EN BANC

[A.M. No. MTJ-26-056 [Formerly JIB FPI No. 23-118-MTJ]. February 04, 2026]

ANONYMOUS, COMPLAINANT, VS. JUDGE ELMER R. BERNARDO, MUNICIPAL TRIAL COURT IN CITIES, BATAC CITY, ILOCOS NORTE, RESPONDENT.

D E C I S I O N

ROSARIO, J.:

This is an administrative case against Judge Elmer R. Bernardo (Judge Bernardo), presiding judge of the Municipal Trial Court in Cities of Batac City, Ilocos Norte (MTCC), for prejudicial conduct that gravely besmirches or taints the reputation of the service.

The Facts

The Court, through its Judiciary Public Assistance Section, received an email[1] on August 18, 2023 from an anonymous complainant charging Judge Bernardo with unprofessional conduct involving driving under the influence of alcohol and habitually causing damage to private properties.[2]

The anonymous Complaint alleged that Judge Bernardo, while driving his vehicle, hit a tricycle, causing leg injuries to its driver. The Complaint also stated that Judge Bernardo has caused damage to seven private vehicles by throwing stones, destroying their windshields, and pushing some vehicles into a ditch.[3]

Moreover, the Complaint claimed that while these incidents were recorded in the police blotter, they remained unacted upon and Judge Bernardo has never even amicably settled or paid compensation for the property damage that he caused.[4]

The Complaint narrated:

> *Si Judge Bernardo ay meron ding sinagasahang* [sic] tricycle driver at PIK-a-BUN Terminal. *Napilay po ang kawawang* driver *ngunit wala pong* action taken *at* amicable settlement *na nangyari* for both barangay at Batac PNP for the victim. No compensation of damages was initiated *rin po*. As to date, *mga 7 cars na po-ang sinira ng judge na to (pinagbabato, pinagpapalo or pinagsisira ang* windshield *at* body paints) not to mention *ung* owner type

> jeep *na hinulog nya sa canal, nakablotter po lahat ito sa* PNP *ngunit nakatengga lang siya dun*, no amicable settlement and no full compensation for damage to property was initiated. *Ganito kabulok ang* justice system *po namin dito sa bayan namin lalo na pag ang akusado ay isang hukom* or member *ng* judiciary.[5]

The anonymous Complaint further narrated a specific incident when Judge Bernardo damaged two vehicles, a Ford EcoSport and an Isuzu Crosswind. The Complaint alleged that Judge Bernardo admitted causing the damage while under the influence of alcohol. He purportedly ordered PSSg. Edward Rabanal of the Batac Philippine National Police (Batac PNP) to manipulate the entry in the police blotter relating to the incident.[6]

The Office of the Court Administrator (OCA) investigated the anonymous Complaint. OCA's findings are stated in its November 15, 2023 Report.[7] According to the report, a team from its Legal Office sent an email to the anonymous complainant proposing to meet to further discuss the Complaint and to obtain more information to aid the investigation. The anonymous complainant, however, did not respond to this request.[8]

The investigating team then went to Batac, Ilocos Norte on October 17 to 20, 2023. The team secured an extract copy of the police blotter regarding one of the incidents stated in the anonymous Complaint. The excerpt stated:

> At or about 3:32 [a.m.] of July 29, 2023, Allan Paul Paraoan y Cabaccang, 43 years old, single, married [sic], call center agent and Richelle Joy Wronski y Paraoan, 38 years old, nurse, married, both residents of Brgy. Ablan, City of Batac, Ilocos Norte came to this station and lodged a complaint against Judge Elmer R. Bernardo for damage to property. They averred that at around 2:30 [a.m.] of this date, their neighbor Judge Bernardo arrived at his residence, allegedly under the influence of liquor when with no apparent reason thrown [sic] a piece of wood and stone towards on [sic] their respective vehicle which was parked outside their house particularly just along the Brgy. Road. As a result of his violent actions, the vehicle of Allan Paul Paraoan described as Ford, bearing plate no. IDI 2305 incurred dents on top, detached rain visor (driver's side) while the vehicle or Richelle Joy Wronski described as ISUZU Crosswind, bearing plate no. XGF 628, incurred dents on the hood and detached rain visor (passenger side). That right after the incident, herein reporting-persons able to talked [sic] with Judge Bernardo and he admitted that he was the one who thrown [sic] a piece of wood and stone towards their respective vehicles while it was being recorded (video) thru the use of cellphone.[9]

The team also talked to Allan Paul Paraoan (Paraoan) to obtain additional information. However, while Paraoan confirmed that the entry in the police blotter is accurate, he was reluctant to execute an affidavit because he had already settled the matter with Judge Bernardo. He also mentioned that Richelle Joy Wronski already left the country.

[10]

In its December 5, 2023 Resolution,[11] the Court referred the OCA Report to the Judicial Integrity Board (JIB) as it was-also evaluating the same anonymous Complaint.[12]

The JIB requested the Batac PNP to provide it with a certified true copy of the police blotter entry pertaining to the alleged incident involving Judge Beroardo and a tricycle driver. In its February 23, 2023 Letter,[13] the Batac PNP stated that "there are no recorded incidents that Hon. Bernardo ran over a tricycle driver at the Pik-a-Bun Terminal."[14]

After this investigation, the Office of the General Counsel (OGC) of the JIB formally filed its April 12, 2024 Complaint[15] before the JIB, charging Judge Bernardo with prejudicial conduct that gravely besmirches or taints the reputation of the service.[16]

In its 1st Endorsement,[17] the Office of the Executive Director (OED) of the JIB directed Judge Bernardo to file a comment on the OGC Complaint and to show cause why he should not be sanctioned as a member of the Philippine Bar.[18]

Thus, Judge Bernardo filed his Comment.[19] He denied that he was intoxicated when the incident occurred on July 29, 2023. He asserted that he was even able to carefully maneuver his vehicle past the illegally parked Isuzu Crosswind and Ford EcoSport. Moreover, he clarified that while he admitted causing damage to the two vehicles, he never confessed that he, in fact, deliberately inflicted such damage. He explained:

> that while i [sic] admitted throwing the piece of wood and the stone (2 items), I NEVER ADMITTED that i [sic] INTENTIONALLY TARGETED the vehicles as they were accidentally hit, completely contrary to the claim that they were thrown by me "towards the vehicles."
>
> To say that i [sic] threw them "towards the vehicles" is nothing but a baseless and malicious speculation, the truth of the matter being that the two items were thrown by me towards a rodent the size of a cat, that i [sic] saw moving on the pavement of the road towards the drainage canal. My throwing the 2 items was an instinctive reaction as i [sic] was prompted to grab the 2 items i saw on the floor of my veranda where i was standing at that time.
>
> . . . .
>
> f. at around 2:30 in the early morning of July 29, 2023, i [sic] was driving home southbound on said 4-meter wide Batakenya Street, and i [sic] barely squeezed my car into my garage since there were three vehicles (an Isuzu Crosswind wagon; a Ford Eco-sport SUV, and a big[-]body car) north of my

> garage gate, parked facing south on the southbound lane of the 4[-]meter Batakenya Street and completely obstructing the said southbound lane. i [sic] did not fall to the drainage canal at the eastern edge of the Batakenya Street because half of the width of my tire stayed on the pavement while the other half hang over the drainage canal.
>
> . . . .
>
> h. while i [sic] was there standing at my veranda, i [sic] suddenly saw a rat the size of a cat moving towards the drainage canal east of the parked Isuzu Crosswind and i [sic] instantly recalled the destructions that rats had done to many of my belongings, and i [sic] instinctively grabbed a piece of wood at the floor of my veranda and throw [sic] it to the rat to scare and drive it away from our area but failed to do so as the piece of wood accidentally landed somewhere else.
>
> i. failing on the first try, i [sic] was able to grab a stone on the veranda floor and throw [sic] it again to [sic] the rat but again my aim cause [sic] the stone to accidentally hit something else.
>
> j. at this point, my neighbors were alerted by the commotions, prompting them to go out to. see if their vehicles incurred damages and apparently saw dents in the Isuzu crosswind and broken sun visors on the Ford Eco-sports SUV blaming it on the piece of wood and stone that accidentally hit them.
>
> k. though im [sic] not sure if the piece of wood or stone caused the damages, i [sic] admitted throwing the stones even if i [sic] did not intentionally targeted [sic] the illegally parked vehicles, and aware that i [sic] should pay for the damages even if it was all accidental, i [sic] volunteered to pay, apologized for it, and expressed willingness to talk about it .in the following morning to let us all get some sleep first as the dawn is [sic] already about to break.[20]

Judge Bernardo also denied that he convinced the Batac PNP to manipulate the entry in the police blotter. He explained that he met the vehicle owners the day after the incident. They agreed that the car owners would have their vehicles repaired at Honda Ilocos and that Judge Bernardo would pay for the cost. He then went to Honda Ilocos to hand over a copy of the police blotter and to give instructions for the repair of the vehicles. However, Judge Bernardo claimed that he received a call the following day from Honda Ilocos's manager, informing him that the vehicle owners presented a different police blotter entry with what appeared to be additional damages on the vehicles.[21]

Judge Bernardo averred that he then went to the police station and talked to the chief of police. He learned that after he settled the matter with the vehicle owners, the latter went to the police station and asked the desk officer to include in the blotter additional items that required repair, even if these purported vehicular damages did not arise from

the incident involving Judge Bernardo. After this, Judge Bernardo and the Batac PNP agreed to disregard the padded police blotter.[22]

Judge Bernardo further included in his Comment a portion which he called "background facts." He stated that he resides in a street with a narrow concrete road and that his neighbors, who own large vehicles but have no space inside their houses, use this narrow road for parking. He claimed that he made repeated requests to his neighbors to move their vehicles so that other cars may pass through. His neighbors, Judge Bernardo asserted, resented him because of this and led them to brand him as demanding.[23] He narrated, thus:

> c. for the safety of all residents in our area, and in accordance with the City Mayor's directive to clear all streets with parked vehicles, i [sic] asked Traffic Enforcers posted just 200 meters away, to advice drivers of vehicles not to park in the said street and apprehended [sic] violators for traffic obstruction prohibited by the Land Transportation and Traffic Code as well as by a Batac City Ordinance, a violation of which constitute [sic] a criminal offense.
>
> . . . .
>
> d. Despite said advice however, my neighbors who own cars, wagons[,] and SUVs, but has [sic] no space inside their gates big enough to accomodate them, insist on parking their vehicles indiscriminately on said narrow street, leaving them un-attended [sic], without due regard to the right of others to use the street, and unmindful of the annoyance they cause to other people using the street. Every now and then, i [sic] ask them to move their vehicles because i [sic] cannot pass since i [sic] use the road at least 4 times daily...
>
> e. my repeated act of asking my neighbors to move their vehicles to allow passage was resented by said neighbors branding me as too demanding even if i [sic] am only asking for enough space to pass by and even if im [sic] not reporting them for traffic obstruction.[24]

The Report and Recommendation of the JIB

In its May 21, 2025 Report and Recommendation,[25] the JIB OED recommended that Judge Bernardo be found guilty of prejudicial conduct that gravely besmirches or taints the reputation of the service. The dispositive portion of the Report and Recommendation states:

> **IN VIEW OF THE FOREGOING**, it is respectfully submitted for the consideration of the Honorable Board that the following recommendations be made to the Supreme Court:
>
> (1) The instant matter be **RE-DOCKETED** as a regular administrative matter against respondent Presiding Judge **Elmer R. Bernardo**,

Municipal Trial Court in Cities, Batac City, Ilocos Norte;

(2) Respondent Judge Bernardo be found **GUILTY** of prejudicial conduct that gravely besmirches or taints the reputation of the service and be **FINED** in the amount of PHP 50,001.00, payable within 3 months from receipt of the Decision or Resolution of the Supreme Court;

(3) Respondent Judge Bernardo be **STERNLY REMINDED**, as a member of the Philippine Bar, to maintain a dignified conduct and strictly observe Canon II, Section 2 of the Code of Professional Responsibility and Accountability; and

(4) Respondent Judge Bernardo be **STERNLY WARNED** that a repeat of the same or similar offense shall be dealt with more severely by the Supreme Court.[26] (Emphasis in the original)

The OED explained that an act constitutes conduct prejudicial to the best interest of the service if the act tarnishes the image and integrity of the public service. It also added that this offense covers acts which have no direct relation to or connection with the performance of official duties.[27]

In this case, the OED concluded that Judge Bernardo's conduct constitutes conduct prejudicial to the best interest of the service. It explained as follows:

> Respondent denied being drunk and noted the lack of compelling evidence to substantiate the allegation. However, his explanation that he only threw the piece of wood and stone because he saw a huge rat along the pavement of the road is difficult to believe. Whether he was drunk or not, it cannot be denied that it was respondent's uncalled for actions that damaged his neighbor's vehicles. He exposed himself to public scrutiny, giving opportunity to the public to doubt the dignity of persons wearing the robe in the [J]udiciary. While there may be no intention to violate the law or disregard established rules, the said act of respondent is detrimental to the reputation of the [J]udiciary considering the position he occupies in the [J]udiciary.[28]

The OED emphasized that under Canon IV, Section 1 of the New Code of Judicial Conduct,[29] judges are expected to avoid impropriety and the appearance of impropriety. Judges must ensure that their conduct is above reproach and that they are perceived to be so by a reasonable observer.[30]

The OED added that Canon IV, Section 2 of the New Code of Judicial Conduct imposes upon judges the duty to accept certain personal restrictions that may be viewed as burdensome by the ordinary citizen. They are expected to conduct themselves in a way that is consistent with the dignity of the judicial office.[31]

According to the OED, Judge Bernardo failed to meet these standards.

In its June 27, 2025 Resolution,[32] the JIB adopted the OED Report and Recommendation.

The Court's Ruling

The Court adopts and approves the JIB recommendation.

Judges are held to the highest standards of conduct, both in and outside the courtroom. The duties and responsibilities of a judge are some of the most exacting in public service. Judges are seen as the embodiment of justice and are expected to conduct themselves, both in their public and private lives, in a manner that is beyond reproach.

In this regard, the Court notes that the 2025 Code of Judicial Conduct and Accountability took effect during the pendency of this case. Section 1 of its General Provisions states:

> SECTION 1. *Transitory clause*. – The Code shall be applied to all pending and future cases, except to the extent that, in the opinion of the Supreme Court, its retroactive application would not be feasible or would work injustice, in which case the procedure under which the cases were filed shall govern.

Thus, the Court applies the 2025 Code of Judicial Conduct and Accountability in this case.

Canon IV, Sections 1 and 2 provide:

> **CANON IV**
> **Propriety**
>
> Propriety and the appearance of propriety encompass a judge's conduct, behavior, and attitude, in whatever form, platform, or medium, in accord with the highest standard of behavior expected of judges in their public and private capacities to inspire and maintain public confidence in the judicial system. A judge shall live modestly and avoid any ostentatious display of wealth.
>
> SECTION 1. *Overall conduct and personal restrictions*. – As a subject of constant public scrutiny because of their esteemed position, a judge must freely and willingly embrace personal restrictions that may be commonly viewed as burdensome by an ordinary citizen. In particular, a judge shall conduct oneself in a manner consistent with the dignity of the judicial office.
>
> SECTION 2. *Highest ethical standards*. – A judge's conduct shall be beyond reproach and conform to the highest ethical standards.

> *A Judge must be aware of prevailing social norms. A judge shall refrain from committing any act, in or out of court, that may cause dishonor or ridicule to, or reasonably tend to tarnish the image and dignity of, the judicial office.* (Emphasis supplied)

The Court explained the exacting standards of judicial conduct in *Obiedo v. Santos*,[33] thus:

> Judges must adhere at all times to the highest tenets of judicial conduct. They must be the embodiment of competence, integrity, and independence. Like Caesar's wife, a judge must not only be pure but above suspicion. Being the visible representation of the law and the embodiment of the people's sense of justice, a judge should constantly keep himself away from any act of impropriety, not only in the performance of his official duties but also in his everyday actuations. The ethical principles and sense of propriety of a judge are essential to the preservation of the people's faith in the judicial system.[34]

Similarly, in *Ambassador Angping v. Judge Ramos*,[35] the Court reiterated that judges must personify judicial integrity and exemplify honest public service. The conduct of judges must be free of any whiff of impropriety as to the performance of their duties and their behavior outside their sala.[36]

These standards apply specifically in the case of trial court judges who are the Judiciary's frontliners as they have direct contact with litigants. Judges are the embodiment of the people's sense of justice.[37] Thus, the Court further explained in *Obiedo*:

> When the judge himself becomes the transgressor of any law which he is sworn to apply, he places his office in disrepute, encourages disrespect for the law and impairs public confidence in the integrity and impartiality of the judiciary itself. It is therefore paramount that a judge's personal behavior both in the performance of his duties and his daily life, be free from any appearance of impropriety as to be beyond reproach.[38] (Citations omitted)

The law penalizes judges even for conduct which does not relate to the performance of their duties, where their acts gravely tarnish the public image of the Judiciary. Acts done outside the courtroom can be penalized if these acts cause the public to doubt the integrity and dignity of the judicial office.

In this case, the undisputed fact is that the respondents conduct caused damage to two vehicles. Thus, the central issue is whether the respondent deliberately caused damage to the vehicles and whether this conduct should be penalized, and to what extent.

In resolving this issue, the Court relies on the fundamental rule that in administrative

cases for the discipline of judges, the quantum of proof is substantial evidence or such relevant evidence, as a reasonable mind might accept as adequate to support a conclusion.[39] Further, in administrative proceedings, technical rules of procedure and evidence do not strictly apply. Administrative due process is not "fully equated with due process in its strict judicial sense."[40] Nonetheless, the parties in an administrative case must be given a reasonable opportunity to be heard and to present any evidence which may support their defense.[41]

The anonymous Complaint alleged that the respondent intentionally caused this damage and has in fact habitually damaged other vehicles in the past.[42] The police blotter indicates that the respondent was allegedly intoxicated when he threw objects towards the vehicles.[43] In its investigation, OCA talked to Paraoan, owner of one of the damaged vehicles, who confirmed that police blotter entry is accurate.

To be sure, neither the police blotter entry nor the allegations in the anonymous Complaint suffice to establish that the respondent purposely damaged the vehicles or that he was intoxicated at the time of the incident. However, Paraoan's confirmation, coupled with the respondent's statements in his submissions before the JIB, paint a vivid picture of what truly transpired in the early morning of July 29, 2023.

To repeat, the respondent insisted that he threw the piece of wood and the stone solely in an attempt to kill a rodent which he purportedly saw while he was standing on his veranda past 2:30 in the morning.[44]

Thus, he would have this Court believe that he was on his veranda at early dawn and saw a rodent scurrying near the two vehicles. He would also have this Court believe that there was a piece of wood and stone inexplicably available on his veranda which he conveniently picked up and threw at the rodent in an attempt to kill it. Further, he would have this Court believe that after he failed to hit the rodent on his first attempt, he tried again, oblivious to the possibility that he could cause damage to the nearby vehicles, which incidentally, were the very same vehicles he found illegally parked when he went home earlier that night. This effort to kill a rodent, the respondent claimed, caused such a commotion that his neighbors were roused from their sleep, impelled to go out of their houses at early dawn, and in his own words, they were prompted to "go out to see if their vehicles incurred damages and apparently saw dents... blaming it on the piece of wood and stone that accidentally hit them."[45]

The Court agrees with the JIB that this story is implausible. That the respondent would concoct such a fantastic defense—that he was merely defending property against the attacks of a rodent, at early dawn, while on his veranda—worsens his position.

The Court further finds noteworthy the tenor by which the respondent chose to defend himself in his Comment filed before the JIB. The respondent not only explained that he accidentally damaged two vehicles, he also provided what he called "background facts" which recounted his complaints about his neighbors' habit of parking in the street in a

manner that obstructed ingress and egress.[46] He also averred that on the day of the incident, the damaged vehicles were illegally parked and made using the street difficult. All these statements are unnecessary to his central defense—that he threw the piece of wood and stone not at the vehicles but at a rodent, and that the damage caused was purely accidental. These "background facts" as to the alleged illegal parking situation betray the respondent's utter lack of remorse as to the damage caused. The Court finds that these statements in his Comment indicate his resentment of his neighbors's alleged persistent refusal to obey parking regulations. It is, therefore, entirely reasonable to conclude that the incident was not completely without malice and was driven by a judge's inability to exercise restraint.

To reiterate, the respondent's decision to invoke this incredible story as his defense does nothing to strengthen his case. On the contrary, it severely weakens his position and underscores the importance of penalizing his conduct.

When judges who patently disregard the exacting standards of judicial ethics remain unpunished because they are able to deploy legal maneuverings and use their legal knowledge to wriggle their way out of liability, the integrity of the entire Judiciary is jeopardized. The Court cannot allow judges to behave in a manner that creates an impression in the mind of the public that judges are above the law and that they are free to disregard the law with impunity. When erring judges remain unpunished, it is the judicial institution itself that suffers. The Judiciary sources its legitimacy ultimately from the authority granted by the people, which in turn, stems from their belief that the Judiciary is an institution that renders justice and remains true to its duty to uphold the law regardless of the circumstances and personalities involved. If the Judiciary allows its members to ignore ethical standards without repercussions, the confidence of the people is weakened, and the institution itself becomes an instrument of injustice.

Thus, the Court cannot overemphasize the gravity of every judge's duty to act in a manner befitting the dignity of the judicial office. Judges are held to the highest of standards because they represent the Judiciary and any conduct that falls below these standards jeopardizes the judicial system's legitimacy. The Court finds that the respondent's conduct subject of this case is precisely the type of conduct that undermines the Judiciary's integrity. The Court's decision in this case must serve as a reminder to the respondent and all other members of the Judiciary that the ethical standards of their position are exacting, and that the Court will not hesitate to enforce these standards.

Further, even if the Court were to gratuitously assume that the respondent's version is accurate, his recklessness in throwing items in an area where private property could be, and was in fact, damaged still constitutes conduct falling below the standard of behavior expected of members of the Judiciary. No judge acting with prudence would haphazardly hurl dangerous objects that could potentially damage property within the vicinity. Worse, the respondent's incredible explanation that he was targeting a rodent, far from exculpatory, underscores the absence of the restraint demanded by Canon IV. Even if not committed in his judicial capacity, his conduct created an appearance of impropriety, exposing him to public ridicule. It also caused a spectacle that undermined

the respect for the judicial robe he wears and diminished public confidence in the Judiciary.

The Court reiterates its admonition in *Re: Anonymous Complaint Against Judge Edmundo T. Acuña*:[47]

> *Judges are demanded to be always temperate, patient and courteous both in conduct and in language.* Indeed, a judge should so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary. Propriety and the appearance of propriety are essential to the performance of all the activities of a judge. *We recognize, of course, that judges are also human beings, with their own burdens and private affairs. However, having accepted the esteemed position of judge, the respondent ought to have known that more is expected of him than an ordinary citizen. As subjects of constant public scrutiny, personal restrictions that might be viewed as burdensome by the ordinary citizen should be freely and willingly accepted by a judge.* In particular, he or she must exhibit conduct consistent with the dignity of the judicial office. *Indeed, a judge's personal behavior, not only while in the performance of official duties, must be beyond reproach, being the visible personification of law and of justice.*[48] (Emphasis supplied, citations omitted)

Under Canon VII, Section 18(k) of the 2025 Code of Judicial Conduct and Accountability, "conduct unbecoming of a judge or prejudicial, vulgar or scandalous conduct that gravely besmirches or taints the reputation of the service" is a serious offense.

The meaning of prejudicial conduct under this context has long been settled. Significantly, the annotation for Rule 140 of the Rules of Court (on which Canon VII, Section 18 was based and which the 2025 Code of Judicial Conduct and Accountability superseded) explains:

> On the other hand, conduct prejudicial to the best interest of the service refers to acts that "tarnish the image and integrity of [a] public office" without a "direct relation to or connection with the performance of [one's] official duties." (*Office of the Ombudsman-Visayas v. Castro*, 759 Phil. 68 [2015]) **It must be noted, however, that based on existing jurisprudence, "conduct prejudicial to the best interest of the service" tends to become some sort of a blanket offense to cover all other misdeeds not falling under any specific offense already listed in the Rule. To remedy this situation, the offense is reformulated to "prejudicial conduct that gravely besmirches or taints the reputation of the service."**[49] (Emphasis in the original)

For serious offenses, Canon VII, Section 22 of the 2025 Code of Judicial Conduct and Accountability provides the following penalties:

1. Dismissal from the service, forfeiture of benefits (except accrued leave credits) and disqualification from reinstatement or appointment in government service;

2. Suspension from office without salary and other benefits for one year and one day up to three years; and/or

3. A fine of more than PHP 101,000.00 but not exceeding PHP 500,000.00.

Canon VII, Section 24 identifies, as a mitigating circumstance, the fact that the charge is the respondent's first offense, as in this case. In this regard, Canon VII, Section 25 provides that where there is one or more mitigating circumstance and no aggravating circumstances, the Court may impose the penalties of suspension or fine for a period or amount not less than half of the minimum prescribed.

This is the respondent's first offense. Thus, the Court agrees with and adopts the JIB's recommendation that he be imposed a fine in the amount of PHP 50,001.00.

As to the respondent's liability as a member of the Philippine Bar under the Code of Professional Responsibility and Accountability, the Court quotes with approval the JIB OED's recommendation as follows:

> With regard to respondent's liability as a member of the Bar, Canon II, Section 2 of the CPRA states:
>
> "Section 2. Dignified conduct. – A lawyer shall respect the law, the courts, and other government agencies, their officials, employees, and processes, and act with courtesy6 civility, fairness, and candor towards fellow members of the bar.
>
> A lawyer shall not engage in conduct that adversely reflects on one's fitness to practice law, nor behave in a scandalous manner, whether in public or private life, to the discredit of the legal profession."
>
> In the instant case, only one incident was duly established and respondent was already held liable as a member of the Judiciary. He expressed his remorse and offered reparations to the owners of the vehicles for the damages he caused. Thus, a stern reminder will suffice.[50]

ACCORDINGLY, the Court finds Judge Elmer R. Bernardo **GUILTY** of prejudicial conduct that gravely besmirches or taints the reputation of the service. He is **FINED** in the amount of PHP 50,001.00 which he is directed to pay within three months from notice of this Decision.

Judge Elmer R. Bernardo is also **STERNLY REMINDED**, as a member of the Bar, to maintain a dignified conduct and strictly observe Canon II, Section 2 of the Code of Professional Responsibility and Accountability.

Finally, the Court **STERNLY WARNS** Judge Elmer R. Bernardo that a repeat of the

same or similar offense shall be dealt with more severely.

SO ORDERED.

Gesmundo, C.J., Caguioa, Hernando, Lazaro-Javier, Inting, Zalameda, Gaerlan, Lopez, Dimaampao, Marquez, Kho, Jr., and *Singh, JJ.*, concur.
Leonen, SAJ., see dissenting opinion.
Villanueva,* *J.*, no part.

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* No part.

[1] *Rollo*, p. 4-5.

[2] *Id.* at 4.

[3] *Id.*

[4] *Id.*

[5] *Id.*

[6] *Rollo*, p. 4.

[7] *Id.* at 7-10. The November 15, 2023 Report was signed by Court Administrator Raul B. Villanueva (now Associate Justice of this Court).

[8] *Id.* at 7

[9] *Id.* at 8.

[10] *Id.*

[11] *Id.* at 6.

[12] *Id.*

[13] *Id.* at 19.

[14] *Id.*

[15] *Id.* at 20-25. The April 12, 2024 Complaint was signed by Atty. Romulo A. Paras, Jr., JIB OGC General Counsel.

[16] *Id.* at 25.

[17] *Id.* at 26.

[18] *Id.*

[19] *Id.* at 29-38.

[20] *Id.* at 30-33.

[21] *Id.* at 31.

[22] *Id.*

[23] *Id.* at 32.

[24] *Id.*

[25] *Id.* at 63-69. The May 21, 2025 Report and Recommendation in JIB FPI No. 23-118-MTJ was signed by Atty. Eduardo C. Tolentino, Acting Executive Director of the JIB.

[26] *Id.* at 68-69.

[27] *Id.* at 66.

[28] *Id.* at 67.

[29] The New Code of Judicial Conduct was the code applicable during the relevant period.

[30] *Id.*

[31] *Id.*

[32] *Rollo*, p. 70. The June 27, 2025 Resolution in JIB FPI No. 23-118-MTJ was signed by Justice Angelina Sandoval-Gutierrez, Acting Chairperson (Ret.) and Justice Cielito N. Mindaro-Grulla, Third Regular Member (Ret.).

[33] 893 Phil. 264 (2021) [Per J. Zalameda, First Division].

[34] *Id.* at 270.

[35] 700 Phil. 503 (2012) [Per J. Reyes, First Division].

[36] *Id.* at 509.

[37] *Id.* at 510.

[38] 893 Phil. 264, 272 (2021) [Per J. Zalameda, First Division].

[39] **Office of the Court Administrator v. Judge Reyes**, 889 Phil. 622, 634 (2020) [*Per Curiam, En Banc*].

[40] **Dela Cruz v. Malunao**, 684 Phil. 493, 502 (2012) [*Per Curiam, En Banc*], *citing* **Office of the Court Administrator v. Canque**, 606 Phil. 209, 220 (2009) [*Per Curiam, En Banc*].

[41] *Id.*

[42] *Rollo*, p. 4.

[43] *Id.* at 13.

[44] *Id.* at 32 and 34.

[45] *Id.* at 33.

[46] *Id.*

[47] A.M. No. RTJ-04-1891, July 28, 2005 [Per J. Callejo, Sr., Second Division].

[48] *Id.*

[49] A.M. No. 21-08-09-SC (Re: Further Amendments to Rule 140 of the Rules of Court, Annotated Version).

[50] *Rollo*, p. 68.

DISSENTING OPINION

LEONEN, *SAJ.*:

I dissent. Judges are arbiters of the law – not its executioners. Having been entitled by their oath to dispense justice, no judge should abuse their stature. Throwing objects at other vehicles, being drunk, and attempting to erase police blotter entries are not actions of a judge. Respondent Judge Elmer R. Bernardo deserves dismissal from public service. His actions diminish the public's trust in the judiciary. If only .to serve as an example of the high standard of conduct expected of a judge, I offer this opinion to emphasize that this Court has valid basis to dismiss Judge Bernardo from public service.

The administrative matter before this Court charges Judge Elmer R. Bernardo (Judge Bernardo) with "prejudicial conduct that gravely besmirches or taints the reputation of the public service."[1] According to the anonymous complaint filed with the Judiciary Public Assistance Section, Judge Bernardo caused harm to private persons and damaged private. property while acting under the influence of alcohol. While drunk, Judge Bernardo allegedly: (1) caused a road collision with a tricycle and injured its operator; (2) threw objects at his neighbors' vehicles; (3) used his vehicle to push another vehicle into a ditch; and (4) failed to settle the damage caused by his actions and even convinced the police to manipulate the blotter entry recording the relevant incidents.[2]

The anonymous complaint was forwarded to the Office of the Court Administrator for investigation, which examined the police blotter records of the alleged incidents and interviewed the persons involved.[3] The investigation confirmed an incident in Barangay Ablan, Batac, Ilocos Norte, where Judge Bernardo damaged two of his neighbors' vehicles by throwing pieces of wood and stone while the same vehicles were parked along the road leading to Judge Bernardo's residence.[4]

The Office of the Court Administrator then submitted a Memorandum discussing these findings to this Court En Banc, which referred the Memorandum to the Judicial Integrity Board for appropriate action.[5]

Thus, the Judicial Integrity Board, through the Office of the General Counsel, filed a formal Complaint charging Judge Bernardo with "prejudicial conduct that gravely besmirches or taints the reputation of the service" by causing damage to his neighbors' property while under the influence of alcohol.[6]

Judge Bernardo's Comment denied the charges. He argued that he carefully maneuvered his vehicle to avoid his neighbors' "illegally parked" vehicles.[7] As to the allegation that he threw objects at his neighbors' vehicles, Judge Bernardo insists that he did only to chase away a large rodent that happened to be within their vicinity. The resulting damage was, therefore, not intentional but accidental. He then asserted that after he had settled the damage caused by this incident, he learned that unrelated vehicular damages were included in the blotter records used as basis for repairs.[8] Finally, Judge Bernardo claimed that his neighbors complained to the police because

they resented his repeated requests for them to move their vehicles out of the narrow road in front of their respective residences.[9]

Considering the circumstances, the Judicial Integrity Board's Office of the Executive Director recommended that Judge Bernardo be fined PHP50,001.00 and be sternly reminded and warned not to repeat his failure to maintain the dignity of his public office.[10]

> IN VIEW OF THE FOREGOING, it is respectfully submitted for the consideration of the Honorable Board that the following recommendations be made to the Supreme Court:
>
> > (1) The instant matter be RE-DOCKETED as a regular administrative matter against respondent Presiding Judge Elrnber R. Bernardo, Municipal Trial Court in Cities, Batac City, Ilocos Norte;
> >
> > (2) Respondent Judge Bernardo be found GUILTY of prejudicial conduct that gravely besmirches or taints the reputation of the service and be FINED in the amount of PHP50,001.00, payable within 3 months from receipt of the Decision OF Resolution of the Supreme Court;
> >
> > (3) Respondent Judge Bernardo be STERNLY REMINDED, as a member of the Philippine Bar, to maintain a dignified conduct and strictly observe Canon II, Section 2 of the Code of Professional Responsibility and Accountability; and
> >
> > (4) Respondent Judge Bernardo be STRENLY WARNED that a repeat of the same or similar offense shall be dealt with more severely by the Supreme Court.[11]

The Judicial Integrity Board adopted the Executive Director's findings that Judge Bernardo "exposed himself to public scrutiny" and gave the public a reason and opportunity to doubt "the dignity of persons wearing the robe in the judiciary[.]" According to the Judicial Integrity Board, these actions violate Canon IV, Sections 1 and 2 of the New Code of Judicial Conduct, which require judges to be "above reproach[,]" to "avoid impropriety and the appearance of impropriety," and to act in a manner "consistent with the dignity" of their office.[12]

I agree with the *ponencia's* adoption of these findings by the Judicial Integrity Board and its Executive Director. However, I respectfully submit that this Court may and should exercise its discretion in dismissing Judge Bernardo from public service, despite the present charge constituting his first offense.

Judge Bernardo is clearly liable under Rule 140, Section 14(l) of the Rules of Court:

SECTION 14. *Serious Charges*.—Serious charges include:

. . . .

(1) Grave abuse of authority, and/or prejudicial conduct that gravely besmirches or taints the reputation of the service;

Jayme v. Roco clarifies that "prejudicial conduct that gravely besmirches or taints the reputation of the service" pertains to misconduct that is unrelated to the public official's duties and functions:[13]

> *Thus, pursuant to Rodil, if the act of misconduct does not relate or is not connected with the official functions and duties of the respondent-public officer, then the proper designation of the administrative offense should be Conduct Prejudicial to the Best Interest of the Service.* Notably, this specific offense has been *reformulated under the Rules and now falls under the serious charge of "Grave Abuse of Authority and/or Prejudicial Conduct that Gravely Besmirches or Taints the Reputation of the Service" under Section 14(l) of the same*. To further understand this new designation, the Court's annotations thereto is instructive, to wit:
>
> > **NOTES:** This charge is added to cover acts or omissions which are not strictly part of the performance of one's official functions, but nonetheless are punished as they diminish or tend to diminish the people's faith in the Judiciary.
> >
> > This covers *oppression*, as well as *conduct prejudicial to the best interest of the service* under the 2017 RACCS. "Oppression is also known as grave abuse of authority, which is a misdemeanor committed by a public officer, who under color of his office, wrongfully inflict[s] upon any person any bodily harm, imprisonment or other injury. It is an act of cruelty, severity, or excessive use of authority." (See *Ombudsman v. Caberoy*, G.R. No. 188066, October 22, 2014)
> >
> > On the other hand, *conduct prejudicial to the best interest of the service* refers to acts that "tarnish the image and integrity of [a] public office" without a "direct relation to or connection with the performance of [one's] official duties." (*Office of the Ombudsman-Visayas v. Castro*, 759 Phil. 68 [2015]) It must be noted, however, that based on existing jurisprudence, "conduct prejudicial to the best interest of the service" tends to become some sort of a blanket offense to cover all other misdeeds not falling under any specific offense already listed in the Rule. To remedy this situation, the offense is reformulated to "prejudicial conduct that gravely besmirches or taints the reputation of the service."

> Verily, the Court's own annotations to the Rules instruct that to fall under *Prejudicial Conduct that Gravely Besmirches or Taints the Reputation of the Service*, the act complained of should: *(a)* be without a direct relation or connection with the performance of the respondent-public officer's official duties; and *(b)* not be covered by any other specific offense already listed in the Rules.[14] (Citations omitted; Emphasis supplied)

Judge Bernardo was not acting in his official capacity as a judge when he damaged his neighbor's vehicles by throwing objects at or toward their general direction. These actions fall gravely short of the exacting standard of conduct required of judges.[15]

I further join the *ponencia* in referring to the exacting standard of judicial conduct and behavior discussed in *Re: Anonymous Complaint Against Judge Edmundo T. Acuña* (*Re: Judge Acuña*):[16]

> Judges are demanded to be always temperate, patient and courteous both in conduct and in language. Indeed, a judge should so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary. *Propriety and the appearance of propriety are essential to the performance of all the activities of a judge. We recognize, of course, that judges are also human beings, with their own burdens and private affairs. However, having accepted the esteemed position of judge, the respondent ought to have known that more is expected of him than an ordinary citizen.* As subjects of constant public scrutiny, personal restrictions that might be viewed as burdensome by the ordinary citizen should be freely and willingly accepted by a judge. In particular, he or she must exhibit conduct consistent with the dignity of the judicial office. *Indeed, a judge's personal behavior, not only while in the performance of official duties, must be beyond reproach, being the visible personification of law and of justice.*[17] (Citations omitted; Emphasis supplied)

Thus, *Re: Judge Acuña* provides that a judge carries an exceptional burden to act in a manner "beyond reproach" at all times and in all situations. Here, Judge Bernardo's actions, as confirmed by his admissions and by the police blotter, are anything but "beyond reproach." He is clearly liable for the penalties provided by Rule 140, Sections 19 and 20.

The *ponencia* and the Judicial Integrity Board found the existence of a mitigating circumstance, as the present charge constitutes Judge Bernardo's first offense.[18] I disagree. Rule 140, Section 20, in relation to Section 19, provides that applying any circumstance that modifies administrative liability is always discretionary upon this Court:

> SECTION 19. *Modifying Circumstances*. — In determining the appropriate penalty to be imposed, *the Court may, in its discretion, appreciate the following mitigating and aggravating circumstances*:

(1) Mitigating circumstances:

(a) First offense;
(b) Length of service of at least ten (10) years with no previous disciplinary record where respondent was meted with an administrative penalty;
(c) Exemplary performance;
(d) Humanitarian considerations; and
(e) Other analogous circumstances.

(2) Aggravating Circumstances:

(a) Finding of previous administrative liability where a penalty is imposed, regardless of nature and/or gravity;
(b) Length of service facilitated the commission of the offense;
(c) Employment of fraudulent means to conceal the offense; and
(d) Other analogous circumstances.

SECTION 20. *Manner of Imposition*. — If one (1) or more aggravating circumstances and no mitigating circumstances, are present, the Supreme Court *may* impose the penalties of suspension or fine for a period or amount not exceeding double of the maximum prescribed under this Rule.

If one (1) or more mitigating circumstances and no aggravating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not less than half of the minimum prescribed under this Rule.

If there are both aggravating and mitigating circumstances present, the Supreme Court may offset each other. (Emphasis supplied)

I maintain that a single instance of misconduct may be grave enough to cause irreparable harm to the judiciary's image, warranting the imposition of a harsher penalty despite the violation being a first offense. In my opinion, Judge Bernardo's incredible excuse and lack of remorse for his actions belie his own resentment, which caused him to act in a manner grossly inappropriate for his station.

Specifically, his defense against the serious charge of conduct prejudicial to the public service consisted of claims that his neighbors illegally parked along the narrow street leading to his residence. He detailed how he repeatedly requested them to remove their vehicles to allow passage through the narrow street, supposedly to no avail.[19] After the incident, he admitted to convincing the police to make changes to the blotter entry to reflect his own version of events.[20] It is reasonable to conclude, as the *ponencia* did, that this resentment led to the "absence of restraint" that caused incident Judge Bernardo to damage his neighbors, vehicles.[21]

Frustrating as Judge Bernardo's situation may have been, it was no reason for a judge—a public officer expected to act with utmost professionalism and impartiality in all respects and toward all persons—to act with indifference for how his actions may reflect upon himself and his office. He is an arbiter of the law, not its executioner. As importantly, he is subject to law and must be penalized according to the severity of his actions.

It is true that this Court has appreciated an erring judge's good faith, admission of error, and remorse for their actions in prior instances when mitigating circumstances lessened the administrative penalty for a serious charge under Rule 140 of the Rules of Court:

> In *Committee on Security and Safety, Court of Appeals v. Dianco*, we identified the instances where we imposed lesser penalties in the presence of mitigating factors:
>
> > In *Judge Isidra A. Arganosa-Maniego v. Rogelio T. Salinas*, we suspended the respondent who was guilty of grave misconduct and dishonesty for a period of one (1) year without pay, taking into account the mitigating circumstances of: first offense, ten (10) years in government service, *acknowledgment of infractions and feeling of remorse*, and restitution of the amount involved.
> >
> > In *Alibsar Adoma v. Romeo Gatcheco and Eugenio Taguba*, we suspended one of the respondents for one (1) year without pay, after finding him guilty of grave misconduct, dishonesty, and conduct prejudicial to the best interests of the service. The respondent was a first-time offender.
> >
> > And, in *Horacio B. Apuyan, Jr. and Alexander O. Eugenio v. Alfredo G. Sta. Isabel*, we imposed the same penalty of one (1)-year suspension without pay to the respondent who was a first-time offender of the offenses of grave misconduct, dishonesty, and conduct grossly prejudicial to the best interests of the service.
>
> As regards judges, in *Office of the Court Administrator v. Aguilar*, we imposed the penalty of six months suspension instead of dismissal from service after taking into consideration the mitigating circumstances of dismissal of related criminal cases for lack of probable cause, *good faith*, respondent judge's strong credentials for appointment as judge, length of government service, first time offense, and *remorse and promise to be more accurate and circumspect in future submissions before us*.
>
> In *In Re: Petition for the Dismissal from Service and/or Disbarment of Judge Baltazar R. Dizon*, we reconsidered our earlier Decision dismissing from service the respondent judge and lowered the penalty to suspension from February 23, 1988 until the date of promulgation of the Resolution on May 31, 1989 after considering the mitigating circumstances of length of

> government service, lack of corrupt motives, environmental difficulties such as overloaded docket, unceasing strain caused by hearings on complex cases and lack of libraries, decent courtrooms, office equipment, supplies and other facilities, and *humble repentance*.
>
> In *Rubin v. Corpus-Cabochan*, we considered the mitigating circumstances of first offense in respondent judge's almost 23 years of government service, frail health, case load and *candid admission of infraction* in determining that the appropriate penalty to be imposed on respondent judge who was found guilty of gross inefficiency was admonition.
>
> In *Fernandez v. Vasquez*, we appreciated the mitigating circumstances of unblemished judicial service and first offense in imposing the penalty of fine of P50,000 against respondent judge who was held guilty of dishonesty, an offense punishable with dismissal even on the first commission. The fine was imposed in lieu of suspension from office which can no longer be imposed due to respondent judge's retirement.
>
> In *Perez v. Abiera*, we imposed the penalty of fine equivalent to three-month salary of respondent judge, deductible from his retirement benefits, after appreciating the mitigating circumstances of length of service and poor health.[22] (Citations omitted; Emphasis in the original)

Here, however, Judge Bernardo failed to show any such good faith, remorse, or even a modicum of self-reflection. Instead, his unbelievable excuse of attempting to repel a large rodent and his casual disregard for the damage he caused show a lack of remorse and a disrespect for his own station. Even worse, he ascribed resentment upon his neighbors without any self-awareness that his own behavior caused damage not only to his neighbor's property, but to the judiciary's image as well.[23] The anonymous complaint lamented the possibility of systemic decay, as shown by how a judge can apparently evade accountability for their wrongdoings:

> *Ganito kabulok ang* justice system *po namin dito sa bayan namin lalo na pag ang akusado ay isang hukom* or member *ng* judiciary.[24]

These claims beg the question of whether the incident confirmed in the police blotter was, in fact, Judge Bernardo's first offense, or just the first of several that have remained unexamined and unpenalized. That he would offer such a flimsy excuse for a public outburst that not only demeaned himself and endangered his neighbors and their property, but also tarnished the judiciary's reputation, shows a serious defect of character that is inconsistent with the judiciary's high standard of conduct.

That this is supposedly Judge Bernardo's first offense should not render the decision to mitigate his administrative liability as a foregone conclusion. On the contrary, the judiciary cannot afford and should not even allow for the possibility of a second incident of this nature from Judge Bernardo or from any other member of the judiciary. The public must be assured that such conduct has no place in public service.

The judiciary, as a whole, endeavors to build and maintain a public image of trustworthiness and reliability through conscious and consistent action. Every member of the judiciary, "from the presiding judge to the lowliest clerk, must always be beyond reproach and must be circumscribed with the heavy burden of responsibility as to let them be free from any suspicion that may taint the judiciary."[25] This Court should not tolerate any behavior from its judges that would undo or undermine these efforts and the judiciary stand only to benefit from removing from its ranks those unfit for this responsibility.

ACCORDINGLY, I vote to **AFFIRM** the Judicial Integrity Board's Recommendation that respondent Judge Elmer R. Bernardo be found **GUILTY** of prejudicial conduct that gravely besmirches or taints the reputation of the service, but with **MODIFICATION** of his penalty from fine and reprimand to **DISMISSAL** from public service.

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[1] *Ponencia*, p. 1.

[2] *Id.* at 2.

[3] *Id.*

[4] *Id.*

[5] *Id.*

[6] *Id.* at 4.

[7] *Id.* at 4-5.

[8] *Id.*

[9] *Id.* at 6.

[10] *Id.* at 6-7.

[11] *Id.*

[12] *Id.* at 7.

[13] **Jayme v. Roco**, 945 Phil. 345 (2023) [Per Curiam, En Banc].

[14] *Id.* at 354-355.

[15] **Office of the Court Administrator v. Capistrano**, 738 Phil. 1 (2014) [Per J. Perlas-Bernabe].

[16] **Re: Anonymous Complaint Against Judge Edmundo T. Acuña, A.M. No. RTJ-04-1891 (Formerly OCA IPI No. 04-2093-RTJ)**, July 28, 2005 [Per J. Callejo, Sr., Second Division].

[17] *Id.*

[18] *Ponencia*, p. 9.

[19] *Id.* at 5-6.

[20] *Id.* at 5.

[21] *Id.* at 8.

[22] **Office of the Court Administrator v. Chavez**, 815 Phil. 41, 46-48 (2017) [Per Curiam, En Banc], citing **Committee on Security and Safety, Court of Appeals v. Dianco**, 777 Phil. 16 (2016) [Per J. Brion, En Banc].

[23] *Ponencia*, p. 6.

[24] *Id.* at 2.

[25] **Re: Falsification of Daily Time Records of Maria Fe P. Brooks, Court Interpreter, Regional Trial Court, Quezon City, Br. 96 and Andria Forteza-Crisostomo, Clerk III, Regional Trial Court, Manila, Branch 39**, 510 Phil. 262 (2005) [Per J. Callejo Sr., Second Division].

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