

PROSECUTOR ROMANA R. REYES, COMPLAINANT, VS. JUDGE JULIA A. REYES, METROPOLITAN TRIAL COURT, BRANCH 69, PASIG CITY, RESPONDENT.

A.M. No. MTJ-06-1623 [Formerly OCA IPI No. 04-1635-MTJ]. September 18, 2009

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PER CURIAM:

Professionalism, respect for the rights of others, good manners and right conduct are expected of all judicial officers and employees, because the image of the judiciary is necessarily mirrored in their actions.[1]

Five administrative cases against Judge Julia A. Reyes (Judge Reyes), Presiding Judge of the Metropolitan Trial Court (MeTC) of Pasig City, Branch 69 and one administrative case which Judge Reyes filed against her Branch Clerk of Court Timoteo Migriño were consolidated and referred to Justice Romulo S. Quimbo, consultant of the Office of the Court Administrator (OCA), for investigation, report and recommendation, by this Court's Resolutions of September 28, 2005[2] and December 12, 2007.[3]

Earlier, the Court preventively suspended Judge Reyes "effective immediately and until further orders," by Resolution of December 14, 2004 in A.M. No. 04-12-335-MeTC, "Re: Problem Besetting MeTC, Branch 69, Pasig City."

Records show that Judge Reyes' whereabouts have remained unknown. She was issued an Authority to Travel to the United States for the period from November 16 to 30, 2004. She appears to have left the country in December 2004 but there is no record showing that she sought the Court's permission therefor or filed any leave of absence for December 2004.[4]

From an August 17, 2005 Certification from the Bureau of Immigration, the only entry in its database relative to the travel of Judge Reyes was her departure to an unknown destination through Korean Air Flight No. KE622 on December 28, 2004.[5]

Due to her absence, the Court declared Judge Reyes as having waived her right to answer or comment on the allegations against her and to adduce evidence.

I. A.M. NO. MTJ-06-1623 (PROSECUTOR ROMANA R. REYES v. JUDGE JULIA A. REYES)

By letter-complaint of October 26, 2004,[6] Assistant City Prosecutor Romana Reyes (Prosecutor Reyes), the public prosecutor assigned to Branch 69, charged Judge Reyes with grave abuse of authority and/or grave misconduct, the details of which follow:

On October 1, 2004 at past 6:00 p.m., Prosecutor Reyes accidentally met Judge Reyes at the office of Police Inspector Jovita V. Icuin (Inspector Icuin), the Chief of the Criminal Investigation Branch of the Pasig City Police Station. Judge Reyes was there to inquire about her Branch Clerk of Court Timoteo Migriño (Migriño)[7] who was earlier arrested for alleged violation of Presidential Decree No. 1602 or the Anti-Gambling Law. When Judge Reyes was informed that Migriño was already released on orders of Judge Jose Morillos, Judge Reyes asked

Prosecutor Reyes to conduct an inquest against Migriño for malversation on the basis of a photocopy of an affidavit of a certain Ariel Nuestro, purportedly executed and sworn to before Judge Reyes on September 15, 2004.[8]

Prosecutor Reyes informed Judge Reyes that the case of malversation may not necessarily fall under Section 5, Rule 113 of the Rules of Court[9] on Arrest without Warrant and thus cannot be the subject of inquest. Prosecutor Reyes explained that inquest could not be conducted as it was already past 6:00 p.m. whereas inquest proceedings could be conducted only until 6:00 p.m. unless authorized by the City Prosecutor. She added that since the crime was allegedly committed in 2003, Migriño would have to undergo preliminary investigation.[10] Prosecutor Reyes continued:

When she heard that if inquest is conducted he will be released for preliminary investigation, she was fuming mad and directed me to conduct the preliminary investigation right then and there. It was really a surprise that a judge, a former prosecutor at the Rizal Provincial Prosecution Office, would direct me to conduct preliminary investigation at the station without giving the respondent (Mr. Migrino), at least the mandatory 10-day period within which to prepare for an intelligent answer/counter-affidavit.

She insisted that Mr. Migrino be detained on the weekend and the police detained him. He was the subject of inquest on October 4, 2004, Monday and was ordered release for preliminary investigation by the City Prosecutor.

x x x x

On October 5 and 6, 2004 I was not able to appear during the hearing of criminal cases in her sala but I made it a point to inform the Court by calling, through cellphone, one of her staff on the mornings of October 5 and 6. I was having severe headache and chest discomfort.

On October 11, 2004, I appeared at her sala to discharge my official function as public prosecutor assigned in her Court. Before the hearing started, she asked for my Medical Certificate and I explained that to be candid, I did not personally see a doctor but called [the doctor] to inform him of my condition and I was advised to rest and take my regular medication. Surprisingly, and to my embarrassment, without any case for contempt filed and without being included in the day's calendar, she brought up the incident of October 1, 2004. I explained to her that unless I had been authorized by the City Prosecutor or Chief-Inquest, I could not conduct inquest and inquest proceedings are being held in my position as a Prosecutor under the Department of Justice. She insisted that I was "there as the Prosecutor assigned to this Court and who is assigned at the same sala and you refused to conduct an inquest" forgetting her constitutional law that there is separation of powers among the three branches of government - legislative, executive and the judiciary.

She issued in open court an order requiring me to explain in writing within twenty-four (24) hours why I should not be cited for contempt for my refusal to conduct the inquest on October 1, 2004. I was all the more surprised when she gave the following sweeping statement in open court:

"Don't worry Prosec, I will not order your arrest today, because I know that the Pasig City Police Officer at the Pasig Police Station, because your house is located in front of the Pasig City Station, there is no one who will arrest you. I will still coordinate with the office of Gen. Aglipay to send me a police officer who will take custody of you pending contempt proceedings."

The above-quoted statement, lifted from the transcript of stenographic notes of October 11, 2004 which is hereto attached as Annex "A" to "A-5", only shows that she has already a pre-judgment of the contempt charge and no explanation, even if submitted, will convince her to stop from declaring me with contempt.

I was hospitalized at the Medical City on the night of October 11, 2004 until October 14, 2004 due to chest pain and the Court was informed of this fact. However[,] on October 13, 2004 when I was still confined, respondent

issued an Order in open court stating:

" x x x without any valid explanation except for the word that she is presently confined at the hospital, which is hearsay at the moment, in which case the same is just noted by the court. So for her failure to attend today's proceedings, despite notice, as well as for her failure to attend the proceedings yesterday as well as on October 5 and 6 without any valid explanation, and for her failure to give any explanation after the lapse of 24 hours from the time she was ordered to show cause why she should not be cited in contempt in open court last October 11, 2004, let warrant of arrest issue against the said Public Prosecutor. x x x Bail is set at P1,000.00 per case in which there is a total of 119 cases delayed as a result of her absence since October 5 and October 6 as well as yesterday, October 12 and today, October 13. That means a bail of P119,000.00 as well as for two (2) counts of apparent contempt which consist of misbehavior of an officer of the Court in the performance of her official duties as well as for improper conduct tending directly or indirectly to impede, obstruct, and degrade the administration of justice to which bail is set at P25,000.00 each, to set an example to the public especially, since she is actually the Public Prosecutor presently assigned to this Court who committed such apparent act of indirect contempt." [11] (Emphasis in the original; underscoring supplied)

In another letter dated October 29, 2004, [12] Prosecutor Reyes informed the OCA that during the October 27, 2004 hearing for the issuance of a temporary restraining order in connection with her petition for certiorari, prohibition and mandamus docketed as SCA-2732 before the Regional Trial Court of Pasig City, four police officers served a warrant of arrest [13] purportedly issued on October 11, 2004 by Judge Reyes pertaining to Criminal Case Nos. 02164-02173, all entitled "People v. Prosecutor Romana R. Reyes."

Verification from the Office of the Clerk of Court of the MeTC of Pasig City revealed, however, that there was no pending case against Prosecutor Reyes and that the particular case numbers pertained to cases against 10 individuals for offenses ranging from violation of Batas Pambansa Bilang 6 to Reckless Imprudence resulting in Damage to Property. [14]

Prosecutor Reyes' travails did not stop there, however. On October 27, 2004, at around 10:30 a.m., she received copies of two Orders of October 11 and 13, 2004 of Judge Reyes directing Prosecutor Reyes in the later Order, to

x x x show cause within 24 hours from receipt of this Order why she should not be cited in contempt for her failure to submit her explanation to date and for her failure to attend the proceedings of this Court without any explanation.

Considering the gravity of her responsibility as a Public Prosecutor, let warrant issue for her arrest. Bail is set at P2,000.00 per case, or a total of TWO HUNDRED THIRTY-EIGHT THOUSAND PESOS ONLY (P238,000.00). [15] (Emphasis and capitalization in the original; underscoring supplied)

On December 13, 2004, Prosecutor Reyes wrote another letter [16] to the OCA charging Judge Reyes with Violation of the Code of Judicial Conduct, Knowingly Rendering an Unjust Judgment or Order, and Gross Ignorance of the Law or Procedure, as follows:

On December 7, 2004, I arrived at the court room of MTC-Pasig City Branch 69 at about 8:30 a.m. to discharge my duties as the trial prosecutor of the Branch. The hearing has not started, the Presiding Judge was not there yet and the litigants have not been allowed to enter the courtroom. Hearing of cases on the Court does not promptly start at 8:30 a.m. but always been the hours of 9:00 a.m. to 9:30 a.m. as the Presiding Judge, Julia A. Reyes, usually arrive past 8:30 a.m. and when she arrive[s], she still order[s] the installation of her microphone and computer. In the meantime, litigants are not allowed to enter the courtroom but have to wait outside until they are allowed entry by the staff.

I reviewed the court records to know if the parties had been notified of the scheduled hearings. After the recitation of the Centennial Prayer and before the calendar of cases were called, Judge Julia Reyes called my

attention and said that there was an Order of the Court for me to explain my failure to appear on October 5, 6, 12, 13, 18, 19, 20, 25, 26 and 27 and up to now, I have not submitted my explanation. I stood up and politely explained to her that the incidents she was referring to was the subject of the case I filed against her for Certiorari, Prohibition & Mandamus, before the Regional Trial Court - Pasig City and there was an Order issued, a copy of the Order had been served on her, that any and all warrant of arrest issued by her would not be enforced and/or implemented by the police agencies. She did not hear my reason and said that this is a new order and is not covered by the Order of Hon. Celso Lavina and she ordered that I be detained for one (1) day at the Pasig City Police Headquarters. I moved for a five (5) minute recess to make a call to my lawyer and to fix myself as I was having palpitation then. She denied my motion and ordered the start of the scheduled hearing of cases. She ordered the police officers to lock the door of the courtroom and not to let anyone go out or come in. This was the first time, during my assignment at her branch, that the door of the court was locked and nobody is allowed to leave the room or go inside. Though not convenient, as I was thinking of my health then, and the humiliation I felt in, again, being declared in contempt in open court and ordered detained, I continued to discharge my duties as a trial prosecutor of the branch until after the more than 40 cases had been called.

After the hearing of criminal cases and the case of contempt was called against Max Soliven et al., I was informed by PO1 Sandy Galino, her security escort, that the police officers whom they have called for assistance were already outside the courtroom and will be bringing me to the police station. They would not allow me to leave the place unless I go with them at the Headquarters. When I was about to be escorted out of the court room, my lawyer, Atty. Hans Santos and my sister, Asst. Pros. Paz Yson, came and was bringing with them a certified copy of the Order of Hon. Celso Lavina dated November 22, 2004 stating that any and all warrants issued by Judge Julia Reyes will not be enforced by any police agencies. My lawyer showed the Order to PO1 Sandy Galino and a certain PO1 Villarosa and they said that they are getting orders from Judge Julia Reyes. My lawyer then asked them if they have a written Order from the Court, or a Warrant for my Arrest or a Commitment Order but they replied in the negative. My lawyer further asked them if they are detaining me and they said no.

x x x x

On or about 12:00 noon of December 9, 2004, I have just alighted from a car and she was standing in front of the building when she saw me. She immediately followed me and shouted "Arrest her! Arrest her! To the guards on duty at the entrance of the building. In the presence of so many persons in the lobby and in high pitch she made calls, through her cell phone, to several police officers telling them that she caught an escaped convict, a fugitive from justice and needs a battery of police officers to make the arrest. I warned her to be careful with her language considering that I did not escape but was released by Hon. Executive Judge Jose Morillos upon presentation of the Order dated November 22, 2004 of Hon. Judge Celso Lavina, RTC-Pasig Br. 71. She continued, in the presence of people in the Lobby who had converged to see what was causing the commotion, that I am an escaped convict and should be detained at the Pasig City Police Headquarters. She further said that it was Judge Jose Morillos who facilitated my escape last Tuesday, December 7, 2004.

x x x x

While questioning the propriety of the order of Direct Contempt, considering that there is an order of November 22, 2004 stating that any and all warrants she issued will not be enforced or implemented, and that she has to issue the necessary Commitment Order for my detention, she slapped with me another seven (7) days of detention for Direct Contempt.

x x x x

At about 6:00 p.m., the Sheriff of Regional Trial Court-Pasig City, Branch 71 arrived and served a Writ of Preliminary Prohibitory and Mandatory Injunction with an attached Order dated December 9, 2004 issued by Hon Judge Celso Lavina declaring my detention illegal but the Headquarters would not release me until after

they have conferred with their superior officers. After conferring with the higher officials, I was finally released, over the written objection of Judge Julia Reyes in the copy of the Writ of Preliminary Prohibitory Mandatory Injunction and Court Order dated December 9, 2004, from the Pasig City Police Headquarters at about 7:00 p.m.

x x x x[17] (Underscoring supplied)

II. A.M. NO. MTJ-06-1624 (TIMOTEO A. MIGRIÑO AND DOMINGO S. CRUZ v. JUDGE JULIA A. REYES)

By Complaint of October 16, 2004,[18] Migriño and Domingo S. Cruz charged Judge Reyes with Gross Ignorance of the Law, Oppression, Abuse of Authority, and Illegal Arrest and Detention, the details of which follow:

In July 2003, not long after her appointment as Presiding Judge, Judge Reyes began to exhibit "unexplained prejudice and hostility" towards Migriño. In fact, without any reason at all, Judge Reyes told Atty. Reynaldo Bautista, the MeTC Clerk of Court, that Migriño would be detailed at the Office of the Clerk of Court.[19]

On several occasions, the latest of which was on August 24, 2004, she barred Migriño from entering the court premises and the staff room. During lunch break on October 1, 2004, Migriño, Deputy Sheriff Joel K. Agliam and Dandy T. Liwag were arrested without warrant upon orders of Judge Reyes as they were allegedly caught in flagrante delicto playing "tong-its." Police Officer 1 Sandy Galino (PO1 Galino), the security officer of Judge Reyes, arrested them and brought them to the Pasig City Police Station where they were detained by virtue of the affidavits[20] of PO1 Galino and Judge Reyes.[21]

When an Order of Release[22] was issued by Judge Morillos after the three posted bail, Judge Reyes tried to prevent their release and insisted that she had a complaint against Migriño for malversation of public funds, infidelity in the custody of document and/or qualified theft and violation of the Anti-Graft and Corrupt Practices Act[23] allegedly committed in November 2002, and presented the Affidavit[24] of Ariel Nuestro and the Joint Affidavit[25] she executed with court employees Remedios Diaz (Remedios) and Alma Santiano.

Complainant Atty. Domingo S. Cruz (Atty. Cruz), counsel of Migriño, et al., intervened and demanded from Inspector Icuin the immediate release of his clients since there was already an Order of Release. Atty. Cruz and Prosecutor Reyes also explained to Judge Reyes that Migriño could not be detained on the basis of an alleged offense that occurred in 2002 yet, and that the alleged offense was not covered by the rule on warrantless arrest.[26] Migriño and Atty. Cruz continued:

15. ...Judge [Reyes] insisted that complainant Migriño must not be released as the case is covered by the rule on warrantless arrest, the alleged offense of malversation having been allegedly discovered only recently by respondent Judge and staff, specifically at 4:30 P.M. of 01 October 2004. She then told Pros. Reyes to conduct an immediate Inquest/preliminary investigation.

16. It must be noted and emphasized that Nuestro subscribed and swore to his Sinumpaang Salaysay before respondent Judge way back on September 15, 2004, and it could not be said that the alleged offense of malversation of public funds was discovered only at 4:30 P.M. of October 01, 2004. What is certain is that respondent Judge timed the alleged discovery to suit her purpose...[27] (Emphasis and underscoring supplied)

Unable to convince Judge Reyes, Atty. Cruz left the office of Inspector Icuin, but returned shortly with a warning that he would hold them responsible for illegal arrest, arbitrary detention and abuse of authority unless Migriño was immediately released. Inspector Icuin finally ordered the release of Migriño.

Migriño stayed in jail from October 1, 2004, a Friday, until he was released on October 4, 2004. Judge Reyes was determined to send Migriño back to jail, however, by means of her contempt powers. In her October 4, 2004

Order, she stated:

x x x Timoteo Migrino, Clerk of Court, Branch 69, Metropolitan Trial Court, Pasig City, is hereby ordered to show cause within twelve (12) hours from receipt of this order why he should not be cited in contempt for the following acts: (1) illegal gambling during office hours within the Court premises (2) infidelity in the custody of documents, (3) qualified theft and/or malversation for misappropriation of the amount of PHP10,000.00 entrusted to him for "deposit" by one Ariel Nuestro in a criminal case filed before this Court, (4) for violation of R.A. 3019 or the Anti-Graft and Corrupt Practices Act, among others. He is likewise ordered to show cause why he should not be cited in contempt for openly defying to submit to undersigned with respect to her complaint before the police authorities for the said crimes and/or offenses which defiance appear to be "improper conduct tending directly or indirectly, to impede, obstruct, or degrade the administration of justice" under Rule 71, Sec. 3(d) of the Rules of Court.

Set the hearing of this case on October 8, 2004 at 2:30 P.M. and said respondent is directed to make his explanation on said date and time in open court with warning that should he fail to attend said hearing despite due notice a warrant for arrest shall be issued.

The Process Server of this Court with the assistance of a Sheriff of the Metropolitan Trial Court of Pasig City, is directed to send a copy of this Order by personal service to respondent TIMOTEO A. MIGRINO. Any officer of the law is likewise directed to assist said Process Server in the service of this Order to said respondent and is specifically directed to take custody of said respondent should he refuse to receive this Order and bring the same to this Court on October 8, 2004 at 2:00 P.M.[28] (Capitalization in the original; emphasis and underscoring supplied)

Significantly, while in the said Order of October 4, 2004, Judge Reyes found Atty. Cruz, Prosecutor Reyes, Inspector Icuin and PO3 Jimenez to have also committed contumacious acts, she singled out Migriño and directed him to explain why he should not be declared in contempt of court.

On October 8, 2004, Judge Reyes issued another Order[29] giving her process server, the MeTC sheriff and any officer of the law blanket authority to "take custody of [Migriño] should he refuse to receive this Order and bring him to this Court on October 11, 13, 14 & 15, 2004 at 2:00 P.M." Complainants further narrated:

41. To show that the respondent judge is using her contempt powers as a bludgeon to clobber her perceived enemies, instead of using the same as a necessary tool for preserving the integrity of the court, the respondent issued another Order dated October 14, 2004 ordering complainant Migriño to show cause why "he should not be cited for at least 2,330 acts of indirect contempt". Repeat, two thousand three hundred thirty. A copy of this Order is attached hereto as Annex "J".

The tyranny and despotism of the respondent judge is crystal clear in the following statements in said Order of October 14, 2004 (Annex "J"):

Moreover, respondent committed at least 1,510 acts of indirect contempt with respect to the case of People vs. Marcos Rivera (Crim. Case No. 36172) which remains pending in the docket of this court to date, when he failed to act on or set for arraignment to date, the said case filed herein on April 29, 1998. Considering that a total of around 1,510 working days has lapsed from the said date of filing of said case up to the time that said respondent was barred from entering the court premises and the staff room on August 24, 2004, herein respondent is hereby ordered to show cause why he should not be cited for 1,510 acts of indirect contempt for all the working days that he failed to act on said case which appears to remain pending in the docket of this court to date."

Even assuming for purposes of argument that the failure of the respondent to set for arraignment the aforementioned case is contumacious, it was one continuing act of omission, not 1,510 separate acts of commission.[30] (Emphasis in the original; underscoring supplied)

III. A.M. NO. MTJ-06-1625 (ARMI M. FLORDELIZA, JULIET C. VILLAR AND MA. CONCEPCION LUCERO v. JUDGE JULIA A. REYES)

By verified^[31] letter-complaint of March 11, 2004,^[32] Judge Reyes was charged by complainants Armi M. Flordelisa et al. who are court employees at Branch 69, with the following acts: (1) residing in chambers; (2) borrowing money from staff; (3) instructing the stenographer to collect a minimum amount for ex-parte cases; (4) frequently bringing some of her staff to her nighttime gimmick; (5) unethical conduct; (6) conduct unbecoming a lady judge; (7) unfriendliness to litigants; (8) anti-public service; (9) inability to control emotions during hearing; (10) uttering invectives in front of staff and lawyers; (11) conducting staff meeting in an unsightly attire; and (12) gross inefficiency/laziness.

According to complainants, it was of public knowledge at the Pasig City Hall of Justice that Judge Reyes was residing in her chambers where a big aparador she had placed therein was eventually removed after three Supreme Court lawyers investigated the matter. She continued to sleep in the chambers after going out for evening "gimmicks" with some members of her staff. She would usually be fetched by a certain Col. Miranda at 12 midnight and would return at 4:00 a.m.^[33]

On two separate occasions in May 2003, Judge Reyes instructed complainant Juliet Villar (Juliet), branch legal researcher, to act as her co-maker in her loan applications. Within the same period, Judge Reyes, who allegedly needed money for an ID picture, borrowed P500 from Juliet who was forced to borrow the amount from Miguelito Limpo (Limpo), branch process server, which amount remained unpaid as of the filing of their complaint.^[34] Judge Reyes also borrowed P20,000 from the "branch process server" who, however, did not execute any affidavit out of fear,^[35] as relayed by Maria Concepcion Lucero (Maria Concepcion), branch in-charge of civil cases.^[36] When Juliet informed Limpo of the plan of some staff members to petition for the removal of Judge Reyes, Limpo remarked, "Bago nyo ipatanggal yun, hintayin nyo munang bayaran ako. Inutangan ako nyan ng P20,000.00, isinanla ko pa yung alahas para lang may maiputang sa kanya."^[37]

In her other affidavit,^[38] Juliet claimed that in October 2003, Judge Reyes stepped out of the chambers and told complainant Armi Flordeliza (Armie),^[39] Court Stenographer I, "Armie, ang hina mo naman sumingil sa ex-parte, buti pa si Leah. Dapat pag tinanong ka kung magkano, sabihin mo at least P2,000.00" Since then all ex-parte cases were assigned to court stenographer Leah Palaspas (Leah). Judge Reyes further remarked, "Sino pa ba ibang pwedeng pagkakitaan dito? O ikaw Oswald, sheriff." The sheriff only smiled.

Complainants stated that Judge Reyes habitually invited her staff to go with her in night "gimmicks" from 10:00 p.m. to 4:00 a.m. the following day, without regard to working days. This practice hampered the delivery of judicial services, as the employees who went out with her the previous night either went on leave or arrived late the following day.^[40]

On December 23, 2003, upon the persistent request of Judge Reyes, Juliet joined her and company in a comedy bar in Quezon City and stayed there until 4:00 a.m. of December 24, 2003. Judge Reyes brought her employees to their respective homes and then went to sleep in her chambers.^[41]

Maria Concepcion, in another affidavit, stated that on January 2, 2004, Judge Reyes repeatedly invited the staff for lunch at her residence. While inside her house, Judge Reyes insistently gave her a glass of red wine, from which she pretended to take a sip, after which Judge Reyes consumed the remainder. Judge Reyes joined the rest of the staff at the sala where they consumed "gin pomelo."^[42]

Complainants depicted Judge Reyes as very unethical. One time, in the presence of a stranger, Judge Reyes uttered, "Ano kaya kung mag-hearing ako ng hubo't hubad tapos naka-robe lang, pwede kaya?"^[43] At one time,

Armie overheard Judge Reyes utter over the phone "Hayaan mo, Farah, pag natikman ko na siya, ipapasa ko sa iyo, ha ha ha!"[44]

Judge Reyes exhibited conduct unbecoming a judge for repeatedly inviting her staff and other court employees to join her to a drinking spree in the courtroom after office hours on three consecutive Fridays in February 2004. On March 2, 2004, Juliet arrived at the office at around 7:00 a.m. and saw Judge Reyes about to leave the office. Juliet was later informed by the guards and janitors that they saw an inebriated Judge Reyes sleeping on the bench outside the office and found empty bottles of alcoholic drinks in the garbage can.[45]

Judge Reyes was also unfriendly to litigants. On January 23, 2004 during the inventory of cases, as a litigant attempted to verify the status of his case, Judge Reyes suddenly remarked, "Nag-iimbentaryo kami, bawal mag-verify. Pag hindi ka umalis, iko-contempt kita!" However, when an employee from another branch referred a couple to Judge Reyes for solemnization of marriage, Judge Reyes ordered the stopping of the inventory to give way to it. On March 4, 2004, Judge Reyes sent Leah a text message advising her to reset the hearings as she was unavailable, but upon being informed by Remedios that there was a marriage to be solemnized that day, Judge Reyes immediately arrived and even attended the wedding reception. In the months of December 2003 and January 2004, Judge Reyes was able to solemnize 16[46] and 14[47] marriages, respectively.

Complainants claimed that Judge Reyes was anti-public service. She instructed the staff to lock the door entrance to the room occupied by the staff and not to answer phone calls during court hearings even if there were employees in the staff room to attend to calls and queries.[48]

Judge Reyes lacked the ability to control her emotions during hearings. In one hearing, she failed to maintain her composure and stormed out of the room while Assistant City Prosecutor Fernando Dumpit was still talking.[49] Judge Reyes hurled invectives in front of the staff and lawyers. On October 2, 2003, while with a lawyer friend from the Office of the Solicitor General, she remarked in front of her staff, "Alam mo na ang dami intriga dito; nireport ba naman na nakatira ako dito, ano kaya masama dun? Alam ko staff ko rin nagsumbong eh, PUTANG INA NILA, PUTANG INA TALAGA NILA!"[50]

Several times, Judge Reyes conducted staff meetings wearing T-shirt, slippers and faded "maong" folded a little below the knee, as if she was in her house. Oftentimes, she would wear the same clothes she wore the previous day, which showed that she resided in the chambers.[51]

Judge Reyes was lazy and inefficient, as she delegated decision-writing to Juliet. Since her appointment, she was able to promulgate only three or four decisions of her own writing.

Complainants thus requested the conduct of judicial audit to determine her work output.[52]

By Supplemental Complaint[53] of January 28, 2005, Armie added:

- I was jailed on the strength of a warrant of arrest dated October 8, 2004 issued by Judge Julia A. Reyes in connection with the ten (10) counts of Indirect Contempt of Court charges which she had initiated against me for gross misconduct in office and insubordination;
 - The warrant of arrest of October 8, 2004 stemmed from my failure to attend the hearing of an Indirect Contempt of Court charge she filed against me, then about to be heard on October 8, 2004 at 2:30 o'clock in the afternoon where I am supposed to explain my side;
- x x x x
- I was served with a copy of the show cause Order dated October 4, 2004 signed by Judge Reyes where I was informed that I committed acts constituting contempt of court as defined by Rule 71, Section 3 (a) and (b) of

the 1997 Rules of Civil Procedure. On the basis of said show cause order, I was also directed by Judge Reyes to appear on October 8, 2004 at 2:30 pm in court and to make further explanation with warning that should I fail to attend the hearing on said date despite due notice, a warrant for my arrest shall be issued by the court. Plain copy of the Order dated October 4, 2004 is herewith attached and duly marked as Annex "A";

- For fear of being arrested, I did not attend the hearing of October 8, 2004, despite notice, and hence, as earlier stated, a warrant of arrest dated October 8, 2004 was issued by Judge Reyes against me;

- I was apprehended and confined at the Pasig City Police Station, at Pariancillo, Kapasigan, Pasig City to my great damage and prejudice and that of my family;

x x x x

- What is worse is that Judge Reyes fixed the bail for my temporary liberty at two hundred thousand (P250,000.00) pesos which to my mind is quite excessive and violative of my constitutional right to bail;

x x x x

- Surprisingly, the warrant of arrest dated October 8, 2004 issued by Judge Reyes supposedly carries a docket number starting from Case Number 02154 up to and including 02163 which correspond to ten (10) counts of Indirect Contempt of Court. However, the said case numbers does not pertain to a person of Armie M. Flordeliza, nor with a case of Contempt of Court. Please see Certification signed by Atty. Reynaldo V. Bautista, Clerk of Court IV of the Office of the Clerk of Court, Metropolitan Trial Court, Pasig City - Annex "B," and a copy of the Warrant of Arrest dated October 8, 2004 - Annex "C";

x x x x

- Be it noted that in November 8, 2004, herein complainant filed a Motion for Reduction of Bail (Annex "D") from P250,000.00 to P50,000.00 in cash which was not acted upon; the reason why the herein complainant suffered for a longer period inside the detention cell;

- On the same date (November 8, 2004), a Subpoena (Annex "D-1") was served upon the herein complainant alleging that a hearing will be held in November 9, 10, 11 and 12. However, Judge Reyes never conduct[ed] the hearings in November 10, 11 and 12, 2004 which constitute an oppression and violation of human rights and grave misconduct;

- In November 16, 2004, the 12[th] day the herein complainant was under the detention cell, was the day that I was released by posting a cash bond of P50,000.00 granted by Hon. Divina Gracia Lopez-Peliño, Pairing Judge of Branch 69, Metropolitan Trial Court, Pasig City as evidenced by Official Receipt No. 21065408 (Annex "E"); Order dated November 16, 2004 (Annex "F"); and Order of Release (Annex "G")[.] (Emphasis in the original; underscoring supplied)[54]

IV. A.M. NO. MTJ-06-1627 (ANDREE K. LAGDAMEO v. JUDGE JULIA A. REYES)

Complainant Andree Lagdameo (Andree) is the private complainant in Criminal Case No. 42030 for physical injuries pending before Branch 69. The case was originally set for promulgation of judgment on May 19, 2004 but was cancelled and repeatedly reset - to July 13, 2004, September 14, 2004 and November 23, 2004. Andree thus filed an Urgent Motion to Set Promulgation of Judgment,[55] furnishing the OCA a copy thereof, which step, Andree believed, "must have courted [the judge's] ire."

Judge Reyes moved the promulgation date from November 23, 2004 to October 20, 2004, only to reset the same to October 16, 2004. After eight postponements,[56] the judgment was finally promulgated on December 7, 2004 during which Criminal Case No. 42030 was first in the calendar of cases. Andree narrated:

x x x x

However, before the start of court proceedings that day, there was a courtroom drama which unfolded before the surprised eyes of all persons then inside the courtroom. The Honorable Judge Julia A. Reyes ordered the arrest and detention of Prosecutor Romana Reyes. Judge Reyes ordered her personal close-in-security, whom I later came to know to be PO1 Sandy Galino, and PO2 Rolando Lavadia, to implement her order. I was seated on the first bench and I had a clear view and could clearly hear the proceedings. I heard Judge Reyes forbid Prosecutor Reyes from calling her lawyer under pain of another day of detention. I heard Judge Reyes further order PO1 Galino and PO2 Lavadia to close the doors of the courtroom and to prevent Prosecutor Reyes from leaving the same.

6. Judge Reyes then proceeded to order Leah Palaspas to promulgate judgment in my case, Criminal Case No. 42030. I was so shocked by the intemperate and derogatory words Judge Reyes used to describe my person in the aforesaid judgment, so much so that I left the courtroom immediately after the reading because I was so afraid that my face would mirror my emotions and I might be cited for contempt, especially after witnessing Judge Reyes' actions toward Prosecutor Romana Reyes. I am a mere layman and I must indeed look puny to the high and mighty Judge Julia A. Reyes.

I was the complainant, not the accused, in the case and I cannot understand why the judge exhibited such kind of hostility against me in the judgment just promulgated.

7. I then waited for the termination of the court proceedings, to request for a copy of the decision since I wanted to consult a lawyer regarding Judge Reyes' affront on my person. I was barred from re-entering the court room by PO1 Sandy Galino, the armed personal security of Judge Reyes, pursuant to her orders.

x x x x

9. I then went back to the courtroom of Branch 69, and found Leah Palaspas and Alma Santiano, both employees of MTC Branch 69, together with PO1 Galino and PO2 Lavadia, sitting in the now empty courtroom. I could hear the raised voice of Judge Reyes emanating from her chambers. I asked Leah Palaspas for a copy of the decision, and to examine and photocopy some documents in the file folder of Criminal Case No. 42030. She told me to wait as the folder was in the chamber of Judge Reyes. I pointed to her that the decision in this case had just been promulgated this morning and logically, the folder would be in the pile in front of her. She insisted that it was in the judge's chambers, and for me to wait.

10. I then stood and waited for about another half hour in the corridor fronting the courtroom of Branch 69 after which, I again approached Leah Palaspas regarding my request. She called a co-employee, whom I later came to know to be Ms. Josefina Catacutan to accompany me to the photocopying machine. While waiting in line, I noticed that the decision promulgated that morning was not in the file. I pointed this out to Ms. Catacutan who proposed that we return to Ms. Palaspas and ask for a copy.

11. Accompanied by Ms. Catacutan, I returned to the Branch 69 courtroom where we found Ms. Palaspas standing in the corridor. I pointed out to her that a copy of the decision was not in the file. She protested that it was almost noontime and that I should just come back in the afternoon. I pointed out to her that it was still ten minutes to twelve and it was just a matter of handing a copy of the decision to Ms. Catacutan, and besides, I had been waiting since early morning.

12. Ms. Leah Palaspas turned her back on me and stepped into the courtroom where Judge Reyes was sitting with Alma Santino, PO1 Galino and PO2 Lavadia and declared "Eto ho Judge, las doce na ho e."

13. I followed Ms. Palaspas inside the courtroom but had hardly stepped inside when I stopped in my tracks as Judge Reyes shouted "Don't try me, come back at 1:00 PM, GET OUT! I was so shocked at the arrogance of Judge Reyes and the way she shouted at me that I turned on my heels and left.

14. On my way out - probably out of sheer frustration at the way the judge treats people who happened to have business in her court - I commented to Ms. Palaspas who was standing beside me: "O baka ma contempt pa

ako" and continued walking away.

15. Either Ms. Palaspas told the respondent judge about my comment, or the judge herself overheard me, when I reached the area in front of the door of the staff room PO1 Sandy Galino suddenly grabbed my arm and prevented me from moving. When I turned my head, I saw Judge Julia Reyes in the lobby fronting her courtroom wagging her finger in the air and shouting, 'HULIHIN NIYO YAN, IKULONG NINYO YAN!' - thus letting loose her armed gorilla on a hapless victim like me.

16. I instinctively struggled to free myself from the grip of PO1 Sandy Galino, all the while asking Judge Julia Reyes, "Bakit, hindi naman kita sinagot ah" who all the while was viewing the scene with a smirk of satisfaction on her face.

17. I was able to momentarily free my hand and was able to call a lawyer friend on my mobile phone who then advised me to demand for any sort of written order to justify my arrest and detention. I was also advised to demand that the arresting officers identify themselves and the unit to which they belong. PO1 Galino replied "A wala, basta utos ni Judge ito doon ka na magpaliwanag at magtanong!"

18. A uniformed police officer carrying an armalite rifle, whose name I was not able to get, then arrived. PO1 Sandy Galino addressed the latter: "Pare, pag pumalag, barilin mo." I never imagined that I - a simply citizen without any clout; a weak, educated, woman who merely sought the assistance of our courts to redress a perceived grievance - would be treated like a common criminal in this fair Republic of ours!

I then continued to demand a written order regarding my arrest but Galino repeated, "Hindi na raw kailangan, sabe ni Judge" and proceeded to forcibly bring me out of the Justice Hall. When we reached the lobby I tried to go up to the office of Executive Judge Morillos but PO1 Galino pulled me down the stairs.

x x x x

The fact of my arrest was then entered into the Blotter of the Pasig Station on Page 0393, Entry No. 1781, Date: Dec. 7, 2004 Time 12:30 PM which reads as follows:

"Brought-in

PO1 Sandy Galino y Abuyog, 33 years old, married of this station brought in one Andree Lagdameo y Kirkwood, legal age, widow, res of 237 Marne St. San Juan Metro Mla. for direct contempt of court issued by Hon. Judge Julia Reyes of MTC B69 Pasig City. Order will follow."

(Attached as Annex "B")

x x x x

20. At 5:00 PM of December 7, 2004, Atty. Atencia again demanded my release from detention since it was now the close of office hours and Judge Julia Reyes had not issued any commitment order. Col. Galvan again refused and insisted that he was following the orders of Judge Julia Reyes.

x x x x

22. I was finally released from detention after 24 hours. My release is entered on Page 0397 of the Pasig Police Blotter under Entry No. 1799, Date: December 08, 2004, Time: 12:30PM which reads as follows:

"Released

In relation to Entry 1781 dated Dec. 7, 2004 one Andree Lagdameo was released from the custody of this station physically and financially unmolested as attested by her signature below.

Note: Detained w/o written commitment order and released w/o written released order.

(signature)
Andree Lagdameo"

(Attached as Annex "C")

x x x x[57] (Emphasis, capitalization and italics in the original; underscoring supplied)

Andree supplemented[58] her December 22, 2004 Complaint[59] to allege that she finally received a copy of the Decision[60] in Criminal Case No. 42030 on December 16, 2004, several days after she was illegally detained, and only after she wrote a letter to Judge Reyes, furnishing then Chief Justice Hilario G. Davide, Jr. and the OCA a copy thereof.[61]

When she read the Decision, she was shocked on noting that Judge Reyes used very insulting language in referring to her as the therein private complainant. Judge Reyes wrote that "[j]udging from the demeanor and character of the accused who appears to be a quiet man with a pleasant disposition and that of the private complainant who looks loud, rash and even vulgar in language in her dealings with the court personnel herein, this Court finds the version of the accused to be more credible." [62] Judge Reyes made a misrepresentation for she merely relied on the records in writing the decision as she never had the chance to hear the testimonies of the parties since Judge Alex Quiroz was the presiding judge when the case was tried.

V. A.M. NO. P-09-2693 (TIMOTEO A. MIGRIÑO v. JUDGE JULIA A. REYES)

In an undated letter[63] received by the OCA on October 4, 2004, Judge Reyes recommended that Migriño be separated from the service on charges of illegal gambling during office hours, qualified theft and/or infidelity in the custody of documents, and violation of the Anti-Graft and Corrupt Practices Act.

Upon the recommendation of the OCA, it appearing that this case emanated from the same incident of illegal gambling obtaining in A.M. No. MTJ-06-1624, the Court, by Resolution of September 28, 2005,[64] ordered the consolidation of the two cases. Hence, the factual background of this case is reflected in the earlier discussed A.M. No. MTJ-06-1624.

VI. A.M. NO. MTJ-06-1638 (FLORENCIO SEBASTIAN, JR. v. HON. JULIA A. REYES)

By verified Complaint-Affidavit of April 22, 2005,[65] complainant Florencio Sebastian, Jr. (Sebastian) charged Judge Reyes with Grave Misconduct, Gross Ignorance of the Law, Incompetence and Inefficiency arising from the proceedings in Criminal Case No. 19110, "People v. Florencio Sebastian, Jr., Alicia Ty Sebastian and Justo Uy," for falsification of public document pending before Branch 69.

On February 18, 2004 at around 5:00 p.m., police officers arrived at Sebastian's residence and served on him and his wife Alicia (the couple) warrants of arrest[66] issued by Judge Reyes on October 28, 2003. After an overnight detention at Camp Caringal in Quezon City, the couple was presented to the branch clerk of court, and learned that the warrants of arrest were issued due to their failure to appear in court on October 28, 2003 as directed in an August 15, 2003 Order[67] which was not received by them or their counsel, Atty. Jaime Vibar.

A perusal of the August 15, 2003 Order reveals that the same suffers from grave infirmity. It reads:

The unsigned Order dated May 9, 2000 is reiterated as follows:

"Accused through counsel, having been [sic] filed a Manifestation and Request for Remarking and Formal Offer of Exhibits." The Prosecution is given five (5) days from receipt thereof within which to make its comment thereto."

Set the same for hearing on October 28, 2003, at 8:130 [sic] A.M.

Send copies of this Order to the parties. (Emphasis supplied)

The prior Order being unsigned, there was no factual or legal reason for Judge Reyes to reiterate the same and set the case for further hearing, notably since the case had long been submitted for decision.

Judge Reyes did not lift the warrant of arrest, even after Atty. Vibar filed, pursuant to the October 28, 2003 Order, a Motion for Reconsideration, Compliance and Entry of Appearance.[68]

At the promulgation of judgment on September 7, 2004, the branch clerk of court read only the decretal portion of the decision convicting the couple. Atty. Vibar requested a copy of the decision but Judge Reyes replied that the decision had not yet been printed but she could give him a diskette which Atty. Vibar refused. After declaring that she would later re-promulgate the judgment and that the couple should stay in court, Judge Reyes started calling out the other cases. Not wanting to be part of the irregularity and due to other pressing commitments, Atty. Vibar left. At around 11:40 a.m. inside the chambers, Judge Reyes read the judgment from a computer screen without giving the couple a written copy[69] or computer print-out.

The couple raised on appeal that the trial court failed to comply with the mandate of Rule 120[70] of the Rules of Court and Section 14[71] of Article VIII of the Constitution requiring that the decision must be written and signed by the judge with a clear statement of the facts and the law on which the decision is based.[72]

THE EVALUATION OF JUSTICE ROMULO S. QUIMBO

By Consolidated Report of June 27, 2004,[73] Retired Justice Romulo S. Quimbo evaluated the first five administrative cases, viz:

Migrino presented a certificate that there is no case against him pending with the Metropolitan Trial Court of Pasig City. He admits, however, that a case for illegal gambling was filed against him. That the same may have been dismissed does not totally exempt him from administrative liability considering that gambling within the court's premises is proscribed by Administrative Circular No. 1-99[74] issued by the Supreme Court. His act of playing "tong-its" with two others within the court premises makes him punishable under said circular.

x x x x

The acts which appear to have been committed by respondent Judge against Ass't. City Prosecutor R[o]m[a]na A. Reyes and Andree K. Lagdameo were clearly unjustified and unwarranted. The respondent Judge's orders to declare them in contempt and issuing warrants for their arrest betray an abysmal lack of knowledge of the rules governing contempt. Her fixing an atrociously excessive bail is a clear manifestation that respondent Judge wanted to exhibit her authority and fixing such a ridiculous amount of bail was designed to prevent the complainants from obtaining temporary release. Her obvious ignorance of the rule governing contempt and the jurisprudence that mandates that it be exercised as a protective not a vindictive power makes us wonder how, despite the rigorous screening of candidates by the Judicial and Bar Council (JBC), a "lemon" such as the respondent Judge managed to be nominated for appointment to such exalted position. How she was able to elude the psychiatric and psychological tests under which she went is remarkable for it resulted in the appointment of one grossly ignorant of the law and more importantly devoid of the temperament required of a judicial arbiter.

In the two cases mentioned above (A.M. No. MTJ-06-1623 and A.M. No. 06-1627), the acts of respondent Judge reveal a flaw in her psychological makeup that disqualifies her from holding the position of Judge. She appears to be unaware of the jurisprudence that has given meaning to the power of contempt.

x x x x

The Order dated 13 October 2004 (Exhibit G, Rollo, p. 27, A.M. MTJ-06-1623), betrays not only her gross

ignorance as regards the Rule on Contempt of Court, but it also shows her capricious arrogance and despotic nature, the antithesis of an ideal arbiter. It betrays a flaw in her psychological makeup that disqualifies her from presiding a court and dispensing justice.

Respondent inofficiously demanded that complainant conduct an inquest at the police station for the purpose of preventing the release of Timoteo Migrino who had earlier been arrested while allegedly engaged in illegal gambling and had posted the required bail. Notwithstanding the explanation of complainant Reyes that she was not authorized to conduct said inquest outside her office and the crime of malversation allegedly committed two years earlier could not be the proper subject of an inquest, respondent could not be denied. She demanded and the police acquiesced to hold Migrino in jail over the weekend.

The prosecution of Prosecutor Reyes was not based on any law or rule but was purely the whim and caprice of the respondent. After respondent Judge has held Prosecutor Reyes in contempt and ordered her arrest (Exhibit ["F"], A[.]M[.] No. MTJ-06-1623, p. 24.) she required an unconscionable amount of Php236,000.00 as bail knowing that it was practically impossible to meet.

Complainant R[o]m[a]na R. Reyes charges respondent Judge with falsification of public documents. It appears that respondent Judge issued a warrant for the arrest of complainant. Since no case had been filed against complainant, respondent Judge conveniently issued the warrant under Criminal Cases Nos. 02164 to 02173 (10 counts) which pertained to cases filed against various persons during the year 1985. The Order of 13 October 2004 (Exhibit ["G"], Rollo, A.M. MTJ-06-1623) conveniently omitted to show any case numbers.

The travails suffered by complainant Lagdameo likewise prove that respondent Judge was not guided by law or rule but rather by whim and caprice. The record does not show any reason why respondent Judge could order the arrest of complainant. Assuming that she had uttered the words "I am going because I may be declared in contempt", this could not be the basis for declaring her in direct contempt because the court was no longer in session and she ma[d]e the remark outside the courtroom. It was not "misbehavior in the presence of or so near a court as to obstruct or interrupt the proceedings before the same". Neither could it be considered disrespect towards the court. It is probably for this reason that respondent Judge did not issue any commitment order but orally commanded the police to arrest Lagdameo. As can be seen from excerpts from the police blotter (Rollo, A.M. No. MTJ-06-1627, p. 9) Lagdameo was "brought in" on December 7, 2004 at 12:30 P.M. and was "released" on December 8, 2004, at 11[:]50 AM (ibid. p. 10). The same blotter states: "Note: Detained w/o written commitment order & released w/o written released." [sic] (Emphasis and italics in the Report)

Respondent's verbal order directed to members of the PNP to arrest and jail Lagdameo who languished in said jail for a day is clearly a violation of Article 124 of the Revised Penal Code and respondent Judge is a principal by inducement.

The complaint filed by three personnel of Br. 69 charges respondent Judge with conduct unbecoming a judge which could be considered pecadillos and are covered by circulars and other issuances of the Court and are punished by either fines or suspensions or admonitions.

Considering respondent Judge's acts complained of by complainants R[o]mana R. Reyes and Andree K. Lagdameo, together with the acts committed by respondent Judge and subject of other administrative cases assigned to the undersigned, there can only be one conclusion that respondent Judge is suffering from some undiagnosed mental aberration that makes her totally unfit to hold the position she now occupies. Not only was her gross ignorance established but her resort to falsification was also proved.

The records show that respondent Judge was suspended and has abandoned her office of presiding Judge. She did this probably because she felt guilty and could not find any justification for her actions so she fled.

In A.M. No. MTJ-06-1624, the harassment and ill treatment of complainant Migrino was clearly established. The fact that respondent Judge followed Migrino to the police station and demanded that he be kept in custody

despite the Order of Release issued by Judge Morillos upon Migrino's filing his bail both clearly shows her to be whimsical and capricious. The continued detention of Migrino after he was ordered released under bond is likewise arbitrary and in violation of Article 124 of the Revised Penal Code and respondent Judge is a principal by inducement.

In OCA-IPI No. 04-2048-P, the record reveals that the respondent Migrino was indicted for illegal gambling having been allegedly caught en flagrante by complainant Judge Julia A. Reyes. The record also reveals that a certificate was issued by the Clerk of Court, Metropolitan Trial Court of Pasig City that there is no pending case against Migrino. Even if we assume that the illegal gambling case which was filed against Migrino and for which he had to file his bond was dismissed, it still remains that Migrino was seen gambling within the court premises, an act which is proscribed by Administrative Circular No. 1-99[75] earlier mentioned.[76] (Emphasis partly in the original and partly supplied; italics in the original; underscoring supplied)

Justice Quimbo thereupon recommended that Judge Reyes be dismissed from the service with forfeiture of all her retirement benefits except accrued leave credits, if any, and with prejudice to re-employment in any branch or instrumentality of the government, including government-owned or controlled corporations and that Migrino be fined in an amount equivalent to his one month salary.

Meanwhile, in A.M. No. MTJ-06-1638, Justice Quimbo, by Report of September 25, 2006,[77] reiterated his recommendation after coming up with the following evaluation:

The complaint mentions acts of respondent Judge which are similar, if not identical to those complained of in the following cases, to wit: A.M. No. MTJ-06-1623 (Prosecutor Romana R. Reyes vs. Judge Julia A. Reyes); A.M. No. MTJ-06-1624 (Timeteo A. Migrino, et al. vs. Judge Julia A. Reyes); A.M. No. MTJ-06-1625 (Armi Flordeliza, et al. vs. Judge Julia A. Reyes); A.M. No. MTJ-06-1627 (Andree Lagdameo vs. Judge Julia A. Reyes) which the undersigned had earlier investigated and reported on. Our conclusion remains firm that respondent Judge is unfit to hold the position of Presiding Judge of a Metropolitan Trial Court.

In the present case, she is charged with ignorance because she had issued a bench warrant against the complainant and his wife for their failure to appear on a date that respondent Judge fixed for the continuation of the trial. While she may be correct in assuming that she had the authority to issue such warrant, said act was clearly unjustified. Firstly, it does not appear in the record of the case that complainant or his wife received notice of said hearing. Neither does it appear that their counsel received a copy of the Order of 15 August 2003 which contained the said setting. Secondly, there was no longer any trial to speak of because the case had already been submitted for decision and the complainant (accused therein) had no longer any need for appearing.[78] (Emphasis and underscoring supplied)

THIS COURT'S RULING

The Court finds that Judge Julia Reyes should indeed be dismissed from the service.

As early as 1949, this Court emphasized that the administration of justice is a lofty function.

The administration of justice is a lofty function and is no less sacred than a religious mission itself. Those who are called upon to render service in it must follow that norm of conduct compatible only with public faith and trust in their impartiality, sense of responsibility, exercising the same devotion to duty and unction done by a priest in the performance of the most sacred ceremonies of a religious liturgy.[79]

By judges' appointment to the office, the people have laid on them their confidence that they are mentally and morally fit to pass upon the merits of their varied contentions. For this reason, members of the judiciary are expected to be fearless in their pursuit to render justice, to be unafraid to displease any person, interest or power, and to be equipped with a moral fiber strong enough to resist the temptations lurking in their office.[80]

Unfortunately, respondent Judge failed to resist the temptations of power which eventually led her to transgress the very law she swore to protect and uphold.

To constitute gross ignorance of the law or procedure, the subject decision, order or actuation of the judge in the performance of official duties should be contrary to existing law and jurisprudence. Most importantly, the judge must be moved by bad faith, fraud, dishonesty or corruption.[81]

Judge Reyes' bad faith is clearly apparent from the above-related facts and circumstances in the consolidated cases. This Court cannot shrug off her failure to exercise that degree of care and temperance required of a judge in the correct and prompt administration of justice, more so in these cases where her exercise of the power of contempt resulted in the detention and deprivation of liberty of Migriño, Andree, Sebastian and Alicia, and endangered the freedom of the other complainants. *Tiongco v. Salao*[82] is instructive:

Thus, the carelessness and lack of circumspection on respondent Judge's part, to say the least, in peremptorily ordering the arrest and detention of complainant, warrant the imposition of a penalty on respondent Judge as a corrective measure, so that she and others may be properly warned about carelessness in the application of the proper law and undue severity in ordering the detention of complainant immediately and depriving him of the opportunity to seek recourse from higher courts against the summary penalty of imprisonment imposed by respondent Judge.

It is also well-settled that the power to declare a person in contempt is inherent in all courts so as to preserve order in judicial proceedings and to uphold the administration of justice. Judges, however, are enjoined to exercise such power judiciously and sparingly, with utmost restraint, and with the end view of utilizing the same for correction and preservation of the dignity of the court, and not for retaliation or vindication. The salutary rule is that the power to punish for contempt for purposes that are impersonal, because that power is intended as a safeguard not for the judges as persons but for the functions that they exercise. Only occasionally should the court invoke the inherent power in order to retain that respect without which the administration of justice must falter or fail.[83] (Emphasis and underscoring supplied)

Being a dispenser of justice, Judge Reyes, a lady judge at that, should have demonstrated finesse in her choice of words. In this case, the words used by her was hardly the kind of circumspect language expected of a magistrate. The use of vulgar and curt language does not befit the person of a judge who is viewed by the public as a person of wisdom and scruples.[84] Remarks such as "Ano kaya kung mag-hearing ako ng hubo't hubad tapos naka-robe lang, pwede kaya?"; "Hayaan mo, Farah, pag natikman ko na siya, ipapasa ko sa iyo, ha ha ha!"; and "Alam mo na ang dami intriga dito; nireport ba naman na nakatira ako dito, ano kaya masama dun? Alam ko staff ko rin nagsumbong eh, PUTANG INA NILA, PUTANG INA TALAGA NILA!" have no place in the judiciary.

Those who don the judicial robe must observe judicial decorum which requires magistrates to be at all times temperate in their language, refraining from inflammatory or excessive rhetoric or from resorting to the language of vilification.[85]

Judge Reyes failed to heed this injunction, however. Her inability to control her emotions her act of walking out of the courtroom during hearings, and her shouting invectives at her staff and lawyers indicate her unfitness to sit on the bench. They betray her failure to exercise judicial temperament at all times, and maintain composure and equanimity.[86]

Judge Reyes' questioned actions reflect her lack of patience, an essential part of dispensing justice; and of courtesy, a mark of culture and good breeding. Her demonstrated belligerence and lack of self-restraint and civility have no place in the government service.[87]

The New Code of Judicial Conduct for the Philippine Judiciary (New Code of Judicial Conduct), which took

effect on June 1, 2004, mandates:

SEC. 6. Judges shall maintain order and decorum in all proceedings before the court and be patient, dignified and courteous in relation to litigants, witnesses, lawyers and others with whom the judge deals in an official capacity. Judges shall require similar conduct of legal representatives, court staff and others subject to their influence, direction or control.[88]

Respecting Judge Reyes' frequent nocturnal "gimmicks," suffice it to state that her presence in the above-mentioned places impairs the respect due her, which in turn necessarily affects the image of the judiciary. A judge is a visible representation of the judiciary and, more often than not, the public cannot separate the judge from the judiciary. Moreover, her act of bringing some of her staff to her weekday "gimmicks," that causes them to be absent or late for work disrupts the speedy administration of service. She thus also failed to heed the mandate of the New Code of Judicial Conduct, viz:

SECTION 1. Judges shall avoid impropriety and the appearance of impropriety in all of their activities.

SEC. 2. As a subject of constant public scrutiny, judges must accept personal restrictions that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly. In particular, judges shall conduct themselves in a way that is consistent with the dignity of the judicial office.[89]

As for Judge Reyes' act of borrowing money from her staff, the same constitutes conduct unbecoming a judge. While there is nothing wrong per se with borrowing money, it must be borne in mind that she exerted moral ascendancy over her staff, who may not have had the means but may have been forced to find a way in order not to displease her.

Judge Reyes' comments like "Armie, ang hina mo naman sumingil sa ex-parte, buti pa si Leah. Dapat pag tinanong ka kung magkano, sabihin mo at least P2,000.00" and "Sino pa ba ibang pwedeng pagkakitaan dito? O ikaw Oswald, sheriff" smack of commercialism. This is not expected of a judge, knowing that the aim of the judiciary is to deliver speedy and inexpensive justice.[90]

Respecting Judge Reyes' failure to put into writing her judgment, she having merely required the accused to read it from the computer screen in camera without the presence of counsel, she violated the Constitution. She could have simply printed and signed the decision. Offering to a party's counsel a diskette containing the decision when such counsel demands a written copy thereof is unheard of in the judiciary. A verbal judgment is, in contemplation of law, in esse, ineffective.[91] If Judge Reyes was not yet prepared to promulgate the decision as it was not yet printed, she could have called the case later and have it printed first. A party should not be left in the dark on what issues to raise before the appellate court.

It is a requirement of due process that the parties to a litigation be informed of how it was decided, with an explanation of the factual and legal reasons that led to the conclusions of the court. The court cannot simply say that judgment is rendered in favor of X and against Y and just leave it at that without any justification whatsoever for its action. The losing party is entitled to know why he lost, so he may appeal to a higher court, if permitted, should he believe that the decision should be reversed. A decision that does not clearly and distinctly state the facts and the law on which it is based leaves the parties in the dark as to how it was reached and is especially prejudicial to the losing party, who is unable to in point the possible errors of the court for review by a higher tribunal.[92]

If judges were allowed to roam unrestricted beyond the boundaries within which they are required by law to exercise the duties of their office, then the law becomes meaningless. A government of laws excludes the exercise of broad discretionary powers by those acting under its authority.[93]

In fine, this Court finds Judge Reyes unfit to discharge her functions as judge.

WHEREFORE, Judge Julia A. Reyes, Presiding Judge, Metropolitan Trial Court, Branch 69, Pasig City, is DISMISSED from the service with forfeiture of all retirement benefits except accrued leave credits, if any, and with prejudice to re-employment in any branch of the government including government-owned or controlled corporations.

Branch Clerk of Court Timoteo A. Migriño is, for violation of Administrative Circular No. 1-99, by gambling in the court premises, FINED in the amount equivalent to his one-month salary. He is WARNED that a repetition of the same act or the commission of a similar offense will be dealt with more severely.

SO ORDERED.

Puno, C.J., Ynares-Santiago, Corona, Carpio Morales, Chico-Nazario, Nachura, Leonardo-De Castro, Brion, Peralta, Bersamin, Del Castillo, and Abad, JJ., concur.

Quisumbing, J., on official leave and no part.

Carpio, J., on official leave.

Velasco, Jr., J., no part.

[1] In re: Partial Report on the Results of the Judicial Audit Conducted in the MTCC, Branch 1, Cebu City, A.M. No. MTJ-05-1572, January 30, 2008, 543 SCRA 105.

[2] Rollo, A.M. No. P-09-2693, p. 47.

[3] Rollo, A.M. No. MTJ-06-1638, p. 113.

[4] Rollo, A.M. No. MTJ-06-1627, p. 22.

[5] Id. at 22-23.

[6] Rollo, A.M. No. MTJ-06-1623, pp. 1-5.

[7] Also spelled Migrino.

[8] September 24, 2004, not September 15, 2004, on the Consolidated Report of Romulo S. Quimbo. The "Sinumpaang Salaysay" was not attached to the rollo of A.M. No. MTJ-06- 1623, but can be found in the rollo of A.M. No. P-09-2693 on page 8. The "Sinumpaang Salaysay" reads:

x x x x

Na noong petsa 5 ng Nobyembre, 2002, ako ay nagdeposito ng halagang sampung libong piso (P10,000.00) sa Clerk of Court ng Branch 69 na si G. Timoteo M[i]griño.

Na magkakasundo na sana kami ng aking complainant na maayos ang kasong ito. Na halagang labinlimang libong piso (P15,000.00) na lang sana ang kulang ko at ang halagang sampung libo ay naideposito ko na kay G. Timoteo M[i]griño kung kaya't limang libong piso na lang sana ang kulang ko. At ayon po sa dating huwes na si Judge Emma Young, kapag natapos na raw ang hearing ay saka raw makukuha ng complainant ang pera na aking dineposito kay G. Timoteo M[i]griño.

Nagkataon po na nagkasakit ang aking nanay sa "breast" at kinakailangang operahan kaya pansamantala ko pong binawi ang pera kay G. Timoteo M[i]griño noong mga bandang unang linggo ng Nobyembre, 2003, ngunit, nakiusap po siya na hulug hulugan daw po niya an[g] dineposito ko na halagang sampung libong piso (P10,000.00) dahil nagastos niya raw ito. Sa una po ay binigay niya sa akin ang halagang limang libong piso (P5,000.00) sa araw po ng Biyernes, araw po ng kanilang suweldo mga bandang akinse ng Nobyembre, 2003.

Ang sumunod na hulog niya ay nanay ko na po ang kumuha at ang halagang aming nakuha ay isang libong piso (P1,000.00) noong bandang pangalawang linggo ng Disyembre, 2003. At ang huli po ay apat na libong piso (P4,000.00) na nakuha naming ng bandang ikatlong linggo ng Disyembre, 2003. Ngunit ang halagang apat na libong piso (P4,000.00) ay hindi ko rin po napakinabangan dahil sa ito ay hiniram ng Criminal Case In-charge ng Branch 69 na si Emma J. Raymundo.

x x x x

[9] SEC. 5. Arrest without warrant; when lawful. - A peace officer or a private person may, without a warrant, arrest a person:

(a) When in his presence, the person to be arrested has committed, is actually committing, or is attempting to commit an offense;

(b) When an offense has just been committed and he has probable cause to believe based on personal knowledge of facts or circumstances that the person to be arrested has committed it; and

(c) When the person to be arrested is a prisoner who has escaped from a penal establishment or place where he is serving final judgment or is temporarily confined while his case is pending, or has escaped while being transferred from one confinement to another.

In cases falling under paragraphs (a) and (b) above, the person arrested without a warrant shall be forthwith delivered to the nearest police station or jail and shall be proceeded against in accordance with section 7 of Rule 112.

[10] Rollo, A.M. No. MTJ-06-1623, pp. 1-2.

[11] Id. at 2-3.

[12] Id. at 20-23.

[13] Id. at 24.

[14] Vide Certification dated October 27, 2004 issued by Atty. Reynaldo V. Bautista, Clerk of Court IV, Office of the Clerk of Court, MeTC of Pasig City (rollo, A.M. No. MTJ-06-1623, p. 25.). Prosecutor Reyes described the warrant as "highly questionable" because (1) there were no Case Nos. 02164 up to 02173 which were filed on October 1, 2004, and said numbers pertain to criminal cases filed in the year 1985; (2) no case, civil or criminal, had been filed against her per Certification of the Office of the Clerk of Court, MeTC of Pasig City; (3) The minutes of the October 11, 2004 hearing do not contain any order calling for the issuance of the warrant of arrest; and (4) no Case Nos. 02164 to 02173 were scheduled on that date (rollo, p. 21).

[15] Id. at 22.

[16] Id. at 49-52.

[17] Id. at 49-51.

[18] Rollo, A.M. No. MTJ-06-1624, pp. 1-17.

[19] Id. at 2.

[20] Id. at 18-19.

[21] Id. at 2.

[22] Id. at 20.

[23] Id. at 3.

[24] Vide note 7.

[25] Rollo, A.M. No. MTJ-06-1624, p. 22.

[26] Id. at 4.

[27] Id. at 4-5.

[28] Id. at 25-26.

[29] Id. at 33.

[30] Id. at 11-12.

[31] The complaint was verified by Juliet Villar and Ma. Concepcion A. Lucero on October 5, 2004 (rollo, A.M. No. MTJ-06-1625, p. 7.).

[32] Id. at 20-24.

[33] Id. at 20.

[34] Affidavit of Juliet C. Villar, id. at 26.

[35] Id. at 20-21.

[36] Affidavit of Maria Concepcion A. Lucero, id. at 27.

[37] Affidavit of Juliet C. Villar, id. at 28.

[38] Id. at 29.

[39] Also spelled "Armie."

[40] Id. at 21.

[41] Id. at 30.

[42] Id. at 31.

[43] Id. at 21. Annex "I" of the letter-complaint, which refers to an affidavit of a certain Jojo Marco, is not attached to the rollo.

[44] Id. at 22.

[45] Id. at 34.

[46] Id. at 36.

[47] Id. at 38.

[48] Id. at 23.

[49] Ibid. Annex "P" of the letter-complaint which refers to a transcript of stenographic notes is not attached to the rollo.

[50] Id. at 39.

[51] Ibid.

[52] Id. at 23-24.

[53] Id. at 66-69.

[54] Id. at 66-68.

[55] Rollo, A.M. No. MTJ-06-1627, pp. 7-8.

[56] Id. at 2.

[57] Id. at 2-5.

[58] Id. at 12-14.

[59] Id. at 1-6. The Complaint was verified and filed on December 22, 2004. The caption in the supplement erroneously dated it as December 21, 2004.

[60] Id. at 15-17.

[61] Id. at 12.

[62] Id. at 17.

[63] Rollo, A.M. No. P-09-2693, p. 1.

[64] Id. at 47.

[65] Rollo, A.M. No. MTJ-06-1638, pp. 1-6.

[66] Id. at 9-10.

[67] Id. at 14.

[68] Id. at 15-16.

[69] Id. at 3-4.

[70] Sec. 1. Judgment; definition and form. - Judgment is the adjudication by the court that the accused is guilty or not guilty of the offense charged and the imposition on him of the proper penalty and civil liability, if any. It must be written in the official language, personally and directly prepared by the judge and signed by him and shall contain clearly and distinctly a statement of the facts and the law upon which it is based.

Sec. 2. Contents of the judgment. - If the judgment is of conviction, it shall state (1) the legal qualification of the offense constituted by the acts committed by the accused and the aggravating or mitigating circumstances which attended its commission; (2) the participation of the accused in the offense, whether as principal, accomplice, or accessory after the fact; (3) the penalty imposed upon the accused; and (4) the civil liability or damages caused by his wrongful act or omission to be recovered from the accused by the offended party, if there is any, unless the enforcement of the civil liability by a separate civil action has been reserved or waived.

In case the judgment is of acquittal, it shall state whether the evidence of the prosecution absolutely failed to prove the guilt of the accused or merely failed to prove his guilt beyond reasonable doubt. In either case, the judgment shall determine if the act or omission from which the civil liability might arise did not exist.

[71] Sec. 14. No decision shall be rendered by any court without expressing therein clearly and distinctly the facts and the law on which it is based.

No petition for review or motion for reconsideration of a decision of the court shall be refused due course or denied without stating the legal basis therefor.

[72] Notice of Appeal, rollo, A.M. No. MTJ-06-1638, pp. 18-20.

[73] Rollo, A.M. No. MTJ-06-1627, pp. 64-84.

[74] ENHANCING THE DIGNITY OF COURTS AS TEMPLES OF JUSTICE AND PROMOTING RESPECT FOR THEIR OFFICIALS AND EMPLOYEES.

[75] Administrative Circular No. 1-99, issued by then Chief Justice Hilario G. Davide, Jr. on January 15, 1999, provides:

As courts are temples of justice, their dignity and sanctity must, at all times, be preserved and enhanced. In inspiring public respect for the justice system, court officials and employees must:

x x x x

7. Never permit the following to be done within the premises of the court: gambling, drinking of alcoholic beverages or any other form of improper or unbecoming conduct.

[76] Rollo, A.M. No. MTJ-06-1627, pp. 79-84.

[77] Rollo, A.M. No. MTJ-06-1638, pp. 84-88.

[78] Id. at 87-88.

[79] *People v. Bedia*, 83 Phil. 909, 916 (1949).

[80] *Vide Ramirez v. Hon. Macandog*, 228 Phil. 436, 452 (1986).

[81] *Office of the Solicitor General v. De Castro*, A.M. No. RTJ-06-2018, August 3, 2007, 529 SCRA 157, 174; *Officers and Members of the Integrated Bar of the Philippines, Baguio-Benguet Chapter v. Pamintuan*, A.M. No. RTJ-02-1961, November 19, 2004, 443 SCRA 87, 101.

[82] A.M. No. RTJ-06-2009, July 27, 2006, 496 SCRA 575.

[83] Id. at 586.

[84] *Lumibao v. Judge Panal*, 377 Phil. 157, 179 (1999).

[85] *Seludo v. Fineza*, A.M. No. RTJ-04-1864, December 16, 2004, 447 SCRA 73, 82; *Negros Grace Pharmacy, Inc. v. Judge Hilario*, 461 Phil. 843, 852 (2003).

[86] *Re: Anonymous Complaint dated February 18, 2005 of a "Court Personnel" against Judge Francisco C. Gedorio, Jr., RTC, Br. 12, Ormoc City*, A.M. No. RTJ-05-1955, May 25, 2007, 523 SCRA 175, 182.

[87] *Macrohon v. Ibay*, A.M. No. RTJ-06-1970, November 30, 2006, 509 SCRA 75, 89-90.

[88] Canon 6 (Competence and Diligence).

[89] Canon 4 (Propriety).

[90] *Vide OCA Circular No. 50-2001* (August 17, 2001).

[91] *Corpus v. Sandiganbayan*, 484 Phil. 899, 914 (2004).

[92] *Nicos Industrial Corporation v. Court of Appeals*, G.R. No. 88709, February 11, 1992, 206 SCRA 127, 132.

[93] People v. Veneracion, G.R. Nos. 119987-88, October 13, 1995, 249 SCRA 244, 251.

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