred the administrative matter to a consultant in the OCA for reinvestigation, report and recommendation. Retired Justice Narciso T. Atienza was assigned by the OCA as consultant to reinvestigate the administrative matter.

In his Report and Recommendation, Investigating Justice Atienza noted that Judge Español did not confine her investigation on the loss of the court exhibits but she also made inquiries on matters not germane to the subject of her investigation, namely: (a) the preliminary investigation in Criminal Case Nos. 00-0707 for homicide and 01-1903 for Violation of P.D. No. 1866; (b) the alleged utilization of official time of court personnel for her personal use; and (c) the failure to put a stop to the alleged illicit relationship of her personnel.

As for the loss of the court exhibits, Investigating Justice Atienza found that there is no direct evidence that could link Judge Mupas to their loss as not a single witness testified on personal knowledge that Judge Mupas knew something about the taking out of the three firearms from the steel cabinet of the court. Nonetheless, he opines that Judge Mupas is not immaculately clean in regard to the loss firearms in view of the following:

> - Criminal Case No. 00-0707 for homicide, which involved a cal. 45 pistol, Colt Custom, was provisionally dismissed on March 5, 2001 for failure of the prosecution witnesses to appear and testify, but the evidence submitted were not transmitted to the Office of the Provincial Prosecutor of Cavite. Also, while it appears that subpoena was issued to the accused and the witnesses, not a single return of the subpoena is attached to the record. There is no showing that Judge Mupas asked Rivor whether the subpoena was received by the accused and the witnesses.
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> - Criminal Case No. 01-1903 for violation of P.D. No. 1866 which involved a cal. 45 pistol, Remington, with SN-1945040, was filed on October 22, 2001 but two days before, or on October 20, 2001, a motion to release firearm was already filed in court. The case was never set for preliminary investigation since Judge Mupas did not issue any subpoena to the witnesses and the accused. On January 11, 2002, Judge Mupas granted the motion to release, however, by then, the firearm was already considered as one of the missing exhibits. On February 20, 2002, on motion, the case was provisionally dismissed but the resolution of the case, the record and the evidence submitted in the court were not also transmitted to the Office of the Provincial Prosecutor.

> In both cases the Regional Trial Court of Dasmariñas, Cavite has exclusive jurisdiction to hear in view of their imposable penalties but Judge Mupas did not transmit within ten days from preliminary investigation, the resolutions, records and evidence of both cases to the Provincial Prosecutor of Cavite in violation of her ministerial duty mandated under Section 5, Rule 112 of the Revised Rules of Court. She did not issue orders to the Clerk of Court to transmit her resolutions, the records and the evidence submitted because she knew or, she must have known, that the two cal. 45 pistols were no longer inside the steel cabinet of the court to obviate early discovery of what happened to the firearms.
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> - In Criminal Case No. 01-1618 for violation of P.D. No. 1866 which involved the cal. 38 pistol with defaced SN-094009 used by Giovanni in committing suicide, Judge Mupas, as a judge, knew or she ought to know that the investigation of a death of Giovanni, whether it was a homicide or suicide, is a police matter. She should have directed de Guzman to surrender the firearm to the police instead of accepting it despite the alleged information given her by the latter that Giovanni confided to him that he took four firearms from the steel cabinet of the court.
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> Also, Judge Mupas did not turn over the firearm to the Clerk of Court on the date she received it from de Guzman but instead gave it to Bisente with instruction to surreptitiously place the firearm inside the steel cabinet with the other evidence.
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> Moreover, Judge Mupas did not immediately order the Clerk of Court to conduct the inventory of the court exhibits in the morning of December 4, 2001 after coming from the Bautista Hospital where she received the firearm. It was only on December 8, 2001 that the Clerk of Court was directed by Judge Mupas to conduct an inventory of exhibits in the former's house.
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> Lastly, Judge Mupas did not imme iately direct the Clerk of Court to turn over the firearm to the NBI for ballistics examination.

With respect to the alleged utilization of official time of the court personnel, Investigating Justice Atienza found that there is no showing that the extra services rendered to Judge Mupas by Giovanni, as driver, bodyguard and cook, and Bisente, as driver, were done during office hours or were imposed upon them as a condition for their appointment as Process Server. All the same, he opines that extra services of a court employee just to ingratiate himself with the Judge should not be countenanced.

With respect to the allegation that Judge Mupas failed to put a stop to the illicit relationship of her court personnel, Investigating Justice Atienza found that Judge Mupas did what she ought to do by confronting Giovanni and one Marivic Francisco but they denied the existence of an amorous relationship. Nonetheless, on December 2, 2001, Judge Mupas talked to Giovanni's mother in view of the mother's ascendancy over her son.

Investigating Justice Atienza recommends that Judge Mupas be suspended for two (2) months from office for Grave Misconduct with a warning that repetition of the same or similar offense shall be dealt with more severely; and Rivor be relieved of any responsibility in connection with the Loss of Court Exhibits at MTC, Dasmariñas, Cavite and her application for optional retirement be favorably considered.

The Court's Ruling
Loss of court exhibits

We have carefully evaluated the extensive record of this case and we come to the conclusion that the findings of Investigating Justice Atienza insofar only as cal. 38 is concerned are well-taken.

There are two cal .45 pistols that were missing from the cabinet of the MTC of Dasmariñas, Cavite, presided over by Judge Mupas. Mylene testified that she saw Giovanni carrying one in their house and when she asked him about it, Giovanni allegedly told her that it was lent to him by Judge Mupas and that he would return it the next

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day. Mylene advanced the information that her husband Giovanni acted as bodyguard of Judge Mupas. This is the only evidence submitted before Investigating Justice Atienza with respect to one cal .45 pistol. We cannot simply rely on Mylene's testimony as the same is based on second-hand information and thus such testimony is reduced into a bare indictment or mere speculation. Evidently, Mylene was merely indulging in a conjecture which did not call for any proof to the contrary.

It cannot be validly concluded therefrom that it was Judge Mupas who took or caused to take said pistol from the cabinet. No other circumstantial evidence exists to establish the participation of Judge Mupas in the loss of the exhibit. While it may be true that Giovanni uttered the words to Mylene, it is not established by other evidence that what Giovanni said about Judge Mupas lending the gun to him is true. Especially so, when de Guzman asserted that Giovanni told him that he had taken four guns.

As to the other cal. 45 pistol, no evidence is presented that would link Judge Mupas in the loss of said exhibit. Rivor testified that she found a caliber .45 pistol with masking tape inside the cabinet when she conducted a second inventory in January 2002. There is no evidence presented to show that this pistol is the same pistol which Mylene saw in the possession of Giovanni. Again, the participation of Judge Mupas in the taking of this exhibit from the cabinet is not clearly established.

It is only on the matter of cal .38 that we find competent evidence establishing the liability of Judge Mupas for grave misconduct. Admittedly, when the firearm used by Giovanni in committing suicide came into her possession, she did not surrender the same to the police. She also did not immediately conduct an investigation on how Giovanni got hold of the firearm to confirm that it was a court exhibit. In fact, she was not even surprised to know that Giovanni had a firearm in his possession. She merely directed Rivor to conduct an inventory of the exhibits several days later and subsequently simply directed that the lost exhibit be placed back into the cabinet for safekeeping. She did not even immediately assist the NBI in the latter's investigation on the suicide of Giovanni; on the contrary, it took her more than two months to respond to the NBI's request to turn over the firearm for ballistics examination.

We remind Judge Mupas that she is the visible personification of law and of justice. As such, she must be the first to abide by the law and weave an example for the others to follow. She should be studiously careful to avoid committing even the slightest infraction of the rules.[11] By her actuations, Judge Mupas miserably failed to comply with this mandate which is required of her as a magistrate of law. Thus, she is liable for grave misconduct.

Failure to forward the records of the
criminal cases to the Provincial
Prosecutor after preliminary
investigation

We find no merit in the explanation of Judge Mupas that she did not forward the cases to the provincial prosecutor because complainant could still file appropriate pleadings within the reglementary period and the fact that the said cases are the subject matter of the present administrative matter. Section 5, Rule 112 of the Rules on Criminal Procedure explicitly states that within ten days after the conclusion of the preliminary investigation, an investigating judge shall transmit to the provincial or city prosecutor for appropriate action her resolution of the case together with the records thereof, thus:

> SEC. 5. Resolution of investigating judge and its review.– Within ten (10) days after the preliminary investigation, the investigating judge shall transmit the resolution of the case to the provincial or city prosecutor, or to the Ombudsman or his deputy in cases of offenses cognizable by the Sandiganbayan in the

> exercise of its original jurisdiction, for appropriate action. The resolution shall state the findings of facts and the law supporting his action, together with the record of the case which shall include: (a) the warrant, if the arrest is by virtue of a warrant; (b) the affidavits, counter-affidavits and other supporting evidence of the parties; (c) the undertaking or bail of the accused and the order for his release; (d) the transcripts of the proceedings during the preliminary investigation; and (e) the order of cancellation of his bail bond, if the resolution is for the dismissal of the complaint.
>
> . . .

Judge Mupas cannot brush aside her duty to transmit to the Provincial Prosecutor within the said ten-day period her resolution as well as the entire records of the case upon the handy excuse that she did not do so because complainant could still file appropriate pleadings within the reglementary period or even the fact that the said cases are the subject matter of the present administrative matter, because the law does not allow her such discretion or leeway. The purpose of the particular provision is to enhance the speedy administration of justice.

When a Municipal Judge conducts preliminary investigation she performs a non-judicial function, as an exception to her usual duties. The assignment of such executive function to the Municipal Judge under Rule 112 of the Rules of Court is dictated by necessity and practical considerations. Consequently, the findings of an investigating judge are subject to review by the Provincial Prosecutor whose findings in turn may also be reviewed by the Secretary of Justice in appropriate cases. Hence, an investigating judge, after conducting a preliminary investigation, shall perform her ministerial duty which is to transmit within ten days after the conclusion thereof the resolution of the case together with the entire records to the Provincial Prosecutor, regardless of her belief or opinion that the crime committed, after conducting the preliminary investigation, falls within the original jurisdiction of her court.[12]

Considering that the criminal cases involve homicide and illegal possession of firearms and clearly outside the jurisdiction of MTC, Judge Mupas should not have acted on any motion involving the cases. Instead, she should have been prompted by the gravity of the offenses to forward the records of the cases within the required 10-day period to the Provincial Prosecutor for appropriate action. Her pretext that she did not do so because complainant could still file appropriate pleadings within the reglementary period, reinforced the fact that she did not know the fundamental rules on preliminary investigation, and evinced her weakness and her lack of knowledge of the basic precepts of the law. It only proves grave abuse of authority on her part which is tantamount to gross ignorance of the law. Ignorance of the law excuses no one from compliance therewith, especially a judge who should be aware of such changes because it is part of her duties and responsibilities to implement them. Ultimately, the failure of Judge Mupas to timely transmit the records of the criminal cases to the provincial prosecutor also contributed to the loss of the court exhibits.

Alleged utilization of court personnel
on official time for her personal needs

Except for the utilization of the process server as driver of Judge Mupas before and after office hours, there is no sufficient evidence to show that Judge Mupas utilized official time and service of court personnel for personal matters. There is no sufficient evidence to show that the late Giovanni was forced to bring home his paperwork because he was utilized by Judge Mupas as her driver and cook during official time. Judge Mupas admitted having used Giovanni as her driver but only before and after office hours; that he cooked for her on special occasions, but after office hours. Bisente admitted that he drives for Judge Mupas before and after office hours. However, Judge Mupas should be admonished to avoid the appearance of impropriety.

Failure to investigate the alleged

illicit relationship of her court
personnel

Judge Mupas cannot be faulted from her failure to stop the alleged illicit relationship as both Giovanni and one Marivic Francisco denied truth to the rumor when she confronted them. There is no evidence to prove that Judge Mupas had actual knowledge of the alleged relationship or that she abetted the commission of the same.

Penalty

The Investigating Justice recommends that Judge Mupas be sentenced to two months suspension for grave misconduct. However, considering that we find Judge Mupas committed not only grave misconduct, but also gross ignorance of the law, a more appropriate penalty must be imposed.

Under Section 8[13] of A.M. No. 01-8-10-SC amending Rule 140 of the Rules of Court on the Discipline of Justices and Judges, which took effect on October 1, 2001, grave misconduct and gross ignorance of the law are classified as serious charges punishable by either dismissal from service, suspension or a fine of more than P20,000.00 but not exceeding P40,000.00.

Considering that this is not the first infraction of Judge Mupas for gross ignorance of the law as she was fined P21,000.00 in A.M. Nos. MTJ-01-1348, MTJ-01-1352, 01-2-100-RTC and MTJ-01-1358 promulgated on November 11, 2004, and that she is also guilty of grave misconduct, we hold that the appropriate penalty is three months suspension without pay.

We remind Judge Mupas that no position in the government service exacts a greater demand on honesty and integrity of the individual than a seat in the judiciary. The observance of the Canon of Judicial Ethics does not end at the close of office hours nor is limited within the performance of her official duties. Being the subject of constant public scrutiny, a judge should freely and willingly accept restrictions on conduct that might be viewed as burdensome by the ordinary citizen. She should personify judicial integrity and exemplify honest public service. The personal behavior of a judge, both in the performance of official duties and in private life should be above suspicion.[14]

Moreover, as mandated by the Code of Judicial Conduct,[15] she owes it to the public and the legal profession to know the very law she is supposed to apply to a given controversy. Judges are called upon to exhibit more than just a cursory acquaintance with the statutes and procedural rules. They are not common men and women, whose errors, men and women forgive and time forgets.[16] There will be great faith in the administration of justice if the party litigants believe that the occupants of the bench cannot justly be accused of apparent deficiency in their grasp of legal principles.[17]

As to Rivor, we agree with Investigating Justice Atienza that she be absolved of any responsibility in connection with the Loss of Court Exhibits at MTC, Dasmariñas, Cavite. Her negligence as custodian of the court exhibits is not established by evidence.

WHEREFORE, Judge Lorinda T. Mupas is found guilty of gross misconduct and gross ignorance of the law, for which she is hereby SUSPENDED for three (3) months without pay. She is sternly warned that a commission of similar acts in the future shall be dealt with more severely.

Judge Mupas is admonished to be more perspective in the utilization of court personnel on official time for her personal needs, and avoid the appearance of impropriety.

Amelia Rivor is relieved of any responsibility in connection with the Loss of Court Exhibits at MTC, Dasmariñas, Cavite and, accordingly, her application for optional retirement is approved.

Let a copy of this Resolution be attached to the personal record of Judge Lorinda T. Mupas in the Office of the Bar Confidant and copies thereof be furnished the Office of the Court Administrator.

SO ORDERED.

Callejo, Sr., Tinga, and Chico-Nazario, JJ., concur.
Puno, (Chairman), J., on official leave.

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[1] Rollo, p. 4.

[2] Id., p. 24.

[3] Id., p. 14.

[4] Id., p. 23.

[5] Id., p. 26.

[6] Id., p. 44.

[7] Id., pp. 62-63.

[8] Id., pp. 68-69.

[9] Id., p. 73.

[10] Id., p. 85.

[11] OCA vs. Madronio, A.M. No. MTJ-04-1571, February 14, 2005; Lao vs. Abelita III, A.M. No. RTJ-96-1359, September 10, 1998, 295 SCRA 267, 292.

[12] Manalastas vs. Flores, A.M. No. MTJ-04-1523, February 6, 2004, 422 SCRA 298, 306-307; Domingo vs. Reyes, A.M. No. MTJ-98-1165, June 21, 1999, 308 SCRA 537, 542.

[13] SEC. 8. Serious charges.—Serious charges include:

- Bribery, direct or indirect;

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

- 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

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

[14] Cacatian vs. Liwanag, A.M. No. MTJ-02-1418, December 10, 2003, 417 SCRA 350, 357; Castillo vs. Calanog, Jr., A.M. No. RTJ-90-447, July 12, 1991, 199 SCRA 75, 83-84.

[15] Rule 3.01 of Canon 3, Code of Judicial Conduct provides: "A judge shall be faithful to the law and maintain professional competence."

[16] Estodillo vs. Baluma, A.M. No. RTJ-04-1837, March 23, 2004, 426 SCRA 83, 90; Spouses Cui vs. Madayag, A.M. No. RTJ-94-1150, June 5, 1995, 245 SCRA 1, 11.

[17] Capulong vs. Gozum, A.M. No. MTJ-00-1287, February 17, 2003, 397 SCRA 486, 492; Padua vs. Molina, A.M. No. MTJ-00-1248, December 1, 2000, 346 SCRA 592, 599.

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