VICTOR TUZON, COMPLAINANT, VS. JUDGE LORETO CLORIBEL-PURUGGANAN, RESPONDENT.

A.M. No. RTJ-01-1662 (Formerly OCA IPI 01-1137-RTJ). November 26, 2001

Ponente: PARDO, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/b4091b92bb48/

PARDO, J.:

The case under consideration is an administrative complaint[1] against Judge Loreto Cloribel-Purugganan, Regional Trial Court, Tuguegarao, Cagayan, Branch 3, for illegal practice of law, gross ignorance of the law, serious misconduct, evident bias and partiality, knowingly rendering unjust judgment, and willful violations of the Code of Judicial Conduct.

On June 25, 1998, Victor G. Tuzon filed with the Court of Appeals a petition for certiorari assailing the order of the Regional Trial Court, Tuguegarao, Cagayan, Branch 3, presided over by respondent Judge Loreto Cloribel-Purugganan in Civil Case No. 4269.[2] The order denied Tuzon's motion to allow cross-examination of his witness and directed that the case be submitted for resolution.

On July 2, 1998, the Court of Appeals issued a resolution "directing private respondent Raymundo E. Catral to file the comment thereon and to show cause why the prayer for injunctive relief should not be granted both within ten (10) days from notice hereof."[3]

On July 22, 1998, respondent judge filed the comment for Raymundo Catral and herself, and affixed her name and signature on the comment.[4]

On August 2, 1999, the Court of Appeals dismissed the petition for certiorari for lack of merit.[5]

On February 14, 2000, Tuzon filed with the Supreme Court an administrative complaint against respondent judge deploring the act of filing a comment in the civil case as illegal private practice of law.[6] Tuzon also averred that respondent judge antedated her decision in Civil Case No. 4265, making it appear that the decision was promulgated on June 23, 1999, when in fact it was issued later.

On March 23, 2000, respondent judge filed with the Supreme Court a comment on the administrative complaint of Victor G. Tuzon.[7] She admitted authoring the comment filed with the Court of Appeals in the civil case involving complainant. She stated that she did so because Atty. Isidro Reyes, counsel for the private respondent Raymundo E. Catral in that civil case, was sick and unable to perform his work. Respondent judge denied antedating any decision and alleged that complainant failed to present any evidence to support such accusation.

On January 24, 2001, Deputy Court Administrator Bernardo T. Ponferrada submitted to the Court a recommendation that respondent judge be imposed a fine for filing an answer in behalf of the respondent Catral and defending her questioned order.[8]

The Court has reminded judges of the lower courts that a judge whose order is challenged in an appellate court need not file any answer, or take an active part in the proceedings unless expressly directed by order of the

Court.[9]

In the case at bar, it is undisputed that respondent judge filed a comment on behalf of the respondent Raymundo E. Catral in the case on review with the Court of Appeals. Respondent judge signed the pleading herself and submitted it to the court notwithstanding that it was her decision that was the subject of the petition in the said court.

In filing such comment, respondent judge violated the provision in the Revised Rules of Court which provides:

> "Unless otherwise specifically directed by the court where the petition is pending, the public respondents shall not appear in or file an answer or comment to the petition or any pleading therein. If either party elevates the case to a higher court, the public respondents shall be included therein as nominal parties. However, unless otherwise specifically directed, they shall not appear or participate in the proceedings therein."[10]

Respondent argues that she filed a comment on behalf of one of the parties to the case because the counsel was suffering from an illness at the time. However, a judge must maintain a detached attitude from the case and shall not waste his time by taking an active part in a proceeding that relates to official actuations in a case.[11] He is merely a nominal party and has no personal interest or personality therein.

Further, respondent judge, in signing and filing a comment with the court on behalf of one of the parties, engaged in the private practice of law. The practice of law is not limited to the conduct of cases in court or participation in court proceedings but includes preparation of pleadings or papers in anticipation of litigation.[12]

Under Section 35, Rule 138 of the Revised Rules of Court, and Rule 5.07 of the Code of Judicial Conduct,[13] judges are prohibited from engaging in the private practice of law.[14] This is based on public policy because the rights, duties, privileges and functions of the office of an attorney-at-law are inherently incompatible with the high official functions, duties, powers, discretion and privileges of a judge.[15]

Regarding the other charges of complainant, we find no proof that respondent antedated her decision in Civil Case 4269. Further, no adequate evidence supports complainant's charges of gross ignorance of the law, serious misconduct, evident bias and partiality, and knowingly rendering an unjust judgment. Thus, these charges should be dismissed.

WHEREFORE, the Court hereby finds respondent judge Loreto Cloribel-Purugganan guilty of illegal practice of law, in violation of the Code of Judicial Conduct and the Revised Rules of Court. The Court hereby metes out on her the penalty of suspension from office for a period of three (3) months, without pay, and to pay a fine of ten thousand (P10,000.00) pesos, with a warning that the commission of the same or similar act will be dealt with more severely.

This Resolution is effective immediately.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Kapunan, and Ynares-Santiago, JJ., concur.

---

[1] Rollo, pp. 6-14.

[2] Complaint, Rollo, pp. 6-14, at p. 7.

[3] Ibid., Annex "A", Rollo, p. 15.

[4] Ibid., Annex "B", Rollo, pp. 16-17.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

[5] Comment, Annex "1", Rollo, pp. 42-51.

[6] Rollo, pp. 6-14.

[7] Rollo, pp. 37-41.

[8] Ibid., pp. 1-4.

[9] Turqueza v. Hernando, 97 SCRA 483, 490-491 (1980).

[10] Section 5, Rule 65, 1997 Rules of Civil Procedure, as amended.

[11] Turqueza v. Hernando, supra Note 9.

[12] Dia-Anonuevo v. Bercacio, 68 SCRA 81, 87 (1975).

[13] Rule 5.07: A judge shall not engage in the private practice of law. Unless prohibited by the Constitution or law, a judge may engage in the practice of any other profession provided that such practice will not conflict or tend to conflict with judicial functions.

[14] Gozun v. Liangco, 339 SCRA 253, 260 (2000).

[15] Carual v. Brusola, 317 SCRA 54, 66 (1999).

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.