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**Republic of the Philippines
Supreme Court
Manila**

EN BANC

**PRESIDING JUDGES TOMAS
EDUARDO B. MADDELA III
and MERINNISA O. LIGAYA,
MUNICIPAL TRIAL COURT IN
CITIES, BRANCHES 5 and 1,
RESPECTIVELY, OLONGAPO
CITY, ZAMBALES,**
Complainants,

A.M. No. RTJ-19-2559
[formerly OCA IPI No. 11-3810-RTJ]

- versus -

**PRESIDING JUDGE NORMAN V.
PAMINTUAN, REGIONAL
TRIAL COURT, BRANCH 73,
OLONGAPO CITY, ZAMBALES,**
Respondent.

X ----- X

**OFFICE OF THE COURT
ADMINISTRATOR,**
Complainant,

A.M. No. RTJ-19-2561
[formerly A.M. No. 15-02-49-RTC]

Present:

BERSAMIN, *CJ*,
CARPIO,
PERALTA,
PERLAS-BERNABE,
LEONEN,
JARDELEZA
CAGUIOA,
REYES, A.B., JR.,
GESMUNDO,
REYES, J.C., JR.,
HERNANDO,
CARANDANG,
LAZARO-JAVIER,
INTING,* and
ZALAMEDA, *JJ*.

- versus -

**PRESIDING JUDGE NORMAN V.
PAMINTUAN, REGIONAL
TRIAL COURT, BRANCH 73,
OLONGAPO CITY, ZAMBALES,**
Respondent.

Promulgated:

August 14, 2019

X ----- X

* No part.

DECISION***PER CURIAM:*****Antecedents*****A.M. No. RTJ-19-2559***
[formerly OCA IPI No. 11-3810-RTJ]

This administrative case stemmed from a Letter-Complaint¹ dated October 4, 2011 filed by Hon. Tomas Eduardo B. Maddela III (*Judge Maddela*) and Hon. Merinnisa O. Ligaya (*Judge Ligaya*), Presiding Judges of Branches 5 and 1, respectively, of the Municipal Trial Court in Cities (MTCC), Olongapo City, Zambales, addressed to Hon. Richard A. Paradeza (*Exec. Judge Paradeza*), Executive Judge of the Regional Trial Court (RTC) of Olongapo City. The subject of the complaint is the alleged failure and neglect of Judge Norman V. Pamintuan (*respondent*), Presiding Judge of Branch 73, Regional Trial Court of Olongapo City, Zambales, to perform the solemnization of marriage of applicants after their requests had been raffled to him, pursuant to Office of the Court Administrator (OCA) Circular No. 87-2008 Re: *Guidelines on the Solemnization of Marriage by the Members of the Judiciary*.²

In their joint letter-complaint, Judge Maddela and Judge Ligaya alleged that the Office of the Clerk of Court-RTC referred and endorsed the requests for solemnization of marriage to other judges because respondent was, on the scheduled dates, either absent or unavailable due to either high blood pressure, flu, loose bowel movement, or fever. They further averred that, being among the judges to whom said requests were consequently referred, they were confronted with verbal complaints from the couples intending to get married and from their parents and relatives who found themselves being ushered out of the courtroom after being told that respondent was absent.³

Judge Maddela and Judge Ligaya contended that respondent's alleged failure to solemnize the marriages raffled to him constitutes "*shirking from judicial duty*."⁴ This is pursuant to OCA Circular No. 87-2008, which mandates the strict observance by judges in multiple sala courts of the raffling of requests for solemnization of marriage due to numerous

¹ *Rollo* (A.M. No. RTJ-19-2559), p. 4.

² *Rollo* (A.M. No. RTJ-19-2561), p. 110.

³ *Id.*

⁴ *Id.* at 111.

anomalies discovered during various judicial audits in the lower courts. The circular provides in paragraph (c) that “[u]nless for valid reasons, the refusal of a judge to participate in the raffle of request for solemnization of marriage shall be construed as shirking from judicial duty.”⁵

In his Letter-Comment⁶ dated February 8, 2012, respondent denied that his failure to solemnize various marriages raffled to his sala was part of a “vicious pattern of neglect.”⁷ He insisted that unavoidable circumstances happened; his sickness was beyond his control and never intentional. He declared that despite his then pending surgery for his multinoduled-thyroid and hypertension, stage II, he returned to work on November 15, 2011. He also submitted that all absences due to his ailment were covered by the necessary applications for leave of absence with attached medical certificates. These applications were all duly approved by the then incumbent Executive Judge of the RTC of Olongapo City.⁸

In its October 13, 2014 Resolution,⁹ the Court reminded respondent of his duty to dispose of the court’s business promptly and to be mindful of his absences. It also directed the OCA to immediately conduct a judicial audit of the RTC of Olongapo City, Zambales, Branch 73, presided by respondent, starting August 2011 onwards and to submit a report thereon within sixty (60) days from completion thereof.¹⁰

A.M. No. RTJ-19-2561
[formerly A.M. No. 15-02-49-RTC]

In the course of the judicial audit conducted from January 26 to January 30, 2015, with Atty. Rullynn S. Garcia (*Atty. Garcia*) presiding, the other judges of the first and second level courts in Olongapo City, as well as the Clerk of Court of the RTC, Olongapo City, ventilated their complaints against respondent.¹¹

Exec. Judge Paradeza, Presiding Judge of the RTC of Olongapo City, Zambales, Branch 72, executed an Affidavit-Complaint¹² against respondent in which he narrated the circumstances of the latter’s attempt to bribe him in exchange for a verdict against the accused in a criminal case. He also stated

⁵ Id.

⁶ *Rollo* (A.M. No. RTJ-19-2559), pp. 24-25.

⁷ Id. at 24.

⁸ Id.

⁹ Id. at 61-62.

¹⁰ Id. at 62.

¹¹ *Rollo* (A.M. No. RTJ-19-2561), p. 111.

¹² Id. at 16-20.

that he intends to file an administrative case for grave misconduct against respondent.¹³

In support of Exec. Judge Paradeza's accusation of bribery against respondent, Atty. John V. Aquino (*Atty. Aquino*), Clerk of Court of the RTC of Olongapo City, Mr. Leo C. Dalit (*Mr. Dalit*), Officer-in-Charge/Legal Researcher II of the RTC of Olongapo City, Branch 72, and Judge Jose L. Bautista, Jr. (*Judge Bautista*), Assisting Presiding Judge of the RTC of Olongapo City, Branch 73, executed their respective Affidavits.¹⁴

In addition to the allegation of bribery, the other judges present at the meeting divulged that respondent engaged in other activities which presented a conflict-of-interest situation on his part, such as:

- (1) following up on a case involving his Korean friend Park Tae Min, entitled "*People of the Philippines v. Evangeline Kim*," which is pending before the MTCC of Olongapo City, Branch 4;
- (2) establishing a surety company, "SURETY BOND INSURANCE SERVICES," its primary purpose to transact business with the lower courts, particularly in Olongapo City, with Ms. Glenda H. Tulio (*Ms. Tulio*), then Sheriff IV of Branch 4;
- (3) organizing the concert of Freddie Aguilar in December 2013 for which respondent solicited donations from business establishments; and
- (4) holding the 60th birthday party of his wife on January 29, 2014 at the Arizona Beach Resort Hotel in Olongapo City, reportedly owned by someone who is known to have a pending trafficking case in the RTC of Olongapo City.¹⁵

In support of these charges, Judge Esmeralda B. David (*Judge David*), then Presiding Judge of the MTCC Olongapo City, Branch 4, executed an Affidavit¹⁶ to attest to the foregoing facts.¹⁷

¹³ Id. at 112.

¹⁴ Id. at 49-50, 51-52, 53.

¹⁵ Supra note 13.

¹⁶ Id. at 57-60.

¹⁷ Supra note 13.

The judges present at the meeting on January 26, 2015 also claimed that respondent solicited, through Ms. Tulio, monetary donations from lawyers in Olongapo City, for the “1st JUDGE PAMINTUAN SHOOTFEST CUP” held in December 2014. In another meeting held on January 27, 2015, Atty. Manuel R. Rosapapan, Jr. (*Atty. Rosapapan*) and Atty. Leonardo W. Bernabe (*Atty. Bernabe*), Chapter President and Chapter Secretary, respectively, of the Integrated Bar of the Philippines (*IBP*), informed Atty. Garcia that they and other members of their IBP Chapter received the solicitation letter from Ms. Tulio. Atty. Bernabe also stated that respondent would deny motions for reduction of bail so that the accused would be compelled to post a surety bond for their temporary liberty. Both Atty. Rosapapan and Atty. Bernabe, however, declined to execute sworn statements to attest to the fact of their allegations.¹⁸

Lastly, the judicial audit of the RTC of Olongapo City, Zambales, Branch 73, revealed that of the eight hundred thirty-one (831) cases whose records were presented to and examined by the audit team, only sixty-two (62) cases, or 7.46%, were being handled by respondent, while the rest, consisting of seven hundred sixty-nine (769) cases or 92.54%, were being handled by Judge Bautista. Of the sixty-two (62) cases handled by respondent, eighteen (18) had been submitted for decision. Dismally, sixteen (16) of these cases, or 88%, had been awaiting decision beyond the mandated 90-day period.¹⁹

In its March 9, 2015 Resolution,²⁰ the Court preventively suspended respondent from the service, effective immediately, until further orders. It also ordered respondent, within fifteen (15) days from notice, (1) to comment on the January 28, 2015 Affidavit-Complaint²¹ of Exec. Judge Paradeza, (2) show cause why no disciplinary action should be taken against him for the conflict-of-interest activities charged against him, and (3) to explain his failure to decide the sixteen (16) cases within the mandated period despite his very minimal caseload.²² It also consolidated A.M. No. RTJ-19-2561 [formerly A.M. No. 15-02-49-RTC] with A.M. No. RTJ-19-2559 [formerly OCA IPI No. 11-3810-RTJ].²³

¹⁸ Id. at 112-113.

¹⁹ Id. at 113.

²⁰ Id. at 66-69.

²¹ *Supra* note 12.

²² Id. at 67-68.

²³ Id. at 69.

On March 31, 2015, respondent filed an “Urgent Partial Motion for Reconsideration on my Preventive Suspension.”²⁴ Therein, he urged the Court to immediately recall the order for his preventive suspension and to be detailed to the OCA, particularly under the supervision of Court Administrator Jose Midas Marquez, pending investigation of the charges against him. He also prayed that he be allowed to continue receiving his monthly salary and emoluments pending resolution of his case.²⁵

On April 16, 2015, respondent filed his Comment²⁶ in compliance with the Court’s March 9, 2015 Resolution. He argued, as summarized by Investigating CA Justice Henri Jean Paul B. Inting²⁷ (*Investigating Justice Inting*), the following:

xxx [R]espondent Judge Pamintuan denies the accusation of attempted bribery in its entirety and alleges that the sworn statements submitted by [Exec.] Judge Paradeza, Judge Bautista, Atty. Aquino, and Mr. Dalit are incredible and unsupported by evidence.

Respondent Judge Pamintuan insists that he did not commit bribery, much less an attempt thereof, and thus cannot be held liable for the offense. He argues that even if the allegations against him were true, they do not amount to bribery as defined and penalized under the Revised Penal Code.

Furthermore, respondent Judge Pamintuan denies having offered the sum of ₱100,000.00 to [Exec.] Judge Paradeza in his office to coax the latter to render a judgment of conviction in a criminal case. He also denies that he subsequently returned to the latter’s office on a number of occasions to inquire about the case. He theorizes that given the volume of people who frequent [Exec.] Judge Paradeza’s court, it is possible that [Exec.] Judge Paradeza mistook him as the one who went to his office on the alleged occasions. He further speculates: “[in] all likelihood, the person who passed by and went back to the office of Paradeza was [Judge] Bautista who he mistakenly thought was me. This conclusion is not far-fetched considering that Bautista is likewise a Presiding Judge of a Regional Trial Court of Olongapo City who assists me in the management of Branch 73. Furthermore, this is also probable since [Judge] Bautista is related by affinity to the children of the private complainant in said case and was aware of their intentions to influence the outcome of the same with money.”

Alleging that [Exec.] Judge Paradeza’s allegations against him are preposterous, respondent Judge Pamintuan reasons the following: 1) he would not have offered money to [Exec.] Judge Paradeza, explained the reasons therefor, and vigorously insisted that the latter accept it in a venue where there was high risk that said activity would be discovered; 2) he would not have gone to the office of [Exec.] Judge Paradeza with ₱100,000.00 in his pocket considering that the amount is of considerable value, which would be quite thick in cash regardless of the denominations of the bills involved, and thus would have been easily detected and would have aroused the suspicion of any

²⁴ Id. at 70-72.

²⁵ Id. at 71-72.

²⁶ Id. at 73-99.

²⁷ Now a Member of this Court.

reasonable observer; 3) he would not have waited for almost an hour outside the office of [Exec.] Judge Paradeza in the presence of Mr. Dalit given the sensitive nature of the activities and discussion that were to take place in the office of [Exec.] Judge Paradeza, but would have instead called [Exec.] Judge Paradeza through his cellular phone if it was his intention to cajole him to accept his supposed offer; 4) he would not have returned to the office of [Exec.] Judge Paradeza on a number of occasions after a lapse of only a few days from their first encounter considering that [Exec.] Judge Paradeza already exhibited displeasure towards him and even threatened to inform others of what he had done; and 5) he would not have done the acts alleged in light of his career and record in the judiciary. Respondent Judge Pamintuan avers that he would not have engaged in activities such as those alleged given that they would potentially jeopardize his record and career in the judiciary, which is his main source of livelihood.

Respondent Judge Pamintuan further denies having received the amount of ₱400,000.00 from the children of [the] private complainant and thereafter failed to return it following a judgment of acquittal by [Exec.] Judge Paradeza. He likewise denies having subsequently returned to them the amount using his own funds. His reasons are the following: 1) he would not have accepted the amount of ₱400,000.00 from the children of private complainant in the criminal case knowing that it was intended to be given to [Exec.] Judge Paradeza to cause him to render a judgment of conviction in the said case and subsequently failed to return it in the event that an adverse decision is rendered; 2) and assuming that he indeed received the ₱400,000.00, he would not have returned it using his own money as he is in no position to part ways with such a huge amount of money considering his meager salary as a judge. He adds that the prudent course of action he would have done was to simply retrieve the ₱300,000.00 and ₱100,000.00 purportedly given to [Exec.] Judge Paradeza and Judge Bautista, respectively, and make whole the children of private complainant with these amounts.

Moreover, respondent Judge Pamintuan denies having deposited ₱100,000.00 in the bank account of Judge Bautista on December 8, 2014 for the following reasons: 1) he would not have deposited any amount in the bank account of Judge Bautista given that the latter was not the judge who would render the decision in the criminal case and had absolutely nothing to do with his purported objective of securing a guilty verdict in the case on behalf of the children of private complainant; and 2) he would not have delivered any sum to Judge Bautista since [Exec.] Judge Paradeza had already rendered a judgment of acquittal in said case several months before. He also avers that it is impossible for him to have actually deposited the amount in Judge Bautista's account as he did not have the details of the judge's bank accounts.

Based on the foregoing, respondent Judge Pamintuan contends that [Exec.] Judge Paradeza is not a credible witness.

With respect to Atty. Aquino and Mr. Dalit, respondent Judge Pamintuan avers that they are also incredible witnesses in view of their professional connection and bias towards [Exec.] Judge Paradeza. Additionally, he points out that the sworn statements of Atty. Aquino and Mr. Dalit merely mimic the story of [Exec.] Judge Paradeza; and that the few additional details therein have little importance.

Respondent Judge Pamintuan also contends that the credibility of Judge Bautista as a witness is likewise doubtful in view of his relationship to

[Exec.] Judge Paradeza and Atty. Aquino as well as the contents of his sworn statement. He avers that Judge Bautista merely adopted and confirmed the sworn statements of the two as his own. Alleging that it is Judge Bautista who had personal knowledge of the revelations and actuations of the children of private complainant, respondent Judge Pamintuan argues that it is perplexing why Judge Bautista did not elaborate and provide details concerning their attempts at influencing the outcome of the criminal case. In addition, he avers that despite the confirmation of Judge Bautista that he purportedly received ₱100,000.00 from him, Judge Bautista did not renounce the receipt of the amount or return it, but instead kept the money.

Respondent Judge Pamintuan likewise denies that he followed up on the case of a friend pending in another court and that he established a surety bonding company, alleging that these accusations are absurd and unsubstantiated by proof. He also denies having engaged in activities that presented a conflict-of-interest on his part and avers that the alleged activities plainly did not constitute one. He avers that he is wholly unaware of the case entitled "*People v. Evangeline Kim*" which was pending before Judge David's court and does not know any of the parties to the case, especially private complainant. He also points out that the accusation of Judge David regarding his purported outings to her court is not entitled to belief as it is unsupported by competent proof and not based on personal knowledge.

On the allegations that he founded, operated and publicized a surety bonding company by the name of Travellers Insurance & Surety Corporation, respondent Judge Pamintuan avers that it is impossible for him to have undertaken these acts for the following reasons: 1) he does not have knowledge or capabilities to establish or operate this type of business; and 2) he would not have chosen the frontage of the Hall of Justice of Olongapo City as the principal place of business of Travellers Insurance and Surety Corporation or passed around flyers and calling cards pertaining thereto, for if he did so, he would have easily made known and provided evidence for his wrongful and improper acts. He adds that the documentary evidence submitted to substantiate the allegations pertaining to his connection with Travellers Insurance & Surety Corporation does not support the accusation against him. Specifically, there is no indication that he participated in or had any responsibility with respect to the generation of flyers and calling cards pertaining to Travellers Insurance & Surety Corporation. The documents also reveal that it is Ms. Tulio who is actually connected with Travellers Insurance & Surety Corporation and is responsible for its operations.

Respondent Judge Pamintuan also denies the allegations that the following activities presented a conflict-of-interest on his part: 1) the organization of the Freddie Aguilar concert and solicitation of donations therefor; 2) the celebration of the 60th birthday of his wife in a venue owned by a person who apparently has a pending case for trafficking in the RTC of Olongapo City; and [3)] the organization of a shooting event in his name and request of donations therefor. He argues that these activities have absolutely nothing to do with his judicial functions, duties and responsibilities.

Respondent Judge Pamintuan further denies the accusation of inefficiency in the disposition of cases and argues that there is valid justification for those that remained undecided beyond the mandated period notwithstanding his light caseload. He alleges that the stenographer involved in the sixteen (16) cases that remained undecided namely, Corazon Balilu, abruptly resigned and left the country. Corazon Balilu allegedly did not complete and submit the relevant transcripts of the cases, thus ultimately

preventing him from fully studying the records thereof prior to rendering the appropriate decisions in accordance with due process.

On the basis of all the foregoing, he thereby prays for the dismissal of the complaint against him.²⁸

In its April 19, 2016 Resolution,²⁹ the Court denied the urgent motion of respondent for recall of his preventive suspension and his request to be detailed at the OCA under Court Administrator Marquez for lack of merit. It referred the consolidated administrative cases to the Court of Appeals (CA) for raffle among its members. The investigating CA justice was directed to evaluate the cases and make a report and recommendation thereon within ninety (90) days from notice.³⁰

Report and Recommendation of the Investigating Justice

The instant administrative cases were raffled to CA Associate Justice Inting. He submitted his Report³¹ on October 26, 2016.

In his Report, Investigating Justice Inting stated that the parties manifested, during the hearing held on September 8, 2016, that they were adopting all the pleadings filed before the OCA as their pleadings in the present administrative case and that they were submitting the case based solely on the documentary exhibits and without oral examination.³²

Investigating Justice Inting made the following findings:

First, Investigating Justice Inting held that respondent is guilty of undue delay in rendering decisions. He found respondent's failure to decide the sixteen (16) cases within the mandated period unjustifiable. He stated that, considering respondent's light caseload, it is highly unreasonable that 88% of the cases submitted for decision remained undisposed of despite the lapse of the reglementary period. He did not accept the excuse proffered by respondent about the delay being caused by the unexpected resignation of the stenographer and her failure to complete and submit the relevant transcripts of the cases. For him, respondent should have requested an extension of time before the expiration of the reglementary period.³³ Considering that the undue delay involved not just one but numerous

²⁸ *Rollo* (A.M. No. RTJ-19-2561), pp. 121-125.

²⁹ *Id.* at 104-105.

³⁰ *Id.* at 104.

³¹ *Id.* at 109-133.

³² *Id.* at 114.

³³ *Id.* at 125-128.

decisions, he found that the charge amounts to a serious one. Hence, he recommended that respondent be imposed the maximum penalty for the charge, which is suspension from office without salary and other benefits for six (6) months.³⁴

Second, with respect to respondent's absences, Investigating Justice Inting found that, despite being frequent, they cannot be said to be unjustified since corresponding applications for leave of absences were filed and were approved by the Executive Judge. Thus, he did not find respondent's failure to solemnize the marriages raffled to him, on the dates specified, as tantamount to "shirking from judicial duty" under paragraph (c) of OCA Circular 87-2008.³⁵

Third, the Investigating Justice found that the charge of bribery against respondent was not proved. He observed that the evidence to support this charge consists of pure allegations by Exec. Judge Paradeza, Atty. Aquino, Mr. Dalit, and Judge Bautista. No other evidence was presented to corroborate and substantiate the charge. Further, he noted that many of the allegations in the sworn statements of the witnesses were not based on personal knowledge.³⁶ He, thus, recommended the dismissal of the complaint for bribery against respondent.

Fourth, on the alleged conflict-of-interest, the Investigating Justice found unsupported by competent proof the allegations that respondent (1) personally followed up on the case of a friend which was pending before the court of Judge David; and (2) established, ran, and promoted a surety bonding company with the assistance of Ms. Tulio.³⁷

Nevertheless, since respondent admitted that he (1) organized the Freddie Aguilar concert and solicited donations therefor, (2) celebrated the 60th birthday of his wife at a venue owned by a person who apparently has a pending case for trafficking with the RTC of Olongapo City, and (3) organized a shooting event in his name and requested donations therefor, the Investigating Justice found that respondent violated the New Code of

³⁴ Id. at 128-129.

³⁵ Id. at 128.

³⁶ Id. at 129-130.

³⁷ Id. at 131.

Judicial Conduct for the Philippine Judiciary, specifically Section 4³⁸ of Canon 1³⁹ in relation to Section 10⁴⁰ of Canon 4.⁴¹ Thus, Investigating Justice Inting recommended that respondent be fined the amount of ₱10,000.00, with a warning that any similar violation in the future shall be dealt with more severely.⁴²

Accordingly, Investigating Justice Inting made the following recommendations to the Court:

A. In [A.M. No. RTJ-19-2559 formerly] OCA IPI No. 11-3810-RTJ

1. DISMISSAL OF THE COMPLAINT FOR VIOLATION OF OCA CIRCULAR 87-2008 for lack of sufficient basis that respondent Judge Pamintuan's failure to solemnize the marriages raffled to him on the dates specified is tantamount to "shirking from judicial duty" under paragraph (c) of the circular.

B. In [A.M. No. RTJ-19-2561 formerly] A.M. No. 15-02-49-RTC

1. DISMISSAL OF THE CHARGE OF BRIBERY for insufficiency of evidence;
2. SUSPENSION OF RESPONDENT JUDGE PAMINTUAN FROM OFFICE WITHOUT SALARY AND OTHER BENEFITS FOR SIX (6) MONTHS for inefficiency and undue delay in rendering decisions assigned to him; and
3. IMPOSITION UPON RESPONDENT JUDGE PAMINTUAN OF A FINE IN THE AMOUNT OF ₱10,000.00 for violation of Section 4 of Canon 1 and Section 1 of Canon 4 of the New Code of Judicial Conduct for the Philippine Judiciary, WITH A WARNING THAT

³⁸ SECTION 4. Judges shall not allow family, social, or other relationships to influence judicial conduct or judgment. The prestige of judicial office shall not be used or lent to advance the private interests of others, nor convey or permit others to convey the impression that they are in a special position to influence the judge. (*New Code of Judicial Conduct for the Philippine Judiciary*, A.M. No. 03-05-01-SC, April 27, 2004)

³⁹ Entitled "Independence."

⁴⁰ SECTION 10. Subject to the proper performance of judicial duties, judges may:

- (a) Write, lecture, teach and participate in activities concerning the law, the legal system, the administration of justice or related matters;
- (b) Appear at a public hearing before an official body concerned with matters relating to the law, the legal system, the administration of justice or related matters;
- (c) Engage in other activities if such activities do not detract from the dignity of the judicial office or otherwise interfere with the performance of judicial duties.

⁴¹ Entitled "Propriety."

⁴² *Rollo* (A.M. No. RTJ-19-2561), p. 132.

ANY SIMILAR VIOLATION IN THE FUTURE SHALL
BE DEALT WITH MORE SEVERELY.⁴³

Report and Recommendation of the OCA

In its November 23, 2016 Resolution,⁴⁴ the Court resolved to refer the administrative matters to the OCA for evaluation, report and recommendation.⁴⁵

In its June 6, 2017 Memorandum,⁴⁶ the OCA recommended that respondent “be **ADJUDGED GUILTY** of gross misconduct constituting violations of the Code of Judicial Conduct, undue delay in rendering decisions, and violation of Supreme Court rules, directives and circulars, and be **METED** the penalty of **DISMISSAL** from the service, with forfeiture of his retirement benefits, except his accrued leave credits, and with prejudice to reinstatement in any branch of the government, including government-owned and controlled corporations.”⁴⁷

First, as to respondent’s failure to solemnize marriages raffled to his sala, the OCA held that his failure is hardly justified and may, in fact, be construed as “*shirking from judicial duty*.” It noted that fourteen (14) requests for solemnization of marriage raffled to respondent were re-raffled to other judges. These 14 marriages were scheduled for solemnization before respondent on nine (9) separate days from June to October 2011: three (3) days in June, *i.e.*, on the 15th, 16th and 21st; one (1) day in July, on the 20th; two (2) days in August, *i.e.*, on the 10th and 20th; two (2) days in September, *i.e.*, on the 8th and 22nd; and one (1) day in October, on the 20th.

The OCA concluded that, contrary to respondent’s claim that all his absences resulting in his failure to solemnize the marriages assigned to him were “*due to his ailment*,” the records of the Employees’ Leave Division, OCA, Office of Administrative Services show that out of the nine (9) days that respondent was absent, he was on sick leave for four (4) days only, *i.e.*, on August 10, 2011, September 8 and 22, 2011, and October 20, 2011; and on forfeitable leave for three (3) days, *i.e.*, June 15, 16, and 21, 2011. There is no showing that he filed his applications for leave of absence for July 20, 2011 and August 20, 2011. The OCA concluded that his failure to solemnize

⁴³ Id. at 132-133.

⁴⁴ *Rollo* (A.M. No. RTJ-19-2559), p. 214.

⁴⁵ Id.

⁴⁶ *Rollo* (A.M. No. RTJ-19-2561), pp. 134-161.

⁴⁷ Id. at 161.

the marriages on those dates cannot be justified and can be construed as “*shirking from judicial duty.*”⁴⁸

Second, on the alleged bribery attempt, the OCA noted that Exec. Judge Paradeza’s testimony was based on his personal knowledge. However, his testimony that respondent came to his office was corroborated by Mr. Dalit. The OCA declared that while there is no direct evidence that will corroborate Exec. Judge Paradeza’s allegations that respondent attempted to bribe him, said allegations deserve full faith and credit. Further, it found that the respective statements of Mr. Dalit and Atty. Aquino that Exec. Judge Paradeza told them immediately after respondent had left that the latter attempted to bribe him constituted independently relevant statements and are, thus, admissible as an exception to the hearsay rule. Also, the OCA observed that respondent failed to impute, much less prove, any evil motive on the part of Exec. Judge Paradeza for implicating him on the bribery charge. It concluded that there exists substantial evidence to hold respondent responsible for the misconduct complained of and that his acts constitute gross misconduct.⁴⁹

Third, on the alleged conflict of interest, the OCA declared that respondent may be held liable for violating Section 8,⁵⁰ Canon 4⁵¹ of the New Code of Judicial Conduct for the Philippine Judiciary. This is on the basis of the acts that respondent admitted doing – the organization of the Freddie Aguilar concert and the solicitation of donations therefor, the celebration of the 60th birthday of his wife at a venue owned by a person with a pending case before the RTC of Olongapo City, and the organization of a shooting event in his name and the solicitation of donations therefor. Similarly with Investigating Justice Inting, the OCA did not give weight to the allegations concerning respondent following up on the case of his Korean friend and his establishing a surety company with Ms. Tulio. This is because these allegations were not supported by any competent proof.⁵²

Fourth, the OCA stated that respondent’s gross inefficiency is evident in his failure to decide within the mandated period sixteen (16) cases, or 25.8%, of his minimal caseload of sixty-two (62). It declared that respondent cannot use the unexpected resignation of his stenographer and her failure to

⁴⁸ Id. at 150-151.

⁴⁹ *Rollo* (A.M. No. RTJ-19-2561), pp. 152-156.

⁵⁰ **SECTION 8.** Judges shall not use or lend the prestige of the judicial office to advance their private interests, or those of a member of their family or of anyone else, nor shall they convey or permit others to convey the impression that anyone is in a special position improperly to influence them in the performance of judicial duties.

⁵¹ Entitled “Propriety.”

⁵² *Rollo* (A.M. No. RTJ-19-2561), pp. 156-157.

complete and submit the transcript of stenographic notes as excuse for his delay.⁵³

In conclusion, the OCA found that respondent may be held accountable for: (a) gross misconduct constituting violations of the Code of Judicial Conduct, (b) undue delay in rendering decisions, and (c) violation of Supreme Court rules, directives, and circulars. Pursuant to Section 17,⁵⁴ Rule XIV⁵⁵ of the “Rules Implementing Book V of Executive Order No. 292 and other Pertinent Civil Service Laws,”⁵⁶ when the respondent is guilty of two or more charges, the penalty for the most serious charge shall be imposed and the other charges may be considered as aggravating circumstances. Hence, the OCA recommended the imposition of the penalty of dismissal upon respondent.⁵⁷

THE RULING OF THE COURT

The Court finds the OCA’s recommendation to be well-taken.

Respondent is charged with the following acts: (1) shirking from his judicial duty to solemnize marriages raffled to him, (2) attempting to bribe Exec. Judge Paradeza to influence the outcome of a pending case in the latter’s sala, (3) engaging in conflict-of-interest activities, and (4) failing to decide cases within the mandated period.

There is substantial evidence to hold respondent administratively liable for these charges.

Respondent shirked from his judicial duty by failing to solemnize marriages raffled to him.

OCA Circular No. 87-2008⁵⁸ provides that the Court, in its August 12, 2008 Resolution in A.M. No. 08-7-429-RTC, resolved, among others, to “**DIRECT** the Judges of multiple *sala* courts to strictly observe the raffling of requests for solemnization of marriage because of numerous anomalies discovered in the solemnization of marriage during various judicial audits in

⁵³ Id. at 157-159.

⁵⁴ **SECTION 17.** If the respondent is found guilty of two or more charges or counts, the penalty imposed should be that corresponding to the most serious charge or count and the rest may be considered as aggravating circumstances.

⁵⁵ Entitled “Discipline.”

⁵⁶ CSC Resolution No. 91-1631, December 27, 1991.

⁵⁷ *Rollo* (A.M. No. RTJ-19-2561), pp. 159-161.

⁵⁸ *Guidelines on the Solemnization of Marriage by the Members of the Judiciary*, September 8, 2008.

the lower court. Unless for valid reasons, the refusal of a judge to participate in the raffle of request for solemnization of marriage shall be construed as shirking from judicial duty.”

The OCA reported that the following fourteen (14) requests for solemnization of marriage raffled to respondent were re-raffled to other Judges:⁵⁹

	Request No.	Schedule of Marriage	Cause of Re-Raffle	Judge to Whom Request was Re-Raffled
1.	M-78-2011	15 June 2011	“(U)navailability” of respondent Judge	Judge Tomas Eduardo B. Maddela III, Br. 5, MTCC, Olongapo City
2.	M-113-2011	21 June 2011	“(U)navailability” of respondent Judge	Judge Jacinto C. Gonzales, Br. 2, MTCC, Olongapo City
3.	M-116-2011	16 June 2011	“(U)navailability” of respondent Judge	Acting Presiding Judge Josefina D. Farrales, Br. 74, RTC, Olongapo City
4.	M-117-2011	16 June 2011	(Not indicated)	Judge Farrales
5.	M-136-2011	20 Aug. 2011	“(U)navailability” of respondent Judge	Judge Richard A. Paradeza, Br. 72, RTC, Olongapo City
6.	M-139-2011	20 July 2011	“(I)n view of the written request of Ms. Susafe F. Lodivero” (apparently, a relative of the bride, Jenny Faye Fontanares Lodivero)	Judge Maddela III
7.	M-142-2011	20 July 2011	(Not indicated)	Judge Maddela III
8.	M-143-2011	20 Oct. 2011	Respondent Judge “is presently indisposed and to equalize the advances of other Court”	Judge Raymond C. Viray, Br. 75, RTC, Olongapo City
9.	M-150-2011	8 Sept. 2011	Respondent Judge “is suffering from High Blood Pressure”	Judge Merinnisa O. Ligaya, Br. 1, MTCC, Olongapo City
10.	M-154-2011	20 Oct. 2011	Respondent Judge “is presently indisposed”	Acting Presiding Judge Farrales
11.	M-158-2011	10 Aug. 2011	(Not indicated)	Judge Maddela III
12.	M-165-2011	22 Sept. 2011	(Not indicated)	Acting Presiding Judge Farrales
13.	M-166-2011	22 Sept. 2011	Respondent Judge “is suffering from LBM”	Acting Presiding Judge Farrales
14.	M-169-2011	8 Sept. 2011	Respondent Judge “is suffering from High Blood Pressure”	Judge Gonzales

⁵⁹ Rollo (A.M. No. RTJ-19-2561), pp. 150-151.

As may be observed, the fourteen (14) requests that were eventually re-raffled to other Judges were scheduled for solemnization before respondent on nine (9) separate days from June to October 2011.⁶⁰

Respondent claims that all his absences resulting in his failure to solemnize the marriages raffled to him were due to his ailments and that he filed the necessary applications for leave for said absences with attached medical certificates.⁶¹

However, it appears that respondent has not been forthright with the Court. The OCA reported that out of the nine (9) days respondent was absent, he was on sick leave for only four (4) days: August 10, 2011; September 8 and 22, 2011; and October 20, 2011 and was on forfeitable leave for three (3) days: June 15, 16, and 21, 2011. For his absences on July 20, 2011 and August 20, 2011, respondent did not file applications for leave.⁶²

As a result of his unexcused absences, three (3) requests for solemnization of marriage had to be re-raffled to other Judges: two (2) marriages on July 20, 2011, and one (1) marriage on August 20, 2011.

The Court is clear in its directive that “[u]nless for valid reasons, the refusal of a judge to participate in the raffle of request for solemnization of marriage shall be construed as shirking from judicial duty.”⁶³ Considering that his absences on July 20, 2011 and August 20, 2011 were not covered by any applications for leave, there is no valid reason for his failure to solemnize the three (3) marriages raffled to him on the said dates. His failure to solemnize the three (3) marriages for no valid reason is tantamount to a refusal to participate in the raffle. Respondent shirked from his judicial duty of participating in the raffle for requests of solemnization of marriage. In doing so, he violated Supreme Court rules, directives, and circulars.

⁶⁰ Id. at 151.

⁶¹ *Rollo* (A.M. No. RTJ-19-2559), p. 24.

⁶² *Rollo* (A.M. No. RTJ-19-2561), p. 151.

⁶³ *Supra* note 58.

Respondent is administratively liable for gross misconduct for attempting to bribe Exec. Judge Paradeza to issue a guilty verdict in the case of People v. Terrie.

Preliminarily, it must be emphasized that “in administrative proceedings, only substantial evidence, *i.e.*, that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion, is required. The standard of substantial evidence is satisfied when there is reasonable ground to believe that respondent is responsible for the misconduct complained of, even if such evidence might not be overwhelming or even preponderant.”⁶⁴

The Court finds in the instant case that there is substantial evidence to hold respondent administratively liable for gross misconduct. Exec. Judge Paradeza’s account, verified on its material points by the affidavits of Atty. Aquino and Mr. Dalit, establishes that sometime in June 2014, respondent attempted to bribe him in order to influence the outcome of Criminal Case No. 670-2002, entitled *People v. Terrie*, then pending before his sala.

Exec. Judge Paradeza’s account, particularly on the bribery attempt itself (paragraphs 2-7 of his Affidavit-Complaint),⁶⁵ rests solely on his personal knowledge of the matter. He attested that sometime in June 2014, at around 1:00 p.m., he opened the door of his chambers and saw respondent sitting on the chair next to the door. Mr. Dalit then informed him that respondent had been waiting for almost one (1) hour. He invited respondent to his chambers to discuss his reason for visiting. It was then that respondent spoke about the case of *People v. Terrie*.⁶⁶

Respondent relayed to him that the children of private complainant Leticia M. Cuico (deceased) were his best friends. Exec. Judge Paradeza attested that respondent “told” him to convict the accused in the said case. When Exec. Judge Paradeza responded that he could not do that and that he would decide the case on the basis of the evidence adduced, respondent extended his hand to show him an envelope containing money. Respondent then told him that the envelope contained One Hundred Thousand Pesos (₱100,000.00) intended for him. Exec. Judge Paradeza declined the money and asked respondent to leave the room. When respondent insisted, Exec. Judge Paradeza threatened to call all his employees and tell them that

⁶⁴ *Re: Allegations Made Under Oath at the Senate Blue Ribbon Committee Hearing Held on September 26, 2013 Against Associate Justice Gregory S. Ong, Sandiganbayan*, 743 Phil. 622, 668 (2014).

⁶⁵ *Rollo* (A.M. No. RTJ-19-2561), pp. 16-18.

⁶⁶ *Id.* at 16.

respondent was bribing him. He also threatened he would distribute the money among his employees and still charge respondent with bribery. This was when respondent placed the money back inside his pocket and then left Exec. Judge Paradeza's room.⁶⁷

After respondent had left Exec. Judge Paradeza's room, the latter immediately called Mr. Dalit to his chambers and told him about respondent's attempt to bribe him relative to the case of *People v. Terrie*. He also called Atty. Aquino to his chambers and told him of the act of respondent. After talking to both Mr. Dalit and Atty. Aquino, Exec. Judge Paradeza came out of his chambers and told his staff about the incident.⁶⁸

The Court recognizes that "[a]n accusation of bribery is easy to concoct and difficult to disprove."⁶⁹ This is owing to the fact that in cases of this nature, no witness can be called to testify on the attempt at bribery. No third party is ordinarily involved to witness the incident. The only ones present in such a case is the one offering the bribe and the one to whom the bribe is offered. This is the reality of a charge of gross misconduct on the basis of bribery.

Based on the foregoing, only two persons have personal knowledge of the actual bribery attempt: Exec. Judge Paradeza and respondent. However, the incidents immediately prior to and after the bribery attempt could be corroborated by Mr. Dalit and Atty. Aquino, which they did in their respective affidavits.

In his January 28, 2015 Affidavit,⁷⁰ Mr. Dalit attested that sometime in June 2014, respondent went to their office at around 12:00 noon and requested to speak with Exec. Judge Paradeza. Since the door to the latter's chambers was locked, Mr. Dalit asked respondent to just return later. However, respondent chose to stay and sat near the doors of the chamber. When Exec. Judge Paradeza opened the door of his chambers almost an hour later, he saw respondent and invited him to enter. Mr. Dalit further attested that after respondent had left the office, Exec. Judge Paradeza immediately called him and relayed to him respondent's bribery attempt relating to the case of *People v. Terrie*. Further, he attested that Exec. Judge Paradeza called Atty. Aquino to his office and also informed him of respondent's attempt to bribe him.⁷¹

⁶⁷ Id. at 16-17.

⁶⁸ Id. at 17.

⁶⁹ Supra note 64 at 669.

⁷⁰ *Rollo* (A.M. No. RTJ-19-2561), pp. 51-52.

⁷¹ Id.

On his part, Atty. Aquino attested in his January 28, 2015 Affidavit⁷² that sometime in June 2014, Exec. Judge Paradeza called him to his chambers and relayed to him the bribery attempt of respondent.⁷³

The statements of Mr. Dalit and Atty. Aquino on these material points corroborate the statement of Exec. Judge Paradeza. Mr. Dalit's statement establishes that, indeed, sometime in June 2014, respondent (not any other person) visited Exec. Judge Paradeza in his chambers. This is based on Mr. Dalit's personal knowledge of the events that day. Further, Mr. Dalit and Atty. Aquino's accounts establish that Exec. Judge Paradeza had relayed to them the bribery attempt of respondent immediately after it occurred. Their statements on this point are admissible on the basis of the doctrine of *independently relevant statements*.

The Court stated in *Gubaton v. Amador*⁷⁴ that “[u]nder the doctrine of independently relevant statements, only the fact that such statements were made is relevant, and the truth or falsity thereof is immaterial. The doctrine on independently relevant statements holds that conversations communicated to a witness by a third person may be admitted as proof that, regardless of their truth or falsity, they were actually made. Evidence as to the making of such statements is not secondary but primary, for in itself it (a) constitutes a fact in issue or (b) is circumstantially relevant to the existence of such fact. Accordingly, the hearsay rule does not apply and, hence, the statements are admissible as evidence.”

Again, both Mr. Dalit and Atty. Aquino stated that Exec. Judge Paradeza relayed to them the bribery attempt of respondent immediately after it occurred. Clearly, the making of such statements is circumstantially relevant to this case and, therefore, may be considered in evidence against respondent.⁷⁵ While their statements do not attest to the occurrence of the actual bribery attempt, it lends credence to the narration of events by Exec. Judge Paradeza and, overall, on his account of the bribery attempt.

In the face of Exec. Judge Paradeza's straightforward account of the incident, corroborated circumstantially by Mr. Dalit and Atty. Aquino, respondent's bare denial deserves scant consideration. “Suffice it to say that ‘denial is an intrinsically weak defense. To merit credibility, it must be buttressed by strong evidence of non-culpability. If unsubstantiated by clear and convincing evidence [as in this case], it is negative and self-serving, deserving no greater value than the testimony of credible witnesses who

⁷² Id. at 49-50.

⁷³ Id. at 49.

⁷⁴ A.C. No. 8962, July 9, 2018.

⁷⁵ Id.

testify on affirmative matters.”⁷⁶ Besides, Exec. Judge Paradeza had no ill motive to accuse respondent of such a serious charge. Further, respondent’s attempt to cast doubt on the testimonies of Mr. Dalit and Atty. Aquino due to their professional relationship with Exec. Judge Paradeza does not persuade the Court.

Taken together, their affidavits convince the Court that, indeed, respondent attempted to bribe Exec. Judge Paradeza with the sum of One Hundred Thousand Pesos (₱100,000.00) to secure the conviction of the accused in the case of *People v. Terrie*.

Respondent’s attempt to bribe Exec. Judge Paradeza constitutes gross misconduct.

“Misconduct is a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by the public officer. To warrant dismissal from service, the misconduct must be grave, serious, important, weighty, momentous, and not trifling. The misconduct must imply wrongful intention and not a mere error of judgment and must also have a direct relation to and be connected with the performance of the public officer’s official duties amounting either to maladministration or willful, intentional neglect, or failure to discharge the duties of the office. In order to differentiate gross misconduct from simple misconduct, the elements of corruption, clear intent to violate the law, or flagrant disregard of established rule, must be manifest in the former.”⁷⁷ Corruption, as an element of grave misconduct, consists in the act of an official or fiduciary person who unlawfully and wrongfully uses his station or character to procure some benefit for himself or for another person, contrary to duty and the rights of others.⁷⁸

Further, respondent’s act is violative of the New Code of Judicial Conduct for the Philippine Judiciary,⁷⁹ specifically, Canons 1, 2, and 4, which read:

⁷⁶ Id.

⁷⁷ *Office of the Ombudsman v. De Zosa, et al.*, 751 Phil. 293, 299-300 (2015).

⁷⁸ *Judge Buenaventura v. Mabalot*, 716 Phil. 476, 494 (2013).

⁷⁹ A.M. No. 03-05-01-SC, April 27, 2004.

CANON 1
Independence

X X X X

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

X X X X

CANON 2
Integrity

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

SECTION 2. The behavior and conduct of judges must reaffirm the people's faith in the integrity of the judiciary. Justice must not merely be done but must also be seen to be done.

X X X X

CANON 4
Propriety

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

X X X X

Respondent's attempt to bribe Exec. Judge Paradeza with ₱100,000.00 to influence the outcome of the case of *People v. Terrie*, to the benefit of his best friends, the children of therein private complainant, is plainly unlawful behavior. It is motivated by a corrupt intent to wrongfully use his station to procure some benefit for the children of private complainant, contrary to duty and the rights of others. For this reason, respondent is administratively liable for gross misconduct.

Respondent violated the New Code of Judicial Conduct for the Philippine Judiciary by engaging in conflict-of-interest activities.

The New Code of Judicial Conduct for the Philippine Judiciary mandates that “[p]ropriety and the appearance of propriety are essential to the performance of all the activities of a judge.” Further, Section 1 of Canon

4⁸⁰ provides that “[j]udges shall avoid impropriety and the appearance of impropriety in all of their activities.”

Meanwhile, Section 4 of Canon 1⁸¹ states that “[j]udges shall not allow family, social, or other relationships to influence judicial conduct or judgment. **The prestige of judicial office shall not be used or lent to advance the private interests of others, nor convey or permit others to convey the impression that they are in a special position to influence the judge.**”

Respondent admitted that he engaged in the following activities: (1) the organization of the Freddie Aguilar concert and solicitation of donations therefor; (2) the celebration of the 60th birthday of his wife in a venue owned by a person who apparently has a pending case for trafficking in the RTC of Olongapo City; and (3) the organization of a shooting event in his name and request of donations therefor.

The Court finds that his participation in the above activities, while not directly related to his judicial functions, duties, and responsibilities, nonetheless constitutes a violation of the New Code of Judicial Conduct for the Philippine Judiciary. As previously stated, judges are mandated to avoid the appearance of impropriety in their activities. Further, judges shall not allow others to convey the impression that they are in a special position to influence him. By engaging in such activities that impart a sense of impropriety, respondent violated provisions of the New Code of Judicial Conduct for the Philippine Judiciary. It also conveys the impression that he may be influenced by certain people involved in the said activities.

With regard to the following imputations: (1) that respondent personally followed up on the case of a friend pending before the court of Judge David; and (2) that he established, ran, and promoted a surety bonding company with the assistance of Ms. Tulio, the Court finds that these deserve scant consideration. The imputations are unsupported by any competent proof.

The allegation that he followed up on a case pending before Judge David’s court is a bare assertion. Judge David merely stated in her January 28, 2015 Affidavit⁸² that she received reports from her staff that respondent came to her office to follow up on the case of *People of the Philippines v. Evangeline Kim*, in which Park Tae Min is the private complainant. She further stated that she learned from her clerk of court and interpreter that

⁸⁰ Entitled “Propriety.”

⁸¹ Entitled “Independence.” (emphasis supplied)

⁸² Supra note 16.

Park Tae Min is respondent's friend who accompanied him to Korea. Clearly, these statements are mere hearsay and cannot be given any weight.

As to the allegation that respondent established, ran, and promoted a surety bonding company with the assistance of Ms. Tulio, the Court rules that the evidence on record does not support such a finding. As observed by Investigating Justice Inting, "the documents submitted to substantiate respondent Judge Pamintuan's alleged involvement in a surety bonding company, *i.e.*, calling card, flyer and Certification of Accreditation and Authority, provide no clear indication that he is connected to and responsible for the company's operations."⁸³

On the activities he admitted participating in, respondent is held administratively liable for violation of the New Code of Judicial Conduct for the Philippine Judiciary.

Respondent is guilty of gross inefficiency and undue delay in rendering decisions assigned to him.

"The 1987 Constitution mandates that all cases or matters be decided or resolved by the lower courts within three months from date of submission. Judges are expected to perform all judicial duties, including the rendition of decisions, efficiently, fairly, and with reasonable promptness."⁸⁴ In this regard, the Court has previously proclaimed that "[j]udges have the sworn duty to administer justice and decide cases promptly and expeditiously because justice delayed is justice denied."⁸⁵

Despite having a minimal caseload of sixty-two (62) cases, respondent failed to decide sixteen (16) cases, or 25.8%, within the mandated period of ninety (90) days.⁸⁶

He argues, however, that he should not be faulted for the delay in the resolution of these cases because it was caused by the unexpected resignation of his stenographer who failed to complete and submit the TSNs for the 16 cases.

The Court cannot exonerate respondent from administrative liability based on his flimsy reason.

⁸³ *Rollo* (A.M. No. RTJ-19-2561), p. 131.

⁸⁴ *Office of the Court Administrator v. Judge Lopez, et al.*, 723 Phil. 256, 267-268 (2013).

⁸⁵ *Id.* at 267.

⁸⁶ *Rollo* (A.M. No. RTJ-19-2561), p. 157.

In *Office of the Court Administrator v. Lopez, et al.*,⁸⁷ the Court reminded “judges to decide cases with dispatch”⁸⁸ and “that the failure of a judge to decide a case within the required period is not excusable and constitutes gross inefficiency, and non-observance of this rule is a ground for administrative sanction against the defaulting judge. Upon proper application and in meritorious cases, however, the Court has granted judges of lower courts additional time to decide cases beyond the 90-day reglementary period.”⁸⁹

In the instant case, respondent could have applied for additional time to decide the 16 cases beyond the mandated reglementary period. He did not do so. His failure to apply for additional time is fatal to his defense. Respondent’s failure to decide the 16 cases within the mandated period constitutes gross inefficiency and undue delay in rendering decisions assigned to him.

The proper penalty to be imposed on respondent is dismissal from service and a fine of ₱12,000.00 each for his two counts of violation of Supreme Court rules, directives, and circulars and for his undue delay in rendering decisions assigned to him.

To recapitulate, the Court declares that:

1. Respondent shirked from his judicial duty in failing to solemnize marriages raffled to him on account of his unexcused absences. This constitutes violation of Supreme Court rules, directives, and circulars.
2. Respondent is administratively liable for gross misconduct. There is substantial evidence that he attempted to bribe Exec. Judge Paradeza to influence the outcome of the case of *People v. Terrie*.
3. Respondent violated the New Code of Judicial Conduct for the Philippine Judiciary by engaging in conflict-of-interest activities.

⁸⁷ Supra note 84.

⁸⁸ Id. at 268.

⁸⁹ Id.

4. Respondent is guilty of gross inefficiency and undue delay in rendering decisions assigned to him.

In sum, respondent is adjudged administratively liable for gross misconduct, undue delay in rendering decisions, and violation of Supreme Court rules, directives, and circulars.

In previous administrative cases, the Court imposed the penalty corresponding to the most serious charge and considered the rest as aggravating circumstances in accordance with Section 50, Rule 10 of the Revised Rules on Administrative Cases in the Civil Service (*RRACCS*). However, it is more proper to impose upon respondent separate penalties for each offense he is adjudged administratively liable. This is pursuant to the Court's ruling in *Boston Finance and Investment Corp. v. Judge Gonzalez*,⁹⁰ which set forth the following guidelines in the imposition of penalties in administrative matters involving members of the Bench or court personnel:

- (a) Rule 140 of the Rules of Court shall exclusively govern administrative cases involving judges or justices of the lower courts. If the respondent judge or justice of the lower court is found guilty of multiple offenses under Rule 140 of the Rules of Court, the Court shall impose separate penalties for each violation; and
- (b) The administrative liability of court personnel (who are not judges or justices of the lower courts) shall be governed by the Code of Conduct for Court Personnel, which incorporates, among others, the civil service laws and rules. If the respondent court personnel is found guilty of multiple administrative offenses, the Court shall impose the penalty corresponding to the most serious charge, and the rest shall be considered as aggravating circumstances.⁹¹ (boldface omitted)

While the Court has not had the occasion to apply *Boston Finance and Investment Corp. v. Gonzalez*⁹² in the discipline of judges or justices of the lower courts, the instant matter presenting the first opportunity to do so, the Court applied the said case in *Re: Complaint Against Mr. Ramdel Rey M. De Leon*⁹³ and *Office of the Court Administrator v. Laranjo*.⁹⁴ Specifically, the Court applied its ruling on the discipline of court personnel by imposing the penalty for the most serious charge in the said cases and considering the other charges as aggravating circumstances.

⁹⁰ A.M. No. RTJ-18-2520, October 9, 2018.

⁹¹ Id.

⁹² Id.

⁹³ A.M. No. 2014-16-SC, January 15, 2019.

⁹⁴ A.M. No. P-18-3859, June 4, 2019.

Considering the foregoing, the Court shall impose upon respondent separate penalties for each count of administrative offense.

Gross misconduct is classified as a serious charge under Section 8, Rule 140⁹⁵ of the Rules of Court, as amended by A.M. No. 01-8-10-SC. Section 11 (A) thereof provides that “[i]f the respondent is guilty of a serious charge, any of the following sanctions may be imposed:

1. Dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations. Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits;
2. Suspension from office without salary and other benefits for more than three (3) but not exceeding six (6) months[;] or
3. A fine of more than ₱20,000.00 but not exceeding ₱40,000.00.”⁹⁶

On the other hand, under Section 9, Rule 140⁹⁷ of the Rules of Court, as amended by A.M. No. 01-8-10-SC, the offenses “undue delay in rendering decisions” and “violation of Supreme Court rules, directives, and circulars” are classified as less serious charges. Thus, respondent may be imposed with any of the following sanctions for each of the said less serious charges:

1. Suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months; or
2. A fine of more than ₱10,000.00 but not exceeding ₱20,000.00.”⁹⁸

For his gross misconduct in attempting to bribe Exec. Judge Paradeza to enter a guilty verdict in the case of *People v. Terrie*, the Court imposes upon respondent the penalty of dismissal from service with forfeiture of all retirement benefits, except his accrued leave credits, and with prejudice to re-employment in the government, including government-owned or controlled corporations.

⁹⁵ Entitled “Discipline of Judges of Regular and Special Courts and Justices of the Court of Appeals and the Sandiganbayan.”

⁹⁶ RULES OF COURT, Rule 140, Sec. 11(A), as amended by A.M. No. 01-8-10-SC.

⁹⁷ Supra note 95.

⁹⁸ RULES OF COURT, Rule 140, Sec. 11(B), as amended by A.M. No. 01-8-10-SC.

Considering that the Court has already dismissed respondent, the penalty of suspension from office without salary and other benefits is no longer possible. Hence, the penalty of fine is more appropriate in the case of his three *less serious charges*.⁹⁹ The Court, thus, imposes on respondent a fine of Twelve Thousand Pesos (₱12,000.00) each for (1) undue delay in rendering a decision in the cases assigned to him, (2) violation of the Supreme Court rules, directives, and circulars due to his act of shirking from judicial duty, and (3) violation of the New Code of Judicial Conduct for the Philippine Judiciary by engaging in conflict-of-interest activities.

On a last note, the Court takes this opportunity to remind all members of the Bench to conduct themselves in a manner beyond reproach. Appointment to the Bench is a privilege, which requires, among other virtues, moral uprightness, integrity, independence, and impartiality. Judges are behooved to conduct themselves in a manner consistent with these ideals, lest public confidence in the judiciary as an institution erodes. The Court will not hesitate to discipline members of the Bench upon their failure to meet these exacting standards, as it does in the instant case.

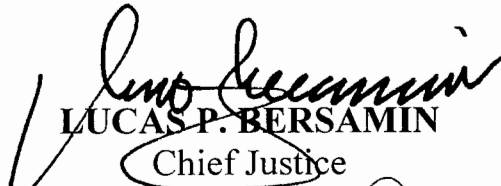
WHEREFORE, respondent JUDGE NORMAN V. PAMINTUAN, Presiding Judge of Branch 73, Regional Trial Court of Olongapo City, Zambales, is hereby found **GUILTY** of gross misconduct, undue delay in rendering decisions, and violation of Supreme Court rules, directives, and circulars.


He is **DISMISSED** from the service effective immediately, with forfeiture of all retirement benefits, except accrued leave credits, and with prejudice to re-employment in any branch or agency of the government, including government-owned or controlled corporations, for his gross misconduct.

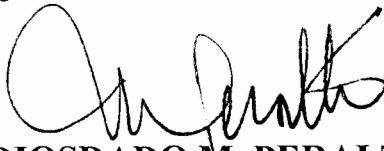
Respondent is **FINED** ₱12,000.00 for his act of shirking from judicial duty by failing to solemnize marriages raffled to him on account of his unexcused absences. He is further **FINED** another ₱12,000.00 for his violation of the New Code of Judicial Conduct for the Philippine Judiciary. Both acts are considered as violation of Supreme Court rules, directives, and circulars. Lastly, he is **FINED** ₱12,000.00 for his undue delay in rendering a decision.


SO ORDERED.

⁹⁹ See *National Power Corp. v. Judge Adiong*, 670 Phil. 21, 35 (2011).


LUCAS P. BERSAMIN
Chief Justice

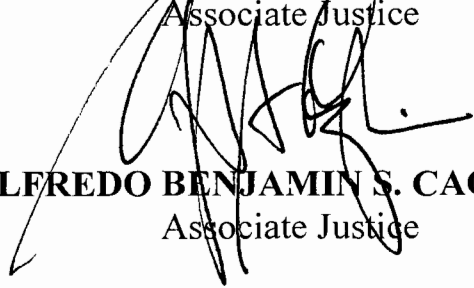

ANTONIO T. CARPIO
Associate Justice



DIOSDADO M. PERALTA
Associate Justice

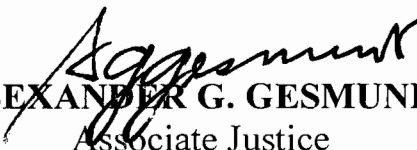

ESTELA M. PERLAS-BERNABE
Associate Justice

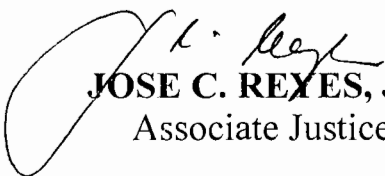

MARVIC M.V.F. LEONEN
Associate Justice


FRANCIS H. JARDELEZA
Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


ANDRES B. REYES, JR.
Associate Justice


ALEXANDER G. GESMUNDO
Associate Justice

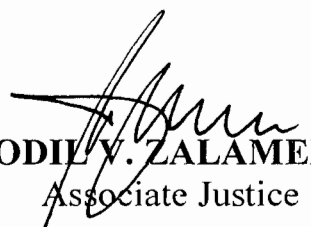

JOSE C. REYES, JR.
Associate Justice


RAMON PAUL L. HERNANDO
Associate Justice


ROSMAR D. CARANDANG
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice

(No part)
HENRI JEAN PAUL B. INTING
Associate Justice


RODIL V. ZALAMEDA
Associate Justice

