

WILFREDO F. TUVILLO, COMPLAINANT, VS. JUDGE HENRY E. LARON, RESPONDENT.*A.M. No. MTJ-10-1755. October 18, 2016*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/ee5fa9155a04/>**PER CURIAM:**

This is a consolidation of two cases filed against Judge Henry Laron, Presiding Judge of Branch 65, Metropolitan Trial Court, Makati City (MeTC). The first case arose from the complaint of Wilfredo Tuvillo (Wilfredo) for immoral conduct, and the second case from the complaint of Melissa Tuvillo (Melissa) for unexplained wealth and immorality.

Wilfredo and Melissa Tuvillo are husband and wife. Wilfredo works as a seaman and is out of the country most of the time. Melissa is a businesswoman with several B.P. Blg. 22 cases filed against her in the MeTC of Makati City. In her desire to have her cases resolved, she approached the respondent Judge Henry Laron (Judge Laron). The respondent is married but his wife was in the United States at the time the events of this case transpired. Due to their frequent interaction with each other, Melissa and Judge Laron became intimate with each other and their relationship gave rise to these administrative cases.

**The Complaint of
Wilfredo Tuvillo**

On May 2, 2008, Wilfredo wrote a letter-complaint against Judge Laron to the Court Administrator for immorality and unacceptable wrongdoing. He submitted a Complaint-Affidavit[1] where he alleged, among others, that his wife Melissa sought the help of Judge Laron for the resolution of the cases filed against her; that, in turn, Judge Laron asked money from Melissa and forced her to produce it whenever he needed it; that they lost all their savings and their two houses and lots because of Judge Laron's constant requests for money from Melissa; that Judge Laron would physically hurt Melissa when she could not produce the money he needed; and that Judge Laron "transgressed, intruded and besmirched the tranquility and sacredness of our marital union and family unity" To support his complaint, Wilfredo attached Melissa's complaint-letter and her affidavit where she admitted having illicit relations with Judge Laron.[2]

Wilfredo also submitted the Joint Affidavit of his two sons[3] wherein they alleged:

6. That sometime in the year 2007, we were living in our house in Antipolo city; We were surprised that certain Tito Henry Laron used to go to our house in Antipolo; He slept in our house twice or thrice a week specially during weekends; Nagtaka kami mga magkakapatid bakit natutulog si Tito Henry Laron sa bahay namin at sinusundo na kami at ang mama namin tuwing umaga minsan gamit ang kanyang sasakyan minsan aming sasakyan ang ginagamit niya at sunduin kami sa school tuwing hapon.

This allegation was confirmed by their caretaker in her Affidavit[4] stating that Judge Laron slept in the Antipolo house during weekends, picked up Melissa and her children in the morning, and fetched them from school in the afternoon using either his own or Melissa's car.

In his July 2, 2008 Comment,[5] Judge Laron averred that he had already confessed his affair with Melissa to his wife. In his December 18, 2008 Comment,[6] he claimed that Melissa told him that she was a widow and explained that his relationship with her was an intimate emotional and personal attachment that did not involve any sexual liaison.

Wilfredo subsequently filed an adultery case against Melissa and Judge Laron before the City Prosecutor's Office of Makati but it was later dismissed for lack of probable cause.[7] Wilfredo's petition for review was also dismissed by the Department of Justice[8] for failure to comply with DOJ Circular No. 70 and for lack of reversible error.[9]

The Complaint of Melissa Tuvillo

This case was initiated by Melissa on May 14, 2008 when she wrote a letter to the Court Administrator accusing Judge Laron of unexplained wealth and immorality. In her letter, she asked that Judge Laron be investigated because based on his salary as a judge, he could not have acquired their P9 million house. She also claimed that Judge Laron could not have afforded to buy several Lamarroza paintings, four Plasma televisions, expensive furniture, a Nissan Patrol, and to send his three children to private schools. Her letter also bore her admission that she was his mistress for three years.

In his July 21, 2008 Comment,[10] Judge Laron explained how he was able to afford and own the properties that Melissa claimed were beyond his means. He said that he and his wife sold their townhouse for P1.7M and obtained a P3.2M loan from Land Bank to cover the P4.4M construction cost of his house.[11] The Nissan Patrol, a 2001 model, was allegedly bought for P1.15M with money borrowed from his father's retirement proceeds.[12] The Lamarroza paintings, accumulated through the years from 2004 to 2007[13] for a total value of P410,000.00, were purchased at a low price because the artist was his wife's friend. The two (2) plasma televisions, on the other hand, were gifts to them while the other two were purchased in 2000 and 2002. His children's tuition fees were covered by educational plans[14] and their furniture was part of his wife's commission as a dealer in his relative's furniture shop.

In her July 31, 2008 Complaint-Affidavit,[15] Melissa admitted that she had approached Judge Laron when she needed help regarding the pending cases against her. Her liaisons with Judge Laron started in November 2005 in his office (doon una niya akong naangkin). She said that he slept in their house in Antipolo and was in her Pasong Tamo condominium almost daily from August 2007 to January 2008. At that time, Melissa was receiving a monthly allowance of US\$2,000.00 from her husband while Judge Laron would ask money from her every month and whenever he needed it. She cited several occasions when she gave him money. Judge Laron would hurt her physically and threaten to tell her husband about their relationship every time she would refuse to give him money. To meet Judge Laron's demand for money, she said that she sold her house and lot in Taguig City and her two vehicles - a Pajero and a Honda CRV. Yet, only two of her four pending cases were settled. She also mentioned an incident in Judge Laron's office in April 2008 when a lawyer attempted to effect a reconciliation between her and Judge Laron.

Defense of Judge Laron

In his October 27, 2008 Comment,[16] Judge Laron related that Melissa was introduced to him in November 2005 and that in December 2005, she informed him about her B.P. Blg. 22 cases. He refuted the alleged sexual liaisons that happened in his chambers by attaching affidavits of his staff who swore that the door to his chambers was necessarily open because the air conditioner that supplied the cold air to the staff room, the telephones, the fax machine, the coffee maker, and the refrigerator were all in his chambers. He likewise denied that he had asked Melissa for money or that she gave him money. He pointed out that Melissa could have settled the cases against

her by paying the complainants because she had the money. The cases against her were violations of B.P. Blg. 22: two counts for P20,000.00, two counts for P19,377.00, and two counts for P24,620.00. He also mentioned that the threats and harassment against him started when he began avoiding her.

A member of the staff of Judge Laron, Ma. Anicia Razon, related in her affidavit that on April 16, 2008, a woman went inside the chamber of Judge Laron and started shouting and berating the judge.[17] A man, who was then with her, pulled the woman away and brought her out of the room. She, however, continued her outburst even when they were already along the corridor. Seven other staff members executed a joint affidavit[18] about the incident narrating that they ran to his chambers after they heard a woman shouting and then saw the woman berating Judge Laron (minumura at inaalipusta) while the judge just remained quiet (nanatiling tahimik). The woman's shouts were heard even in the courtroom. They recounted that the woman told the judge: "IDEDEMANDA KITA!" to which the judge retorted: "Idedemanda ka rin ng misis ko."

Imelda Laron, the wife of Judge Tuvillo, also executed an affidavit where she recounted that sometime in January 2008, she lifted their home phone and heard a conversation between her husband and another person.[19] She confronted her husband about what she overheard and they had a serious talk about Melissa. She also stated that after that incident, "nasty text messages with threats from different cellphone numbers were sent to me;" that their sons also received the same messages in their cell phones; and that her relatives in the province, whose cellphone numbers were listed in her list of contacts, called her "about the damaging text messages they received about my husband and the woman named Michelle."

The Office of the Court Administrator in its Report[20] recommended the consolidation of the two complaints as all the allegations in both were rooted on the alleged affair between Judge Laron and Melissa.[21] After its evaluation, the OCA recommended that Judge Laron be found guilty of conduct unbecoming of a judge and be fined P10,000.00, and that the case for unexplained wealth be dismissed for being unsubstantiated.

The Court's Ruling

Unexplained Wealth

The charge of unexplained wealth was disputed by Judge Laron who was able to explain the source of the money he used to pay for the construction of his house and the purchase of his vehicle, televisions and furniture. He also attached copies of the educational plans of his children. On the other hand, Melissa failed to substantiate her claim that Judge Laron, by his salary, could not afford to buy those properties and send his children to private schools. For said reason, the Court agrees with the OCA's recommendation that the complaint for unexplained wealth against Judge Laron be dismissed.

Immorality

The charge of immorality, however, is a serious one covered by Section 8, Rule 140 of the Rules of Court. The penalty therefor includes dismissal from the service. Section 8 of Rule 140 provides:

Serious charges include:

- Bribery, direct or indirect;
- Dishonesty and violations of the Anti-Graft and Corrupt Practices Law (R.A. No. 3019);
- Gross misconduct constituting violations of the Code of Judicial Conduct;
- Knowingly rendering an unjust judgment or order as determined by a competent court in an appropriate proceeding;

- Conviction of a crime involving moral turpitude;
- Willful failure to pay a just debt;
- Borrowing money or property from lawyers and litigants in a case pending before the court;
- Immorality;
- Gross ignorance of the law or procedure;
- Partisan political activities; and
- Alcoholism and/or vicious habits. [Emphasis Supplied]

Moreover, members of the judiciary are essentially guided by Code of Judicial Conduct and the Canons of Judicial Ethics in their acts. Canon 4, Section 1 of the Code of Judicial Conduct mandates that a judge should avoid impropriety and the appearance of impropriety in all activities. Judge Laron's conduct of carrying on an affair with a married woman is highly improper. Pertinently, Paragraph 3 of the Canons of Judicial Ethics provides:

3. Avoidance of appearance of impropriety.

A judge's official conduct should be free from the appearance of impropriety, and his personal behavior, not only upon the bench and in the performance of official duties, but also in his everyday life, should be beyond reproach.

The Code of Judicial Ethics mandates that the conduct of a judge must be free of a whiff of impropriety both in his professional and private conduct in order to preserve the good name and integrity of the court.[22] As the judicial front-liners, judges must behave with propriety at all times as they are the intermediaries between conflicting interests and the embodiments of the people's sense of justice. These most exacting standards of decorum are demanded from the magistrates in order to promote public confidence in the integrity and impartiality of the Judiciary.[24] No position is more demanding as regards moral righteousness and uprightness of any individual than a seat on the Bench.[25] As the epitome of integrity and justice, a judge's personal behavior, both in the performance of his official duties and in private life should be above suspicion. For moral integrity is not only a virtue but a necessity in the judiciary.[26]

In these cases at bench, the conduct of Judge Laron fell short of this exacting standard. By carrying an affair with a married woman, Judge Laron violated the trust reposed on his office and utterly failed to live up to noble ideals and strict standards of morality required of the members of the judiciary.[27] As the Court wrote in *Re: Letter of Judge Augustus Diaz*,[28] "a judge is the visible representation of the law and of justice. He must comport himself in a manner that his conduct must be free of a whiff of impropriety, not only with respect to the performance of his official duties but also as to his behavior outside his sala and as a private individual. His character must be able to withstand the most searching public scrutiny because the ethical principles and sense of propriety of a judge are essential to the preservation of the people's faith in the judicial system."

In these cases, both Judge Laron and Melissa admitted the affair. In the case filed by Wilfredo, the July 2, 2008 Comment[29] of Judge Laron reads:

- Sometime in November 2005, Melissa Tuvillo was introduced to me. In December 2005, Melissa approached me regarding problems about a vehicular accident she was involved in. She later informed me about the bouncing checks filed against her. At that time, I had been married for more than 17 years, and my wife was in the United States attending to her ailing father. Melissa was likewise then without a husband and Mr. Tuvillo was out at sea. She was aware of my marital status and that I have three sons. We were both mature lonely

people whose marriages had lessened sheen. She brought me a sense of soul connection, understanding and great company. [Emphasis supplied]

- On the week of the May 2007 elections, Melissa called and told me that her husband Wilfredo died of illness in China. She even told me that the remains were cremated, that a padasal was held at Brgy. Pitogo, Makati City, the place of her husband. After that, she frequently asked for my presence and company, she even asked me to help her guide her four children, and we developed an intimate personal attachment to each other. She showered me with the affection I felt I needed, and I reciprocated. We however tried our best to be discreet and sensitive to the sensibilities of those around us.

- September of 2007 was a turning point. Imelda, my previously distant wife became ever present. My wife was all over me, ever caring and loving. On November 2007, I started to distance myself from Melissa.

- Around the first week of January 2008, Imelda would later hear of the affair, she confronted me and I soon had to choose between the mother of my three children, or Melissa, the woman who made me feel needed and cared for. One look at my three sons made the choice plainly clear. I could not abandon my family. I confessed to the affair, and vowed that I would immediately mend my ways. I started to exercise more self-discipline, and became more aware of my responsibilities to my family. I now persevere in keeping true to the straight and narrow path." [Emphases supplied]

The affidavit of Melissa, on the other hand, stated that:[30]

2. I have been maintaining an illicit relation with the said Judge above-named since November 2005 until March 2008. Our relation is known among the personnel in the court's premises in Makati City.

3. To support my complaint are the various text messages and videos, ATM cards, bank checks which I am willing to present in the proper forum. [Emphasis supplied]

The illicit affair must have been known to the staff of the court because in their joint affidavit recounting the scene created by Melissa when she berated the judge in his office, none of them attempted to stop her harangue which was highly disrespectful of the judge's status. Judge Laron's inaction on the face of Melissa's verbal attack was a strong indication that they had a relationship which was more than official or professional.

In finding Judge Laron guilty of immorality, the Court is guided by the ruling in *Geroy v. Calderon*[31] where it was written:

The bottom line is that respondent failed to adhere to the exacting standards of morality and decency which every member of the judiciary is expected to observe. Respondent is a married man, yet he engaged in a romantic relationship with complainant. Granting *arguendo* that respondent's relationship with complainant never went physical or intimate, still he cannot escape the charge of immorality, for his own admissions show that his relationship with her was more than professional, more than acquaintanceship, more than friendly.

As the Court held in *Madredijo v. Loyao, Jr.*:[32]

[I]mmorality has not been confined to sexual matters, but includes conduct inconsistent with rectitude, or indicative of corruption, indecency, depravity and dissoluteness; or is willful, flagrant, or shameless conduct showing moral indifference to opinions of respectable members of the community and an inconsiderate attitude toward good order and public welfare. [Italics Supplied]

Immorality under Rule 140 of the Rules of Court, as amended by A.M. No. 01-8-10-SC dated September 11, 2001 on the discipline of Justices and Judges, is a serious charge which carries any of the following sanctions: (1) dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations, provided, however, that the forfeiture of benefits shall in no case include accrued leave credits; (2) suspension

from office without salary and other benefits for more than three but not exceeding six months; or (3) a fine of more than P20,000.00 but not exceeding P40,000.00.

The Court also finds Judge Laron guilty of gross misconduct for violating the Code of Judicial Conduct. This is another serious charge under Rule 140, Section 8 of the Rules of Court. The illicit relationship started because Melissa sought the help of Judge Laron with respect to her pending B.P. Blg. 22 cases and, apparently, he entertained the request for assistance. Canon 2 of the Code of Judicial Conduct provides:

Rule 2.04.—A judge shall refrain from influencing in any manner the outcome of litigation or dispute pending before another court or administrative agency.

Judge Laron admitted that Melissa had informed him about the f@ B.P. Blg. 22 cases against her one month after she was introduced to him. One of those cases was before Judge Laron himself. The case was dismissed upon agreement of the parties.[33] Another case was pending before the sala of another judge which was provisionally dismissed.[34] The situation highly smacked of impropriety because Judge Laron, at the very least, "aided" Melissa in a case pending before him and before another judge.

Another situation of impropriety was when Judge Laron asked money from Melissa who was a litigant in a case pending before his court. This is also a serious charge under Section 8 Rule 140 of the Rules of Court. Wilfredo and Melissa alleged in their complaints that Judge Laron continuously demanded money from Melissa which led to the sale of their houses and vehicles. Melissa claimed that: Judge Henry Laron was asking an amount of money on a monthly basis. In addition, he is also asking me to purchase his medicines (Teveten, Forecad. I even shoulder the expenses of his executive check-up (07-08 June 2007) and also the normal visitation, to his doctor (Dr. Antonio Sibulo, St. Luke's Hospital) in which he kept all the receipt. He was also asking for cell phone load, gasoline, and monthly groceries (Puregold). Judge Henry Laron even ask for an allowance when he was sent to Canada (a total of 2,000 US dollars) for a study grant last year.[35] She further claimed that Judge Laron would physically hurt whenever she could not give him money and this averment was corroborated by her sons who stated in their affidavit that "he is hurting physically our mother because we saw once our mother having maraming paso, the result of the physical punishment made by Tito Henry Laron." [36] Melissa also submitted a photocopy of a Bank of Philippine Islands deposit slip US\$200 deposited in the account of "Henry E. Laron." [37]

All these conduct and behavior are contrary to the canons of judicial conduct and ethics. Judges are held to higher standards of integrity and ethical conduct than other persons not vested with public trust and confidence. Judges should uplift the honor of the judiciary rather than bring it to disrepute. Demanding money from a party-litigant who has a pending case before him is an act that this Court condemns in the strongest possible terms. In the words of *Velez v. Flores*, [38] such act corrodes respect for the law and the courts, committed as it was by one who was tasked administering the law and rendering justice.

Judge Laron's immorality and serious misconduct have repercussions not only on the judiciary but also on the millions of overseas Filipino workers (OFW) like Wilfredo. While Wilfredo was working hard abroad to earn for his family, Judge Laron was sleeping with his wife in his bed in his house and spending his hard-earned dollars. What was even worse was the flaunting of the illicit relationship before his young boys (aged 13 and 14) who related it to him upon his return from abroad. This is the nightmare scenario of every OFW - to be confronted upon their return with stories from their own children about the "other man or woman" sleeping in their house while they were away enduring the bitter cold or searing heat, homesickness, culture shock, and occasional inhumane treatment just to earn the dollars for the food, shelter, clothing, and education of their family back home.

Under these circumstances, the Court finds itself unable to adopt the recommendation of the OCA that Judge

Laron be simply found guilty of conduct unbecoming of a public official and be fined P10,000.00. The OCA's recommended dismissal of the charge of immorality is not warranted by the evidence on hand. Judge Laron himself admitted his immorality and even prayed that he be forgiven and that no disciplinary action be taken against him.[39] To disregard Judge Laron's admission and grant his plea would mean a betrayal of the public trust.

WHEREFORE, finding Judge Henry Laron, Presiding Judge of Branch 65, Metropolitan Trial Court, Makati City, GUILTY of IMMORALITY and SERIOUS MISCONDUCT, the Court hereby metes him the maximum penalty of DISMISSAL from the service, with forfeiture of all benefits except accrued leave credits. He is likewise disqualified from reinstatement or appointment to any public office, including government-owned or controlled corporations.

This decision is IMMEDIATELY EXECUTORY.

The charge of Unexplained Wealth is DISMISSED for insufficient evidence.

SO ORDERED.

Sereno, C.J., Carpio, Leonardo-De Castro, Bersamin, Mendoza, Reyes, and Perlas-Bernabe, JJ., cocur.

Velasco, Jr., Peralta, Jardeleza, and Caguioa, JJ., joins the dissent of J. Bersamin.

Brion, J., pls. see my concurring and dissenting opinion.

Del Castillo, J. I concur with the dissent of J. Bersamin.

Perez,[*] J., no part. I acted on the matter as Court. Adm.

Leonen, J., see separate opinion, concurring and dissenting to add disbarment.

NOTICE OF JUDGMENT

Sirs/Mesdames:

Please take notice that on October 18, 2016 a Decision/Resolution, copy attached herewith, was rendered by the Supreme Court in the above-entitled case, the original of which was received by this Office on November 21, 2016 at 3:10 p.m.

Very truly yours,

(SGD)

FELIPA G. BORLONGAN-ANAMA

Clerk of Court

[*] No Part.

[1] Rollo (A.M. No. MTJ-10-1755), pp. 24-26.

[2] Id. at 31.

[3] Id. at 34-35.

[4] Id. at 36.

[5] Id. at 20-23.

[6] Id. at 52-65.

[7] Id. at 95-99.

[8] Id. at 99-100.

[9] The verification of the petition was made, not by Wilfredo Tuvillo as required by the DOJ Circular, but by Wilfredo's counsel.

[10] Rollo (A.M. No. MTJ-10-1756), pp. 22-25.

[11] Id. at 27-28.

[12] Id. at 31.

[13] Id. at 29.

[14] Id. at 33-34.

[15] Id. at 36-39.

[16] Id. at 58-65.

[17] Id. at 72.

[18] Id. at 73-74

[19] Id. at 70-71

[20] Rollo (A.M. No. MTJ-1755), p. 118.

[21] Rollo (A.M. No. MTJ-1756), pp. 80-84.

[22] *Garcia v. Valdez*, 354 Phil. 475, 480 (1998).

[23] *Calilung v. Suriaga*, 393 Phil. 739, 764 (2000).

[24] *Vedana v. Valencia*, 356 Phil. 317, 329 (1998).

[25] *Naval v. Judge Panday*, 378 Phil. 924, 939 (1999).

[26] *Talens-Dabon v. Arceo*, 328 Phil. 692-707 (1996).

[27] *Naval v. Panday*, 378 Phil. 937 (1999).

[28] 560 Phil. 1,4-5(2007).

[29] Rollo (A.M. No. MTJ-10-1755), pp. 20-23.

[30] Rollo (A.M. No. MTJ-10-1756), p. 5.

[31] 593 Phil. 585, 597 (2008).

[32] 375 Phil. 1, 17 (1999), citing *Alfonso v. Juanson*, A.M. No. RTJ-92-904, December 7, 1993, 228 SCRA 239.

[33] Rollo (A.M. No. MTJ-10-1756), p. 50a.

[34] Id. at 51.

[35] Id. at 15.

[36] Rollo (A.M. No. MTJ-10-1755), p. 34.

[37] Rollo (AM. No. MTJ-10-1756), p. 50.

[38] 445 Phil. 54, 64 (2003).

[39] Rollo (AM. No. MTJ-10-1755), p. 22.

CONCURRING AND DISSENTING OPINION

BRION, J.:

I CONCUR with the ponencia finding respondent judge Henry Laron^[1] guilty of immorality and serious misconduct. I DISSENT, however, from its imposition of only a three-year suspension for his grave offenses. I submit that the respondent should be dismissed from judicial service and be disbarred from the practice of law.

Background Facts

The case arose from two letter-complaints filed against Judge Laron by Wilfredo Tuvillo (Wilfredo) and Melissa Tuvillo (Melissa). Wilfredo charged Judge Laron with immorality and unacceptable wrongdoing. Melissa accused Judge Laron of unexplained wealth and immorality and of violation of anti-graft laws and disgraceful immoral conduct, in her complaint and supplemental complaint, respectively.

A. Wilfredo is letter-complaint and supplemental complaint

In his May 2, 2008 complaint, Wilfredo, a seaman, declared that he treated Judge Laron as a close family member and would "entrust" his wife to him whenever he was abroad. Fie heard rumors about the relationship of Melissa and Judge Laron while he was overseas; his children had confirmed to him that Judge Laron was always in their house and had physically hurt Melissa. He stated that Melissa admitted to having an affair with Judge Laron when he confronted her about it.

In his comment to Wilfredo's complaint, Judge Laron claimed that Melissa approached him sometime in December 2005, to inform him about the 'bouncing checks cases' filed against her; that Melissa told him that her husband had died of illness in China. He said that Melissa knew of his marital status yet they still "developed an intimate personal relation with each other."^[2] He claimed to have distanced himself from Melissa in September 2007, and that he had already confessed his affair with Melissa to his wife.

Judge Laron further explained that his affair with Melissa "is a purely personal matter"^[3] which has no bearing on his professional responsibilities as a judge and as a lawyer.

In his supplemental complaint-affidavit dated June 3, 2008, Wilfredo further alleged that Melissa had sought Judge Laron's help for the expeditious resolution of the cases filed against her; that Judge Laron had demanded money from Melissa whenever he needed it; that he and Melissa had lost all their savings and their property because of Judge Laron's constant demands for money; that Judge Laron had physically hurt Melissa when she could not produce the money he needed; and that Judge Laron had "transgressed, intruded, and besmirched the tranquillity and sacredness of [their] marital union and family unity."^[4]

In his comment to the supplemental complaint, Judge Laron maintained that he did not extort money from Melissa, and that the loss of the complainant's houses and lots could not be attributed to him. He denied inflicting physical harm on Melissa, pointing out the lack of any medical certificate to support this allegation. He also denied violating the marital union and family unity of the spouses Tuvillo, adding that Melissa had led her to believe that Wilfredo had died of illness in China. Further, he described Wilfredo's complaint as a "harassment suit supported by dubious documents." [5]

B. Melissa's charges against Judge Laron

In her May 14, 2008 letter to the Office of the Court Administrator (OCA), Melissa asked that Judge Laron be investigated for unexplained wealth and immorality alleging that he could not have acquired the following properties on his salary as a judge: a P9-million house not including appliances and decor — four (4) Lamarroza paintings; four plasma television sets and expensive furniture; a 2005 model Nissan Patrol vehicle; and various high-caliber guns. Melissa also questioned how Judge Laron could have afforded to send his three children to private schools.

Melissa disclosed that she had been Judge Laron's mistress for three (3) years. She claimed that Judge Laron had constantly asked money from her for various expenses such as medicine and medical check-ups, cellular phone loads, gasoline, monthly groceries, and study grant allowance. Melissa also accused Judge Laron of physically hurting her.

In his comment to Melissa's letter, Judge Laron explained that he and his wife bought their present house by selling their old town house for P1.8 million and by obtaining a P3.2-million bank loan to cover construction costs. He said that he borrowed his father's retirement proceeds to buy a 2001 Nissan Patrol vehicle, and that he purchased the Lamarroza paintings at a low price because the artist was his wife's friend. He added that the two plasma television sets were gifts by his wife's uncle while the other two were purchased in 2000 and 2002. Judge Laron also said that his children's tuition fees were covered by educational plans and that their furniture were part of his wife's commission as a dealer in his relative's furniture shop. He explained that he had acquired his guns before joining the judiciary.

Judge Laron likewise denied asking money from Melissa for his personal expenses and maintained that he did not inflict any physical harm on her.

In her supplemental complaint-affidavit dated July 31, 2008, Melissa stated that she was introduced to Judge Laron by a fiscal to assist in her cases pending before the Makati City courts. She claimed that Judge Laron promised to help her in these cases. When she followed up her cases on the second week of November 2005, Judge Laron kissed her on the cheeks. On November 28, 2005, they had their first sexual encounter; subsequent trysts took place inside his office and at the Silver Place Hotel in Makati City.

Melissa added that Judge Laron often slept in her house in Antipolo, and came to her condominium almost daily from August 2007 to January 2008. She added that she was receiving a \$2,000.00 monthly allowance from her husband, and that Judge Laron had asked money from her every month. She reiterated that he had physically hurt her and had threatened to reveal their relationship to her husband whenever she refused to give him money. Melissa also disclosed that she sold her house and lot in Taguig City and two vehicles to meet Judge Laron's demands for money.

In his comment to the supplemental complaint, Judge Laron explained that he was introduced to Melissa sometime in November 2005, and that the latter informed him about her B.P. 22 cases pending before the Makati courts. Judge Laron denied that he had sexual liaisons with Melissa inside his chambers; he also denied having

asked money from Melissa. He countered that the threats and harassments against him began when he started avoiding Melissa.

Wilfredo filed an adultery case against Melissa and Judge Laron before the City Prosecutor's Office of Makati, which was later dismissed for lack of probable cause. Wilfredo's petition for review was also dismissed by the Department of Justice for lack of reversible error and failure to comply with DOJ Circular No. 70.

The OCA's Report and Recommendation

The OCA recommended the consolidation of the two (2) complaints against Judge Laron. After evaluating the evidence presented, the OCA recommended that Judge Laron be found guilty of conduct unbecoming of a judge, and be fined P10,000.00. However, recommended the dismissal of the charge of unexplained wealth for being unsubstantiated.

The ponencia's Ruling

The ponencia found Judge Laron guilty of immorality and serious charge of misconduct, and suspended him for three (3) years. It dismissed the charge of unexplained wealth due to insufficiency of evidence.

The ponencia stressed that immorality is a serious charge under Section 8, Rule 140 of the Rules of Court, and carries with it any of the following sanctions: dismissal from the service; suspension from office without salary and other benefits for more than three but not exceeding six months; or a fine of more than P20,000.00 but not exceeding P40,000.00.

Noting that both Judge Laron and Melissa admitted their affair, the ponencia thus concluded that Judge Laron "violated the trust reposed in office and utterly failed to live up to the noble ideals and strict standards morality required of the members of the judiciary"[6] when he carried on affair with a married woman.

The ponencia also found Judge Laron guilty of gross misconduct for aiding Melissa "in a case pending before him and before another Judge." [7] It found that Judge Laron entertained Melissa's request for assistance regarding her B.P. 22 cases pending in his (Judge Laron's) and in another judge's sala.

Citing Canon 2 of the Code of Judicial Conduct, the ponencia stressed that a judge shall refrain from influencing in any other manner the outcome of litigation or dispute pending before another court or administrative agency.

The ponencia also considered as gross misconduct Judge Laron's act of asking money from Melissa who was a litigant in a case pending before his court. It found that Judge Laron continuously demanded money from Melissa that led to the sale of the houses and vehicles she and her husband owned. The ponencia also believed Melissa's allegation that Judge Laron would physically hurt her whenever she would not give in to his request for money, as corroborated by Melissa's sons.

The ponencia imposed on Judge Laron the penalty of suspension for three (3) years since he "admitted his immorality and even prayed that he be forgiven x x x." [8] According to the ponencia, Judge Laron's admission of his weakness and lapses during the times he felt lonely and forlorn due to the prolonged absence of his wife can be considered as a mitigating circumstance. It added that Judge Laron appeared contrite and apologetic.

On the charge of unexplained wealth, the ponencia explained that Melissa failed to substantiate her claim that Judge Laron could not afford to buy the properties she mentioned in her complaint and to send his children to private schools. Judge Laron, on the other hand, clarified the sources of the money he used for the construction of his house and the purchase of his vehicle, television sets, and furniture. He also presented copies of his children's educational plans.

The Dissent

I take the position that Judge Laron should be dismissed from the service since his transgressions make him unworthy to wear the judicial robe. He should likewise be disbarred as he does not deserve to remain in the legal profession any minute longer.

The Code of Judicial Conduct mandates that a judge should be the embodiment of competence, integrity, and independence. He should so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary, and to avoid impropriety and the appearance of impropriety in all activities. His personal behavior, not only while in the performance of official duties but also outside the court, must be beyond reproach, for he is, as he so aptly is perceived to be, the visible personification of law and justice.[9]

I. The Immorality Charge

Section 8, Rule 140 of the Rules of Court enumerates transgressions classified as serious, as follows:

SEC. 8. Serious charges. - Serious charges include:

- Bribery, direct or indirect;
- Dishonesty and violations of the Anti-Graft and Corrupt Practices Law (R.A. No. 3019);
- Gross misconduct constituting violations of the Code of Judicial Conduct;
- Knowingly rendering an unjust judgment or order as determined by a competent court in an appropriate proceeding;
- Conviction of a crime involving moral turpitude;
- Willful failure to pay a just debt;
- Borrowing money or property from lawyers and litigants in a case pending before the court;
- Immorality;
- Gross ignorance of the law or procedure;
- Partisan political activities; and
- Alcoholism and/or vicious habits, (emphasis supplied)

Immoral conduct is behavior that is willful, flagrant, or shameless, and that shows a moral indifference to the opinion of good and respectable members of the community.[10] It refers not only to sexual matters but also to "conduct inconsistent with rectitude, or indicative of corruption, indecency depravity, and dissoluteness; or is willful, flagrant, or shameless conduct showing moral indifference to opinions of respectable members of the community, and an inconsiderate attitude toward good order and public welfare.[11]

In the present case, Judge Laron did not deny that he, a married man, had an affair with Melissa - a married woman; he even asked he be forgiven by the Court Administrator and that no disciplinary action i taken against him.

In his comment to the May 2, 2008 complaint of Wilfredo, Judge Laron averred that:

x x x x

1. x x x At that time, I have been married for more than 17 years, and my wife was in the United States attending to her ailing father. Melissa was likewise then without a husband as Mr. Tuvillo was out at sea. She

was aware of my marital status and that I have three sons. We were both mature lonely people whose marriages had lessened sheen. She brought me a sense of soul connection, understanding, and great company.

2. xxx After that, she frequently asked me to help her guide her four children, and we developed an intimate personal attachment to each other. She showered me with the affection I felt I needed, and I reciprocated. We however tried our best to be discreet and sensitive to the sensibilities of those around us.

3. x x x x

4. Around the first week of January 2008, Imelda would later hear of the affair; she confronted me and I soon had to choose between the mother of my three children or Melissa, the woman who made me feel needed and cared for. xxx I confessed to the affair, and vowed that I would immediately mend my ways, x x x

5. Ironically, my troubles seem[ed] to start after I decided to mend my ways, x x x x I started paying dearly for my indiscretion after I distanced myself from Melissa.

x x x x

8. The affair is a purely personal matter and does not affect my professional responsibilities as a judge and as a lawyer.

WHEREFORE, in view of the foregoing, and trusting myself to your mercy, I have the courage to respectfully pray to the Honorable Court Administrator, that I be forgiven, and that the present administrative complaint be dismissed and that no disciplinary action be taken against me.[12] [emphasis supplied]

In his comment to Wilfredo's supplemental complaint affidavit, Judge Laron stated that:

x x x x

23. Respondent did not wilfully violate the marital union as what was present then as intimate personal attachment was emotional attachment and not sexual liaison.[13]

Significantly, Melissa admitted in her May 14, 2008 letter to then Court Administrator Zenaida Elepano that she was Judge Laron's mistress, thus:

It's hard to admit, but I am the mistress of Judge Henry Laron for three years. I am one of whom he cheated and maltreated in different ways, x x x[14]

Melissa reiterated this admission in her affidavit submitted to support her letter-complaint to Court Administrator Elepaño, viz:

x x x x

2. I have been maintaining an illicit relations with the said Judge above-named since November 2005 until March 2008. Our said relation is known among the personnel in the court's premises in Makati City;

3. To support my complaint are the various text messages and videos, ATM cards, bank checks which I am willing to present in the proper forum; x x x[15]

Melissa also revealed in her supplemental complaint affidavit that:

x x x x

9. That after such unforgivable moments of our indecent affair, it was followed with several times, inside his office last December 3, 2005 (Sat.), December 15, 2005, and then continued December 2005 to October 2007, we check[ed]-in at Silver Place Hotel at the side of the new City Hall building at Makati City. Not only that sometimes he slept in our house in Antipolo, and almost daily in our condo at Pasong Tamo, Makati City, since

August 2007 up to January 2008.

10. That due to our indecent affair, he capitalized and abused my innocence, by asking money monthly x x x.

x x x x

12. Not only that, when [he] attended seminar at Baguio City last November 13-16, 2007, he asked me money again, I gave 700 US \$ for his pocket money, all these caprices of Judge Henry Laron was uncontrollable because every time I refused to give him money, he will hurt me, followed by threatening me to divulge our relation to my husband, afraid of losing my husband and my family, I was forced to follow all the caprices with closed eyes, co'z I was already there at the middle of darkness of agony;

x x x x

14. That it was too late for me to realize the disgraceful and immoral conduct of our unforgiven happiness, damage has been done, my relation to my husband and family were ruined by Judge Laron, thru his seduction move[d] and promises that make us both disgraceful and immoral one[s] x x x.

No less than Melissa's children also acted as witnesses, stating in tr.c joint affidavit that Judge Laron fetched them from school and Meli starting in 2007, and slept in their house twice or thrice a week. Socor Divina, the caretaker of the Tuvillo's house, likewise declared in affidavit that Judge Laron fetched Melissa and her children and slept at house of the spouses Tuvillo during weekends.

Clearly, Judge Laron showed his moral indifference to the sensitivities of Melissa's minor children and to the opinions of respectable members of the community by having a relationship with a married woman, by violating the complainants' own marital abode, and by attempting to rationalize this forbidden affair. The souring of his relationship with his wife, coupled with his feeling of loneliness, could never justify Judge Laron's marital indiscretion.

That Melissa allegedly told Judge Laron that her husband died of illness in China is of no moment. Even if true, Judge Laron is a married person: he had no business entering into an affair with a woman even if the latter was a widow.

Also, the claim that Melissa has been "widowed" is preposterous and cannot be reconciled with Judge Laron's having a share of Melissa's monthly bonanza from overseas. At any rate, it had been proven that Melissa's husband, Wilfredo, was alive. In fact, even after Judge Laron saw Wilfredo in the Philippines after the latter was hospitalized in China, Judge Laron did not put an end to this illicit relationship.

I find it unnecessary to dwell on the specific issue of whether Judge Laron and Melissa had engaged in a sexual relationship from all the evidence presented, including Judge Laron's; the only direct evidence missing would be the actual copulation between them.

Overwhelmingly and by direct admission of both Judge Laron and Melissa, they had slept together in Melissa's Antipolo house and in her Makati condo. It would certainly be very naive to believe that their relationship was platonic. Precisely, by his own admission, his relationship with Melissa started because his wife was away and he was lonely.

In appreciating all these, the Court should not forget that the mere act of having an affair with a married woman and, worse, acting as her husband (i.e., sleeping in her house and condominium, fetching her and the children, etc.) already shows the depravity of Judge Laron's morals.

It is also immaterial that Melissa was the one who "sought" Judge Laron, or that she gave way to the forbidden relationship. It was incumbent upon Judge Laron - as a married person and a member of the Judiciary - to have

distanced himself from any woman with whom he felt he could have an emotional attachment. Being the visual representation of justice, Judge Laron should have exercised restraint, and not have given in to whatever feelings he might have had for Melissa.

I cannot agree, too, with Judge Laron's pronouncement that his affair with Melissa was a purely personal matter that does not affect his professional responsibilities as a judge and as a lawyer. The faith and confidence of the people in the administration of justice cannot be maintained if a judge who dispenses it is not equipped with the cardinal judicial virtue of moral integrity and, more so, who obtusely continues to commit an affront to public decency.[16]

Under the norms of legal and judicial ethics that a judge adopts when he becomes a lawyer and a judge, the line between his official and personal conduct blurs when it comes to morality. This is the price a judge has to pay for occupying an exalted position in the judiciary; he cannot freely venture outside this circumscribed circle of morality and expect to retain his exalted position. No position is more demanding on an individual's moral righteousness and uprightness than a seat on the Bench. Thus, a judge ought to live up to the strictest standards of honesty, integrity, and uprightness. To be sure, having and maintaining a mistress are not acts one would expect of a judge who is expected to possess the highest standard of morality and decency.[17]

Our ruling in *De Villa v. Judge Reyes*[18] on this point is instructive:

The Code of Judicial Ethics mandates that the conduct of a judge must be free of [even] a whiff of impropriety not only with respect to his performance of his official duties, but also to his behaviour outside his sala and as a private individual, x x x [t] here is no dichotomy of morality: a public official, particularly a member of the judiciary is also judged by his private morals.

Simply put, a judge's official life cannot be detached or separated from his individual persona. As the subject of constant public scrutiny, a judge should freely and willingly accept restrictions on conduct that might be viewed as burdensome by an ordinary citizen. Stricter still, personal behavior of a judge, both in the performance of official duties in private life, should be above suspicion.[19]

II. Gross Misconduct

Misconduct means intentional wrongdoing or deliberate violation of a rule of law or standard of behavior in connection with one's performance of official functions and duties. For grave or gross misconduct to exist, the judicial act complained of "should be corrupt or inspired by the intention to violate the law or by a persistent disregard of well-known rules. The misconduct must imply wrongful intention and not a mere error judgment.[20]

In the present case, Melissa informed Judge Laron that she had several pending B.P. 22 cases in different courts in Makati City, indue the sala where Judge Laron was a pairing judge. Instead of distancing himself from Melissa, Judge Laron entertained her request for assistance meeting her frequently from 2005 to 2007.

Judge Laron's frequent fraternizing with a litigant who has a pending case in a court where he is a pairing judge is highly condemnable. We note in this regard that Judge Laron (as pairing judge of Branch 66) issued an order on April 10, 2006, dismissing one of the cases filed against Melissa (Civil Case No. 86602) on joint motion of the parties. Whether the dismissal was proper or not is beside the point; Judge Laron's acquaintance with Melissa put the order of dismissal in a suspicious light and totally against his ethics as a judge.

Judge Laron's act, too, of promising to aid Melissa in her other cases pending before other judges - even if he did not actually broker for the favorable decision in these cases - is reprehensible and cannot but have a corrosive effect on people's respect for the law and the courts. The promise gave the impression that judges could be used for influence peddling or intercession.

Canon 2 of the Code of Judicial Conduct mandates that "a judge should avoid impropriety and the appearance of impropriety in all activities." Rule 2.01 and Rule 2.04 of the Code provide as follows:

Rule 2.01 - A judge should so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary.

x x x x

Rule 2.04 - A judge shall refrain from influencing in any manner the outcome of litigation or dispute pending before another court or administrative agency."

The New Code of Judicial Conduct[21] essentially reiterated these rules, as follows:

CANON 4

PROPRIETY

Propriety and the appearance of propriety are essential to the performance of all the activities of a judge.

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

x x x x

SEC. 8. Judges shall not use or lend the prestige of the judicial office to advance their private interests, or those of a member of their family or of anyone else, nor shall they convey or permit others to convey the impression that anyone is in a special position improperly to influence them in the performance of judicial duties.

CANON 1

INDEPENDENCE

Judicial independence is a prerequisite to the rule of law and a fundamental guarantee of a fair trial. A judge shall therefore uphold and exemplify judicial independence in both its individual and institutional aspects.

x x x x

SEC. 3. Judges shall refrain from influencing in any manner the outcome of litigation or dispute pending before another court or administrative agency.

The Canons of Judicial Ethics further provide that [a] judge's official conduct should be free from the appearance of impropriety, and his personal behavior, not only upon the bench and in the performance of judicial duties but also his everyday life, should be beyond reproach.

These canons require judges to avoid not only impropriety, but even the appearance of impropriety in all their conduct, whether in their public or private life. The proscription includes a judge's meddling with judicial processes in courts other than his own and acting in a manner that would arouse suspicion that he is meddling with such court processes.[22]

Clearly, Judge Laron violated Canon 2 of the Code of Judicial Conduct. The ponencia itself affirmed this when it held that "Judge Laron apparently entertained" Melissa's request for assistance, and "aided her in a case pending before him and before another judge." We cannot tolerate this appalling conduct as it erodes public confidence in the judiciary.

It has also been claimed that Judge Laron had been constantly requesting money from Melissa. As a result, the latter was forced to sell some of her houses and lots. I cannot support this claim for lack of supporting evidence.

Nonetheless, it has been shown that Melissa submitted a Bank of the Philippine Islands (BPI) deposit slip for \$200 deposited to the account of "Henry E. Laron" Whether this money was voluntarily given by Melissa on account of their illicit relationship or requested by Judge Laron himself, under the threat of blackmail if Melissa would refuse to give in to Judge Laron's request, is of no moment: Judge Laron cannot accept any money from a

party-litigant.

Under Section 8 of A.M. No. 01-8-10-SC amending Rule 140 of the Rules of Court on the Discipline of Justices and Judges, which took effect on October 1, 2001, gross misconduct and immorality are classified as serious charges, each of which carry with it a penalty of either (a) dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or -controlled corporations; provided, however, that the forfeiture of benefits shall in no case include accrued leave credits; (b) suspension from office without salary and other benefits for more than three (3) but not exceeding six (6) months; or (c) a fine of more than P20,000.00 but not exceeding P40,000.00.[23]

Judge Laron's behavior demonstrates his unfitness to remain in office and to continue to discharge the functions of a judge. He has tainted the image of the judiciary whose reputation and integrity he must keep unsullied at all times.[24] Taking into account the Court's policy to purge the judicial ranks of those unworthy to don the judicial robe, I find no reason for the Court to withhold the imposition of the severest form of disciplinary action for Judge Laron's irresponsible and shameless conduct. This penalty, after all, is what the rules and jurisprudence command.

No position demands greater moral righteousness and uprightness from its occupant than does the judicial office. Judges in particular must be individuals of competence, honesty, and probity, charged as they are with safeguarding the integrity of the court and its proceedings. He should behave at all times so as to promote public confidence in the integrity and impartiality of the judiciary, and avoid impropriety and the appearance of impropriety in all his activities. His personal behaviour outside the court, and not only while in the performance of his official duties, must be beyond reproach, for he is perceived to be the personification of law and justice. Thus, any demeaning act of a judge degrades the institution he represents.[25]

I disagree in particular with the ponencia's ruling that Judge Laron's "admission of his weakness and lapses during the times he felt lonely and forlorn during the prolonged absence of his wife can be considered as a mitigating circumstance." This is the kind of lax ruling that cannot be allowed to stand in the case book as it can, down the road, only lead to the weakening of the moral fiber of the judiciary.

I also find misplaced the ponencia's reliance on the case of Judge Caguioa v. Floral[26] to justify the three-year suspension it imposed on Judge Laron.

First, the respondent in Flora was not a judge, but a sheriff. Second, the acts committed by the respondent sheriff in Flora were different from those committed by Judge Laron. The respondent sheriff in Flora was intoxicated when he shouted "kalbo" at Judge Caguioa during trial; Judge Laron, in the present case, was a married man who had an affair with a married woman with a pending case before his court, and who accommodated the woman's request for help in cases pending before his sala and the sala of other judges.

Thus, the difference in the factual situations between Judge Caguioa v. Flora and Judge Laron's case renders inapplicable the use of the Caguioa ruling. To be sure, Judge Laron's remorsefulness should not be enough to steer the Court's decision towards leniency. With transgressions as severe as Judge Laron's, the Court itself would be brought to disrepute if it simply imposes a slap on the wrist of Judge Laron. As we explained in *Concerned Employees of RTC of Dagupan City v. Judge Fallora-Aliposa*:[27]

[A] member of the Judiciary is commanded by law to exhibit the highest degree of moral certitude and is bound by the highest standards of honesty and integrity. Life, liberty, and property are defined and molded as judges perform their sworn tasks to uphold the law and to administer justice. There is no place in the Judiciary for those who cannot meet the exacting standards of judicial conduct and integrity. This court has been watchful of dishonest judges and will not withhold penalty when called for to uphold the people's faith in the

Judiciary.

III. Charge of unexplained wealth

As the OCA did, I find that Melissa failed to substantiate her allegations that Judge Laron was living beyond his means. Other than her bare claims on this matter, Melissa failed to present any other evidence to corroborate her charge of unexplained wealth.

Judge Laron, on the other hand, submitted the following pieces of evidence to refute Melissa's allegations: deed of sale of motor vehicle showing that what had been sold to him was a 2001 and not a 2005 Nissan Patrol model; certificate of registration showing that the vehicle's ownership was transferred under his name, and not under the name of his father; two Prudential Life Education Plans dated May and July 1996, respectively; a certification from Mrs. Ano Tan that three paintings were sold to the spouses Laron at special discounted prices; and a notarized bill of materials and cost estimates showing the estimated construction costs of their house.

Disbarment

A.M. No. 02-9-02-SC (which took effect on October 1, 2002) provides that an administrative case against a judge of a regular court based on grounds which are also grounds for disciplinary action against members of the Bar, shall be considered as disciplinary proceedings against such judge as a member of the Bar. It also states that judgment in both respects may be incorporated in one decision or resolution.

Section 27, Rule 138 of the Rules of Court, on the other hand, provides that a lawyer may be removed or suspended from the practice law, among others, for gross misconduct and grossly immoral conduct:

Sec. 27. Attorneys removed or suspended by Supreme Court on what grounds. — A member of the bar may be removed or suspended from his office as attorney by the Supreme Court for any deceit, malpractice, or other gross misconduct in such office, grossly immoral conduct, or by reason of his conviction of a crime involving moral turpitude, or for any violation of the oath which he is required to take before the admission to practice, or for a wilfull disobedience of any lawful order of a superior court, or for corruptly or wilfully appearing as an attorney for a party to a case without authority so to do. The practice of soliciting cases at law for the purpose of gain, either personally or through paid agents or brokers, constitutes malpractice.

In *Office of the Court Administrator v. Judge Indar*,^[28] the Court automatically disbarred the respondent judge pursuant to the provisions of A.M. No. 02-9-02-SC, adopting the reasoning held in *Samson v. Caballero* that:

Under the same rule, a respondent "may forthwith be required to comment on the complaint and show cause why he should not also be suspended, disbarred or otherwise disciplinarily sanctioned as member of the Bar." The rule does not make it mandatory, before respondent may be held liable as a member of the bar, that respondent be required to comment on and show cause why he should not be disciplinarily sanctioned as a lawyer separately from the order for him to comment on why he should not be held administratively liable as a member of the bench. In other words, an order to comment on the complaint is an order to give an explanation on why he should not be held administratively liable not only as a member of the bench but also as a member of the bar. This is the fair and reasonable meaning of "automatic conversion" of administrative cases against justices and judges to disciplinary proceedings against them as lawyers. This will also serve the purpose of A.M. No. 02-9-02-SC to avoid the duplication or unnecessary replication of actions by treating an administrative complaint filed against a member of the bench also as a disciplinary proceeding against him as a lawyer by mere operation of the rule. Thus, a disciplinary proceeding as a member of the bar is impliedly instituted with the filing of an administrative case against a justice of the Sandiganbayan, Court of Appeals and Court of Tax Appeals or a judge of a first- or second-level court.

It cannot be denied that respondent's dishonesty did not only affect the image of the judiciary, it also put his

moral character in serious doubt and rendered him unfit to continue in the practice of law. Possession of good moral character is not only a prerequisite to admission to the bar but also a continuing requirement to the practice of law. If the practice of law is to remain an honorable profession and attain its basic ideals, those counted within its ranks should not only master its tenets and principles but should also accord continuing fidelity to them. The requirement of good moral character is of much greater import, as far as the general public is concerned, than the possession of legal learning, [emphasis in the original]

The Court had a similar ruling in the fairly recent case of *Office of the Court Administrator v. Presiding Judge Joseph Cedrick O. Ruiz*[29] where we dismissed the erring judge from the service and at the same time disbarred him.

Judge Laron is a disgrace to both the bar and the bench. Considering that Judge Laron is guilty of immorality and gross misconduct, I maintain that - aside from being dismissed from the service - he should likewise be disbarred and his name stricken out from the roll of attorneys.

A Heinous Administrative Offense

A point that I have reserved for the last in order not to be missed, is the heinous character of the administrative offenses committed considering the parties' respective situations. This characterization entitles this case to category a of its own - a heinous administrative offense.

This case involves a member of the Judiciary found liable for charges related to the discharge of the functions of his office. He used and abused the functions and prerogatives of his office to the prejudice of the offended parties and of the institution he serves, the Judiciary. He breached the trust that the Constitution, the laws, and the Judiciary have conferred on him a public official, a lawyer, and a judge.

On the complainant's end, one of the offended parties is a female litigant with a case pending before the respondent Judge, which gave the Judge the excuse and occasion to commit the offenses charged. The other offended party is the litigant's cuckolded spouse, an Overseas Filipino Worker (OFW) whose rights to the sanctity of his marriage, the unity of his home, and his and her children's peace of mind were violated by the respondent judge.

The members of the Court may not be fully aware of the nature of the offenses committed from the OFW perspective: one of the worst news that an OFW could receive while overseas would be the infidelity of his or her spouse. This has driven many an OFW to desperation and to commit wrongful or shameful acts they would not otherwise have done in their sane moments. This was the news that the complaining husband rudely received, together with the bitter confirmation that the salary he assiduously remitted from overseas had dissipated and partly spent on the offending judge.

These painful and unpleasant circumstances and the heinous characterization of the offenses would be equivalent to rubbing salt and chili on a raw wound or burn injury should the Judiciary, in taking care of its own, give the respondent judge in this case a mere slap on the wrist by penalizing him with less than the capital penalties required for the offenses committed. I pray this kind of judicial action will not take place. Such action, if taken by this Court, will immeasurably damage this Court's integrity and reputation, and would negate everything positive this Court has recently achieved in the field of legal and judicial ethics.

With the termination of the Court's action on this administrative case there should no longer be any stumbling block to the referral of the Court's ruling to the Honorable Ombudsman for its appropriate action.

[1] Judge, Metropolitan Trial Court, Branch 65, Makati City.

- [2] Rollo, pp. 20-21.
- [3] Id. at 22.
- [4] Id. at 25.
- [5] Id. at 59.
- [6] Ponencia, p. 7.
- [7] Id. at 10.
- [8] Id. at 11.
- [9] *Resngit-Marquez v. Judge Llamas, Jr.*, 434 Phil. 184, 203 (2002).
- [10] See *Elape v. Elape*, 574 Phil. 550, 553-554 (2008).
- [11] *Judge Adlawan v. Capilitan*, 693 Phil. 351, 354 (2012).
- [12] Rollo, pp. 20-22.
- [13] Id. at 69.
- [14] Id. at 6A-6B.
- [15] Id. at 6D.
- [16] See *Exec. Judge Naval v. Judge Panday*, 341 Phil. 657, 690 (1997).
- [17] *Supra* note 9, at 204, citing *Re: Complaint of Mrs. Rotilla A. Marcos and her children against Judge Ferdinand J. Marcos*, RTC, Br. 20, Cebu City, A.M. No. 97-2-53-RTC July 6, 2001, p. 23.
- [18] A.M. No. RTJ-05-1925, June 26, 2006, 525 SCRA 485, 511.
- [19] See *Tormis v. Judge Paredes*, A.M. No. RTJ-13-2366, February 4, 2015.
- [20] See *Myla C. Castro, joined by her husband, Tagumpay Castro, and Luciano Vda, De Rojas, complainant, v. Judge Wilfredo De Joya Mayor, respondent*, A.M. No. RTJ-11-2268, en banc unsigned resolution dated November 25, 2014.
- [21] Took effect on June 1, 2004.
- [22] See *Punzalan v. Judge Plata*, 423 Phil. 819, 831 (2001).
- [23] *Rivera v. Blancaflor*, A.M. No. RTJ-11-2290, November 18, 2014, 740 SCRA 528, 554.
- [24] See *Calilung v. Judge Suriaga*, 393 Phil. 739, 765 (2000).
- [25] See *Anonymous v. Achas*, A.M. No. MTJ-11-1801, February 27, 2013, 692 SCRA 18, 25.
- [26] 412 Phil. 426(2001).
- [27] 383 Phil. 168, 191 (2000).
- [28] 685 Phil. 272, 292-293(2012), citing *Samson v. Caballero*, A.M. No. RTJ-08-2138, August 5, 2009, 595 SCRA 423, 435-436.
- [29] A.M. No. RTJ-13-2361, February 2, 2016.

DISSENT

BERSAMIN, J.:

The Majority today vote to reject the charge of unexplained wealth brought against respondent Judge Henry E. Laron, Presiding Judge of Branch 65, Metropolitan Trial Court, in Makati City, but recommends his immediate dismissal from the Judiciary for immorality and gross misconduct.

I respectfully DISSENT as to the penalty of dismissal, which I consider to be too harsh, and as to the finding of gross misconduct.

The Case

Before us are the consolidated administrative cases filed against the respondent initiated by Wilfredo Tuvillo, charging immoral conduct, and by Melissa Tuvillo, charging unexplained wealth and immorality.

Salient Facts of the Case

In his Complaint Affidavit filed on June 3, 2008,[1] complainant Wilfredo Tuvillo stated that he had been a seafarer for more than 20 years; that in 2005, a case was filed against his wife, Melissa Tuvillo, in the Makati MeTC; that he came to know respondent only because his wife had sought the latter's help for the expeditious resolution of her cases; that the respondent abused his wife's innocence and trust by extorting money from her to the point that their savings and properties were dissipated; that in spite of all the money that the respondent received, the cases of his wife were not settled; and that the respondent also transgressed the sanctity of the marriage and their family.

In her Complaint Affidavits dated May 14, 2008[2] and July 31, 2008[3] complainant Melissa Tuvillo alleged that the respondent amassed unexplained wealth in the form of a fully-furnished house and lot worth at an estimated cost of P9,000,000.00 in Filinvest II, Batasan Hills, Quezon City,[4] and a Nissan Patrol vehicle; that the respondent sent his children to exclusive private schools;[5] that he owned several expensive pieces of furniture and paintings;[6] that he solicited and got money from her for his cellular phone loads, gasoline expenses and monthly groceries;[7] that her husband was a seafarer, by reason of which she regularly received a monthly remittance of US\$2,000.00 in addition to her own income;[8] that in the third week of October 2005, a certain Prosecutor Giorsioso introduced her to the respondent in relation to her criminal cases pending in the Makati MeTC;[9] that such first meeting was succeeded by other meetings, one of which was in the second week of November 2005, when he kissed her on the cheek;[10] that such kissing later on became a regular habit every time she visited him;[11] that on November 28, 2005, their first sexual congress occurred in his office; that several more sexual congresses occurred between them either in his office or at the Silver Place Hotel near the Makati City Hall;[12] that he also sometimes slept in her Antipolo house and in her condominium unit in Makati City;[13] that he asked money from her every month and whenever he needed it; that she gave him US\$1,000.00 of the US\$2,000 monthly remittances from her husband;[14] that the respondent also borrowed money from her, including \$800.00 to pay his executive check-up at St. Luke's Hospital, P20,000.00 to defray his birthday treat for his office staff, P25,000.00 for his birthday celebration at Firewood, Mandaluyong City, \$2,000.00 as pocket money when he went on a study grant to Canada, \$700.00 when he went on a study grant to Baguio City;[15] that he hurt her physically and threatened to divulge their relationship to her husband if refused to give in to his demands for money; that only two of her four cases were ultimately settled; and that she lost her husband as well as the respect of her family and friends because of their illicit affair.

In his Comment, the respondent admitted having developed an "intimate personal attachment to each other" with Melissa,[16] but denied her other allegations. Anent the charge of unexplained wealth, he asserted that he had purchased the new house in Quezon City partly from the proceeds of the sale of his own townhouse and from the proceeds of his loan from the Land Bank;[17] that the pieces of furniture in his residence were earned by his wife who was a dealer of wooden furniture; that he had acquired the Nissan Patrol second-hand with money borrowed from his father;[18] and that he sent his children to school with the use of the educational plans he had bought for them.[19]

On the charge of immorality and gross misconduct, the respondent averred that he did not promise to help her with her cases; that he did not have sexual congress with her in his office; that he did not demand or receive money from her,[20] having paid his executive check-up at the St. Luke's Hospital with his own funds;[21] and that he did not oblige her to pay for the office dinner on the occasion of his birthday.

The respondent denied that the Tuvillos' real properties had been sold because of him. He insisted that she had told him that her husband had died in China.[22] He contended that Wilfredo could not have written the letter dated August 8, 2008 to the Judicial and Bar Council because he was not in the country at that time;[23] that it was not Wilfredo who had signed the complaint; that she was conducting a demolition job against him;[24] that he had reason to believe that she was responsible for the same because he had received text messages from anonymous senders warning him of such demolition job against him; that the threats and harassment against him started after he had decided to keep distance between him and Melissa; that even their telephone line at home was tapped;[25] and that she had gotten hold of his contacts list and had then sent damaging text messages to persons found in the list.

Recommendation of the Court Administrator

After his own investigation, Court Administrator Jose P. Perez, now an illustrious Member of the Court, recommended that the respondent be held guilty only of conduct unbecoming of a judge and fined in the amount of P10,000.00; and that the consolidated charges of immorality and unexplained wealth be dismissed for being unsubstantiated.

Recommendations

I agree that the charge of unexplained wealth was successfully disputed by the respondent; hence, the charge is being properly dismissed.

I agree, too, that there was adequate basis for concluding that the respondent and Melissa had a romantic affair that constituted immorality that is sanctionable under our canons of judicial conduct, but I am constrained to differ from the Majority on the appropriate penalty to be meted on the respondent. He should not be dismissed from the service, but should only be condignly punished with suspension from the service without at pay, or fined.

I respectfully differ on the finding of gross misconduct against him. I humbly submit that this charge was unfounded, and, therefore, I urge that the Court dismiss the charge for insufficiency of evidence.

Re: Judge Laron's Alleged Gross Misconduct

The charge of gross misconduct against the respondent was not competently established.

First of all, Melissa claimed that she had come to meet the respondent for the first time in November 2005 with the help of the public prosecutor because she was looking for someone who could help her with her pending cases in the Makati Metropolitan Trial Court. The respondent strongly denied her claim, however, averring that he did

not know of the various cases pending against her when she was first introduced to him, and insisting that he came to know of such cases only after a month following the first meeting. I feel that we should be more circumspect in accepting her claim. To start with, she did not even present the public prosecutor who had arranged that first meeting between her and the respondent to corroborate her version. Moreover, none of her cases was assigned to his court, and he acted in two of such cases only as a pairing judge. Also, the dismissals of most of her pending cases had been upon the joint instance of the parties (i.e., Melissa and the Prosecution), debunking her statement that he had intervened with his co-judges in her behalf.

Secondly, Melissa charged that the respondent had physically maltreated her whenever she could not give him the money he demanded; and that she had lost her family's possessions just to satisfy the respondent's immodest demands, to the point of claiming that she had given to him half of her monthly remittance (i.e., \$1,000.00) out of fear that he would disclose their illicit affair to her husband. But her charges - which were not even supported by evidence other than her self-serving allegations — were highly improbable for being inconsistent with human nature and daily experience. For one, it was highly unnatural for her to be intimidated into giving to him so much if she had her young children and a household to take care of on a daily basis. There was certainly something amiss with her if she had given him half of her \$2,000.00 monthly remittance with such regularity just to indulge the respondent. As to his supposed threats of exposing their romantic relationship to her husband, this seems illogical and highly unlikely in the face of the reality that he had much more to lose from making good such threats. Verily, while she would lose her husband and the affection of her family and relatives, he would lose not only the affection of his own wife and their family but also his professional life and his budding career in the Judiciary.

And, thirdly, Melissa's unilateral portrayal of the respondent as a poor leech-like opportunist and a violent person should not be accepted without question. We should look for her motivations in suddenly denouncing him before the Court for supposedly committing so many grave sins. In my view, she was either a spurned woman who could not accept his rejection of her, or someone looking for a plausible scapegoat on whom to lay the blame for her unexplainable loss of the family possessions and wealth by her own profligacy and recklessness. Either of these scenarios seems to make more sense than her unproved charges of gross misconduct considering that the two administrative complaints subject of these consolidated cases were simultaneously filed in the middle of 2008 right at the time that her husband had returned to the country and could have discovered their depleted resources and rightly demanded that she should account for them.

Judge Laron's Explanations Should Be Carefully Studied And Considered

The appreciation of facts in these cases should not be solely based on the complainants' affidavits and complaints. The charges of gross misconduct should be appreciated in the context of the probable ill motives of Wilfredo and Melissa for bringing their charges. We should be cautious before condemning the respondent to suffer any penalty.

The complainants' convoluted and improbable tale of woe begs us to listen to the respondent's side of the story. *Audi alteram partem*.^[26] This is what we should now do in this adjudication.

For the direct appreciation of every Member of the Court, therefore, I am quoting the succinct explanations tendered by the respondent in his Comment,^[27] and let us reflect on his explanations to determine whether he uttered the truth, or prevaricated; and whether or not it was Melissa who was duplicitous in her attempt to cover the truth with her concocted tale against him, to wit:

1. The charges against me by Ms. Tuvillo are full of allegations which, are distortions of the truth. This is not

the first charge against me by this person. It speaks of her propensity to present lies in order to put me to shame, public ridicule or contempt, and as part of the demolition job against me.

2. She was introduced to me in November 2005. In December 2005, she informed me about her problems about a vehicular accident and the cases against her for bouncing checks. I never told nor promised her that I can help regarding her bouncing checks cases.

3. The allegations in no. 7 of the complaint affidavit are not correct. She could have mentioned again the cases against her but I never promised any help. We merely shook hands after the conversation.

4. There is absolutely no truth to the allegations in no. 8 of the complaint affidavit. November 28, 2005 is a Monday. For that Monday, I conducted hearings in civil cases in the morning in my court and criminal cases in the afternoon in the pairing court, Branch 66. From July 2005 to May 2006, I presided over my pairing court, holding hearings on Monday afternoon and Wednesday morning, aside from resolving incidents/matters, in addition to my duties in my Branch. In the court at the old building (Chateau), at all times, the door of the chambers is always open, not only because the lock of the same was destroyed, but also it is my habit not to close such door when I am around. Also, there are only two aircon units in our office, one in the courtroom and one in the chambers. The door in the chambers to the staff room is always open so that staff could also have cool air in their room. The refrigerator and the coffee maker of the branch are inside the chambers that the staff go in and out freely when they need something. Further, on top of the table in the chambers is a thin glass. The affidavits of Lylanie Cayetano, Nelia Nanat, and joint affidavit of Amabelle Feraren and Nelly Montealegre, are attached hereto as Annexes "A", "TB" and "C", respectively.

5. Same with the allegations in No. 8, what were stated in no. 9 are pure lies. In the Chateau, what divides the chamber and the staff room is a mere plywood and an open door. As earlier stated, the door between the chambers and the staff room is always open. Thus, the allegation about December 15, 2005, a Thursday, and her account of "several times" is impossible. To her allegation about December 3, 2005, I never went to the office on that day; as I only report on Saturdays if the branch is on duty. Even when we transferred to the new City Hall building, the door of the chambers is always open when I am around, even if I have visitors. Her allegation about Silver Place Hotel is another lie. There is also no truth that sometimes I sleep in her Antipolo house and almost daily in the Pasong Tamo condo; I always sleep with my wife in our house (see affidavit of Imelda B. Laron attached hereto as Annex "D"). Ms. Tuvillo's narrations are but a product of her imagination, her propensity to concoct lies.

6. The allegations in no. 10 of the complaint affidavit are absolutely lies. I never asked nor obliged her to give me money, \$1,000 monthly from November 2005 to February 2008 as she stated. I never received such amount from her. She claimed to have a monthly allotment of \$2,000.00, it is out of logic to throw away half of it and take only half for her family.

To reiterate my comment in OCA IPI No. 08-2017-MTJ, I was the one who paid for my executive check-up at St. Lukes Hospital, I did not borrow from her. The dinner for my birthday in July 3, 2006 was just for my staff in Branch 65 and the pairing court (Branch 66) and around ten guests; she showed up but I did not ask her for money for my birthday and I did not obliged (sic) her to pay for the bills.

7. Another lie is her allegations in no. 11 of the affidavit complaint that I asked for \$2,000.00 and \$700.00 for the Canada trip and Baguio seminar, respectively. As I have stated in my Comment in OCA IPI No. 08-1017-MTJ, I did not ask for, and she did not give me, money in such occasions. As also stated in the same Comment, there is no truth to her claim that I hurt her and threatened to blackmail her when she refused to give money.

8. I never interceded in the cases against her. The case she mentioned which I resolved was the one in my pairing court, Branch 66, which was dismissed upon motion filed by the parties.

9. Her description about the incident in the presence of Atty. Laguilles is inaccurate. I requested Atty. Laguilles not to go out of the room so he could hear what she might say, as she and/or her cohorts had previously scattered information which maligned me. I did not shout at her, she was the one who boasted that she will file cases against me. I did not call her tarantado, she was the one who shouted such word to me. She was the one who acted to put up a scandalous scene in my office in the presence of my staff. The affidavit of Ma. Anicia Razon and the joint affidavit of Nelly Montealegre, Amabelle Feraren, Liezl Mandin, Arlen Quirante, Lylanie Cayetano, Nelia Nanat and Michelle Grace Malonzo are attached hereto as Annexes "E" and "F", respectively.

10. To the allegation that she lost her husband, here is a text message passed to me on August 13, 2008 from her number (+639174794034):

Sweet na cut line tatawag ka pa ba? Tawag ka Ing para malibang ang pananakit ng sikmura kc.ingat at wag mambababae.kung d mapigilan INGAT Ing mabuti. Alam mo kung anong ibig kung sabihn. Nakausap kuna may ari ng SCANMAR.21oy ang movilization by Nov.My 15% ncrease sa boung sahod mo at 50% bstat pa absorb or maiwan ka dyan. Madami bnefit.na inilatag sakin..Wag kana muna Umuwi.Pagbigyan natn Scanmar kaht another 3 mnths.Xtension lang. Then lipat kana ky captain Paulin.Mas matsas pa dn offer sau dun! Biro mo 7,500\$ sa scanmar pwede na dn kc madami bnefit at malapit pa ofic d2 sa scol mga bata.Andyan na pala tao na nag join.Kunin u agad ung pnadala ko,ma22wa ka sa.San Mateo yan. Tmbrland retirement lot mo.dream mo d ba mgkaron farm lot, yan na un! D ba nakwn2 ko sau 2mama ng lottery c james.Eh ang bakla ask nya ako ano gus2 ko ko balato, e ngbro Ing naman ako Yun! Tino2o nga.. Sana kuna ikwn2 lahat. Wag kana muna Umuwi ako na lang ulit pupunta sau..lagi ko cnasabi sau para sa mga anak mo at sau gnagawa ko kaya ayaw na naman kita pauwiin..Ung 2ngkol sa pagka kapitan mo wag kana dn mag alala my order na na dina kylangan mag take ng Exam mga chfmate. Sa Nov. Din ang effctvty and kylangan lang Training 80,Th Ing ang bbyaran sa lahat. Pero inilalaban dn na Ma eliminate ung MLC nay an!. Cge na Mag ingat ka at Wag mang agrabyado ng BABAEE at wak ka mag bago, at asahan mo lagi ako and2 maggng ka2wang at mag aalaga sau.Bastat Magpaka bait ka.D ba motto ko yun.D baling ako ang Salbahe was Ing ikaw,at d baling ako ang Mag Sinungaling was Ing din ikaw.Kc lahat ng gnagawa my Dahilan.Hay Buhay nga naman! @

("sweet" refers to her husband.) Is this the message to a husband she claimed she lost? Definitely not.

If ever she still has unsettled cases, it was her sole decision and style not to settle the same. I never promised her anything about her cases. It appears that the cases against her for violation of BP 22 in MeTC Makati City are: Crim. Case Nos. 341616-17 (two counts for P20,000.00 each filed on June 27, 2005), Crim. Case Nos. 344609-10 (two counts for P19,377.00 each, filed on October 2005), and Crim. Case No. 354008-09 (two counts of P24,620.00, filed on October 2007). Is it not logical to just settle the cases rather than to always give money to someone so this person will settle the cases? Is it not ludicrous for her to go through all the trouble and risk of giving money always to me when she could have directly dealt with her cases by settling the said amounts?

Much has to be known why she wants the cases for BP 22 to remain pending, even if she can and is able to settle the cases.

If ever she sold her house and lot in Taguig City and the two vehicles she mentioned, it was her own decision to do so, but not because I extorted from her. As I have stated in par. 7 of my comment in OCA-IPI No. 08-2017-MTJ dated 21 July 2008, assuming that she sold her property located at Taguig City, she did that for reasons only known to her, but not because I was asking for her money.

11. As I have stated before, at about the time of the elections in May 2007, she told me that her husband Wilfredo died while he and she was in China, (sic) I was surprised upon receipt of the complaint in OCA IPI No. 08-2011-MTJ "signed" by Wilfredo Tuvillo.

In a text message to me on March 19, 2008 from her number (+639174794034), it was stated:

"Namatay nanay W.Kanina lam.'Nagulat lahat. Biglaan ulit wala pa lyear cya naman."

(She was referring to the death of the mother of Wilfredo Tuvillo [W] which happened less than a year from the "death of Wilfredo").

. A check with the Bureau of Immigration record of Wilfredo shows that he arrived in the Philippines on May 17, 2007 (immediately after the elections) and left the country on June 9 of the same year.

For the year 2008, the record of Wilfredo shows that he arrived on March 24, 2008 and left the country on May 17, 2008. She coincided the presence of Wilfredo in the Philippines with the filing of the complaint verified by "Wilfredo" on May 15, 2008. The truth is it was not Wilfredo Tuvillo who signed such complaint.

In a letter allegedly written and sent by "Wilfredo Tuvillo" to the Judicial and Bar Council, dated '8[th] day of August 2008", a time when he was not in the Philippines, "he" made allegations against my application with the Regional Trial Court of Mandaluyong City. Such letter was submitted to the JBC after my name was read by her and/or her cohorts as included in the publication for applicants. The immigration record taken on August 28, 2008 shows that he was in the country on March 24, to May 17, 2008 only.

A text message from +639174916604 passed to me on August 10, 2008 states:

"Bunso is the Jack of all trades of our GROUP.Gaya ng gnagawa sau ngaun.Iisa Ing ang kumikilos si bunso Ing.wala ng iba. Tip ko yan sau Panyero.Walang WILFREDO"

("Bunso" refers to Melissa Tuvillo, that is her name in what she calls her group.)

The immigration records of Wilfredo Tuvillo for the years 2007 and 2008 and the letter allegedly signed by "Mr. Tuvillo" on August 8, 2008 are attached hereto as Annexes "G", "H" and "I", respectively."

12. In her desire to distort the truth, she stated that I took advantage of her so that I could gain profit. I did not do any damage to her as she always claimed. In presenting her "facts", she has always casted aspersions on my person, these could be seen upon a closer look at her statements submitted to this Office. In an attempt to discredit me, she resorted to fabrications and prevarication. Here is a text message to me from her number (+639065594387) on July 18, 2008:

"Kylangan lng mapaniwala ko cla na wala ako pera.walang wala..Yan palagi sabhn nyo.Yun and cnasbi nya daw palagi MADRAMA ako.Pwes ggawin ko nga.Palibhasa gawain ny"

A text message to me from her number (+639174794034) on August 17, 2008 reads:

"Bntayan mo lang ang mga icnasagot at cnasabi.Wag Ing malaman na iisa ang kumikilos.Kylangan lagi ipaalam so lahat magtatanong na agrbyado ung"

On October 17, 2008, (days after I received the Complaint Affidavit dated 31 July 2008 and filed a motion for extension to file comment), I received a text message from +639158228039 stating:

"Wag muna sagutin yan! Para d na lumala ng lumala."

These messages show that a demolition job has been set up against me. Her allegations were presented to portray that she is grieving and down, as can be seen in the first two text messages, so as to merit sympathy. Then in the third text message, she and/or her cohorts do not want me to put a defense and coupled it with a threat.

13. In the year 2007, she even told me about at least three incidents in that year wherein she was a victim of hold-up. She stated that these happened in the corner of J.P. Rizal and F. Zobel Streets in Makati City, inside the ladies comfort room at the ground floor of the Makati City Hall Building, and in Quezon City. I consider such

incidents involving a single person and which "happened" in a year to be strange; it is also odd that one incident happened inside the City Hall of Makati.

Worth to note is an e-mail message about the names she has been using, to wit: Mishelle Jimenez, Catherin Lopez, Socorro Rodrigo, Rowena Divina, Mishelle Mijares, Liza Geneta, Mary Borchers, etc.

14. Threats and harassment against me started when I distanced myself from her, these continue up to the present, in text messages. I received text messages insisting that I must talk to her I realized that she wants me to be associated with her, there is no reason for me to submit to what she wants.

Even the telephone line in my residence was tapped; I received text messages from her cellphone number the contents/subject of which pertain to conversations I previously had with certain persons.

The acts of tapping our telephone line, getting into our Contacts list and sending messages to persons listed therein, distributing mails/e-mail to certain persons, and alleging fabrications to put me to shame, public ridicule and content, and the lies from her, will show that there is ill-motive on the part of Melissa Tuvillo and/or her cohorts and predeterminate plan to put me in jeopardy. (Emphasis supplied)

As the above-quoted portions of his Comment shows, the respondent thoroughly and credibly debunked the many attributions to him of misdemeanor and misconduct, like committing physical abuse and extortion against Melissa, and aiding her or intervening in her behalf with his co-judges in the Makati MeTC. His detailed explanations reflected candor and sincerity, indicating the absence of prevarication and duplicity.

I do not wonder, therefore, that then Court Administrator Perez submitted the following well-studied evaluation and rational conclusions on the charge of gross misconduct in his report and recommendation dated December 22, 2009,[28] to wit:

EVALUATION: x x x

x x x x

Well-settled is the rule that evidence to be believed must not only proceed from the mouth of a credible witness, but it must be credible in itself - such as the common experience and observation of mankind can approve as probable under the circumstances. (People vs. Ricamora, G.R. No. 168628 [December 6, 2006]); (People vs. Garin, G.R. No. 139069 [June 17s 2004]).

We have no test of truth of human testimony, except its conformity to our knowledge, observation and experience. Whatever is repugnant to these belongs to the miraculous and is outside of judicial cognizance.

x x x x

As to complainant Melissa's claim that respondent took advantage of his position, frequently demanding and receiving pecuniary gain from complaint, we also find these claims unworthy of belief. Under Section 3 (d) of Rule 131 of the Revised Rules on Evidence, it is presumed that every person takes ordinary care of his concerns. It is hard to believe that a businesswoman and a general manager of a local employment agency can be so "abused of her innocence" that she would unhesitatingly give away half of her monthly allotment of US\$2,000 from the hard labors of her husband overseas just to satisfy the caprices of the respondent. Such allegations of the complainant totally run counter to common human experience and observation. It was likewise unbelievable that on top of giving away half of her monthly allotment from her husband, complainant even went to the extent of selling their conjugal house and two motor vehicles just only to give in to respondent's demands.

More importantly, not a scintilla of competent and credible evidence was adduced to support the claims of the

complainant. It is a

basic rule in evidence that a party must prove his affirmative allegations. Certainly, he who asserts not he who denies must prove (*Martin vs. Court of Appeals, et al*, G.R. No. 82248 [January 30, 1992])

Although complainant attached an alleged deposit slip to the dollar account of the respondent, that can hardly prove the alleged demands for money of the respondent as there is no showing that it was complainant who made the deposit as demanded by respondent.

The claim of complainant Melissa that she was maltreated by respondent if she could not produce the amount demanded cannot be given credence for being bare, self serving and uncorroborated. There is no evidence at all to prove that respondent inflicted physical harm upon complainant. No medical certificate was adduced by the complainant in support of her claim of maltreatment. The fact also that complainant Melissa did not file any criminal complaint for physical injuries against the respondent betrays her allegation of physical harm inflicted by the respondent.

The statements of the children of the complainants cannot also help establish the alleged physical punishment being inflicted upon complainant Melissa as the same is admittedly hearsay. Moreover, it is likewise relevant to note that in the joint affidavit of the children of the complainants, they refer to a "certain Tito Henry Laron, which gives the impression that they do not know personally the person referred to as "certain" Tito Henry Laron. The same is true with the affidavit of the caretaker of the complainants in their house in Antipolo City. She could not have positively identified the respondent as the one who frequently slept at the complainant's house in Antipolo City as there is no showing that she personally knows the respondent.

As to the alleged unexplained wealth of the respondent, suffice it to say that just like any other allegations of the complainant Melissa, the same is completely bare, self serving and uncorroborated. No evidence was presented by complainant to prove that respondent was living beyond his means. Moreover, the material allegations of the complainant were convincingly refuted by the respondent with independent and competent evidence thereby clearly showing that the complaint for unexplained wealth is merely concocted.

As to complainant Wilfredo Tuvillo, the same cannot be considered for being purely hearsay as it was completely anchored on the complaint of his wife, complainant Melissa Tuvillo, of which he has no personal knowledge of and which nonetheless has been fully passed upon above.

Be that as it may, we are not suggesting in any way that the allegations against respondent judge are untruthful or fictitious, but rather we are inclined to dismiss the case for failure of the complainants to prove satisfactorily the charges of immorality and unexplained wealth against respondent judge. However, respondent judge cannot be completely exonerated because at the very least, complainants were able to prove and as admitted too by respondent judge, that there existed between the complainant Melissa Tuvillo and respondent judge "an intimate personal attachment to each other". The act of respondent judge who is a married man of having "an intimate personal attachment" with complainant Melissa Tuvillo, who herself is married, does not necessarily constitute immorality but certainly suggests an appearance of impropriety and unbecoming conduct and thus, exposes respondent judge to administrative culpability.

Such behavior constitutes a light offense punishable by a fine not less than P1,000.00 but not more than P10,000.00. (Rule 140, Sees. 10 and 11, RULES OF COURT,) In light of the circumstances affecting not only the reputation of Judge Laron himself but the image and reputation of the whole judiciary as well, we find it reasonable to impose upon him the maximum fine of P1 0,000.00.

"A magistrate is judged not only by his official acts but also by his private morals, to the extent that such private morals are externalized. He should not only possess proficiency in law but should likewise possess moral integrity for the people look up to him as a virtuous and upright man." (*Tan v. Pacuribot*, A.M. No. RTJ-06-1982 [December 14, 2007])

RECOMMENDATION: Respectfully submitted for the consideration of the Court are our recommendations:

- 1) that these cases be RE-DOCKETED as regular administrative matters;
- 2) Hon. Henry E. Laron, Presiding Judge, Metropolitan Trial Court, Branch 65, Makati City be found guilty of Unbecoming Conduct and be fined the amount of PI 0,000.00;
- 3) that these consolidated cases for Immorality and Unexplained wealth be dismissed for being unsubstantiated.[29]

The Majority should give due regard to the well-considered appreciation and conclusions by the Court Administrator. I do not see any good reason why we should not. Accordingly, we should not punish the respondent for gross misconduct for lack of evidence.

Proper Penalty for the Charge of Immorality

The respondent cannot anymore undo or erase his past with Melissa. Had he resisted the temptation and fought his very human needs and urges, he would not now be having these cases against him. What was done is done.

No offense by the respondent should go unsanctioned because the law will be less in the eyes of the people otherwise. It is punishment that is one of the major moving factors for the people do what is legal and proper, and for individuals to keep within the bounds of what is right and just. But the punishment should not exceed what is condign and commensurate to the act or omission, and should be meted in consideration of all the circumstances that have affected the offense as well as the offender. This is the reason why the Court has calibrated the sanctions to be prescribed on members of the Bench and the Bar who have erred with a view to serving the essence of justice and equity in administrative proceedings.

Accordingly, we have consistently mitigated or aggravated the sanctions after duly taking into good account all the known circumstances surrounding the offenses and the offenders, including those personal to the respondents or relevant to the charges notwithstanding that some of the circumstances may not have been expressly recognized in the relevant administrative rules. Indeed, we have looked at the peculiar factual milieu of every case, the acts or omissions of the respondents, their previous transgressions, their notable contributions to the legal profession as well as to the Judiciary, their judicial and non-judicial backgrounds, and many others like length of service, remorse, family circumstances, ages and even humanitarian and equitable matters. The objective for doing so has always been to make the sanctions not only correct and commensurate but just and fair as well. As such, any tailor-fitting of the sanctions imposed on the respondent will not be unprecedented.

The respondent should be favored with the mitigating circumstances of voluntary admission of the immorality that reflected his genuine remorse, his commission of the offense for the first time, and his long years of service in the Judiciary (i.e., nearly 12 years, having been appointed on December 2004 as MeTC Judge in Makati City, Branch 65). In addition, we should weigh the fact that he has no record of other administrative charges.

The respondent was not an automaton, but was of flesh and blood, a descendant of Adam who fell prey to temptation and engaged in consensual romantic relationship with an adult. We should also consider his circumstance, and be more understanding of his weakness. Doing so would not be the first time for the Court. The heavy hand of the Court should be stayed, and instead we should desist from imposing the extreme penalty of dismissal from the service. Although we should not be too tolerant, we should not also be too harsh. In *Viojan v. Duran*,^[30] an administrative case against a sitting Justice of the Peace who had consensual sexual intercourse with a married woman, the investigating district judge submitted a report and recommendation for the suspension of the respondent judge for a period of three months through the Secretary of Justice for the consideration of the

President who would be acting on the recommendation. The erudite report and recommendation of the investigating district judge justly recognized the human weakness that had intervened on the occasion of the commission of the sin by the respondent through the following passages, which we should bear in mind in meting the penalty to be justly imposed on the respondent herein, to wit:

"The respondent has committed an act of immorality. The flesh is weak. But man should possess that consciousness to do the right and avoid the wrong. And one who has taken the oath of public service to dispense with justice, should be more possessed of the courage and the will to overcome the weakness of the flesh. Since the dispensation of justice has to originate from sound moral consciousness, one who lacks it, or has shown to be wanting of it, cannot offer the guaranty required for the performance of a just dispensation. A magistrate has to live by the example of his precepts. He cannot judge the conduct of others when his own needs judgment. It should not be 'do as I say and not what I do.' For then the court over which he is called to preside will be a mockery, one devoid of respect. Hence, the necessity for the magistrate to possess enough fortitude to subdue his passion for wrong.

"There is, therefore, no question that for the immorality he committed within the territory of his jurisdiction as a Justice of the Peace, the respondent should be punished. But, considering the tempting circumstances which surrounded him for that length of time, which circumstances, were indirect invitations, his falling to sin should not be dealt with severity. Few men, and very few indeed, could have resisted that temptation; could have the moral strength, the spiritual energy to impose on his weaker self the will to ignore such enticement. Although we want to count the respondent among these few, yet it would be too much wishing to expect him to be among them before he learns the hard lesson brought about by repentance. This misstep, the first that he committed, should not be taken as the measure of his whole conduct. He should be given the chance after now to benefit himself out of his stumble. For after all, it was rightly said that 'without an element of the obscene, there can be no true and deep aesthetic or moral conception to life.'[31]

Given all the foregoing, the ultimate penalty of dismissal from the service is too harsh a penalty. I am inclined to impose the penalty of suspension from office for three years. The Court has to exercise compassion in favor of the respondent. Let us not forget that the petitioner did not exactly come to the court with clean hands herself.

Re: Application of A.M. No. 02-9-02-SC

A.M. No. 02-9-02-SC, which took effect on October 1, 2002, relevantly states:

Some administrative cases against Justices of the Court of Appeals and the Sandiganbayan; judges of regular and special courts; and court officials who are lawyers are based on grounds which are likewise grounds for the disciplinary action of members of the Bar for violation of the Lawyer's Oath, the Code of Professional Responsibility, and the Canons of Professional Ethics, or for such other forms of breaches of conduct that have been traditionally recognized as grounds for the discipline of lawyers.

In any of the foregoing instances, the administrative case shall also be considered a disciplinary action against the respondent Justice, judge or court official concerned as a member of the Bar. The respondent may forthwith be required to comment on the complaint and show cause why he should not also be suspended, disbarred or otherwise disciplinarily sanctioned as a member of the Bar. Judgment in both respects may be incorporated in one decision or resolution.

Given that immorality is also a ground for disciplinary action against lawyers, the respondent may also be considered as subject to disciplinary action as a member of the Bar.

However, this rule only goes as far as treating the complaint as both a disciplinary action against him as a judge and as a lawyer, and does not in any way dispense with or set aside the respondent's right to due process. As such, his disbarment as an offshoot of A.M. No. 02-9-02-SC without requiring him to comment on the disbarment is violative of his right to due process.

I vote to DISMISS the charge of gross misconduct, and to impose on the respondent the penalty of suspension from office for three years.

[1] Rollo, pp. 24-27,

[2] Id. at 11-14.

[3] Id. at 36-38.

[4] Id. at 11.

[5] Id. at 11-12.

[6] Id. at 11.

[7] Id. at 18.

[8] Id. at 36

[9] Id.

[10] Id.

[11] Id. at 36-37.

[12] Id. at 37.

[13] Id.

[14] Id.

[15] Id.

[16] Id.

[17] Id. at 20.

[18] Id. at 22.

[19] Id. at 23.

[20] Id.

[21] Id. at 24.

[22] Id.

[23] Id. at 62.

[24] Id.

[25] Id. at 64.

[26] Translated: The other side should be heard.

[27] Rollo, pp. 58-65.

[28] Id. at 108-118.

[29] Id. at 114-118.

[30] Adm. Case No. 248, February 26, 1962, 4 SCRA 390.

[31] Id. at 392.

SEPARATE OPINION

LEONEN, J.:

A married judge who enters into an illicit relationship with a married woman commits conduct unbecoming of a judge. When their affair is flaunted in front of her young children, and his other woman is a party-litigant from whom he solicits money, the married judge defiles the integrity of the judiciary even further.

I concur with the ponencia's findings that respondent Judge Henry E. Laron is guilty of immorality and serious misconduct. However, looking into the odious conduct with which Judge Laron comported himself, I vote to impose the more severe penalty of his dismissal from service.

On December 17, 2004, Judge Henry E. Laron (Judge Laron) was appointed to Branch 65 of the Metropolitan Trial Court of Makati City.[1] He was concurrently Branch 66 Pairing Judge for the Pilot Project of the Small Claims Court.[2] Before the same metropolitan trial court, Melissa J. Tuvillo (Melissa) was charged with criminal cases[3] for violation of Batas Pambansa Blg. 22. The first two (2) informations were filed on May 27, 2005,[4] which were followed by two (2) more on September 15, 2005.[5]

On the third week of October 2005, Melissa was allegedly introduced to Judge Laron by a certain Fiscal Giorsoso, her godfather, as she needed help with the four (4) pending cases filed against her.[6] According to Melissa, Judge Laron promised to provide her assistance.[7]

On the second week of November 2005, Melissa visited Judge Laron in his office to follow up on these cases. He allegedly kissed her on the cheeks.[8] Taken aback, Melissa asked why he did that, and Judge Laron said it was simply beso-beso.[9] According to Melissa, the beso-beso became a regular habit of Judge Laron on her visits to his office.[10]

Judge Laron admitted that they were introduced sometime in November 2005[11] and that he knew of the bouncing checks cases filed against her.[12] At that time, Judge Laron was also aware that Melissa married to Wilfredo F. Tuvillo (Wilfredo), who works as a seafarer.[13] Melissa and Wilfredo have four (4) children.[14] Judge Tuvillo is likewise married and has three (3) sons.[15] His wife, Imelda B. Laron[16] (Imelda), was in the United States to attend to her ailing father.[17]

Melissa alleged that their affair began on November 28, 2005.[18] According to her, while in his office, Judge Laron asked her if she knows how to eat hamon (Christmas ham).[19] He then pulled her close, held her by her nape, and forced her[20] towards the front of his pants.[21] He unzipped his pants and made her suck his genital.[22] Later, he told her to lie on the table, where he "owned" her.[23] Judge Laron relieved himself without having insert his whole genital into her hers.[24]

Melissa did not specify if the act complained of happened during office hours, or whether it happened after work was finished, when no one could possibly witness the scene.

In his defense, Judge Laron alleged that they merely shook hands and that he never promised to help her.[25] He claimed to have been busy conducting hearings on November 28, 2005, which was a Monday.[26] To back up his

claims, he attached the affidavits of his staff.[27]

In their Joint Affidavit, Branch 65 Criminal Case In-Charge Amabelle C. Feraren and Court Aide Nelly A. Montealegre claimed that it was impossible for Judge Laron to have laid a hand on Melissa without anyone witnessing it.[28] All employees in the staff room were said to have access to Judge Laron's chamber at any given time,[29] as the fax machine, telephone, refrigerator, and coffee maker were inside his chamber.[30]

According to Branch 65 Court Stenographers Lylanie U. Cayetano[31] and Nelia B. Nanat,[32] Judge Laron's chamber was inside the staff room.[33] The door between the staff room and his chamber was allegedly always kept open for the employees to enjoy the cool air from his chamber.[34] The staff room may also get cool air from the adjacent court room,[35] which was cold as it had its own air-conditioning.[36]

Melissa alleged that the "unforgivable moments of [their] indecent affair"[37] continued on December 3, 2005, a Saturday, in Judge Laron's office, and then from December 15, 2005 to October 2007, where they checked in at Silver Place Hotel, located beside the new City Hall Building.[38] The new City Hall Building houses the Metropolitan Trial Court of Makati City.[39] According to Melissa, Judge Laron would sometimes sleep in the Tuvillos' conjugal house in Antipolo, and almost daily in her condo in Pasong Tamo, Makati City, from August 2007 to January 2008.[40]

For his part, Judge Laron admitted that his marriage to Imelda had "lessened [its] sheen" and that Imelda was distant to him.[41] Melissa "brought [him] a sense of soul connection, understanding and great company." [42] He stated that he reciprocated Melissa's affection to him.[43]

According to Socorro R. Divina (Divina), caretaker of the Tuvillo Family House in Antipolo, Judge Laron would come and sleep over in Antipolo on weekends.[44] Divina herself opened and closed the gate whenever Judge Laron would fetch Melissa and the children in the morning.[45] She would also see Judge Laron fetching the children back from school in the afternoon, sometimes using his own car, and on other times, using Melissa's car.[46]

Wilfredo and Melissa's sons, Renz Don Willie (14 years old) and Raphael Thorn (13 years old) Tuvillo, corroborated Divina's statement.[47] They stated that Judge Laron would pick them up from home to school.[48] According to them, "Tito Henry Laron used to go to our house in Antipolo; [h]e slept in our house twice or thrice a week specially durin weekends[.]"[49]

On one occasion, they saw their mother bruised and found out that Judge Laron inflicted the injury on her.[50] Judge Laron assailed the allegation of hitting Melissa as hearsay,[51] as the children did not mention seeing the incident or having personal knowledge of it.[52]

Melissa would receive a monthly allotment of US\$2,000.00 from Wilfredo, who works as Chief Officer/Chief Mate at sea.[53] He has been an Overseas Filipino Worker for more than 20 years.[54] Melissa claimed that in exchange for his help, Judge Laron asked her for money every month, and whenever he needed it.[55]

On April 10, 2006, Judge Laron ordered the dismissal of a civil case, YL Finance Corp. v. Tuvillo, et al., with prejudice.[56] This was in lieu of the parties' Joint Motion to Dismiss.[57] The other cases remained pending against Melissa.

As regards Judge Laron's alleged extortion, Melissa cited that Judge Laron asked her for money to treat his office staff on his birthday on July 3, 2006.[58] Melissa paid a total of P25,000.00 for this birthday treat at Firewood, Mandaluyong.[59] Another time, when he went to Canada for a study grant on the second week of March 2007, he solicited US\$2,000.00 from her as pocket money.[60] Melissa likewise advanced the payment for his executive

check up in June 2007 at St. Luke's Hospital.[61] Judge Laron again asked her for allowance when he attended a seminar in Baguio City on November 13 to 16, 2007, and she gave him US\$700.00.[62]

Melissa alleged that she had to sell their house and lot in Taguig and two (2) vehicles, a Pajero and a Honda CR-V, to satisfy Judge Laron's financial pleas.[63] She presented a Bank of Philippine Islands deposit slip for US\$200.00 addressed to one "Henry E. Laron," dated February 1, 2008.[64]

Judge Laron allegedly became uncontrollable and would hurt Melissa when she refused to give him money.[65] According to Melissa, Judge Laron threatened to divulge their relationship to Wilfredo.[66] Thus, she "was forced to follow all his caprices with .. . closed eyes[.]"[67]

Judge Laron gave bare denials.[68] He claimed that he never received these amounts from Melissa, nor did she give him money on such occasions.[69] He added that Melissa never attached any sworn medical certificate to prove that she sustained an injury.[70] Judge Laron also alleged that he did not blackmail her.[71]

Judge Laron claimed that he "always [slept] with [his] wife in [their] house." [72] He attached his wife's affidavit to support this.[73] Imelda, however, had been in the United States to look after her ailing father.[74] Neither she nor Judge Laron mentioned when she actually came back home and slept with him.

Sometime in May 2007, more than one (1) year since the start of their extramarital affair, Melissa allegedly told Judge Laron that Wilfredo died of illness in China.[75] To support his allegation, Judge Laron presented the affidavits of Branch Clerk of Court Romualdo I. Balancio[76] and Clerk III Jeffrey C. Bat-og[77] of Branch 67 of the Municipal Trial Court of Makati City. Melissa questioned their affidavits for being "unbelievable and unreliable because of the enormous influence and authority over them by respondent Laron." [78]

Wilfredo averred that Judge Laron's alibi "was a big lie, because on the [third] week of May 2007, [Judge Laron] visited [the Tuvillo Family] house in Antipolo at the early time of the day[.]" [79] Judge Laron allegedly told Wilfredo of his meeting with an attorney in Ynares Stadium, Antipolo, Rizal.[80] A purported record from the Bureau of Immigration, which Judge Laron himself attached and relied on,[81] showed that Wilfredo was indeed in the Philippines on the third week of May 2007, specifically: from May 17, 2007 to June 9, 2007.[82]

On September 18, 2007, two (2) more criminal cases for violation of Batas Pambansa Blg. 22 were filed against Melissa. Prosecutor III George V. De Joy impleaded Melissa's husband, Wilfredo.[83]

On October 23, 2007, Presiding Judge Rico Sebastian D. Liwanag of Branch 67 of the Metropolitan Trial Court of Makati City provisionally dismissed the first two (2) cases of bouncing checks against Melissa.[84]

Imelda learned of her husband's affair in January 2008[85] after she overheard a telephone conversation between Judge Laron and Melissa.[86] Judge Laron then confessed the affair to his wife and vowed to mend his ways.[87] Their three (3) sons, aged 18, 17, and 15, also found out about his indiscretion.[88] Judge Laron acknowledged that his family was hurt.[89]

On April 16, 2008, one Atty. Jun Laguilles[90] (Atty. Laguilles) came with Melissa to see Judge Laron in his chamber. Atty. Laguilles is the husband[91] of Former Makati City Regional Trial Court Judge Zenaida T. Galapate-Laguilles. He allegedly sought to settle the differences between Melissa and Judge Laron.[92] Melissa averred that Judge Laron cursed at her and ordered to have her sent out of his office.[93] Melissa also cursed and shouted at Judge Laron.[94] She demanded that he return all the money he took from her.[95] He said he would, to which she replied that he include everything he received from her, even his underwear.[96] Atty. Laguilles helped Melissa out of Judge Laron's chamber.[97]

In May 2008, Wilfredo arrived from abroad.[98] The children reported to their father what happened at home:

"Tito Henry" would sleep in the Antipolo home, especially on weekends, and he physically hurt their mother.[99]

Wilfredo filed a case for adultery against Judge Laron and Melissa. The Makati City Prosecution Office later dismissed it for lack of probable cause (for failure to establish all the elements of the crime).[100] This was affirmed by the Department of Justice.[101]

On May 23, 2008, Melissa entered into the police blotter Judge Laron's alleged threats on her life. According to her, Judge Laron told her, "ipapayari kita o kaya ipapatumba nalang kita." [102]

Judge Laron admitted the existence of their extramarital relationship.[103] However, he denied that he ever asked money,[104] committed violence against her, or violated her marital union and family unity.[105]

Wilfredo maintained that Judge Laron "capitalized] and abus[ed] the innocence, trust and confidence of [Melissa]." [106] Judge Laron's extortion allegedly led to the depletion of all their savings, including their houses and lots.[107] He called Judge Laron "a hoodlum in robes who should be removed from the judiciary before he can commit more atrocities." [108]

I

Regir v. Regir[109] has defined immorality as:

[I]mmorality is not based alone on illicit sexual intercourse. It is not confined to sexual matters, but includes conducts inconsistent with rectitude, or indicative of corruption, indecency, depravity, and dissoluteness; or is willful, flagrant or shameless conduct showing moral indifference to opinions of respectable members of the community, and an inconsiderate attitude toward good order and public welfare[110](Emphasis supplied)

Rule 140, Section 8(8) of the Rules of Court, as amended by A.M. No. 01-8-10-SC,[111] classifies immorality as a serious charge.[112] As penalty Section 11(A)(1) allows for the imposition of dismissal from service, forfeiture of all benefits except accrued leave credits, and disqualification from holding any public office, including those in government-owned or controlled corporations.[113]

In *Perfecto v. Judge Esidera*, [114] we have ruled that lawyers and judges are bound to uphold secular morality, not religious morality.[115] We look past religious doctrine and determine what is good or right based on shared community standards and values:

This court may not sit as judge of what is moral according to a particular religion. We do not have jurisdiction over and is not the proper authority to determine which conduct contradicts religious doctrine. We have jurisdiction over matters of morality only insofar as it involves conduct that affects the public or its interest.

Thus, for purposes of determining administrative liability of lawyers and judges, "immoral conduct" should relate to their conduct as officers of the court. To be guilty of "immorality" under the Code of Professional Responsibility, a lawyer's conduct must be so depraved as to reduce the public's confidence in the Rule of Law.[116]

Guided by this standard, I find Judge Laron's actions to be indicative of his moral indifference and questionable integrity, amounting to immorality.

Although it may be true that they were lonely people[117] who reciprocated each other's affections,[118] it is also true that Melissa was desperate to wriggle out of the criminal cases that had strangled her.[119] It is likewise true that both of them are married,[120] and their extramarital relationship was not kept hidden, especially from Melissa's children.[121]

That Melissa first approached or sought Judge Laron[122] is immaterial as a defense. Judge Laron knew that she was in dire need, and he took advantage of her weaknesses. He was in a position of power: unlike Melissa, he has

legal expertise, and he was not facing a string of criminal cases. He is a judge of the Metropolitan Trial Court of Makati City, before which she was charged.

Judge Laron claims to have been fooled of Wilfredo's alleged death in 2007. This does not convince. Judge Laron himself has shown that he is capable of acquiring Wilfredo's 2006-2008 travel information from the Bureau of Immigration.[123]

Even if Judge Laron believed Wilfredo's death to be true, it still does not exonerate him. His attempts to dangle a red herring must fail. Judge Laron entered into a relationship with Melissa beginning in 2005.[124] At that time, he was fully aware that her husband was simply at sea, alive and working.[125]

As the affair broke down, Judge Laron now paints himself as victim of Melissa's calls and text messages, as well as threats to embarrass him and cause his dismissal from service.[126] He attempts to soften the impact of his actions by stating that they were "mature people"[127] when they entered into the extramarital affair. However, when it comes to facing the consequences, Judge Laron bails out and blames Melissa for allegedly hurting his wife and children with her news of the affair.[128]

Maturity does not consist of welcoming a mistress' affections[129] but rejecting the repercussions when things go sideways. Judge Laron cannot lay the blame on Melissa, especially when he himself was a kept man of married woman.

In any case, it is Judge Laron's private acts that are under scrutiny, not Melissa's. Judge Laron states that his extramarital affair "[was] a personal matter and d[id] not affect [his] professional responsibilities as a judge and as a lawyer." [130] This is a tall tale.

In *Perez v. Catindig*, [131] we disbarred a lawyer who had an extramarital affair with another woman. Although his second marriage with the oth woman was void, we have stated that the lawyer "definitely manifested] deliberate disregard of the sanctity of marriage and the marital vows protected by the Constitution and affirmed by our laws. . . . He exhibitec deplorable lack of that degree of morality required of him as a member the bar[.] "[132]

In *Leynes v. Judge Veloso*, [133] this Court ruled that "[i]f good moral character is required of a lawyer, with more reason that requirement should be exacted of a member of the judiciary who at all times is expected to observe irreproachable behavior and is bound not to outrage public decency." [134]

In *Castillo v. Judge Calanog Jr.*: [135]

The Code of Judicial Ethics mandates that the conduct of a judge must be free of a whiff of impropriety not only with respect to his performance of his judicial duties, but also to his behavior outside his sala and as a private individual. There is no dichotomy of morality: a public official is also judged by his private morals. The Code dictates that a judge, in order to promote public confidence in the integrity and impartiality of the judiciary, must behave with propriety at all times. As we have very recently explained, a judge's official life can not simply be detached or separated from his personal existence. [136] (Emphasis supplied)

Anyone applying for the judiciary is expected to have a thorough understanding of community standards and values. No one forced Judge Laron to become a judge. When he became a judge, he agreed to abide by the Code of Conduct for members of the Philippine Judiciary.

Canon 2 of the New Code of Judicial Conduct for the Philippine Judiciary [137] provides:

CANON 2
Integrity

Integrity is essential not only to the proper discharge of the judicial office but also to the personal demeanor of judges.

SECTION 1. Judges shall ensure that not only is their conduct above reproach, but that it is perceived to be so in the view of a reasonable observer.

SECTION 2. The behavior and conduct of judges must reaffirm the people's faith in the integrity of the judiciary[.]

Judges decide -not only on matters of law, but also of equity. They determine what is right and wrong in the cases before them. A judge should, therefore, be able to walk the talk. He or she should be and appear to be a person with integrity and credibility. In *Dia-Añonuevo v. Judge Bercacio*:^[138]

Although every office in the government service is a public trust[,], no position exacts a greater demand on moral righteousness and uprightness of an individual than a seat in the Judiciary. A magistrate of the law must comport himself at all times in such a manner that his conduct[,], official or otherwise[,], can bear the most searching scrutiny of the public that looks up to him as the epitome of integrity and justice.^[139]

Judge Laron's words and actions reflect on the judiciary as a whole. He is expected to avoid conflicts of interest and instances where the morality and legality of his actions are cast in a bad light. Judge Laron cannot simply accept the perks of his position but shy away from the discomfort and responsibilities involved. He should embrace both the boons and banes of a the job, which he willingly entered into. In *Castillo v. Judge Calanog, Jr.*:^[140]

Being the subject of constant public scrutiny, a judge should freely and willingly accept restrictions on conduct that might be viewed as burdensome by the ordinary citizen.

A judge should personify judicial integrity and exemplify honest public service. The personal behavior of a judge, both in the performance of official duties and in private life should be above suspicion.^[141]

In that case, this Court dismissed a judge who had a mistress, with whom he bore a child, for immorality. This Court held the dismissal to be "with prejudice to his reinstatement or appointment to any public office including a government-owned or controlled corporation, and forfeiture of retirement benefits, if any."^[142] Thus:

Judge Calanog has behaved in a manner not becoming of his robes and as a model of rectitude, betrayed the people's high expectations, and diminished the esteem in which they hold the judiciary in general.

It is of no import that the evidence on record is not sufficient to prove beyond reasonable doubt the facts of concubinage having indeed existed and been committed. This is not a criminal case for concubinage but an administrative matter that invokes the power of supervision of this Court over the members of the judiciary.

The circumstances show a lack of circumspection and delicadeza on the part of the respondent judge by failing to avoid situations that make him suspect to committing immorality and worse, having that suspicion confirmed.^[143]

Under Section 1 of Canon 4, judges have the duty to "avoid impropriety and the appearance of impropriety in all of their activities."

According to Judge Laron, he and Melissa "tried [their] best to discreet and sensitive to the sensibilities of those around [them]."^[144] Thi not true. Judge Laron and Melissa were together for three (3) years.^[145] T did not even attempt to hide it from Melissa's minor children^[146] and family's caretaker.^[147]

The response of the court employees is even more telling. On April 16, 2008, when Melissa came to Judge Laron's chamber, none of the them intervened when she began shouting at the judge^[148] and demanding that he

return all the money and things he received from her.[149] The eight (8)[150] court employees who witnessed the scene only stood by to watch[151] as the former lovers quarreled.[152] Melissa shouted that she would file a case against Judge Laron, who retorted, "my wife will also sue you." [153] Only Atty. Laguilles, who came with Melissa to mediate between her and Judge Laron,[154] stepped in and helped her out of the door.[155]

Judge Laron willingly consented to their extramarital relationship. He did not keep it between only the two of them. Divina[156] and the Tuvillo children[157] certainly knew. There are good reasons to suppose that Atty. Laguilles[158] and his wife[159] were likewise aware of the relationship. The court employees,[160] who simply looked on as Melissa and Judge Laron argued about returning her money and his underwear, could also have suspected about them, to say the least.

While Wilfredo was busy providing for his family, Judge Laron usurped Wilfredo's role as husband and father, sleeping in their house, driving for Melissa, and picking up her children from school.[161] Judge Laron is well-known to the Tuvillo children. They even fondly called him "Tito Henry." [162]

Thus, one cannot imagine the shock of Wilfredo, who, for more than 20 years,[163] worked away on board a ship—battling against homesickness, the perils of sea, and the emotional strain caused by his physical separation from his family—only to come home and find out that another man was enjoying his wife and the money he sent. Wilfredo's children themselves broke the news to him.[164] They found out about Judge Laron's trysts with their mother, as Judge Laron did not mind flaunting their relationship in front of Wilfredo's children.[165]

In *Re: Complaint of Mrs. Marcos and children against Judge Marcos*, [166] this Court dismissed from service a judge who flaunted his other woman as though she were his wife. It did not matter that the judge had been physically separated from his wife for three (3) years, or that he had no children with his mistress. His public display of the illicit relationship constituted a conduct "unbecoming of a judge[,] whose conduct must at all times be beyond reproach." [167]

Judge Laron entered into an extramarital affair with Melissa, a hapless litigant who faced a series of cases. His seduction led to a three-year relationship where Judge Laron exchanged his help for her money, and their relationship injured persons other than the two of them.

Judge Laron's indiscretion hurt not only his family[168] but also Melissa's husband who, after discovering their affair, sued his wife and the judge for adultery.[169] The judge, a powerful figure in the legal circle, also publicly threatened Melissa that Imelda, his wife, would sue her.[170] The scandal in his chamber, in front of a private lawyer as well as court and staff employees, dragged down the dignity of his office.

Under Section 2 of Canon 4, "judges shall conduct themselves in a way that is consistent with the dignity of the judicial office."

Judge Laron's extramarital affair, his public display of his also married "other" woman, and the damage his indiscretion caused not just to other people but also to the dignity of the office he serves, certainly reek of immorality. His actions exhibit indecency, lack of integrity, depravity, and moral indifference to community standards and values.[171]

For transgressing public morals and defiling the image of the judiciary, he must be stripped of his judicial robe and dismissed from service.

II

Section 8(3), in relation to Section 11(A)(1)[172] of Rule 140 of the Rules of Court, further supports Judge's Laron's dismissal from service. [G]ross misconduct constituting violations of the Code of Judicial Conduct"[173] is a serious charge allowing for a judge's removal from service.[174]

In *Sison-Barias v. Judge Rubia*,[175] we dismissed a judge who privately met with a litigant at a restaurant and advised her to speak with the other party's counsel. We have ruled that this act violated Canons 1 (Independence), 2 (Integrity), 3 (Impartiality), and 4 (Propriety).[176]

Similarly, Judge Laron violated the same provisions of the New Code of Judicial Conduct for the Philippine Judiciary:

CANON 1 INDEPENDENCE

Judicial independence is a pre-requisite to the rule of law and a fundamental guarantee of a fair trial. A judge shall therefore uphold and exemplify judicial independence in both its individual and institutional aspects.

SECTION 1. Judges shall exercise the judicial function independently on the basis of their assessment of the facts and in accordance with a conscientious understanding of the law, free of any extraneous influence, inducement, pressure, threat or interference, direct or indirect, from any quarter or for any reason.

....

SECTION 3. Judges shall refrain from influencing in any manner the outcome of litigation or dispute pending before another court or administrative agency.

SECTION 4. Judges shall not allow family, social, or other relationships to influence judicial conduct or judgment. The prestige of judicial office shall not be used or lent to advance the private interests of others, nor convey or permit others to convey the impression that they are in a special position to influence the judge.

....

SECTION 6. Judges shall be independent in relation to society in general and in relation to the particular parties to a dispute which he or she has to adjudicate.

SECTION 7. Judges shall encourage and uphold safeguards for the discharge of judicial duties in order to maintain and enhance the institutional and operational independence of the judiciary.

SECTION 8. Judges shall exhibit and promote high standards of judicial conduct in order to reinforce public confidence in the judiciary, which is fundamental to the maintenance of judicial independence.

CANON 2 Integrity

Integrity is essential not only to the proper discharge of the judicial office but also to the personal demeanor of judges.

SECTION 1. Judges shall ensure that not only is their conduct above reproach, but that it is perceived to be so in the view of a reasonable observer.

SECTION 2. The behavior and conduct of judges must reaffirm the people's faith in the integrity of the judiciary.

CANON 3 Impartiality

Impartiality is essential to the proper discharge of the judicial office. It applies not only to the decision itself

but also to the process by which the decision is to be made.

SECTION 1. Judges shall perform their duties without favor, bias or prejudice.

SECTION 2. Judges shall ensure that his or her conduct, both in and out of court, maintains and enhances the confidence of the public, the legal profession and litigants in the impartiality of the judge and the judiciary.

SECTION 3. Judges shall, so far as is reasonable, so conduct themselves as to minimize the occasions on which it will be necessary for them to be disqualified from hearing or deciding cases.

....

CANON 4

Propriety

Propriety and the appearance of propriety are essential to the performance of all the activities of a judge.

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

SECTION 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.

SECTION 3. Judges shall, in their personal relations with individual members of the legal profession who practice regularly in their court, avoid situations which might reasonably give rise to the suspicion or appearance of favoritism or partiality.

In *Gacayan v. Judge Pamintuan*,^[177] this Court ruled that it is improper for a judge to have a private meeting with the accused, especially "in the seclusion of his [or her] chambers," without the presence of the complainant.^[178]

Judge Laron first met Melissa, who was criminally charged with violation of Batas Pambansa Big. 22, inside his chamber, without the presence of the offended parties. They became lovers, and their meetings extended to more private spaces.

For a judge, having a close friendship with the litigant is to be avoided at all costs. With more reasons should a romantic relationship with one be shunned as this destroys the litigants' confidence in the "judge's impartiality and[,] eventually, undermine the people's faith in the administration of justice."^[179]

Judge Laron, as the judge in a case against Melissa, dismissed that case with prejudice upon motion by the parties.^[180] Another judge in the Makati City Metropolitan Trial Court likewise provisionally dismissed Melissa's two other cases.^[181] It is not farfetched to conclude that Judge Laron provided assistance to his former lover in the cases pending before him and another judge. These incidents cannot be said to be above suspicion, or otherwise entirely free from the appearance of impropriety.

In *Re: Allegations Made Under Oath at the Senate Blue Ribbon Committee Hearing Held on September 26, 2013 Against Associate Justice Gregory S. Ong, Sandiganbayan*,^[182] we found a Sandiganbayan Justice and Chairperson of the Fourth Division liable for impropriety for visiting and socializing with a litigant, Janet Lim-Napoles (Napoles), whom his Division acquitted. Sandiganbayan Justice Gregory S. Ong was relieved from service.^[183]

Fraternalizing with litigants taints a judge's appearance of impartiality.^[184] Canon 1, Section 3 states that "[j]udges shall refrain from influencing in any manner the outcome of litigation or dispute pending before another court or administrative agency." In *Rallos v. Judge Gako Jr.*:^[185]

Well-known is the judicial norm that judges should not only be impartial but should also appear impartial.

Jurisprudence repeatedly teaches that litigants are entitled to nothing less than the cold neutrality of an impartial judge. . . . Judges must not only render just, correct and impartial decisions, but must do so in a manner free of any suspicion as to their fairness, impartiality and integrity.

This reminder applies all the more sternly to municipal, metropolitan and regional trial court judges like herein respondent, because they are judicial front-liners who have direct contact with the litigating parties. They are the intermediaries between conflicting interests and the embodiments of the people's sense of justice. Thus, their official conduct should be beyond reproach.[186] (Emphasis supplied)

In *Garcia v. Judge Burgos*:

We deem it important to point out that a judge must preserve the trust and faith reposed in him by the parties as an impartial and objective administrator of justice. When he exhibits actions that give rise fairly or unfairly, to perceptions of bias, such faith and confidence are eroded[.][188]

Likewise, Judge Laron's asking for money from a litigant constitutes gross misconduct. In *Sison Jr. v. Camacho*,[189] we disbarred a lawyer for failing to account for the funds he solicited as payment for additional docket fees. We have ruled that "[t]hose in the legal profession must always conduct themselves with honesty and integrity in all their dealings." [190]

According to Melissa, Judge Laron would solicit money from he. pay for his medicines, executive check-up, regular visits to the doctor, cell phone load, gasoline expenses, and monthly groceries, among other things.[191] A US\$200.00 deposit to the account of "Henry E. Laron"[192] supports the claim of solicitation. There is no indication that the money was ever returned or refused.

In *Galang v. Judge Santos*,[193] a judge's personal actions, whether in the bench or in his daily life, should be beyond reproach and free from the manifestations of impropriety.[194]

In *In Re: Solicitation of Judge Virrey*,[[195][]] this Court dismissed from service a judge who solicited "donations" for the repair of his office and for his personal travel expenses. This Court has held that such irresponsible and improper conduct erodes the public's faith in the judiciary.[196] These acts clearly violate the judge's duties of integrity, independence, and propriety.[197]

In *Quiz v. Judge Castaño*,[198] this Court dismissed from service a judge who attempted to extort money from a litigant. The judge visited the litigant in the place he stayed in, met with him at an eatery, and pocketed a sum of money from him. This Court acknowledged that, under the prevailing circumstances, it could not simply give the errant judge a slap on the wrist.[199]

We ruled similarly in *Re: Allegations Against Justice Ong* and dismissed the Sandiganbayan Justice for gross misconduct. We held that the Sandiganbayan Justice's acts of consenting to be Napoles' contact at the Sandiganbayan, "fixing" the criminal case in her favor, and accepting money and favors from her "constitute gross misconduct, a violation of the New Code of Judicial Conduct for the Philippine Judiciary." [200]

ACCORDINGLY, I vote to find respondent Judge Henry E. Laron GUILTY of immorality and gross misconduct. Respondent Judge Henry E. Laron should be DISMISSED from the service with forfeiture of all retirement benefits except accrued leave credits, with perpetual disqualification from re-employment in any government agency, including

[1] Masterlist of Incumbent Judges as of August 19, 2016 http://jbc.judiciary.gov.ph/masterlist/_MeTC.pdf (visited October 1, 2016).

[2] <http://jbc.judiciary.gov.ph/masterlist/MeTC.pdf>Id. The Small Claims-Pilot Project officially took effect on October 1, 2008. See Adm. Order No. 141-2008, Re: Designation of Pilot Courts for Small Claims Cases dated September 29, 2008, appointing Judge Laron as Pairing Judge for the Small Claims Pilot Court of Makati City, Branch 66.

[3] Rollo (A.M. No. MTJ-10-1755), pp. 66-67, 70-71; rollo (A.M. No. MTJ-10-1755), pp. 68-69.

[4] Rollo (A.M. No. MTJ-10-1755), pp. 66-67.

[5] Id. at 68-69.

[6] Rollo (A.M. No. MTJ-10-1756), p. 36, Complaint Affidavit.

[7] Id.

[8] Id.

[9] Id.

[10] Id.

[11] Rollo (A.M. No. MTJ-10-1755), p. 20, Comment.

[12] Id.

[13] Id.

[14] Id.

[15] Id.

[16] Rollo (A.M. No. MTJ-10-1756), p. 70, Imelda B. Laron Affidavit.

[17] Rollo, (A.M. No. MTJ-10-1755), p. 20.

[18] Rollo (A.M. No. MTJ-10-1756), p. 36.

[19] Id.

[20] Id. at 36-37. Melissa alleged that "bigla akong isinubsob" toward the front of his pants.

[21] Id. at 36-37.

[22] Id. at 37.

[23] Id.

[24] Id.

[25] Rollo (A.M. No. MTJ-10-1755), p. 58, Comment.

[26] Id.

[27] Rollo (A.M. No. MTJ-10-1756), pp. 68-69.

[28] Id.

[29] Id. at 66-67.

[30] Id. at 66.

- [31] Id.
- [32] Id. at 67.
- [33] Id. at 66-67.
- [34] Id. at 67.
- [35] Id. at 68.
- [36] Id.
- [37] Id. at 37.
- [38] Rollo (A.M. No. MTJ-10-1756), p. 37.
- [39] Rollo (A.M. No. MTJ-10-1755), p. 58.
- [40] Rollo (A.M. No. MTJ-10-1756), p. 37.
- [41] Rollo (Adm. Matter. No., MTJ-10-1755), p. 20 and 21, Laron Comment to Wilfredo's Complaint.
- [42] Id.
- [43] Id. at 21. 44
- [44] Id. at 36, Affidavit of Socorro R. Divina.
- [45] Id.
- [46] Id.
- [47] Id. at 34.
- [48] Id.
- [49] Id.
- [50] Id.
- [51] Id. at 56.
- [52] Id.
- [53] Rollo (A.M. No. MTJ-10-1756), pp. 43-45, Allotment Slip.
- [54] Rollo (A.M. No. MTJ-10-1755), p. 24, Complaint Affidavit.
- [55] Rollo (A.M. No. MTJ-1CM756), pp. 36, Complaint Affidavit. Id. Id.
- [56] Id. at 50A, Order.
- [57] Id.
- [58] Id. at 37.
- [59] Id.
- [60] Id.
- [61] Id.

- [62] Id.
- [63] Id. at 38.
- [64] Id. at 50, Deposit Slip.
- [65] Id. at 37.
- [66] Id.
- [67] Id.
- [68] Id. at 59, Comment.
- [69] Id. at 59-60, Comment.
- [70] Rollo (A.M. No. MTJ-10-1755), p. 56, Comment.
- [71] Rollo (A.M. No. MTJ-10-1756), p. 60, Comment.
- [72] Id. at 59.
- [73] Id. at 70-71.
- [74] Rollo (A.M. No. MTJ-10-1755), p. 20, Comment.
- [75] Id.
- [76] Id. at 73-74.
- [77] Id. at 72.
- [78] Rollo (A.M. No. MTJ-10-1755), p. 96.
- [79] Rollo (A.M. No. MTJ-10-1756), p. 77.
- [80] Id.
- [81] Id. at 62, Comment.
- [82] Id. at 75, Travel Information of Wilfredo F. Tuvillo.
- [83] Rollo (A.M. No. MTJ-10-1755), pp. 70-71, Informations for Violation of Batas Pambansa Blg. 22.
- [84] Rollo (A.M. No. MTJ-10-1756), p. 51.
- [85] Rollo (A.M. No. MTJ-10-1755), p. 21.
- [86] Rollo (A.M. No. MTJ-10-1756), p. 70.
- [87] Rollo (A.M. No. MTJ-10-1755), p. 21.
- [88] Id.
- [89] Id.
- [90] Rollo (A.M. No. MTJ-10-1756), p. 37.
- [91] Id.
- [92] Id.

[93] Id.

[94] Id.

[95] Id.

[96] Id.

[97] Id. at 72.

[98] Rollo (A.M. No. MTJ-10-1755), p. 34.

[99] Id.

[100] Id. at 95-98.

[101] Id. at 99-100.

[102] Rollo (A.M. No. MTJ-10-1756), p. 18, Police Blotter Certification.

[103] Rollo (A.M. No. MTJ-10-1755), p. 21.

[104] Rollo (A.M. No. MTJ-10-1756), p. 59.

[105] Rollo (A.M. No. MTJ-10-1755), p. 52.

[106] Id. at 24.

[107] Id. at 25.

[108] Id.

[109] 612 Phil. 771 (2009) [Per J. Leonardo-De Castro, First Division].

[110] Id. at 779.

[111] Proposed Amendment to Rule 140 of the Rules of Court Re Discipline of Justices and Judges (2001).

[112] A.M. No. 01-8-10-SC, sec. 8 provides:

SECTION 8. Serious charges. — Serious charges include....[i]mmorality[.]

[113] A.M. No. 01-8-10-SC, sec. 11(A)(1) provides: Section 11. Sanctions.

A. If the respondent is guilty of a serious charge, any of the following sanctions may be imposed: Dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations. Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits[.]

[114] A.M. No. RTJ-15-2417, July 22, 2015
<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2015/july2015/RTJ-15-2417.pdf> [Per J. Leonen, Second Division].

[115] Id. at 8.

[116] Id. at 9.

[117] Rollo (A.M. No. MTJ-10-1755), p. 20

- [118] Id. at 21.
- [119] Id. at 24.
- [120] Id. at 20.
- [121] Id. at 34.
- [122] Id. at 59.
- [123] Id. at 75.
- [124] Rollo (A.M. No. MTJ-10-1756), p. 36
- [125] Rollo (A.M. No. MTJ-10-1755), p. 20
- [126] Id. at 21-22.
- [127] Id. at 20.
- [128] Id. at 21.
- [129] Id.
- [130] Id. at 22.
- [131] A.C. No. 5816, March 10, <http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2015/march2015/5816.pdf> Per Curiam, En Banc].
- [132] Id. at 10.
- [133] 172 Phil. 312 (1978) [Per J. Aquino, En Banc].
- [134] Id. at 315.
- [135] 276 Phil. 70 (1991) [Per Curiam, En Banc].
- [136] Id. at 81.
- [137] A.M. No. 03-05-01-SC (2004).
- [138] 160-A Phil. 731 (1975) [Per J. Muiioz-Palma, En Banc].
- [139] Id. at 739.
- [140] 276 Phil. 70 (1991) [Per Curiam, En Banc].
- [141] Id. at 81-82.
- [142] Id. at 83.
- [143] Id. at 80.
- [144] Rollo (A.M. No. MTJ-10-1755), p. 21.
- [145] Rollo (A.M. No. MTJ-KM756), p. 11.
- [146] Rollo (A.M. No. MTJ-10-1755), p. 34.

[147] Id. at 36.

[148] Rollo (A.M. No. , MTJ-10-1756), p i.72.

[149] Id. at 37.

[150] Id. at 72-73

[151] Id. at 60.

[152] Id. at 61.

[153] Id. at 73.

[154] Id. at 37.

[155] Id. at 72-73

[156] Rollo (A.M No. MTJ-10-1755), p. 36.

[157] Id. at 34.

[158] Rollo (A.M. No. MTJ-10-1756), p .37.

[159] Id.

[160] Id. at 72.

[161] Rollo (A.M. No. MTJ-10-1755), p .34.

[162] Id.

[163] Id.

[164] Id.

[165] Id.

[166] 413 Phil. 65 (2001) [Per Curiam, En Banc].

[167] Id. at 92.

[168] Rollo (A.M. No. MTJ-10-1756), p. 21.

[169] Id. at 95-98.

[170] Id. at 72.

[171] *Regir v. Regir*, 612 Phil. 771, 779 (2009) [Per J. Leonardo-De Castro, First Division].

[172] RULES OF COURT, Rule 140, sec. 11(A)(1) provides: SECTION 11. Sanctions.

A. If the respondent is guilty of a serious charge, any of the following sanctions may be imposed: 1. Dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations. Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits[.]

[173] RULES OF COURT, Rule 140, sec. 8(3) provides: SECTION 8. Serious charges. — Serious charges include:

....

3. Gross misconduct constituting violations of the Code of Judicial Conduct[.]

[174] RULES OF COURT, Rule 140, sec. 11(A)(1) provides: SECTION 11. Sanctions.

A. If the respondent is guilty of a serious charge, any of the following sanctions may be imposed: 1. Dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations. Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits[.]

[175] A.M. No. RTJ-14-2388, June 10, 2014, 726 SCRA 94 [Per Curiam, En Banc].

[176] Id. at 139.

[177] 373 Phil. 460 (1999) [Per Ynares-Santiago, First Division].

[178] Id. at 477.

[179] Santos v. Lacurom, 531 Phil 239, 252 (2006) [Per J. Carpio, Third Division].

[180] Rollo, (A.M. No. MTJ-10-1756), p. 50A.

[181] Id. at 51.

[182] A.M. No. SB-14-21-J, September 23, 2014, 736 SCRA 12 [Per Curiam, En Banc].

[183] Id. at 100-101.

[184] Gacayan v. Judge Pamintuan, 373 Phil. 460, 477 (1999) [Per Ynares-Santiago, First Division].

[185] 85 Phil. 4 (2000) [Per J. Panganiban, Third Division].

[186] Id. at 20.

[187] 353 Phil. 740 (1998) [First Division, Per J. Panganiban].

[188] Id. at 771.

[189] A.C. No. 10910, January 12, 2016
<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2016/juanuary2016/10910.pdf> [Per Curiam, En Banc].

[190] Id. at 5.

[191] Rollo (A.M. No. MTJ-10-1756,), p. 3.

[192] Id. at 50.

[193] 367 Phil. 81 (1999) [Per Curiam, En Banc].

[194] Id. at 89.

[195] 279 Phil. 688 (1991) [Per Curiam, En Banc].

[196] Id. at 694.

[197] Id.

[198] 194 Phil. 187 (1981) [Per J. Teehankee, En Banc].

[199] Id. at 196.

[200] Re: Allegations Made Under Oath at the Senate Blue Ribbon Committee Hearing Held on September 26, 2013 Against Associate Justice Gregory S. Ong, Sandiganbayan, A.M. No. SB-14-21-J, September 23, 2014, 736 SCRA 12, 80 [Per Curiam, En Banc].

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