Republic of the Philippines
Supreme Court
Manila

EN BANC

LIZA DE LEON-PROFETA,

Petitioner,

- versus -

JUDGE FRANCISCO G. MENDIOLA, Presiding Judge of Regional Trial Court, Branch 115, Pasay City,

Respondent.

A.M. No. RTJ 20-2596 (Formerly OCA IPI No. 16-4590-RTJ)

Present:

PERALTA, *CJ,*
PERLAS-BERNABE,
LEONEN,
CAGUIOA,
GESMUNDO,
HERNANDO,
CARANDANG,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ,
DELOS SANTOS,
GAERLAN, and
ROSARIO,* *JJ.*

Promulgated:

January 19, 2021

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DECISION

PER CURIAM:

This is an administrative Complaint[1] dated 28 June 2016, filed by petitioner Liza De Leon-Profeta (petitioner) against Judge Francisco

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* On official leave.

[1] *Rollo*, pp. 1-18.

Mendiola (respondent Judge), former Presiding Judge of Branch 115, Regional Trial Court (RTC) of Pasay City. The complaint accuses respondent Judge of gross ignorance of the law, as well as manifest bias and partiality, relative to his issuances in the Petition for Issuance of Letters of Administration, Partition, Settlement and Distribution of Estate of Agustina Maglaqui-De Leon[2] (subject petition), against the petitioner and her brother, Nestor De Leon (Nestor), who were among the oppositors in said proceeding.[3]

Antecedents

Agustina Maglaqui-De Leon (Agustina) died intestate on 11 August 2007. She was survived by her husband, former Judge Nestorio De Leon (Judge De Leon), their legally adopted children, petitioner and Nestor de Leon (Nestor), as well as her sister, Elisa Maglaqui-Caparas (Elisa).

On 14 February 2008, Elisa filed the subject Petition, where she prayed, *inter alia*, to become the administratrix of Agustina's estate. She claimed to be suing in her capacity as Agustina's surviving heir. While she acknowledged Judge De Leon as Agustina's widower, Elisa nevertheless asserted that he had suffered from multiple strokes. She likewise omitted any mention of petitioner and Nestor.[4]

On the day Elisa was to present jurisdictional requirements before the court, petitioner, Nestor, and Judge De Leon (collectively, oppositors), along with their counsel, opposed the subject petition in open court. Respondent Judge issued an Order[5] dated 26 March 2008, holding Elisa's application for the issuance of Letters of Administration submitted for resolution. He also directed the oppositors' lawyer to file their opposition to the subject petition within five (5) days, or until 31 March 2008.

However, only two (2) days later, or on 28 March 2008, respondent Judge issued an Order (Order dated 28 March 2008),[6] granting Elisa's prayer for the issuance of Letters of Administration. Nevertheless, the oppositors still filed their Opposition[7] on 31 March 2008, asserting that they were the compulsory heirs of Agustina. To support their claim, they submitted a

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2 *Id.* at 26-33.
3 *See* p. 1 of the Administrative Agenda.
4 *Rollo*, pp. 1-2.
5 *Id.* at 168.
6 *Id.* at 34.
7 *Id.* at 35-42.

certified xerox copy of a Decision,[8] dated 15 October 1982, purportedly in SP Proc. No. 434 and issued by Branch 01, City Court of Pasay, granting the petition of Judge De Leon and Agustina for the adoption of minors Liza Cabacang and Nestor Cabacang.

Despite said opposition, respondent Judge issued Letters of Administration[9] in favor of Elisa on 01 April 2008. The oppositors sought reconsideration of the Order[10] dated 28 March 2008, but the respondent Judge denied the same in his Order[11] dated 02 May 2008.

Subsequently, Elisa filed a motion to withdraw sum of money from Agustina's Citibank account, which respondent Judge granted on 12 May 2008.[12] As a result, Elisa was able to obtain a total of Php5,595,078.01 from Agustina's estate.[13] Respondent judge likewise granted Elisa's motion for the oppositors to submit/turn-over to her pertinent documents to enable her to render a complete inventory of Agustina's estate.[14]

Aggrieved by the flurry of respondent Judge's unfavorable rulings, the oppositors filed a Petition for *Certiorari* with Prayer for Issuance of Temporary Restraining Order and/or Writ of Preliminary Injunction[15] before the Court of Appeals (CA), docketed as CA-G.R. SP No. 103471, to annul the Orders dated 28 March 2008 and 02 May 2008, as well as the Letters of Administration[16] granted to Elisa.

In a Decision[17] dated 22 August 2008, the CA granted the petition, having found that respondent Judge acted with grave abuse of discretion in appointing Elisa as administratrix of Agustina's estate, without conducting a full-dress hearing, and without giving cogent reason for disregarding the order of preference set forth in Section 6, Rule 78 of the Rules of Court. It consequently nullified the Letters of Administration issued to Elisa, and ordered respondent Judge to conduct a full-dress hearing for the purpose of determining who was more competent, qualified, and fit to act as the

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8 *Id.* at 19-23; penned by Acting Judge Nicanor J. Cruz, Jr.
9 *Id.* at 43-44.
10 *Supra* at note 6.
11 *Id.* at 45-46.
12 *Id.* at 47.
13 *Id.* at 4; motion to withdraw sum of money (from the Deceased Agustina V. Maglaqui-De Leon's Citibank Account) dated 14 April 2008, not part of the *Rollo*.
14 *Id.* at 4-5.
15 *Id.* at 48-75.
16 *Supra* at note 9.
17 *Id.* at 76-85; penned by Associate Justice Isaias Dicdican and concurred in by Associate Justices Juan Q. Enriquez, Jr. and Marlene Gonzales-Sison of the Eleventh (11th) Division Court of Appeals, Manila.

administrator or administratrix of the estate of Agustina. The CA decision became final and executory on 18 September 2009.[18]

Pursuant to the ruling, the oppositors filed a motion before the RTC to set a hearing on their opposition. During the scheduled hearing on 17 June 2009, Elisa manifested that both parties have no more witnesses to present, and she had no documentary exhibits to submit. Meanwhile, the oppositors filed their formal offer of evidence on 21 November 2011. However, respondent Judge did not act immediately on the formal offer. Instead, he allowed Elisa to present a lengthy rebuttal to the oppositor's evidence.[19]

About a month after the filing of the formal offer, Judge De Leon passed away, leaving petitioner and Nestor to contest the subject petition.[20]

On 15 August 2012, the oppositors filed a Motion for Voluntary Inhibition[21] of respondent Judge. In an Order[22] dated 09 January 2013, however, respondent Judge denied the motion for utter lack of merit. In said Order, respondent Judge refuted in detail all the allegations of bias proferred by the oppositors against him. He likewise averred that the motion showed the oppositors and their counsel's lack of knowledge of the case, "and their crass ignorance of basic court procedure."[23] Addressing the oppositors' allegation that he started proceedings for the subject Petition with uncommon haste, respondent Judge had this to say:

> Are the oppositors each an ignoramus with no knowledge that cases are raffled to Court Branches and the Branch to which the case is filed has the duty to set the case for hearing?
>
> Are the oppositors each an ignoramus with no knowledge that if the court finds the petition sufficient in forma and substance, does not mean that it has already granted the petition?[24]

When respondent Judge denied oppositors' motion for reconsideration,[25] they filed before the CA a Petition for *Certiorari* and Prohibition (With Application for the Issuance of a Temporary Restraining

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18 *Id.* at 384; *see* Entry of Judgment in CA-G.R. SP No. 103471.
19 *Id.* at 7.
20 *Id.*
21 *Id.* at 86-94.
22 *Id.* at 174-179.
23 *Id.* at 179.
24 *Id.* at 175.
25 *Id.* at 114; Order not part of the *Rollo*.

Order and/or Writ of Preliminary Injunction),[26] docketed as CA-G.R. SP No. 132653, to nullify respondent Judge's ruling on the motion for inhibition.

In the meantime, respondent Judge issued, *inter alia*, the Order[27] dated 04 March 2014 denying admission of all the oppositors' documentary exhibits.[28] He also issued the Order[29] dated 09 May 2014, which granted Elisa's Motion to Deny the Oppositors' Opposition,[30] ratiocinating that the oppositors miserably failed to prove the existence of their adoption, there being no certificate of finality of the supposed decree of adoption,[31] and considering that the copy of the supposed adoption decree presented in court was a mere photocopy.[32]

On 29 August 2014, the CA issued a Decision[33] directing respondent Judge to inhibit himself from the proceedings. Hence, oppositors filed a manifestation dated 02 September 2014 before the RTC, apprising respondent Judge of the said CA ruling.[34] The same notwithstanding, respondent Judge released the following Orders, which he caused to be personally served on the oppositors' counsel two (2) days later:[35]

1. The Order[36] dated 19 August 2014, denying oppositors' motion for reconsideration of the Order[37] dated 04 March 2014;

2. The Order[38] dated 20 August 2014, which denied the motion for reconsideration of the Order[39] dated 21 March 2014, which, in turn, denied the motion to dismiss filed by the oppositors;

3. The Order[40] dated 29 August 2014, denying the oppositors' motion for reconsideration of the Order[41] dated 09 May 2014.

Oppositors, claiming that respondent Judge antedated the foregoing orders to make it appear that they were issued prior to the issuance of the CA

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26 *Id.* at 95-130.
27 *Id.* at 143-150 and 180-187.
28 *Id.* at 150 and 187.
29 *Id.* at 188-197.
30 *Id.* at 236-238.
31 *Id.* at 194.
32 *Id.* at 193.
33 *Id.* at 131-141; penned by Associate Justice Sesinando E. Villon and concurred in by Associate Justices Florito S. Macalino and Pedro B. Corales of the Fifteenth Division Court of Appeals, Manila.
34 *Id.* at 9; a copy of the manifestation not part of the *Rollo*.
35 *Id.*
36 *Id.* at 324-325.
37 *Supra* at note 27.
38 *Rollo*, pp. 328-329.
39 *Id.* at 151-152 and pp. 326-327.
40 *Id.* at 142.
41 *Supra* at note 29.

ruling,[42] filed a third petition for *certiorari* before the CA, docketed as CA-G.R. SP No. 137827,[43] to assail the Orders dated 04 March 2014,[44] 19 August 2014,[45] and 20 August 2014.[46] They also filed their fourth petition for *certiorari*, docketed as CA-G.R. SP No. 137999, to assail the Order dated 29 August 2014.[47]

Meanwhile, Elisa filed before the Court a petition for review on *certiorari,* docketed as G.R. No. 219840, to assail the CA's ruling on the second petition for *certiorari* of the oppositors.[48] The petition was denied in a Resolution[49] dated 23 November 2015. However, when petitioner filed the present complaint on 19 June 2016, Elisa's motion for reconsideration was still pending resolution by the Court.[50] It was only a month later, on 20 July 2016, that the Court issued the Resolution[51] denying Elisa's motion with finality.

In the interim, respondent Judge still heard on 22 June 2016 Elisa's very urgent motion for appointment of special administrator and issuance of writ of possession,[52] despite the standing directive of the CA for him to inhibit.

In his Comment[53] filed on 01 September 2016, respondent Judge, citing Section 6, subsections (b) and (c), Rule 78 of the Rules of Court,[54] argued that he cannot be held administratively liable for choosing Elisa over Judge De Leon as administrator of Agustina's estate because the latter

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42 *See* p. 4 of the Administrative Matter for Agenda.
43 *Rollo*, pp. 266-302.
44 *Supra* at note 27.
45 *Supra* at note 36.
46 *Supra* at note 38.
47 *Id.*; copy of fourth petition for *certiorari* not part of the *Rollo.*
48 *Id.* at 10; petition for review on *certiorari,* not part of the *Rollo.*
49 *Id.* at 153.
50 *Id.* at 10, motion for reconsideration, not part of the *Rollo.*
51 *Id.* at 220-221.
52 *Id.* at 10-11; the motion is not part of the *Rollo.*
53 *Id.* at 158-167.
54 **Section 6.** *When and to whom letters of administration granted.* — If no executor is named in the will, or the executor or executors are incompetent, refuse the trust, or fail to give bond, or a person dies intestate, administration shall be granted:
X x x
(b) If such surviving husband or wife, as the case may be, or next of kin, or the person selected by them, be incompetent or unwilling, or if the husband or widow, or next of kin, neglects for thirty (30) days after the death of the person to apply for administration or to request that administration be granted to some other person, it may be granted to one or more of the principal creditors, if may be granted to one or more of the principal creditors, if competent and willing to serve;
(c) If there is no such creditor competent and willing to serve, it may be granted to such other person as the court may select.

neglected to apply for Letters of Administration within 30 days from his wife's death on 11 August 2007.[55]

Furthermore, respondent Judge explained that he issued the order dated 19 February 2008, notifying Judge De Leon and the heirs of Agustina of the subject Petition, directing them to appear on 26 March 2008 and show cause why the subject Petition should not be granted.[56] On the date of hearing, however, the oppositors still failed to file a written opposition or comment on the subject Petition.[57] Petitioner and Nestor also failed to present concrete proof of an official adoption decree, as what they had was a mere photocopy. Hence, respondent Judge did not lend credence to their claim of adoption.[58]

In addition, respondent Judge cited the supposed urgency of the matter for issuing the Order[59] dated 26 March 2008, ruling the subject petition as submitted for resolution, without prejudice to the issue of whether petitioner and Nestor were indeed the children, whether adopted or otherwise, of Agustina and Judge De Leon.[60]

Anent his refusal to recuse despite the directive of the CA, respondent Judge maintained that, at the time he issued the assailed orders, the ruling of the CA in the second petition for *certiorari* was still not final and executory at that time, there being a pending motion for reconsideration filed by Elisa. Since there was no preliminary injunction or temporary restraining order issued by the CA against him, he proceeded to further hear the case, pursuant to Section 7, Rule 65[61] of the Rules of Court.[62] Nevertheless, he complied with the directive of the CA in its ruling on the first petition for *certiorari* to conduct full-dress hearings by setting the case for regular hearings starting November 2009.[63]

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55 *Rollo*, pp. 161-163.

56 Order dated 19 February 2008 not part of the *Rollo*, but stated in the Order dated 28 March 2008, *supra* at note 6.

57 *Id.* at 159-160.

58 *Id.* at 158-159.

59 *Id.* at 160.

60 *Id.*

61 **Section 7.** *Expediting proceedings; injunctive relief.* — The court in which the petition is filed may issue orders expediting the proceedings, and it may also grant a temporary restraining order or a writ of preliminary injunction for the preservation of the rights of the parties pending such proceedings. The petition shall not interrupt the course of the principal case unless a temporary restraining order or a writ of preliminary injunction has been issued against the public respondent from further proceeding in the case. (7a)

62 *Rollo*, p. 164.

63 *Id.*

Respondent Judge further argued that petitioner's complaint against him was premature in view of the pendency of Elisa's motion for reconsideration before the Court.[64]

Additionally, respondent Judge pointed out that oppositors had already asked for his inhibition in their first petition for *certiorari*, but the same was not passed upon by the CA. Since the CA did not thresh out this issue, the appellate court, by implication, denied the same. Hence, the oppositors' motion for inhibition in their second petition for *certiorari* was already barred by *res judicata.*[65]

Respondent Judge also underscored that his finding on the physical unfitness of Judge De Leon was never refuted by the oppositors. He also noted that as stated in his Orders dated 04 March 2014[66] and 09 May 2014,[67] petitioner and Nestor failed to establish by competent evidence the fact of their adoption by Judge De Leon and Agustina. Since they did not appeal the Order dated 09 May 2014, the same had become final and executory pursuant to Section 1(e) and (f), Rule 109 of the Rules of Court.[68]

He also explained that the word "ignoramus" he used in his Order[69] dated 09 January 2013 only referred to oppositors' lack of knowledge about court procedures, such as raffle and admission of a complaint when in due form and substance. And given its ordinary meaning, "ignoramus" was not a strong and intemperate word that would amount to a ground for voluntary inhibition.[70]

By way of an Additional/Supplemental Comment,[71] respondent Judge further argued that since the oppositors' failed to appeal his Order[72] dated 09 May 2014, it is now final and executory. Accordingly, the oppositors no longer had a legal right to oppose the subject Petition, much less to file the instant complaint. Hence, not only is the complaint premature, it also failed to state a cause of action, because petitioner is not a real party-in-interest to file the same.[73]

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64 *Id.* at 165.
65 *Id.* at 165-166.
66 *Id.* at 258-265.
67 *Id.* at 239-248..
68 *Id.* at 167.
69 *Id.* at 174-179.
70 *Id.* at 166.
71 *Id.* at 199-206.
72 *Supra* at note 29.
73 *Rollo,* pp. 200-202.

Further, respondent Judge claimed that petitioner did not come to court with clean hands. Allegedly, petitioner and Nestor surreptitiously entered into a Contract to Sell as sellers, with a certain Rogelio Martin De Leon as buyer, involving a parcel of land forming part of Agustina's estate[74] without the knowledge and approval of the court.[75] The court learned about this through Elisa's Very Urgent Motion for Appointment of Special Administrator and Issuance of Writ of Possession, which she set for hearing on 22 June 2016.[76]

In his Rejoinder (With Leave of this Honorable Office),[77] respondent Judge reiterated that he did not consider petitioner and Nestor among the choices for the issuance of the Letters of Administration because they failed to prove that they are Agustina's legally adopted children. He disclosed that petitioner and Nestor admitted that the original of the alleged decree of adoption was destroyed by a fire that gutted the Pasay City Hall.[78] As secondary evidence, they relied on a photocopy thereof, along with the alleged undated certification photocopy issued by Demetrio M. Sobremonte (Mr. Sobremente), Clerk II of City Court, Branch 1 of Pasay City.[79] However, in view of the passage of the Judiciary Organization Act of 1980, all City Courts, including the City Court of Pasay, were abolished. Hence, at the time said evidence was formally offered on 11 November 2011, Mr. Sobremonte no longer had authority to certify and attest to the authenticity and veracity thereof.[80]

With respect to the denial of the presentation of petitioner and Nestor's respective birth certificates[81] issued by the National Statistics Office (NSO), respondent Judge argued that these documents, which were registered more than 10 years from the issuance of the alleged adoption decree, did not prove the fact of adoption.[82]

The Court's Resolution[83] dated 23 November 2015 in G.R. No. 219840 became final and executory on 05 September 2016.[84] On the other hand, the CA issued a Decision[85] dated 28 October 2016 in CA-G.R. SP No.

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74 *Id.* at 203.
75 *Id.*
76 *Id.* at 201-203. Very Urgent Motion for Appointment of Special Administrator and Issuance of Writ of Possession not part of the *Rollo*.
77 *Id.* at 303-310.
78 *Id.* at 306.
79 *Id.* at 304.
80 *Id.* at 304-305.
81 *Id.* at 24-25.
82 *Id.* at 308-309.
83 *Supra* at note 51.
84 *Rollo*, p. 397; *see* Entry of Judgment in G.R. No. 219840.

137827, granting the oppositors' third petition for *certiorari*.[86] Upon a petition for review filed by Elisa, this Court issued a Resolution[87] dated 27 September 2017 in G.R. No. 232450, which affirmed the CA's ruling. Thereafter, the CA likewise issued a Decision[88] dated 24 November 2017 in CA-G.R. SP No. 137999, which granted the oppositors' fourth petition for *certiorari*.[89] Finally, respondent Judge reached the mandatory retirement age on 06 June 2019.[90]

Report and Recommendation of the OCA

The OCA recommended that the complaint be re-docketed as a regular administrative matter against respondent Judge.[91] It also concurred with the CA Decision dated 22 August 2008 and Decision dated 28 October 2016, which held that respondent Judge committed grave abuse of discretion, gross ignorance of the law, bias, and partiality in handling the subject Petition.[92] Hence, it recommended that respondent Judge be found guilty of bias and partiality in violation of Canon 3, Section 1 of the New Code of Judicial Conduct for the Philippine Judiciary, as well as three (3) counts of gross ignorance of the law:[93]

The OCA also noted that respondent Judge served in the judiciary for almost 24 years, and that this is his first offense.[94] Following the ruling of the Court in *Office of the Court Administrator v. Presiding Judge Villarosa*,[95] the OCA further recommended for respondent Judge to be meted the following penalties to be deducted from his retirement benefits in view of his compulsory retirement:

a) **FINE**, in the amount of Php12,000.00, for violation of the New Code of Judicial Conduce for the Philippine Judiciary

b) **FINE**, in the amount of Php40,000.00, for the first count of gross ignorance of the law

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85 *Id.* at 331-346; penned by Associate Justice Maria Elisa Sempio Diy and concurred in by Associate Justices Ramon M. Bato, Jr. and Samuel H. Gaerlan (now a Member of this Court) of the Special Twelfth (12th) Division Court of Appeals, Manila.

86 *Supra* at note 43.

87 *Id.* at 400.

88 *Id.* at 352-365; penned by Associate Justice Victoria Isabel A. Paredes and concurred in by Associate Justices Jose C. Reyes, Jr. (retired member of this Court) and Jane Aurora C. Lantion of the Third (3rd) Division Court of Appeals, Manila.

89 *Supra* at note 48.

90 *See* pp. 6 and 9 of the Administrative Matter of Agenda.

91 *See* p. 12 of the Administrative Matter of Agenda.

92 *See* pp. 6-9 of the Administrative Matter for Agenda.

93 *See* pp. 9 and 12 of the Administrative Matter for Agenda.

94 *See* p. 11 of the Administrative Matter of Agenda.

95 A.M. No. RTJ-20-2578 (formerly A.M. No. 19-11-268-RTC), 28 January 2020 [Per Curiam].

c) **FINE**, in the amount of Php40,000.00, for the second count of gross ignorance of the law

d) **FINE**, in the amount of Php40,000.00, for the third count of gross ignorance of the law.[96]

Issue

The issue in this case is whether or not under the given circumstances, respondent Judge can be held administrative liable for (1) gross ignorance of the law; and/or (2) manifest bias or partiality.

Ruling of the Court

The Court partially adopts the findings and recommendations of the OCA, but finds the need to address some other issues, as well as modify the penalties recommended.

Respondent Judge is guilty of multiple counts of Gross Ignorance of the Law

The OCA recommended for respondent Judge to be held administratively liable for three (3) counts of Gross Ignorance of the Law for: (1) issuing Letters of Administration to Elisa without a full-blown hearing; (2) issuing Letters of Administration to Elisa without waiting for the submission of the Opposition to the subject Petition; and (3) disregarding the order of preference under Rule 78 of the Rules of Court as to whom letters of administration should be issued without providing strong reason for it.[97]

It has been oft-emphasized by the Court that the administrative liability for ignorance of the law and/or knowingly rendering an unjust judgment does not necessarily arise from the mere fact that a judge issued an order that may be adjudged to be erroneous.[98] A judge cannot be subjected to liability – civil, criminal, or administrative – for any of his official acts, no matter how erroneous, as long as he acts in good faith. *Only judicial errors tainted with fraud, dishonesty, gross ignorance, bad faith, or deliberate*

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[96] *See* p.12 of the Administrative Matter for Agenda.
[97] *See* p. 9 of the Administrative Matter of Agenda.
[98] *See Atty. Hilario v. Ocampo III*, A.M. No. MTJ-00-1305, 03 December 2001, 422 Phil. 593 (2001) [Per J. Panganiban].

intent to do an injustice will be administratively sanctioned.[99] (Italics in the original)

Indeed, judges are not generally liable for acts done within the scope of their jurisdiction and in good faith; and that exceptionally, prosecution of a judge can be had only if "there be a *final declaration by a competent court in some appropriate proceeding of the manifestly unjust character of the challenged judgment or order*, and . . . also *evidence of malice or bad faith, ignorance of inexcusable negligence, on the part of the judge in rendering said judgment or order*" or under the stringent circumstances set out in Article 32 of the Civil Code.[100] To hold otherwise would be nothing short of harassment and would make his position doubly unbearable, for no one called upon to try the facts or interpret the law in the process of administering justice can be infallible in his judgment.[101] (Italics in the original)

Rule 1.01, Canon 1 of the Code of Judicial Conduct requires judges to be the embodiment of competence, integrity, and independence. Similarly, Rule 3.01, Canon 3 of the Code demands magistrates to be faithful to the law and maintain professional competence. While judges should not be held to answer criminally, civilly, or administratively for every erroneous decision rendered in good faith, it is imperative that they be conversant with basic legal principles. When the law is clear and basic, a judge owes it to his office to simply apply it. Anything less than that constitutes gross ignorance of the law.[102]

Respondent Judge committed gross ignorance of the law, when he hastily issued Letters of Administration to Elisa

In the pertinent Order of respondent Judge, he granted Letters of Administration to Elisa, without stating the clear legal and factual basis for doing so, except for the oppositors' failure to file a written opposition to the subject Petition on or before the hearing date. However, the evidence readily

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[99] *See Salcedo v. Bollozos*, A.M. No. RTJ-10-2236 (Resolution), 05 July 2010, 637 Phil. 27 (2010); [Per J. Brion].

[100] *See Flores v. Abesamis*, A.M. No. SC-96-1 (Resolution), 10 July 1997, 341 Phil. 299 (1997) [Per CJ Narvasa] citing *In re: Borromeo*, A.M. No. 93-7-696-0 (Resolution), 21 February 1995, 311 Phil. 441 (1995) [Per Curiam].

[101] *In re: Borromeo*, A.M. No. 93-7-696-0 (Resolution), 21 February 1995, 311 Phil. 441 (1995) [Per Curiam].

[102] *Barcena v. Gingoyon*, A.M. No. RTJ-03-1794 (Resolution), 25 October 2005, 510 Phil. 546 (2005) [Per J. Quisumbing].

shows that petitioner and Nestor were not formally notified of the proceedings since Elisa deliberately failed to mention them as possible parties-in-interest in the subject Petition.[103]

Even granting that Judge De Leon was notified of the subject Petition, respondent Judge, in the exercise of sound discretion and pursuant to the foregoing rule, should not have summarily granted Letters of Administration to Elisa. The oppositors appeared before the court to interpose their objection to the subject Petition. In fact, respondent Judge even gave them a reasonable period within which to file a written opposition. It should likewise be underscored that the hearing on 26 March 2008 was only for the submission and offer of documentary evidence to establish compliance with jurisdictional requirements. Respondent Judge neither set a hearing nor explained how he determined the competence of Elisa to administer the estate of her sister.

The circumstances of the case clearly show that there was no prudent, or even legal, reason for respondent Judge to act with haste. Even his claim on the urgency of the matter was more apparent than real. Respondent Judge's summary issuance of the Letters of Administration without hearing, and without even waiting for the period for the oppositors to file a written opposition to lapse, indubitably transgressed Sections 5 and 6, Rule 79 of the Rules of Court, thus:

> **Section 5.** *Hearing and order for letters to issue.* — At the hearing of the petition, **it must first be shown that notice has been given as hereinabove required**, and **thereafter the court shall hear the proofs of the parties in support of their respective allegations**, and if satisfied that the decedent left no will, or that there is no competent and willing executor, it shall order the issuance of letters of administration to the party best entitled thereto. (Emphasis supplied)
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> **Section 6.** *When letters of administration granted to any applicant.* — Letters of administration may be granted to any qualified applicant, though it appears that there are other competent persons having better right to the administration, **if such persons fail to appear when notified and claim the issuance of letters to themselves**. (Emphasis supplied)

Respondent Judge had no reason to disregard the order of preference in the Rules of Court

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[103] *Rollo*, p. 388.

In the case of *In the Matter of the Intestate Estate of Cristina Aguinaldo-Suntay v. Isabel Cojuangco-Suntay (Suntay),*[104] the Court elucidated that the paramount consideration in the appointment of an administrator over the estate of a decedent is the prospective administrator's interest in the estate. This is the impetus for establishing the order of preference laid down in Section 6, Rule 78.

The rationale for the rule is that those who will reap the benefit of a wise, speedy, and economical administration of the estate, or, in the alternative, suffer the consequences of waste, improvidence or mismanagement, have the highest interest and most influential motive to administer the estate correctly.[105] The person to be appointed administrator of a decedent's estate must demonstrate not only an interest in the estate, but an interest therein greater than any other candidate.

Nonetheless, the order of preference, which categorically gives priority to the surviving spouse, the next of kin, and the creditors in the appointment of an administrator, is not absolute. In each case, the court is expected to exercise its sound discretion in assessing the attendant facts and circumstances to select who is the best candidate to administer the decedent's estate.

Notably, the CA, in CA-G.R. SP No. 103471, found respondent Judge to have committed grave abuse of discretion in casually disregarding the order of preference provided under Section 6, Rule 78 of the Rules of Court. This ruling was affirmed by this Court and is now final and executory.

It bears to recall that Elisa is Agustina's sister; hence, merely a collateral relative, whereas the oppositors were compulsory heirs of the decedent. Following the law on intestate succession, the presence of the oppositors would have naturally excluded Elisa from the estate of Agustina. By gravely abusing his discretion in selecting Elisa over the oppositors to administer Agustina's estate without cogent or strong reason, respondent Judge is also guilty of gross ignorance of the law.

When the propriety of his ruling was questioned, respondent claimed that he took judicial notice of Judge De Leon's physical incapacity to act as administrator because of his advanced age and poor state of health. However, this appears to be a mere afterthought. To be sure, the CA noted that Judge De Leon's physical condition was never discussed during the

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[104] 697 Phil. 106 (2012); G.R. No. 183053, 10 October 2012 [Per J. Perez].
[105] *Gabriel v. Court of Appeals*, 287 Phil. 459 (1992); G.R. No. 101512, 07 August 1992 [Per J. Regalado].

hearing on 26 March 2008. The CA's observation on this matter is illuminating:

> x x x The fact is that this is mere impression or conjecture or conclusion. No evidence whatsoever had been adduced in court about the advanced age and poor medical condition of the petitioner Nestorio De Leon. Such was not taken up at all during the hearing of the petition on March 26, 2008. The respondent judge could not just cavalierly claim that he took judicial notice thereof because, under Section 3 of Rule 129 of the Rules of Court, a hearing is still necessary for the court or the judge to take judicial notice of such matter. This means that all parties must be allowed to be heard thereon. Such was unfortunately not done by the respondent Judge.
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> x x x
>
> Apparently, the respondent judge departed from the usual course of probate or intestate proceedings when he summarily appointed the private respondent as adminsitratrix of the estate of Agustina V. Maglaqui-De Leon with his assumption that parties who have more interests in the estate are not fit and qualified. The irregularity became more pronounced when he did not anymore wait for the petitioners to be able to submit or file their written opposition in spite of the fact that he gave them five (5) days from March 26, 2008 or until March 31, 2008 within which to do so. x x x[106]

Respondent Judge likewise argues that the ruling in Elisa's favor is in accordance with subsections (b) and (c), Section 6, Rule 78. He maintains that Judge De Leon neglected to apply for administration within 30 days from Agustina's death on 11 August 2007.

Given the lack of any other evidence to support this conclusion, the finding of neglect is, at best, speculative. It bears stressing anew that the presence of the oppositors excluded Elisa from Agustina's estate. If the decedent left no debts, the oppositors could very well settle the estate among themselves, without including Elisa. Verily, jurisprudence is clear that there would have been no necessity for the institution of special proceedings and the appointment of an administrator for the settlement of the estate, because the same can be effected either extra-judicially or through an ordinary action for partition.[107]

Notably, Elisa herself failed to promptly apply for Letters of Administration. She filed the subject Petition only on 14 February 2008, or

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[106] *Rollo*, pp. 393-394.

[107] *In re the Intestate Estate of Paz E. Siguion Torres*, 119 Phil. 444 (1964); G.R. No. L-19064, 31 January 1964 [Per J. Barrera].

a good seven (7) months after Agustina's death. Thus, she could be considered equally guilty of neglect.

Respondent Judge is guilty of gross ignorance of the law

First, by claiming that he took judicial notice of Judge De Leon's poor health, and using the same as his basis issue the Letters of Administration to Elisa over Judge De Leon, respondent Judge blatantly disregarded Section 3, Rule 129,[108] thus:

> **Section 3.** *Judicial notice, when hearing necessary.* — During the trial, the court, on its own initiative, or on request of a party, may announce its intention to take judicial notice of any matter and allow the parties to be heard thereon.
>
> *After the trial, and before judgment or on appeal, the proper court, on its own initiative or on request of a party, may take judicial notice of any matter and allow the parties to be heard thereon if such matter is decisive of a material issue in the case. (n)*

There can be no doubt that the real condition of Judge De Leon was decisive here as he enjoyed the preferential right to manage the estate of his deceased wife.

Second, respondent Judge erred in denying admission of the oppositors' exhibits, considering the basis he cited for doing so pertained to weight, not admissibility, of the evidence. Instead of abiding by the rules on admissibility of evidence under the Rules of Court, respondent Judge denied admission of all of oppositors' exhibits based on the fact that he found the adoption decree questionable, insisting that only a final and executory decree of adoption based on a certificate of finality can prove the fact of adoption.[109]

Even respondent Judge's justification for denying admission of petitioner and Nestor's birth certificates issued by the National Statistics Office (NSO) was erroneous. It is well to stress that as a public document, a registered birth certificate, duly recorded in the local civil registry, is *prima facie* evidence of the facts stated therein.[110] Further, while it may be true that as a mere *prima facie* evidence, the facts contained in a birth certificate are

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[108] *Rollo*, p. 393.
[109] *Id.* at 342.
[110] *Tan v. Office of the Local Civil Registrar of the City of Manila*, G.R. No. 211435, 10 April 2019 [Per J. J.C. Reyes, Jr.].

not conclusive and may still be rebutted, still, a high degree of proof is needed to overthrow the presumption of the truth contained in such public document.[111]

Respondent Judge likewise erred when he allowed Elisa to present rebuttal evidence.[112] Under Section 36, Rule 132 of the Rules of Court "an offer of evidence in writing shall be objected to within three (3) days after notice of the offer unless a different period is allowed by the court." In this case, the oppositors filed their formal offer of evidence on 21 November 2011,[113] but Elisa filed her comment only in January 2012.[114] Moreover, when respondent Judge allowed Elisa to present her rebuttal evidence, she had already rested her case. Worse, respondent Judge did not take action on the formal offer for more than two (2) years.

Such actions by the respondent Judge run contrary to settled rules and jurisprudence. As the Court explained in *Lorenzana v. Lelina*:[115]

> x x x evidence not objected to is deemed admitted and may be validly considered by the court in arriving at its judgment. Courts are not precluded to accept in evidence a mere photocopy of a document when no objection was raised when it was formally offered.
>
> In order to exclude evidence, the objection to admissibility of evidence must be made at the proper time, and the grounds specified. Objection to evidence must be made at the time it is formally offered. In case of documentary evidence, offer is made after all the witnesses of the party making the offer have testified, specifying the purpose for which the evidence is being offered. It is only at this time, and not at any other, that objection to the documentary evidence may be made. And when a party failed to interpose a timely objection to evidence at the time they were offered in evidence, such objection shall be considered as waived. This is true even if by its nature the evidence is inadmissible and would have surely been rejected if it had been challenged at the proper time. Moreover, grounds for objection must be specified in any case. Grounds for objections not raised at the proper time shall be considered waived, even if the evidence was objected to on some other ground. Thus, even on appeal, the appellate court may not consider any other ground of objection, except those that were raised at the proper time.

From the foregoing, it is clear that respondent Judge's missteps in the case are not minor errors but amount to multiple counts of Gross Ignorance of the Law. To be sure, a judge must be acquainted with legal norms and

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[111] *Id.*
[112] *Rollo*, pp. 339-340.
[113] *Id.* at 334.
[114] *Id.* at 258.
[115] G.R. No. 187850, 17 August 2016 [Per J. Jardeleza].

precepts as well as with procedural rules.[116] When the inefficiency springs from a failure to recognize such a basic and elemental rule, a law or a principle in the discharge of his functions, a judge is either too incompetent and undeserving of the position and the prestigious title he holds or he is too vicious that the oversight or omission was deliberately done in bad faith and in grave abuse of judicial authority. In both cases, the judge's dismissal will be in order.[117]

As to the appropriate penalties, the OCA recommended a fine of Php40,000.00 for each charge of gross ignorance of the law. It should be emphasized, however, that under Section 11 (A), Rule 140 of the Rules of Court a serious charge such as Gross Ignorance of the Law, and depending on the attending circumstances, may be punishable by: (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 and 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 Php20,000.00 but not exceeding Php40,000.00.[118]

In *Office of the Court Administrator v. Hon. Salvador*, the Court resolved to dismiss the erring judge from service as he was found guilty of multiple counts of gross ignorance.[119] Then, in *Bogabong v. Hon. Balindong (Bogabong)*,[120] the Court imposed the penalty of forfeiture of all benefits, except accrued leave credits, given the gravity of the erring judge's infraction, the fact that he had been found guilty of the same or similar offense for the third time, and his retirement.

On the other hand, in *Boston Finance and Investment Corporation v. Hon. Gonzalez (Boston)*,[121] the erring judge was merely fined because there was only one charge of Gross Ignorance of the Law, and it was his first offense. The Court, however, emphasized that "in administrative cases involving judges and justices of the lower courts, the respondent shall be charged and penalized under Rule 140 of the Rules of Court, and accordingly, separate penalties shall be imposed for every offense." This, the Court explained, was due to the "higher level of decorum" demanded from a

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[116] *See Guillen v. Cañon*, A.M. No. MTJ-01-1381, 14 January 2002, 424 Phil. 81 (2002) [Per J. Melo].
[117] *Department of Justice v. Mislang*, A.M. No. RTJ-14-2369 & RTJ-14-2372, 26 July 2016 [Per Curiam].
[118] *See Office of the Court Administrator v. Salvador*, A.M. No. RTJ-19-2562, 02 July 2019 [Per J. Perlas-Bernabe].
[119] *Id.*
[120] A.M. No. RTJ-18-2537, 14 August 2019 [Per Curiam].
[121] A.M. No. RTJ-18-2520, 09 October 2018 [Per J. Perlas-Bernabe].

magistrate.

Most recently, in *OCA v. Presiding Judge Villarosa* (*Villarosa*),[122] which similarly involved multiple counts of Gross Ignorance of the Law, the Court applied the doctrine in *Boston* and categorically held that if the respondent judge or justice is found guilty of multiple offenses under Rule 140 of the Rules of Court, separate penalties shall be imposed for each violation. Accordingly, on the first count of Gross Ignorance of the Law in *Villarosa,* the Court imposed the penalty of forfeiture of retirement benefits, and likewise impose the accessory penalty of disqualification from reinstatement or appointment to any public office, including government-owned and controlled corporations. The penalty was in lieu of dismissal, in view of the erring judge's retirement. With respect to the other three (3) counts of the same offense, the Court imposed fines in the amount of Php40,000.00 each against the erring judge.

The Court notes that this is respondent Judge's only infraction in his 24 years of service in the Judiciary. However, under the circumstances of this case, the Court finds that the penalties imposed in *Villarosa* are applicable. Respondent Judge's infraction unduly skewed the case in favor of one party.

Moreover, it has already been held that length of service, as a factor in determining the imposable penalty in administrative cases, is a double-edged sword. While it can sometimes help mitigate the penalty, it can also justify a more serious sanction. A judge's long years of service on the bench is no excuse for ignorance of procedural rules.[123]

Judges are held to higher standards of integrity and ethical conduct than other persons not vested with public trust and confidence.[124] Judges sit as the embodiment of the people's sense of justice, their last recourse where all other institutions have failed, so much so that a judge's ignorance cannot be allowed to erode the people's belief in the justice system.[125]

Furthermore, as the Court held in *Department of Justice v. Mislang,*[126] in order to have a successful implementation of the Court's relentless drive

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[122] A.M. No. RTJ-20-2578, 28 January 2020.
[123] *See Mariano v. Nacional*, A.M. No. MTJ-07-1688, 10 February 2009 (Formerly OCA I.P.I. No. 05-1763-MTJ), 598 Phil. 6 (2009) [Per J. Corona].
[124] *See Office of the Court Administrator v. Salvador*, A.M. No. RTJ-19-2562, 02 July 2019.
[125] *Barcena v. Gingoyon*, A.M. No. RTJ-03-1794 (Resolution), 25 October 2005, 510 Phil. 546 (2005) [Per J. Quisimbing].
[126] *Supra* at note 117.

to purge the judiciary of morally unfit members, officials, and personnel, a rigid set of rules of conduct must necessarily be imposed on judges. The standard of integrity applied to them is – and should be – higher than that of the average person for it is their integrity that gives them the privilege and right to judge.

Respondent Judge is also guilty of manifest bias and partiality

The CA, in the now final and executory decision in CA-G.R. SP No. 13265, found glaring evidence of bias and partiality on the part of respondent Judge, and thus required respondent Judge to inhibit from further hearing the subject Petition:

> x x x We cannot ignore the troubling fact that, as exhaustively discussed in CA-G.R. SP No. 103471, public respondent blatantly and impudently overlooked, defied and ignored laws, jurisprudence and rules of procedure to accommodate private respondent's cause. What is more, notwithstanding the pronouncement of this Court in CA-G.R. SP No. 103471 that his findings were patently tainted with grave abuse of discretion, public respondent appears to be challenging Our resolve by insisting on his gravely erroneous pronouncements. Taking this into consideration, it is beyond dispute that **public respondent displayed more than a hint of bias and partiality in the proceedings below.** x x x[127] (Emphasis supplied)

The CA further pointed out all the "heavy-handed rulings" he issued against oppositors, thus:

> Finally, we wish to point out that in a Decision dated August 29, 2014, the Court of Appeals, Fifth (5th) Division rendered a Decision in SP No. 132653 ordering Judge Mendiola to voluntarily inhibit from the case below due to bias and partiality. Said Decision was affirmed with finality by the Supreme Court in G.R. No. 219840. Equally worth mentioning is the fact that the Court of Appeals, in CA-G.R. SP Nos. 103471 and 134827, had previously found that Judge Mendiola acted with grave abuse of discretion in issuing orders relative to the case; **the herein assailed *Orders* are no exception to the heavy-handed rulings of Judge Mendiola.**[128] (Emphasis supplied)

Respondent Judge should have adhered to the CA ruling CA-G.R. SP No. 13265 instead of obstinately continuing to hear the case, under the flimsy excuse that the motion for reconsideration of the CA ruling was still

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[127] *Rollo*, pp. 138-139.
[128] *Id.* at 364.

unresolved. Magistrates are expected to exercise sound judicial discretion and respondent Judge should have taken the more prudent road of stepping aside and having the case raffled to another judge.

By his contumacious conduct, respondent Judge violated Section 1, Canon 3 (Impartiality) New Code of Judicial Conduct, which provides that "[j]udges shall perform their judicial duties without favor, bias or prejudice." He is likewise guilty of violating Section 1, Canon 4 (Impropriety) of the same Code mandating judges to avoid impropriety and the appearance of impropriety in all of their activities.

Under Rule 140 of the Rules of Court, violation of the Rules is a less serious charge and is punishable by either suspension from office without salaries and benefits for not less than one (1) month, but not more than three (3) months, or a fine of more than Php10,000.00, but not exceeding Php20,000.00. The Court, after considering all circumstances, finds basis to impose a fine of Php20,000.00 against respondent Judge.

Respondent Judge is guilty of Gross Inefficiency

Finally, respondent Judge's failure to act upon the oppositors' formal offer of evidence within a reasonable period makes him administratively liable as well. Section 36, Rule 132 of the Rules of Court specifically provides that "an offer of evidence in writing shall be objected to within three (3) days after notice of the offer unless a different period is allowed by the court," while Section 38 thereof provides that "the ruling of the court must be given immediately after the objection is made, unless the court desires to take reasonable time to inform itself on the question presented."[129]

More than two (2) years of inaction on the part of respondent Judge, without any reasonable justification for the delay, constitutes gross inefficiency. It is a less serious charge and is punishable by either suspension from office without salaries and benefits for not less than one (1) month, but not more than three (3) months, or a fine of more than Php10,000.00, but not exceeding Php20,000.00.[130] In deciding the penalty to be imposed, the Court takes into consideration several factors, among which are the period of delay, the damage suffered by the parties as a result of the delay, the number

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[129] *Re: Report on the Judicial Audit Conducted in RTC, Br. 29, 56 & 57, Libmanan, Camarines Sur,* A.M. No. 98-1-11-RTC, 07 October 1999, 374 Phil. 611 (1999) [Per J. Mendoza].

[130] *Re: Result of the Judicial Audit Conducted in Branch 49, Regional Trial Court, Puerto Princesa City, Palawan,* A.M. No. 19-12-293-RTC, 30 June 2020.

of years the judge has been in service, and the caseload of the court presided over by the judge.[131]

This was the first offense of respondent Judge, but given the surrounding circumstances and the length of delay, the Court hereby imposes the penalty of a fine of Php20,000.00.

WHEREFORE, the foregoing premises considered, the Court finds retired Judge Francisco G. Mendiola:

GUILTY of five (5) counts of Gross Ignorance of the Law. On the first count, in lieu of the penalty of dismissal from service, which may no longer be imposed due to his retirement, the Court orders the **FORFEITURE** of all his retirement benefits, except accrued leave credits. He is also **DISQUALIFIED** from re-employment or appointment in any branch or instrumentality of the government, including government-owned and controlled corporations and financial institutions. For the other four (4) counts of Gross Ignorance of the Law, Judge Mendiola is meted a **FINE** of Php40,000.00 each, or a total of Php160,000.00;

GUILTY of Manifest Bias and Partiality, and Impropriety, in violation of Canons 3 and 4 of the New Code for Judicial Conduct, for which he is meted a **FINE** of Php20,000.00; and

GUILTY of Gross Inefficiency for, which he is hereby meted the penalty of a **FINE** of Php20,000.00.

Retired Judge Mendiola is **DIRECTED** to pay the aggregate amount of the fines within 10 days from notice of this decision, and to report to this Court his compliance within five (5) days of such payment.

SO ORDERED.

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[131] *See Cacho v. Naya*, A.M. No. RTJ-19-2564 (Notice), 10 December 2019.

DIOSDADO M. PERALTA
Chief Justice

ESTELA M. PERLAS-BERNABE
Associate Justice

MARVIC M.V.F. LEONEN
Associate Justice

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

ALEXANDER G. GESMUNDO
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 V. ZALAMEDA
Associate Justice

MARIO V. LOPEZ
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EDGARDO L. DELOS SANTOS
Associate Justice

SAMUEL H. GAERLAN
Associate Justice

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RICARDO R. ROSARIO
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