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FIRST DIVISION

[A.M. No. RTJ-13-2360. November 19, 2014]
(Formerly OCA IPI No. 08-3010-RTJ)

DOROTHY FE MAH-AREVALO, c*omplainant*, *vs.* **JUDGE CELSO L. MANTUA, REGIONAL TRIAL COURT OF PALOMPON, LEYTE, BRANCH 17,** *respondent*.

SYLLABUS

1. POLITICAL LAW; CONSTITUTIONAL LAW; JUDICIAL DEPARTMENT; HALLS OF JUSTICE MAY ONLY BE USED FOR FUNCTIONS RELATED TO THE ADMINISTRATION OF JUSTICE AND FOR NO OTHER PURPOSE; BASES.— SC Administrative Circular No. 3-92 explicitly states that the Halls of Justice may only be used for functions related to the administration of justice and for no other purpose: x x x All judges and court personnel are hereby reminded that **the Halls of Justice may be used only for purposes directly related to the functioning and operation of the courts of justice, and may not be devoted to any other use, least of all as residential quarters of the judges or court personnel,** or for carrying on therein any trade or profession. Attention is drawn to A.M. No. RTJ-89-327 (*Nelly Kelly Austria v. Judge Singuat Guerra*), a case involving unauthorized and improper use of the court's premises for dwelling purposes by respondent and his family, in which the Court, by Resolution dated October 17, 1991, found respondent Judge guilty of irresponsible and improper conduct prejudicial to the efficient administration of justice and best interest of the service and imposed on him the penalty of SEVERE CENSURE, **the Court declaring that such use of the court's premises inevitably degrades the honor and dignity of the court in addition to exposing judicial records to danger of loss or damage.** x x x Similar thereto, Section 3, Part I of A.M. No. 01-9-09-SC also provides for similar restrictions regarding the use of the Halls of Justice, to wit: x x x Sec. 3.2. **The HOJ shall be used only for court and office purposes and shall not be used for residential, *i.e.*, dwelling or sleeping, or commercial purposes**. x x x

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2. ID.; ID.; ID.; ID.; SC ADMINISTRATIVE CIRCULAR NO. 3-92 VIOLATED IN CASE AT BAR.— In this case, complainant's evidence had sufficiently established that respondent used his chambers in the Hall of Justice as his residential and dwelling place. As correctly pointed out by both the Investigating Justice and the OCA, respondent's defense that he rented a house did not negate the possibility that he used the Hall of Justice as his residence, since it is possible that a person could be renting one place while actually and physically residing in another.

3. JUDICIAL ETHICS; JUDGES; IMMORALITY AS A SERIOUS CHARGE; PENALTY.— Further, the Investigating Justice and the OCA correctly found respondent guilty of Immorality. Immorality has been defined "to include not only sexual matters but also 'conduct inconsistent with rectitude, or indicative of corruption, indecency, depravity, and dissoluteness; or is willful, flagrant, or shameless conduct showing moral indifference to opinions of respectable members of the community, and an inconsiderate attitude toward good order and public welfare.'" It is a serious charge which may be punishable by any of the following: *(a)* dismissal from service, forfeiture of all or part of the benefits as the Court may determine except accrued leave credits, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations; *(b)* suspension from office without salary and other benefits for more than three (3) but not exceeding six (6) months; or *(c)* a fine of more than ₱20,000.00 but not exceeding ₱40,000.00.

4. ID.; ID.; ID.; COMMITTED IN CASE AT BAR.— In the case at bar, it was adequately proven that respondent engaged in an extramarital affair with his mistress. The respective testimonies of complainant and Nuñez clearly demonstrated how respondent paraded his mistress in full view of his colleagues, court personnel, and even the general public by bringing her to fiestas and other public places, without any regard to consequences that may arise as a result thereof. Worse, respondent even had the audacity to use his chambers as a haven for their morally depraved acts. In doing so, respondent failed to adhere to the exacting standards of morality and decency which every member of the judiciary is expected to observe.

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5. ID.; ID.; VIOLATION OF ADMINISTRATIVE CIRCULAR NO. 3-92 AND A.M. NO. 01-9-09-SC IN USING HIS CHAMBERS IN THE HALL OF JUSTICE AS HIS RESIDENCE AND IMMORALITY; PENALTY.— Finally, the Court agrees with the recommendation of both the Investigating Justice and the OCA that since respondent can no longer be dismissed or suspended from office on account of his compulsory retirement on January 9, 2009, he should be fined instead. In this light, the Court deems that given the circumstances herein discussed, it is proper to impose upon respondent the penalty of fine in the amount of ₱40,000.00.

D E C I S I O N

PERLAS-BERNABE, *J.*:

The instant administrative case stems from an Amended Administrative Complaint[1] dated October 6, 2008 filed by Dorothy Fe Mah-Arevalo (*complainant*), Court Stenographer of the Regional Trial Court of Palompon, Leyte, Branch 17 (RTC), before the Office of the Court Administrator (OCA), against Judge Celso L. Mantua (*respondent*) of the same court, accusing him of Disgraceful/Immoral Conduct, Gross Neglect of Duty, Grave Misconduct, Dishonesty, Violation of Republic Act No. 3019,[2] Gross Violation of the Judicial Code of Conduct, Abuse of Authority, and Gross Ignorance of the Law.

The Facts

In the said complaint, it was alleged that respondent: (*a*) used the Hall of Justice, particularly his chamber, as his residence; (*b*) openly brought his mistress in court as observed by all of his staff, especially by a former Utility Worker of the Metropolitan Trial Court of the same station, Dyndee Nuñez (*Nuñez*); (*c*) used the court process server, Benjamin Pepito

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[1] *Rollo*, pp. 1-9. Complainant filed with the OCA her first Administrative Complaint on September 3, 2008 (see *id.* at 14-22).

[2] Entitled "ANTI-GRAFT AND CORRUPT PRACTICES ACT" (August 17, 1960).

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(*Pepito*), as his personal driver; (*d*) delegated his work load to his legal researcher, Atty. Elmer Mape (*Atty. Mape*), because he could no longer attend to the same due to his many vices; (*e*) committed gross ignorance of the law when, in one criminal case that he handled, he proceeded to trial and allowed the private complainant to testify in open court even if the accused was not assisted by counsel, and furthermore, extorted money from the accused in the amount of ₱200,000.00; (*f*) asked for gasoline, personal allowance, and other benefits from the local government; and (*g*) failed to decide cases within the prescribed 90-day period because he was waiting for litigants to offer him monetary consideration.[3]

In response to the OCA's 1st Indorsement[4] dated February 13, 2009 directing him to comment on the complaint, respondent submitted an undated comment[5] denying all accusations against him. In particular, respondent maintained that he: (*a*) could not be residing at the Hall of Justice as he was already renting a vacant house near the same during his tenure as judge of the RTC; (*b*) had no mistress, explaining that the woman that often goes inside his office was his caterer who brought him food; (*c*) merely requested to hitchhike with Pepito from Palompon to Ormoc City and vice-versa on Mondays and Fridays since the latter synchronized his process serving to litigants and lawyers of Ormoc City on such days; (*d*) personally prepared his decisions as Atty. Mape only assisted him with legal research; (*e*) indeed allowed trial to proceed without the accused being assisted by counsel in that criminal case pointed out by the complainant, but only because the accused violated the three (3)-day rule of filing postponements and failed to inform the adverse party of such intention, and that he never extorted money from the accused; and (*f*) never asked for gasoline allowance, but nevertheless affirmed that he, like all other local officials, received allowances from the local government. Further, respondent averred that as

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[3] *Id.* at 1-6. See also *id.* at 212.

[4] *Id.* at 150. Issued by Court Administrator Jose P. Perez.

[5] By way of a 2nd Indorsement. *Id.* at 151-157. See also *id.* at 212-213.

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of January 9, 2009, he had already been separated from service due to compulsory retirement.[6]

The OCA and CA Proceedings

Pursuant to the OCA's Memorandum[7] dated September 8, 2009, the administrative case was referred to an Associate Justice of the Court of Appeals (CA) for investigation, report, and recommendation.[8]

In an undated Report[9] received by the OCA on July 6, 2010, the Investigating Justice found respondent guilty of violating Canon 2 and Rule 2.01[10] of the Code of Judicial Conduct, and accordingly, recommended that he be fined in the amount of ₱25,000.00. Giving credence to complainant's consistent and spontaneous answers as well as her demeanor in the witness stand during her testimony, the Investigating Justice concluded that respondent indeed made his chamber in the Hall of Justice as his residence,[11] a prohibited act under SC Administrative Circular No. 3-92[12] and A.M. No. 01-9-09-SC.[13] Similarly, the Investigating Justice also believed Nuñez's testimony that respondent indeed brought his mistress and slept with her

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[6] *Id*. at 151-157.

[7] *Id*. at 203-207. Signed by Court Administrator Jose P. Perez (now a member of the Court) and Deputy Court Administrator Nimfa C. Vilches.

[8] See Court's Resolution dated October 21, 2009; *id*. at 208-209.

[9] *Id*. at 211-217. Penned by Associate Justice Pampio A. Abarintos.

[10] Canon 2 and Rule 2.01 of the Code of Judicial Conduct provide:

Canon 2. A judge should avoid impropriety and the appearance of impropriety in all activities.

Rule 2.01. A judge should behave at all times as to promote public confidence in the integrity and impartiality of the judiciary.

[11] *Rollo*, pp. 214-215.

[12] Entitled "PROHIBITION AGAINST USE OF HALLS OF JUSTICE FOR RESIDENTIAL AND COMMERCIAL PURPOSES" (August 31, 1992).

[13] Entitled "GUIDELINES ON THE OCCUPANCY, USE, OPERATION, AND MAINTENANCE OF HALLS OF JUSTICE" (October 23, 2001).

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inside his chamber, finding no reason for Nuñez to fabricate a story.[14]

The Investigating Justice, however, exonerated respondent from the other charges for failure of the complainant to substantiate the same.[15]

In view of the foregoing, the Investigating Justice noted that respondent's acts would have warranted the latter's suspension and even dismissal from service, if not for his compulsory retirement on January 9, 2009. In lieu thereof, respondent was instead meted a fine in the aforesaid amount.[16]

Pursuant to such report, the OCA issued a Memorandum[17] dated August 5, 2013 finding respondent guilty of Immorality and violation of SC Administrative Circular No. 3-92, and accordingly increased the recommended fine to ₱40,000.00, which amount shall be deducted from the retirement benefits due him. Similar to the Investigating Justice, the OCA found respondent to have violated Administrative Circular No. 3-92 and A.M. No. 01-9-09-SC when he used his chambers in the Hall of Justice as his residence.[18] The OCA likewise found respondent guilty of Immorality for bringing his mistress to his chambers and using the same as their "love nest."[19]

The Issue Before the Court

The essential issue in this case is whether or not respondent should be held administratively liable for Immorality and violation of SC Administrative Circular No. 3-92 in relation to A.M. No. 01-9-09-SC.

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[14] *Rollo*, pp. 215-216.

[15] *Id*. at 216-217.

[16] *Id*. at 217.

[17] *Id*. at 280-290. Signed by Court Administrator Jose Midas P. Marquez and Deputy Court Administrator Jenny Lind R. Aldecoa-Delorino.

[18] *Id*. at 286-287.

[19] *Id*. at 288.

The Court's Ruling

The Court concurs with the findings of the Investigating Justice and the OCA.

SC Administrative Circular No. 3-92 explicitly states that the Halls of Justice may only be used for functions related to the administration of justice and for no other purpose:

SC ADMINISTRATIVE CIRCULAR NO. 3-92, AUGUST 31, 1992

TO: ALL JUDGES AND COURT PERSONNEL

SUBJECT: PROHIBITION AGAINST USE OF HALLS OF JUSTICE FOR RESIDENTIAL AND COMMERCIAL PURPOSES

All judges and court personnel are hereby reminded that **the Halls of Justice may be used only for purposes directly related to the functioning and operation of the courts of justice, and may not be devoted to any other use, least of all as residential quarters of the judges or court personnel**, or for carrying on therein any trade or profession.

Attention is drawn to A.M. No. RTJ-89-327 (*Nelly Kelly Austria v. Judge Singuat Guerra*), a case involving unauthorized and improper use of the court's premises for dwelling purposes by respondent and his family, in which the Court, by Resolution dated October 17, 1991, found respondent Judge guilty of irresponsible and improper conduct prejudicial to the efficient administration of justice and best interest of the service and imposed on him the penalty of SEVERE CENSURE, **the Court declaring that such use of the court's premises inevitably degrades the honor and dignity of the court in addition to exposing judicial records to danger of loss or damage**.

FOR STRICT COMPLIANCE. (Emphases and underscoring supplied)

x x x x x x x x x

Similar thereto, Section 3, Part I of A.M. No. 01-9-09-SC also provides for similar restrictions regarding the use of the Halls of Justice, to wit:

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PART I
GENERAL PROVISIONS

x x x x x x x x x

Sec. 3. USE OF [Halls of Justice] HOJ.

Sec. 3.1. The HOJ shall be for the exclusive use of Judges, Prosecutors, Public Attorneys, Probation and Parole Officers and, in the proper cases, the Registries of Deeds, including their support personnel.

Sec. 3.2. **The HOJ shall be used only for court and office purposes and shall not be used for residential, *i.e.*, dwelling or sleeping, or commercial purposes**.

Sec. 3.3. Cooking, except for boiling water for coffee or similar beverage, shall not be allowed in the HOJ.[20] (Emphasis and underscoring supplied)

In this case, complainant's evidence had sufficiently established that respondent used his chambers in the Hall of Justice as his residential and dwelling place. As correctly pointed out by both the Investigating Justice and the OCA, respondent's defense that he rented a house did not negate the possibility that he used the Hall of Justice as his residence, since it is possible that a person could be renting one place while actually and physically residing in another.

Further, the Investigating Justice and the OCA correctly found respondent guilty of Immorality. Immorality has been defined "to include not only sexual matters but also 'conduct inconsistent with rectitude, or indicative of corruption, indecency, depravity, and dissoluteness; or is willful, flagrant, or shameless conduct showing moral indifference to opinions of respectable members of the community, and an inconsiderate attitude toward good order and public welfare.'"[21] It is a serious charge which may be punishable by any of the following: (*a*) dismissal from service,

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[20] Administrative Matter No. 01-9-09-SC (2001).

[21] *Adlawan v. Capilitan*, A.M. No. P-12-3080, August 29, 2012, 679 SCRA 184, 188-189.

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forfeiture of all or part of the benefits as the Court may determine except accrued leave credits, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations; (*b*) suspension from office without salary and other benefits for more than three (3) but not exceeding six (6) months; or (*c*) a fine of more than ₱20,000.00 but not exceeding ₱40,000.00.[22]

In the case at bar, it was adequately proven that respondent engaged in an extramarital affair with his mistress. The respective testimonies of complainant and Nuñez clearly demonstrated how respondent paraded his mistress in full view of his colleagues, court personnel, and even the general public by bringing her to fiestas and other public places, without any regard to consequences that may arise as a result thereof. Worse, respondent even had the audacity to use his chambers as a haven for their morally depraved acts. In doing so, respondent failed to adhere to the exacting standards of morality and decency which every member of the judiciary is expected to observe.[23] There is no doubt that engaging in an extramarital affair is not only a violation of the moral standards expected of the members and employees of the judiciary but is also a desecration of the sanctity of the institution of marriage which the Court abhors and is, thus, punishable.[24]

Finally, the Court agrees with the recommendation of both the Investigating Justice and the OCA that since respondent can no longer be dismissed or suspended from office on account of his compulsory retirement on January 9, 2009, he should be fined instead.[25] In this light, the Court deems that given the circumstances herein discussed, it is proper to impose upon respondent the penalty of fine in the amount of ₱40,000.00.

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[22] See Section 11(A), Rule 140, Rules of Court.

[23] *Geroy v. Judge Calderon*, 593 Phil. 585, 597 (2008).

[24] See *Jallorina v. Taneo-Regner*, A.M. No. P-11-2948, April 23, 2012, 670 SCRA 301, 308.

[25] See *National Bureau of Investigation v. Judge Villanueva*, 421 Phil. 649, 663 (2001).

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WHEREFORE, respondent Judge Celso L. Mantua of the Regional Trial Court of Palompon, Leyte, Branch 17 is found **GUILTY** of Immorality and violation of Administrative Circular No. 3-92 in relation to A.M. No. 01-9-09-SC. Accordingly, he is hereby meted the penalty of a **FINE** in the amount of ₱40,000.00, which amount shall be deducted from the retirement benefits due him.

SO ORDERED.

Sereno, C.J. (Chairperson), Velasco, Jr.,[*] *Leonardo-de Castro,* and *del Castillo,*[**] *JJ.,* concur.

SECOND DIVISION

[A.M. No. RTJ-14-2399. November 19, 2014]
(Formerly OCA IPI No. 13-4013-RTJ)

GASPAR BANDOY, *complainant, vs.* **JUDGE JOSE S. JACINTO, JR., PRESIDING JUDGE, BRANCH 45, AND ACTING PRESIDING JUDGE, BRANCH 46, BOTH AT REGIONAL TRIAL COURT, SAN JOSE, OCCIDENTAL MINDORO,** *respondent.*

SYLLABUS

1. JUDICIAL ETHICS; JUDGES; CODE OF JUDICIAL CONDUCT; COMPETENCE AND DILIGENCE ARE PREREQUISITES TO THE DUE PERFORMANCE OF JUDICIAL OFFICE.— Rule 3.01, Canon 3 of the Code of Judicial Conduct mandates that a judge shall be faithful to the law and maintain professional competence. Indeed, competence and diligence are prerequisites to the due

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[*] Designated Acting Member per Special Order No. 1870 dated November 4, 2014.

[**] Designated Additional Member per Raffle dated November 10, 2014.