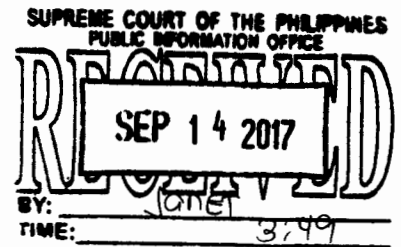




Republic of the Philippines  
Supreme Court  
Manila

EN BANC



ANONYMOUS  
COMPLAINT,

Complainant,

A.M. No. MTJ-16-1886  
(Formerly OCA IPI No. 16-2869-MTJ)

Present:

SERENO, *C.J.*,  
CARPIO,  
VELASCO, JR.,\*  
LEONARDO-DE CASTRO,  
PERALTA,  
BERSAMIN,  
DEL CASTILLO,  
MENDOZA,  
PERLAS-BERNABE,  
LEONEN,  
JARDELEZA,  
CAGUIOA,  
MARTIRES,  
TIJAM, and  
REYES, JR., *JJ.*

-versus-

PRESIDING JUDGE  
EXEQUIL L. DAGALA,  
MUNICIPAL CIRCUIT  
TRIAL COURT, DAPA-  
SOCORRO, DAPA,  
SURIGAO DEL NORTE,  
Respondent.

Promulgated:

July 25, 2017

*[Handwritten signature]*

x-----x

DECISION

*PER CURIAM:*

This administrative case arose from an anonymous letter-complaint<sup>1</sup> filed against Judge Exequil L. Dagala (Judge Dagala), presiding judge, Municipal Circuit Trial Court, Dapa-Socorro, Dapa, Surigao Del Norte, filed before the Office of the Ombudsman and indorsed to the Office of the Court Administrator (OCA) for appropriate action.

In a letter-complaint dated September 30, 2015, an unnamed resident of San Isidro, Siargo Island, Surigao Del Norte, wrote to report, among

\* No part.

<sup>1</sup> Rollo, pp. 84-85.

*[Handwritten signature]*

others, an altercation involving his neighbors and Judge Dagala. According to the unnamed complainant, on September 29, 2015, he was in his hut when he witnessed an argument between his neighbors and Judge Dagala over the ownership of his neighbor's lot and the trees planted thereon (September 29 incident). There, he saw Judge Dagala walking back and forth, shouting invectives at the lot's occupants and brandishing an M-16 armalite rifle to intimidate them.<sup>2</sup> He further claims that while police officers were at the scene, they did nothing to pacify the situation. Complainant alleged that no inquiries were made as to the legality of the logging activities being undertaken at Judge Dagala's apparent behest nor his authority to carry a high-powered firearm. According to the complainant, while his neighbors were able to take photos and make a video recording of the incident, they were too afraid to file a complaint against Judge Dagala and instead wanted to arrange for a confidential transmittal of their evidence to the Office of the Ombudsman. The complainant also recounted rumors of Judge Dagala's involvement in illicit activities, namely: illegal drugs, illegal fishing, illegal gambling, illegal logging, maintaining a private army, owning high-powered firearms and having several mistresses.<sup>3</sup>

The Office of the Ombudsman indorsed the letter-complaint to the OCA for appropriate action.<sup>4</sup> The OCA, in turn, directed Executive Judge Victor A. Canoy (Judge Canoy) of the Regional Trial Court of Surigao City, Surigao Del Norte, to conduct a discreet investigation.<sup>5</sup>

In his report, Judge Canoy reported that the altercation described in the complaint arose from an existing boundary dispute among owners of adjacent lots in the area. One of the disputants allegedly sold the trees planted on the contested lot to Dagala. According to Judge Canoy, the chief of police could not confirm whether Judge Dagala was armed with a high-powered weapon at the time but that the incident was subject of an ongoing police investigation. He concluded, however, that unless the anonymous complainant comes forward and substantiates his allegations, the complaint should be dismissed.<sup>6</sup>

On November 13, 2015, the OCA also requested the National Bureau of Investigation (NBI) to conduct further discreet investigation.<sup>7</sup> The investigation yielded the following findings, among others: (1) Judge Dagala is legally married to "A," on July 18, 2006, in Del Carmen, Surigao del Norte; (2) they have no children; (3) Judge Dagala sired children with three different women; (4) these children were born on October 13, 2000, March 5, 2007, and March 24, 2008, respectively; (5) in 2008, Judge Dagala and "A" agreed to live separately; (6) "A" is currently working in the City Treasury Office and receiving ₱10,000.00 as monthly support from him; (7)

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<sup>2</sup> *Id.* at 84.

<sup>3</sup> *Id.*

<sup>4</sup> *Rollo*, p. 104.

<sup>5</sup> *Id.* at 80.

<sup>6</sup> *Id.* at 72-73.

<sup>7</sup> *Id.* at 78.

*79 Arboyan-Arboyan*

“B,” the mother of Judge Dagala’s youngest child, appeared before the Department of Environment and Natural Resources (DENR) relative to certain hardwood furniture confiscated by the government; (8) Sergio Tiu Commendador<sup>8</sup> (Commendador), a court interpreter in Judge Dagala’s court, was arrested during a recent buy-bust operation; (9) Judge Dagala is alleged to be the owner of Sugba Cockpit in Del Carmen, Surigao del Norte, and thereafter sold the same to one Marites Borchs<sup>9</sup> (Borchs).<sup>10</sup>

In an Indorsement dated April 25, 2016, the OCA required Judge Dagala to file his comment in relation to the anonymous letter-complaint as well as the findings of its preliminary investigation. Attached to the Indorsement were a copy of the anonymous letter-complaint, a certificate of marriage between Judge Dagala and “A,” and the certificates of live birth of his alleged children.<sup>11</sup>

In his comment,<sup>12</sup> Judge Dagala admitted that he was married to “A” but that, due to their constant fighting, they decided to separate. “A” returned to Surigao City while Judge Dagala stayed in Siargao Island.<sup>13</sup> Judge Dagala also admitted, “without any remorse,” that he has three children with three different women. He added that his wife knew about his children and that she has already forgiven and forgotten him for his unfaithfulness.<sup>14</sup> He denied any involvement in illegal logging, asserting that it was “B” who managed a furniture business.<sup>15</sup> He also denies engaging in any illegal drug activity, asserting that the only connection linking him to the same is Commendador, who simply happened to work as a court interpreter in his *sala*. Judge Dagala also admitted to having owned a cockpit but asserts that he had sold it to Borchs in 2008 to dispel any suspicion that he was involved in illegal gambling.<sup>16</sup>

Earlier, however, Judge Dagala submitted a letter<sup>17</sup> “irrevocably resigning” his post but this was rejected by the Court on August 9, 2016 because he was still under investigation.<sup>18</sup> On August 19, 2016, the OCA received a Universal Serial Bus (USB) flash disk by mail from “a concerned citizen” containing a video recording of the September 29 incident complained of.<sup>19</sup>

According to the OCA, while Judge Dagala may be “excused” for having sired two children prior to his marriage, the record is clear that he had his third child with “B” during the subsistence of his marriage with “A.”

<sup>8</sup> Also referred to as “Comendador” in some parts of the record.

<sup>9</sup> Also referred to as “Boerchs” in some parts of the record.

<sup>10</sup> *Rollo*, pp. 69-71.

<sup>11</sup> *Id.* at 66.

<sup>12</sup> *Id.* at 24-27.

<sup>13</sup> *Id.* at 25.

<sup>14</sup> *Id.*

<sup>15</sup> *Rollo*, pp. 25-26.

<sup>16</sup> *Id.* at 27.

<sup>17</sup> *Id.* at 63.

<sup>18</sup> *Id.* at 4.

<sup>19</sup> *Id.* at 5, 28.

*Handwritten signature:* 7/2/16/Boerchs-Dagala

The OCA found it morally reprehensible for Judge Dagala, a married man, to maintain intimate relations with a woman other than his spouse. That he has already separated from his wife and that she had forgiven him for his extramarital affair do not justify his conduct. The OCA asserted that Judge Dagala's act of successively siring children with different women displays his proclivity to disregard settled norms of morality.<sup>20</sup>

The OCA also noted Judge Dagala's failure to disclose that he already had a child in his Personal Data Sheet (PDS) which he filed with the Judicial and Bar Council for his application to the Judiciary in 2006. For the OCA, this omission is a deliberate attempt to mislead. As a former prosecutor, Judge Dagala knew or ought to know that making false statements in the PDS amounts to dishonesty and falsification of a public document. Hence, his failure to disclose the fact that he fathered a child in his PDS constitutes dishonesty.<sup>21</sup>

The OCA also found that Judge Dagala committed gross misconduct for openly carrying a high-powered firearm during the reported altercation of September 29, 2015. Republic Act No. 10591<sup>22</sup> (RA 10591) provides that only small arms may be registered by licensed citizens or juridical entities for ownership, possession, and concealed entry. The OCA noted that Judge Dagala neither refuted the allegation that he brandished a high-powered weapon nor questioned the veracity of the video recording of the September 29, 2015 incident. A certification from the Philippine National Police (PNP) Firearms and Explosives Office further disclosed that, per their records, Judge Dagala is not a licensed/registered firearm holder of any kind or caliber.<sup>23</sup>

I.

a.

The Supreme Court has administrative supervision over all courts and their personnel.<sup>24</sup> This supervision includes the power to discipline members of the Judiciary. Rule 140 of the Rules of Court outlines the process by which judges and justices of lower courts shall be held to answer for any administrative liability. A disciplinary case against a judge or justice brought before this Court is an administrative proceeding. Thus, it is subject to the rules and principles governing administrative procedures.

Section 1 of Rule 140 states that proceedings for the discipline of judges and justices of lower courts may be instituted in three ways: by the Supreme Court *motu proprio*, through a verified complaint, and through an anonymous complaint. A verified complaint must be supported by affidavits

<sup>20</sup> *Id.* at 6-7.

<sup>21</sup> *Id.* at 7.

<sup>22</sup> Comprehensive Firearms and Ammunition Regulation Act.

<sup>23</sup> *Rollo*, pp. 8, 13.

<sup>24</sup> CONSTITUTION, Art. VIII, Sec. 6.

*29/10/2016 - Done*

of persons who have personal knowledge of the facts alleged or by documents which may substantiate the allegations. An anonymous complaint, on the other hand, should be supported by public records of indubitable integrity.<sup>25</sup>

While anonymous complaints should always be treated with great caution, the anonymity of the complaint does not, *in itself*, justify its outright dismissal.<sup>26</sup> The Court will act on an anonymous complaint—

x x x provided its allegations can be reliably verified and properly substantiated by competent evidence, like public records of indubitable integrity, “thus needing no corroboration by evidence to be offered by the complainant, whose identity and integrity could hardly be material where the matter involved is of public interest,” or the declarations by the respondents themselves in reaction to the allegations, where such declarations are, properly speaking, admissions worthy of consideration for not being self-serving.<sup>27</sup> (Citations omitted.)

Since a disciplinary case is an administrative proceeding, technical rules of procedure and evidence are not strictly applied and administrative due process cannot be fully equated with due process in its strict judicial sense.<sup>28</sup> Administrative due process essentially means “an opportunity to explain one’s side or an opportunity to seek reconsideration of the action or ruling complained of.”<sup>29</sup> When the Court acts *motu proprio*, this opportunity arises through the filing of a comment upon order of the Court. In a case where the proceedings are initiated by a complaint, the Rules of Court state that the complaint must state the acts or omissions constituting a violation of our ethical rules. To our mind, this is the standard of what suffices as information as to the allegations against a respondent. It is sufficient that the acts or omissions complained of are clearly identified.

b.

In this case, the OCA’s Indorsement informed Judge Dagala: (1) that an anonymous letter-complaint was filed against him; and (2) that it conducted a preliminary investigation “on the matter [anonymous letter-complaint].” It thereafter informed Judge Dagala of the results of its preliminary investigation,<sup>30</sup> attaching copies of the anonymous letter-

<sup>25</sup> RULES OF COURT, Rule 140, Sec. 1.

<sup>26</sup> *Samahan ng mga Babae sa Hudikatura (SAMABAHU) v. Untalan*, A.M. No. RTJ-13-2363, February 25, 2015, 751 SCRA 597, 611.

<sup>27</sup> *Re: Anonymous Letter-Complaint on the Alleged Involvement and for Engaging in the Business of Lending Money at Usurious Rates of Interest of Ms. Dolores T. Lopez, SC Chief Judicial Staff Officer, and Mr. Fernando M. Montalvo, SC Supervising Judicial Staff Officer, Checks Disbursement Division, Fiscal Management and Budget Office*, A.M. No. 2010-21-SC, September 30, 2014, 737 SCRA 195, 203-204.

<sup>28</sup> *Puse v. Delos Santos-Puse*, G.R. No. 183678, March 15, 2010, 615 SCRA 500, 518.

<sup>29</sup> *Id.*

<sup>30</sup> *Rollo*, pp. 65-66.

*79/20/10/2015 - Done*

complaint, the certificate of marriage<sup>31</sup> between “A” and Judge Dagala, and the birth certificates<sup>32</sup> of his alleged children. Judge Dagala was directed to comment “on the matter” within ten (10) days from receipt of the Indorsement.<sup>33</sup>

Plainly, when the OCA referred to the “matter,” it meant not only the information that the preliminary investigation yielded and were stated in the Indorsement, but also the allegations of the anonymous letter-complaint. In its first sentence, the OCA defined “matter” to be the anonymous letter-complaint. The last sentence of the Indorsement therefore directed Judge Dagala to comment on the “matter,” it was using that word as a defined term.

To recall, the anonymous complaint stated that Judge Dagala “carried [an] armalite firearm” during the September 29 incident and that he “maintained several mistresses.”<sup>34</sup> The anonymous letter-complaint also stated that there were pictures and a video recording of Judge Dagala’s participation in the September 29 incident.

Justice Leonen admits, in his Concurring and Dissenting Opinion, that Judge Dagala’s act of brandishing an M-16 armalite rifle and his lack of registration for the firearm would be sufficiently proven with the photographs and video on file. He nevertheless faults the OCA for failing to specifically require Judge Dagala to comment on these photographs and videos. **We disagree.** The duty to disprove the allegation of the anonymous letter-complaint that he carried a firearm, as supported by photographs and a video, rested on Judge Dagala. In fact, we note that Judge Dagala never denied the allegation that he carried an M-16 armalite rifle during the September 29 incident. Under these circumstances, the Court finds that Judge Dagala was reasonably informed of allegations of fact which, if left uncontroverted or unexplained, may constitute ground for disciplinary action.

Justice Leonen argues that “immorality as a ground was not properly pleaded.”<sup>35</sup> **Again, the Court disagrees.** The anonymous letter-complaint clearly alleged that Judge Dagala was known for maintaining “several mistresses.” The certificate of marriage between Judge Dagala and “A” on July 18, 2006 and the certificate of live birth of an alleged child born to “B” on March 24, 2008 also clearly allege that Judge Dagala sired a child *not with his wife* during the subsistence of his marriage. To the Court’s mind, all these sufficiently plead the commission of acts of immorality as to enable Judge Dagala to properly prepare his defense.

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<sup>31</sup> *Id.* at 123.

<sup>32</sup> *Id.* at 124-129.

<sup>33</sup> *Id.* at 66.

<sup>34</sup> *Id.* at 84.

<sup>35</sup> Concurring and Dissenting Opinion, J. Leonen, p. 3.

*J. Leonen - Done*

We agree, however, that Judge Dagala was not sufficiently warned that he may be charged with dishonesty in connection with how he accomplished his PDS. His PDS was not mentioned in either the OCA Indorsement or the anonymous letter-complaint. Penalizing him for a charge he was not reasonably informed of will violate his right to due process. Nevertheless, considering that this Court here finds Judge Dagala liable for the separate counts of immorality and grave misconduct, no useful purpose will be served by remanding the charge of dishonesty to the OCA.

## II.

### a.

We agree with the findings of the OCA that Judge Dagala committed acts amounting to gross misconduct.

There is sufficient evidence to hold Judge Dagala accountable for gross misconduct in connection with the September 29 incident, as recounted in the anonymous complaint. The OCA identified Judge Dagala as the man brandishing an M-16 armalite rifle in the video footage. In his comment and manifestation, however, Judge Dagala failed to deny or refute the allegation. We emphasize that Judge Dagala was given sufficient notice of this allegation against him because the anonymous letter-complaint was included in the OCA's Indorsement. Although Judge Dagala was informed of the existence of the accusation and ought to have understood the implications, he made no efforts to refute the claims against him. We thus rule that there is substantial evidence before us to prove that Judge Dagala brandished a high-powered firearm during an altercation in Siargao.

This finding of fact has various consequences. A certification issued by the PNP Firearms and Explosives Office also disclosed that Judge Dagala is not a licensed/registered firearm holder of any kind and caliber. Even assuming that he *is* licensed to own, possess, or carry firearms, he can only carry those classified by law as small arms pursuant to RA 10591 which provides that only small arms may be registered by licensed citizens or juridical entities for ownership, possession, and concealed carry. Small arms refer to firearms intended to be, or primarily designed for, individual use or that which is generally considered to mean a weapon intended to be fired from the hand or shoulder, which are not capable of fully automatic bursts or discharge. An M-16 armalite rifle does not fall within this definition. Being a light weapon, only the Armed Forces of the Philippines, PNP, and other law enforcement agencies authorized by the President in the performance of their duties can lawfully acquire or possess an M-16 armalite rifle. It baffles us how Judge Dagala came to possess such a high-powered weapon. Worse, he had the audacity to brandish it in front of the police and other civilians.

*Judge Dagala*



In light of these findings, we concur with the OCA's conclusion that Judge Dagala is guilty of gross misconduct. Misconduct has been defined as an intentional wrongdoing or a deliberate violation of a rule of law or standard of behavior, especially by a government official. Misconduct is considered grave where the elements of corruption, clear intent to violate the law, or flagrant disregard of established rules are present.<sup>36</sup>

Judge Dagala's actuations, as recorded in the video, are unacceptable for a member of the bench and should merit a finding of administrative liability. This is without prejudice to any criminal action that may also be filed against him.

b.

We also agree with the OCA's findings that Judge Dagala is guilty of immorality.

In his Comment, Judge Dagala has admitted "without any remorse" that he "was able to impregnate" three different women.<sup>37</sup> This is an admission that he is the father of "B's" son, who was born on March 24, 2008,<sup>38</sup> while his marriage with "A" was subsisting.<sup>39</sup> He is listed as the father in the child's certificate of live birth.<sup>40</sup> Dagala, in an obvious appeal directed to the Court, pleads: [T]o err is human **your honors** and to forgive is divine."<sup>41</sup> He claims he is separated from his wife, "A," because of "constant fighting in our married life" and claims that she knew about his children out of wedlock. She did not object because she understood his desire to have children. "A" has learned to "forgive" and "forget" him because she impliedly submits to the "notion that we are not really meant for each and for eternity."<sup>42</sup>

Under the above facts, we find Judge Dagala guilty of immorality, for siring a child out of wedlock during the subsistence of his marriage.

We have repeatedly said that members of the Judiciary are commanded by law to exhibit the highest degree of moral certitude and is bound by the highest standards of honesty and integrity.<sup>43</sup> In *Regir v. Regir*,<sup>44</sup> we held:

It is morally reprehensible for a married man or woman to maintain intimate relations with a person other than his or

<sup>36</sup> *Imperial, Jr. v. Government Service Insurance System*, G.R. No. 191224, October 4, 2011, 658 SCRA 497, 506.

<sup>37</sup> *Rollo*, p. 25.

<sup>38</sup> *Id.* at 128.

<sup>39</sup> *Id.* at 123.

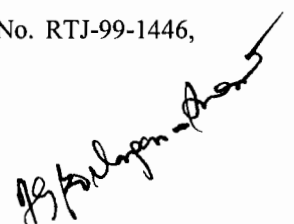
<sup>40</sup> *Id.* at 128.

<sup>41</sup> *Id.* at 25. Emphasis supplied.

<sup>42</sup> *Id.*

<sup>43</sup> *Concerned Employees Of The RTC Of Dagupan City v. Falloran-Aliposa*, A.M. No. RTJ-99-1446, March 9, 2000, 327 SCRA 427, 447.

<sup>44</sup> A.M. No. P-06-2282, August 7, 2009, 595 SCRA 455.





her spouse. Moreover, immorality 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.<sup>45</sup>

Immorality is a recognized ground for the discipline of judges and justices under the Rules of Court.<sup>46</sup> The New Canon of Judicial Conduct for the Philippine Judiciary requires judges to avoid “impropriety and the appearance of impropriety in all their activities.”<sup>47</sup>

In *Castillo v. Calanog, Jr.*<sup>48</sup> (*Castillo*), we laid down the **doctrine of no dichotomy of morality**. We explained why judges as public officials are also judged by their private morals:

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 [cannot] simply be detached or separated from his personal existence. Thus:

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.<sup>49</sup>

Thus, in *Castillo*, we dismissed a judge from service for siring a child outside of wedlock and for engaging in an extramarital affair. The absence of a public and private dichotomy when it comes to the ethical standards expected of judges and justices has since become an unyielding doctrine as consistently applied by the Court in subsequent cases.<sup>50</sup>

<sup>45</sup> *Id.* at 462. Citations omitted.

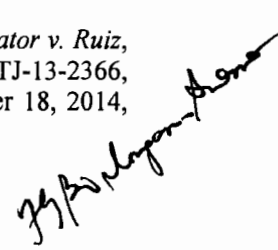
<sup>46</sup> RULES OF COURT, Rule 140, Sec. 8.

<sup>47</sup> NEW CODE OF JUDICIAL CONDUCT FOR THE PHILIPPINE JUDICIARY, Canon 4, Sec. 1.

<sup>48</sup> A.M. No. RTJ-90-447, July 12, 1991, 199 SCRA 75.

<sup>49</sup> *Id.* at 83-84. Citations omitted; emphasis and underlining supplied.

<sup>50</sup> *Tuvillo v. Laron*, A.M. No. MTJ-10-1755, October 18, 2016; *Office of the Court Administrator v. Ruiz*, A.M. No. RTJ-13-2361, February 2, 2016, 782 SCRA 630; *Tormis v. Paredes*, A.M. No. RTJ-13-2366, February 4, 2015, 749 SCRA 505; *Rivera v. Blancaflor*, A.M. No. RTJ-11-2290, November 18, 2014,



Here, the record is clear. The certificate of live birth of “B’s” male child indicates that Judge Dagala is the father as shown by his signature in the affidavit of acknowledgment of paternity.<sup>51</sup> The date of birth (March 24, 2008) is during the subsistence of Judge Dagala’s marriage to “A,” there being neither proof nor allegation that said marriage was annulled or voided in the meantime. Judge Dagala himself admits to the paternity of his son with “B.” He does not dispute the entry in the certificate of live birth attesting to his paternity. He admits his mistake and merely pleads for the Court’s forgiveness.

Justice Leonen opines that even if the filiation of the child is proven, this fact alone is insufficient to prove immorality on the part of Dagala. He suggests that only evidence which would qualify to prove the commission of an illegal act, *e.g.* concubinage or adultery under the Revised Penal Code, the Anti-Sexual Harassment Act of 1995,<sup>52</sup> and the Anti-Violence Against Women and Their Children Act of 2004<sup>53</sup> (VAWC), will suffice to establish immorality.

Again, we reject this argument.

While we agree with Justice Leonen that the circumstances in this case may not be sufficient to successfully prosecute Judge Dagala for the crime of concubinage, the spirit that moves our criminal law in penalizing criminal infidelity is not the same as the rationale which compels us to sanction acts of immorality.

The Court has consistently held that absence of criminal liability does not preclude disciplinary action.<sup>54</sup> As in the case of disciplinary action of lawyers, acquittal of criminal charges is not a bar to administrative

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740 SCRA 528; *Lopez v. Lucmayon*, A.M. No. MTJ-13-1837, September 24, 2014, 736 SCRA 291; *Sison-Barias v. Rubia*, A.M. No. RTJ-14-2388, June 10, 2014, 726 SCRA 94; *Decena v. Malanyaon*, A.M. No. RTJ-10-2217, April 8, 2013, 695 SCRA 264; *Angping v. Ros*, A.M. No. 12-8-160-RTC, December 10, 2012, 687 SCRA 390; *Perfecto v. Desales-Esidera*, A.M. No. RTJ-11-2270, January 31, 2011, 641 SCRA 1; *Toledo v. Toledo*, A.M. No. P-07-2403, February 6, 2008, 544 SCRA 26; *Tan v. Pacuribot*, A.M. No. RTJ-06-1982, December 14, 2007, 540 SCRA 246; *Jamin v. De Castro*, A.M. No. MTJ-05-1616, October 17, 2007, 536 SCRA 359; *Estrada v. Escritor*, A.M. No. P-02-1651, June 22, 2006, 492 SCRA 1; *Court Employees of the MCTC, Ramon Magsaysay, Zamboanga del Sur v. Sy*, A.M. No. P-93-808, November 25, 2005, 476 SCRA 127; *Kaw v. Osorio*, A.M. No. RTJ-03-1801, March 23, 2004, 426 SCRA 63; *Office of the Court Administrator v. Sanchez*, A.M. No. RTJ-99-1486, June 26, 2001, 359 SCRA 577; *Agarao v. Parentela, Jr.*, A.M. No. RTJ-00-1561, November 21, 2001, 370 SCRA 27; *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, 360 SCRA 539; *Dela Cruz v. Bersamira*, A.M. No. RTJ-00-1567, January 19, 2001, 349 SCRA 626; *Yu v. Leanda*, A.M. No. RTJ-99-1463, January 16, 2001, 349 SCRA 58; *Calilung v. Suriaga*, A.M. No. MTJ-99-1191, August 31, 2000, 339 SCRA 340; *Dela Cruz v. Bersamira*, A.M. No. RTJ-00-1567, July 24, 2000, 336 SCRA 353; *Marquez v. Clores-Ramos*, A.M. No. P-96-1182, July 19, 2000, 336 SCRA 122; *Vedaña v. Valencia*, A.M. No. RTJ-96-1351, September 3, 1998, 295 SCRA 1; *Magarang v. Jardin, Sr.*, A.M. No. RTJ-99-1448, April 6, 2000, 330 SCRA 79; *Concerned Employees Of The RTC Of Dagupan City v. Falloran-Aliposa, supra*; *Naval v. Panday*, A.M. No. RTJ-95-1283, July 21, 1997, 275 SCRA 654; *Talens-Dabon v. Arceo*, A.M. No. RTJ-96-1336, July 25, 1996, 259 SCRA 354; *Imbing v. Tiongson*, A.M. No. MTJ-91-595, February 7, 1994, 229 SCRA 690.

<sup>51</sup> *Rollo*, p. 129.

<sup>52</sup> Republic Act No. 7877 (1995).

<sup>53</sup> Republic Act No. 9262 (2004).

<sup>54</sup> *Leynes v. Veloso*, A.M. No. 689-MJ, April 13, 1978, 82 SCRA 325, 329.

*J. P. Veloso*

proceedings. In *Pangan v. Ramos*,<sup>55</sup> we held that “[t]he standards of the legal profession are not satisfied by conduct which merely enables one to escape the penalties of criminal law. Moreover, this Court in disbarment proceedings is acting in an entirely different capacity from that which courts assume in trying criminal cases.”<sup>56</sup>

Justice Leonen next argues that a complaint for immorality should be commenced only by its victims, namely, the spouse betrayed, the paramour who has been misled, or the children who have to live with the parent’s scandalous indiscretions. According to Justice Leonen, a third party is not a victim, so he/she cannot initiate the complaint unless there is a showing that he/she is doing so for the benefit of the victims. The inability of these victims to press the charges themselves must likewise be pleaded and proven.<sup>57</sup>

**For the avoidance of doubt, the Court, in the clearest terms, strongly holds otherwise.**

Time and again, this Court has reminded judges that their acts of immorality are proscribed and punished, even if committed in their private life and outside of their *salas*, because such acts erode the faith and confidence of the public in the administration of justice and in the integrity and impartiality of the judiciary. The public’s continued faith and confidence in our justice system is no less a victim of the commission of acts of immorality by a judge. The resulting harm to the justice system vests the State with the interest to discipline judges who commit acts of immorality, independent of the view or feelings of the judge’s spouse and their children.

For society, judges are the most tangible representation of the Judiciary. Judges, in particular, are not just magistrates who hear and decide cases; they are immersed in the community and, therefore, in the best position to either bolster or weaken the judicial system’s legitimacy. In *Tuvillo v. Laron*<sup>58</sup> (*Tuvillo*), we said:

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. **No position is more demanding as regards moral righteousness and uprightness of any individual than a seat on the Bench. 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

<sup>55</sup> A.C. No. 1053, August 31, 1981, 107 SCRA 1.

<sup>56</sup> *Id.* at 6-7.

<sup>57</sup> Concurring and Dissenting Opinion, *J. Leonen*, p. 14.

<sup>58</sup> *Supra.*

*J. Leonen*

a virtue but a necessity in the judiciary.<sup>59</sup> (Citations omitted; emphasis supplied.)

We reiterate what Justice Leonen said in his well-reasoned dissent in *Tuvillo*, “[a]nyone applying for the judiciary is expected to have a thorough understanding of community standards and values.”<sup>60</sup> How a judge behaves impacts the Judiciary’s legitimacy. Society communicates not just through language but through symbols as well. Judges are symbols of justice. They are symbols not only when they are in the actual performance of our duties but also when they move through social circles in a community. When a judge exhibits a willingness to flout the accepted standards of society, the Judiciary’s legitimacy takes a hit. There arises a dissonance between the notion that they are symbols of justice and the fact that they do not act *with justice* in their own lives. When the Judiciary chooses to dispense justice through a judge who refuses to respect the fundamental values of a society, it effectively sends out a message that its judges can tell society to observe the law and excuse themselves from it at the same time. As we held in *Leynes v. Veloso*,<sup>61</sup> “[a] judge suffers from moral obtuseness or has a weird notion of morality in public office when he labors under the delusion that he can be a judge and at the same time have a mistress in defiance of the mores and sense of morality of the community.”<sup>62</sup>

We see no cogent reason in law or policy to depart from our time-tested procedure for the discipline of judges and justices of lower courts which allows complaints to be instituted in three ways: by the Court *motu proprio*, through a verified complaint, or through an anonymous complaint.<sup>63</sup>

Any citizen or member of the public who knows a judge who commits acts of immorality qualifies as, and has the civic duty to be, a complainant or a witness against the errant judge. These persons, usually members of the community whom the judge serves, have a direct interest in preserving the integrity of the judicial process and in keeping the faith of the public in the justice system. The harm inflicted by the judge upon the members of his family is distinct from the harm wreaked by an erring judge upon the judicial system. The family and the State are each imbued with the autonomy to exact their response to acts of immorality by a rogue judge. The State cannot intrude into the family’s autonomy any more than the family cannot intrude upon the autonomy of the State.

Justice Leonen ominously warns the Court not to be complicit to the “State’s over-patronage through its stereotype of victims.”<sup>64</sup>

**The Court cannot agree with this rather constricting view.**

<sup>59</sup> *Id.*

<sup>60</sup> A.M. No. MTJ-10-1755, October 18, 2016 (*J. Leonen*, Concurring Opinion).

<sup>61</sup> A.M. No. 689-MJ, April 13, 1978, 82 SCRA 325.

<sup>62</sup> *Id.* at 328-329.

<sup>63</sup> RULES OF COURT, Rule 140, Sec. 1.

<sup>64</sup> Concurring and Dissenting Opinion, *J. Leonen*, p. 15.

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*First.* He appears to proceed from the notion that the State stereotypes all women to be victims who are weak and cannot address patriarchy by themselves.

*Second.* This view is based on a faulty presumption that all erring judges are husbands who victimize their wives. Thus, if the argument is to be pursued, when we discipline judges even in cases where the wife did not file the complaint, we “over-patronize” women because we believe that they are not capable of invoking legal remedies on their own and, thus, the Court must step in to protect them. This is an unfortunately limited view.

**The disciplinary procedure adopted by the Court is gender-neutral. The prohibition against immorality applies to all judges regardless of gender or sexual orientation.**

Further, in resolving immorality cases, the Court does not discourage or prevent the spouse and the children of the erring judge from exercising their autonomy to come before us and express their sentiments. Nevertheless, we proceed despite their absence because, as we said, administrative proceedings against judges do not dwell on private injuries inflicted by judges on private people. Administrative proceedings do not exist so that a betrayed spouse can seek redress of his or her grievance. Administrative proceedings are not a remedy for a judge’s betrayal of his or her marital vows. These proceedings go into the question of whether a judge, by his or her actions and choices, is still fit to dispense justice and encourage the people’s faith in the judiciary.

Moreover, we reject the position that proceeding in cases such as this, where the wife does not bring the action herself, amounts to the “over-patronage” of women because we allegedly feel the need to hear the case to protect a victim who cannot look out for herself. This position is out of touch with reality.

Women empowerment is an advocacy taken seriously by the Judiciary. We have made consistent efforts to make our ranks more inclusive to female judges and justices. The Court itself is headed by our first-ever female Chief Justice. Similar efforts are being made in other branches of the government. There are efforts, as well, in our communities to provide equal opportunities for women. The status of women in our society has improved. We agree with Justice Leonen that there are women in our society who are perfectly capable of not only protecting themselves from the oppression of the patriarchy but even of shattering gender glass ceilings. However, this is a very limited view of the plight of women empowerment in this country.

Violence against women is a serious and prevalent problem in the Philippines. This is, in fact, the spirit that compelled the passing of the VAWC, which recognizes the need to provide further protection to women and that violence against them can take many forms.

*gagaburay*

In 2013, this Court, speaking through Associate Justice Estela M. Perlas-Bernabe, affirmed the constitutionality of the VAWC. In *Garcia v. Drilon*,<sup>65</sup> we explained:

The unequal power relationship between women and men; the fact that women are more likely than men to be victims of violence; and the widespread gender bias and prejudice against women all make for **real differences** justifying the classification under the law. x x x

x x x

According to the Philippine Commission on Women (the National Machinery for Gender Equality and Women's Empowerment), violence against women (VAW) is deemed to be closely linked with the **unequal power relationship between women and men** otherwise known as "gender-based violence[.]" Societal norms and traditions dictate people to think men are the leaders, pursuers, providers and take on dominant roles in society while women are nurturers, men's companions and supporters, and take on subordinate roles in society. This perception leads men to gaining more power over women. With power comes the need to control to retain that power. And VAW is a form of men's expression of controlling women to retain power.<sup>66</sup> (Emphasis in the original; citations omitted.)

Statistics from the Philippine National Demographic and Health Survey 2013<sup>67</sup> show that one in every five women aged 15-49 years old has experienced physical violence. Forty-four percent (44%) of the married women who participated in this survey and claimed that they have suffered physical violence revealed that their current husbands or partners are the perpetrators.<sup>68</sup> Violence is, however, not only physical, and in this survey, about 26% of the married women interviewed revealed that they suffered some form of emotional, physical, and/or sexual violence from their husbands or partners.<sup>69</sup>

The inequality does not end there.

These same statistics show that almost three in five married women earn less than their husbands. Only 10% of women own a house alone, while 19% own a house jointly with someone else. Further, only 18% of women own land, either alone or co-owned.<sup>70</sup>

While there are indeed serious efforts to empower women in this country, the foregoing remains to be our reality. Much work remains to be

<sup>65</sup> G.R. No. 179267, June 25, 2013, 699 SCRA 352.

<sup>66</sup> *Id.* at 411-412.

<sup>67</sup> See

<<https://psa.gov.ph/sites/default/files/2013%20National%20Demographic%20and%20Health%20Survey-Philippines.pdf>> , last accessed on June 16, 2017.

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

*Estela M. Perlas-Bernabe*

done. It is the height of insensitivity and a display of a limited view to insist that when we are perceived to take the cudgels for women, we are over-patronizing them. To even go as far as to say that the State over-patronizes women by stereotyping them as victims is unacceptable. The reality—as shown by the Congress’ decision to enact the VAWC and the statistics showing the imbalance of power in this country—is that there are women in this country who are in peril and are in real need of protection. While it is true that there are certain groups of women who are able to protect themselves and even to successfully compete in a male-dominated society, this is not the reality for many women in the Philippines. To say that the State is over-patronizing and stereotyping women just because some of our women are empowered is, to borrow the words of United States Supreme Court Justice Ruth Bader Ginsburg, “throwing away your umbrella in a rainstorm because you are not getting wet.”<sup>70</sup> **We are not over-patronizing women when we take measures to help them.** We are simply doing our part in the great endeavor of women empowerment.

Finally, we reject the proposal because it will cause the Court to be beset with intractable problems of proof. It will require the Court to inquire into whether the “victims” are genuinely exercising their autonomy, an invasive process that will, in turn, intrude into the family’s autonomy. To illustrate, a judge who sires innumerable children outside of wedlock, maintains multiple mistresses, and flaunts these misdeeds, is immunized from the Court’s disciplinary authority should the spouse and children choose not to press charges. Authorizing private attorney generals to act on behalf of the Court to vindicate the public’s interest is no solution. Justice Leonen himself recognizes that violence against women and children may prevent them from coming forward. Thus, he concedes that third parties *may* be allowed to act on behalf of the State provided they can plead and prove that they are acting for the benefit of the victims, not “as a means to cause more harm on them.”<sup>71</sup> How can this be shown to the satisfaction of the Court without resolving, as a triable question of fact, the question of whether the wife and children truly and freely exercised their individual autonomy? What about the reality of the violence of economic need and dependence, which arguably prompts far more wives and children into silently accepting the wrong done them? This is a quagmire the Court is not wont to enter.

It is safer to go back to basics. Simply put, the State does not recognize any sexual autonomy on the part of judges to have children with persons other than their spouses or to have extramarital affairs. It would be completely unprincipled for the Court to reward a judge’s commission of such grievous a wrong to the public with an absolution based on the forgiveness of the spouse and child. This is, of course, assuming we will ever have the ability to ascertain whether their forgiveness flows from the free exercise of their autonomy. In the case of male judges, such a result will

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<sup>70</sup> *Shelby County v. Holder*, 570 US 2 (2013), J. Ginsburg, Dissenting Opinion.

<sup>71</sup> Concurring and Dissenting Opinion, J. Leonen, p. 14.

*J. Leonen*



abet the very patriarchy that Justice Leonen wants the Court to reject. No one is forced to be a judge, just as Justice Leonen pointed out in his concurring opinion in *Tuvillo*.<sup>73</sup> To add to that, no judge is forced to remain one.

The Judiciary, to maintain its legitimacy, must be able to convince that it makes principled decisions.<sup>74</sup> This requires that the Judiciary resolve cases fairly, impartially, and convincingly. Decisions must be based on a logical interpretation and application of laws. The Judiciary's institutional legitimacy is also impacted by its members. Members of the Judiciary must act in a way that will encourage confidence among the people.

To be clear, we do not seek to interfere with a judge's relationships. Thus, while we have sanctioned lawyers, judges, and even justices, who have extramarital affairs, we have refused to do so in cases where the parties, without any legal impediment, live together without the benefit of marriage.<sup>75</sup> We have also been adamant in holding that a person's homosexuality does not affect his or her moral fitness.<sup>76</sup> Nevertheless, immorality is a valid ground for sanctioning members of the Judiciary because it (1) challenges his or her capacity to dispense justice, (2) erodes the faith and confidence of the public in the administration of justice, and (3) impacts the Judiciary's legitimacy.

Finally, while a disciplinary case for immorality may proceed even without the participation of the spouse, the children or the alleged paramour, steps must be taken to protect their decision not to air out their grievances in administrative proceedings before us. As a matter of policy, in cases such as this, the names of concerned parties who are not before the Court should not be used. Care should be taken so as not to disclose personal information and circumstances that are not relevant to the resolution of the case. If necessary, aliases should be used when referring to these parties.

Taking all these into consideration, we find that Judge Dagala is also guilty of committing acts of immorality.

### III.

Under Section 8 of Rule 140 of the Rules of Court, immorality and gross misconduct each constitute a serious charge. Section 11 of the same Rule provides that serious charges are punishable by:

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

<sup>73</sup> See A.M. No. MTJ-10-1755, October 18, 2016 (*J. Leonen, Concurring Opinion*).

<sup>74</sup> See *Planned Parenthood v. Casey*, 505 U.S. 833 (1992).

<sup>75</sup> *Toledo v. Toledo*, A.M. No. P-07-2403, February 6, 2008, 544 SCRA 26.

<sup>76</sup> *Campos v. Campos*, A.M. No. MTJ-10-1761, February 8, 2012, 665 SCRA 238.

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 (3) years but not exceeding six (6) months; or
3. A fine of more than [P]20,000.00 but not exceeding [P]40,000.00.

We affirm the recommendation of the OCA to impose on Judge Dagala the supreme penalty of dismissal from the service with forfeiture of retirement benefits, except accrued leave benefits. Because of the gravity of Judge Dagala's infractions, we also impose on him the penalty of perpetual disqualification from reinstatement or appointment to any public office, including government owned or controlled corporations.

Without staking a position on the proper penalty to impose on Judge Dagala on the immorality charge, Justice Leonen discusses circumstances that may be considered mitigating or aggravating in the determination of an immorality case.<sup>77</sup> We will comment only on one circumstance cited, namely, where the "marriage does not work."<sup>78</sup>

The Court unequivocally reminds justices and judges that until the Congress grants absolute divorce, or unless they have secured a court annulment of their marriage or a judgment of nullity, a failed marriage does not justify acts of immorality.

Judge Dagala seeks this Court's forgiveness. He claims that he and his wife separated because of "constant fighting;" that his wife knew of his children with other women but did not interpose any objection because she knew of his desire to have children; his wife had learned to "forgive and forget" him; and both have arrived at the "notion that [they] are not really meant for each other and for eternity."<sup>79</sup>

We understand the undeniable sadness of a failed marriage. We commiserate with Judge Dagala and his wife, as well as his children, who must live with circumstances far different from what society recognizes as ideal. We understand the pain of accepting certain stark realities—that some relationships must come to an end and not even the legal ties of marriage can save them; that some married couples soon discover that they are not right for each other; that in certain cases, not even the legal bonds of marriage can fill the void; that sometimes, happiness can be found in finding the strength to get out of a relationship and begin again. We understand that judges and justices are also human, and are naturally inclined to search for what is good and what gives meaning, including happy and fulfilling relationships. In this

<sup>77</sup> Concurring and Dissenting Opinion, *J. Leonen*, p. 15.

<sup>78</sup> *Id.*

<sup>79</sup> *Rollo*, p. 25.

*J. Leonen*

case, we do not seek to pontificate that there is only one honorable way to live. Judges are free to choose how to live their lives. Nevertheless, **choices are made within particular contexts and in consideration of duties and obligations that must be honored. More importantly, choices have consequences.** Judge Dagala made his choice. He must now face the repercussions. Thus, as much as we commiserate with Judge Dagala, we remain a court of law with a mandate to dispense even-handed justice.

We thus compare the grounds offered by Judge Dagala in mitigation of his wrong to similar pleas made by judges similarly situated, namely, married judges who sired children outside of wedlock or engaged in affairs during the subsistence of their marriage.

Only last year, in *Tuvillo*, the Court rejected a plea in mitigation by a judge. The judge explained that both he and his mistress were “mature lonely people” whose marriage to their legally wed spouses had “lessened sheen” and that his mistress brought him a “soul connection, understanding and great company.” Further, his own wife “was distant to him.”

In *Re: Complaint of Mrs. Rotilla Marcos*,<sup>79</sup> which Justice Leonen also quotes in his dissent in *Tuvillo*, we dismissed a judge who publicly carried on a relationship with a woman not his wife. We found him liable notwithstanding the fact that he had already been physically separated from his wife for three (3) years.<sup>80</sup>

In *Anonymous v. Achas*,<sup>81</sup> we reprimanded a judge for going out in public with a woman not his wife. We imposed this penalty notwithstanding the fact that Judge Achas had been estranged from his wife for the last 26 years. We held that the fact remains that he is still legally married to her. It was not therefore commendable, proper, or moral for a married judge to be perceived as going out with a woman not his wife.<sup>82</sup>

In *Resngit-Marquez v. Llamas, Jr.*,<sup>83</sup> we dismissed a judge upon finding that he had a long standing relationship with a married woman. We found the judge liable in spite of the fact that both he and his partner were estranged from their respective husband and wife. Notably, we took cognizance of the complaint in this case even if neither the estranged husband nor wife of the parties participated in the proceedings.<sup>84</sup>

In *Perfecto v. Esidera*,<sup>85</sup> the Court, through Justice Leonen, disciplined a female judge who carried on a relationship with a man not her husband, even if the judge had never lived with her legal husband and had long been estranged from him.

<sup>79</sup> A.M. No. 97-2-53-RTC, July 6, 2001, 360 SCRA 539.

<sup>80</sup> *Id.* at 562.

<sup>81</sup> A.M. No. MTJ-11-1801, February 27, 2013, 692 SCRA 18.

<sup>82</sup> *Id.* at 23-24.

<sup>83</sup> A.M. No. RTJ-02-1708, July 23, 2002, 385 SCRA 6.

<sup>84</sup> *Id.* at 22-23.

<sup>85</sup> A.M. Mo. RTJ-15-2417, July 22, 2015, 763 SCRA 323.

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The reason for the Court's consistent position is not difficult to discern. The Philippines is a society that values monogamy in marriages, except as to certain ethnicities and religions where monogamy is not the norm. Our legal system is replete with laws that enforce monogamy in a marriage and penalize those who go against it. Save for religions that accept and embrace multiple marriages, bigamy in the Philippines is a crime.<sup>87</sup> In the same vein, our criminal law penalizes adultery<sup>88</sup> and concubinage.<sup>89</sup>

No less than the Constitution emphasizes the value of a marriage as the foundation of the family.<sup>90</sup> The Philippines is a legal regime that intensely protects marriages by limiting the grounds for its nullity or annulment. Until today, we do not have divorce, with the exception provided for in the Code of Muslim Personal Laws of the Philippines. We only recognize legal separation. There have been calls for allowing divorce here but no law has been passed so far. Ultimately, we are the branch of government tasked with interpreting the law. We do not meddle with policies or with the endeavor to have our laws reflect the developments in our values and morality. It is not our place to ascertain whether our laws on marriage have failed to adjust to the demands of the times.

For the Judiciary, this is the legal and social context within which we must understand immorality in connection with extramarital affairs. In penalizing judges for engaging in extramarital affairs, we merely seek to dis-incentivize judges' propensity to disregard accepted standards of morality because these acts impact their capacity to properly perform their jobs. These acts affect the judiciary's legitimacy—an element essential in its role as a branch of government charged with interpreting rules. We value monogamous marriages and consider them worthy of strict legal protection. A judge who disregards this fundamental value opens himself or herself up to questions about his or her capacity to act with justice in his or her own dealings. This affects the people's perception of his or her moral fitness. As we said in *Resngit-Marquez v. Llamas, Jr.*, a magistrate "cannot judge the conduct of others when his own needs judgment."<sup>91</sup>

No one is forced to be a judge.<sup>92</sup> The judiciary is an institution reserved for those who, when they apply for a judicial position, are expected to have a thorough understanding of community standards and values which impose exacting standards of decorum and strict standards of morality.<sup>93</sup> We highlight that judges are bound to uphold secular, not religious, morality. Thus, the values that a judge must uphold are those in consonance with the dictates of the conscience of his or her community.

<sup>87</sup> REVISED PENAL CODE, Art. 349.

<sup>88</sup> REVISED PENAL CODE, Art. 333.

<sup>89</sup> REVISED PENAL CODE, Art. 334.

<sup>90</sup> CONSTITUTION, Art. XV, Sec. 2.

<sup>91</sup> *Supra* note 84 at 8.

<sup>92</sup> A.M. No. MTJ-10-1755, October 18, 2016 (*J. Leonen, Concurring Opinion*).

<sup>93</sup> A.M. No. MTJ-10-1755, October 18, 2016.

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Among these community values is respect for the sanctity of marriage.<sup>94</sup> All applicants to the Judiciary must, therefore, decide for themselves whether the community values that the Court has recognized conform to their own personal values, lifestyle, or proclivities. All who desire to be part of the Judiciary must first decide if he or she can live up to the highest standards of morality expected of judges and justices.

How applicants to the Judiciary will choose to construe the values that this Court upholds is their choice. Those who have a fervent belief in a God may find that the values of this Court compel them to live the lives of the faithful. Those who are predisposed to pursue a strict code of morality may choose to perceive our values as moral codes, proper and worthy of being adhered to. Those who have the inclinations to bend the rules or to live outside societal norms may find that these rules are like straightjackets—pretentious, unreasonable, or constricting.

Whether applicants to the Judiciary will choose to construe these secular strictures as rules that require them to live the life of a saint, or of a priest, imam, or other religious person, is a purely personal decision. They are free to choose their own metaphors. But once a lawyer joins the Judiciary, he or she should abide by the rules. We remind all judges that no position demands greater moral righteousness and uprightness from its occupant than the judicial office. A judge's personal behavior outside the court, 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.<sup>95</sup>

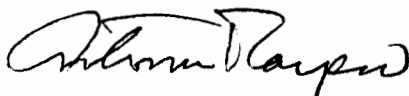
**WHEREFORE**, premises considered, Judge Exequil L. Dagala is hereby found **GUILTY** of **IMMORALITY** and **GROSS MISCONDUCT**. Accordingly, he is **DISMISSED** from the service with **FORFEITURE** of his retirement and other benefits except accrued leave credits, and **PERPETUALLY DISQUALIFIED** from re-employment in any government agency or instrumentality, including any government-owned and controlled corporation or government financial institution.

**SO ORDERED.**



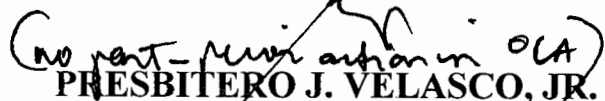
**MARIA LOURDES P. A. SERENO**

*Chief Justice*



**ANTONIO T. CARPIO**

*Associate Justice*



**PRESBITERO J. VELASCO, JR.**

*Associate Justice*

<sup>94</sup> *Id.*

<sup>95</sup> *Id.*

*Teresita Leonardo de Castro*  
**TERESITA J. LEONARDO-DE CASTRO**  
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*Diosdado M. Peralta*  
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*Jose Catral Mendoza*  
**JOSE CATRAL MENDOZA**  
*Associate Justice*

*Estela M. Perlas-Bernabe*  
**ESTELA M. PERLAS-BERNABE**  
*Associate Justice*

*Su separate concurring and  
dissenting opinion*  
*Marvic M. V. F. Leonen*  
**MARVIC M. V. F. LEONEN**  
*Associate Justice*

*Francis H. Jardeleza*  
**FRANCIS H. JARDELEZA**  
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*Alfredo Benjamin S. Caguioa*  
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*Samuel R. Martires*  
**SAMUEL R. MARTIRES**  
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*Noel Gimenez Tijam*  
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*Andres B. Reyes, Jr.*  
**ANDRES B. REYES, JR.**  
*Associate Justice*

**CERTIFIED XEROX COPY:**

*Felipa B. Anama*  
**FELIPA B. ANAMA**  
**CLERK OF COURT, EN BANC**  
**SUPREME COURT**