



Republic of the Philippines
Supreme Court
 Manila

FIRST DIVISION

**DR. CORAZON D. PADERANGA,
 DULCE P. GUIBELONDO,
 PATRIA P. DIAZ, CARMENCITA
 P. ORSENO, and DR. AMOR P.
 GALON,**

**A.M. No. RTJ-14-2383
 (Formerly A.M. OCA I.P.I No.
 05-2301-RTJ)**

Complainants,

- versus -

**HONORABLE RUSTICO D.
 PADERANGA, IN HIS CAPACITY
 AS THE PRESIDING JUDGE OF
 THE REGIONAL TRIAL COURT,
 BRANCH 28, IN MAMBAJAO,
 CAMIGUIN,**

Respondent.

X-----X

PATRIA PADERANGA DIAZ,
 Complainant,

**A.M. No. RTJ-07-2033
 (Formerly A.M. OCA I.P.I No.
 06-2485-RTJ)**

Present:

- versus -

**SERENO, C.J.
 LEONARDO-DE CASTRO,
 BERSAMIN,
 PEREZ, and
 BERNABE, JJ.**

**HON. RTC JUDGE RUSTICO D.
 PADERANGA, AS THE PRESIDING
 JUDGE OF THE REGIONAL TRIAL
 COURT, BRANCH 28, IN
 MAMBAJAO, CAMIGUIN,**

Respondent.

Promulgated:

AUG 17 2015

x-----x

DECISION

BERSAMIN, J.:

A judge owes it to his judicial office to simply apply or obey a law or rule that is basic. Otherwise, he is guilty of gross ignorance of the law or rule.¹

Antecedents

Prior to his compulsory retirement from the Judiciary on September 24, 2013, the respondent served as the Presiding Judge of the Regional Trial Court (RTC), Branch 28, in Mambajao, Camiguin. He is now administratively charged based on two separate complaints. The first complaint, dated June 17, 2005, initially docketed as OCA I.P.I. No. 05-2301-RTJ but re-docketed as A.M. No. RTJ-14-2383, was brought by his own sisters of the full blood, namely: Dra. Corazon D. Paderanga (Corazon), Dulce Paderanga-Guibelondo (Dulce), Patria Paderanga-Diaz (Patria), Carmencita Paderanga-Orseno (Carmencita) and Dra. Amor Paderanga-Galon to charge him with conduct unbecoming of a judge and grave misconduct.² The second, dated January 16, 2006, initially docketed as OCA I.P.I. No. 06-2485-RTJ but re-docketed as A.M. No. RTJ-07-2033, was instituted by Patria to charge him with ignorance of the law, disregard of the *New Code of Judicial Conduct* and abuse of authority.³

On October 1, 2007, with the completion of the administrative investigations, and upon the submission of the separate reports and recommendations by the respective Investigating Associate Justices of the Court of Appeals (CA), the Court consolidated A.M. No. RTJ-07-2033 with A.M. No. RTJ-14-2383.⁴

A.M. No. RTJ-14-2383

On December 12, 2005, the Office of the Court Administrator (OCA) referred A.M. No. RTJ-14-2383 to then CA Associate Justice Mariano C. Del Castillo for investigation, report and recommendation.⁵

¹ *Cabico v. Dimaculangan-Querijero*, A.M. No. RTJ-02-1735, April 27, 2007, 522 SCRA 300, 312.

² *Rollo*, A.M. No. RTJ-14-2383, pp. 1-7.

³ *Rollo*, A.M. No. RTJ-07-2033, pp. 2-7.

⁴ *Rollo*, A.M. No. RTJ-14-2383, p. 680.

⁵ *Id.* at 246-247.

In his report dated June 16, 2006,⁶ Justice Del Castillo summarized the factual antecedents of A.M. No. RTJ-14-2383 as follows:

Complainants and Respondent Judge are siblings of full blood being the children of the late Narciso and Rosario Paderanga in the following order: Complainant Dulce; Complainant Dra. Amor; Narciso D. Paderanga, Jr. (Narciso Jr.); Respondent Judge; Complainant Carmen; Complainant Patria; and Complainant Dra. Corazon.

The five Complainants present common and separate causes of action against the Respondent Judge. The allegations in their Complaint after amendments can be summarized as follows:

a) Common Allegations

Complainants aver that Respondent Judge, being a magistrate, failed to exert any effort to mediate the differences and misunderstandings between his siblings. They refer particularly to those incidents between Narciso, Jr. and Corazon culminating [in] the filing of charges and counter-charges against each other as follows:

- i) Civil Case No. 2003-325 for Torts and Damages entitled “Spouses Narciso D. Paderanga, Jr. and Alma Paderanga v. Dr. Corazon D. Paderanga” wherein the latter was enjoined to cease and desist from sending malicious text messages to the spouses plaintiffs;
- ii) Criminal Case No. M4-01-255 for Unjust Vexation entitled “People of the Philippines v. Corazon D Paderanga”;
- iii) A criminal case for Illegal Possession of Firearms against Narciso D. Paderanga, Jr. docketed as I.S. No. 2003-5193 which was dismissed by the City Prosecutor in a Resolution dated November 14, 2003;
- iv) Complaint for Deportation against Narciso, Jr. filed by Dra. Corazon before the Bureau of Immigration; and
- v) Criminal Case Nos. 410737-CR and 410738-CR for Falsification of Public Official Document filed against Narciso, Jr. and Alma Paderanga, respectively.

The complainants also allege that Respondent Judge compounded the trouble between his siblings when he instigated, encouraged and advised Narciso, Jr. to file charges against his sister, Dra. Corazon. They likewise state that being a judge, Respondent has the authority and moral obligation to settle disputes brewing within the family; that since he is expected to encourage amicable settlement of disputes of other people, it

⁶ Id. at 505-526.

behooves upon him to zealously pursue the same thing for his brother and sister so as not to bring shame and scandal on the family; that he showed apathy to the Complainants' plight and clear bias for Narciso, Jr.'s claim when he merely sent a Manifestation instead of appearing personally at the conciliatory hearing scheduled by the Lupong Tagapamayapa.

Lastly, they assert that the Respondent Judge abused his power as a judge by continuously trying to harass and oppress his female siblings by threatening to file Civil and Criminal cases against Carmencita and Dulce for not giving him his share of the fruits of the land held in common by the three of them, as evidenced by the letters dated January 10, 2005 and February 3, 2005.

b) Dra. Corazon's Allegation

Dra. Corazon alleges that Respondent Judge took advantage of his powerful position and unjustly enriched himself by encroaching on Lot 12910. According to her, she and Respondent Judge agreed to share equally on Lot 9817; that his share on said lot is designated as Lot 12910-B while her shares are designated as Lots 12910 and 12912; that per Subdivision Sketch Plan prepared by Geodetic Engineer Antonio Ranara (with the apparent conformity of respondent Judge), Lot 12910 belongs to her; however, without asking for her consent or approval, Respondent Judge fenced and introduced improvements therein.

c) Patria's Allegation

Patria avers that she and the respondent Judge live in their ancestral house located in Tupsan, Mambajao, Camiguin; that respondent judge and his wife occupy the ground floor while, she, together with her son Rudy and a 15 year old working student, Christopher P. Odchigue, live on the second floor; that Narciso, Jr. occupies a room in the second floor whenever he visits Camiguin.

On November 28, 2004, during one of his visits to Camiguin, Narciso, Jr. found his room in disarray and claimed that there were valuable things missing. Upon hearing the commotion created by his siblings on the second floor, respondent Judge went upstairs and accused Patria of stealing the missing items, which included a camera. In that occasion, complainant Patria claims that Respondent Judge uttered defamatory remarks upon her. Later, it turned out that nothing was missing from Narciso, Jr.'s belongings.

On April 15, 2005, Carmen and Patria sought the assistance of the Barangay Captain with regard to their proposal that Respondent Judge accommodate Narciso, Jr. in the ground floor rather than having him stay at one of the rooms in the second floor of the ancestral house. The Barangay Captain thus invited the respondent Judge for a dialogue on April 17, 2005 at 3:00 p.m. However, the respondent Judge requested that the dialogue be

moved at 11:00 a.m. of the same day so that Narciso, Jr. would also be able to attend.

On the evening of April 16, 2005, respondent Judge went up to the second floor of the ancestral house to see Patria. When he found her in the “comedor”, he allegedly uttered the following words: “Ikaw bugok, idiot aka. Epapreso taka anang imong kaso naa sa Fiscal karon.” Thereafter, the Respondent Judge went down to his living area. Christopher Odchigue, who was in the nearby kitchen at that time and overheard this utterance, corroborated the Complainant’s allegation.

During the dialogue, Respondent Judge and Narciso, Jr. turned down the proposal of Carmen and Patria. On the conciliation hearing set by the Lupong Tagapamayapa on May 8, 2005 the respondent Judge, however, submitted a Manifestation waiving his presence.

On June 17, 2005 Patria joined her sisters Dulce, Amor, Carmen and Corazon in filing this Administrative Complaint with the OCA.

On November 8, 2005, an Information for Violation of Republic Act 7610 was filed against Patria before the sala of Respondent Judge. The following day, he issued a Warrant for the arrest of Patria.

Upon learning that police officers were after her, Patria surrendered to the Executive Judge of the RTC of Misamis Oriental and posted a cash bond of ₱16,000.00 on November 11, 2005. Subsequently, she filed a Motion for Disqualification against the respondent Judge on the ground that respondent judge is related to her and the complainant, Michelle P. Carillo, within the sixth degree of consanguinity.

The Respondent judge denies that he instigated and advised, coached and sided with Narciso, Jr. in filing cases against his sisters. He also vehemently denies that he did not even lift a finger to settle or mediate the disputes between his siblings. On the contrary, he claims that he personally went to his brother Narciso, Jr. in Cagayan de Oro to dissuade the latter from pursuing the cases he filed against Dra. Corazon and discuss a possible settlement of said cases. Witness Narciso, Jr., who testified on Respondent Judge’s behalf, confirmed that the latter went to his house in Cagayan de Oro and asked him to drop the cases he filed against complainant Dra. Corazon. Respondent Judge also avers that he enlisted the help of a lawyer relative, Atty. Gael Paderanga, to help him in exploring all possible avenues in setting the dispute in which his siblings are embroiled in.

Secondly, the Respondent Judge claims that he merely requested for his share in the fruits of the land that he co-owns with his sisters. He avers that his sisters misconstrued the letters sent by him as accusing them of cheating him out of the inheritance from their father’s estate.

Thirdly, the respondent Judge vehemently denies that he uttered defamatory remarks against Patria on November 8, 2004; and, that the recycling of the alleged utterance is designed to malign his reputation as a judge.

Fourthly, the Respondent Judge denies that he took advantage of his position as a Judge and unjustly enriched himself by appropriating unto himself Lot 12910. He claims that the estate of his father has not yet been partitioned; that the sketch plan prepared by Geodetic Engineer Antonio Ranara is not yet official because it does not bear the conformity of the DENR; that at the time of the taking of the alleged survey, he was then residing in Cebu and hence had no knowledge thereof; that contrary to the claim of Dra. Corazon, the Sketch Plan obtained by him shows that he is entitled to Lot 12910 per Survey Records, Mambajao, Camiguin together with Tax Declaration.

Lastly, with respect to the Warrant of Arrest issued by him on November 9, 2005 against Patria, Respondent Judge posits that he merely exercised his ministerial duty as a judge by virtue of Section 6, Rule 112 of the Rules of Court; that he found probable cause for the issuance of such warrant and did not find it necessary to receive further evidence or conduct a preliminary hearing; that in issuing said warrant, he merely followed the ruling enunciated in the case of *Maddela vs. Dela Torre-Yadao*; that at the time of the issuance of the Warrant of Arrest “rule on mandatory inhibition as provided in Section 1 Rule 137 has not yet come into play” (as he has not yet heard the evidence of the parties nor had he resolved any motions or issued any order); that immediately thereafter, specifically on November 18, 2005, he entered a compulsory disqualification as mandated by Section 1 Rule 137 of the Rules of Court and Rule 3.12 of the Code of Judicial Conduct; that the issuance of the Warrant of Arrest was nothing personal but merely in the performance of his duties and was therefore in good faith; that even assuming he erred in issuing said warrant, the lapse is merely an error of judgment and, therefore, he cannot be held criminally, civilly or administratively liable as the same was issued in good faith.⁷

In his report dated June 16, 2006,⁸ Justice Del Castillo recommended as follows:

WHEREFORE, it is respectfully recommended that the Respondent Judge be suspended from the service without compensation and benefits for a period of two (2) months for the following acts:

- a. One month for unilaterally appropriating a parcel of land belonging to another; and
- b. One month for acting on a case where his sister is a party litigant in contravention of the prescribed compulsory or mandatory prohibition enunciated in Section 1, Rule 137 of the

⁷ Id. at 506-514.

⁸ *Rollo*, A.M. No. RTJ-14-2383, pp. 525-526.

Rules of Court and Section 5, Canon 3 of the New Code of Judicial Conduct.

The seemingly light penalty is due to the fact that this is the Respondent's first offense. Hence, it is also appropriate to warn Respondent Judge that a repetition of a similar offense will be dealt with MORE SEVERELY. Also, the Office of the Court Administrator is advised to study the possibility of recommending to the Supreme Court the temporary assignment of Respondent Judge to another station within the Tenth Judicial Region even only for six (6) months just so that the sibling litigants in this case may cool-off. The undersigned opines that this is at best, a prudent measure if only to assuage the antipathies existing among the siblings.

Respectfully submitted.

A.M. No. RTJ-07-2033

In the second complaint,⁹ dated January 16, 2006, Patria cited the following grounds:

- I. FOR IGNORANCE AND/OR DEFIANCE OF THE LAW AND DISREGARD OF THE CODE ON JUDICIAL CONDUCT.
- II. FOR USING THE POWER OF HIS COURT AS AN INSTRUMENT OF VENGEANCE.¹⁰

Patria averred, among others, that at about 6:00 p.m. on April 16, 2005, the respondent had loudly and angrily uttered the following remarks at her: "*Ikaw bugok, iduot taka, epapreso taka anang imong caso naa sa fiscal!*" ("You idiot, I will send you to prison in that case against you pending now in the fiscal's office!"); that on November 9, 2005, he did issue an order of arrest against her in violation of Section 1, Rule 137 of the *Rules of Court* and Rule 3.12 of the *Code of Judicial Conduct*; that he intentionally caused the warrant of arrest to be served against her in her school to humiliate her; and that he had been pressuring her and their sisters to execute an affidavit of desistance in relation to the charges they brought against him in A.M. No. RTJ-14-2383.

The respondent countered that the charges in the second complaint were already included in A.M. No. RTJ-14-2383 then being investigated by Justice Del Castillo; and that he had already submitted his comment.¹¹

⁹ *Rollo*, A.M. No. RTJ-07-2033, pp. 2-7.

¹⁰ *Id.* at 2.

¹¹ *Id.* at 27-28.

The OCA recommended that: (1) OCA I.P.I No. 06-2485-RTJ be re-docketed as a regular administrative case (A.M. No. RTJ-07-2033); and (2) the records, together with a copy of the comment of the respondent submitted in A.M. No. RTJ-14-2383, be referred to the Executive Justice of the CA, Cagayan de Oro City Station, for assignment, by raffle, to any of the Justices thereat for investigation, report and recommendation.¹²

A.M. No. RTJ-07-2033 was in due course assigned to CA Associate Justice Michael P. Elbinias.

On June 12, 2007, Justice Elbinias rendered his report in A.M. No. RTJ-07-2033,¹³ and recommended that:

x x x [A]n investigation apart from, and in addition to the one in **A.M. No. OCA IPI No. 05-2301-RTJ**, could very well turn out to be a needless and superfluous exercise. Moreover, the parties themselves sought to avoid two conflicting decisions that could result from proceeding likewise with the instant case.

Thus, in accordance with the parties' mutual objectives which are meritorious, the instant case **Administrative Matter No: RTJ-07-2033 (Formerly A.M. No. OCA IPI NO. 06-2485-RTJ)** is referred to the OCAD, with the recommendation that the result of this case be dependent on the outcome of **OCA [P] No. 05-2301-RTJ**, which in turn, may likewise be considered as the full determination of the issues in the instant case.

Respectfully submitted.¹⁴

Issues

For resolution are the following issues, namely:

(1) Whether or not the following acts of the respondent constituted conduct unbecoming of a judge, namely: (a) failing to exert efforts to mediate the differences and misunderstandings among his siblings, particularly between Narciso, Jr. and Corazon, that had led to the filing of civil and criminal cases against each other; (b) instigating Narciso, Jr. to file charges against Corazon that compounded the misunderstanding among his siblings; (c) threatening the filing of criminal cases against his sisters; (d) accusing Patria of stealing Narciso, Jr.'s belongings, specifically his camera; (e) uttering defamatory remarks against Patria; and (f) taking advantage of

¹² Id. at 41.

¹³ *Rollo*, A.M. No. RTJ-07-2033, pp. 54-58.

¹⁴ Id. at 57-58.

his position and unjustly enriching himself by appropriating for himself Lot 12910 to the prejudice of the rightful owner; and

(2) Whether or not his issuance of the warrant of arrest against Patria amounted to gross misconduct, ignorance of the law, disregard of the *New Code of Judicial Conduct* and abuse of authority.

Ruling of the Court

We find the recommendations of Justice Del Castillo to be well-taken.

1.

A.M. No. RTJ-14-2383

Canon 2 of the *New Code of Judicial Conduct* provides that conduct above reproach is essential not only in the proper discharge of the judicial office but also in the personal life of judges. Section 1 of Canon 2 clearly states:

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.

In *Lorenzana v. Austria*,¹⁵ the Court has also stressed that:

A judge should always conduct himself in a manner that would preserve the dignity, independence and respect for himself/herself, the Court and the Judiciary as a whole. He must exhibit the hallmark judicial temperament of utmost sobriety and self-restraint. He should choose his words and exercise more caution and control in expressing himself. In other words, a judge should possess the virtue of *gravitas*.

We agree with Justice Del Castillo that the respondent was not guilty of conduct unbecoming of a judge or of grave misconduct under the first complaint except for his appropriation for himself of Lot 12910 in order to unjustly enrich himself.

The respondent denied appropriating Lot 12910, insisting that the estate of their late parents had not yet been partitioned among them; that the sketch plan prepared after survey by Geodetic Engineer Antonio Ranara, which showed that Lot 12910 had been allocated under the partition to Dra.

¹⁵ A.M. No. RTJ-09-2200 (Formerly OCA I.P.I. No. 08-2834-RTJ), April 2, 2014, 720 SCRA 319.

Corazon, was not yet official for lack of approval by the Department of Environment and Natural Resources; and that he had obtained another sketch plan indicating that he was entitled to Lot 12910.

Disbelieving the respondent's denial, Justice Del Castillo pointed out that the respondent's signature on the sketch plan reflected his actual knowledge and approval of the partition of their parents' estate; and noted that his denial was inconsistent with his acts, and was apparently implausible. Justice Del Castillo observed:

x x x [W]ith respect to the Respondent Judge's appropriation of the 371 square meters portion now identified as Lot 12910, the Investigating Justice finds his statements to be inconsistent with his actions.

In open court, Respondent Judge acknowledged that he signed the Sketch Plan prepared by Geodetic Engineer Antonio Ranara. x x x

x x x x

JUSTICE DEL CASTILLO:

Do you deny that this is your signature? (referring to the respondent)

JUDGE PADERANGA:

That is my signature, your Honor. It was hurriedly signed, I know this is my signature. But I remember when this was..when the copy of this sketch plan was sent to me it was not the original sketch plan, it was only a xerox copy also of the original sketch plan.

JUSTICE DEL CASTILLO:

Nevertheless, you said that is your signature.

JUDGE PADERANGA:

I admit, your Honor.

x x x x

These statements lead to the conclusion that he signified his conformity to the Sketch Plan, and belies his earlier statement that he was unaware of the preparation of said Sketch Plan. Contrary to the respondent Judge's claim of innocence about the existence of the Sketch Plan (Exhibit F-4), he had actual knowledge and apparent approval of such partition. Inevitably, the conclusion is that respondent Judge was in bad faith when he unilaterally appropriated the disputed portion in his favor.

x x x x

In addition, it should be noted that it is Respondent Judge's assertion that the disputed portion is still part of the whole property

owned in common by the Paderanga heirs as the estate of their father has not yet been partitioned. Respondent judge is of the opinion that each of the heirs owns an aliquot or undivided share of the property. But at the same time he claims that by the strength of the Sketch Plan as per Survey of the DENR, he is already entitled to a part of the land and this is the reason why he fenced off the area that supposedly belongs to him. These actuations of the respondent Judge run counter with his claim of co-ownership.¹⁶

Based on the findings of Justice Del Castillo, the appropriation of Lot 12910 by the respondent was really prejudicial to Dra. Corazon because he erected a fence around the property and introduced improvements thereon without the conformity of the latter. He did so at a time when he was still an active member of the Bench, and despite knowing that he was expected to uphold the legal rights of others in their exclusive property, whether the rights were under litigation in his court or elsewhere. Such conduct on his part was unbecoming of any judge like him. He thereby disregarded the sworn obligation of every judge to observe respect for the rights of others at all times if he expected others to respect the courts and its judges, as well as the Judiciary as an institution. His failure in this regard merited him the condign administrative penalty.

However, we sustain the conclusion of Justice Del Castillo that the other imputations against the respondent were baseless, or were not subject to administrative sanction. The following explanation by Justice Del Castillo of his conclusion is worth reiterating:

x x x While it is true that it is morally right for siblings to settle things among themselves, there is nothing in law that compels or obliges a Judge to settle disputes between his family members. A Judge is still but a man and not God who can dictate the actions of people around him. Furthermore, in administrative proceedings, the complainant has the burden of proving by substantial evidence the allegations in his complaint. Charges based on mere suspicion or speculation cannot be given credence. In the instant case, the suspicion of complainants that respondent Judge encouraged Narciso, Jr. to file cases against his siblings remains unsubstantiated.

With respect to the alleged threats of the Respondent Judge to file cases against his siblings, it should be noted that to date, he has not filed any case against them. On the contrary, the records disclose that it is the Complainants who have filed cases against the Respondent Judge. "Threats" of filing civil and criminal cases remain to be empty threats and not actionable wrongs. In any event, an administrative case is not the remedy for such threats. The Complainants have other remedies in law, which is the proper course of action against the alleged threats.

¹⁶ *Rollo*, A.M. No. RTJ-14-2383, pp. 517-521 (bold underscoring is supplied for emphasis).

The same is true with respect to the malicious utterances allegedly made by the Respondent Judge against Patria. An administrative complaint is not the proper remedy for such utterances. The proper remedy is to file a criminal case for slander against the Respondent Judge. x x x¹⁷

2.

A.M. No. RTJ-07-2033

The charge of ignorance of the law, disregard of the *New Code of Judicial Conduct* and abuse of authority under the second complaint related to the respondent's finding of probable cause in the criminal case against Patria, and the issuance and the service of the warrant of arrest on Patria in the school where she then worked. It was Patria's submission that he should have disqualified himself early on under the rules on compulsory disqualification of judges.

Section 1, Rule 137 of the *Rules of Court*, which governs the disqualifications of judicial officials, including the Members of the Court itself, provides:

Section 1. *Disqualification of judges.* - No judge or judicial officer shall sit in any case in which he, or his wife or child, is pecuniarily interested as heir, legatee, creditor or otherwise, or in which he is related to either party within the sixth degree of consanguinity or affinity, or to counsel within the fourth degree, computed according to the rules of the civil law, or in which he has been executor, administrator, guardian, trustee or counsel, or in which he has presided in any inferior court when his ruling or decision is the subject of review, without the written consent of all parties in interest, signed by them and entered upon the record.

A judge may, in the exercise of his sound discretion, disqualify himself from sitting in a case, for just or valid reasons other than those mentioned above.

Section 5, Canon 3 of the *New Code of Judicial Conduct* reprises the foregoing rule, to wit:

Section 5. Judges shall disqualify themselves from participating in any proceedings in which they are unable to decide the matter impartially or in which it may appear to a reasonable observer that they are unable to decide the matter impartially. Such proceedings include, but are not limited to, instances where:

¹⁷ Id. at 515-517.

(a) The judge has actual bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceedings;

(b) The judge previously served as a lawyer or was a material witness in the matter in controversy;

(c) The judge, or a member of his or her family, has an economic interest in the outcome of the matter in controversy;

(d) The judge served as executor, administrator, guardian, trustee or lawyer in the case or matter in controversy, or a former associate of the judge served as counsel during their association, or the judge or lawyer was a material witness therein;

(e) The judge's ruling in a lower court is the subject of review;

(f) The judge is related by consanguinity or affinity to a party litigant within the sixth civil degree or to counsel within the fourth civil degree; or

(g) The judge knows that his or her spouse or child has a financial interest, as heir, legatee, creditor, fiduciary, or otherwise, in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceedings;

The Court has been clear about the compulsory disqualification of judges related by consanguinity or affinity to a party being a duty designed to free the adjudication of cases from suspicion as to its fairness and integrity. In *Garcia v. Dela Pena*,¹⁸ for instance, the Court has plainly but emphatically reminded:

The rule on compulsory disqualification of a judge to hear a case where, as in the instant case, the respondent judge is related to either party within the sixth degree of consanguinity or affinity rests on the salutary principle that no judge should preside in a case in which he is not wholly free, disinterested, impartial and independent. A judge has both the duty of rendering a just decision and the duty of doing it in a manner completely free from suspicion as to its fairness and as to his integrity. The law conclusively presumes that a judge cannot objectively or impartially sit in such a case and, for that reason, prohibits him and strikes at his authority to hear and decide it, in the absence of written consent of all parties concerned. The purpose is to preserve the people's faith and confidence in the courts of justice.

The respondent's issuance of the warrant of arrest against his own sister was an outright violation of the stringent rules on compulsory disqualification. For him, self-disqualification was absolute and should have

¹⁸ A.M. No. MTJ-92-687, February 9, 1994, 229 SCRA 766, 773-774.

been immediate. It did not matter that he presided in a single-sala station. Neither was it an excuse that the private complainant in the criminal case against his sister could protest unless he acted as promptly as he did on the case. No protest would be justified should self-disqualification be mandatory. Consequently, he was not exempt from administrative liability for acting upon the criminal case involving his own sister, and issuing the warrant of arrest against her.

His eventual self-disqualification from the criminal case did not render his liability any less. He still did not act in good faith in issuing the warrant of arrest against Patria. Worthy of note is that he inhibited himself only after Patria filed her *Motion for Disqualification*. If he was acting in good faith, he needed no one to remind him about the compulsory disqualification. Rather, he manifested his bad faith and ill will towards Patria by letting the warrant of arrest be served on her in the school where she worked. His obvious objective in so doing was to cause her greater embarrassment.

The rules on the disqualification of judges, particularly compulsory self-disqualification, are basic legal guidelines that must be at the palm of every judge's hands.¹⁹ They are as basic as a rule of thumb. That the respondent disobeyed them should render him fully accountable for gross ignorance of the law or rule.²⁰ The Court has declared:

x x x "As public servants, judges are appointed to the judiciary to serve as the visible representation of the law, and more importantly, of justice. From them, the people draw their will and awareness to obey the law." If judges, who have sworn to obey and uphold the Constitution, shall conduct themselves as respondent did, in wanton disregard and violation of the rights of the accused, then the people, especially those who have had recourse to them shall lose all their respect and high regard for the members of the Bench and the judiciary itself shall lose the high moral ground from which it draws its power and strength to compel obedience to the laws.²¹

3. Penalty

Gross ignorance of the law or procedure is classified as a serious charge under Section 8(9), Rule 140 of the *Rules of Court*, as amended by

¹⁹ See *Hipe v. Literato*, A.M. No. MTJ-11-1781 (Formerly OCA I.P.I. No. 09-2161-MTJ), April 25, 2012, 671 SCRA 9, 20.

²⁰ *Cabico v. Dimaculangan-Querijero*, A.M. No. RTJ-02-1735, April 27, 2007, 522 SCRA 300, 312.

²¹ *Garcia v. Dela Pena*, A.M. No. MTJ-92-687, February 9, 1994, 229 SCRA 766, 775-776.

A.M. No. 01-8-10-SC, which took effect on October 1, 2001.²² Section 11(A) of the same Rule provides that the penalty to be imposed if a respondent judge is found guilty of a serious charge is either: (1) a fine of more than ₱20,000.00 but not more than ₱40,000.00; *or* (2) suspension from office without salary and other benefits for more than three but not exceeding six months; *or* (3) 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.²³

Conduct unbecoming of a judge, classified as a light offense under Section 10, Rule 140 of the *Rules of Court*, is penalized under Section 11(C) of Rule 140 by: (1) a fine of not less than ₱1,000.00 but not exceeding ₱10,000.00; *or* (2) censure; *or* (3) reprimand; *or* (4) admonition with warning.²⁴

Section 17 of the Omnibus Rules implementing the *Civil Service Law* states that if the respondent official or employee is found guilty of two or more charges or counts, the penalty imposed should be that corresponding to the most serious charge or counts and the rest may be considered aggravating circumstances. The more serious charge against the respondent was gross ignorance and disregard of the rule on compulsory disqualification, relegating his conduct unbecoming of a judge to an aggravating circumstance. Another aggravating circumstance was that the respondent had been sanctioned for ignorance of the law and fined ₱20,000.00, with a stern warning that a more severe penalty would be meted out for the commission of a similar offense.²⁵

Considering the foregoing, the Court agrees with the recommendations of Justice Del Castillo that the respondent be meted with a two-month suspension. However, suspension is no longer feasible considering that he is now retired from the Judiciary. In lieu of suspension, the Court imposes on him a fine of ₱40,000.00 to be deducted from whatever retirement benefits are still due him.

WHEREFORE, the Court **FINDS** and **DECLARES** respondent **RETIRED JUDGE RUSTICO D. PADERANGA** of Branch 28, Regional Trial Court in Mambajao, Camiguin **GUILTY** of **GROSS IGNORANCE**

²² *Reyes v. Paderanga*, A.M. No. RTJ-06-1973 (Formerly OCA IPI No. 05-2329-RTJ), March 14, 2008, 548 SCRA 244, 259.

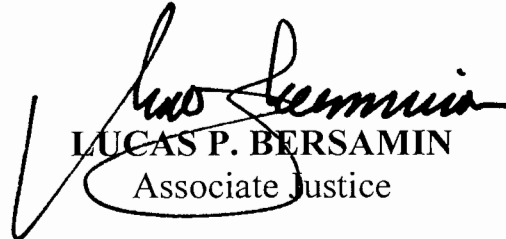
²³ *Hipe v. Literato*, A.M. No. MTJ-11-1781 (Formerly OCA I.P.I. No. 09-2161-MTJ), April 25, 2012, 671 SCRA 9, 22.

²⁴ *Benancio v. Amila*, A.M. No. RTJ-08-2149 (Formerly OCA I.P.I. No. 08-2787-RTJ), March 9, 2011, 645 SCRA 1, 9.


²⁵ *Supra* note 22, at 264.

OF THE LAW and CONDUCT UNBECOMING OF A JUDGE, and IMPOSES on him a **FINE** of ₱40,000.00 to be deducted from the retirement benefits due him.

SO ORDERED.



LUCAS P. BERSAMIN
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice


TERESITA J. LEONARDO-DE CASTRO
Associate Justice


JOSE PORTUGAL PEREZ
Associate Justice


ESTELA M. PERLAS-BERNABE
Associate Justice