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EN BANC

[A.M. No. RTJ-11-2289 ; March 8, 2023]
(Formerly OCA IPI No. 11-3656-RTJ)

IN RE: ANONYMOUS LETTER DATED AUGUST 12, 2010, COMPLAINING AGAINST JUDGE OFELIA T. PINTO, REGIONAL TRIAL COURT, BRANCH 60, ANGELES CITY, PAMPANGA.

R E S O L U T I O N

CAGUIOA, *J.*:

Before the Court is a petition for judicial clemency[1] dated July 28, 2021 filed by former Presiding Judge of the Regional Trial Court of Angeles City, Pampanga, Branch 60 (RTC), Ofelia T. Pinto (respondent), praying that she be allowed to receive her retirement benefits in the interest of justice and for compassionate and humanitarian reasons.[2]

THE CASE

An anonymous letter-complaint dated August 12, 2010 filed before the Office of the Court Administrator (OCA) charged respondent with dishonesty, violation of the Anti-Graft and Corrupt Practices Act, Gross Misconduct in violation of the Code of Judicial Conduct, and knowingly rendering an unjust judgment in connection with granting the motion to reopen the case filed by the convicted accused (at large) in Criminal Case No. 91-937.[3] The decision of said criminal case was already final and executory and subject of an entry of judgment in the Court of Appeals (CA).[4]

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1 *Rollo*, pp. 732-738. Denominated as "Plea for Partial Judicial Clemency."

2 See id. at 738.

3 See *Re: Anonymous letter dated August 12, 2010, Complaining Against Judge Ofelia T. Pinto, RTC, Br. 60, Angeles City, Pampanga*, 696 Phil. 21, 24 (2012).

4 See id. at 24.

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When ordered to comment, respondent explained that the outright denial of the motion to reopen Criminal Case No. 91-937 would be improper and violative of the accused's opportunity to be heard, given the exculpatory evidence presented and considering the lack of objection by the public prosecutor and the private complainant who were properly notified of the motion. She also alleged that even granting that her acts were indeed erroneous; they were done in the exercise of her adjudicative functions which cannot be made subject of a disciplinary, civil or criminal action, absent fraud, dishonesty and corruption on her part.[5]

The OCA found the anonymous letter-complaint meritorious and recommended that respondent be held guilty of Gross Ignorance of the Law and Procedure and be suspended from service without salary and other benefits for a period of six (6) months.[6]

In its *per curiam* Decision[7] dated October 2, 2012, the Court *En Banc* affirmed the findings of the OCA, but modified the recommended penalty of suspension. The dispositive portion of the decision reads:

> **WHEREFORE**, premises considered, Judge Ofelia T. Pinto, Presiding Judge of the Regional Trial Court, Branch 60, Angeles City, Pampanga, is found **GUILTY** of Gross Ignorance of the Law and is hereby **DISMISSED FROM THE SERVICE**, with forfeiture of all retirement benefits, except accrued leave credits, and with prejudice to reemployment in any branch, agency or instrumentality of the government, including government-owned or controlled corporations.
>
> **SO ORDERED.**[8]

In imposing the extreme penalty of dismissal from service, the Court held that respondent had no jurisdiction to entertain the motion filed by the accused-movant to reopen Criminal

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5 See id. at 24-25.

6 Id. at 25.

7 See *Re: Anonymous letter dated August 12, 2010, Complaining Against Judge Ofelia T. Pinto, RTC, Br. 60, Angeles City, Pampanga*, supra note 3.

8 Id. at 29.

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Case No. 91-937 because the CA's decision, which affirmed the accused-movant's conviction, had become final and executory. Respondent's conduct was contrary to the clear language of Section 24,[9] Rule 119 of the 2000 Revised Rules of Criminal Procedure which provides that the reopening of a criminal case may only be availed of "at any time before finality of the judgment of conviction[.]"[10] The motion to reopen Criminal Case-No. 91-937 was therefore not the proper procedural recourse and respondent's action was violative of the doctrine of finality of judgments. Even granting that there was an available procedural remedy to question the final decision of the CA, such procedural recourse was beyond the scope of respondent's judicial authority. The matter of the accused-movant's denial of due process, as the case may be, should have been brought up to the CA or with this Court in an appropriate petition.

Additionally, the Court noted that respondent was found administratively liable in two earlier cases. In *Pineda v. Pinto*[11] (*Pineda*), the Court reprimanded respondent for charges of gross inefficiency and neglect of duty. In *Marcos v. Pinto*[12] (*Marcos*), she was also found liable of simple misconduct for which she was meted a penalty of fine in the amount of ₱10,000.00. In both cases, the Court sternly warned respondent that a repetition of the same or similar act shall be dealt with more severely. Thus, the Court found that respondent's continued failure to live up to the exacting standards of her office raised the question of her competency in continuing to perform the functions of a magistrate and justified the imposition of the supreme penalty of dismissal from the service.

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[9] Sec. 24. *Reopening*. – At any time before finality of the judgment of conviction, the judge may, *motu proprio* or upon motion, with hearing in either case, reopen the proceedings to avoid a miscarriage of justice. The proceedings shall be terminated within thirty (30) days from the order granting it.

[10] *Re: Anonymous Letter dated August 12, 2010, Complaining Against Judge Ofelia T. Pinto, RTC, Br. 60, Angeles City, Pampanga*, supra note 3, at 26.

[11] 483 Phil. 243 (2004).

[12] 640 Phil. 1 (2010).

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Seven (7) years thereafter, or on June 12, 2019, respondent filed a letter appealing for judicial clemency.[13] It was referred to the Court by the OCA on February 17, 2020,[14] but was denied in a Resolution[15] dated July 28, 2020 for lack of merit. Respondent filed another Petition for Judicial Clemency[16] dated August 1, 2020, praying that she be allowed to receive her retirement benefits "in the interest of justice and for compassionate and humanitarian reasons."[17] However, this was only noted without action by the Court in its Resolution[18] dated August 25, 2020, in view of the denial of her initial request for judicial clemency.

In this present petition for judicial clemency[19] dated July 28, 2021, respondent prays for the restoration or reinstatement of her retirement benefits, considering her financial situation and the difficulty of surviving in the pandemic. Among others, respondent seeks that the Court exercise the same compassion it showed in *Re: Allegations Made Under Oath at the Senate Blue Ribbon Committee Hearing Held on September 26, 2013 Against Associate Justice Gregory S. Ong, Sandiganbayan*[20] (*In Re: Ong*), since she and her husband are without proper resources to buy medicines for their medical conditions. In particular, respondent claims that she is suffering from Type II Diabetes Mellitus and Hypertension, while her husband has been dependent and confined to his wheelchair because of a cerebrovascular accident.[21]

Respondent further claims that she has displayed remorse and has resorted to engaging in various social and religious activities

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[13] *Rollo*, pp. 665-668.

[14] See 1st Indorsement dated February 17, 2020 issued by then Court Administrator (now Member of the Court) Jose Midas P. Marquez, id. at 658.

[15] *Rollo*, pp. 691-693.

[16] Id. at 694-697.

[17] Id. at 697.

[18] Id. at 730-731.

[19] Supra note 1.

[20] See A.M. No. SB-14-21-J, January 19, 2021.

[21] See *rollo*, pp. 734, 736.

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to pursue reformation and make up for her misdeeds.[22] As support, respondent appended her previous petition for judicial clemency, where respondent annexed certifications from (1) St. Joseph the Worker Parish;[23] (2) Our Lady of the Holy Rosary Sub-Parish Pastoral Council;[24] (3) *Kapisanan ng Flores de Maria*;[25] (4) *Cofradia ni San Jose*;[26] (5) St. Joseph the Worker Parish-Basic Ecclesial Community;[27] (6) Barangay Pandayan of Meycauayan City, Bulacan;[28] and (7) respondent's village association.[29] She also presented various certifications of recognition and appreciation coming from different groups.[30]

In a Resolution[31] issued on February 15, 2022, the Court *En Banc* referred the case to the OCA and directed it to conduct a fact-finding check and submit a report thereon within ninety (90) calendar days from notice.[32]

In its Memorandum[33] dated October 3, 2022, the OCA recounted that it created a team[34] to conduct the needed fact-finding check. The team, on separate occasions, met with the various leaders who executed the testimonials in support of respondent and verified with the courts whether respondent has any pending case. After conducting all these, the OCA recommended to grant the petition for judicial clemency of respondent for humanitarian considerations. The OCA thus observed:

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22 Id. at 736.

23 Id. at 749.

24 Id. at 750.

25 Id. at 751.

26 Id. at 752.

27 Id. at 753.

28 Id. at 755.

29 Id. at 757.

30 Id. at 758-764.

31 Id. at 778-791.

32 Id. at 790.

33 Id. at 801-811.

34 Id. at 802. Composed of Atty. Mary Joy A. Lavilla-Mina, Ms. Maria Antonette M. Bañez, and Mr. Christopher Theodore Z. Dela Cruz.

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This Office has reexamined former Judge Pinto's case and notes certain circumstances that can be considered in her petition for judicial clemency.

First, almost ten (10) years have lapsed since the imposition of the penalty against former Judge Pinto. She has displayed remorse and she has been active in social and religious activities in her community. There are certificates vouching her good reputation in the community[,] as well as various certificates of recognition and appreciation[, which] were issued to acknowledge her active membership and participation in the different socio[-]civic organizations. Second, she does not question the decision dismissing her from the service for gross ignorance of the law. In fact, she admitted her mistake and claimed to have learned her lesson. She assures that she will avoid all appearance of impropriety[,] especially those that create unlawful motive. Third, she has no pending criminal and/or civil case filed against her. Lastly, due to old age, she is suffering from various illnesses that require medical treatment which she cannot afford due to poverty caused by her unemployment and dismissal with forfeiture of retirement benefits.

Although former Judge Pinto had already reached her retirement age and is no longer eligible for regular employment, she can still be of service in some other way in the community[,] considering not only her legal knowledge[,] but also her expertise as a member of the Bench.

In view of the aforementioned circumstances, former Judge Pinto's repentance for what she did and the substantial compliance by her with the guidelines set for the grant of clemency, her plea for clemency merits compassion from the Court.[35]

THE COURT'S RULING

The Court partly grants the petition for judicial clemency of respondent.

The case of *In Re: Ong* refined the guidelines initially set forth in *Re: Letter of Judge Augustus C. Diaz, MTC-QC, Br. 37, Appealing for Judicial Clemency*[36] in resolving petitions for judicial clemency. The original guidelines provide:

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[35] Id. at 810.

[36] 560 Phil. 1 (2007).

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.

2. Sufficient time must have lapsed from the imposition of the penalty to ensure a period of reformation.

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.

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.

5. There must be other relevant factors and circumstances that may justify clemency. x x x[37]

The Court explained in *In Re: Ong* that the main impetus to refine the foregoing guidelines was the necessity to curb the subjectivity of dealing with clemency petitions, and to institutionalize a more uniform standard and more objective fact-finding process in resolving clemency petitions.[38]

Thus, insofar as petitions for judicial clemency of judges are concerned, the present rule now is to evaluate first the allegations in the petition to determine whether *prima facie* circumstances exist to grant the relief. Should there appear to be so, a commission must be created to receive the evidence in support of the petition and submit a report thereon containing its factual findings and recommendation.[39] Notably, the Court, in *Nuñez v. Ricafort*[40]

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[37] Id. at 7-8. Citations omitted.

[38] *Rollo*, p. 783.

[39] See id., citing *In Re: Ong*, supra note 20, at 9.

[40] A.C. Nos. 5054 & 6484, March 2, 2021.

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(*Nuñez*), clarified that this procedure for the creation for an independent commission which shall receive evidence does not apply to petitions for judicial clemency of members of the Bar, as it will render tedious—due to logistical reasons—the clemency procedure.[41]

Furthermore, *In Re: Ong* instructed that unless for extraordinary reasons, dismissal or disbarment cannot be the subject of any kind of clemency in less than five (5) years.[42]

Subsequently, in *Nuñez*, the Court declared that the standard of proof regarding reinstatement in the membership of the bar and a petition for judicial clemency is "clear and convincing evidence," a standard of proof that is less than proof beyond reasonable doubt but greater than preponderance of evidence. It was further underscored in *Nuñez* that granting judicial clemency lies in the sound discretion of the Court and that the movant has the burden to hurdle the standard of proof.[43]

Another additional guideline established in *In Re: Ong* touches on the recognition that there should be an element of reconciliation in clemencies. Accordingly, when there is a private offended party, there should be an attempt at reconciliation where the offender offers an apology and, in turn, the wronged gives a full and written forgiveness. Only after this reconciliation can this Court acquire jurisdiction on the plea for clemency. Where there is no private offended party, the plea for clemency must contain the public apology.[44]

Here, the Court observes the guidelines, as further refined in *In Re: Ong* and *Nuñez*, in resolving the petition for judicial clemency of respondent.

In its Resolution dated February 15, 2022, the Court directed the OCA to form a team to conduct a fact-finding check on the

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41 Id. at 11.

42 *In Re: Ong*, supra note 20, at 9.

43 *Nuñez v. Ricafort*, supra note 40, at 6 and 15.

44 *In Re: Ong*, supra note 20, at 8.

allegations and supporting documents in the petition. In doing so, the Court found *prima facie* merit in the said petition, noting at the outset that it was filed after the five-year minimum period before dismissal or disbarment can be the subject of any kind of clemency. Also, there were expressions of *prima facie* genuine remorse and reformation on the part of respondent and there were supporting documents to reinforce her claims. Apart from these, respondent alleged her advanced age, medical condition, and economic difficulties, which the Court may consider should the same be established during the fact-finding process.[45]

Indeed, respondent has consistently conveyed remorse in every petition for judicial clemency that she has filed before the Court. In the petition dated August 1, 2020, which she appended to this present Petition, respondent stated that she is not questioning the decision dismissing her from the service. She likewise attested that she has owned up to her mistakes and has learned her lesson therefrom. She expressed regrets in what she did, seeing how her family has suffered as a consequence. Respondent claimed she has been humbled by her experience and has become remorseful of her previous actions, causing her to reform her ways. She further professed that she has devoted the past years to mending her ways and proving herself to the community that she can be a better person.[46]

In her present Petition for judicial clemency, respondent echoes the foregoing, recounting that she has "learned to cope with the humiliation, of having been kicked out from the judiciary for gross ignorance of the law."[47] She claims that she has tried "to brave the public, to join social and religious activities, to show her remorse and make up for her errors."[48] However, what she finds the hardest to hurdle lately is her family's day to day subsistence, in light of the pandemic.[49]

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[45] *Rollo*, pp. 787-790.

[46] Id. at 695.

[47] Id. at 733.

[48] Id.

[49] Id. at 734.

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The Court gives credence to respondent's declarations of remorse and reformation.

While an acknowledgment of the wrongful actions and subsequent showing of sincere repentance and correction are essential in petitions for judicial clemency, it can also be easily anticipated that pleas for judicial clemency are largely self-serving.[50] Hence, in such cases, the Court has considered several factors which, to an extent, provide objective criteria in granting or denying clemency.[51] One of these strongest factors include "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."[52] Here, apart from her own statements of remorse and reformation, respondent attached several testimonials from church and organizational leaders vouching for her character and continued service to the community.

To reiterate, in compliance with the Court's Resolution[53] dated February 15, 2022, the OCA directed its Legal Office to form a team to conduct the corresponding fact-finding check. From June 14 to 16, 2022, the team met with the concerned church and organizational leaders who vouched for respondent, and confirmed with them their statements and testimonials, as well as their signatures thereto. They also signed the affidavits prepared by the team to further attest that their testimonials were executed voluntarily.[54]

From June 16 to 22, 2022, the team also went to the Office of the Clerk of Court (OCC)-RTC, Malolos City, Bulacan; OCC-Municipal Trial Court in Cities (MTCC), Meycauayan City and Malolos City, Bulacan; and OCC-MTCC and OCC-RTC in Angeles City, where they were able to validate respondent's

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[50] See *In Re: Ong*, supra note 20, at 7.

[51] Id.

[52] Id. at 7-8.

[53] Supra note 31.

[54] OCA Memorandum dated October 3, 2022; *rollo*, p. 803.

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certification that there is no pending civil and/or criminal case/s filed against her.[55]

To be sure, the conduct of the fact-finding check by the OCA through personal interviews with those who executed the testimonials and certifications respondent submitted as supporting documents to her petition for judicial clemency, confirmed the veracity of the statements contained therein. The report of the OCA on its fact-finding check is illuminating:

> On 15 June 2022, in San Isidro Labrador Parish, Rev. Fr. Justiniano recounts that former Judge Pinto has been an active member of the different church organizations in St. Joseph the Worker Parish even before she was still in the judiciary. She was involved in all the programs, activities and events of the parish. In fact, she was consistently voted as President of the Parish Pastoral Council since 2013 up to the present.
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> On 15 June 2022, the team interviewed Ret. Judge Rolando Bulan, Chairman of Barangay Pandayan, who also issued a certificate vouching Judge Pinto's reputation in the community. He claims that he intends to appoint former Judge Pinto to lead the Barangay Justice Council because he believes that as a former judge, she is the most qualified person to execute the powers and obligations of the barangay justice council. x x x
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> x x x x
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> Paz S. Nisperos, as the President of St. Francis Village Phase II A&B Homeowners Association Inc. (SFV 2 HAI) of Pandayan-Malhacan, Meycauayan City, confirms that on 1 August 2019, she issued a Certification that former Judge Ofelia T. Pinto is a bonafide member of St. Francis Village 2 Homeowners Association, Inc[.] (SFV 2 HAI) of Brgy. Pandayan-Malhacan, Meycauayan City, since its inception and that Judge Pinto is a person of good moral character and of good standing in the community. She renders free legal services not only to the members but to the people of the community. Judge Pinto likewise is dependable, fair in her dealings and can be trusted upon on any tasks assigned to her. She is presently one of the Advisers and the COMELEC Chair of the Association, the positions she h[o]lds for three (3) consecutive terms (7 years). She deemed Judge Pinto as an asset of the Association.

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[55] See id.

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On 19 October 2013, SFV 2 HAI awarded Judge Ofelia T. Pinto a Certificate of Recognition in grateful recognition of her whole-hearted support, cooperation and valuable contributions rendered to SFV 2 HAI and the Community in 2011-2013.

During the brief interview, Mrs. Nisperos claims that up to this date, the Homeowners Association and its members still goes to her for legal advice on several issues including but not limited to matters concerning election of officers.

x x x x

Judge Pinto also serves as the Legal Adviser of the Kapisanan [ng Flores de Maria]. She claims that Judge Pinto is trustworthy, dependable and reliable and that she helps in any way she can to achieve the goals of the Kapisanan until this date.

x x x x

Susan Isorena as the Vice President of Confradia ni San Jose (CONSAJOS), an organization of St. Joseph the Worker Parish, confirms the issuance of the Certificate dated 1 August 2019, that former JUDGE OFELIA T. PINTO is a member of good standing in the community. She is the President of Confradia ni San Jose (CONSAJOS) since 2015 up to the present. Judge Pinto is an active officer of the organization having led to successful completion [of] every project that the organization had taken and continues to embark. She also acts as the legal adviser and takes care of the legal problems of the organization for free. Judge Pinto is trustworthy, hardworking, kind, helpful and dependable, and a person of integrity and is morally upright.

x x x x

Sis. Erlinda D. Lunaria, as the president of Our Lady of the Holy Rosary Sub-Parish Pastoral Council (OLHR-SPPC), confirms that on 27 July 2019, she certifies that she personally know[s] Sis. Judge Ofelia T. Pinto and she vouched that she is a member in good standing—morally and spiritually—of the Parish of St. Joseph the Worker. She is her co-worker at the parish, having been involved in the running of the parish community and church affairs for more than 10 years now. She is at present the Vice Chairman of the SJWP Parish Pastoral Council, next to their parish priest, Rev. Fr. Benito B. Justiniano.

She is a regular supporter—in terms of leadership and financial—of the sub-parish, the Our Lady of the Holy Rosary of Metrogate Complex, Pandayan, City of Meycauayan, Bulacan.

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x x x x

Lydia B. Miguel[,] as the President of Basic Ecclesial Community (BEC) confirms that on 1 August 2019, she certifies that former Judge Ofelia Pinto is a member of good standing in the organization x x x, which is an organization under their Parish, the St. Joseph the Worker Parish of Barangay Pandayan, Meycauayan City.

Judge Pinto is the adviser of the BEC and she is dependable, hardworking, trustworthy, and a person of integrity. She attends to the legal needs of their members all for free as it was her advocacy to render free legal service to the people in the community. Actually, she has been doing this since she passed the Bar Examination in 1977.

The BEC members can vouch for Judge Pinto's good moral character.

x x x x

Jose M. Concha, as the President of Barangay Pandayan Citizens Alliance Inc., confirms that on 14 August 2019, he certif[ied] that former Judge OFELIA T. PINTO is of good moral character, religious and presently the Legal Adviser of Barangay Pandayan Senior Citizen Alliance Inc., Pandayan Chapter, Meycauayan City.

x x x x

Girlie Patricia D. Agustin, the Head of St. Joseph the Worker Commission on Social Action, confirms that the organization issued a Certificate of Recognition dated 7 December 2013, certifying former Judge Pinto's service to the Church, untiring dedication, sacrifice and faithful exercise of her gifts.

x x x x

At present, former Judge Pinto is still an active Rotarian. On 23 June 2022, the team interviewed Dr. Helen Ocampo, present president of the Rotary Club Gold of Meycauayan Bulacan, who confirmed former Judge Pinto's active membership and participation in the club's activities and programs despite her advance[d] age and health status. x x x[56]

Verily, the fact-finding check of the OCA negates any notion that respondent's affirmation of remorse and reformation in her petition was merely self-serving. The supporting documents

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[56] Id. at 803-809.

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respondent attached to her petition consisting of testimonials of individuals attesting to her character and the alleged certifications of recognition and appreciation of her service were also shown not to be merely *pro-forma*.

Moreover, it cannot be gainsaid that sufficient time has lapsed from the time respondent was dismissed from service in 2012 until her present plea for clemency from the Court dated July 28, 2021. While it may be that respondent filed two prior petitions for judicial clemency in 2019 and 2020, the lapse of time from 2012 would still clearly show that the minimum period of five (5) years established in *In Re: Ong* has also been obtained. Hence, there is sufficient assurance to the Court and to the public that respondent has gone through a considerable period of reform.

As regards respondent's age, the guidelines provide that respondent's age must show that she still has productive years ahead of her that can be put to good use by giving her a chance to redeem herself. Additionally, 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. The Court finds that these guidelines have been substantially complied in this case. Given the positive testimonials of the church and organizational leaders attesting to the reliability of respondent in rendering legal service to their organizations and to the community at large, the Court cannot discount the fact that despite her advanced age, respondent remains capable and willing to render public service. Nonetheless, in view of respondent's age of 76 years old being past the age of compulsory retirement age in government service, the Court sees no practical value in lifting her disqualification from re-employment in the government service.

Similarly, the Court turns a compassionate eye to the plight of respondent and her family. In her petition, respondent narrates the financial difficulties she faces because of her health, which are compounded by the equally deteriorating health of her husband and the dire effects of the pandemic:

> Nine (9) years without source of income and, therefore, without savings, had left her unprepared to meet the COVID-19 pandemic.

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Those relatives and friends who, previously, had been giving her loans and dole-outs, are also suffering financially and have nothing more to spare.

Undersigned and her paralytic husband are now left to fend for themselves and can barely tide over, to eat three times daily.

Left to their own, as their three (3) children also have no sufficient source of livelihood, she and her husband could not anymore buy the medicines they need, to ease their respective illnesses.

Undersigned, who is 75 years old now, is suffering from Type II diabetes mellitus and hypertension, while her husband continues to be dependent on his wheelchair and could not do things on his own. A regular intake of medicine is supposed to be done, by those with illnesses like theirs, but they have to endure physical pain because they have no resources to buy medicine.[57]

Indeed, the Court is inclined to extend its mercy to an errant member of the Bench and the Bar when warranted. In *Re: Letter of Mrs. Ma. Cristina Roco Corona Requesting the Grant of Retirement and other Benefits to the Late Former Chief Justice Renato C. Corona and her Claim for Survivorship Pension as his Wife under Republic Act No. 9946*,[58] the Court observed the instances when the Court granted clemency to judges based on humanitarian reasons, thus:

In *Talens-Dabon v. Arceo*, the Court dismissed Judge Arceo from service in 1996 for committing lewd and lustful acts against complainant Atty. Jocelyn Talens-Dabon. His acts constituted gross misconduct and immorality prejudicial to the best interest of the service and he was convicted therefor by the Sandiganbayan in 2004 for violation of the Anti-Sexual Harassment Law and Article 336 of the Revised Penal Code. In 2012, having been released on probation and upon showing remorse and good conduct, Judge Arceo was granted judicial clemency, restoring his eligibility for re-employment in the government and allowing the release of his accrued leave credits.

In *Sabitsana, Jr. v. Villamor*, Judge Villamor was found guilty of making untruthful statements in his Certificates of Service, of

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[57] Id. at 734-735.

[58] A.M. No. 20-07-10-SC, January 12, 2021.

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inexcusable negligence and gross inefficiency, and of serious misconduct for undue interest in a criminal case before a lower court over which he had exercised supervision, all in violation of the Code of Judicial Conduct. He was dismissed from service in 1991, with the correlative forfeiture of retirement benefits, leave, and other privileges and ban from re-employment in the government. In 1992, his case was reconsidered and was allowed to enjoy all vacation and sick leave benefits that he has earned during the period of his government service. **In 2001, the Court granted the release of 25% of former Judge Villamor's retirement benefits.**

In *Meris v. Ofilada*, former Judge Ofilada had served the government for 37 years when he was dismissed in 1998 on the grounds of grave abuse of authority, evident partiality, gross incompetence, and ignorance of the law. It was his wife who requested the release of Judge Ofilada's retirement benefits in a *Plea for Mercy* before the Court, since Judge Ofilada was old, incapacitated, and in dire need of funds to cover his medical expenses. As former Judge Ofilada passed away pending consideration of his wife's letter, **the Court in 2001 allowed the release of 25% of his retirement benefits, among other gratuities to his heirs**.

In *Castillo v. Calanog*, Judge Calanog was dismissed from service for immorality in 1991, having taken advantage of his power and authority and "of the complainant's helplessness and state of material deprivation and persuaded her to become his mistress." Three years thereafter and upon the filing of a petition for clemency and compassion, the Court lifted his penalty of disqualification from appointment to any public office after Judge Calanog showed sincere repentance and upon considering his contributions during the period that he was a judge.

In *Junio v. Judge Rivera, Jr.*, former Judge Rivera's dismissal in 1993 was grounded on gross misconduct and conduct prejudicial to the best interest of the judiciary, having kissed his boarder's daughter while drunk during his birthday party. In 2005, the Court eventually lifted his ban from public service and accorded him his monetary gratuities in view of the length of his public service, relatively clean criminal record, demonstration of sincere repentance, regressing physical condition, and old age. Moreover, former Judge Rivera had never been found guilty of a criminal offense and never moved for the reconsideration of his dismissal, as he "accepted the verdict, in all humility."[59] (Emphasis supplied)

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[59] Id. at 22-23. Citations omitted.

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On January 19, 2021, the Court likewise favorably ruled on the petition for judicial clemency of former Sandiganbayan Associate Justice Gregory S. Ong in *In Re: Ong*, albeit partially, upon his demonstration of remorse and reformation, along with his dire state. This is, in fact, the case that prompted respondent to seek the Court's clemency the third time through the present petition. The Court in said case granted respondent Ong's retirement benefits, but forfeited 2/3 of his lump sum benefit as penalty. The Court likewise lifted his disqualification from reemployment in any branch, agency, or instrumentality of the government, including government-owned or controlled corporations.[60]

Thus, hewing to the foregoing body of jurisprudence, the Court is called upon to mitigate herein respondent's penalty as well, in consideration of the clear and convincing evidence as to her remorse and reformation and her unfortunate state. The Court finds a mitigation of the penalty, instead of full reconsideration and exoneration, as a more reasonable action under the circumstances of this case, considering the gravity and consequences of respondent's past misconduct and a subsequent finding of guilt in an administrative case for a similar misconduct.

To recall, apart from the offense of gross ignorance of the law subject of this case, respondent had been previously found guilty of gross inefficiency and neglect of duty, and simple misconduct in two other cases, namely, *Pineda* and *Marcos*.

More importantly, records show that on October 15, 2019, respondent was again found administratively liable by the Court in *Office of the Court Administrator v. Tuazon-Pinto*[61] relative to the judicial audit conducted in her sala in 2008. The pertinent portions of the decision read:

> The judicial audit conducted on Branch 60 uncovered many procedural violations committed by Judge Pinto in cases involving petitions for nullity and annulment of marriages that were in direct contravention of the letter and spirit of the *Rule on Declaration of Absolute Nullity of Void*

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[60] *In Re: Ong*, supra note 20, at 10-11.

[61] A.M. No. RTJ-10-2250, October 15, 2019, 923 SCRA 399.

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Marriages and Annulment of Voidable Marriages (A.M. No. 02-11-10-SC). Accordingly, we entirely agree with the OCA's recommendation that Judge Pinto was guilty of gross ignorance of the law and procedure, and of gross inefficiency.

Anent gross ignorance of the law and procedure, the audit report copiously detailed how Judge Pinto had disregarded the law and procedure in handling the cases pending before her *sala*. The observations and findings contained in the audit report stood unrefuted by her. Among her gross errors and blunders were omitting to furnish to the OSG copies of the decisions she had rendered; granting motions to take advance testimonies and depositions even before the records of the cases were transmitted to her *sala*; accepting pre[-]trial briefs on the same days of the holding of the pre[-]trial conferences, and permitting the lawyers to take part in the pre[-]trial conferences despite not being authorized to do so through special powers of attorney; acting on and admitting formal offers of exhibits even before the respondents or the State could comment thereon; and not giving notifications to the OSG regarding the progress of proceedings in at least 19 cases. We should observe that any of these gross errors and blunders was sufficient to render her administratively liable for gross ignorance of the law and procedure.

The OCA listed other irregularities committed by Judge Pinto, namely: (a) the issuance of a certificate of finality without proof that the respondent was already furnished a copy of the decision; (b) the issuance of a copy of the decision despite the fact that the copy of the decision supposedly sent to the respondent had been returned for the reason of "wrong address"; (c) the issuance of an order declaring her decision final and executory despite the fact that a copy of the decision had been returned with the marking "respondent unknown"; (d) the failure to act on the QSG's motion seeking to be furnished with a copy of the decision; (e) her amending in one case of her original decision by inserting a new date and place of the marriage in question, and such amended decision was not furnished to the respondent; (f) her admitting the formal offer of evidence of the petitioner without first giving the respondent and the public prosecutor the opportunity and time to comment thereon; (g) the acceptance of the pre[-]trial brief of the petitioner on the same day the pre[-]trial conference was held; and (h) the issuance of the summons to the parties on May 8, 2006 although the case was raffled to her *sala* only on May 9, 2006. Such other irregularities, singly or collectively, were themselves gross and blatant violations of the rules of procedure and the basic guidelines for ensuring that proceedings initiated to annul a

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marriage or declare the nullity of a marriage are insulated from vice and fraud.[62]

Notably, the judicial audit and concomitant investigation in said subsequent case occurred in 2008, or before the events in this present case had transpired. As such, it is hardly conclusive proof of respondent's non-reformation or disregard of the discipline already imposed on her in this case. At the same time, it bears emphasis that the Court in a petition for judicial clemency is mainly concerned with whether the respondent may be given the chance to redeem himself or herself in view of his or her contrition. The perspective of the Court therefore should be more forward looking and less on whether respondent has the propensity to err.

Be this as it may, the Court cannot ignore the relevant fact that the Court in the 2019 case would have meted respondent with the extreme penalty of dismissal from service as well because of the gravity of respondent's offenses therein, if it were not for her earlier dismissal in this case. Hence, instead, the Court merely imposed a fine against respondent in the amount of ₱40,000.00, which was deducted from her accrued leave benefits.

In fine, given the number of administrative cases that respondent faced prior to and even after her dismissal in 2012, her years in government service, while long, is not unblemished. The totality of circumstances in this case, along with similar jurisprudence on the matter, thus impels the Court to partially grant respondent's petition for judicial clemency and allow the release of 1/3 of her retirement benefits. The Court rules in this wise, mindful that the grant of judicial clemency must be delicately balanced with the preservation of public confidence in the courts.[63] After all, in considering the outcome of the petition for judicial clemency, the Court is duty-bound to carefully weigh its ripple and life-changing effect not just to the respondent, but equally important, to the legal profession and to the general public as well.

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[62] Id. at 431-433. Citations omitted.

[63] *OCA v. Corales*, A.M. No. P-06-2272, November 23, 2021.

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WHEREFORE, the Petition for Judicial Clemency is **PARTIALLY GRANTED**. The Court grants the release of 1/3 of respondent Ofelia T. Pinto's retirement benefits.

SO ORDERED.

Gesmundo, C.J., Leonen, Hernando, Lazaro-Javier, Inting, Zalameda, M. Lopez, Gaerlan, Rosario, J. Lopez, Marquez, Kho, Jr., and *Singh, JJ.*, concur

Dimaampao, *J.*, on leave.