

RE: CONVICTION OF JUDGE ADORACION G. ANGELES, REGIONAL TRIAL COURT, BRANCH 121, CALOOCAN CITY IN CRIMINAL CASE NOS. Q-97-69655 to 56 FOR CHILD ABUSE

A.M. No. 06-9-545-RTC. January 31, 2008

Ponente: NACHURA, J.

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NACHURA, J.:

Before this Court is yet another administrative case confronting respondent Adoracion G. Angeles (respondent), Presiding Judge of the Regional Trial Court (RTC), Branch 121, Caloocan City (sala) filed by the Office of the Court Administrator[1] (OCA) recommending that she be suspended pending the outcome of this administrative case.

The Facts

On July 17, 2006, the RTC, Branch 100, Quezon City rendered a Decision[2] in Criminal Case Nos. Q-97-69655-56 convicting respondent of violation of Republic Act (RA) No. 7610.[3] The criminal cases are now on appeal before the Court of Appeals (CA).[4]

On July 25, 2006, Senior State Prosecutor Emmanuel Y. Velasco (SSP Velasco) of the Department of Justice (DOJ) wrote a letter[5] to then Chief Justice Artemio V. Panganiban inquiring whether it is possible for this Court, in the public interest, *motu proprio* to order the immediate suspension of the respondent in view of the aforementioned RTC Decision. SSP Velasco opined:

- Judge Angeles now stands convicted on two counts of a crime, child abuse under Republic Act 7610, which involves moral turpitude. Until she clears her name of such conviction, her current moral qualification to do the work of a judge is under a dark cloud. Litigants seeking justice in our courts are entitled to a hearing by judges whose moral qualifications are not placed in serious doubt.

- Although her conviction is not yet final, the presumption of innocence that Judge Angeles enjoyed during the pendency of the trial has already been overcome by its result. The presumption today is that she is guilty and must clear her name of the charges.

x x x x

It simply would not be right to have a person presumably guilty of a crime involving moral turpitude to hear and adjudicate the cases of others.

- Under section 5 of Rule 114 of the Rules of Criminal Procedure, since the RTC of Quezon City convicted Judge Angeles of an offense not punishable by death, reclusion perpetua or life imprisonment, she no longer has a right to bail and, therefore, should ordinarily be held in prison pending adjudication of her appeal. That the RTC of Quezon City chose

to exercise its discretionary power to nonetheless grant her bail does not change the fact that, except for the

bail, Judge Angeles' rightful place by reason of conviction is within the confinement of prison.

It would seem incongruous for the Supreme Court to allow convicted felons out on bail to hear and adjudicate cases in its courts.

- Finally, as a sitting judge who wields power over all persons appearing before her and has immeasurable influence within the judicial system as one of its members, Judge Angeles could definitely cause pressure to bear, not only on the members of the Court of Appeals and, possibly, the Supreme Court, but also on the Office of the Solicitor General that prosecutes her case on appeal. Only temporary suspension from official function, pending resolution of her case, will neutralize her judicial clout and clear the air of any kind of suspicion that justice is not going well in her case.

On July 27, 2006, the matter was referred to the OCA for comment and recommendation.[6]

On the basis of SSP Velasco's letter and by virtue of this Court's Resolution[7] dated March 31, 1981, the OCA submitted to this Court a Report[8] dated August 25, 2006 with an attached Administrative Complaint,[9] the dispositive portion of which reads as follows:

WHEREFORE, it is respectfully prayed that this administrative complaint be given due course and, respondent be ordered to file her Comment within ten (10) days from receipt. Considering the evidence is prima facie strong, it is respectfully recommended that she be INDEFINITELY SUSPENDED pending the outcome of the instant case or until further orders from this Court. It is further recommended that after the Comment is filed, the administrative proceeding be suspended to await the final outcome of the criminal cases filed against her.

In a Resolution[10] dated September 18, 2006, this Court's Second Division approved all of these recommendations, thus, suspending respondent from performing her judicial functions while awaiting the final resolution of her criminal cases or until further orders from this Court.

On October 6, 2006, respondent filed an Urgent Motion for Reconsideration[11] of the aforementioned Resolution. Respondent claimed that the suspension order was wielded against her without affording her the opportunity to be heard since she was not furnished copies of SSP Velasco's letter and OCA's Administrative Complaint. Thus, respondent submitted that her suspension is essentially unjust. Moreover, respondent manifested that the two criminal cases against her are on appeal before the CA and have, therefore, not yet attained finality. As such, respondent still enjoys the constitutional presumption of innocence and her suspension clashes with this presumption and is tantamount to a prejudgment of her guilt.

On the other hand, on October 11, 2006, SSP Velasco filed an Urgent Appeal/Manifestation[12] to the Court En Banc on the alleged unethical conduct of respondent, seeking the immediate implementation of this Court's Resolution dated September 18, 2006. On October 16, 2007, SSP Velasco filed an Opposition to the said Motion for Reconsideration,[13] manifesting that respondent continuously defied this Court's Resolution dated September 18, 2006 as she did not desist from performing her judicial functions despite her receipt of said Resolution on October 6, 2006. SSP Velasco stressed that an order of suspension issued by this Court is immediately executory notwithstanding the filing of a motion for reconsideration. Moreover, SSP Velasco reiterated that due to her conviction on two counts of child abuse, respondent no longer enjoys the constitutional presumption of innocence and should remain suspended in order to erase any suspicion that she is using her influence to obtain a favorable decision and in order to maintain and reaffirm the people's faith in the integrity of the judiciary.

Correlatively, the Integrated Bar of the Philippines-Caloocan, Malabon, Navotas Chapter (IBP-CALMANA Chapter), through its Public Relations Officer (PRO) Atty. Emiliano A. Mackay, wrote a letter[14] dated October 18, 2006 addressed to the Second Division of this Court inquiring as to the effectivity of the Resolution suspending the respondent so as not to sow confusion among the legal practitioners and party litigants with

pending cases before the respondent's sala. Likewise, the IBP-CALMANA Chapter manifested that respondent did not cease to perform her judicial functions as evidenced by a Commitment Order[15] issued by respondent on October 16, 2006, and handwritten manifestations[16] of some party litigants attesting that on various dates they attended hearings before respondent's sala. In the same vein, in an undated letter [17] addressed to Associate Justice Angelina Sandoval-Gutierrez, the Concerned Trial Lawyers in the City of Caloocan raised the same concern before this Court.

In her Reply[18] to SSP Velasco's Opposition, respondent admitted that she continued discharging her bounden duties in utmost good faith after filing her motion for reconsideration. She averred that she did not have the slightest intention to defy or ignore this Court's Resolution which did not categorically state that the said suspension is immediately executory. Respondent reiterated her arguments against the suspension order on the grounds that she was deprived of due process; that her conviction is not yet final; and that the crimes for which she was convicted have nothing to do with the discharge of her official duties. Lastly, respondent claimed that the instant case is but another harassment suit filed against her by SSP Velasco because she earlier filed an administrative complaint against the latter for maliciously indicting respondent with respect to another case of child abuse.

On October 25, 2006, respondent filed a Manifestation of Voluntary Inhibition[19] stating that she is voluntarily inhibiting from handling all cases scheduled for hearing before her sala from October 25, 2006 to November 13, 2006.

On October 27, 2006, the OCA conducted a judicial audit in respondent's sala. Per Report[20] of the judicial audit team, it was established that from October 6, 2006 to October 23, 2006, respondent conducted hearings, issued orders, decided cases and resolved motions, acting as if the order of suspension which the respondent received on October 6, 2006 was only a "mirage." The Report was brought to the attention of Chief Justice Reynato S. Puno by Court Administrator Christopher O. Lock (CA Lock).[21]

On October 30, 2006, SSP Velasco filed an Administrative Complaint against respondent for violation of the Court's Circulars, the New Code of Judicial Conduct, and the Civil Service Rules and Regulations, and for Gross Misconduct, asseverating, among others, that the suspension order was immediately executory[22] and that integrity as mandated by the New Code of Judicial Conduct is essential not only to the proper discharge of the judicial office but also to the personal demeanor of judges.

In her Comment,[23] respondent, in addition to her previous contentions, argued that the Resolution dated September 18, 2006 ordering her suspension was issued only by a Division of this Court contrary to Section 11, Article VIII of the Constitution, which provides that "the Supreme Court en banc shall have the power to discipline judges of lower courts, or order their dismissal by a vote of a majority of the Members who actually took part in the deliberations on the issues in the case and voted thereon."

On November 9, 2006, SSP Velasco filed a Supplement to the Opposition to Respondent's Urgent Motion for Reconsideration [24] of the Resolution dated September 18, 2006. Thereafter, numerous pleadings[25] were filed by both parties practically repeating their previous allegations.

Subsequently, in a Resolution dated February 19, 2007, this Court lifted the suspension of respondent on the ground that:

Upon verification, it appears that the Office of the Clerk of Court, Second Division, indeed failed to attach a copy of the OCA complaint to the copy of our resolution dated September 18, 2006 sent to Judge Angeles. Due process requires that Judge Angeles be accorded the opportunity to answer the complaint.

Respondent was then given a fresh period of ten (10) days from the receipt of the OCA Administrative Complaint within which to file her comment.

On March 15, 2007, respondent filed her Comment[26] with the following material assertions: (1) that CA Lock as Court Administrator and who in behalf of the OCA stands as the complainant in this case, has no personal knowledge of the facts, issues and evidence presented in the criminal cases; (2) that the instant case, filed eleven (11) years after the criminal charges for child abuse were filed by Nancy Gaspar and Proclyn Pacay, smacks of malice and bad faith on the part of CA Lock; (3) that CA Lock is a friend and former subordinate of then National Bureau of Investigation (NBI) Director Epimaco Velasco (Director Velasco), father of herein party SSP Velasco, thus, CA Lock's ill motive against respondent is clear; (4) that CA Lock should not use the OCA to harass a member of the judiciary; (5) that the decision in the aforementioned criminal cases has not yet become final; (6) that the acts for which she was convicted are totally alien to her official functions and have nothing to do with her fitness and competence as a judge; (7) that there is no wisdom in the imposition of the suspension which in this case is preventive in character because respondent cannot do anything through her office that could possibly cause prejudice to the prosecution of the child abuse case; (8) that the lifting of the suspension order retroacts to the date of its issuance; (9) that the instant case should be struck down because the judgment of conviction was contrary to law and jurisprudence; and (10) that under the circumstances, all the charges were merely concocted by respondent's detractors in order to embarrass, humiliate and vex her.

In his Motion for Reconsideration[27] of this Court's Resolution dated February 19, 2007, SSP Velasco argued that respondent's deprivation of her right to due process was cured when she filed her motion for the reconsideration of the suspension order; thus, there is no need to lift such order. He reiterated his previous statement that "as a sitting judge who wields power over all persons appearing before her and thus has immeasurable influence within the judicial system as one of its members, Judge Angeles could definitely cause pressure to bear, not only on the members of the Court of Appeals and, possibly, the Supreme Court, but also on the Office of the Solicitor General (OSG) that prosecutes her case on appeal. Only her suspension from official function, pending resolution of her case, will neutralize her judicial clout and clear the air of any kind of suspicion that justice is not going well in her case." [28]

In response, respondent filed a Comment/Opposition to the said motion with a Motion to Declare SSP Velasco in contempt of Court[29] due to this aforementioned statement. Respondent argued that such statement betrays SSP Velasco's cheap and low perception of the integrity and independence of this Court, of the CA and of the OSG. It also shows his utter lack of respect for the judicial system. Moreover, respondent added that since she was not furnished a copy of the OCA Administrative Complaint, the issuance of the suspension order deprived her of her right to due process and prevented her from fully ventilating her arguments. Respondent, likewise, questioned SSP Velasco's legal personality in this case as it was the OCA which, *motu proprio*, initiated the filing of the said case.

In a Resolution dated July 4, 2007, this Court, among others, directed SSP Velasco to file his comment on respondent's motion to cite him for contempt. On August 21, 2007, SSP Velasco filed his Comment claiming that he has legal personality to file pleadings before this Court because it was he who initiated the filing of this case through his letter to then Chief Justice Artemio V. Panganiban on July 25, 2006. He admitted that the allegedly contemptuous statements were merely lifted from said letter. He argued that the former Chief Justice or the Court for that matter, did not find any contemptuous statement in the letter. Taking the letter in its entire context, SSP Velasco posited that he did not commit any act of disobedience to the orders of this Court; neither did he bring the Court's authority and the administration of law into disrepute nor did he impede the due administration of justice. Nowhere in the letter was it stated that this Court, the CA and the OSG could be pressured; the letter merely stated

that respondent could cause pressure. SSP Velasco pointed that the letter to the then Chief Justice, in itself, shows his respect for the judiciary and the promotion of the administration of justice.

In her Reply[30] to said Comment, respondent argued that it cannot be said that somebody could cause pressure if no one is believed to be susceptible to pressure. Thus, the use of this kind of language tends to degrade the administration of justice and constitutes indirect contempt. She stressed that SSP Velasco's act of misrepresenting himself as the complainant in this case while it is clear from the Resolution of this Court that the OCA *motu proprio* filed the same, is *per se* contemptuous.

Meanwhile in its Memorandum,[31] the OCA reiterated its earlier position that respondent should be suspended pending the outcome of this administrative case. The OCA opined that the Resolution lifting the suspension order was basically premised on the ground that respondent was not accorded her right to due process. By filing her Comment raising arguments against her suspension, respondent has fully availed herself of such right. However, the OCA submitted that respondent's arguments are devoid of merit on the following grounds: (1) the Court Administrator need not personally know about the criminal cases of respondent because the instant case is based on a public document, i.e., the decision of the RTC convicting the respondent of child abuse; (2) the fact that said decision has not attained finality is of no moment for what is being sought is merely preventive suspension. Thus, in the event that respondent is acquitted in the criminal cases of which she stands accused, she will receive the salaries and other benefits which she would not receive during her suspension; (3) even if the acts of child abuse have no connection with respondent's official functions as a judge, it is established that the private conduct of judges cannot be dissociated from their official functions; (4) respondent's preventive suspension shall serve an important purpose: it will protect the image of the judiciary and preserve the faith of the people in the same; and

(5) citing the case of *Leonida Vistan v. Judge Ruben T. Nicolas*,[32] the RTC decision convicting respondent of child abuse is *prima facie* evidence that respondent committed the said crime which indicates the moral depravity of the offender and, as such, warrants the punishment of dismissal from the service. Thus, the OCA recommended that respondent be suspended pending the outcome of this administrative case and that the CA be directed to resolve the criminal cases with dispatch.

The Issues

There are two ultimate issues in this case:

First, whether or not grounds exist to cite SSP Velasco for indirect contempt of Court; and

Second, whether or not grounds exist to preventively suspend the respondent pending the resolution of this administrative case.

The Court's Ruling

We resolve the first issue in the negative.

In *Pilar Barredo-Fuentes v. Judge Romeo C. Albarracin*,[33] we held:

Contempt of court is a defiance of the authority, justice or dignity of the court, such conduct as tends to bring the authority and administration of the law into disrespect or to interfere with or prejudice parties, litigant or their witnesses during litigation.

There are two kinds of contempt punishable by law: direct contempt and indirect contempt. Direct contempt is committed when a person is guilty of misbehavior in the presence of or so near a court as to obstruct or interrupt the proceedings before the same, including disrespect toward the court, offensive personalities toward

others, or refusal to be sworn or to answer as a witness, or to subscribe an affidavit or deposition when lawfully required to do so. Indirect contempt or constructive contempt is that which is committed out of the presence of the court. Any improper conduct tending, directly or indirectly, to impede, obstruct, or degrade the administration of justice would constitute indirect contempt.

In her Comment/Opposition with Motion to Declare SSP Velasco in contempt of Court, respondent espoused the view that SSP Velasco is guilty of indirect contempt for using language which tends to degrade the administration of justice. But if this were so, respondent should have availed herself of the remedy in accordance with Section 4, Rule 71 of the Rules of Court, viz:

SEC. 4. How proceedings commenced. — Proceedings for indirect contempt may be initiated motu proprio by the court against which the contempt was committed by an order or any other formal charge requiring the respondent to show cause why he should not be punished for contempt.

In all other cases, charges for indirect contempt shall be commenced by a verified petition with supporting particulars and certified true copies of documents or papers involved therein, and upon full compliance with the requirements for filing initiatory pleadings for civil actions in the court concerned . . . (Emphasis supplied)

A charge of indirect contempt must be filed in the form of a verified petition if it is not initiated directly by the court against which the contemptuous act was committed. On previous occasions, we clarified that such petition is in the nature of a special civil action. Certified true copies of related documents must be submitted with the petition and appropriate docket fees must be paid. The requirement of a verified petition is mandatory. As Justice Florenz D. Regalado has explained:

This new provision clarifies with a regulatory norm the proper procedure for commencing contempt proceedings. While such proceeding has been classified as a special civil action under the former Rules, the heterogeneous practice, tolerated by the courts, has been for any party to file a mere motion without paying any docket or lawful fees therefor and without complying with the requirements for initiatory pleadings, which is now required in the second paragraph of [Section 4].[34]

On the charge of indirect contempt of court, we therefore find that SSP Velasco's statement, while irresponsible, did not necessarily degrade the administration of justice as to be considered contumacious. The salutary rule is that the power to punish for contempt must be exercised on the preservative, not vindictive principle, and on the corrective and not retaliatory idea of punishment. A lawyer's remarks explaining his position in a case under consideration do not necessarily assume the level of contempt that justifies the court's exercise of the power of contempt.[35] We note that SSP Velasco's statement was made in support of his argument for the imposition of preventive suspension, i.e., to prevent the respondent from using her current position to alter the course of the investigation and the disposition of the appealed criminal cases.

Nevertheless, SSP Velasco must bear in mind that as a lawyer, he must be circumspect in his language. We remind him of our admonition to all lawyers to observe the following Canons of the Code of Professional Responsibility, which read:

Canon 8. Rule 8.01 — A lawyer shall not, in his professional dealings, use language which is abusive, offensive or otherwise improper.

Canon 11. A lawyer shall observe and maintain the respect due to the courts and to judicial officers and should insist on similar conduct by others.

A lawyer is an officer of the Court. It is a lawyer's sworn and moral duty to help build and not unnecessarily destroy the people's high esteem and regard for the courts so essential to the proper administration of justice.

A lawyer's language may be forceful but should always be dignified; emphatic but respectful, as befitting an advocate. Arguments, whether written or oral, should be gracious to both court and opposing counsel, and should use such language as may be properly addressed by one person to another.[36]

We likewise resolve the second issue in the negative. The Court cannot fully agree with the recommendation of the OCA.

Pertinent is our ruling in *Emmanuel Ymson Velasco v. Judge Adoracion G. Angeles*,[37] which involved the same parties and where we held:

An act unrelated to a judge's discharge of judicial functions may give rise to administrative liability even when such act constitutes a violation of penal law. When the issue is administrative liability, the quantum of proof required is only substantial evidence, or that amount of relevant evidence which a reasonable mind might accept as adequate to support a conclusion. Evidence to support a conviction in a criminal case is not necessary, and the dismissal of the criminal case against the respondent in an administrative case is not a ground for the dismissal of the administrative case. Conversely, conviction in the criminal case will not automatically warrant a finding of guilt in the administrative case. We emphasize the well-settled rule that criminal and civil cases are altogether different from administrative matters, and each must be disposed of according to the facts and the law applicable to it.

In *Nuñez v. Atty. Arturo B. Astorga*,[38] the Court held that the mere existence of pending criminal charges against the respondent-lawyer cannot be a ground for disbarment or suspension of the latter. To hold otherwise would open the door to harassment of attorneys through the mere filing of numerous criminal cases against them.

By parity of reasoning, the fact of respondent's conviction by the RTC does not necessarily warrant her suspension. We agree with respondent's argument that since her conviction of the crime of child abuse is currently on appeal before the CA, the same has not yet attained finality. As such, she still enjoys the constitutional presumption of innocence. It must be remembered that the existence of a presumption indicating the guilt of the accused does not in itself destroy the constitutional presumption of innocence unless the inculpatory presumption, together with all the evidence, or the lack of any evidence or explanation, proves the accused's guilt beyond a reasonable doubt. Until the accused's guilt is shown in this manner, the presumption of innocence continues.[39] In *Mangubat v. Sandiganbayan*,[40] the Court held that respondent Sandiganbayan did not act with grave abuse of discretion, correctible by certiorari, when it ruled that despite her convictions, "Preagido has still in her favor the constitutional presumption of innocence x x x (and until) a promulgation of final conviction is made, this constitutional mandate prevails." The Court therein further held that such ruling is not bereft of legal or logical foundation and cannot, in any sense, be characterized as a whimsical or capricious exercise of judgment. So also must we hold in this case.

Moreover, it is established that any administrative complaint leveled against a judge must always be examined with a discriminating eye, for its consequential effects are, by their nature, highly penal, such that the respondent judge stands to face the sanction of dismissal or disbarment.[41] As aforementioned, the filing of criminal cases against judges may be used as tools to harass them and may in the long run create adverse consequences. The OCA, as well as SSP Velasco, failed to prove that other than the fact that a judgment of conviction for child abuse was rendered against the respondent, which is still on appeal, there are other lawful grounds to support the imposition of preventive suspension. Based on the foregoing disquisition, the Court is of the resolve that, while it is true that preventive suspension *pendente lite* does not violate the right of the accused to be presumed innocent as the same is not a penalty,[42] the rules on preventive suspension of judges, not having been expressly included in the Rules of Court, are amorphous at best.[43] Likewise, we consider respondent's argument that there is no urgency in imposing preventive suspension as the criminal cases are now before the CA, and that she cannot, by

using her present position as an RTC Judge, do anything to influence the CA to render a decision in her favor. The issue of preventive suspension has also been rendered moot as the Court opted to resolve this administrative case.

However, even as we find that the OCA and SSP Velasco have not clearly and convincingly shown ample grounds to warrant the imposition of preventive suspension, we do note the use of offensive language in respondent's pleadings, not only against SSP Velasco but also against former CA Lock. To reiterate our previous ruling involving the respondent, her use of disrespectful language in her Comment is certainly below the standard expected of an officer of the court. The esteemed position of a magistrate of the law demands temperance, patience and courtesy both in conduct and in language.[44] Illustrative are the following statements: "CA Lock's hostile mindset and his superstar complex"; [45] "In a frenzied display of arrogance and power";[46] "(CA Lock's) complaint is merely a pathetic echo of the findings of the trial court"; [47] and "when (CA Lock) himself loses his objectivity and misuses the full powers of his Office to persecute the object of his fancy, then it is time for him to step down." [48] In the attempt to discredit CA Lock, respondent even dragged CA Lock's son into the controversy, to wit:

It is noteworthy to mention that CA Lock's hostile attitude was aggravated by his embarrassment when the undersigned mentioned to him that she knew how he used his influence to secure a position for his son at the RTC Library of Pasay City which was then managed by Judge Priscilla Mijares. CA Lock had made sure that his son be assigned to the library to enable the latter to conveniently adjust his schedule in reviewing for the bar examination.

Neither was SSP Velasco spared. Of him, the respondent said: "A reading of the motion for reconsideration readily discloses that it is mainly anchored on SSP Velasco's malicious speculations about the guilt of the undersigned. Speculations, especially those that emanate from the poisonous intentions of attention-seeking individuals, are no different from garbage that should be rejected outright";[49] and "His malicious insinuation is no less than a revelation of his warped mindset that a person's position could cause pressure to bear among government officials. This brings forth a nagging question.

Did SSP Velasco use his position at the DOJ to 'cause pressure to bear' and obtain a favorable disposition of the administrative cases lodged against him by the undersigned? Is he afraid of his own ghost?"[50]

It must be stressed again that, as a dispenser of justice, respondent should exercise judicial temperament at all times, avoiding vulgar and insulting language. She must maintain composure and equanimity. The judicial office circumscribes the personal conduct of a judge and imposes a number of restrictions. This is the price that judges have to pay for accepting and occupying their exalted positions in the administration of justice.[51]

One final word. The parties herein have admitted in their various pleadings that they have filed numerous cases against each other. We do not begrudge them the prerogative to initiate charges against those who, in their opinion, may have wronged them. But it is well to remind them that this privilege must be exercised with prudence, when there are clearly lawful grounds, and only in the pursuit of truth and justice. This prerogative does not give them the right to institute shotgun charges with reckless abandon, or allow their disagreement to deteriorate into a puerile quarrel, not unlike that of two irresponsible children.

Judge Angeles and SSP Velasco should bear in mind that they are high-ranking public officers whom the people look up to for zealous, conscientious and responsive public service. Name-calling hardly becomes them.

Cognizant of the adverse impact and unpleasant consequences this continuing conflict will inflict on the public service, we find both officials wanting in the conduct demanded of public servants.

WHEREFORE, the instant administrative complaint is hereby DISMISSED for lack of merit. Nevertheless,

respondent Adoracion G. Angeles, Presiding Judge of the Regional Trial Court of Caloocan City, Branch 121, is hereby REPRIMANDED for her use of intemperate language in her pleadings and is STERNLY WARNED that a repetition of the same or similar act shall merit a more severe sanction.

Senior State Prosecutor Emmanuel Y. Velasco of the Department of Justice is hereby WARNED that he should be more circumspect in the statements made in his pleadings and that a repetition of the same shall be dealt with more severely. The motion to cite him for contempt is DENIED for lack of merit.

The Court of Appeals is DIRECTED to resolve CA-G.R. CR No. 30260 involving respondent Judge Adoracion G. Angeles with dispatch.

SO ORDERED.

Ynares-Santiago, (Chairperson), Austria-Martinez, Corona, [*] and Reyes, JJ., concur.

[*] In lieu of Associate Justice Minita V. Chico-Nazario per Special Order No. 484 dated January 11, 2008.

[1] Then headed by retired Court Administrator Christopher O. Lock.

[2] Rollo, pp. 42-67.

[3] Otherwise known as "An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination." Approved on June 17, 1992.

[4] Particularly docketed as CA-G.R. CR No. 30260; respondent's Appellant's Brief before the CA; rollo, pp. 78-156.

[5] Id. at 10-12.

[6] Letter of Indorsement; id. at 9.

[7] Through said Resolution, the Court authorized the OCA, as a matter of public policy, to initiate motu proprio the filing of administrative proceedings against judges and/or employees of the inferior courts who have been convicted and/or charged before the Sandiganbayan or the courts.

[8] Rollo, pp. 1-5.

[9] Id. at 6-8.

[10] Id. at 69.

[11] Id. at 70-72.

[12] Id. at 217-220.

[13] Id. at 184-190.

[14] Id. at 191-193.

[15] Id. at 207 (For Criminal Case No. C-71272).

[16] Id. at 208-213.

[17] Id. at 198.

[18] Id. at 199-202.

[19] Id. at 203.

[20] Dated January 3, 2007, conducted by Attys. Eduardo C. Tolentino and Eric S. Fortaleza.

[21] Memorandum dated January 3, 2007.

[22] Citing *Dr. Edgardo Alday v. Judge Escolastico Cruz*, 376 SCRA 12 (2002).

[23] Dated November 22, 2006.

[24] Rollo, pp. 225- 233.

[25] Among these pleadings are: 1) Reply to the Supplement to the Opposition filed on November 13, 2006 by the respondent; (2) Reply to respondent's Comment dated November 22, 2006 filed by SSP Velasco on November 29, 2006; (3) Rejoinder filed by respondent on December 7, 2006; (4) Reply to Rejoinder filed by SSP Velasco on December 13, 2006; (5) Comment on the Reply to the Rejoinder filed by respondent on December 21, 2006; and (6) an Urgent Ex-parte Motion for Early Resolution filed by respondent on January 12, 2007.

[26] Dated March 14, 2007.

[27] Dated March 15, 2007.

[28] Citing Item No. 4 of SSP Velasco's letter to then Chief Justice Artemio V. Panganiban; *supra* note 5 and paragraph 12 of the instant motion (with minor modifications).

[29] Dated March 22, 2007.

[30] Dated August 24, 2007.

[31] Dated August 7, 2007.

[32] Resolution for A.M. No. MTJ-87-79 dated February 21, 1991. Therein respondent Judge Ruben T. Nicolas was preventively suspended from office with respect to the charge of immorality, pending admission of the final report of the NBI and the final resolution of the administrative case against him. The Court held therein that preventive suspension may be imposed pending an investigation if the charge involves grave misconduct, or if there are reasons to believe that the respondent is guilty of the charges which would warrant his removal from the service (Presidential Decree No. 807, sec. 41; 1987 Revised Administrative Code, Book V, Title I, Subtitle A, Chapter 6, Sec. 5). The Court added that immorality involves grave misconduct and the NBI finding is that there is *prima facie* proof that the charge is true.

[33] A.M. No. MTJ-05-1587, April 15, 2005, 456 SCRA 120, 130-131.

[34] *Sesbreño v. Igonia*, A.M. No. P-04-1791, January 27, 2006, 480 SCRA 243, 251-252, citing *Land Bank of the Phil. v. Listana, Sr.*, 455 Phil. 750 (2003), which further cited Justice Florenz D. Regalado as Vice-Chairperson of the Revision of the Rules of Court Committee that drafted the 1997 Rules of Civil Procedure.

[35] *Soriano v. Court of Appeals*, 416 Phil. 226, 253 (2001).

[36] *Nuñez v. Astorga*, A.C. No. 6131, February 28, 2005, 452 SCRA 353, 364.

[37] A.M. No. RTJ-05-1908, August 15, 2007 (Emphasis supplied).

[38] *Supra* note 36, at 361-362.

[39] *People of the Philippines v. Cesar Galvez*, G.R. No. 157221, March 30, 2007, citing *People v. Godoy*, 250 SCRA 676, 726-727 (1995) (Emphasis supplied).

[40] 227 Phil. 642, 646 (1986) (Emphasis supplied).

[41] Emmanuel Ymson Velasco v. Judge Adoracion G. Angeles, *supra* note 37, citing Mataga v. Judge Rosete, 440 SCRA 217 (2004).

[42] Gonzaga v. Sandiganbayan, G.R. No. 96131, September 6, 1991, 201 SCRA 417, 422-423.

[43] Office of the Court Administrator v. Judge Florentino V. Floro, Jr., A.M. No. RTJ-99-1460, A.M. No. 99-7-273-RTC and A.M. No. RTJ-06-1988, March 31, 2006, 486 SCRA 66, 144-145.

[44] Emmanuel Ymson Velasco v. Judge Adoracion G. Angeles, *supra* note 37, citing Cua Shuk Yin v. Perello, 474 SCRA 472 (2005).

[45] Comment, *supra* note 26, item no. 7.

[46] Referring to CA Lock when the same directed a team to conduct judicial audit in respondent's sala; *id.* item no. 8.

[47] *Id.* item no. 11.

[48] *Id.* item no. 37.

[49] Comment/Opposition, *supra* note 29, item no. 11(Emphasis supplied).

[50] *Id.* item no. 14.

[51] Re: Anonymous Complaint dated February 18, 2005 of a "Court Personnel" against Judge Francisco C. Gedorio, Jr., RTC, Branch 12, Ormoc City, A.M. No. RTJ-05-1955, May 25, 2007.

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