

A.M. No. MTJ-10-1755 – Wilfredo F. Tuvillo, *complainant*, v. Judge Henry E. Laron, *respondent*; A.M. No. MTJ-10-1756 – Melissa J. Tuvillo a.k.a. Michelle Jimenez, *complainant*, v. Judge Henry E. Laron, *respondent*.

Promulgated:

October 18, 2016

X-----*Henry E. Laron*-----X

CONCURRING AND DISSENTING OPINION

BRION, J.:

I CONCUR with the *ponencia* finding respondent judge Henry Laron¹ guilty of **immorality** and **serious misconduct**. I DISSENT, however, from its imposition of only a three-year suspension for his grave offenses. I submit that the respondent should be **dismissed from judicial service** and be **disbarred from the practice of law**.

Background Facts

The case arose from two letter-complaints filed against Judge Laron by Wilfredo Tuvillo (*Wilfredo*) and Melissa Tuvillo (*Melissa*). Wilfredo charged Judge Laron with immorality and unacceptable wrongdoing. Melissa accused Judge Laron of unexplained wealth and immorality and of violation of anti-graft laws and disgraceful immoral conduct, in her complaint and supplemental complaint, respectively.

A. Wilfredo's letter-complaint and supplemental complaint

In his May 2, 2008 complaint, Wilfredo, a seaman, declared that he treated Judge Laron as a close family member and would “entrust” his wife to him whenever he was abroad. He heard rumors about the relationship of Melissa and Judge Laron while he was overseas; his children had confirmed to him that Judge Laron was always in their house and had physically hurt Melissa. He stated that *Melissa admitted to having an affair with Judge Laron when he confronted her about it*.

In his comment to Wilfredo's complaint, Judge Laron claimed that Melissa approached him sometime in December 2005, to inform him about the ‘bouncing checks cases’ filed against her; that Melissa told him that her husband had died of illness in China. He said that Melissa knew of his

¹ Judge, Metropolitan Trial Court, Branch 65, Makati City.

marital status yet they still “developed an intimate personal relation with each other.”² He claimed to have distanced himself from Melissa in September 2007, and that *he had already confessed his affair with Melissa to his wife.*

Judge Laron further explained that his affair with Melissa “is a purely personal matter”³ which has no bearing on his professional responsibilities as a judge and as a lawyer.

In his supplemental complaint-affidavit dated June 3, 2008, Wilfredo further alleged that Melissa had sought Judge Laron’s help for the expeditious resolution of the cases filed against her; that *Judge Laron had demanded money from Melissa whenever he needed it*; that he and Melissa had lost all their savings and their property because of Judge Laron’s constant demands for money; that Judge Laron had physically hurt Melissa when she could not produce the money he needed; and that Judge Laron had “transgressed, intruded, and besmirched the tranquillity and sacredness of [their] marital union and family unity.”⁴

In his comment to the supplemental complaint, Judge Laron maintained that he did not extort money from Melissa, and that the loss of the complainant’s houses and lots could not be attributed to him. He denied inflicting physical harm on Melissa, pointing out the lack of any medical certificate to support this allegation. He also denied violating the marital union and family unity of the spouses Tuvillo, adding that *Melissa had led her to believe that Wilfredo had died of illness in China.* Further, he described Wilfredo’s complaint as a “harassment suit supported by dubious documents.”⁵

B. Melissa’s charges against Judge Laron

In her May 14, 2008 letter to the Office of the Court Administrator (OCA), Melissa asked that Judge Laron be investigated for unexplained wealth and immorality alleging that he could not have acquired the following properties on his salary as a judge: a ₱9-million house not including appliances and decor — four (4) Lamarroza paintings; four (4) plasma television sets and expensive furniture; a 2005 model Nissan Patrol vehicle; and various high-caliber guns. Melissa also questioned how Judge Laron could have afforded to send his three children to private schools.

Melissa disclosed that she had been Judge Laron’s mistress for three (3) years. She claimed that Judge Laron had constantly asked money from her for various expenses such as medicine and medical check-ups, cellular phone loads, gasoline, monthly groceries, and study grant allowance. Melissa also accused Judge Laron of physically hurting her.

² *Rollo*, pp. 20-21.

³ *Id.* at 22.

⁴ *Id.* at 25.

⁵ *Id.* at 59.

In his comment to Melissa's letter, Judge Laron explained that he and his wife bought their present house by selling their old town house for ₱1.8 million and by obtaining a ₱3.2-million bank loan to cover construction costs. He said that he borrowed his father's retirement proceeds to buy a 2001 Nissan Patrol vehicle, and that he purchased the Lamarroza paintings at a low price because the artist was his wife's friend. He added that the two plasma television sets were gifts by his wife's uncle while the other two were purchased in 2000 and 2002. Judge Laron also said that his children's tuition fees were covered by educational plans and that their furniture were part of his wife's commission as a dealer in his relative's furniture shop. He explained that he had acquired his guns before joining the judiciary.

Judge Laron likewise denied asking money from Melissa for his personal expenses and maintained that he did not inflict any physical harm on her.

In her supplemental complaint-affidavit dated July 31, 2008, Melissa stated that she was introduced to Judge Laron by a fiscal *to assist in her cases pending before the Makati City courts*. She claimed that Judge Laron promised to help her in these cases. When she followed up her cases on the second week of November 2005, Judge Laron kissed her on the cheeks. On November 28, 2005, they had *their first sexual encounter*; subsequent trysts took place *inside his office* and at the *Silver Place Hotel* in Makati City.

Melissa added that Judge Laron often *slept in her house in Antipolo*, and came to *her condominium almost daily* from August 2007 to January 2008. She added that she was receiving a \$2,000.00 monthly allowance from her husband, and that Judge Laron had asked money from her every month. She reiterated that he had physically hurt her and had threatened to reveal their relationship to her husband whenever she refused to give him money. Melissa also disclosed that she sold her house and lot in Taguig City and two vehicles to meet Judge Laron's demands for money.

In his comment to the supplemental complaint, Judge Laron explained that he was introduced to Melissa sometime in November 2005, and that the latter informed him about her *B.P. 22 cases pending before the Makati courts*. Judge Laron denied that he had sexual liaisons with Melissa inside his chambers; he also denied having asked money from Melissa. He countered that the threats and harassments against him began when he started avoiding Melissa.

Wilfredo filed an adultery case against Melissa and Judge Laron before the City Prosecutor's Office of Makati, which was later dismissed for lack of probable cause. Wilfredo's petition for review was also dismissed by the Department of Justice for lack of reversible error and failure to comply with DOJ Circular No. 70.

The OCA's Report and Recommendation

The OCA recommended the consolidation of the two (2) complaints against Judge Laron. After evaluating the evidence presented, the OCA recommended that Judge Laron be found guilty of conduct unbecoming of a judge, and be fined ₱10,000.00. However, recommended the dismissal of the charge of unexplained wealth for being unsubstantiated.

The Ponencia's Ruling

The *ponencia* found Judge Laron **guilty of immorality and serious misconduct**, and suspended him for three (3) years. It dismissed the charge of unexplained wealth due to insufficiency of evidence.

The *ponencia* stressed that immorality is a serious charge under Section 8, Rule 140 of the Rules of Court, and carries with it any of the following sanctions: *dismissal from the service*; suspension from office without salary and other benefits for more than three but not exceeding six months; or a fine of more than ₱20,000.00 but not exceeding ₱40,000.00.

Noting that *both Judge Laron and Melissa admitted their affair*, the *ponencia* thus concluded that Judge Laron “violated the trust reposed in his office and utterly failed to live up to the noble ideals and strict standards of morality required of the members of the judiciary”⁶ when he carried on an affair with a married woman.

The *ponencia* also found Judge Laron *guilty of gross misconduct for aiding Melissa “in a case pending before him and before another Judge.”*⁷ It found that Judge Laron entertained Melissa’s request for assistance regarding her B.P. 22 cases *pending in his (Judge Laron’s) and in another judge’s sala*.

Citing Canon 2 of the Code of Judicial Conduct, the *ponencia* stressed that a judge shall refrain from influencing in any other manner the outcome of litigation or dispute pending before another court or administrative agency.

The *ponencia* also considered as gross misconduct Judge Laron’s act of asking money from Melissa who was *a litigant in a case pending before his court*. It found that *Judge Laron continuously demanded money from Melissa that led to the sale of the houses and vehicles she and her husband owned*. The *ponencia* also believed Melissa’s allegation that Judge Laron would physically hurt her whenever she would not give in to his request for money, as corroborated by Melissa’s sons.

⁶ *Ponencia*, p. 7.

⁷ *Id.* at 10.

The *ponencia* imposed on Judge Laron the penalty of suspension for three (3) years since he “admitted his immorality and even prayed that he be forgiven x x x.”⁸ According to the *ponencia*, Judge Laron’s admission of his weakness and lapses during the times he felt lonely and forlorn due to the prolonged absence of his wife can be considered as a mitigating circumstance. It added that Judge Laron appeared contrite and apologetic.

On the charge of unexplained wealth, the *ponencia* explained that Melissa failed to substantiate her claim that Judge Laron could not afford to buy the properties she mentioned in her complaint and to send his children to private schools. Judge Laron, on the other hand, clarified the sources of the money he used for the construction of his house and the purchase of his vehicle, television sets, and furniture. He also presented copies of his children’s educational plans.

The Dissent

I take the position that Judge Laron should be **dismissed from the service** since his transgressions make him unworthy to wear the judicial robe. He should likewise be **disbarred** as he does not deserve to remain in the legal profession any minute longer.

The Code of Judicial Conduct mandates that 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, and to avoid impropriety and the appearance of impropriety in all activities. His personal behavior, not only while in the performance of official duties but also outside the court, must be beyond reproach, for he is, as he so aptly is perceived to be, the visible personification of law and justice.⁹

I. The Immorality Charge

Section 8, Rule 140 of the Rules of Court enumerates transgressions classified as serious, as follows:

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;

⁸ Id. at 11.

⁹ *Resngit-Marquez v. Judge Llamas, Jr.*, 434 Phil. 184, 203 (2002).

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. (emphasis supplied)

Immoral conduct is behavior that is willful, flagrant, or shameless, and that shows a moral indifference to the opinion of good and respectable members of the community.¹⁰ It refers not only to sexual matters but also to "conduct inconsistent with rectitude, or indicative of corruption, indecency, depravity, and dissoluteness; or is willful, flagrant, or shameless conduct showing moral indifference to opinions of respectable members of the community, and an inconsiderate attitude toward good order and public welfare."¹¹

In the present case, Judge Laron **did not deny that he, a married man, had an affair with Melissa – a married woman**; he even asked that he be forgiven by the Court Administrator and that no disciplinary action be taken against him.

In his comment to the May 2, 2008 complaint of Wilfredo, Judge Laron averred that:

x x x x

1. x x x At that time, I have been married for more than 17 years, and my wife was in the United States attending to her ailing father. Melissa was likewise then without a husband as Mr. Tuvillo was out at sea. She was aware of my marital status and that I have three sons. **We were both mature lonely people whose marriages had lessened sheen. She brought me a sense of soul connection, understanding, and great company.**

2. x x x After that, she frequently asked me to help her guide her four children, and **we developed an intimate personal attachment to each other. She showered me with the affection I felt I needed, and I reciprocated. We however tried our best to be discreet and sensitive to the sensibilities of those around us.**

3. x x x x

¹⁰ See *Elape v. Elape*, 574 Phil. 550, 553-554 (2008).

¹¹ *Judge Adlawan v. Capilitan*, 693 Phil. 351, 354 (2012).

4. Around the first week of January 2008, Imelda would later **hear of the affair**; she confronted me and I soon had to choose between the mother of my three children or Melissa, the woman who made me feel needed and cared for. x x x **I confessed to the affair**, and vowed that I would immediately mend my ways. x x x

5. Ironically, my troubles seem[ed] to start after I decided to mend my ways. x x x **I started paying dearly for my indiscretion** after I distanced myself from Melissa.

x x x x

8. The **affair is a purely personal matter** and does not affect my professional responsibilities as a judge and as a lawyer.

WHEREFORE, in view of the foregoing, and trusting myself to your mercy, I have the courage to respectfully pray to the Honorable Court Administrator, **that I be forgiven**, and that the present administrative complaint be dismissed and that no disciplinary action be taken against me.¹² [emphasis supplied]

In his comment to Wilfredo's supplemental complaint affidavit, Judge Laron stated that:

x x x x

23. Respondent did not wilfully violate the marital union as what was present then as **intimate personal attachment was emotional attachment and not sexual liaison**.¹³

Significantly, Melissa **admitted** in her May 14, 2008 letter to then Court Administrator Zenaida Elepaño that she was Judge Laron's mistress, thus:

It's hard to admit, but I am the **mistress of Judge Henry Laron** for three years. I am one of whom he cheated and maltreated in different ways. x x x¹⁴

Melissa reiterated this admission in her affidavit submitted to support her letter-complaint to Court Administrator Elepaño, viz:

x x x x

2. I have been maintaining an **illicit relations** with the said Judge above-named since November 2005 until March 2008. Our said relation is known among the personnel in the court's premises in Makati City;

3. To support my complaint are the various text messages and videos, ATM cards, bank checks which I am willing to present in the proper forum; x x x¹⁵

¹² *Rollo*, pp. 20-22.

¹³ *Id.* at 69.

¹⁴ *Id.* at 6A-6B.

¹⁵ *Id.* at 6D.

Melissa also revealed in her supplemental complaint affidavit that:

X X X X

9. That after such unforgivable moments of **our indecent affair**, it was followed with several times, inside his office last December 3, 2005 (Sat.), December 15, 2005, and then continued December 2005 to October 2007, we **check[ed]-in** at Silver Place Hotel at the side of the new City Hall building at Makati City. Not only that sometimes he **slept** in our house in Antipolo, and almost daily in our condo at Pasong Tamo, Makati City, since August 2007 up to January 2008.

10. That due to our indecent affair, he capitalized and abused my innocence, by asking money monthly x x x.

X X X X

12. Not only that, when [he] attended seminar at Baguio City last November 13-16, 2007, he asked me money again, I gave 700 US \$ for his pocket money, all these caprices of Judge Henry Laron was uncontrollable because every time I refused to give him money, he will hurt me, followed by threatening me to divulge **our relation to my husband**, afraid of losing my husband and my family, I was forced to follow all the caprices with closed eyes, co'z I was already there at the middle of darkness of agony;

X X X X

14. That it was too late for me to realize the **disgraceful and immoral conduct of our unforgiven happiness, damage has been done, my relation to my husband and family were ruined by Judge Laron, thru his seduction move[d] and promises that make us both disgraceful and immoral one[s]** x x x.

No less than Melissa's children also acted as witnesses, stating in their joint affidavit that Judge Laron fetched them from school and Melissa starting in 2007, and *slept in their house twice or thrice a week*. Socorro Divina, the caretaker of the Tuvillo's house, likewise declared in her affidavit that Judge Laron fetched Melissa and her children and *slept at the house of the spouses Tuvillo during weekends*.

Clearly, Judge Laron showed his moral indifference to the sensitivities of Melissa's minor children and to the opinions of respectable members of the community by having a relationship with a married woman, *by violating the complainants' own marital abode*, and by attempting to rationalize this forbidden affair. The souring of his relationship with his wife, coupled with his feeling of loneliness, could never justify Judge Laron's marital indiscretion.

That Melissa allegedly told Judge Laron that her husband died of illness in China is of no moment. Even if true, Judge Laron is a married person: he had no business entering into an affair with a woman even if the latter was a widow.

Also, the claim that Melissa has been “widowed” is preposterous and cannot be reconciled with Judge Laron’s having a share of Melissa’s monthly bonanza from overseas. At any rate, it had been proven that Melissa’s husband, Wilfredo, was alive. In fact, even after Judge Laron saw Wilfredo in the Philippines after the latter was hospitalized in China, Judge Laron did not put an end to this illicit relationship.

I find it unnecessary to dwell on the specific issue of whether Judge Laron and Melissa had engaged in a sexual relationship from all the evidence presented, including Judge Laron’s; the only direct evidence missing would be the actual copulation between them.

Overwhelmingly and by direct admission of both Judge Laron and Melissa, they had slept together in Melissa’s Antipolo house and in her Makati condo. It would certainly be very naïve to believe that their relationship was platonic. Precisely, by his own admission, his relationship with Melissa started because his wife was away and he was lonely.

In appreciating all these, the Court should not forget that the mere act of having an affair with a married woman and, worse, acting as her husband (*i.e.*, sleeping in her house and condominium, fetching her and the children, etc.) already shows the depravity of Judge Laron’s morals.

It is also immaterial that Melissa was the one who “sought” Judge Laron, or that she gave way to the forbidden relationship. It was incumbent upon Judge Laron – as a married person and a member of the Judiciary – to have distanced himself from any woman with whom he felt he could have an emotional attachment. Being the visual representation of justice, Judge Laron should have exercised restraint, and not have given in to whatever feelings he might have had for Melissa.

I cannot agree, too, with Judge Laron’s pronouncement that his affair with Melissa was a purely personal matter that does not affect his professional responsibilities as a judge and as a lawyer. The faith and confidence of the people in the administration of justice cannot be maintained if a judge who dispenses it is not equipped with the cardinal judicial virtue of moral integrity and, more so, who obtusely continues to commit an affront to public decency.¹⁶

Under the norms of legal and judicial ethics that a judge adopts when he becomes a lawyer and a judge, the line between his official and personal conduct blurs when it comes to morality. This is the price a judge has to pay for occupying an exalted position in the judiciary; he cannot freely venture outside this circumscribed circle of morality and expect to retain his exalted position. No position is more demanding on an individual’s moral righteousness and uprightness than a seat on the Bench. Thus, a judge ought to live up to the strictest standards of honesty, integrity, and uprightness. To

¹⁶ See *Exec. Judge Naval v. Judge Panday*, 341 Phil. 657, 690 (1997).

be sure, having and maintaining a mistress are not acts one would expect of a judge who is expected to possess the highest standard of morality and decency.¹⁷

Our ruling in *De Villa v. Judge Reyes*¹⁸ on this point is instructive:

The Code of Judicial Ethics mandates that the conduct of a judge must be free of [even] a whiff of impropriety not only with respect to his performance of his official duties, but also to his behaviour outside his sala and as a private individual. x x x [t] here is no dichotomy of morality: a public official, particularly a member of the judiciary is also judged by his private morals.

Simply put, a judge's official life cannot be detached or separated from his individual persona. As the subject of constant public scrutiny, a judge should freely and willingly accept restrictions on conduct that might be viewed as burdensome by an ordinary citizen. Stricter still, the personal behavior of a judge, both in the performance of official duties and in private life, should be above suspicion.¹⁹

II. Gross Misconduct

Misconduct means intentional wrongdoing or deliberate violation of a rule of law or standard of behavior in connection with one's performance of official functions and duties. For grave or gross misconduct to exist, the judicial act complained of should be corrupt or inspired by the intention to violate the law or by a persistent disregard of well-known rules. The misconduct must imply wrongful intention and not a mere error of judgment.²⁰

In the present case, *Melissa informed Judge Laron that she had several pending B.P. 22 cases in different courts in Makati City, including the sala where Judge Laron was a pairing judge.* Instead of distancing himself from Melissa, Judge Laron entertained her request for assistance, meeting her frequently from 2005 to 2007.

Judge Laron's frequent fraternizing with a litigant who has a pending case in a court where he is a pairing judge is **highly condemnable**. We note in this regard that Judge Laron (as pairing judge of Branch 66) issued an order on April 10, 2006, dismissing one of the cases filed against Melissa (Civil Case No. 86602) on joint motion of the parties. Whether the dismissal was proper or not is beside the point; Judge Laron's acquaintance with Melissa put the order of dismissal in a suspicious light and totally against his ethics as a judge.

¹⁷ *Supra* note 9, at 204, citing *Re: Complaint of Mrs. Rotilla A. Marcos and her children against Judge Ferdinand J. Marcos, RTC, Br. 20, Cebu City*, A.M. No. 97-2-53-RTC July 6, 2001, p. 23.

¹⁸ A.M. No. RTJ-05-1925, June 26, 2006, 525 SCRA 485, 511.

¹⁹ See *Tormis v. Judge Paredes*, A.M. No. RTJ-13-2366, February 4, 2015.

²⁰ See *Myla C. Castro, joined by her husband, Tagumpay Castro, and Luciana Vda. De Rojas, complainant, v. Judge Wilfredo De Joya Mayor, respondent*, A.M. No. RTJ-11-2268, en banc unsigned resolution dated November 25, 2014.

Judge Laron's act, too, of promising to aid Melissa in her other cases pending before other judges – even if he did not actually broker for the favorable decision in these cases – is reprehensible and cannot but have a corrosive effect on people's respect for the law and the courts. The promise gave the impression that judges could be used for influence peddling or intercession.

Canon 2 of the Code of Judicial Conduct mandates that "a judge should avoid impropriety and the appearance of impropriety in all activities." Rule 2.01 and Rule 2.04 of the Code provide as follows:

Rule 2.01 - A judge should so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary.

x x x x

Rule 2.04 - A judge shall refrain from influencing in any manner the outcome of litigation or dispute pending before another court or administrative agency."

The New Code of Judicial Conduct²¹ essentially reiterated these rules, as follows:

CANON 4 PROPRIETY

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

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

x x x x

SEC. 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.

CANON 1 INDEPENDENCE

Judicial independence is a prerequisite to the rule of law and a fundamental guarantee of a fair trial. A judge shall therefore uphold and exemplify judicial independence in both its individual and institutional aspects.

x x x x

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

²¹ Took effect on June 1, 2004.

The Canons of Judicial Ethics further provide that [a] judge's official conduct should be free from the appearance of impropriety, and his personal behavior, not only upon the bench and in the performance of judicial duties but also his everyday life, should be beyond reproach.

These canons require judges to avoid **not only impropriety, but even the appearance of impropriety in all their conduct, whether in their public or private life.** The proscription includes a judge's meddling with judicial processes in courts other than his own and acting in a manner that would arouse suspicion that he is meddling with such court processes.²²

Clearly, Judge Laron violated Canon 2 of the Code of Judicial Conduct. The *ponencia* itself affirmed this when it held that “*Judge Laron apparently entertained*” *Melissa’s request for assistance*, and “*aided her in a case pending before him and before another judge.*” We cannot tolerate this appalling conduct as it erodes public confidence in the judiciary.

It has also been claimed that Judge Laron had been constantly requesting money from Melissa. As a result, the latter was forced to sell some of her houses and lots. I cannot support this claim for lack of supporting evidence.

Nonetheless, it has been shown that Melissa submitted a Bank of the Philippine Islands (BPI) deposit slip for \$200 deposited to the account of “*Henry E. Laron.*” Whether this money was voluntarily given by Melissa on account of their illicit relationship or requested by Judge Laron himself, under the threat of blackmail if Melissa would refuse to give in to Judge Laron’s request, is of no moment: Judge Laron cannot accept any money from a party-litigant.

Under Section 8 of A.M. No. 01-8-10-SC amending Rule 140 of the Rules of Court on the Discipline of Justices and Judges, which took effect on October 1, 2001, gross misconduct and immorality are classified as serious charges, each of which carry with it a penalty of either (a) **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; (b) suspension from office without salary and other benefits for more than three (3) but not exceeding six (6) months; or (c) a fine of more than ₱20,000.00 but not exceeding ₱40,000.00.²³

Judge Laron’s behavior demonstrates his unfitness to remain in office and to continue to discharge the functions of a judge. He has tainted the image of the judiciary whose reputation and integrity he must keep unsullied at all times.²⁴ Taking into account the Court’s policy to purge the judicial

²² See *Punzalan v. Judge Plata*, 423 Phil. 819, 831 (2001).

²³ *Rivera v. Blancaflor*, A.M. No. RTJ-11-2290, November 18, 2014, 740 SCRA 528, 554.

²⁴ See *Calilung v. Judge Suriaga*, 393 Phil. 739, 765 (2000).

ranks of those unworthy to don the judicial robe, I find no reason for the Court to withhold the imposition of the severest form of disciplinary action for Judge Laron's irresponsible and shameless conduct. This penalty, after all, is what the rules and jurisprudence command.

No position demands greater moral righteousness and uprightness from its occupant than does the judicial office. Judges in particular must be individuals of competence, honesty, and probity, charged as they are with safeguarding the integrity of the court and its proceedings. He should behave at all times so as to promote public confidence in the integrity and impartiality of the judiciary, and avoid impropriety and the appearance of impropriety in all his activities. His personal behaviour outside the court, and not only while in the performance of his official duties, must be beyond reproach, for he is perceived to be the personification of law and justice. Thus, any demeaning act of a judge degrades the institution he represents.²⁵

I disagree in particular with the *ponencia's* ruling that Judge Laron's "admission of his weakness and lapses during the times he felt lonely and forlorn during the prolonged absence of his wife can be considered as a mitigating circumstance." This is the kind of lax ruling that cannot be allowed to stand in the case book as it can, down the road, only lead to the weakening of the moral fiber of the judiciary.

I also find misplaced the *ponencia's* reliance on the case of *Judge Caguioa v. Flora*²⁶ to justify the three-year suspension it imposed on Judge Laron.

First, the respondent in *Flora* was not a judge, but a sheriff. *Second*, the acts committed by the respondent sheriff in *Flora* were different from those committed by Judge Laron. The respondent sheriff in *Flora* was intoxicated when he shouted "kalbo" at Judge Caguioa during trial; Judge Laron, in the present case, was a married man who had an affair with a married woman with a pending case before his court, and who accommodated the woman's request for help in cases pending before his sala and the sala of other judges.

Thus, the difference in the factual situations between *Judge Caguioa v. Flora* and Judge Laron's case renders inapplicable the use of the *Caguioa* ruling. To be sure, Judge Laron's remorsefulness should not be enough to steer the Court's decision towards leniency. With transgressions as severe as Judge Laron's, the Court itself would be brought to disrepute if it simply imposes a slap on the wrist of Judge Laron. As we explained in *Concerned Employees of RTC of Dagupan City v. Judge Fallora-Aliposa*:²⁷

[A] member of the Judiciary is commanded by law to exhibit the highest degree of moral certitude and is bound by the highest standards of honesty

²⁵ See *Anonymous v. Achas*, A.M. No. MTJ-11-1801, February 27, 2013, 692 SCRA 18, 25.

²⁶ 412 Phil. 426 (2001).

²⁷ 383 Phil. 168, 191 (2000).

and integrity. Life, liberty, and property are defined and molded as judges perform their sworn tasks to uphold the law and to administer justice. There is no place in the Judiciary for those who cannot meet the exacting standards of judicial conduct and integrity. This court has been watchful of dishonest judges and will not withhold penalty when called for to uphold the people's faith in the Judiciary.

III. Charge of unexplained wealth

As the OCA did, I find that Melissa failed to substantiate her allegations that Judge Laron was living beyond his means. Other than her bare claims on this matter, Melissa failed to present any other evidence to corroborate her charge of unexplained wealth.

Judge Laron, on the other hand, submitted the following pieces of evidence to refute Melissa's allegations: deed of sale of motor vehicle showing that what had been sold to him was a 2001 and not a 2005 Nissan Patrol model; certificate of registration showing that the vehicle's ownership was transferred under his name, and not under the name of his father; two Prudential Life Education Plans dated May and July 1996, respectively; a certification from Mrs. Ano Tan that three paintings were sold to the spouses Laron at special discounted prices; and a notarized bill of materials and cost estimates showing the estimated construction costs of their house.

Disbarment

A.M. No. 02-9-02-SC (which took effect on October 1, 2002) provides that an administrative case against a judge of a regular court based on grounds which are also grounds for disciplinary action against members of the Bar, shall be considered as disciplinary proceedings against such judge as a member of the Bar. It also states that **judgment in both respects may be incorporated in one decision or resolution.**

Section 27, Rule 138 of the Rules of Court, on the other hand, provides that a lawyer may be removed or suspended from the practice of law, *among others*, for gross misconduct and grossly immoral conduct:

Sec. 27. Attorneys removed or suspended by Supreme Court on what grounds. — A member of the bar may be removed or suspended from his office as attorney by the Supreme Court for any deceit, malpractice, or other **gross misconduct** in such office, **grossly immoral conduct**, or by reason of his conviction of a crime involving moral turpitude, or for any violation of the oath which he is required to take before the admission to practice, or for a wilfull disobedience of any lawful order of a superior court, or for corruptly or wilfully appearing as an attorney for a party to a case without authority so to do. The practice of soliciting cases at law for the purpose of gain, either personally or through paid agents or brokers, constitutes malpractice.

In *Office of the Court Administrator v. Judge Indar*,²⁸ the Court automatically disbarred the respondent judge pursuant to the provisions of A.M. No. 02-9-02-SC, adopting the reasoning held in *Samson v. Caballero* that:

Under the same rule, a respondent “may forthwith be required to comment on the complaint and show cause why he should not also be suspended, disbarred or otherwise disciplinarily sanctioned as member of the Bar.” The rule does not make it mandatory, before respondent may be held liable as a member of the bar, that respondent be required to comment on and show cause why he should not be disciplinarily sanctioned as a lawyer separately from the order for him to comment on why he should not be held administratively liable as a member of the bench. In other words, an order to comment on the complaint is an order to give an explanation on why he should not be held administratively liable not only as a member of the bench but also as a member of the bar. This is the fair and reasonable meaning of “automatic conversion” of administrative cases against justices and judges to disciplinary proceedings against them as lawyers. This will also serve the purpose of A.M. No. 02-9-02-SC to avoid the duplication or unnecessary replication of actions by treating an administrative complaint filed against a member of the bench also as a disciplinary proceeding against him as a lawyer by mere operation of the rule. Thus, a disciplinary proceeding as a member of the bar is impliedly instituted with the filing of an administrative case against a justice of the Sandiganbayan, Court of Appeals and Court of Tax Appeals or a judge of a first- or second-level court.

It cannot be denied that respondent’s dishonesty did not only affect the image of the judiciary, it also put his moral character in serious doubt and rendered him unfit to continue in the practice of law. Possession of good moral character is not only a prerequisite to admission to the bar but also a continuing requirement to the practice of law. If the practice of law is to remain an honorable profession and attain its basic ideals, those counted within its ranks should not only master its tenets and principles but should also accord continuing fidelity to them. **The requirement of good moral character is of much greater import, as far as the general public is concerned, than the possession of legal learning.** [emphasis in the original]

The Court had a similar ruling in the fairly recent case of *Office of the Court Administrator v. Presiding Judge Joseph Cedrick O. Ruiz*²⁹ where we dismissed the erring judge from the service and at the same time disbarred him.

Judge Laron is a disgrace to both the bar and the bench. Considering that Judge Laron is guilty of immorality and gross misconduct, I maintain that – aside from being **dismissed from the service** – he should likewise be **disbarred** and his name stricken out from the roll of attorneys.

²⁸ 685 Phil. 272, 292-293(2012), citing *Samson v. Caballero*, A.M. No. RTJ-08-2138, August 5, 2009, 595 SCRA 423, 435-436.

²⁹ A.M. No. RTJ-13-2361, February 2, 2016.



A Heinous Administrative Offense

A point that I have reserved for the last in order not to be missed, is the heinous character of the administrative offenses committed considering the parties' respective situations. This characterization entitles this case to a category of its own – a heinous administrative offense.

This case involves a member of the Judiciary found liable for charges related to the discharge of the functions of his office. He used and abused the functions and prerogatives of his office to the prejudice of the offended parties and of the institution he serves, the Judiciary. He breached the trust that the Constitution, the laws, and the Judiciary have conferred on him as a public official, a lawyer, and a judge.

On the complainant's end, one of the offended parties is a female litigant with a case pending before the respondent Judge, which gave the Judge the excuse and occasion to commit the offenses charged. The other offended party is the litigant's cuckolded spouse, an Overseas Filipino Worker (*OFW*) whose rights to the sanctity of his marriage, the unity of his home, and his and her children's peace of mind were violated by the respondent judge.

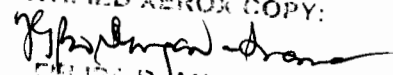
The members of the Court may not be fully aware of the nature of the offenses committed *from the OFW perspective*: one of the worst news that an OFW could receive while overseas would be the infidelity of his or her spouse. This has driven many an OFW to desperation and to commit wrongful or shameful acts they would not otherwise have done in their sane moments. This was the news that the complaining husband rudely received, together with the bitter confirmation that the salary he assiduously remitted from overseas had dissipated and partly spent on the offending judge.

These painful and unpleasant circumstances and the heinous characterization of the offenses would be equivalent to rubbing salt and chili on a raw wound or burn injury should the Judiciary, in taking care of its own, give the respondent judge in this case a mere slap on the wrist by penalizing him with less than the capital penalties required for the offenses committed. I pray this kind of judicial action will not take place. Such action, if taken by this Court, will immeasurably damage this Court's integrity and reputation, and would negate everything positive this Court has recently achieved in the field of legal and judicial ethics.

With the termination of the Court's action on this administrative case, there should no longer be any stumbling block to the referral of the Court's ruling to the Honorable Ombudsman for its appropriate action.


ARTURO D. BRION
Associate Justice

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FELIPA D. ANAMA
CLERK OF COURT, EN BANC
SUPREME COURT