

Republic of the Philippines  
**Supreme Court**  
Manila

EN BANC

**RE: ANONYMOUS COMPLAINT  
AGAINST PRESIDING JUDGE  
ANALIE C. ALDEA-AROCENA,  
Municipal Trial Court in Cities,  
Branch 1, San Jose City, Nueva  
Ecija.**

**A.M. No. MTJ-17-1889  
[Formerly OCA IPI No. 16-  
2822-MTJ]**

**Present:**

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

**Promulgated:**

September 3, 2019

X ----- X

**DECISION**

**PER CURIAM:**

This case stemmed from an anonymous complaint against Judge Analie C. Aldea-Arocena (Judge Arocena) of the Municipal Trial Court in Cities (MTCC), Branch 1, San Jose City, Nueva Ecija for conduct unbecoming of a judge and abuse of authority.

### The Facts

Upon receipt of the anonymous complaint<sup>1</sup> by the Office of the Deputy Court Administrator Jenny Lind R. Aldecoa-Delorino on July 3, 2014, the Office of the Court Administrator (OCA) ordered Executive Judge Cynthia Martinez-Florendo (Judge Florendo) of Regional Trial Court (RTC), San Jose City, Nueva Ecija to conduct an investigation and submit a report on the matter.<sup>2</sup>

The anonymous complaint contained four accusations:

First, Judge Arocena was frequently seen talking to litigants inside or outside the office, and would utter prejudging remarks on cases pending before her court.<sup>3</sup>

In Judge Florendo's November 4, 2014 Report, she discovered that there is truth to the allegations. Judge Arocena would convince the litigants to settle the case; otherwise, she would rule against them for after all she is the presiding judge.<sup>4</sup>

Second, it has been Judge Arocena's habit to tell the accused to admit the charge/s against him/her, because as judge, she knows that the accused would be convicted. For those convicted, she would threaten them not to appeal his/her conviction, because they would lose their right to probation.<sup>5</sup>

Judge Florendo also found truth to the said allegations. She further reported that one lawyer revealed that Judge Arocena penalized an accused based on a law different from that charged in the Information. The accused was charged and convicted of violation of Republic Act (R.A.) No. 3553<sup>6</sup> for possession of a deadly arrow. However, Judge Arocena imposed the penalty of fine of ₱1,000.00 under Batas Pambansa Bilang 6,<sup>7</sup> which is not the law violated as indicated in the Information. The error was not corrected because upon filing of a notice of appeal, Judge Arocena denied it.<sup>8</sup>

Third, the anonymous complaint avers that Judge Arocena has no *delicadeza*, because she hears and decides cases involving the cooperative, in which her husband is a member of the board of directors. She also mistreated the defendants, and the cooperative did not pay the legal and filing fees.<sup>9</sup>

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<sup>1</sup> *Rollo*, p. 13.

<sup>2</sup> *Id.* at. 1.

<sup>3</sup> *Supra* note 1.

<sup>4</sup> *Id.* at 7-8.

<sup>5</sup> *Supra* note 1.

<sup>6</sup> Anti-Deadly Arrow Law.

<sup>7</sup> AN ACT REDUCING THE PENALTY FOR ILLEGAL POSSESSION OF BLADED, POINTED OR BLUNT WEAPONS, AND FOR OTHER PURPOSES, AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE 9, Batas Pambansa Blg. 6, November 21, 1978.

<sup>8</sup> *Rollo* p. 8.

<sup>9</sup> *Supra* note 1.

The Report shows that Judge Arocena's husband, Ferdinand D. Arocena, is one of the board of directors of Self-Reliant Team Primary Multi-Purpose Cooperative (Self-Reliant Cooperative), who filed two civil actions (Civil Case Nos. [09]3849 and [09]3851)<sup>10</sup> for collection of money against Teresita M. Palma (Palma) and Rowena C. Anicete (Anicete). The actions were pending before Judge Arocena's court, and she did not inhibit from them.<sup>11</sup>

The Report further mentions that at the time of filing of the civil cases on February 17, 2009, cooperatives were exempted from payment of legal fees, which explained why no court fees were collected. It was only when OCA Circular 42-2012 took effect on May 7, 2010 that cooperatives were required to pay legal fees.<sup>12</sup>

The Report notes that the penalty of 30% per annum was not indicated in the promissory note.<sup>13</sup> However, the Court's own examination of records uncovers that there is a penalty of 2.5% per month or 30% per annum specified in the promissory note.<sup>14</sup> The Statements of Account attached to the Report are the bases of the compromise agreements, which Judge Arocena approved.<sup>15</sup> However, Judge Florendo observed that the interest and penalty rates are against the law and public policy for being iniquitous and unconscionable, which Judge Arocena should have disapproved.<sup>16</sup>

Lastly, the anonymous complaint alleges that Judge Arocena went abroad in March 2009 without a travel authority from the Court.<sup>17</sup> The Report reveals that Judge Arocena attended a church activity in Singapore in March 2009.<sup>18</sup> A certification from the Office of the Administrative Services states that she did not file any application to travel abroad in May 2009.<sup>19</sup>

In her Comment, Judge Arocena denied the accusations against her. She claimed that she is not influenced by anyone, nor has a reputation of favoring anyone and/or receiving bribe money. She contended that lawyers represent the litigants to protect their respective rights and interests, including those in Civil Case Nos. (09)3849 and (09)3851. As for the latter cases, she rendered a decision based on a submitted compromise agreement. Finally, she insisted that she secured a permit to travel from the Court when she went to Singapore in March 2009.<sup>20</sup>

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<sup>10</sup> Civil Case Nos. 3849 and 3851 in some parts of the *rollo*.

<sup>11</sup> *Id.* at 9.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.* at 10-11.

<sup>14</sup> *Id.* at 28-29.

<sup>15</sup> *Id.* at 9-11.

<sup>16</sup> *Supra* note 13.

<sup>17</sup> *Supra* note 1.

<sup>18</sup> *Rollo*, p. 11.

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

<sup>20</sup> *Id.* at 67.

Considering the gravity of the allegations against Judge Arocena and in compliance with the basic rules on evidence, the OCA required the submission of affidavits of the individuals interviewed during the investigation.<sup>21</sup>

In the July 11, 2016 Compliance, Judge Florendo explained that the lawyer she interviewed refused to execute an affidavit to avoid getting the ire of Judge Arocena as he/she is continuously appearing before her court.<sup>22</sup> Judge Florendo subpoenaed three witnesses to appear before her court. One of them was the accused in the criminal case for violation of Anti-Deadly Arrow Law. However, he could no longer be found in his last known address and had abandoned his appeal. The two other witnesses were the defendants in the civil actions filed by Self-Reliant Cooperative. They refused to execute an affidavit, but were willing to be questioned under oath.<sup>23</sup>

In her affidavit, Palma admitted borrowing ₱44,735.35 from Self-Reliant Cooperative, and that Judge Arocena talked to her to settle the amount on installment basis. Palma stressed that she did not sign a compromise agreement nor agreed to pay ₱97,000.00 as stated in the July 6, 2009 MTCC Decision. Palma only assented to pay the principal amount of ₱44,735.35, of which a portion was paid. Thus, it was a surprise for her to read the decision stating that she consented to a compromise agreement of ₱97,000.00.<sup>24</sup>

On the other hand, Anicete also admitted in her affidavit that she borrowed ₱46,395.60 from Self-Reliant Cooperative. Like Palma, Anicete did not sign a compromise agreement nor acceded to pay ₱127,609.00 as stated in the September 9, 2009 MTCC Decision. She was surprised how the principal amount of ₱46,395.60.00 ballooned to ₱127,609.00 because she paid some amount and expected to have lesser remaining balance. She revealed that there was a verbal agreement entered into in Judge Arocena's chamber that she will pay any amount during harvest time. She also disclosed that she did not receive a copy of the court's decision.<sup>25</sup>

### **The OCA's Recommendation**

On October 19, 2016, the OCA issued a Memorandum containing its evaluation of the administrative matter. As to the allegations that Judge Arocena convinced litigants to settle their civil actions, and influenced accused to plead guilty to the charge/s or not to appeal their conviction, the OCA found the accusations unsubstantiated due to the refusal of the persons interviewed to execute a sworn statement.<sup>26</sup>

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<sup>21</sup> Id. at 74.

<sup>22</sup> Id. at 79.

<sup>23</sup> Id. at 80.

<sup>24</sup> Id. at 84-89.

<sup>25</sup> Id. at 93-98.

<sup>26</sup> Id. at 110.

As to the compromise agreement, the OCA ruled that the records show that the Motions for Judgment Based on Compromise Agreement for Civil Case Nos. (09)3849 and (09)3851 were signed by Palma and Anicete; thus, the July 6, 2009 and September 9, 2009 Decisions were in order.<sup>27</sup>

As to the inhibition, Judge Arocena did not deny that her husband is a member of the board of directors of Self-Reliant Cooperative. The OCA held that there were ethical violations, particularly Rule 3.12,<sup>28</sup> Canon 3 of the Code of Judicial Conduct; Section 1, Rule 137 of the Rules of Court;<sup>29</sup> and Sections 1 and 2, Canon 2<sup>30</sup> of the New Code of Judicial Conduct for the Philippine Judiciary. The OCA explained that Judge Arocena's failure to inhibit from the civil actions created an appearance of impropriety and put a question on the trial court's integrity.<sup>31</sup>

As to the lack of travel authority from the Court, the OCA determined that there is merit to the allegation because there is no record in the Office of Administrative Services (OAS) of OCA that Judge Arocena applied for a travel authority in 2009 when she went to Singapore. Judge Arocena violated Paragraphs B(2) and (4) of OCA Circular No. 49-2003<sup>32</sup> on the procedure and requirements before traveling abroad.<sup>33</sup> The lack of travel authority is a violation of reasonable office rules and regulations, which is a

<sup>27</sup> Id. at 110-111.

<sup>28</sup> CODE OF JUDICIAL CONDUCT, Rule 3.12. A judge should take no part in a proceeding where the Judge's impartiality might reasonably be questioned. These cases include, among others, proceedings where:

x x x x

d) [T]he judge is related by consanguinity or affinity to a party litigant within the sixth degree or to counsel within the fourth degree; Code of Judicial Conduct, September 5, 1989.

<sup>29</sup> RULES OF COURT, Rule 137, Sec. 1, as amended. *Disqualification of judges.* — No judge or judicial officer shall sit in any case in which he, or his wife or child, is pecuniarily interested as heir, legatee, creditor or otherwise, or in which he is related to either party within the sixth degree of consanguinity or affinity, or to counsel within the fourth degree, computed according to the rules of the civil law, or in which he has been executor, administrator, guardian, trustee or counsel, or in which he has been presided in any inferior court when his ruling or decision is the subject of review, without the written consent of all parties in interest, signed by them and entered upon the record.

<sup>30</sup> Sec. 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.

Sec. 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. (New Code of Judicial Conduct for the Philippine Judiciary, A.M. No. 03-05-01-SC, April 27, 2004).

<sup>31</sup> *Rollo*, p. 112.

<sup>32</sup> OCA Circular No. 49-2003, Guidelines on Requests for Travel Abroad and Extensions for Travel/Stay Abroad, May 20, 2003.

x x x x

**B. VACATION LEAVE TO BE SPENT ABROAD**

Pursuant to the resolution in A.M. No. 99-12-08-SC dated 06 November 2000, all foreign travels of judges and court personnel, regardless of the number of days, must be with prior permission from the Supreme Court through the Chief Justice and the Chairmen of the Divisions.

x x x x

2. Complete requirements should be submitted to and received by the Office of the Court Administrator at least two weeks before the intended period. No action shall be taken on requests for travel authority with incomplete requirements. Likewise, applications for travel abroad received less than two weeks of the intended travel shall not be favorably acted upon.

x x x x

4. Judges and personnel who shall leave the country without travel authority issued by Office of the Court Administrator shall be subject to disciplinary action.

<sup>33</sup> *Rollo*, p. 111.

light offense under the Revised Rules on Administrative Cases in the Civil Service.<sup>34</sup>

The OCA explained that Section 9, Rule 140 of the Rules of Court provides that a violation of Supreme Court rules is a less serious charge. Section 11 of the same rule states that the following sanction may be imposed: (a) suspension from office without salary and other benefits for not less than one month nor more than three months; or a fine of more than ₱10,000, but not exceeding ₱20,000.00.<sup>35</sup>

The OCA elucidated that Section 50, Rule 10 of the Revised Rules on Administrative Cases on the Civil Service, provides that if the respondent is found guilty of two or more charges/counts, the penalty to be imposed should be that corresponding to the most serious charge and the rest shall be considered as aggravating circumstances.<sup>36</sup>

The OCA determined that Judge Arocena is guilty of violation of: (1) reasonable office rules and regulations; (2) Section 1, Rule 137 of the Rules of Court; and (3) Rule 3.12, Canon 3 of the Code of Judicial Conduct, and recommended a penalty of fine of ₱15,000.00 with a stern warning that a repetition of the same and similar acts shall be dealt with more severely.<sup>37</sup>

### The Court's Ruling

The Court resolves to adopt with modification the OCA's recommendation.

The rule in administrative proceedings is that complainants bear the burden of proving their allegations in the complaint by substantial evidence.<sup>38</sup> Here, the OCA was correct in ruling that the allegations that Judge Arocena convinced litigants either to settle their civil actions, or to plead guilty to the charge/s in criminal cases, or not to appeal the conviction were unsubstantiated due to the refusal of the persons interviewed to execute sworn statements. Hence, the accusations are baseless.

As to the matter of inhibition, the Court agrees with the OCA's ruling that Judge Arocena disregarded Section 1, Rule 137 of the Rules of Court, as amended, on mandatory disqualification of judges to sit on cases involving a family member or relative.

**SEC. 1. Disqualification of judges. — No judge or judicial officer shall sit in any case in which he, or his wife or child, is pecuniarily interested as heir, legatee, creditor or otherwise, or in which he is related to either party within the sixth degree of consanguinity**

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<sup>34</sup> Id.

<sup>35</sup> Id. at 113.

<sup>36</sup> Id.

<sup>37</sup> Id. at 113-114.

<sup>38</sup> *Concerned Citizens v. Suarez-Holguin*, A.M. No. P-18-3843 Resolution, January 30, 2019.

or affinity, or to counsel within the fourth degree, computed according to the rules of the civil law, or in which he has been executor, administrator, guardian, trustee or counsel, or in which he has presided in any inferior court when his ruling or decision is the subject of review, without the written consent of all parties in interest, signed by them and entered upon the record. (Emphasis supplied)

Based on the provision above, a magistrate shall be mandatorily disqualified to sit in any case in which a judge, his/her spouse, or child, is pecuniarily interested as heir, legatee, creditor or otherwise.<sup>39</sup> Here, Judge Arocena's husband is a member of the board of directors of Self-Reliant Cooperative, which has pending civil actions in her court. As a director, her husband has an interest in the outcome of the case, which should have been the basis of her inhibition. However, Judge Arocena failed to do so and violated Section 1, Rule 137 of the Rules of Court, as amended.

Furthermore, the Court resolves that Judge Arocena violated the provisions on impartiality and propriety of the 2004 New Code on Judicial Conduct for the Philippine Judiciary, which superseded the Canons of Judicial Ethics and the 1989 Code of Judicial Conduct.

CANON 3  
IMPARTIALITY

x x x x

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

x x x x

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

x x x x

CANON 4  
PROPRIETY

x x x x

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

x x x x

<sup>39</sup> *Philippine Commercial International Bank v. Spouses Dy*, 606 Phil. 615, 636 (2009).

SEC. 4. Judges shall not participate in the determination of a case in which any member of their family represents a litigant or is associated in any manner with the case.<sup>40</sup>

In *Palon, Jr. v. Vallarta*,<sup>41</sup> the Court explained that the rationale of the rule on disqualification of judges springs from the long-standing precept that a judge should not handle a case where there is a perception, rightly or wrongly, that he is susceptible to bias and partiality because of relationship or some other ground.

In another case, *In Re: Ong*,<sup>42</sup> the Court emphasized the importance of impartiality and propriety in the conduct of the members of the bench, to wit:

A judge must not only be impartial but must also appear to be impartial x x x. Public confidence in the Judiciary is eroded by irresponsible or improper conduct of judges. A judge must avoid all impropriety and the appearance thereof. 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.

x x x x

Judges must, at all times, be beyond reproach and should avoid even the mere suggestion of partiality and impropriety. Canon 4 of the New Code of Judicial Conduct states that propriety and the appearance of propriety are essential to the performance of all the activities of a judge. (Citation omitted)

Here, a reasonable observer may perceive the spousal relationship between Judge Arocena and a member of the board of directors of a cooperative, which has pending civil actions in her court, as cause for bias and partiality. In order to avoid a negative public perception, the right thing to do for a judge is to recuse from the case. However, Judge Arocena failed to do so in disregard of the canons on impartiality and propriety of the 2004 New Code on Judicial Conduct. Thus, Judge Arocena violated the tenets of the Court.

As to the compromise agreement, while the OCA ruled that Judge Arocena's Decisions in Civil Case Nos. (09)3849 and (09)3851 are in order because they were based on signed Motions for Judgment Based on Compromise Agreement, we find that they were rendered contrary to law, morals, and public policy due to excessive interests and penalties.

<sup>40</sup> New Code of Judicial Conduct for the Philippine Judiciary, A.M. No. 03-05-01-SC, April 27, 2004.

<sup>41</sup> *Palon, Jr. v. Judge Vallarta*, 546 Phil. 453, 459 (2007).

<sup>42</sup> *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, 673 (2014).



In Judge Florendo's Report, she observed that the statements of accounts were the bases of the compromise agreements, and the documents reflect iniquitous and unconscionable interests and penalties. We agree with Judge Florendo's observations. A summary of the loan details are as follows:<sup>43</sup>

	Principal	Interest (21% per annum)	Penalty (30% per annum)	Total Obligation	Payment made	Outstanding Balance	Compromise Agreement Approved
Civil Case (09)3849	₱44,735.38	₱30,297.00	₱36,571.00	₱111,603.35	₱44,000.00	₱67,603.35	₱97,000.00
Civil Case (09)3851	₱44,395.60	₱33,637.00	₱33,464.00	₱114,496.60	₱17,000.00	₱97,496.60	₱127,609.00

Furthermore, in Civil Case No. (09)3851, Judge Arocena approved additional interest and penalty provisions in the Decision, and found them not contrary to law, morals, customs, public order, and public policy.

1. Defendant hereby admits indebtedness in favor of the plaintiff in the total amount of ONE HUNDRED TWENTY SEVEN THOUSAND SIX HUNDRED NINE PESOS (P127,609.00) as of the signing of this document;
2. Defendant and plaintiff agreed that defendant will pay the said P127,609.00 without interest, as follows:
  - a) September 3, 2009      P5,000.00
  - b) December 30, 2009    55,000.00
  - c) May 30, 2010          47,000.00
  - d) November 30, 2010    20,609.00

**PROVIDED that any amount unpaid on due date shall earn interest at the rate of 21% per annum and penalty charge of 30% per annum.**

3. x x x x
4. **This compromise agreement is not contrary to law, morals, good customs, public order and public policy and may be the basis of judgment in the instant case.**

WHEREFORE, **finding the said Compromise Agreement not contrary to law, customs, morals, public order and public policy, the same is hereby approved.** The parties are enjoined to comply strictly and faithfully with the terms and conditions of the said compromise agreement.<sup>44</sup> (Emphases supplied)

While there are no additional interest and penalty provisions in the Decision of Civil Case No. (09)3849, Judge Arocena likewise included in the dispositive portion that the compromise agreement is not contrary to law, customs, morals, public order and public policy despite the unconscionable interests and penalties.

<sup>43</sup> Id. at 9-11, 34, 51.

<sup>44</sup> Id. at 64.

WHEREFORE, finding the said **Compromise Agreement not contrary to law, customs, morals, public order and public policy, the same is hereby approved.** The parties are enjoined to comply strictly and faithfully with the terms and conditions of the said compromise agreement.<sup>45</sup> (Emphasis supplied)

In *Spouses Castro v. Tan*,<sup>46</sup> the Court established that excessive interest rates are against the law and morals, even if voluntarily agreed by the parties. Thus:

The imposition of an unconscionable rate of interest on a money debt, even if knowingly and voluntarily assumed, is immoral and unjust. It is tantamount to a repugnant spoliation and an iniquitous deprivation of property, repulsive to the common sense of man. It has no support in law, in principles of justice, or in the human conscience nor is there any reason whatsoever which may justify such imposition as righteous and as one that may be sustained within the sphere of public or private morals.

x x x x

While x x x Central Bank Circular No. 905 s. 1982 x x x suspended the Usury Law ceiling on interest effective January 1, 1983, it is also worth stressing that interest rates whenever unconscionable may still be declared illegal. There is certainly nothing in said circular which grants lenders *carte blanche* authority to raise interest rates to levels which will either enslave their borrowers or lead to a hemorrhaging of their assets.

Here, Judge Arocena failed to apply the established jurisprudence on the imposition of interest on loan obligations. The loan documents attached to the records show that the interest and penalties imposed are excessive and unreasonable. Her omission to apply the correct rule constitutes gross ignorance of the law.

Gross ignorance of the law is the failure of a magistrate to apply basic rules and settled jurisprudence. It connotes a blatant disregard of clear and unambiguous provisions of law because of bad faith, fraud, dishonest, or corruption.<sup>47</sup>

In *OCA v. Dumayas*,<sup>48</sup> the Court elucidated on gross ignorance of the law, to wit:

For liability to attach for ignorance of the law, the assailed order, decision or actuation of the judge in the performance of official duties must not only be found erroneous but, most importantly, it must also be established that he was moved by bad faith, dishonesty, hatred, or some

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<sup>45</sup> Id. at 63.

<sup>46</sup> 620 Phil. 239, 242-243, 247 (2009).

<sup>47</sup> *Re: Complaint-Affidavit of Elvira N. Enalbes, et al. Against Chief Justice Teresita J. Leonardo-De Castro (Ret.)*, A.M. No. 18-11-09-SC, January 22, 2019.

<sup>48</sup> *Office of the Court Administrator v. Judge Dumayas*, A.M. No. RTJ-15-2435, March 6, 2018.

other similar motive. Judges are expected to exhibit more than just cursory acquaintance with statutes and procedural laws. They must know the laws and apply them properly in all good faith. Judicial competence requires no less. Thus, unfamiliarity with the rules is a sign of incompetence. Basic rules must be at the palm of his hand. When a judge displays utter lack of familiarity with the rules, he betrays the confidence of the public in the courts. Ignorance of the law is the mainspring of injustice. Judges owe it to the public to be knowledgeable, hence, they are expected to have more than just a modicum of acquaintance with the statutes and procedural rules; they must know them by heart.

Here, Judge Arocena is required to be knowledgeable about the rules and jurisprudence on interest rates because it is the duty of a judge to be abreast with legal developments. The records show that there are several civil actions for collection of money involving cooperatives that are or were pending in her court.<sup>49</sup> With her exposure to suits on loan obligations, the public expects that the correct interest rates are within her fingertips for proper application in her decisions. As a member of the judiciary for 25 years,<sup>50</sup> it is presumed that she is aware of what constitutes as reasonable interest rate from what is not. The Court finds it hard to believe that Judge Arocena failed to see that the unconscionable interests and penalties of the loan agreement in the promissory notes and statements of account were mirrored in the compromise agreements.

Coupled with her failure to recuse from the Self-Reliant Cooperative cases, the Court is led to the conclusion that Judge Arocena approved the unconscionable compromise agreements to favor the cooperative, of which her husband is a member of the board of directors. There is no other way to describe her conduct as gross ignorance of the law and abuse of authority.

In *Panes, Jr. v. Dinopol*,<sup>51</sup> the Court imposed the penalty of dismissal from the service after finding that the judge was guilty of gross ignorance of the law for failing to observe due process, which resulted to arrest and incarceration of individuals. The body of the decision revealed that the Court also found the judge was related by affinity within the sixth civil degree to one of the plaintiffs in a civil case pending in his court. The Court held that he should have inhibited himself from hearing the case.

A judge should be the embodiment of competence, integrity and independence. He should so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary. He shall be faithful to the law and maintain professional competence.<sup>52</sup>

In *Mangandingan v. Adiong*,<sup>53</sup> the Court also meted out the penalty of dismissal from the service on a judge for gross ignorance of the law for

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<sup>49</sup> *Rollo*, pp. 54-57, 59, 61-64.

<sup>50</sup> *Id.* at 67.

<sup>51</sup> 703 Phil. 289 (2013).

<sup>52</sup> *Id.* at 304.

<sup>53</sup> 568 Phil. 39 (2008).

improperly serving summons and for violating the rules on issuance of a temporary restraining order. The Court also found him guilty of gross misconduct due to bias and partiality. The Court held:

This Court cannot countenance the complacency of Judge Adiong manifested in his gross ignorance and his deliberate misapplication or misinterpretation of the very basic procedures subject of the present case to justify his actions that favor certain litigants. Under the circumstances, and considering his propensity for disregarding elementary rules of procedure, the extreme sanction of dismissal is called for.<sup>54</sup>

As to the lack of travel authority, Judge Arocena claimed in her Comment that she had Permit to Travel from the Court when she went to Singapore in March 2009.<sup>55</sup> However, she did not attach a copy of the travel authority as proof of her allegation. On the contrary, the Certification from the OCA dated October 28, 2014 shows that Judge Arocena “has not filed any application for travel abroad for the period of March 2009.”<sup>56</sup>

x x x x

This is to certify that, according to the records of this Office, HONORABLE ANALIE C. ALDEA-AROCENA, Presiding Judge, Municipal Trial Court in Cities, Branch 1, San Jose City, Nueva Ecija, has not filed any application for travel abroad for the period of March 2009.<sup>57</sup>

Paragraphs B(2) and (4) of OCA Circular No. 49-2003 provide the requirements and procedure for vacation leave to be spent abroad by judges and court personnel.

#### B. Vacation Leave to be Spent Abroad

Pursuant to the resolution in A.M. No. 99-12-08-SC dated 06 November 2000, all foreign travels of judges and court personnel, regardless of the number of days, must be with prior permission from the Supreme Court through the Chief Justice and the Chairmen of the Divisions.

x x x x

2. Complete requirements should be submitted to and received by the Office of the Court Administrator at least two weeks before the intended period. No action shall be taken on requests for travel authority with incomplete requirements. Likewise, applications for travel abroad received less than two weeks of the intended travel shall not be favorably acted upon.

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<sup>54</sup> Id. at 58.

<sup>55</sup> *Rollo*, p. 67.

<sup>56</sup> Id. at 5.

<sup>57</sup> Id.

4. Judges and personnel who shall leave the country without travel authority issued by Office of the Court Administrator shall be subject to disciplinary action; Guidelines on Requests for Travel Abroad and Extensions for Travel/Stay Abroad, OCA Circular No. 49-03, May 20, 2003.

In *Concerned Citizens v. Suarez-Holguin*,<sup>58</sup> the Court held that judges and court personnel who wish to travel abroad must secure a travel authority from the OCA, and that those who leave the country without the required travel authority shall be subject to disciplinary action. Therefore, Judge Arocena must be held administratively liable for traveling to Singapore in March 2009 without a travel authority from the Court.

As a reminder to the members of the bench, the Court reiterates its pronouncement in *Gandezza, Jr. v. Tabin*:<sup>59</sup>

We have repeatedly reminded members of the Judiciary to be irreproachable in conduct and to be free from any appearance of impropriety in their personal behavior, not only in the discharge of their official duties, but also in their daily life. For no position exacts a greater demand for moral righteousness and uprightness of an individual than a seat in the Judiciary. The imperative and sacred duty of each and everyone in the Judiciary is to maintain its good name and standing as a temple of justice. The Court condemns and would never countenance any conduct, act or omission on the part of all those involved in the administration of justice which would violate the norm of public accountability or tend to diminish the faith of the people in the Judiciary, as in the case at bar.

In sum, the Court finds Judge Arocena administratively liable for:

1. Violation of Section 1, Rule 137 of the Rules of Court, as amended,
2. Violation of Section 5 (g) of Canon 3, and Sections 1 and 4 of Canon 4 of the 2004 New Code of Judicial Conduct;
3. Gross ignorance of the law; and
4. Violation of reasonable office rules and regulations, particularly Paragraph B (2) and (4) of OCA Circular 49-2003.

On the imposable penalty for multiple offenses, we apply *Boston Finance and Investment Corp. v. Gonzalez*.<sup>60</sup>

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

<sup>58</sup> Supra note 37.

<sup>59</sup> 669 Phil. 536, 544-545 (2011).

<sup>60</sup> A.M. No. RTJ-18-2520, October 9, 2018.

offenses under Rule 140 of the Rules of Court, the Court shall impose separate penalties for each violation[.]

Rule 140 of the Rules of Court, as amended, enumerates the classification of charges with lists of acts and omissions, and specifies the corresponding penalties.

SEC. 7. *Classification of charges.* — Administrative charges are classified as serious, less serious, or light.

SEC. 8. *Serious charges.* — Serious charges include:

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

SEC. 9. *Less Serious Charges.* — Less serious charges include:

1. Undue delay in rendering a decision or order, or in transmitting the records of a case;
2. Frequent and unjustified absences without leave or habitual tardiness;
3. Unauthorized practice of law;
4. **Violation of Supreme Court rules, directives, and circulars;**
5. Receiving additional or double compensation unless specifically authorized by law;
6. Untruthful statements in the certificate of service; and
7. Simple Misconduct.

x x x x

SEC. 11. *Sanctions.* — A. If the respondent is **guilty of a serious charge**, any of the following sanctions may be imposed:

1. Dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations. *Provided*, however, that the forfeiture of benefits shall in no case include accrued leave credits;

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 P20,000.00 but not exceeding P40,000.00.

B. If the respondent is guilty of a **less serious charge**, any of the following sanctions shall be imposed:

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 P10,000.00 but not exceeding P20,000.00.<sup>61</sup> (Emphases supplied)

Here, Judge Arocena's administrative liabilities are classified as follows with the corresponding penalties imposed:

Offense	Classification under Rule 140	Penalty Imposed
1. Violation of Section 1, Rule 137 of the Rules of Court, as amended.	Sec. 9(4) Less serious charge – Violation of Supreme Court rules, directives, and circulars.	₱15,000.00
2. Violation of Section 5(g) of Canon 3, and Sections 1 and 4 of Canon 4 of the 2004 New Code of Judicial Conduct.	Sec. 8(3) Serious charge – Gross misconduct constituting violations of the Code of Judicial Conduct.	Dismissal from the service, with forfeiture of benefits and disqualification from holding government office.
3. Gross ignorance of the law.	Sec. 8(9) Serious charge – Gross ignorance of the law or procedure.	Dismissal from the service, with forfeiture of benefits and disqualification from holding government office.
4. Violation of reasonable office rules and regulations, particularly Paragraphs B(2) and (4) of OCA Circular No. 49-2003.	Sec. 9(4) Less serious charge – Violation of Supreme Court rules, directives, and circulars.	₱15,000.00

<sup>61</sup> RULES OF COURT, Rule 140, as amended, July 1, 1997.

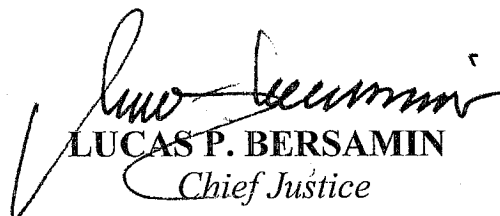
**WHEREFORE**, premises considered, the Court finds Judge Analie C. Aldea-Arocena of Municipal Trial Court in the Cities, San Jose City, Nueva Ecija **GUILTY** of:

1. Violation of Section 1, Rule 137 of the Rules of Court, as amended;
2. Violation of Section 5(g), Canon 3, and Sections 1 and 4, Canon 4 of the 2004 New Code of Judicial Conduct;
3. Gross ignorance of the law; and
4. Violation of reasonable office rules and regulations, particularly Paragraphs B(2) and (4) of OCA Circular No. 49-2003.


**ACCORDINGLY**, for the serious charges under Items 2 and 3, she is meted the penalty of **DISMISSAL** from the service with **FORFEITURE** of all retirement benefits, except accrued leave credits, and perpetual disqualification from holding public office in any branch or instrumentality of the government, including government-owned or controlled corporations.

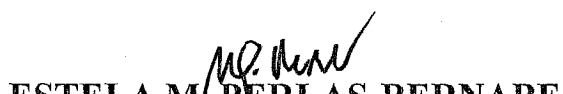
For the less serious charges under Items 1 and 4, she is meted the penalty of **FINE** of ₱15,000.00 for each charge or a total of ₱30,000.00.

**SO ORDERED.**

  
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*



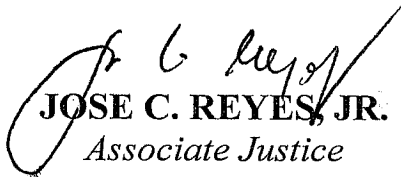
**ALFREDO BENJAMIN S. CAGUIOA**  
*Associate Justice*




**ANDRES B. REYES, JR.**  
*Associate Justice*



**ALEXANDER G. GESMUNDO**  
*Associate Justice*



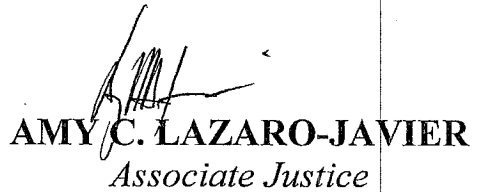
**JOSE C. REYES, JR.**  
*Associate Justice*



**RAMON PAUL L. HERNANDO**  
*Associate Justice*



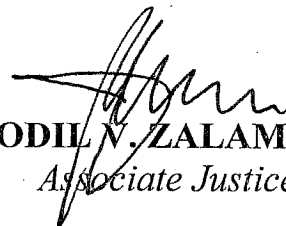
**ROSMARI D. CARANDANG**  
*Associate Justice*



**AMY C. LAZARO-JAVIER**  
*Associate Justice*

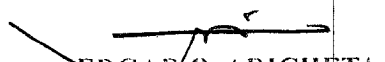


**HENRI JEAN PAUL B. INTING**  
*Associate Justice*



**RODIL N. ZALAMEDA**  
*Associate Justice*

CERTIFIED TRUE COPY

**EDGAR O. ARICHETA**  
Clerk of Court En Banc  
Supreme Court