Republic of the Philippines
Supreme Court
Manila

EN BANC

DEPARTMENT OF JUSTICE, represented by Secretary Leila M. De Lima, Complainant, - versus - **ROLANDO G. MISLANG, Presiding Judge, Regional Trial Court of Pasig City, Branch 167,** Respondent.	**A.M. No. RTJ-14-2369 (Formerly OCA IPI No. 12-3907-RTJ)**
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HOME DEVELOPMENT MUTUAL FUND, represented by Atty. Jose Roberto F. Po, Complainant, - versus - **ROLANDO G. MISLANG, Presiding Judge, Regional Trial Court of Pasig City, Branch 167,** Respondent.	**A.M. No. RTJ-14-2372 (Formerly OCA IPI No. 11-3736-RTJ)** Present: GESMUNDO, *C.J.*, PERLAS-BERNABE, *J.*, LEONEN, CAGUIOA, HERNANDO, LAZARO-JAVIER, INTING, ZALAMEDA, M. LOPEZ, GAERLAN, ROSARIO, J. LOPEZ, DIMAAMPAO, and MARQUEZ, *JJ.* Promulgated: February 15, 2022

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RESOLUTION

***PER CURIAM*:**

Before this Court is the Petition for Judicial Clemency[1] dated September 8, 2021[2] filed by former Regional Trial Court (RTC) Presiding Judge Rolando G. Mislang (petitioner) seeking that he be allowed to retire with full benefits and that his disqualification to be employed in any branch or instrumentality of the government, including government-owned and controlled corporations, be lifted.

The Facts

In 2010, the Department of Justice (DOJ) conducted a preliminary investigation against Delfin S. Lee (Lee) and other officers of Globe Asiatique Realty Holdings Corporation (Globe Asiatique) for the alleged fraudulent loans taken out by Globe Asiatique's agents, on behalf of fake borrowers, from the Pag-IBIG Fund/Home Development Mutual Fund (HDMF), which caused the latter damages in the amount of ₱6.5-billion, docketed as NPS Docket No. XVI-INV-10J-00319 (1st DOJ case). The NBI Anti-Graft Division also recommended the filing of criminal charges against Lee and the others for syndicated *estafa* constituting economic sabotage, which was later docketed as NPS Docket No. XVI-INV-10L-00363 before the DOJ (2nd DOJ case).[3]

Meanwhile, Lee and Globe Asiatique filed a Complaint[4] for specific performance and damages against the HDMF before the Regional Trial Court (RTC) of Makati City (specific performance case), praying that HDMF be compelled to faithfully comply with its obligations under the agreements governing their housing loan program with Globe Asiatique's real estate development projects.[5]

Eventually, Lee filed a petition[6] for injunction with application for a temporary restraining order (TRO) before the RTC of Pasig City (injunction case), seeking the suspension of the proceedings in the 2nd DOJ case on the ground that the issues raised in the specific performance case posed a

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1 *Rollo* (A.M. No. RTJ-14-2372), pp. 362-370.

2 Per registry receipt (id. at 367). The petition was, however, received by the Clerk of Court *En Banc* on September 22, 2021 (id. at 362).

3 *Rollo* (A.M. No. RTJ-14-2369), p. 806.

4 Id. at 200-222.

5 See id. at 806. See also Resolution dated January 30, 2012 of the RTC of Makati City, Branch 58 in Civil Case No. 10-1120; id. at 624-643.

6 Id. at 306-317.

prejudicial question thereto.[7] Petitioner, as handling judge, granted the prayer for TRO in an Order[8] dated August 16, 2011.

On August 25, 2011, Lee filed an amended petition[9] to likewise enjoin the DOJ from filing an Information with respect to the 1st DOJ case. For its part, the DOJ opposed the application for the issuance of a TRO.[10]

The DOJ's opposition notwithstanding, **petitioner, on August 26, 2011, granted a TRO in favor of Lee enjoining the conduct of the 1st DOJ case**.[11] **Averring that petitioner's actions in the injunction case were constitutive of Gross Ignorance of the Law, both the HDMF and the DOJ filed the instant administrative disciplinary complaints against petitioner**.[12]

In the meantime, **petitioner converted the August 26, 2011 TRO to a writ of preliminary injunction (WPI) in an Order[13] dated September 5, 2011**. The DOJ assailed[14] this Order before the Court of Appeals (CA), which, in a Decision[15] dated April 16, 2012, annulled the same for having been issued with grave abuse of discretion amounting to lack or in excess of jurisdiction.

On April 26, 2012, Lee filed an Urgent Motion[16] in the injunction case, praying for the issuance of a status *quo* order against the DOJ on the basis of the supervening favorable summary judgment rendered by the RTC of Makati City in the specific performance case which allegedly foreclosed the criminal prosecution in the 1st and 2nd DOJ cases. However, on the same date, the DOJ proceeded with the filing of the Information[17] before the RTC of Pampanga; hence, Lee filed a Supplemental Motion[18] to enjoin the Office of the Clerk of Court (OCC) from raffling the said criminal case. **In an Order[19] dated April 27, 2012, petitioner issued a status *quo* order enjoining the OCC from raffling the criminal case.**

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7 Id. at 809-813.
8 Id. at 370-372.
9 Id. at 373-387.
10 Se id. at 11-13.
11 See Order dated August 26, 2011; id. at 435-436.
12 See id. at 807-808.
13 Id. at 437-442.
14 See Petition for *Certiorari* dated October 4, 2011; id. at 448-524.
15 Id. at 645-671. Penned by Associate Justice Franchito N. Diamante with Associate Justices Mariflor P. Punzalan Castillo and Edwin D. Sorongon, concurring.
16 Id. at 672-682.
17 Id. at 686-690.
18 Id. at 683-685
19 Id. at 691.

The Court's Ruling on the Administrative Complaints

In a Decision[20] dated July 26, 2016, the Court found petitioner guilty of Gross Ignorance of the Law. In so ruling, the Court, upon recommendation of the Office of the Court Administrator (OCA), adopted the CA's reasoning in its April 16, 2012 Decision, finding that no prejudicial question exists so as to justify petitioner's order enjoining the 1st DOJ case:

> After a thorough and judicious study of the attendant factual and legal milieu, this Court has come to the conclusion that **no prejudicial question exists that would justify the issuance by public respondent Judge of the writ of preliminary injunction as both cases before the DOJ can proceed independently of that with the Makati RTC.**
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> This Court agrees with [the DOJ's] contention that no prejudicial question exists with respect to the first DOJ case. A prejudicial question is understood in law as that which must precede the criminal action and which requires a decision before a final judgment can be rendered in the criminal action with which said question is closely connected. The civil action must be instituted prior to the institution of the criminal action. **As it was shown that the recommendation by the NBI for DOJ to investigate Lee and other officials of the GA for [*Estafa*] was filed ahead of the civil case which Lee filed against HDMF before the [RTC] of Makati City, the doctrine of prejudicial question is untenable in the first DOJ case.**
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> Moreover, it did not escape this Court's attention that when Lee moved for the issuance of a temporary restraining order to enjoin the DOJ, in the first DOJ case, x x x he did not file a petition for suspension of criminal action by reason of prejudicial question before the panel of DOJ prosecutors, in violation of the provisions of **Section 6, Rule III of the Revised Rules of Court** x x x. **The rule is clear that in filing a petition for suspension of criminal action based upon a pendency of a prejudicial action in a civil action, the same should be made before the office of the prosecutor or the court conducting the preliminary investigation. If an information had already been filed before the court for trial, the petition to suspend should be filed before the court where the information was filed.**
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> Considering that no information has yet been filed against Lee and the action that was brought before the court *a quo* was one for injunction and damages, **the public respondent Judge gravely erred when he took cognizance of Lee's prematurely filed petition and granted his prayer for the issuance of a temporary restraining order.**

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[20] Id. at 805-815. See also *DOJ v. Mislang*, 791 Phil. 219 (2016).

> Nevertheless, even if the civil case was filed ahead of the first DOJ case, the doctrine of prejudicial question is still inapplicable.
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> x x x [I]njunction will not lie to enjoin a criminal prosecution because public interest requires that criminal acts be immediately investigated and protected for the protection of society. It is only in extreme cases that injunction will lie to stop criminal prosecution. Public respondent Judge anchored his issuance of the writ on the existence of a prejudicial question. However, this Court finds that **the facts and issues in the Makati civil case are not determinative of Lee's guilt or innocence in the cases filed before the DOJ.** Verily public respondent Judge committed grave abuse of discretion amounting to lack of or in excess of jurisdiction when he issued the writ of preliminary injunction enjoining the DOJ from filing an information of estafa against Lee in the first DOJ case and from proceeding with the preliminary investigation in the second DOJ case.
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> x x x x[21]

Accordingly, the Court ruled that:

> Judge Mislang issued two (2) TROs, a writ of preliminary injunction and a status *quo* order, both of which did not satisfy the legal requisites for their issuance, in gross violation of clearly established laws and procedures which every judge has the duty and obligation to be familiar with. The antecedent incidents of the case brought before Judge Mislang were clear and simple, as well as the applicable rules. Unfortunately, he miserably failed to properly apply the principles and rules on three (3) points, *i.e.*, the prematurity of the petition, the inapplicability of the prejudicial question, and the lack of jurisdiction of the court. His persistent disregard of well-known elementary rules in favor of Lee clearly reflects his bad faith and partiality.[22]

The Court noted that this was not the first instance that petitioner committed a serious infraction. In A.M. No. RTJ-08-2104,[23] petitioner was already found administratively liable for Gross Ignorance of the Law and was meted the penalty of a fine of ₱20,000.00, with a stern warning that a repetition of the same or similar act shall be dealt with more severely.[24] In A.M. No. RTJ-15-2434,[25] he was also found guilty of Gross Ignorance of the Law, and was therein suspended for a period of six (6) months with another warning that a similar transgression would merit a more serious penalty.[26]

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21 *Rollo* (A.M. No. RTJ-14-2369), pp. 809-810. See also *DOJ v. Mislang*, id. at 226-227.
22 *Rollo* (A.M. No. RTJ-14-2369), p. 811. See also *DOJ v. Mislang*, id. at 228-229.
23 *Romero v. Mislang*, February 6, 2008, First Division Resolution. See also *Rollo* (A.M. No. RTJ-14-2369), p. 811.
24 See *rollo* (A.M. No. RTJ-14-2369), p. 812. See also *DOJ v. Mislang*, supra at 229.
25 *Patawaran v. Mislang*, August 12, 2015, Third Division Resolution.
26 *Rollo* (A.M. No. RTJ-14-2369), pp. 812-813. See also *DOJ v. Mislang*, supra at 229-231.

Consequently, owing to petitioner's repeated infractions and refusal to correct his ways, the Court imposed the penalty of dismissal from service with forfeiture of retirement benefits, except leave credits, and with prejudice to reemployment in any branch or instrumentality of the government, including government-owned and controlled corporations.[27]

Further Proceedings Before the Court

Subsequent to the promulgation of the July 26, 2016 Decision, petitioner filed a motion for reconsideration,[28] as well as second,[29] third,[30] and fourth[31] motions for reconsideration. The first three were denied,[32] while the last one was noted without action.[33] However, petitioner nevertheless filed several motions to resolve his fourth motion for reconsideration,[34] **the latest of which was received by the Court only on June 14, 2021**.[35] Overall, petitioner maintained his innocence, and alternatively, posited that the penalty of dismissal was not commensurate to the offense committed.

Notably, petitioner likewise filed a letter-request[36] dated January 31, 2019 with the Office of the President, seeking the Executive's assistance with regard to the Court's continued inaction on his fourth motion for reconsideration.[37] He also filed a letter-request[38] to the Court *En Banc* dated June 3, 2021 again reiterating his appeal that the merits of his case be revisited. **In both the foregoing letters, petitioner stressed that his administrative cases were politically/personally motivated by then Chief Justice Maria Lourdes P. A. Sereno, then Secretary of Justice Leila M. De Lima, and Deputy Court Administrator (DCA) Raul B. Villanueva**.[39]

A little over three (3) months later, or on September 22, 2021, petitioner filed the instant Petition for Judicial Clemency, praying that he be allowed to retire with full benefits and that his disqualification from reemployment in any branch or instrumentality of the government, including government-owned and controlled corporations, be lifted, citing a long and satisfactory track record of government service both in the Executive and Judicial

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27 *Rollo* (A.M. No. RTJ-14-2369), p. 814. See also *DOJ v. Mislang*, supra at 232.
28 *Rollo* (A.M. No. RTJ-14-2369), pp. 816-823.
29 Id. at 855-865.
30 Id. at 869-883.
31 Id. at 887-899.
32 Id. at 840-841, 866-867, and 884-885.
33 Id. at 900-901.
34 See id. at 903-910, 913-918, 939-945, 948-965, 968-986, and 989-997. See also *rollo* (A.M. No. RTJ-14-2372), pp. 350-356.
35 *Rollo* (A.M. No. RTJ-14-2372), p. 350.
36 Id. at 267-270.
37 Id. at 268.
38 Id. at 357-361.
39 Id. at 361.

departments, mounting indebtedness, and ailing conditions requiring continuous medical maintenance in his plea for clemency.[40]

The Issue Before the Court

The central issue in this case is whether or not the instant petition for judicial clemency should prosper.

The Court's Ruling

It is well-settled that judicial clemency is neither a right nor a privilege that may be availed of at any time by erring lawyers or judges.[41] Clemency rests in the sound discretion of the Court after weighing the merits thereof against the preservation of the public confidence in the judicial system.[42] In the landmark case of *Re: Letter of Judge Augustus C. Diaz, Metropolitan Trial Court of Quezon City, Branch 37, Appealing For Judicial Clemency* (*Re: Diaz*),[43] the Court framed the operative guidelines for resolving requests for judicial clemency, to wit:

> 1. There must be proof of remorse and reformation. These shall include but should not be limited to certifications or testimonials of the officer(s) or chapter(s) of the Integrated Bar of the Philippines, judges or judges['] associations and prominent members of the community with proven integrity and probity. A subsequent finding of guilt in an administrative case for the same or similar misconduct will give rise to a strong presumption of non-reformation.
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> 2. Sufficient time must have lapsed from the imposition of the penalty to ensure a period of reformation.
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> 3. The age of the person asking for clemency must show that he still has productive years ahead of him that can be put to good use by giving him a chance to redeem himself.
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> 4. There must be a showing of promise (such as intellectual aptitude, learning or legal acumen or contribution to legal scholarship and the development of the legal system or administrative and other relevant skills), as well as potential for public service.
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> 5. There must be other relevant factors and circumstances that may justify clemency.[44]

With respect to judicial employees, including judges, these guidelines were refined in the 2021 case of *Re: Allegations Made under Oath at the*

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40 See id. at 362-367.

41 *Concerned Lawyers of Bulacan v. Villalon-Pornillos*, 805 Phil. 688, 693 (2017).

42 See *Re: Letter of Judge Augustus C. Diaz, Metropolitan Trial Court of Quezon City, Branch 37, Appealing for Judicial Clemency*, 560 Phil. 1, 5 (2007).

43 560 Phil. 1 (2007)

44 Id. at 5-6.

Senate Blue Ribbon Committee Hearing Held on September 26, 2013 Against Associate Justice Gregory S. Ong, Sandiganbayan (*Re: Ong*).[45] Among others, the Court ruled that, unless for extraordinary reasons, there must be a **five (5)-year minimum period** before "dismissal or disbarment [can] be the subject of any kind of clemency."[46] Moreover, "**allegations of those who apply for clemency must first be evaluated by this Court to find whether *prima facie* circumstances exist to grant the relief**. Should there appear to be so, a commission must be created to receive the evidence, with due notice to any offended party and the public. The commission will then determine if there is substantial evidence supporting the allegations."[47] By logical inverse, should there be no *prima facie* case shown, the clemency plea ought to be dismissed.

To clarify, the term *prima facie* means "at first sight," "on first appearance but subject to further evidence or information"; or "sufficient to establish a fact or raise a presumption unless disproved or rebutted."[48]

When it comes to judicial clemency, a *prima facie* case may be said to exist when the petition therefor sufficiently demonstrates, on its face, that the petitioner has sincerely expressed remorse for his past infraction/s, has convincingly reformed in his or her ways, and is forthwith deserving of the relief prayed for based on the surrounding circumstances.[49]

While the determination of whether a *prima facie* case exists is to be conducted on a case-to-case basis, it is essential that the allegations contained in the petition are duly supported by proof, else they be regarded as conveniently self-serving. In *Re: Ong*, it was explained that:

> This Court cannot rely on allegations without corresponding proof, which could be testimonies and certifications attached to the plea. **These supporting documents must not merely be pro-forma, but should contain specific details on one's actions after being dismissed**.[50] (emphasis and underscoring supplied)

The reason therefor hearkens to the nature of judicial clemency as an act of mercy by this Court that is primordially imbued with public interest. Once more, in *Re: Ong*, the Court elucidated that:

> Clemency is in the nature of pardon based on mercy. Pardon and mercy translate to the commutation of the penalty, either wholly or partially. Pardon and mercy are, therefore, uniquely personal to the wrongdoer.

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45 See A.M. No. SB-14-21-J, January 19, 2021.
46 Id.
47 Id.; emphasis and underscoring supplied.
48 Black's Law Dictionary, 8th edition (2004), p. 1228.
49 See *Re: Ong*, supra; and *Nuñez v. Ricafort*, A.C. Nos. 5054 and 6484, March 2, 2021.
50 *Re:* Ong, id.; Emphasis and underscoring supplied.

> **However, the act of granting clemency should not go against a public or moral good**. Clemency can only be granted when its conditions are fully, unequivocally, and unconditionally accepted by the wrongdoer.
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> Judicial clemency is "an act of mercy removing any disqualification," which may be granted only upon a strong proof that it is warranted. **To be granted judicial clemency, a claimant must show evidence of reformation and potential.**
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> However, clemency should not only be seen as an act of mercy. It is not only for the wrongdoer's convenience. **The interests of the person wronged, as well as society in general — especially its value in precedent — should always be taken into primordial consideration**.[51] (emphases and underscoring supplied)

Accordingly, the Court cannot simply allow clemency cases to proceed without first thoroughly sifting through the petition and uncovering, at least, ostensible proof of a *prima facie* case. Indeed, to permit the contrary would undermine the public's confidence in the genuineness of the clemency process and, in turn, reflect poorly on the sanctity of the judicial system. It is only when such *prima facie* case exists that this Court would, as per the new procedure in *Re: Ong*, refer the case to a fact-finding commission, whose role is to receive the evidence and render a report thereon on the authenticity/probative value of such evidence in support of the petitioner's claims. Once the commission renders its report containing its factual findings on the case, the Court can then proceed to render its verdict on the clemency plea.

Verily, this refined and integral process of screening, referral, and fact-finding introduced in *Re: Ong*, with respect to judiciary employees, as well as in *Nunez v. Ricafort*[52] (*Ricafort*), with respect to lawyers, aims to rectify the old procedure that was institutionally problematic insofar as it failed to provide for a more objective analysis of clemency pleas. As was extensively discussed in *Ricafort*:

> As preliminarily discussed, judicial clemency is granted based on a policy framework created solely by the Court pursuant to its constitutional power of: (*a*) administrative supervision over all courts and all personnel thereof with respect to dismissed judiciary employees; and (*b*) regulation of the legal profession with respect to disbarred lawyers. In deciding whether to grant clemency, the Court endeavors to strike a balance between extending an act of mercy to an individual on the one hand, and on the other hand, preserving public confidence in the courts, as well as the legal profession. Certainly, safeguarding the integrity of the courts and the legal profession is an indispensable consideration in this assessment. **Hence, the petitioner should convincingly hurdle a high bar to be granted judicial clemency**.

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51 See id.; citations omitted.

52 A.C. Nos. 5054 and 6484, March 2, 2021.

> However, as per the current procedure following the *Re: Diaz* guidelines, the Court, when resolving clemency cases, is not impelled to go beyond the allegations in the petition and written documents appended thereto. **Institutionally, the Court is not a trier of facts; thus, it lacks the proper capability to probe into the finer details of the factual assertions made in a clemency petition.** In the same light, the Court cannot, on its own, authenticate the petition's supporting evidence, or examine, under oath, the sincerity of the person seeking clemency, as well as of those who vouch for him or her.
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> In fact, it is reasonable to suppose that, more likely than not, all of the submissions in a clemency petition are self-serving since it would always be in the petitioner's natural desire to submit everything beneficial to him or her so as to convince the Court to reinstate him or her back to the Bar. Moreover, the number of testimonials/certifications, as well as the perceived clout of the petitioner's sponsors/endorsers, are unspoken factors that influence the Court's disposition. **In the end, without a proper fact-finding procedure, the Court is constrained to resolve a clemency petition based on a subjective — instead of an objective — analysis of the petition.**
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> Thus, in *Re: Ong*, the Court cautioned that:
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> > Judicial clemency **cannot be subjective**. The more we have personal connections with one who pleas for clemency, the more we should seek to distance ourselves. It is also anticipated that pleas for judicial clemency are largely self-serving. x x x
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> Aside from the problem of subjectivity, equally significant is the **quandary of authenticating** the alleged socio-civic activities meant to prove that the petitioner has indeed reformed. Due to the lack of a fact-finding mechanism, the Court is hard-pressed to determine whether or not these activities were actually undertaken, or if so, how many times they were undertaken and their actual scope. In this regard, the Court cannot simply discount the possibility that these so-called "socio-civic activities" may just be isolated instances which are not truly reflective of the petitioner's sincere and genuine reformation but rather, listed only to pad up the petition.
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> In light of these issues, the Court, in the recent case of *Re: Ong*, resolved that ***prospectively***, all clemency petitions which, upon the Court's evaluation, demonstrate *prima facie* merit, **should be referred to a commission created to receive the evidence to prove the allegations by substantial evidence** x x x[.] (emphases and underscoring in the original)

Notably, the Court's ruling in *Re: Ong* was held to be prospective in application;[53] hence, the new parameters stated therein took effect from the time of its promulgation on January 19, 2021. Since the present petition for judicial clemency was filed last September 22, 2021,[54] *Re: Ong* squarely applies here.

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53 See id.

54 *Rollo* (A.M. No. RTJ-14-2372), p. 362.

In this case, while the petition complied with the five (5)-year minimum period set in *Re: Ong*, it nonetheless failed to demonstrate a *prima facie* case warranting the grant of judicial clemency.

To expound, records show that petitioner's clemency petition was filed last September 22, 2021, or after five (5) years from his dismissal through the Court's Decision promulgated last July 26, 2016.

While *Re: Ong* appears to be silent on the rationale behind the five-year period, the wisdom for a similar five (5)-year minimum period, as applied to clemency cases involving lawyers, was explained in *Ricafort* as follows:

> **To be sure, the underlying impetus of establishing a default uniform period is to curtail the broadly subjective process of determining the appropriate period within which genuine remorse and reformation are perceived to have been attained. Conceptually, the five (5)-year requirement is a reasonable estimation by the Court of the minimum period necessary for the [petitioning lawyer's] reflection of his or her past transgressions for which he or she was meted the ultimate penalty of disbarment**. For clarity, the period is reckoned from the time the Court's resolution is promulgated since it is only by then that the lawyer becomes duly informed of his or her administrative liability and hence, would be able to begin atoning for his or her malpractice.
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> This uniform period also addresses the apparent inconsistency of the *Re: Diaz* guidelines which, on the one hand, requires "[s]ufficient time must have lapsed from the imposition of the penalty to ensure a period of reformation" (second guideline), while on the other hand, mandates that "[t]he age of the person asking for clemency must show that [he or she] still has productive years ahead of him that can be put to good use by giving [him or her] a chance to redeem [himself or herself]" (third guideline). Indeed, time maybe perceived as a single continuum and to require sufficient time to first lapse but at the same time demand that productive years still remain, may be contradictory in concept and purpose.
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> Noticeably, *Re: Ong* allows a reinstatement application to be filed before the five (5)-year minimum period for "extraordinary reasons." It should, however, be clarified that this phrase should only pertain to **the most compelling reasons based on extraordinary circumstances**, else the Court reverts back to the subjectivity problem tainting the *Re: Diaz* guidelines. Pressing and serious health concerns, as well as highly exemplary service to society post-disbarment, provided that they are supported by evidence, may be taken into account by the Court, among others.[55] (emphasis and underscoring supplied)

However, it should be borne in mind that "[c]onceptually, the five (5)-year requirement is a reasonable estimation by the Court of the minimum

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[55] *Nuñez v. Ricafort*, supra note 49.

period necessary for the petitioner's reflection of his or her past transgressions."[56] Thus, considering that the said period is just a reasonable estimation of the minimum period of reflection, this does not mean that proof of remorse and rehabilitation is dispensed with by the Court. For a clemency plea to prosper, there must be a convincing showing of genuine repentance and remorse for one's past infractions.

Here, although the instant petition was filed after the five (5)-year minimum period as above-mentioned, the Court finds that there is a lack of *prima facie* showing of petitioner's genuine repentance and remorse for his past infractions.

Jurisprudence states that "[r]emorse and reformation must reflect how the claimant **has redeemed their moral aptitude by clearly understanding the gravity and consequences of their conduct**."[57] Concomitantly, "there must be an acknowledgment of the wrongful actions and subsequent showing of sincere repentance and correction. **This Court must see to it that the long period of dismissal moved the erring officers to reform themselves, exhibit remorse and repentance, and develop a capacity to live up again to the standards demanded from court officers**."[58]

Here, records show that not up until recently, petitioner was still insistent upon his innocence and the unfairness of his dismissal. **His most recent assertion of innocence, as seen in his letter-request[59] to the Court *En Banc* dated June 3, 2021, was made only three (3) months prior to the filing of the instant petition**. Worse, he even sought the intervention of the President[60] in a matter that is wholly within the discretion of the Judiciary. It was only in this present petition filed last September 22, 2021 that petitioner openly admitted that he was remorseful for his misdeeds and has accepted the Court's verdict of dismissal against him.

In *Concerned Lawyers of Bulacan v. Villalon-Pornillos*,[61] the Court denied a plea of clemency that failed to show repentance and acceptance of the judgment. In said case, it was observed that therein respondent did not deserve clemency since she still defended herself and insisted on her innocence and self-righteousness which evinced her lack of remorse for her misdeeds.[62] As the Court sees it, the lack of remorse of petitioner throughout the years negates a *prima facie* finding that he had genuinely repented for his ways. His bare statement in the petition that he "expressed his heartfelt

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56 Id.
57 *Re: Ong*, supra note 45; emphasis and underscoring supplied.
58 Id.; emphasis and underscoring supplied.
59 *Rollo* (A.M. No. RTJ-14-2372), pp. 357-361.
60 Id. at 267-270.
61 805 Phil 688 (2017).
62 Id. at 692.

apology and remorse for [his] misdeeds"[63] leaves much to be desired as it appears that he had only accepted the Court's ruling to dismiss him in the present petition filed a few months ago.

Furthermore, petitioner claimed that after his dismissal, he gave "free legal advice" for "needy individuals," and has been assisting the Lord's Vineyard Covenant Community in their socio-civic legal services.[64] In support, he attached a Certificate from the Lord's Vineyard Covenant Community[65] to attest to his alleged socio-civic legal services in his succeeding Manifestation with Motion to Submit[66] dated October 4, 2021. **However, an evaluation of the said Certificate shows that it is generally worded, and lacks any specific details, such as the scope/extent as to how these socio-civic legal services were actually rendered, as well as how often these were conducted**.[67] There are likewise no written testimonies or accounts of his rendition of free legal advice following his dismissal. Again, in *Re: Ong*, it was held that "[t]hese supporting documents must not merely be pro-forma, but should contain specific details on one's actions after being dismissed."

Notably, petitioner claimed that he is under immense economic strain, being the primary breadwinner of his family, and owing to enormous costs for his son's medical procedure,[68] as well as for the payment of his own maintenance medicine.

Indeed, "[t]his Court has also considered other factors such as the petitioner's advanced age, deteriorating health, and economic difficulties."[69] However, the grant of clemency must still always be delicately balanced with the preservation of public confidence in the courts. When there is no showing of genuine remorse or that the petitioner has sufficiently reformed his ways, the Court must temper its grant of mercy with the greater interest of the public. In the final analysis, while the Court can only commiserate with the dire personal circumstances of a petitioner pleading for clemency, genuine remorse and reformation are indispensable in according such relief. As ruled in *Re: Ong*, the Court's "willingness to extend mercy" is reserved for "those who have rectified their errors and mended their ways."[70] Verily, "the grant of clemency should not excuse or remove the fault of the offender's past acts, nor should it amount to a condonation. Clemency is not blind acceptance or tolerance of a wrongful act."[71]

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63 *Rollo* (A.M. No. RTJ-14-2372), p. 364.
64 Id.
65 See id. at 364.
66 Id.
67 See *Nuñez v. Ricafort*, supra note 49.
68 See *rollo* (A.M. No. RTJ-14-2372), p. 365.
69 See *Re: Ong*, supra note 45.
70 See id.
71 See id.

WHEREFORE, the instant Petition for Judicial Clemency dated September 8, 2021 is hereby **DENIED.**

SO ORDERED.

ALEXANDER G. GESMUNDO
Chief Justice

ESTELA M. PERLAS-BERNABE
Senior Associate Justice

MARVIC M.V.F. LEONEN
Associate Justice

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

RAMON PAUL L. HERNANDO
Associate Justice

AMY C. LAZARO-JAVIER
Associate Justice

HENRI JEAN PAUL B. INTING
Associate Justice

RODIL V. ZALAMEDA
Associate Justice

MARIO V. LOPEZ
Associate Justice

SAMUEL H. GAERLAN
Associate Justice

RICARDO R. ROSARIO
Associate Justice

JHOSEP Y. LOPEZ
Associate Justice

JAPAR B. DIMAAMPAO
Associate Justice

JOSE MIDAS P. MARQUEZ
Associate Justice