



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **12 October 2020** which reads as follows:*

“A.M. No. MTJ-20-1944¹ (Anonymous Letter-Complaint against Presiding Judge Jose Paolo G. Ariola, Municipal Trial Court in Cities, Br. 1, Bacolod City, Negros Occidental); A.M. No. MTJ-20-1945² (Liberty G. Monje v. Judge Jose Paolo G. Ariola, Br. 1, MTCC, Bacolod City, Negros Occidental); and OCA IPI No. 14-4254-P (Presiding Judge Jose Paolo G. Ariola, Municipal Trial Court in Cities, Br. 1, Bacolod City, Negros Occidental v. Liberty G. Monje). - These are consolidated administrative complaints filed against (a) Judge Jose Paolo G. Ariola (Judge Ariola), Presiding Judge of Branch 1, Municipal Trial Court in Cities (MTCC), Bacolod City, Negros Occidental; for Grave Misconduct, Conduct Unbecoming of a Judge, Oppression, Harassment, and Immorality; and (b) Liberty G. Monje (Monje), Legal Researcher in the same MTCC branch, for Grave Misconduct, Immorality, and Use of Government Property for Personal Business.

Factual Antecedents

The antecedent facts are recounted below.

a) Anonymous Complaints against Judge Ariola:

On March 28, 2012, the Office of the Court Administrator (OCA) received an anonymous letter³ attributing acts of immorality, conduct unbecoming of a Judge and grave misconduct to Judge Ariola.

The letter stated that Judge Ariola keeps a mistress with whom he has a child. Moreover, the letter narrated that Judge Ariola has an unbecoming attitude of walking out of the wedding ceremonies he officiates. He also

¹ Formerly OCA IPI No. 14-2662-MTJ.

² Formerly OCA IPI No. 12-2515-MTJ.

³ *Rollo* (A.M. No. MTJ-20-1944), p. 7.

intentionally caused damage to the office furniture of the MTCC branch by smashing the same during an outburst. Further, he used his office as a stockroom for his toy collection of cars, horses and helicopters. He also posted a sign at the door of his chambers which reads: *"Don't disturb..I mean it."*

The letter also averred that Judge Ariola delegated to his Legal Researcher the drafting of resolutions and decisions and would only affix his signature to the draft since he devotes his time in designing and printing of t-shirts. In addition, Judge Ariola used his influence to cause the dismissal of a taxi driver who drew his ire.

In another anonymous letter⁴ dated April 17, 2012, it was alleged that Judge Ariola unilaterally suspended his Court Interpreter for three (3) months without the approval of the Executive Judge and the Supreme Court. Despite the suspension, the Court Interpreter still received his monthly salary when it was the Legal Researcher, Monje, who performed his functions. Judge Ariola also allegedly confiscated the computer assigned to Monje for no apparent reason.

In his Comment,⁵ Judge Ariola averred that Monje authored the anonymous letters. He surmised that the complaints were precipitated by the events that transpired during the wedding ceremony of Joy Perido and Jessica Tan (Perido-Tan nuptial). Judge Ariola narrated that during the ceremony, he was distracted by the loud music in the restaurant and the boisterous crowd. Thus, he directly proceeded to the couple's recital of vows, had the couple sign the marriage contract and declared them as husband and wife. Thereafter, he immediately left the venue and returned to his sala together with his Court Interpreter, Augustus Alvero (Alvero). However, upon arrival at his office, he immediately inquired from his Clerk of Court whether the ceremony could be officiated again by another Judge since the ceremony that he officiated lacked solemnity.

Two days after the wedding, Monje asked Judge Ariola to sign the fourth and last copy of the marriage contract of Perido and Tan. Judge Ariola requested for time because he just had a strenuous meeting. However, Monje persistently demanded that he sign the documents claiming that there was a deadline for its registration and that Tan was about to give birth soon. Judge Ariola reiterated his plea for time but his plea fell on deaf ears. Annoyed by her reaction, he told Monje the following then stormed out of his Chambers: *"KABALO NA AKO KON NGAA WAAY GUIN ENDORSE NI JUDGE HILARIO KAG NI JUDGE DEMONTEVERDE BILANG LEGAL*

⁴ Id. at 8-9.

⁵ Id. at 23-43.

RESEARCHER, TIG-A ULO KA.” (Now I know why Judge Hilario and Judge Demonteverde did not endorse you as Legal Researcher, you are hardheaded).

Judge Ariola denied walking out from the wedding ceremonies that he officiated. He conceded though that during the rare instances in the past that he did walk out, it was because the couple were terribly late, rowdy and disrespectful towards the solemnizing officer and the ceremony itself.

On the charge of Immorality, Judge Ariola alleged that it is a mere rehash of an old accusation when he was still the Branch Clerk of Court of the Regional Trial Court (RTC), Branch 42. He claimed that an investigation against him was already conducted and the accusation was found to be baseless.

Judge Ariola further stated that it is Monje who is engaged in immoral conduct. He claimed that despite being a married woman, Monje is having an affair with a married man. Monje and her partner were even seen together in social gatherings acting as if they were husband and wife and their photos were posted on social media.

Anent the issue of destruction of government property, Judge Ariola admitted punching a cabinet owned by his Clerk of Court, Florita De La Cruz, during a fit of anger.

Judge Ariola denied that it was Monje who drafts the decisions and resolutions in his court. He admitted engaging in designing and printing of t-shirts after lunch or late in the afternoon when he is already done with his work, or when there is idle time left for the day. Further, he designs not for commercial purposes as in fact the t-shirts were used as the unofficial uniform of the MTCC personnel.

With respect to the suspension of his Court Interpreter Alvero, Judge Ariola explained that it was a purely internal disciplinary measure and that Alvero was merely relieved of his courtroom tasks but not his non-courtroom duties. During his suspension, Monje was assigned to act as the Court Interpreter. However, her lackadaisical performance prompted him to assign his Court Stenographer I instead, Ma. Lesitte Jordan, so as not to hamper the court's daily courtroom activities.

Judge Ariola explained that he confiscated Monje's computer because of her blatant defiance resulting in his complete loss of trust and confidence in her.

On the issue of posting the “*Don't Disturb..I Mean It*” sign in his

chambers, and displaying his toy collectibles, Judge Ariola clarified that he put the sign to keep true to the prohibition mandated by the rules on the confidentiality of the chambers of a judge. His toy collectibles, on the other hand, are neatly placed inside his Chambers and are his form of self-expression.

b) Judge Ariola's complaint against Monje:

Judge Ariola described Monje as a troublemaker who, together with two other staff personnel, conspired against the Branch Clerk of Court of his sala. Monje is also engaged in offering various services such as "weddings, affidavits, NSO matters, deeds of sale, cellphone loading, etc."⁶ and even used the court's telephone to conduct her business. She even compromised the confidentiality of court matters when she surreptitiously went inside his chambers to take photographs. As such, he requested for her transfer or re-assignment to another sala.

In a Resolution⁷ dated March 5, 2014, the Court treated and docketed the Comment of Judge Ariola as a separate administrative complaint for Immorality and Grave Misconduct against Monje.

In her Comment,⁸ Monje asserted that the complaint against her is without basis. She denied engaging in an adulterous relationship or conducting business using the court facilities. She claimed that she is fully devoted to her work as a Legal Researcher and would even bring home her work when needed.

She countered that it was Judge Ariola who is guilty of Immorality as he was having an affair with a Court Interpreter with whom he begot a child. He even hired a Utility Worker in the court who was the niece of his paramour. He would also use his staff to do errands for his mistress. Monje further narrated that when Judge Ariola's wife discovered the affair, she filed a complaint against him. However, his wife was eventually prevailed upon to withdraw the complaint and settle the controversy between themselves.

Moreover, Judge Ariola allegedly used the court facilities for his own personal benefit. He would stay after office hours or go to court on weekends just to meet his paramour and to bond with his illegitimate child. He used his chambers as an entertainment room and museum. One can even find cowboy boots and other paraphernalia inside it.

⁶ Id. at 30.

⁷ Id. at 71-73.

⁸ *Rollo* (OCA IPI No. 14-4254-P), unpaginated.

c) **Complaint of Monje against Judge Ariola:**

On August 24, 2012, Monje filed a verified Administrative Complaint⁹ against Judge Ariola for Conduct Unbecoming of a Judge, Grave Misconduct, Oppression, and Harassment. The complaint raised similar allegations contained in the anonymous letters. In addition, Monje claimed that Judge Ariola is fond of uttering obscene and malicious words in front of his staff. She likewise experienced harassment from Judge Ariola. He would criticize Monje's personal appearance and would call her "syete syete" (abnormal). In one instance, Judge Ariola excluded her from attending a staff meeting. Aside from confiscating her computer, he also directed her to turn over the records assigned to her.

Monje also described Judge Ariola as having dictatorial tendencies. He would postpone and reset the hearing of cases for no reason at all. He would also insult lawyers appearing before his sala. In one of the hearings, Judge Ariola walked out of the courtroom keeping the litigants and lawyers to wait in vain.

Judge Ariola is also fond drawing, designing and printing t-shirts during office hours instead of resolving or deciding cases. This resulted in the delay in the adjudication of cases at his court. Worse, he would assign Monje to do the aging of cases and to draft resolutions and decisions of the same.

In a letter¹⁰ dated June 15, 2012, Monje filed another complaint against Judge Ariola before the Office of the Executive Judge of MTCC, Bacolod City, for continuous acts of Harassment and Abuse. Notably, Monje likewise filed a similar administrative complaint against Judge Ariola for Conduct Unbecoming, Oppression and Grave Misconduct before the Office of the Ombudsman¹¹ which was eventually referred to the OCA.¹²

In his Comment¹³ filed before the OCA, Judge Ariola vehemently denied all the charges against him. He insisted that the administrative complaint was only purposely filed to annoy him and cast doubt on his integrity and reputation as a judge. He further stated that the allegations in the complaint are bereft of any factual and material basis.

Judge Ariola also denied making remarks on Monje's personal appearance. He claimed that he does not mind what an employee wears in the

⁹ *Rollo* (A.M. No. MTJ-20-1945), pp. 2-8.

¹⁰ *Id.* at 29-34.

¹¹ *Id.* at 46-47.

¹² *Id.* at 45.

¹³ *Id.* at 57-89.

office so long as it is decent. Judge Ariola described Monje as hard-headed, disrespectful, insubordinate and unremorseful.

Furthermore, Judge Ariola averred that the retrieval of Monje's computer cannot be considered as Oppression and Harassment. He lost his trust and confidence on Monje because of her transgression. As a result thereof, he removed her computer to prevent any possible breach of confidential matters. Besides, Judge Ariola averred that Monje has no exclusive right over the use of the equipment. She also does not need it as she has not been assigned any legal research work.

Judge Ariola also denied that Monje drafts the resolutions and decisions of the cases. He claimed that his court is always on time in resolving and deciding cases. The aging of cases allegedly prepared by Monje was merely a device he used to keep track of the time limitations of the cases.

Judge Ariola claimed that he never acted as a dictator in court. He is a hardworking judge and even goes to the court on Saturdays. There was never an instance that he walked out during trials and insulted the lawyers who appeared before him.

Lastly, with respect to utterances of obscene or sexually implicit jokes, Judge Ariola asserted that it is not unusual in any workplace for the staff to exchange "green jokes" to break the monotony in the office. Besides, the conversations would only be obscene or malicious if the listener puts malice into them. Judge Ariola also asseverated that he is not a bully as in fact, he is one of the most sociable and friendliest Judge in Bacolod City.

Recommendation of the Investigating Judge:

On March 5, 2014, this Court resolved¹⁴ to consolidate the cases as they involved the same parties and inter-related charges. The cases were referred to then Executive Judge Anita Guanzon Chua (Investigating Judge) of the RTC, Bacolod City for joint investigation, report and recommendation.

The taxi driver mentioned in the complaint of Monje and the alleged paramour of Judge Ariola appeared before the Investigating Judge. The taxi driver narrated that he was dismissed by his employer because Judge Ariola and his wife complained that he had charged them in excess of the metered fare.

On the other hand, the alleged mistress of Judge Ariola vehemently

¹⁴ *Rollo* (A.M. No. MTJ-20-1944), pp. 71-72.

denied that she and the respondent judge had any relationship. However, she admitted that a long time ago, she had a one-night stand with him and as a result thereof, they begot a child.

In the Resolution¹⁵ dated December 1, 2014, the Investigating Judge noted some inconsistencies in the answer of Judge Ariola and his supporting affidavits. Regarding the Perido-Tan nuptial, respondent Judge claimed that he did not encounter any problem when he officiated the wedding. However, this was belied by his own narration when he asked his Clerk of Court whether the marriage ceremony can be officiated again by another Judge since it lacked solemnity.

Further, the Investigating Judge likewise observed that what transpired during the Perido-Tan nuptial was not an isolated incident. In the affidavit¹⁶ of Mario Rey Omison (Omison), he narrated how respondent Judge berated his wife for smiling during the ceremony while reminding them of the solemnity of marriage. This was corroborated by Alejo Guarnes, who was a principal sponsor in another wedding officiated by Judge Ariola, who claimed that respondent Judge likewise berated the couple during the ceremony.¹⁷

The Investigating Judge also noted that the “green jokes” spoken by the respondent Judge in front of his staff were contrary to proper decorum. Also, smashing the cabinet, regardless of whether it is personal or government property, is an unbecoming display of improper behavior.

Anent the allegation of engaging in an extramarital affair, the Investigating Judge found that it cannot be considered as scandalous or immoral conduct since it was merely a one-night affair. In fact, Monje admitted that she did not personally see Judge Ariola and his alleged mistress together. Judge Ariola cannot therefore be faulted for not disclosing his illegitimate child as he merely wanted to protect his privacy.

On the issue of throwing insults at lawyers during court hearings, the Investigating Judge recommended that it should be the lawyers allegedly insulted and not Monje who should file a complaint against him. She further mentioned that the other allegations in the complaint were mere exaggerations due to high emotions of the parties.

In her Report and Recommendation, the Investigating Judge recommended that Judge Ariola be found liable for violation of Section 2,

¹⁵ *Rollo* (A.M. No. MTJ-20-1945), pp. 323-334.

¹⁶ *Id.* at 248-249.

¹⁷ *Id.* at 250-251.

Canon 4 of the New Code of Judicial Conduct¹⁸ which states:

SEC. 2. As a subject of constant public scrutiny, judges must accept personal restrictions that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly. In particular, judges shall conduct themselves in a way that is consistent with the dignity of the judicial office.

and of Conduct Unbecoming of a Judge and Grave Misconduct and that he be fined ₱5,000.00. The Investigating Judge likewise recommended that respondent Judge be found guilty of Oppression and Harassment and be fined in the amount of ₱5,000.00, with admonition that a repetition of the same violations would be dealt with severely.

However, anent the charge of Immorality, the Investigating Judge recommended that the same be dismissed because the element of scandalous circumstances was missing.

The Investigating Judge also recommended that the counter-charge of Judge Ariola against Monje be dismissed for lack of factual and legal basis.

The Recommendation of the OCA

In a Memorandum¹⁹ dated October 19, 2016, the OCA agreed with the findings of the Investigating Judge except for the penalty, as follows:

1. the instant administrative cases (OCA IPI No. 14-2662-MTJ and OCA IPI No. 12-2515-MTJ) be RE-DOCKETED as regular administrative matters against Presiding Judge Jose Paolo G. Ariola, Branch 1, Municipal Trial Court in Cities (MTCC), Bacolod City, Negros Occidental;
2. Judge Ariola be found GUILTY of Conduct Unbecoming a Court Official, Grave Misconduct, Oppression and Harrassment and be SUSPENDED from office for three (3) months, without salary and other benefits, with a STERN WARNING that a repetition of the same or any similar offense shall be dealt with more severely by the Court; and
3. the administrative case (OCA IPI No. 14-4254-P) against Liberty G. Monje, Legal Researcher I, ,(sic) Municipal Trial Court in Cities, Branch 1, Bacolod City, Negros Occidental, be DISMISSED for lack of merit.²⁰

Our Ruling

On the charges of inappropriate decorum during weddings, destruction

¹⁸ A.M. No. 03-05-01-SC.

¹⁹ *Rollo* (A.M. No. MTJ-20-1944), pp. 190-202.

²⁰ *Id.* at 201-202.

of property and utterance of sexually-implicit jokes.

It is incumbent upon members of the bench to maintain proper decorum not only in their professional life but also in their personal life. The Court has repeatedly reminded Judges to conduct themselves irreproachably, not only in the discharge of official duties but also in their personal behavior every day.²¹ “We have held that a Judge, even on the face of boorish behavior from those he deals with, ought to conduct himself in a manner befitting a gentleman and a high officer of the court. x x x [A]s a dispenser of justice, [Judges] should exercise judicial temperament at all times, avoiding vulgar and insulting language. He must maintain composure and equanimity.”²² Their conduct must be guided by strict propriety and decorum at all times in order to merit and maintain the public’s respect for and trust in the judiciary.²³ Thus, as members of the Judiciary, Judges must conduct themselves in a manner exemplifying integrity, honesty and uprightness.²⁴

The exacting standards that a Judge must live up to are prescribed under Canons 2 and 4 of the New Code of Judicial Conduct, to wit:

CANON 2

INTEGRITY

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

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

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.

CANON 4
PROPRIETY

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

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

²¹ *Re: Anonymous Complaint against Judge Gedorio, Jr.*, 551 Phil. 174, 180 (2007).

²² *Id.*

²³ *Sison-Barias v. Rubia*, 736 Phil. 81, 114-122 (2014).

²⁴ *Id.*

SEC. 2. As a subject of constant public scrutiny, judges must accept personal restrictions that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly. In particular, judges shall conduct themselves in a way that is consistent with the dignity of the judicial office.

Regrettably, Judge Ariola miserably fell short of these standards.

The records show that Judge Ariola easily gets irritated and is unable to control his temper. This was manifest when he officiated the wedding of Perido and Tan and he was distracted by the loud music in the venue and the noisy guests. Instead of proceeding with the ceremony, he cut it short and immediately left the venue. In fact, respondent Judge himself entertained doubts on the validity of the marriage ceremony since he immediately inquired from his Branch Clerk of Court whether the Perido-Tan wedding can again be officiated by another Judge.

Similarly, destroying a cabinet in the fit of anger is another manifestation of his lack of judicial temperament. His defense of provocation cannot exculpate him from any liability. As a member of the bench, he must adhere to that standard of graceful behavior expected of all those who don the judicial robe.²⁵ We stress that Judges must always uphold the respect and dignity of the court.²⁶ Regardless of the situation he is in, he is expected to maintain his composure for patience and courtesy are marks of culture and good-breeding.²⁷

Judge Ariola's failure to observe proper judicial decorum can likewise be seen from the language he used in his pleadings in the instant cases. In his Comment to the anonymous-letters, he called Monje as "*BACK-STABBING SNITCH*" and "*INGRATE*" or in Tagalog, "*walang utang na loob.*"²⁸ The language used is patently defamatory and falls short of the conduct required of a magistrate. As an officer of the court, he must refrain from using inflammatory or excessive rhetoric or from resorting "to the language of vilification."²⁹

Moreover, we find Judge Ariola's exchange of jokes with his staff with sexual undertones as inappropriate. We cannot agree with Judge Ariola's explanation that sexual innuendoes were just meant to lighten the mood of his court staff. On the contrary, it demonstrates lack of moral integrity, decency, and good breeding which is expected from a Judge. Sexually implicit jokes uttered by a magistrate diminish the esteem in which he holds the Judiciary in

²⁵ *Seludo v. Fineza*, 488 Phil. 74, 82-85 (2004).

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Rollo* (A.M. No. MTJ-20-1944), p. 42.

²⁹ *Seludo v. Fineza, supra.*

general.³⁰

In fine, the use of intemperate language in his pleading, utterances of sexually-implicit jokes and failure to control his temper all constitute acts unbecoming of a Judge. As a member of the bench, Judge Ariola is expected to always be temperate and courteous both in his words and in his actions. He should also practice the virtue of patience at all times. Moreover, he failed to be an exemplary of moral uprightness. Judge Ariola's distasteful behavior tarnishes the good image of the Judiciary which he should uphold at all times,³¹ and for which he should be sanctioned.

On the suspension of the Court Interpreter and printing and designing shirts during official time.

Anent the suspension of the Court Interpreter, the Court recognizes Judge Ariola's authority to discipline his staff. However, the courtroom duties of the Court Interpreter cannot be passed on to a Legal Researcher like Monje.

The duties of a Legal Researcher are enumerated under 2.2.1 of Chapter VI, Volume I of the 2002 Revised Manual for Clerks of Court (Manual), to wit:

1. verifies authorities on questions of law raised by parties- litigants in cases brought before the Court as may be assigned by the Presiding Judge;
2. prepares memoranda on evidence adduced by the parties after the hearing;
3. prepares outlines of the facts and issues involved in cases set for pre-trial for the guidance of the Presiding Judge;
4. prepares indexes to be attached to the records showing the important pleadings filed, the pages where they may be found, and in general, the status of the case;
5. prepares and submits to the Branch Clerk of Court a monthly list of cases or motions submitted for decision or resolution, indicating therein the deadlines for acting on the same; and
6. performs such other duties as may be assigned by the Presiding Judge or the Branch Clerk of Court.

On the other hand, the functions of a Court Interpreter under 2.2.3 of Chapter VI, Volume I of the Manual are as follows:

³⁰ *Talens-Dabon v. Arceo*, 328 Phil. 692, 705-707 (1996).

³¹ *Seludo v. Fineza*, *supra* note 26.

1. acts as translator of the court;
2. attends court hearings;
3. administers oath to witnesses;
4. marks exhibits introduced in evidence and prepares the corresponding list of exhibits;
5. prepares and signs minutes of the court session;
6. maintains and keeps custody of record book of cases calendared for hearing;
7. prepares court calendars and the records of cases set for hearing; and
8. performs such other functions as may, from time to time, be assigned by the Presiding Judge and/or Branch Clerk of Court.

Moreover, Section 7, Canon IV of the Code of Conduct for Court Personnel³² expressly prohibits requiring a personnel to perform any work outside of his job description, *viz.*:

Sec. 7. Court personnel shall not be required to perform any work or duty **outside the scope** of their assigned job description. [Emphasis Ours.]

In *Apita v. Estanislao*,³³ the Supreme Court elucidated the rationale for the above-mentioned Rule in this wise:

This rule is rooted in the time-honored constitutional principle that public office is a public trust. Hence, all public officers and employees, including court personnel in the judiciary, must serve the public with utmost responsibility and efficiency. Exhorting court personnel to exhibit the highest sense of dedication to their assigned duty necessarily precludes requiring them to perform any work outside the scope of their assigned job description, save for duties that are identical with or are subsumed under their present functions.³⁴

Indeed, Monje who is a Legal Researcher cannot be designated as the Court Interpreter even on a temporary basis. The tasks of a Court Interpreter are beyond the scope of her job description as Legal Researcher and are not directly related to her current functions. Furthermore, requiring Monje to perform the tasks of the Court Interpreter on top of her tasks as a Legal

³² Otherwise known as A.M. No. 03-06-13-SC. (Effective 1 June 2004.)

³³ 661 Phil. 1 (2011).

³⁴ *Id.* at 9-10.

Researcher is counterproductive and adversely affected her work efficiency and professional responsibility in the dispensation of justice.³⁵

Anent the acts of designing and printing t-shirts during office hours, these are in violation of Sections 1 and 2, Canon 6 of the New Code of Judicial Conduct which provide, *viz.*:

CANON 6 COMPETENCE AND DILIGENCE

Competence and diligence are prerequisites to the due performance of judicial office.

SECTION 1. The judicial duties of a judge take precedence over all other activities.

SECTION 2. Judges shall devote their professional activity to judicial duties, which include not only the performance of judicial functions and responsibilities in court and the making of decisions, but also other tasks relevant to the judicial office or the court's operations.

The Court has repeatedly emphasized that decision-making is the primordial duty of all the members of the bench. "No other [task] can be more important than decision-making x x x."³⁶ We cannot subscribe to Judge Ariola's claim that he only designs and prints the t-shirts after lunch or during idle time or as soon as the work for the day is finished. Such conduct is incompatible with the diligent discharge of judicial duties as he failed to commit himself exclusively to his responsibilities in his office during working hours.³⁷ It wastes precious time in the office which has an adverse effect on the prompt administration of justice.³⁸ By engaging in activities other than his official duties, Judge Ariola blatantly disregarded the primordial principle that all judicial employees must devote their official time to government service.³⁹

On this score, it is apt to remind all court officials and employees to fully devote their official time to government service. Observing official time and doing diligently our work in the administration of justice will help maintain the trust and confidence of the public in the judicial system. Service in the judiciary is not only a duty but also a mission.⁴⁰ Thus, We must exercise at all times a high degree of professionalism and responsibility to preserve the good

³⁵ *Id.* at 10.

³⁶ *Re: Anonymous Complaints against Judge Bandong, RTC, Br. 59, Lucena City, Quezon Province*, 819 Phil. 518, 537 (2017).

³⁷ *Roman v. Fortaleza*, 650 Phil. 1, 6-7 (2010).

³⁸ *Re: Anonymous Complaints against Judge Bandong, RTC, Br. 59, Lucena City, Quezon Province, supra* at 536-537.

³⁹ *Id.*

⁴⁰ *Lopena v. Saloma*, 567 Phil. 217, 223-226 (2008).

image of the court.⁴¹

For designating his Legal Researcher as Court Interpreter and requiring Monje to perform tasks outside the scope of her job description and for engaging in activities other than his official duties during official time, the Court finds Judge Ariola administratively liable as well for Misconduct.

In this case, although we find that Judge Ariola committed an improper or unlawful conduct, it was not shown that he was impelled by corrupt motives. Hence, we deem his infraction as constituting only Simple Misconduct, and not Grave or Gross Misconduct.

Misconduct is defined as any unlawful conduct on the part of a person concerned in the administration of justice prejudicial to the rights of parties or to the right determination of the cause. It generally means wrongful, improper or unlawful conduct motivated by premeditated, obstinate or intentional purpose that tends to threaten the very existence of the system of administration of justice, and should relate to or be connected with the performance of the official functions and duties of a public officer. An act is intimately connected to the office of the offender if it is committed as the consequence of the performance of the office by him, or if it cannot exist without the office even if public office is not an element of the crime in the abstract. The misconduct is grave if it involves any of the additional elements of corruption, willful intent to violate the law or to disregards established rules, which must be established by substantial evidence. Otherwise, the misconduct is simple.⁴²

“In grave misconduct, as distinguished from simple misconduct, the elements of corruption, clear intent to violate the law or flagrant disregard of established rule must be manifest. Corruption as an element of grave misconduct consists in the act of an official who unlawfully or wrongfully uses his station or character to procure some benefit for himself, contrary to the rights of others.”⁴³

Here, we note that Monje failed to prove by substantial evidence that Judge Ariola was moved by corrupt motives and wrongful intention. Consequently, we hold him liable only for Simple Misconduct.

Without doubt, Judge Ariola likewise violated the Manual and the Code of Conduct of Court Personnel when he delegated to Monje the duties of the Court Interpreter during trial. Worse, engaging in activities other than his court duties during official time is a clear violation of Canon 6 of the New Code of Judicial Conduct. Verily, Judge Ariola blatantly disregarded the rules which he

⁴¹ Id.

⁴² *Office of the Court Administrator v. Sidco*, A.M. No. P-17-3655, August 20, 2019.

⁴³ *Salazar v. Barriga*, 550 Phil. 44, 48 (2007).

must have known inside out.

Furthermore, these acts likewise amounted to Conduct Prejudicial to the Best Interest of the Service, which is “defined as any conduct that is detrimental or derogatory or naturally or probably bringing about a wrong result; it refers to acts or omissions that violate the norm of public accountability and diminish – or which tend to diminish – the people’s faith in the Judiciary. It is an administrative offense which need not be related to respondent’s official functions.”⁴⁴ In this case, respondent did not live up to the degree of accountability, efficiency, and integrity that the Judiciary has required of its officials and employees when he engaged in activities other than his court duties during official time.⁴⁵ He tainted the image and integrity not only of his public office but also the entire Judiciary.

We stress that, by the nature and functions of their office, Judicial officials and employees must be role models in the faithful observance of the constitutional principle that public office is a public trust.⁴⁶ In accord to this mandate is the observance of prescribed office hours and the efficient use of every moment thereof for public service.⁴⁷ Further, it is the utmost responsibility of all court officials and personnel to ensure optimum efficiency in the performance of their respective roles in the dispensation of justice. For in staying true to our duties and responsibilities as guardians of justice is to recompense the Government, and ultimately, the people, who shoulder the cost of maintaining the Judiciary.

On the charge of Oppression and Harassment.

The Court is one with the OCA in finding Judge Ariola guilty of Oppression and Harassment. Oppression is defined as “an act of cruelty, severity, unlawful exaction, domination, or excessive use of authority”.⁴⁸

Judge Ariola admitted that he confiscated the computer assigned to Monje on the basis of loss of trust and confidence. He averred that he only did this in order to prevent the disclosure of the decisions and other court orders in his sala which were in the possession of Monje. We are not convinced.

The apprehension of Judge Ariola regarding leakage of court documents is clearly unfounded. In fact, there was no evidence adduced showing that any

⁴⁴ *Masion v. Valderrama*, A.M. No. P-18-3869, October 8, 2019.

⁴⁵ *Leave Division v. Sarceno*, 754 Phil. 1, 9-10, (2015).

⁴⁶ Administrative Circular No. 2-99 January 15, 1999 known as “Strict Observance of Working Hours and Disciplinary Action for Absenteeism and Tardiness.”

⁴⁷ *Id.*

⁴⁸ *Ochate v. Deling*, 105 Phil. 384, 390 (1959).

research materials, documents, judgments or resolutions in the possession of Monje or those which she has access to had been leaked, missing or disclosed to other parties. What is readily apparent is that the conflict between Judge Ariola and Monje which even led the respondent Judge to request the latter's transfer to another court.

Verily, the act of confiscating the computer issued to Monje for no justifiable reason constitutes Oppression and Harassment. It is an abuse of authority on the part of respondent Judge thereby affecting the performance of Monje's functions as the Legal Researcher.

On the charge of Immorality against Judge Ariola.

We adopt the findings of the OCA in dismissing the charge of Immorality against Judge Ariola. There was no categorical statement in the complaint or substantial evidence that would prove the truthfulness of the accusation. Monje also failed to show that she has personal knowledge of the illicit relationship between the respondent judge and the court personnel who was allegedly Judge Ariola's mistress.

In any case, the alleged mistress categorically stated during the investigation that the one-night incident happened a long time ago while respondent Judge was still a Clerk of Court and not during his tenure as a Judge. Hence, the act complained of cannot serve as ground for any administrative liability against respondent Judge.

On the charges of Immorality and Grave Misconduct against Monje.

The Court also agrees with the OCA that the complaint for Grave Misconduct and Immorality against Monje has no leg to stand on. There was no substantial evidence adduced to support the allegation that Monje was engaged in an adulterous affair or is conducting her personal business inside the court's premises. Thus, it is only but proper to dismiss the complaint.

Imposable Penalty:

All told, the Court finds Judge Ariola administratively liable in A.M. No. MTJ-20-1944 for: (a) Conduct Unbecoming of a Judge for his display of improper behavior while officiating marriages; for using intemperate language in his pleadings; and for his utterances of sexually-implicit jokes; (b) Simple Misconduct for designating his Legal Researcher to perform the tasks of the Court Interpreter, which are outside the scope of her job description; and for

engaging in activities other than his official duties during official time; which acts likewise constitute Conduct Prejudicial to the Best Interest of the Service; and in A.M. No. MTJ-20-1945 for (c) Oppression and Harassment, for unduly confiscating the computer assigned to Monje.

Administrative charges are classified as serious, less serious and light. The following acts constitute less serious and light charges under Sections 9 and 10, Rule 140 of the Rules of Court:

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.**

SEC. 10. *Light Charges.* — Light charges include:

1. **Vulgar and unbecoming conduct;**
2. Gambling in public;
3. Fraternalizing with lawyers and litigants with pending case/cases in his court; and
3. Undue delay in the submission of monthly reports.

[Emphasis Ours.]

Section 11(B) provides the following penalties if the respondent is guilty of a less serious charge: (a) suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months; or (b) a fine of more than ₱10,000.00 but not exceeding ₱20,000.00. Meanwhile, Section 11(C) provides the following penalties if the respondent is found guilty of a light charge, *viz.*: (a) a fine of not less than ₱1,000.00 but not exceeding ₱10,000.00 and/or censure; (c) reprimand; (d) admonition with warning.

Consequently, for his display of improper behavior while officiating marriages; for using intemperate language in his pleadings; and for his utterances of sexually-implicit jokes which constitute Conduct Unbecoming of a Judge, Judge Ariola is meted the penalty of a fine of ₱10,000.00; for designating his Legal Researcher to perform the tasks of the Court Interpreter, which are outside the scope of her job description; and for engaging in activities other than his official duties during official time; which acts constitute Simple Misconduct, Judge Ariola is meted the penalty of suspension from office without salary and other benefits for a period of three (3) months; and for committing acts of Oppression and Harassment for unduly confiscating the computer assigned to Monje, Judge Ariola is meted the penalty of a fine in the amount of ₱10,000.00.

WHEREFORE, OCA IPI No. 14-2662-MTJ (*Anonymous Letter-Complaint against Presiding Judge Paolo G. Ariola, Municipal Trial Court in Cities, Br. 1, Bacolod City, Negros Occidental*), OCA IPI No. 12-2515-MTJ (*Liberty G. Monje v. Judge Jose Paolo G. Ariola, Br. 1, MTCC, Bacolod City, Negros Occidental*) are hereby **REDOCKETED** as administrative complaints as follows: OCA IPI No. 14-2662-MTJ as A.M. No. MTJ-20-1944; and OCA IPI No. 12-2515-MTJ as A.M. No. MTJ-20-1945.

Judge Jose Paolo G. Ariola, Presiding Judge of Branch 1, Municipal Trial Court in Cities, Bacolod City, Negros Occidental, is hereby found **GUILTY** of the following:

In A.M. No. MTJ-20-1944:

- a) **CONDUCT UNBECOMING OF A JUDGE** and is hereby meted the penalty of a **FINE** in the amount of ₱10,000.00; and
- b) **SIMPLE MISCONDUCT** and is hereby **SUSPENDED** from office without salary and other benefits for a period of three (3) months;

In A.M. No. MTJ-20-1945:

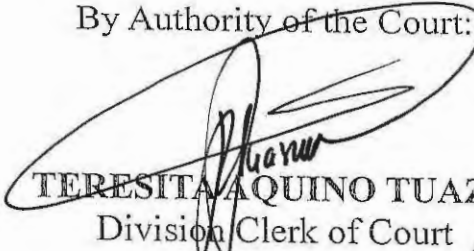
OPPRESSION and **HARRASSMENT** and is hereby meted the penalty of a **FINE** in the amount of ₱10,000.00.

Judge Ariola is **WARNED** that a commission of the same or similar acts in the future will be dealt with severely.

The complaint against Liberty G. Monje, Legal Researcher, Branch 1, Municipal Trial Court in Cities, Bacolod City, Negros Occidental, in OCA IPI No. 14-4254-P is **DISMISSED** for lack of merit.

SO ORDERED.” (Baltazar-Padilla, J., on leave.)

By Authority of the Court:



TERESITA AQUINO TUAZON
Division Clerk of Court p 11/24
24 NOV 2020

HON. COURT ADMINISTRATOR
Jose Midas P. Marquez (x)

HON. DEPUTY COURT ADMINISTRATOR
Raul B. Villanueva (x)
Jenny Lind Aldecoa-Delorino (x)
Leo T. Madrazo (x)

ASSISTANT COURT ADMINISTRATOR
Hon. Lilian C. Baribal-Co (x)
Hon. Maria Regina Adoracion
Filomena M. Ignacio (x)

Legal Office (x)
Court Management Office (x)
Financial Management Office (x)
Docket & Clearance Division (x)
Office of Administrative Services (x)
Office of the Court Administrator
Supreme Court, Manila

JUDICIAL AND BAR COUNCIL
SECRETARIAT (x)
Supreme Court, Manila

LIBERTY G. MONJE (reg)
Complainant
207 Cosmos St., Villamonte
Bacolod City, Negros Occidental

HON. JOSE PAOLO G. ARIOLA (reg)
Presiding Judge
Municipal Trial Court in Cities, Branch 1
Bacolod City

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Supreme Court, Manila

*CAS SECTION, RAFFLE COMMITTEE (x)
Office of the Clerk of Court, En Banc
ROLLO ROOM (x)
Supreme Court, Manila

*For this resolution only
Please notify the Court of any change in your address.
AM MTJ-20-1944. 10/12/2020(249)URES