

IMELDA R. MARCOS, COMPLAINANT, VS. JUDGE FERNANDO VIL PAMINTUAN, RESPONDENT.

A.M. No. RTJ-07-2062. January 18, 2011*

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PER CURIAM:

The judiciary cannot keep those who cannot meet the exacting standards of judicial conduct and integrity. This being so, in the performance of the functions of their office, judges must endeavor to act in a manner that puts them and their conduct above reproach and beyond suspicion. They must act with extreme care for their office indeed is burdened with a heavy load of responsibility.[1]

At bench is an administrative case filed by Imelda R. Marcos (Marcos) against Judge Fernando Vil Pamintuan (Judge Pamintuan), Presiding Judge, Branch 3, Regional Trial Court, Baguio City (RTC), for Gross Ignorance of the Law.

THE FACTS:

From the records, it appears that on November 15, 2006, Marcos filed a complaint-affidavit charging Judge Pamintuan with Gross Ignorance of the Law for reversing *motu proprio* the final and executory order of then Acting Presiding Judge Antonio Reyes (Judge Reyes) dated May 30, 1996 (and modified in the September 2, 1996 order), in Civil Case No. 3383-R, entitled "Albert D. Umali, in his capacity as the exclusive administrator and as President of the Treasure Hunters Association of the Philippines v. Jose D. Roxas, et al."

Judge Reyes dismissed Civil Case No. 3383-R in an order, dated May 30, 1996, the dispositive portion of which reads:

WHEREFORE, in view of the foregoing premises and further, for failure to comply with Supreme Court Administrative Circular No. 04-94 dated April 1, 1994 on forum shopping, the petition is DISMISSED.

It is further ORDERED that the Buddha statuette in the custody of this Court be immediately RELEASED to the children of the late Rogelio Roxas, namely, Henry Roxas and Gervic Roxas and to decedent's brother, Jose Roxas, IN TRUST FOR the estate of the late Rogelio Roxas.

SO ORDERED.

The parties filed their separate motions for reconsideration of the said order but both motions were denied by the RTC for lack of merit in its June 24, 1996 Order.

On June 25, 1996, the Office of the Solicitor General (OSG) filed its own motion for reconsideration which was also denied in a court order dated September 2, 1996.

Ten (10) years later, in an order dated May 9, 2006, Judge Pamintuan set the case for hearing on June 29, 2006 purportedly to formally and finally release the Golden Buddha to its rightful owner. Marcos was one of the subpoenaed parties, being a person with interest in the case.

On August 15, 2006, Judge Pamintuan issued an order, the dispositive portion of which reads:

WHEREFORE, in accordance with the final and executory Order of this Court dated September 2, 1996, the Buddha Statuette or Buddha replica is awarded to the estate of Rogelio Roxas. However, the Buddha Statuette or Buddha replica shall be under custodia legis until the final settlement of the estate of the late Rogelio Roxas, or upon the appointment of his estate's administrator.

This Court further rules that the Golden Buddha in its custody is a fake one, or a mere replica of the original Golden Buddha which has a detachable head, which has been missing since 1971 up to the present, or for a period of thirty five (35) years by now, and has been in unlawful possession of persons who do not have title over it, nor any right at all to possess this original Golden Buddha.

Marcos averred that the act of Judge Pamintuan in reversing a final and executory order constituted gross ignorance of the law. In her complaint, citing A.M. No. 93-7-696-0, she argued that final and executory judgments of lower courts were not reviewable even by the Supreme Court. Judge Pamintuan reversed a final and executory order not upon the instance of any of the parties in Civil Case No. 3383-R but *motu proprio*. He even failed to indicate where he obtained the information that the Golden Buddha sitting in his sala was a "mere replica." Marcos claimed that his order was in conflict with Rule 36 of the Revised Rules of Civil Procedure which provides that a judgment or final order shall state "clearly and distinctly the facts and the law on which it (his order) is based xxx."

In his Comment, Judge Pamintuan argued that Marcos could have just filed a pleading manifesting lack of interest or moving for the recall of the subpoena, but she did not. In fact, her counsel, Atty. Robert Sison, entered his appearance and actually appeared in court. With her appearance through counsel, she subjected herself to the jurisdiction of the court. She should have filed a motion for reconsideration of the August 15, 2006 Order instead of filing an administrative complaint. As she did not, Judge Pamintuan opined that her lost judicial remedies could not be substituted with the filing of this case.

Marcos, in her Reply-Affidavit, stated that she was not a party in Civil Case No. 3383-R, hence, she could not file a motion for reconsideration. She cited Section 1 of Rule 37 which provides that only the aggrieved party may file a motion for reconsideration within the period for taking an appeal.

In its Report, dated June 29, 2007, the Office of the Court Administrator (OCA) recommended that Judge Pamintuan be dismissed from the service with the additional penalty of forfeiture of all his retirement benefits and disqualification from re-employment in the government service, including government owned or controlled corporations, for Gross Ignorance of the Law and for "violation of Canon 4 of the Code of Judicial Conduct." The OCA pointed out that:

As held, execution is the fruit and end of the suit and is the life of the law. A judgment, if left unexecuted, would be nothing but an empty victory for the prevailing party. Bearing this in mind, respondent issued the questioned Order dated August 15, 2006, the pertinent text of which reads:

Despite said Order which was issued almost ten (10) years ago, the estate of the late Rogelio Roxas has not taken possession of the Buddha Statuette or the Buddha replica from the Court, thus, this incumbent Presiding Judge, seeing the necessity of finally disposing of the Buddha Statuette physically, and finding out the present statue of the late Rogelio Roxas, ordered the hearing on June 29, 2006. (*Italics supplied*)

xxx xxx xxx

WHEREFORE, in accordance with the final and executory Order of this Court dated September 2, 1996, the Buddha Statuette or Buddha replica is awarded to the estate of Rogelio Roxas. However, the Buddha Statuette or Buddha replica shall be under custodia legis until the final settlement of the estate of the late Rogelio Roxas, or upon the appointment of his estate's administrator.

Clearly, the questioned Order conforms to the directive of the Court in its previous Order dated May 30, 1996, which provides:

It is further ORDERED that the Buddha Statuette in custody of this Court be immediately RELEASED to the children of the late Rogelio Roxas, namely, Henry Roxas and Gervic Roxas and to the decedent's brother, Jose Roxas, IN TRUST FOR the estate of the late Rogelio Roxas.

And modified in an Order dated September 2, 1996, which reads:

"WHEREFORE, the Motion for Reconsideration filed by the Solicitor General is DENIED. The Order of this Court on May 30, 1996 remains insofar as the Buddha statuette is awarded to the state of the late Rogelio Roxas and is at the same time MODIFIED in the sense that the Buddha statuette shall be under the custodia legis until the final settlement of the estate of the late Rogelio Roxas or upon the appointment of his estate's administrator."

x x x x x x x x

A normal course of proceedings would have been that respondent Judge waits for the proper party to go to court to ask for the release of the Buddha statuette. x x x.

However, respondent was being overzealous when he ruled that the Golden Buddha in its custody is a "fake one, or a mere replica." Notwithstanding that the same may be his' and the litigants' opinion during the hearing of June 29, 2006. (sic) He should have borne in mind that there were no issues nor controversies left for consideration in Civil Case No. 3383-R. It must be noted that the Order dated May 30, 1996 (and modified on September 2, 1996) has become final and executory. Hence, issues have been settled and the matter laid to rest. As repeatedly ruled by this Court, a decision that has acquired finality becomes immutable and unalterable. A final judgment may no longer be modified in any respect, even if the modification is meant to correct erroneous conclusions of fact or law. Should judgment of lower courts - which may normally be subject to review by higher tribunals - become final and executory before, or without exhaustion of all recourse of appeal, they too become inviolable, impervious to modification. They may, then, no longer be reviewed, or in any way modified directly or indirectly, by a higher court, not even by Supreme Court, much less by any other official, branch or department of government.

It is inexcusable for respondent Judge to have overlooked such an elementary legal principle."

Upon recommendation of the OCA, the Court, in its July 31, 2007 Resolution, preventively suspended Judge Pamintuan pending resolution of this administrative case to stop him from committing further damage to the judiciary. Judge Pamintuan moved for reconsideration and eventually filed a Motion for Early Resolution of Motion for Reconsideration and to Submit the Case for Decision.

The matter was referred again to the OCA for evaluation, report and recommendation. In its Memorandum dated November 22, 2007, the OCA recommended that "the Motion for Reconsideration filed by respondent be GRANTED and that the Order of Preventive Suspension dated July 31, 2007, be LIFTED." Thus, in its December 11, 2007 Resolution, the Court granted the Motion for Reconsideration filed by Judge Pamintuan and lifted the Order of Preventive Suspension effective immediately.

Judge Pamintuan then sent a letter requesting for his backpay and benefits covering the period of his preventive suspension from August to December 13, 2007. In its June 3, 2008 Resolution, following the recommendation of the OCA, the Court denied said request for being premature and for lack of merit.

Now, the Court resolves the complaint against Judge Pamintuan.

After a thorough study of the case, the Court agrees with the evaluation and recommendation of the OCA.

Doubtless, the May 30, 1996 Order, which was modified on September 2, 1996, in Civil Case No. 3383-R, has long become final and executory. In his assailed August 15, 2006 Order, Judge Pamintuan made express declarations that were not embodied either in the May 30, 1996 Order or in the September 2, 1996 Order. He ruled that the Golden Buddha in the custody of the court was a "fake one, or a mere replica" of the original. This may be his opinion or the litigants' during the hearing of June 29, 2006 but Judge Pamintuan should have realized that the trial court did not rule on that point in its May 30, 1996 Order (even in its September 2, 1996 Order). Insofar as this issue is concerned, the May 30, 1996 Order pertinently reads:

Albert Umali anchors his claim on the supposed Memorandum of Agreement between him and the late Rogelio Roxas executed on November 25, 1988. He claims that under this agreement, he and Rogelio Roxas will share in the profits of their business venture, that is, treasure hunting and claim for lost treasure.

He adds, however, that the Buddha with this Court is not the genuine Buddha. According to him, he has photographs to prove the existence of the real and genuine golden Buddha. To be sure, this Court is baffled by the foregoing submission of Mr. Umali, if the subject Buddha is not the genuine golden Buddha, and therefore a fake one, it cannot be covered by the memorandum of Agreement.

Be it noted that the Memorandum of Agreement speaks of treasure hunting and lost treasure which could refer to things of great value. Based on Mr. Umali's own claim the subject Buddha has no appreciable material value. It is therefore outside the scope of the Memorandum of Agreement. This being the case, what right then does Albert Umali have to demand the return of the subject Buddha to him? On this score alone, this Court should already reject the claim of Mr. Umali over the Buddha now in this Court's custody.

x x x x x x x x

Now, as to whether or not there is that controversial golden Buddha different from the one now in custody of this Court, there is none. X x x.

Section 6, Canon 4 of the New Code of Judicial Conduct provides:

SECTION 6. Judges, like any other citizen, are entitled to freedom of expression, belief, association and assembly, but in exercising such rights, they shall always conduct themselves in such manner as to preserve the dignity of the judicial office and the impartiality and independence of the judiciary. [Emphases ours]

Judge Pamintuan indeed made a serious error in making such a pronouncement in the challenged order.

It is axiomatic that when a judgment is final and executory, it becomes immutable and unalterable. It may no longer be modified in any respect either by the court which rendered it or even by this Court. The doctrine of immutability and inalterability of a final judgment has a two-fold purpose, to wit: (1) to avoid delay in the administration of justice and thus, procedurally, to make orderly the discharge of judicial business; and (2) to put an end to judicial controversies, at the risk of occasional errors, which is precisely why courts exist. Controversies cannot drag on indefinitely.[2]

It is inexcusable for Judge Pamintuan to have overlooked such basic legal principle no matter how noble his objectives were at that time. Judges owe it to the public to be well-informed, thus, they are expected to be familiar with the statutes and procedural rules at all times. When the law is so elementary, not to know it or to act as if one does not know it, constitutes gross ignorance of the law.[3]

The Court agrees with the view of OCA that Judge Pamintuan manifested gross ignorance of the law in issuing the questioned August 15, 2006 Order. Verily, he failed to conform to the high standards of competence required of judges under the Code of Judicial Conduct, which provides that:

Rule 1.01 - A judge should be the embodiment of competence, integrity, and independence.

Rule 3.01 - A judge shall x x x maintain professional competence.

Competence is a mark of a good judge. When a judge exhibits an utter lack of know-how with the rules or with settled jurisprudence, he erodes the public's confidence in the competence of our courts. It is highly crucial that judges be acquainted with the law and basic legal principles. Ignorance of the law, which everyone is bound to know, excuses no one - not even judges.[4]

Notably, this is not Judge Pamintuan's first and sole administrative case. In *The Officers and Members of the Integrated Bar of the Philippines Baguio-Benguet Chapter v. Pamintuan*,[5] Judge Pamintuan was charged with Gross Ignorance of the Law, Gross Violation of the Constitutional Rights of the Accused, Arrogance and Violation of the Canons of Judicial Ethics and was suspended for one (1) year.

In the case of *Atty. Gacayan v. Hon. Pamintuan*,[6] he was found guilty of violating Canons 2 of the Code of Judicial Conduct and Canon 3 of the Code of Judicial Ethics which amounted to grave misconduct, conduct unbecoming of an officer of the judiciary and conduct prejudicial to the best interest of the service. He was reprimanded and was sternly warned that a repetition of the foregoing or similar transgressions would be dealt with more severely. He was also meted a fine of P10,000.00.

In a much recent case, *Biggel v. Pamintuan*,[7] he was charged with manifest partiality, gross misconduct, ignorance of the law, and unjust and malicious delay in the resolution of the incidents in Criminal Case No. 25383-R entitled "*People of the Philippines v. Emil Biggel*," a case for estafa. He was found guilty of violating Rule 3.05 of the Code of Judicial Conduct, which requires judges to dispose of court business promptly. The Court imposed upon him a fine in the amount of P20,000.00, with a stern warning that a repetition of the same or similar acts would be dealt with more severely.

As of this time, there is another administrative case yet to be resolved against Judge Pamintuan filed by one Peter Cosalan for gross ignorance of the law.[8] Although, this is not pertinent in the resolution of this case, it is clear from the other undisputed records that Judge Pamintuan has failed to meet the exacting standards of judicial conduct and integrity. He has shown himself unworthy of the judicial robe and place of honor reserved for guardians of justice. As held in the case of *Malabed v. Asis*: [9]

Respondent Judge must bear in mind that membership in the judiciary circumscribes one's personal conduct and imposes upon him certain restrictions, the faithful observance of which is the price one has to pay for holding such a distinguished position. x x x His conduct must be able to withstand the most searching public scrutiny, for the ethical principles and sense of propriety of a judge are essential to the preservation of the people's faith in the judicial system lest public confidence in the judiciary would be eroded by the incompetent, irresponsible and negligent conduct of judges.

The Court has held time and again that a judge is expected to demonstrate more than just a cursory acquaintance with statutes and procedural rules. It is essential that he be familiar with basic legal principles and be aware of well-settled doctrines.[10]

As fittingly stated in the case of *Borromeo v. Mariano*, [11] "Our conception of good judges has been, and is, of men who has a mastery of the principles of law, who discharge their duties in accordance with law." Thus, this Court has had the occasion to hold that:

When the inefficiency springs from a failure to consider so basic and elemental a rule, a law or a principle in the discharge of his duties, a judge is either too incompetent and undeserving of the position and title he holds or he is too vicious that the oversight or omission was deliberately done in bad faith and in grave abuse of

judicial authority. In both instances, the judge's dismissal is in order. After all, faith in the administration of justice exists only if every party-litigant is assured that occupants of the bench cannot justly be accused of deficiency in their grasp of legal principles.[12]

In this case, the Court finds Judge Pamintuan accountable for gross ignorance of the law. He could have simply been suspended and fined, but the Court cannot take his previous infractions lightly. His violations are serious in character. Having been previously warned and punished for various infractions, Judge Pamintuan now deserves the ultimate administrative penalty – dismissal from service.

The Court doubts if he ever took seriously its previous warnings that a repetition of his offenses would merit a more severe sanction from this Court. His conduct in this case and his prior infractions are grossly prejudicial to the best interest of the service. As shown from the cited administrative cases filed against Judge Pamintuan, he was liable not only for gross ignorance of the law but for other equally serious transgressions. This Court should, therefore, refrain from being lenient, when doing so would give the public the impression that incompetence and repeated offenders are tolerated in the judiciary.

WHEREFORE, respondent Judge Fernando Vil Pamintuan of the Regional Trial Court of Baguio City, Branch 3, is **DISMISSED** from the service. He shall forthwith **CEASE** and **DESIST** from performing any official act or function appurtenant to his office upon service on him of this decision.

SO ORDERED.

Corona, C.J., Carpio, Carpio Morales, Velasco, Jr., Nachura, Leonardo-De Castro, Brion, Peralta, Bersamin, Del Castillo Abad, Villarma, Jr., Perez, Mendoza and Sereno, JJ., concur.

* Formerly OCA-I.P.I. No. 07-2607-RTJ.

[1] See the case of Bayaca v. Ramos, A.M. No. MTJ-07-1676, January 29, 2009, 577 SCRA 93, 104.

[2] Social Security System v. Isip, G.R. No. 165417, April 4, 2007, 520 SCRA 310, 315.

[3] Genil v. Rivera, A.M. No. MTJ-06-1619, January 23, 2006, 479 SCRA 363, 373.

[4] Balayon, Jr. v. Dinopol, A.M. RTJ-06-1969, June 15, 2006, 490 SCRA 547, 556.

[5] 485 Phil. 473 (2004).

[6] 373 Phil. 460 (1999).

[7].A.M. No. RTJ-08-2101, July 23, 2008, 559 SCRA 344.

[8] OCA IPI No. 10-3481-RTJ.

[9] A.M. No. RTJ-07-2031, August 4, 2009, 595 SCRA 23, 41.

[10] Atty. Adalim-White v. Judge Bugtas, 511 Phil. 615, 627 (2005).

[11] 41 Phil. 322, 333 (1921).

[12] Atty. Macalintal v. Judge Teh, 345 Phil. 871, 879 (1997).

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