



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

MARCELINO ESPEJON* and
ERICKSON CABONITA,**
Complainants,

A.M. No. MTJ-22-007
(Formerly OCA IPI No. 19-3026-MTJ)

Present:

- versus -

GESMUNDO, C.J., Chairperson,
CAGUIOA,
INTING,
GAERLAN, and
DIMAAMPAO, JJ.

HON. JORGE EMMANUEL
M. LORREDO, Presiding
Judge, Metropolitan Trial
Court, Manila, Branch 26,
Respondent.

Promulgated:

MAR 09 2022

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DECISION

CAGUIOA, J.:

In their verified Complaint¹ dated January 7, 2019, complainants Marcelino Espejon and Erickson Cabonita (complainants) charged Judge Jorge Emmanuel M. Lorredo (Judge Lorredo), Presiding Judge of Branch 26 of the Metropolitan Trial Court (MeTC) of Manila of prejudging Civil Case No. M-MNL-18-08450-SC,² and of bias and partiality. Civil Case No. M-MNL-18-08450-SC involved a case for unlawful detainer filed by Myrna Alcantara,³ *et al.* against herein complainants and was presided by Judge Lorredo.⁴

THE CASE

* Also Marcelino Esperon in some parts of the *rollo*.

** Also Erickson Tajanlangit and Erickson also appears as "Ericson" in some parts of the *rollo*.

¹ *Rollo*, pp. 2-20.

² Also Civil Case No. M-MNL-18-10066-SC in some parts of the *rollo*.

³ Also Myrna Neantana in some parts of the *rollo*.

⁴ *Rollo*, p. 62.

Complainants alleged that during the preliminary conference, Judge Lorredo made remarks showing his prejudgment of the case and obvious bias and partiality against them and their sexual orientation. They also averred that Judge Lorredo's treatment and conduct of Civil Case No. M-MNL-18-08450-SC was heavily influenced by his religious beliefs and impressions about homosexuality which he irrelevantly tried to relate to the case.⁵

Consequently, complainants filed a Motion for Voluntary Inhibition⁶ against Judge Lorredo on the charge of bias and partiality. Judge Lorredo, however, denied the motion.⁷ Subsequently, he issued a Decision⁸ on Civil Case No. M-MNL-18-08450-SC which was unfavorable to complainants. While said decision was duly appealed by complainants,⁹ they also filed the instant case against the actions of Judge Lorredo, particularly in the conduct of the preliminary conference in Civil Case No. M-MNL-18-08450-SC, for allegedly being contrary to Rule 1.02, Canon 1 of the Code of Judicial Conduct, as well as Sections 1, 4 and 5 of Canon 3 and Sections 1 and 2 of Canon 5 of the New Code of Judicial Conduct for the Philippine Judiciary¹⁰ (New Code of Judicial Conduct).¹¹

In his Comment,¹² Judge Lorredo denied that he had prejudged Civil Case No. M-MNL-18-08450-SC during the preliminary conference and that he expressed the view that complainants were in a homosexual relationship. He maintained that as a Christian, he merely tries his best to guide lawyers and litigants who appear before his court to arrive at a settlement with the help of the Bible. He claimed further that he had, so far, settled 101 cases using the Bible.¹³

Judge Lorredo expounded that the transcript of stenographic notes (TSN) would reveal that he was only warning complainants about God's punishment for those who violate His commandments. Citing Biblical passages, Judge Lorredo said he explained to complainants that refusing to vacate the property was tantamount to stealing the property rights of their landlord because they were depriving the latter of the enjoyment of his or her property rights.¹⁴

Moreover, Judge Lorredo pointed out that complainants' own admission about the tolerance by their landlord of their possession of the

⁵ Id. at 62-64.

⁶ Id. at 38-45.

⁷ Id. at 46.

⁸ Id. at 47-48.

⁹ Id. at 49-50.

¹⁰ A.M. No. 03-05-01-SC, ADOPTING THE NEW CODE OF JUDICIAL CONDUCT FOR THE PHILIPPINE JUDICIARY, April 27, 2004.

¹¹ *Rollo*, pp. 8-9.

¹² Id. at 52-61.

¹³ Id. at 52-53.

¹⁴ Id. at 53.



property was evidence against them and was his basis in saying that they should therefore vacate the property.¹⁵

Citing Biblical passages again, Judge Lorredo likewise argued that he merely reminded complainants that God hates homosexuality. He denied that it was he who expressed the view that complainants were in a homosexual relationship, but that, in fact the TSN would show it was one of the complainants who pointed to the other as a homosexual.¹⁶

THE JUDICIAL INTEGRITY BOARD'S EVALUATION AND RECOMMENDATION

In its Report and Recommendation,¹⁷ the Judicial Integrity Board (JIB) faulted Judge Lorredo for declaring outright that complainants are not the owners of the property and must therefore vacate the same during the preliminary conference where he was encouraging the parties to reach an amicable settlement. The JIB held that by doing so, Judge Lorredo virtually prejudged the case in favor of the plaintiffs therein when he should have only explained the applicable law and directed the parties to make concessions which they may or may not accept.¹⁸

Worse, according to the JIB, Judge Lorredo admitted using the Bible in deciding cases when he should have insulated himself from his religious beliefs and acted only on the basis of the evidence and the law as shown by the records of the case before him. As well, his remarks against homosexuality were irrelevant to the issue in the case and had no place in the course of a preliminary conference. Complainants' alleged that homosexuality was a personal and private matter between them which Judge Lorredo should have respected and refrained from bringing to fore.¹⁹

In all, the JIB found that the acts of Judge Lorredo constituted grave misconduct as he flagrantly disregarded an established rule, which in this case was Canon 3 of the New Code of Judicial Conduct on impartiality. As such, the JIB recommended that Judge Lorredo be fined in the amount of ₱40,000.00.²⁰ The recommendation of the JIB reads:

ACCORDINGLY, it is respectfully recommended:

1. That the instant complaint against respondent Judge Jorge Emmanuel M. Lorredo of the Municipal Trial Court, Branch 26, Manila, be **RE-DOCKETED** as a regular administrative matter; and

¹⁵ Id. at 54.

¹⁶ Id. at 53-55.

¹⁷ Id. at 62-74.

¹⁸ Id. at 68.

¹⁹ Id. at 68-70.

²⁰ Id. at 70-72.



2. That he be held administratively liable for grave misconduct and be fined in the amount of [P]40,000.00, with a **STERN WARNING** that a repetition of the same or similar offense will be dealt with more severely; and
3. That he should be advised to study and learn how to conduct preliminary conference.²¹

THE ISSUE BEFORE THE COURT

The sole issue before the Court is whether Judge Lorredo should be held administratively liable.

THE COURT'S RULING

The Court adopts the findings and recommendation of the JIB as to the administrative liability of Judge Lorredo, with modifications. While the Court agrees with the JIB that Judge Lorredo committed violations of the New Code of Judicial Conduct when he presided over the preliminary conference in Civil Case No. M-MNL-18-08450-SC, these violations do not amount to the grave offense of gross misconduct. Instead, the Court finds that the proper nomenclatures of the violations of Judge Lorredo are conduct unbecoming and simple misconduct, as well as work-related sexual harassment under Civil Service Commission (CSC) Resolution No. 01-0940.²²

At the outset, the Court notes that this is the second time that Judge Lorredo has faced an administrative case for improper remarks he made in the course of a preliminary conference. In *Magno v. Lorredo*,²³ a similar ejection case filed before the sala of Judge Lorredo was initially dismissed by the latter for failure of the complainant to appear for mediation. On appeal, the Regional Trial Court (RTC) reversed the order of Judge Lorredo and remanded the case before his court for further proceedings. During the course of the preliminary conference, Judge Lorredo asked the complainant's counsel, Atty. Pablo B. Magno (Atty. Magno): "*What did you do to convince those up there [RTC], that you were able to secure that kind of decision.*" In reply, Atty. Magno answered: "*I never follow-up on my cases, Your Honor.*" Judge Lorredo also told the defendants that their lawyer is "*mahina*" or "*hihina-hina*," and further uttered that "*[g]inawa ko na nga ang desisyon dito sa kasong ito, at panalo kayo, ngayon talo pa kayo sa RTC.*"²⁴

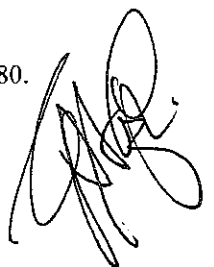
In his Comment to the Supplemental Complaint in his first administrative case, Judge Lorredo also referred to complainant therein as

²¹ Id. at 72-73.

²² ADMINISTRATIVE DISCIPLINARY RULES ON SEXUAL HARASSMENT CASES, May 21, 2001.

²³ A.M. No. MTJ-17-1905 (Formerly OCA I.P.I. No. 13-2582-MTJ), August 30, 2017, 838 SCRA 80.

²⁴ Id. at 82-83. Italics in the original.



“petty, dull and slow thinking” and asseverated that the latter’s allegations were “amusing” but “incredibly, super silly.”²⁵ Thus, the Court found Judge Lorredo’s insulting statements during the preliminary conference and in his pleading before the Court “obviously offensive, distasteful, and inexcusable,”²⁶ and adjudged Judge Lorredo administratively liable for conduct unbecoming a judge.²⁷ It held that while Judge Lorredo’s concern on the misrepresentation committed by complainant therein before the RTC was understandable, he should not have disregarded the rules on proper decorum at the expense of the integrity of the court.²⁸ Judge Lorredo was then fined in the amount of ₱5,000.00, with a stern warning that a repetition of the same or similar act shall be dealt with by the Court more severely. In meting out the penalty, the Court took into consideration the fact that the case was Judge Lorredo’s first offense.²⁹

Despite the stern warning that the above-cited case carried against Judge Lorredo, he now faces a new administrative case stemming from his remarks directed at party-litigants during the conduct of a preliminary conference. The Court wholly agrees with the findings of the JIB that these remarks were inappropriate. The records will bear out how Judge Lorredo badgered complainants with his questions about their sexual orientation:

COURT: *Mag-ano ba kayo?*

M. ESPEJON: *Magkasama kami sa bahay.*

COURT: *Mag pinsan?*

M. ESPEJON: *Hindi man kami. Magkaibigan po.*

E. CABONITA: *Magkaibigan po.*

COURT: *Kayong dalawa?*

E. CABONITA: *Oo, kasi yung Tita ko po nasa taas po.*

COURT: *Wala naman kayong relationship na yung bawal sa Bible? Homosexual relationship? Wala bang bading sa inyong dalawa?*

M. ESPEJON: *Ay wala po, sir.*

COURT: *Ba’t parang... Bading ‘to? Bading ka?*

M. ESPEJON: *Sir siguro po wala namang perpektong tao sa mundo pero....*

COURT: *Hindi, bading ka?*

²⁵ Id. at 85.

²⁶ Id. at 88.


²⁷ Id. at 90.

²⁸ Id. at 88.

²⁹ Id. at 90.



- M. ESPEJON: *Hindi po, sir.*
- COURT: *Tinuro ka niya eh.*
- E. CABONITA: *Tinatanong ko nga po siya.*
- COURT: *Teka, teka, hindi kayo mag-pinsan. Parang may narinig akong pinsan kanina. Saan nanggaling yun? May word pinsan. Sa 'yo ba?*
- E. CABONITA: *Hindi po. Yung Tita ko po sa taas nakatira.*
- COURT: *Oh, sige. Wala kayong relationship na homosexual? Kasi ginanun mo siya eh, baka bading.*
- E. CABONITA: *Wala ho sir.*
- COURT: *Baka daw siya. Ikaw. May asawa siya?*
- E. CABONITA: *Wala.*
- COURT: *May bisita parating lalaki?*
- E. CABONITA: *Ah, that I don't know, wala.*
- COURT: *Pareho kayong bahay eh. Pinagtatakpan mo ba?*
- E. CABONITA: *Hindi po.*
- COURT: *Sinasabi ko lang bawal din sa batas yung, ah hindi, bawal sa diyos yung homosexual ha?*
- x x x x
- COURT: *Eto ano ha. Nililink ko lang yung situation niyo sa situation ko. Ang situation niyo, kasalanan niyo sa Diyos, kanila yung property, ayaw niyong ibigay.*
- M. ESPEJON: *Opo.*
- COURT: *May anak ka na ba?*
- M. ESPEJON: *Wala pa po, sir.*
- COURT: *Girlfriend?*
- M. ESPEJON: *Wala pa po.*
- COURT: *Nagka-girlfriend ka na?*
- M. ESPEJON: *Nabigo po, sir.*
- COURT: *Oh, tapos yung tinuturo niya ganun, yun tama? May bading ba sa inyo?*
- M. ESPEJON: *Ang masasagot ko, sasagot ho niya, ano, tita niya nakatira sa taas. Mayordoma po ng may-ari.*
- COURT: *Bading ka ba?*



M. ESPEJON: *Hindi ho.*

COURT: *Turo niya kasi ganun.*

M. ESPEJON: *Hindi po.*

COURT: *Ang point ko lang, sa inyo mali, Thou shall not steal. Pagnanakaw yun. May parusa yan. x x x³⁰ (Italics supplied)*

In his Comment, Judge Lorredo explained it was merely his intention to warn complainants about God's dislike for homosexuals, and stressed it was on account of one of them pointing to the other as homosexual which made him (Judge Lorredo) talk more about God's dislike for homosexuals.³¹

However, quite disturbingly, Judge Lorredo opined further in his Comment that "[b]eing a homosexual pervert x x x may be one of the reasons why a person is being punished by God with not having a home of his own and with being ejected."³² According to him, as well, "squatters or people who have no place to call their own are being punished by God for their sins or for the sins of their ancestors."³³ Judge Lorredo cited Biblical passages to bolster his opinions and concluded that homosexuality was material in the case.³⁴

The foregoing acts of Judge Lorredo illustrate how he violated anew Sections 1 and 6 of Canon 4 of the New Code of Judicial Conduct on Propriety, as what he had done in his first administrative case. These sections state:

CANON 4

PROPRIETY

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

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

x x x x

SECTION 6. Judges, like any other citizen, are entitled to freedom of expression, belief, association and assembly, but in exercising such rights, they shall always conduct themselves in such a manner as to preserve the dignity of the judicial office and the impartiality and independence of the judiciary.

³⁰ TSN, October 22, 2018, pp. 8-11; *rollo*, pp. 28-31.

³¹ *Rollo*, pp. 55-56.

³² *Id.* at 56. Underscoring omitted.

³³ *Id.* at 57.

³⁴ *Id.* at 56-57.

Furthermore, although Judge Lorredo has denied being averse to gays, his tactless statements during the preliminary conference in Civil Case No. M-MNL-18-08450-SC and in his Comment to the Complaint reveal otherwise. Going further along the TSN of Civil Case No. M-MNL-18-08450-SC, even Judge Lorredo's co-judges were not spared from his self-righteous observations:

COURT: *Daing Judge bad[i]ng eh. Pag kinakausap ka hindi naman, akala mo mas marunong sila sa Bible eh.*

x x x x

COURT: *Pero medyo nahihya ako[.] Judge, pa-ganun-ganun lang. Pa-petik-petik lang.*

x x x x

COURT: *Kasi ang titigas ng ulo eh. Judge daw sila, akala nila alam na nila. Puro sakit. Pagka, nagla-lunch kami kinukuwento niya, sakit ng tuhod, di maka-akyat dito, puro pr[o]blema sa staff niya, kasi pagka-bad[i]ng, tomboy, lesbian, ayaw ng Diyos yun. x x x³⁵*

Verily, with his statements, Judge Lorredo also fell short of heeding Sections 1, 2, and 3 of Canon 5 of the New Code of Judicial Conduct on Equality, which provide:

CANON 5

EQUALITY

Ensuring equality of treatment to all before the courts is essential to the due performance of the judicial office.

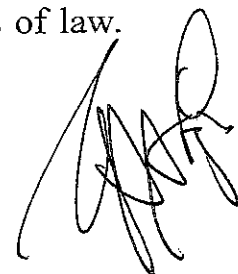
SECTION 1. Judges shall be aware of, and understand, diversity in society and differences arising from various sources, including but not limited to race, color, sex, religion, national origin, caste, disability, age, marital status, sexual orientation, social and economic status and other like causes.

SECTION 2. Judges shall not, in the performance of judicial duties, by words or conduct, manifest bias or prejudice towards any person or group on irrelevant grounds.

SECTION 3. Judges shall carry out judicial duties with appropriate consideration for all persons, such as the parties, witnesses, lawyers, court staff and judicial colleagues, without differentiation on any irrelevant ground, immaterial to the proper performance of such duties.

The statements Judge Lorredo made during the preliminary conference, and especially in the Comment he filed in this case, are clearly tantamount to homophobic slurs which have no place in our courts of law.

³⁵ TSN, October 22, 2018, p. 9; rollo, p. 29.



The fact that they were made by no less than a magistrate should rightfully upset the Court and must perforce be penalized. It was not too long ago when the Court in *Ang Ladlad LGBT Party v. Commission on Elections*³⁶ declared that “as far as this Court is concerned, our democracy precludes using the religious or moral views of one part of the community to exclude from consideration the values of other members of the community.”³⁷ Thus, it should come as a matter of course for all judges to desist from any word or conduct that would show or suggest anything other than inclusivity for members of the LGBTQIA+ community.

In the same manner, Judge Lorredo’s language inside the courtroom and in his pleading before the Court are also violative of Sections 1 and 2 of Canon 2 of the New Code of Judicial Conduct. Corollary to Canon 4, Canon 2 also exhorts judges, as visible representations of the law, to embody integrity in the discharge of their functions and even in their personal demeanor, to wit:

CANON 2

INTEGRITY

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

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

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

At the same time, the statements of Judge Lorredo during the preliminary conference are in clear violation of CSC Resolution No. 01-0940 as a form of work-related sexual harassment.³⁸ Section 3(a)(3), Rule III of CSC Resolution No. 01-0940 provides that work-related sexual harassment may be committed under circumstances wherein “**the act or series of acts might reasonably be expected to cause discrimination, insecurity, discomfort, offense or humiliation to a complainant who may be a co-employee, applicant, customer, or ward of the person complained of.**”³⁹ More particularly, Section 53(B)(3), Rule X classifies as a less grave offense those “derogatory or degrading remarks or innuendoes directed toward the members of one sex, or one’s sexual orientation or used to describe a person.”

³⁶ G.R. No. 190582, April 8, 2010, 618 SCRA 32.

³⁷ Id. at 72.

³⁸ See *Arabani, Jr. v. Arabani*, A.M. Nos. SCC-10-14-P, SCC-10-15-P and SCC-11-17, February 21, 2017, 818 SCRA 245. In A.M. No. SCC-11-17, the respondent judge therein was also found guilty of a less grave offense of sexual harassment under CSC Resolution No. 01-0940, albeit under a different provision.

³⁹ Emphasis and underscoring supplied.

Thus, in *Juan de la Cruz (Concerned Citizen of Legazpi City) v. Carretas*,⁴⁰ the Court reminded judges how they should possess the virtue of *gravitas*.⁴¹ The Court found the respondent judge therein administratively liable for conduct unbecoming because of his inappropriate snide comments and display of arrogance and condescension to lawyers and witnesses appearing before his court. The Court held that judges should be learned in the law, dignified in demeanor, refined and temperate in speech, whether written or spoken, and virtuous in character. Judges who fall short of these and are, on the contrary, inconsiderate, discourteous or uncivil to lawyers, litigants or witnesses who appear in their courts commit an impropriety and fail in their duty to reaffirm the people's faith in the judiciary.⁴²

To be sure, the call to be virtuous in character does not give judges the authority to be swayed by their religious beliefs and use the same with reckless abandon in the conduct of their judicial functions. Again, as Section 6, Canon 4 of the New Code of Judicial Conduct relevantly provides, judges must balance the exercise of their freedoms with the preservation of the dignity of the judicial office and the impartiality and independence of the judiciary.

*Concerned Trial Lawyers of Manila v. Veneracion*⁴³ (*Veneracion*) is instructive. In said case, one of the charges against the respondent judge involved his penchant to read verses from the Bible during hearings of annulment, adoption and criminal cases. While the Court hesitated to castigate the respondent for his practice, it nonetheless openly expressed the preference that he refrained from it. More significantly, the Court took the opportunity to remind judges that their actions in court should always be seen by the public as guided by the law and not by their personal or religious beliefs. This is the only way to prevent the public from seeing a display of religiosity as an encroachment on or an interference with our system of justice.⁴⁴

Unlike in *Veneracion*, however, the Court is unprepared to conclude here that Judge Lorredo's judicial functions, duties and responsibilities were not entirely impaired by his religious beliefs and convictions. As can be gleaned from the above-cited TSN during the preliminary conference and by his own words in his Comment, Judge Lorredo attempted to make a connection between complainants' supposed sexual orientation and the ejection case they were facing. As well, he made the following declaration during the preliminary conference against complainants, where he, again, invoked the Bible and wriggled in his religious beliefs:

⁴⁰ A.M. No. RTJ-07-2043, September 5, 2007, 532 SCRA 218.

⁴¹ Id. at 227.

⁴² Id. at 227-228.

⁴³ A.M. Nos. RTJ-05-1920 (Formerly OCA I.P.I. No. 01-1141-RTJ), RTJ-99-1432, RTJ-01-1623 (Formerly A.M. No. 01-2-46-RTC), OCA-I.P.I. No. 02-1418-RTJ & A.M. No. 10425-Ret., April 26, 2006, 488 SCRA 285.

⁴⁴ Id. at 296.

COURT: Okay, eto ha. Hindi ko kayo puede pilitin. Puede [kayong] mag-hire ng sangkatutak na lawyer, i-delay niyo 'to hanggang kaya i-delay **pero sa Bible, wala kayong lusot eh, Thou shall not steal.** Kanila yun eh. Hindi sa inyo. x x x Ta's sabi mo kanina, hindi na ko mani[ni]wala sa 'yo eh. Sabi mo kanina, kasi ho agad-agad eh. Nung tinanong kita oh kailan, puede ho ba kausapin, oh wala kayong intention na umalis eh. Ang tagal ko [nang] Huwes eh. x x x Eto alam kong magbabayad, gusto niyang magbayad eh. Ikaw ayaw mong umalis eh. Ayan ang may-ari oh. Tatanong mo pa eh hindi naman yung lawyer [ang] naka-puwesto dun. Hindi sa inyo yun, aminado kang hindi sa inyo. Ba't niyo pa pahhirapan ang mga Alcantara, Advincula? Hindi ka ba maka-decide? Adult ka na eh. Hindi sa 'yo yung property. Puede bang sabihin mo na sa kalaban mo kung kailan kayo aalis? Para naman baka pag [narinig] niya okay sa kanya, di okay rin kay attorney na magpapayo sa kanya, di wala [nang] asuntuhan. Aalis na lang kayo ng tahimik. Oh, ano bang plano niyo, i-delay? Oh, aalis na kayo?

x x x x

DEFENDANT IN ANOTHER CASE: *Hindi pa po.*

COURT: Eto ha. Yung sa 'yo eto. So pag meron kang lesbian relationship, *paparusahan yung anak mo, Dengvaxia, di ba? [Kayo din] kasi may kasalanan kayo sa Diyos eh. Ayaw niyo bigay yung property nila. Exodus 25, Exodus 34:7, Deuteronomy 5:9, alam mo naman yung first number chapter, di ba? And then Numbers 14:18. Babasahin ko lang yung Exodus 25 ha. Oh makinig kayong dalawa ha. "Do not bow down to any idol or worship it because I am the Lord, your God and I tolerate no rivals. I bring punishment on those who hate me and on their descendants down to their third and fourth generation. Pero yung sin ano, ka[si] ito idolatry, eto, "I keep my promise for thousands of generation, and forgive evil and sin but I will not fail to punish children and grandchildren to the third and fourth generation for the sins of their parents." Yun yung sin niya. May sin siya, lesbianism. Oh paparusahan yung anak niya, yung apo niya. Kayo naman, paparu[s]ahan kayo, ano sin niyo? Ayaw niyo bigay yung property nila eh. May parusa yun. Kung kailan, hindi ko alam. x x x*

x x x x

COURT: *Oh balik tayo sa inyo. Oh aalis na kayo? Oh para hindi na mahirapan sina attorney.*

M. ESPEJON: *Hindi po.*

COURT: *Hindi?*

M. ESPEJON: *Hindi po.*

COURT: *Oh sige. May parusa yan ha.*

x x x x

COURT: *So papahirapan niyo sila, patatagalin niyo.*

M. ESPEJON: *Tanggapin ko po yung parusa, sir.*

COURT: *Ah sige napapansin ko lang, yung nag gaganyan sa kin, sa next hearing, umiiyak.*

M. ESPEJON: *Opo, tanggap ko na po.*

COURT: *Naalala mo yung tatay, naalala mo? Ganyang-ganyan. Pat, Alie, naalala niyo yung tatay na ganyan magsalita? Tatanggapin yung parusa ng Diyos kahit ano yun ta's the next hearing umiiyak kasi ang anak niya pinatay ng Diyos. Namatay sa vehicular accident. Ganun ang Diyos ha. Huwag ka masyadong mayabang, sa akin magyabang ka kaya mo. Huwag ka magyayabang sa Diyos.*

x x x x

COURT: ***Sinasabi ko sa 'yo, hindi mo kaya pag nagparu[s]a ang Diyos. Ejectment lang 'to. Bahay lang 'yan. All you have to do is leave their property. Tine-tempt mong God?*** x x x⁴⁵ (Emphasis and italics supplied)

Judge Lorredo also candidly admitted in his Comment that he had, so far, “settled 101 cases using the Bible.”⁴⁶ While amicable settlement of cases is highly encouraged and applauded in our jurisdiction, the acts by which Judge Lorredo was able to steer and conduct the settlement of cases in his sala, as illustrated in the foregoing portions of the TSN, are in direct contravention to the injunction of the Court in *Veneracion* which forbids a judge’s religious beliefs from interfering with his or her judicial functions.

In the same vein, it does not escape the Court’s attention how Judge Lorredo conducted the preliminary conference in an overbearing manner due to his desire to resolve the case amicably and speedily. In *Elgar v. Santos, Jr.*,⁴⁷ the Court found the similar overbearing persistence of a judge to make the parties settle amicably and speedily constitutive of simple misconduct, as the acts exceeded the bounds of propriety and were perceived to be partial. The following excerpts from the TSN reveal once again the uncalled-for acts of Judge Lorredo:

COURT: *Eto, kanila yong property. Aminado naman kayong pinatira kayo dun. Pag ayaw na nila, aalis kayo. Eh,*

⁴⁵ TSN, October 22, 2018, pp. 6, 12 and 14-15; *rollo*, pp. 26, 32 and 34-35.

⁴⁶ *Rollo*, p. 53.

⁴⁷ A.M. No. MTJ-16-1880 (Formerly OCA IPI No. 13-2565-MTJ), February 4, 2020.

the way I look at it, *kumuha kayo ng abogado eh. Anong purpose ng abogado? Ide-delay 'to? Plano ba niyo i-delay?*

E. CABONITA: *Hindi po kasi ang gusto lang po kasi namin yung pagpapa-alis sa amin, maayos na ano. Kasi pinapa-alis kasi nila kami doon ng agad-agad nung time na yun.*

x x x x

COURT: *Hindi mo ko sinasagot eh kasi iniiwasan mo yung tanong ko eh. Pag ganun may suspetsa na ko wala kayong intention umalis eh. Oh, kailan kayo aalis? Kita mo, may pause ka eh. Ang klaro ng tanong ko eh. May pause eh, so walang intention eh. So, huwag mo na ako lolokohin, kaya lang parinig mo sa may-ari. Oh, kailan kayo aalis?*

x x x x

COURT: *Okay, eto ha. Hindi ko kayo puede pilitin. Puede [kayong] mag-hire ng sangkatutak na lawyer i-delay niyo 'to hanggang kaya i-delay pero sa Bible, wala kayong lusot eh, Thou shall not steal. Kanila yun eh. Hindi sa inyo. x x x Ta's sabi mo kanina, hindi na ako mani[ni]wala sa 'yo eh. Sabi mo kanina, kasi ho agad-agad eh. Nung tinanong kita oh kailan, puede ho ba kausapin, oh wala kayong intention na umalis eh. Ang tagal ko [nang] Huwes eh. x x x Eto alam kong magbabayad, gusto niyang magbayad eh. Ikaw ayaw mong umalis eh. Ayang ang may-ari oh. Tatanong mo pa eh hindi naman yung lawyer [ang] naka-puwesto dun. Hindi sa inyo yun, aminado kang hindi sa inyo. Ba't niyo pa pahihirapan ang mga Alcantara, Advincula? Hindi ka ba maka-decide? Adult ka na eh. Hindi sa 'yo yung property. Puede bang sabihin mo na sa kalaban mo kung kailan kayo aalis? Para naman baka pag narinig niya okay sa kanya, di okay rin kay attorney na magpapayo sa kanya, di wala [nang] asuntuhan. Aalis na lang kayo ng tahimik. Oh, ano bang plano niyo, i-delay? Oh, aalis na kayo?⁴⁸ (Italics supplied)*

As to whether Judge Lorredo was really partial, however, the Court is unconvinced that he was.

Apart from badgering complainants during the course of the preliminary conference, there is insufficient evidence showing that Judge Lorredo unduly favored the other parties in Civil Case No. M-MNL-18-08450-SC. The Court has declared, time and again, that there must be clear and convincing proof to overcome the presumption that the judge will

⁴⁸ TSN, October 22, 2018, pp. 5-6; rollo, pp. 25-26.

undertake his noble role to dispense justice according to law and evidence and without fear or favor.⁴⁹

In *Cabañero v. Cañon*,⁵⁰ the Court employed the same set of parameters in disqualifying a judge under Section 1 of Rule 137 of the Rules of Court in determining whether a judge has been partial. The Court reiterated that: (1) there must be adequate evidence to prove the charge; (2) there must be showing that the judge had an interest, personal or otherwise, in the prosecution of the case at bar; and (3) the bias and prejudice must have stemmed from an extra-judicial source and result in an opinion on the merits on some basis other than what the judge learned from his participation in the case.⁵¹ None of these elements are present in this case. Although Judge Lorredo was noticeably quick to brand complainants as unlawful occupants of the subject property, he ostensibly anchored it on the admissions of complainants themselves that they were not the owners of the property and were merely renting it. Citing jurisprudential support, he also explained in his Comment that his statements directed to complainants were “based on the rule that when possession of the property is by tolerance of the landlord and is ended through demand to vacate, failure or refusal to vacate is a ground for ejectment.”⁵²

To be sure, opinions formed in the course of judicial proceedings, even if erroneous, as long as they are based on the evidence presented and conduct observed by the judge, do not prove personal bias or prejudice on the part of the judge.⁵³ The Court in *Dipatuan v. Mangotara*⁵⁴ thus expounded:

x x x As a general rule, repeated rulings against a litigant, no matter how erroneous and vigorously and consistently expressed, are not a basis for disqualification of a judge on grounds of bias and prejudice. Extrinsic evidence is required to establish bias, bad faith, malice or corrupt purpose, in addition to the palpable error which may be inferred from the decision or order itself. Although the decision may seem so erroneous as to raise doubts concerning a judge’s integrity, absent extrinsic evidence, the decision itself would be insufficient to establish a case against the judge.⁵⁵

Nonetheless, given the inappropriate remarks made by Judge Lorredo relative to the sexual orientation of complainants and his inclination to use Biblical passages and teachings to the case, the Court cannot blame complainants if they became suspicious of Judge Lorredo’s impartiality. The

⁴⁹ See *Rivera v. Mendoza*, A.M. No. RTJ-06-2013 (Formerly OCA I.P.I. No. 06-2509-RTJ), August 4, 2006, 497 SCRA 608, 613-614.

⁵⁰ A.M. No. MTJ-01-1369 (Formerly A.M. OCA I.P.I. No. 99-784-MTJ), September 20, 2001, 365 SCRA 425.

⁵¹ Id. at 428.

⁵² *Rollo*, p. 54.

⁵³ See *Dipatuan v. Mangotara*, A.M. No. RTJ-09-2190 (Formerly OCA I.P.I. No. 08-2909-RTJ), April 23, 2010, 619 SCRA 48, 54.

⁵⁴ Id.

⁵⁵ Id. at 54. Citation omitted.

manner by which he handled the preliminary conference was of such a character that could cause distrust, especially in the wary eyes of a concerned party-litigant.⁵⁶ Consequently, Judge Lorredo fell short as well of the Court's repeated and consistent admonition to judges to not only act impartially but to also appear impartial as an added assurance to the parties that his decision will be just.⁵⁷

The Court cannot stress it enough how the appearance of bias or prejudice can be as damaging to public confidence and the administration of justice as actual bias or prejudice.⁵⁸ In *Angping v. Ros*,⁵⁹ the Court specifically referred to lower court judges as playing a pivotal role in the promotion of the people's faith in the judiciary. They were described as front-liners who serve as the visible representations of the judicial branch at the grassroots level in their interaction with litigants and those who do business with the courts. Thus, the admonition that judges must avoid not only impropriety but also the appearance of impropriety is more sternly applied to them.⁶⁰

All told, the Court finds Judge Lorredo administratively liable for his improper remarks and overbearing demeanor and unwarranted acts during the preliminary conference in Civil Case No. M-MNL-18-08450-SC; and for allowing his religious beliefs to impair his judicial functions. While these offenses violate relevant Canons of the New Code of Judicial Conduct, the Court, to reiterate, does not find that they rise to the level of gross misconduct.

Misconduct is defined as a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by the public officer.⁶¹ In order to differentiate gross misconduct from simple misconduct, the elements of corruption, clear intent to violate the law, or flagrant disregard of established rule, must manifest in the former.⁶² In other words, it must be shown that the acts complained of were committed with fraud, dishonesty, corruption, malice or ill will, bad faith, or deliberate intent to do an injustice.⁶³ Wrongful intention, therefore, sits at the core of the offense of gross misconduct. For all of Judge Lorredo's faults in this case, the elements of gross misconduct are nonetheless wanting.

As regards the imposition of the penalties against Judge Lorredo, *Boston Finance and Investment Corporation v. Gonzalez*⁶⁴ instructs that if the respondent judge or justice of the lower court is found guilty of multiple

⁵⁶ See *Angping v. Ros*, A.M. No. 12-8-160-RTC, December 10, 2012, 687 SCRA 390, 399.

⁵⁷ See *Office of the Court Administrator v. Dumayas*, A.M. No. RTJ-15-2435 (Formerly A.M. No. 15-08-246), March 6, 2018, 857 SCRA 394, 415.

⁵⁸ See *Angping v. Ros*, supra note 56, at 399.

⁵⁹ Supra note 56.

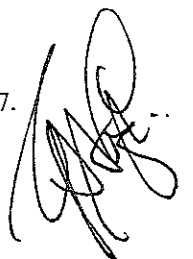
⁶⁰ Id. at 399.

⁶¹ *Office of the Court Administrator v. Reyes*, A.M. No. RTJ-17-2506, November 10, 2020, p. 9.

⁶² Id.

⁶³ See *Office of the Court Administrator v. Dumayas*, supra note 57, at 411.

⁶⁴ A.M. No. RTJ-18-2520 (Formerly OCA I.P.I. No. 14-4296-RTJ), October 9, 2018, 883 SCRA 17.



offenses under Rule 140 of the Rules of Court, the Court shall impose separate penalties for each violation.⁶⁵ Judge Lorredo's overbearing demeanor and unwarranted acts during the preliminary conference in Civil Case No. M-MNL-18-08450-SC and improper foisting of his religious beliefs in the conduct of his judicial functions constitute simple misconduct. On the other hand, his inappropriate remarks during the same proceedings and in his Comment in this case constitute conduct unbecoming and work-related sexual harassment under CSC Resolution No. 01-0940.

Under Rule 140 of the Rules of Court, as amended by A.M. No. 21-03-17-SC,⁶⁶ simple misconduct is classified as a less serious charge which is punishable by: (1) suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months; or (2) a fine of not less than ₱35,000.00 but not exceeding ₱100,000.00. For its part, conduct unbecoming is classified as a light charge which is punishable by: (1) a fine of not less than ₱1,000.00 but not exceeding ₱35,000.00; and/or; (2) censure; (3) reprimand; (4) admonition with warning. Furthermore, to reiterate, the derogatory or degrading remarks and innuendoes of Judge Lorredo against complainants' sexual orientation is a form of work-related sexual harassment that is classified as a less grave offense under Section 53(B)(3), Rule X of CSC Resolution No. 01-0940, and is punishable by a fine or suspension of not less than thirty (30) days and not exceeding six (6) months for the first offense.⁶⁷

Considering that this is Judge Lorredo's second administrative offense, the Court deems it reasonable to impose against him the penalties of fine in the amounts of ₱40,000.00 for simple misconduct, and ₱10,000.00 for conduct unbecoming and for failing to live up once again to the degree of propriety required of him under Canon 4 of the New Code of Judicial Conduct. The Court further resolves to suspend Judge Lorredo for thirty (30) days without pay, in accordance with CSC Resolution No. 01-0940.

As a final word, the Court once again finds it imperative to remind members of the bench that while not every error or mistake in the performance in their official duties may render them administratively liable, absent proof of fraud, dishonesty, corruption, or conscious and deliberate intent to cause an injustice, they are still obliged, at all times, to observe propriety, discreetness and due care in the performance of their official functions.⁶⁸ While judges are not completely stripped of their freedom to express, exercise, or uphold their religious beliefs and convictions, it goes without saying that in doing so, their foremost duty to obey the rule of law should not stand to suffer. As the Court has consistently said in the past, obedience to the rule of law forms the bedrock of our system of justice. If

⁶⁵ Id. at 34.

⁶⁶ AMENDMENTS TO THE FINES PROVIDED IN RULE 140 OF THE REVISED RULES OF COURT, dated March 16, 2021, accessed at < <https://sc.judiciary.gov.ph/18730/>>.

⁶⁷ CSC Resolution No. 01-0940, Rule XI, Sec. 56(B).

⁶⁸ See *Dipatuan v. Mangotara*, supra note 53, at 55-56.



judges, under the guise of religious or political beliefs were allowed to roam unrestricted beyond boundaries within which they are required by law to exercise the duties of their office, then law becomes meaningless.⁶⁹

At the same time, the Court has always espoused care in the conduct of judicial proceedings, ever sensitive not to unjustifiably offend the litigants and erode the public's confidence in our justice system. Thus, any form of discrimination by reason of gender or sexual orientation made by a judge and directed against any person with business before the court shall never be tolerated and must be strongly rebuked. Judge Lorredo must be reminded that the Court has already made a recognition of the fact that, through the years, homosexual conduct, and perhaps homosexuals themselves, have borne the brunt of societal disapproval.⁷⁰ The Court is cognizant that they have suffered enough marginalization and discrimination within our society.⁷¹ It is not difficult to imagine the reasons behind this censure — religious beliefs, convictions about the preservation of marriage, family, and procreation, even dislike or distrust of members of the LGBTQIA+ community themselves and their perceived lifestyle.⁷² Inasmuch, however, that these so-called “generally accepted public morals” have not been convincingly transplanted into the realm of our law,⁷³ there should be no reason for judges to add to the burdens of members of the LGBTQIA+ community through the swift hand of judicial review,⁷⁴ or to effectively lend a hand in perpetuating the discrimination they face, whether that effort is self-evident or thinly veiled under claims of religious beliefs or freedom of expression.

WHEREFORE, the Court finds respondent Judge Jorge Emmanuel M. Lorredo, Presiding Judge, Metropolitan Trial Court, Manila, Branch 26, **GUILTY** of simple misconduct for which he is **FINED** in the amount of ₱40,000.00; and of conduct unbecoming of a judge for which he is **FINED** in the amount of ₱10,000.00.

Judge Jorge Emmanuel M. Lorredo is also found **GUILTY** of sexual harassment classified as a less grave offense under Section 53(B)(3), Rule X of Civil Service Commission Resolution No. 01-0940, and is accordingly **SUSPENDED** for thirty (30) days without pay. He is further **STERNLY WARNED** that a repetition of the same or similar acts in the future shall be dealt with more severely.

SO ORDERED.

⁶⁹ *People v. Veneracion*, G.R. Nos. 119987-88, October 12, 1995, 249 SCRA 244, 251.

⁷⁰ See *Ang Ladlad LGBT Party v. Commission on Elections*, supra note 36, at 60.

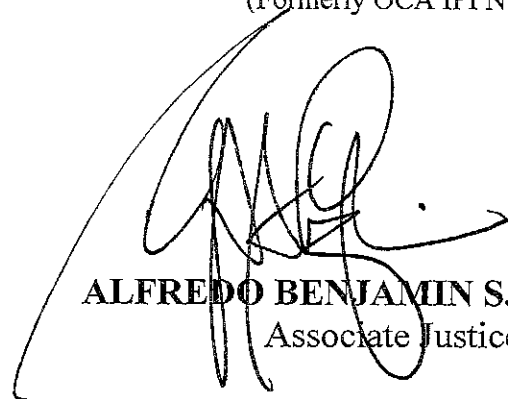
⁷¹ *Falcis III v. Civil Registrar General*, G.R. No. 217910, September 3, 2019, p. 2.

⁷² See *Ang Ladlad LGBT Party v. Commission on Elections*, supra note 36, at 60-61.

⁷³ *Id.* at 61.

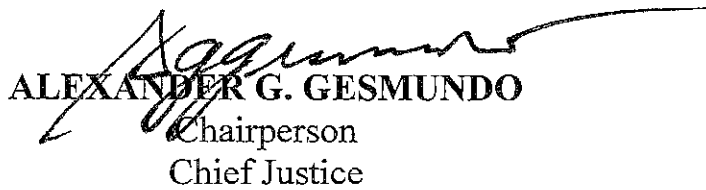
⁷⁴ See *Falcis III v. Civil Registrar General*, supra note 71.



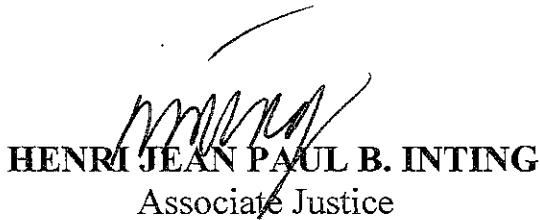


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

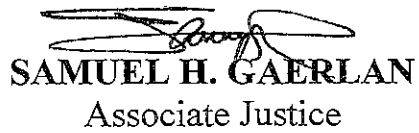
WE CONCUR:



ALEXANDER G. GESMUNDO
Chairperson
Chief Justice



HENRI JEAN PAUL B. INTING
Associate Justice



SAMUEL H. GAERLAN
Associate Justice



JAPAR B. DIMAAMPAO
Associate Justice