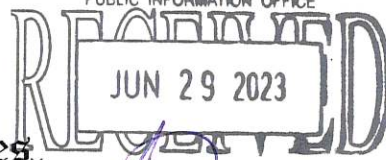




SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE



Republic of the Philippines
Supreme Court
Baguio City

BY: _____
TIME: _____

EN BANC

NOTICE

Sirs/Mesdames:

Please take notice that the Court en banc issued a Resolution dated APRIL 18, 2023, which reads as follows:

“A.M. No. RTJ-20-2596 [Formerly OCA IPI No. 16-4590-RTJ] (*Liza De Leon-Profeta v. Judge Francisco Mendiola, Presiding Judge of Regional Trial Court, Branch 115, Pasay City*). — This treats the Motion for Reconsideration (Re: Decision dated 19 January 2021)¹ and Motion for Leave to File and Admit Attached Supplement to the Motion for Reconsideration² filed by Atty. Francisco G. Mendiola (respondent), former Presiding Judge of Branch 115, Regional Trial Court, Pasay City, seeking reconsideration of the Court’s 19 January 2021 *per curiam* Decision.

In the Court’s *per curiam* Decision,³ respondent was found to have committed five counts of Gross Ignorance of the Law. The Court likewise found him guilty of one count of Manifest Bias and Partiality and Impropriety as well as one count of Gross Inefficiency.

Through the instant motions, respondent manifests his remorse and claims to have taken full responsibility for his actions. At the same time, he seeks mercy and compassion. He alleges that his assailed issuances were made in good faith, with no intention to transgress any law or rule. Moreover, he had “no priors,” had served the judiciary for 23 years, and had been in the government service for more than 41 years.⁴

Respondent further asserts that his acts and omissions in this case might have been due only to heavy stress as he tried to juggle his career and family life. According to him, he was then handling over 700 cases while also tending to his wife, who had cancer.⁵

Finally, he points out that under Sections 4, 5, and 7 of Presidential

¹ *Rollo*, pp. 452-487.

² *Id.* at 488-533.

³ *Id.* at 422-444.

⁴ *Id.* at 456-461.

⁵ *Id.* at 458 & 520.

Decree No. 1439,⁶ the Juvenile and Domestic Relations Court (JRDC) had jurisdiction over all adoption cases. Thereafter, with the advent of *Batas Pambansa Blg. 129*,⁷ the jurisdiction of JRDC was transferred to the Regional Trial Courts. Moreover, a perusal of the service record of the judge who issued the adoption decrees of petitioner Liza De Leon-Profeta (petitioner) and Nestor De Leon (Nestor) reveals that his place of assignment from 12 October 1970 to 18 January 1987 was Parañaque City. There is nothing to show that he was assigned to Pasay City. Given these factual assertions, respondent remains adamant that Branch 1, City Court of Pasay, which issued the adoption decrees in 1982, had no jurisdiction to take cognizance of a petition for adoption, much less the authority to rule on the same. Having found the adoption decree void for lack of jurisdiction, he consequently issued the subject orders against the oppositors in good faith.⁸

After careful deliberation, the Court denies the instant motion and supplemental motion for reconsideration for lack of merit.

It is rather late for respondent to ask for forgiveness for his transgressions when he had all the opportunity to do so prior to the issuance of the Court's Decision. At this juncture, this Court does not sense the sincerity in his contrition and is more inclined to believe that his now remorseful stance is a contrived afterthought of a person who wants to get away with his wrongdoings.

The Court also does not see any merit in his claim that he issued his orders in good faith and to ensure that petitioner had a rightful claim to Agustina Maglaqui-De Leon's (Agustina's) estate. His actions during the time he was handling the case reeked of impropriety. Not only that, but he also repeatedly flouted the Rules of Court (Rules) with his whimsical issuances in favor of Elisa Maglaqui-Caparas (Elisa), Agustina's sister. His alleged zealousness was excessive and dubious to the point that the Court of Appeals (CA) found him to have committed grave abuse of discretion and later required him to recuse.

To be sure, his wrongdoings were not simple lapses in judgment but appear to show a deliberate judicial indiscretion in favor of one litigant. By his conduct, he arbitrarily deprived his brother in service, then retired Judge Nestorio De Leon, the chance to enjoy his inheritance from his deceased wife, Agustina. He also subjected the oppositors to an unfair trial where they had to seek repeatedly the intervention of the appellate court to get the fair share they deserved. In so doing, he sullied the reputation of his office and the entire judiciary.

⁶ Entitled "Creating Additional Branches of the Court of First Instance and City Courts and New and Additional Juvenile and Domestic Relations Courts, in Certain Provinces and Cities," signed on 10 June 1978.

⁷ Entitled "An Act Reorganizing the Judiciary, Appropriating Funds for Other Purposes." Approved: 14 August 1981.

⁸ *Rollo*, pp. 505-520.

Notably, he went to great lengths to unearth pieces of evidence that supposedly prove that petitioner and Nestor's adoption decrees were issued without jurisdiction, and thus, void. Palpably, it should have been Elisa, not him, who should be doing the hard work to prove the supposed invalidity of said adoption decrees. That he was forced to do so in an administrative case against him speaks volumes of the magnitude of his error. This cannot be countenanced by the Court as it puts the judiciary and the legal system in a bad light.

Moreover, considering the pieces of evidence submitted in this case to prove the invalidity of the adoption decrees were not made available below, respondent gravely erred in arbitrarily refusing to recognize the status of petitioner and Nestor as adopted children of Augustina. Even if a void judgment may be collaterally attacked, it was not he who should attack the same.

Clearly, respondent did not have justification for denying admission of petitioner and Nestor's birth certificates issued by the National Statistics Office (NSO). Also, as pointed out in the Decision, respondent seriously erred when he allowed Elisa to present rebuttal evidence even though she had already rested her case and the oppositors had long formally offered their evidence. Additionally, respondent did not act on the formal offer for more than two years.

In any case, respondent's wrongdoings did not only pertain to the part of the proceeding where he overly scrutinized the validity of the adoption of petitioner and Nestor. He violated the Rules and was perceivably one-sided from the start by appointing Elisa as administrator of Augustina's estate without 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. Moreover, until the end, he exercised questionable judgment as he obstinately continued to hear the case despite notice of the CA's order for him to inhibit.

Nonetheless, the alleged heavy workload and extreme stress due to personal problems would not mitigate respondent's liability, let alone justify his improper conduct. All magistrates are subjected to the same rigorous standard. As part of his oath, he was required to be conscious of his duties and was expected to perform them conscientiously. As a member of the bench for more than two decades, he should have been wise enough to know that when his personal affairs were already affecting his critical thinking as a judge, the prudent thing was for him to take a leave of absence that he was very much entitled to. His failure to act accordingly, coupled with his unjustified refusal to recuse when petitioner already filed a motion for voluntary inhibition against him, is tantamount to bad faith on his part:

Judges must at all times maintain and preserve the trust and faith of parties litigants in the court's impartiality, and that the slightest doubt in

the actions of a judge, whether [well-grounded] or not, will leave the judge no better alternative than to rescue himself [or herself] as the ideal mode to preserve the image of the judiciary. By inhibiting himself [or herself], he [or she] avoids being misunderstood[;] his [or her] reputation for probity and objectivity is preserved. More importantly, the ideal of impartial administration of justice is lived up to.⁹

This is thus an opportune time to reiterate for the guidance of the bench that the Code of Judicial Conduct ordains judges to be faithful to the law and maintain professional competence. Judges must preserve the trust and faith reposed in them by the parties as impartial and objective administrators of justice.¹⁰

All told, this Court sees no merit in the motion.

In view, however, of the promulgation of Administrative Matter No. (A.M.) 21-08-09-SC,¹¹ which further amended Rule 140 of the Rules, the Court finds the need to modify the fines adjudged in this case.

Although A.M. 21-08-09-SC was approved on 22 February 2022 and took effect on 18 April 2022, Section 24 thereof explicitly provides for its retroactive effect “to all pending and future administrative cases involving the discipline of Members, officials, employees, and personnel of the Judiciary.” Accordingly, Rule 140, as amended, should be applied in the proper imposition of penalties against respondent.

In this case, respondent was held guilty of five counts of Gross Ignorance of the Law, an offense which is considered a serious charge under Section 14 of A.M. 21-08-09-SC. He is also found liable for one count of Gross Inefficiency. In the Court’s Decision, it was held to be a less serious offense. Under A.M. 21-08-09-SC, however, Gross Inefficiency is considered closely related to gross neglect, another serious charge under Rule 140, as amended.¹² Finally, respondent was also found guilty of Manifest Bias and Partiality and Impropriety. Said offense constitutes a violation of the Code of Judicial Conduct, which thus makes it a less serious charge.

Since respondent committed multiple offenses arising from separate acts, the Court must impose separate penalties for each offense, in accordance with Section 21 of Rule 140, as amended. Furthermore, when it comes to serious charges, the Court may, at its discretion and depending on the facts of the case, choose to impose either of the following penalties provided under Section 17(1): a) dismissal from service, forfeiture of benefits, and disqualification from reinstatement or appointment to any

⁹ *Latorre v. Ansaldo*, 410 Phil. 570, 577 (2001).

¹⁰ *Id.* at 576.

¹¹ FURTHER AMENDMENTS TO RULE 140 OF THE RULES OF COURT.

¹² See *International School of Manila v. International School Alliance of Educators*, 726 Phil. 147 (2014), as cited in the Notes of A.M. No. 21-08-09-SC.

public office; b) suspension from office; or c) fine. Anent the penalty for a less serious charge, Section 17(2) imposes either the penalty of suspension or fine.

Also, in line with Section 19 of Rule 140, as amended, the Court may, in the determination of the proper imposable penalty, appreciate mitigating and aggravating circumstances. The Court should further be guided by the principle that its duty to sternly wield a corrective hand to discipline its errant employees and to weed out those who are undesirable comes with the discretion to temper the harshness of its judgment with mercy.¹³

In this respect, the Court finds respondent entitled to the mitigating circumstance of first offense. As respondent stated in his motion, he had “no priors” in his 23 years in the judiciary and a total of 41 years in government service. The Court could have also appreciated his length of service as a mitigating circumstance. However, as the Court emphasized in its Decision, 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.¹⁴ Bearing the facts of this case in mind, the Court deems it proper not to consider the length of service in the imposition of penalties in this case.

Under Section 20 of Rule 140, as amended, if one or more aggravating circumstances and no mitigating circumstances are present, the Court may impose either suspension or a fine for a period or amount not exceeding double the maximum prescribed under the Rule. Conversely, if one or more mitigating circumstances and no aggravating circumstances are present, the Court may impose either suspension or a fine for a period or amount not less than half of the minimum prescribed. Finally, if there are both mitigating and aggravating circumstances, the Court may offset each other.

Given respondent’s retirement, he can only be meted the penalty of a fine for his infractions. For the two serious charges, Gross Ignorance of the Law and Gross Inefficiency, the fine imposable, under Section 17(1)(c), is more than ₱100,000.00 but not exceeding ₱200,000.00 for each count. On the other hand, for the less serious offense (Manifest Bias and Partiality and Impropriety) committed by respondent, the fine imposable under Section 17(2)(b) is a fine of more than ₱35,000.00 but not exceeding ₱100,000.00. With one mitigating and no aggravating circumstance, the penalties shall be not less than half of the minimum.

This ruling is immediately executory, pursuant to Section 23 of Rule 140, as amended. Also, in consonance with Section 22 of the same Rule, respondent must pay the fine within three months from the promulgation of this resolution. If left unpaid, such amount may be deducted from his

¹³ See *Office of the Court Administrator v. Judge Chavez*, 815 Phil. 41, 46 (2017).

¹⁴ See *Mariano v. Judge Nacional*, 598 Phil. 6, 13 (2009).

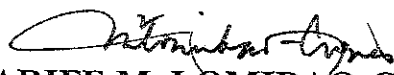
benefits, including accrued leave credits.

WHEREFORE, premises considered, the Court resolves to deny respondent's Motion for Reconsideration and Supplement to the Motion for Reconsideration. The Court's *per curiam* Decision dated 19 January 2021 is **AFFIRMED** with **MODIFICATIONS** in that respondent is hereby meted the following fines:

- a) For the five (5) counts of Gross Ignorance of the Law, a fine of ₱50,000.50 for each count;
- b) For one (1) count of Gross Inefficiency, a fine of ₱50,000.50; and
- c) For one (1) count of Manifest Bias and Partiality and Impropriety, a fine of ₱17,500.50.

This ruling is immediately executory. Respondent must pay the fine within three (3) months from the promulgation of this Resolution. If left unpaid, such amount may be deducted from his benefits, including accrued leave credits." (6)

By authority of the Court:


MARIFE M. LOMIBAO-CUEVAS
Clerk of Court *jc*

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