



Republic of the Philippines
Supreme Court
Manila

EN BANC

ATTY. PLARIDEL C. NAVA II, **A.C. No. 7253**
 Complainant,

- versus -

PROSECUTOR OFELIA M. D. ARTUZ,*
 Respondent.

X-----X
ATTY. PLARIDEL C. NAVA II,
 Complainant,

**A.M. No. MTJ-08-1717 (Formerly
 OCA IPI No. 07-1911-MTJ)**

- versus -

JUDGE OFELIA M. D. ARTUZ,
MUNICIPAL TRIAL COURT
IN CITIES of ILOILO CITY,
BRANCH 5,
 Respondent.

Present:

SERENO, C.J.,**
 CARPIO,***
 VELASCO, JR.,****
 LEONARDO-DE CASTRO,****
 PERALTA,
 BERSAMIN,
 DEL CASTILLO,
 PERLAS-BERNABE,
 LEONEN,
 JARDELEZA,
 CAGUIOA,
 MARTIRES
 TIJAM,*****
 REYES, JR., and
 GESMUNDO,***** JJ.

Promulgated:

August 29, 2017

* "Ofelia M. Artuz" in some parts of the records.
 ** On Leave.
 *** Acting Chief Justice per Special Order No. 2475 dated August 29, 2017.
 **** No part.
 ***** On Official Time.
 ***** On Official Leave.
 ***** On Leave.

729/Plaridel C. Nava

X-----X

DECISION***PER CURIAM:***

For resolution are the two (2) consolidated cases filed by complainant Atty. Plaridel C. Nava II (Nava) against respondent then Prosecutor, now Presiding Judge, Ofelia M. D. Artuz (Artuz) of the Municipal Trial Court in Cities of Iloilo City, Branch 5, (MTCC, Br. 5): (a) A.C. No. 7253 that sought to disbar Artuz, then a Prosecutor at the time of the filing of the petition; and (b) A.M. No. MTJ-08-1717 (formerly OCA IPI No. 07-1911-MTJ) that sought to nullify the nomination and appointment of Artuz as Presiding Judge of the MTCC, Br. 5, for being patently illegal, improper, and irregular.

The Facts***A.C. No. 7253***

In the Petition for Disbarment¹ dated February 10, 2006 (disbarment case), Nava claimed that on July 28, 2005, he filed a Request for Inhibition and Re-raffle² of his client's case before the Office of the City Prosecutor of Iloilo City on the ground that he and Artuz, as then the assigned prosecutor handling his client's case, are not in good terms because they are adversaries in various administrative and criminal cases.³ In response to his request, Artuz filed her comment,⁴ where she willfully and viciously maligned, insulted, and scorned him and his father, who is not a party to the case;⁵ thus, Nava asserted that Artuz violated Canon 8 of the Code of Professional Responsibility (CPR) that enjoins lawyers to conduct themselves with courtesy, fairness, and candor toward their colleagues in the profession.⁶ He added that Artuz: (a) made malicious and false accusations in her comment when she accused him of crimes which are baseless and purely conjectural; (b) had maliciously filed criminal cases against him, along with others, before the Department of Justice (DOJ) intended to harass, annoy, vex, and humiliate him; and (c) had maligned her former superior and colleague, City

¹ *Rollo* (A.C. No. 7253), pp. 1-11.

² Dated July 28, 2005. *Id.* at 13.

³ *Id.* at 2.

⁴ See Comment to the Request for Inhibition and Re-raffle dated July 29, 2005; *id.* at 14.

⁵ *Id.* at 4. See also *id.* at 30.

⁶ *Id.* at 5.

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Prosecutor Efrain V. Baldago,⁷ which acts constitute grave misconduct and are violative of the CPR and of Republic Act No. (RA) 6713.⁸

In a Resolution⁹ dated August 2, 2006, the Court referred the disbarment case to the DOJ for appropriate action.

Meanwhile, record shows that Nava filed before the Judicial and Bar Council (JBC) an opposition¹⁰ dated January 4, 2006, to the application for judgeship of Artuz. Notwithstanding, Artuz was appointed on September 28, 2006¹¹ and took her Oath of Office as Presiding Judge of the MTCC, Br. 5 on October 9, 2006.¹² Thus, the record of the disbarment case was retrieved from the DOJ¹³ and referred to the Office of the Court Administrator (OCA) for appropriate action.¹⁴

A.M. No. MTJ-08-1717

In the petition¹⁵ for nullification of the nomination and appointment of Artuz as Presiding Judge of MTCC, Br. 5 filed on October 17, 2006 (nullification case), Nava alleged that Artuz is unfit and incompetent to be appointed as a trial judge as she faces “several criminal and administrative cases, the nature of which involves her character, competence, probity, integrity and independence which should not have been disregarded in her application to the judiciary.”¹⁶ These cases are: (a) four (4) disbarment cases – A.C. No. 6605 filed by a certain Zenaida Ramos, *A.C. No. 7253 filed by him*, a case filed by a certain Julieta Laforteza on July 11, 2006,¹⁷ and another filed by a certain Herminia Dilla on November 9, 2005; (b) four (4) criminal cases filed before the Office of the Ombudsman-Visayas (Ombudsman) – OMB-V-C-06-0218-D, OMB-V-C-06-0219-D, OMB-V-C-

⁷ Id. at 6-10.

⁸ Entitled “AN ACT ESTABLISHING A CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES, TO UPHOLD THE TIME-HONORED PRINCIPLE OF PUBLIC OFFICE BEING A PUBLIC TRUST, GRANTING INCENTIVES AND REWARDS FOR EXEMPLARY SERVICE, ENUMERATING PROHIBITED ACTS AND TRANSACTIONS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES,” otherwise known as the “CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES,” approved on February 20, 1989.

⁹ *Rollo* (A.C. No. 7253), p. 22.

¹⁰ *Rollo* (A.M. No. MTJ-08-1717), pp. 42-55. Nava claimed that the administrative complaints against Artuz, filed before the DOJ and the Supreme Court, were not acted upon because then Acting Justice Secretary Raul Gonzalez, who was then one of the members of the JBC, is closely related to Artuz within the 4th degree of consanguinity (see *id.* at 59). Nava, together with one “Atty. Amelita K. Del Rosario Benedicto,” likewise filed before the JBC a Petition dated September 24, 2006 (*id.* at 75-102), to recall Artuz’s nomination as Judge of MTCC, Br. 5 (see *id.* at 101).

¹¹ See Appointment letter of Artuz: *id.* at 253.

¹² See *Panunumpa sa Katungkulan*; *id.* at 252.

¹³ See Resolution dated February 11, 2008 (*rollo* [A.C. No. 7253], pp. 24-25); the letter dated February 26, 2008 of then Second Division Clerk of Court Ludichi Yasay-Nunag (*id.* at 26); and the Indorsement dated June 21, 2013 of Senior Deputy State Prosecutor Richard Anthony D. Fadullon (*id.* at 27).

¹⁴ See Internal Resolution dated July 1, 2013; *id.* at 29.

¹⁵ Dated October 13, 2006. *Rollo* (A.M. No. MTJ-08-1717), pp. 7-39.

¹⁶ *Id.* at 1.

¹⁷ Per the Supreme Court’s Case Administration System, there is an administrative case, docketed as A.C. No. 7307 filed by Julieta Laforteza on August 4, 2006.

Julieta Laforteza

06-220-D, and OMB-V-C-06-221-D; and (c) one (1) criminal case – I.S. No. 2175-05, and one (1) administrative case filed on October 23, 2003, both pending before the DOJ.¹⁸

Nava reiterated that during her incumbency as a public prosecutor, Artuz received numerous judicial fines and admonition for tardiness, absences without prior notice, and lack of interest to prosecute cases. In fact, some of the cases she handled were dismissed due to her dismal performance.¹⁹ Further, Nava narrated specific incidents showing Artuz's character as vindictive, oppressive, and discourteous.²⁰

In her defense,²¹ Artuz alleged that the nullification case is a desperate retaliatory move on Nava's part because of the disbarment case she filed against him, where he was found guilty of gross misconduct and suspended from the practice of law for a period of two (2) months.²² She claimed that the charges filed against her were already dismissed or outrightly not given due course.²³ She thus prayed that the nullification case be dismissed, since she met all the qualifications and has none of the disqualifications for a judicial position.²⁴

Meanwhile, on October 19, 2006, the OCA wrote separate letters for the DOJ and the Ombudsman, requesting information as to the date of filing and status of the criminal and administrative cases filed against Artuz before their respective offices, and whether she has been duly notified thereof.²⁵

In a letter²⁶ dated January 29, 2007, the DOJ, through Assistant Chief State Prosecutor Richard Anthony D. Fadullon, stated that it only learned of the criminal cases filed against then Prosecutor Artuz through Regional State Prosecutor Domingo J. Laurea, Jr. (RSP Laurea). The latter furnished said office of copy of his 2nd Indorsement²⁷ dated March 16, 2006, forwarding the records of the cases to Officer-in-Charge Virginia Palanca-Santiago of the Deputy Ombudsman's Office (OIC Santiago), due to RSP Laurea's inhibition from the said cases. As regards the administrative cases filed against Artuz, in her capacity as then public prosecutor, the DOJ stated that there was already a draft resolution as of October 2005; its contents,

¹⁸ *Rollo* (A.M. No. MTJ-08-1717), pp. 11-13.

¹⁹ *Id.* at 14.

²⁰ *See id.* at 20-38.

²¹ *See Compliance* dated May 28, 2007; *id.* at 208-210.

²² *Id.* at 208.

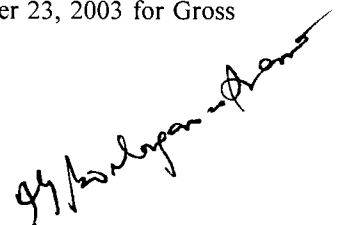
²³ *Id.* at 209.

²⁴ *Id.* at 210.

²⁵ The Letter to the Ombudsman particularly inquired on the status, etc. of these cases: OMB-V-C-06-0218-D for Perjury, OMB-V-C-06-0219-D for Violation of Republic Act No. 7438, OMB-V-C-06-0221-D for Libel, and OMB-V-C-06-0220-D for Libel (*id.* at 187); while the Letter to the DOJ inquired on the following cases: IS No. 2175-05 for Arbitrary Detention, Grave Oral Defamation, Intriguing Against Honor and Unjust Vexation, and a complaint filed on October 23, 2003 for Gross Misconduct and Violation of Code of Conduct of Public Officials (*id.* at 188).

²⁶ *Id.* at 189.

²⁷ *Id.* at 190-191.



however, could not, at that time, be disclosed as it was still subject for review by the Office of the DOJ Secretary.

On the other hand, in a letter²⁸ dated November 22, 2006 (which the OCA-Legal Office received only on September 4, 2007), OIC Santiago informed the OCA that OMB-V-C-06-0218-D, OMB-V-C-06-0219-D, OMB-V-C-06-0220-D, and OMB-V-C-06-0221-D, all entitled "*Herminia Dilla v. Ofelia Artuz*," were received by the Ombudsman on March 24, 2006; that Artuz was notified of the three (3) cases wherein she filed her counter-affidavit and position paper; and that two (2) of the cases are pending resolution, while the other two (2) were already forwarded to the *Tanodbayan* for appropriate action.

On February 27, 2007, the OCA requested²⁹ from the Secretary of the JBC a certified copy of Artuz's Personal Data Sheet (PDS),³⁰ which she submitted relative to her application to the judiciary. On March 13, 2007, then Clerk of Court and *Ex Officio* JBC Secretary Ma. Luisa D. Villarama forwarded to the OCA the application documents of Artuz on file with the JBC, including the latter's PDS subscribed and sworn to on October 28, 2005 (October 28, 2005 PDS).³¹

In a Memorandum³² dated October 3, 2007, the OCA noted that the nullification case is deemed mooted by Artuz's appointment to the judiciary, but nonetheless opined that the Court can review her appointment, pursuant to its administrative supervision powers under Section 6, Article VIII of the Constitution.³³ Thus, it recommended that Artuz "be [directed] to show cause within ten (10) days from receipt of notice why no disciplinary action should be taken against her for not disclosing in her [October 28, 2005 PDS] filed with the JBC the fact that she has been formally charged and that she has pending criminal, administrative and disbarment cases."³⁴

The Court adopted the OCA's recommendation in a Resolution³⁵ dated November 28, 2007.

²⁸ Id. at 247. In a Letter dated June 29, 2007, the OCA requested anew OIC Santiago for information on the status, etc. of the criminal cases against Artuz, then pending before the Ombudsman, stating that per Registry Return Receipt No. 2947, the Ombudsman received the OCA's October 19, 2006 letter on November 17, 2006 and had not replied to date (id. at 246). It appears, however, that OIC Santiago's letter-reply was received by the OCA as early as December 15, 2006, but was only received by the OCA-Legal Office on September 4, 2007 (see id. at 247).

²⁹ Id. at 193.

³⁰ Id. at 196-199.

³¹ See letter with attachments; id. at 194-201.

³² Id. at 1-6. Signed by then Court Administrator Christopher O. Lock.

³³ Id. at 5.

³⁴ Id. at 6.

³⁵ Id. at 256-257.



On February 7, 2008,³⁶ Artuz filed her Compliance³⁷ to the November 28, 2007 Resolution, alleging that the disbarment case against her has already been dismissed by the Court on December 6, 2007.³⁸ She likewise denied the accusations against her and claimed that she will never exchange her thirty-one (31) years of government service by perjuring her records, much less her PDS. Finally, she reiterated that she had complied with all the requirements of the JBC and possessed all the qualifications and none of the disqualifications for the appointment to the judiciary.³⁹ The Court referred her compliance to the OCA for evaluation, report, and recommendation.⁴⁰

In a Resolution⁴¹ dated August 20, 2008, the Court, upon the recommendation of the OCA in its Memorandum⁴² dated July 11, 2008, resolved to: (a) consider as unsatisfactory her compliance with the Court's November 28, 2007 show cause Resolution for her failure to sufficiently explain why no disciplinary action should be taken against her for not disclosing in her October 28, 2005 PDS the fact that she has been formally charged; (b) re-docket the complaint as a regular administrative matter, *i.e.*, A.M. No. MTJ-08-1717; and refer the administrative matter to the Executive Judge of the Regional Trial Court of Iloilo City (RTC) for further investigation.

During the investigation, Artuz reiterated her previous allegations that the nullification case is frivolous, malicious, and a harassment citing her complaint for disbarment against Nava which resulted in the latter's suspension from the practice of law for a period of two (2) months.⁴³ Artuz presented: (1) a Certification⁴⁴ dated January 30, 2007 issued by the DOJ, certifying that she has no pending administrative case; (2) a Certification⁴⁵ dated June 15, 2004 issued by the Ombudsman, stating that she has no pending criminal and administrative cases; and (3) the Court's Resolution⁴⁶ dated November 21, 2005, noting the dismissal of her disbarment case.

³⁶ The OCA stated February 27, 2008 in its November 3, 2015 Memorandum (see *id.* at 579).

³⁷ Dated February 6, 2008. *Id.* at 258-259.

³⁸ *Id.* at 258.

³⁹ *Id.* at 259.

⁴⁰ See Court Resolution dated February 27, 2008; *id.* at 282.

⁴¹ *Id.* at 288-289.

⁴² *Id.* at 284-287. Signed by then Deputy Court Administrator Reuben P De La Cruz and then Court Administrator (now retired Supreme Court Justice) Jose Portugal Perez. The OCA, in its November 3, 2015 Memorandum, however, stated the date as "October 3, 2007" (see *id.* at 579).

⁴³ See portions of Artuz's Answer dated February 26, 2009 (*id.* at 343-346) and Amended Answer dated January 21, 2010 (*id.* at 453-459).

⁴⁴ *Id.* at 264.

⁴⁵ *Id.* at 501.

⁴⁶ *Id.* at 502.

Jose Portugal Perez

On February 16, 2011, the Court, on Artuz's motion,⁴⁷ relieved Executive Judge (EJ) Antonio M. Natino from investigating the matter and directed First Vice EJ Danilo P. Galvez (EJ Galvez), RTC, Iloilo City to continue with the investigation.⁴⁸

In his Investigation Report⁴⁹ dated September 30, 2014, EJ Galvez submitted that Artuz missed the point of the administrative matter as she failed to explain why she omitted or falsely answered the subject questions in her October 28, 2005 PDS submitted before the JBC.⁵⁰ He noted that, while a disbarment case filed against her had been pending before the DOJ since October 23, 2003, Artuz nonetheless did not answer the PDS question requiring disclosure of any pending case or complaint filed against her. Worse, she answered "NO" when asked whether she had been charged with, convicted of, or sanctioned for violation of any law, decree, ordinance, or regulation, or otherwise found guilty of an administrative offense in the same PDS.⁵¹ In another PDS⁵² dated November 6, 2006, which she filed before the Office of the Administrative Services-OCA (OAS-OCA), Artuz likewise answered "NO" to the question "*Have you ever been formally charged?*"⁵³ EJ Galvez opined that Artuz omitted and falsely answered these questions purposely to deceive the JBC which was then deliberating on her application.⁵⁴

In a Resolution⁵⁵ dated February 23, 2015, the Court referred the September 30, 2014 Investigation Report of EJ Galvez to the OCA for evaluation, report, and recommendation.

The OCA's Evaluation and Recommendation

In the Memorandum⁵⁶ dated November 3, 2015 issued in A.M. MTJ-08-1717, the OCA recommended that Artuz be found guilty of Grave Misconduct, Dishonesty, and Falsification of Public Documents, and accordingly be dismissed from service effective immediately.⁵⁷

⁴⁷ Not attached to the records. See copy of the October 8, 2010 Order of EJ Antonio M. Natino noting the August 25, 2010 Motion for Inhibition filed by Artuz; id. at 531.

⁴⁸ Id. at 540-541.

⁴⁹ Id. at 563-572.

⁵⁰ See id. at 567-568.

⁵¹ See id. at 197.

⁵² Id. at 254-255, including dorsal portions. Erroneously referred to as the "January 12, 2006 PDS" in EJ Galvez's Investigation Report (id. at 572) and the OCA's Memorandum dated November 3, 2015 (id. at 581).

⁵³ Id. at 255, dorsal portion; italics supplied.

⁵⁴ Id. at 572.

⁵⁵ Id. at 576.

⁵⁶ Id. at 577-585.

⁵⁷ While the OCA, in its Memorandum, also recommended that Artuz be found guilty of Insubordination, the OCA's discussions do not support a finding of Insubordination. Records are likewise bereft of evidence to support this conclusion. See id. at 585.

The OCA agreed with EJ Galvez's observation that Artuz not only missed the point of the investigation, but also the opportunity to explain her side as to why she did not disclose in her two (2) PDS – submitted on October 28, 2005 and November 6, 2006 (subject PDS) – the material fact that she had been formally charged.⁵⁸ To the OCA, Artuz deliberately lied in her answers in the subject PDS to conceal the truth and make it appear that she is qualified for a judgeship position to which she was eventually appointed.⁵⁹ Had she disclosed this material fact, the JBC would have surely disqualified her from nomination for judgeship based on its rules. Her act of making an obviously false statement in her two (2) PDS is a clear indication that she does not deserve any position in the judiciary.⁶⁰ Worse, she repeatedly disregarded the Court's directives to show cause why no disciplinary action should be taken against her for not disclosing in the subject PDS the fact that she had been formally charged and that she had pending criminal, administrative, and disbarment cases.⁶¹

In this light, the OCA held that Artuz's act of making untruthful statements in her two (2) PDS amounts to dishonesty and falsification of an official document which carries the extreme penalty of dismissal from service with forfeiture of all retirement benefits, except accrued leave credits, and perpetual disqualification from reemployment in the government service.

In the interim, the OCA, in a Memorandum⁶² dated August 7, 2014 issued in A.C. No. 7253, recommended that A.C. No. 7253 (disbarment case) be consolidated with A.M. No. MTJ-08-1717 (nullification case), which the Court adopted in a Resolution⁶³ dated June 17, 2015.

The Issues Before the Court

The essential issues for the Court's resolution are whether or not Artuz is guilty of: (a) Grave Misconduct, Dishonesty, and Falsification of official document for her failure to disclose in the subject PDS the material fact that she had been formally charged; and (b) Grave Misconduct and violating the CPR and RA 6713.

⁵⁸ See *id.* at 581.

⁵⁹ *Id.* at 582.

⁶⁰ *Id.* at 583.

⁶¹ *Id.* at 584.

⁶² *Rollo* (A.C. No. 7253), pp. 30-32; signed by OCA Chief of Office, Legal Office Wilhelmina D. Geronga and Court Administrator Jose Midas P. Marquez.

⁶³ *Id.* at 34.

J. B. Geronga - Chief

The Court's Ruling

The Court agrees with the findings and recommendations of the OCA in A.M. No. MTJ-08-1717 that Judge Artuz is guilty of Grave Misconduct, Dishonesty, and Falsification of official document for her false statements in her two (2) PDS and for her willful defiance of Court directives.

Misconduct has been defined as any unlawful conduct, on the part of the person concerned with the administration of justice, prejudicial to the rights of the parties or to the right determination of the cause.⁶⁴ It implies wrongful, improper, or unlawful conduct, not a mere error of judgment, motivated by a premeditated, obstinate or intentional purpose, although it does not necessarily imply corruption or criminal intent, and must have a direct relation to and be connected with the performance of the public officer's official duties amounting either to maladministration or willful, intentional neglect, or failure to discharge the duties of the office.⁶⁵

On the other hand, dishonesty has been defined as "intentionally making a false statement on any material fact, or practicing or attempting to practice any deception or fraud in securing his examination, appointment, or registration. [It] is a serious offense which reflects a person's character and exposes the moral decay which virtually destroys his honor, virtue, and integrity. It is a malevolent act that has no place in the judiciary, as no other office in the government service exacts a greater demand for moral righteousness from an employee than a position in the judiciary."⁶⁶

Proceeding from these definitions, the Court agrees that Artuz deliberately and calculatedly lied in her answers to the subject questions in her two (2) PDS to conceal the truth and make it appear that she is qualified for the judgeship position which she now holds. Indeed, it is inconceivable for her not to have been aware of any of the pending cases against her since an administrative case filed against her had been pending before the DOJ since October 23, 2003, or long before she submitted her application with the JBC.⁶⁷ Had she disclosed this material fact in her October 28, 2005 PDS, the JBC may have disqualified her from nomination for judgeship, or disregarded her application. Because of this intentional omission, the judiciary may have lost someone truly deserving of the judgeship post. Moreover, when she filed her November 6, 2006 PDS, Artuz was already clearly aware of the pending charges against her before the Ombudsman, *i.e.*, OMB-V-C-06-0219-D, OMB-V-C-06-0220-D, and OMB-V-C-06-

⁶⁴ *Rodriguez v. Eugenio*, 550 Phil. 78, 93 (2007). See also *Ramos v. Limeta*, 650 Phil. 243, 248-249 (2010).

⁶⁵ See *Rodriguez v. Eugenio*, *id.*; and *Corpuz v. Rivera*, A.M. No. P-16-3541 (Formerly OCA IPI No. 12-3915-P), August 30, 2016.

⁶⁶ *OCA v. Bermejo*, 572 Phil. 6, 14 (2008). See also *Civil Service Commission v. Longos*, 729 Phil. 16, 19 (2014).

⁶⁷ See Investigation Report of EJ Galvez; *rollo* (A.M. No. MTJ-08-1717), p. 567.

Jesús Eugenio

0221-D, all of which appear to have been filed, at most, in the early part of 2006, and received⁶⁸ by the Ombudsman on March 24, 2006 through the March 16, 2006 Indorsement of RSP Laurea.⁶⁹ In several cases, the Court has held that a duly accomplished PDS is an official document and any false statements made in one's PDS is ultimately connected with one's employment in the government. An employee making false statement in his or her PDS becomes liable for falsification.⁷⁰

Artuz, as a member of the Bar, is presumed to be a learned individual, who knew, and is in fact expected to know, exactly what the subject questions called for, what they mean, and what repercussions will befall her should she make false declarations thereon. Obviously, she knew that she was committing an act of dishonesty, but nonetheless decided to proceed with this action, in her October 28, 2005 PDS, and even tenaciously repeated the same in her November 6, 2006 PDS submitted after she had been appointed to the judiciary.

Worse, notwithstanding the several opportunities given to her (through her May 28, 2007 and February 6, 2008 compliances and during the investigation of the nullification case), Artuz did not explain, in disregard of the Court's directive, why no disciplinary action should be taken against her for not disclosing in the subject PDS the fact that she has been formally charged and has pending cases. Instead, she attempted to wriggle her way out of her predicament by maintaining that the cases against her had been dismissed or outrightly not given due course. She even argued and insisted that these charges were motivated by ill will and were initiated for the purpose of humiliating her and putting her under public contempt and ridicule. Finally, she adamantly denied committing perjury in her PDS and insisted that she has all of the qualifications and none of the disqualifications for appointment to the judiciary.

In this regard, EJ Galvez aptly observed that Artuz indeed missed the point of the investigation.⁷¹ Whether or not the cases were already dismissed and whatever motive impelled the complainants and petitioners to file these cases against her were completely irrelevant as the questions: "*Is there any pending civil, criminal or administrative (including disbarment) case or complaint filed against you pending in any court, prosecution office, or any other office, agency or instrumentality of the government or the Integrated Bar of the Philippines?*," "*Have you ever been charged with or convicted of or otherwise imposed a sanction for the violation of any law, decree,*

⁶⁸ See *id.* at 247.

⁶⁹ See *id.* at 190-191.

⁷⁰ See *Civil Service Commission v. de Dios*, 753 Phil. 240 (2015); *Villordon v. Avila*, 692 Phil. 388 (2012); *Samson v. Caballero*, 612 Phil. 737 (2009); *Civil Service Commission v. Bumogas*, 558 Phil. 540 (2007); *Re: Spurious Certificate of Eligibility of Tessie G. Quires*, 523 Phil. 21 (2006); and *Ratti v. Mendoza-De Castro*, 478 Phil. 871 (2004) to name a few.

⁷¹ See *rollo* (A.M. No. MTJ-08-1717), pp. 571-572.

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ordinance or regulation by any court, tribunal, or any other government office, agency or instrumentality in the Philippines or in foreign country, or found guilty of an administrative [offense] or imposed any administrative sanction?” (in the October 28, 2005 PDS),⁷² and *“Have you ever been formally charged?”* (in the November 6, 2006 PDS)⁷³ simply called for information on cases filed against her at any time in the past or in the present, regardless of their current status, *i.e.*, whether decided, pending, or dismissed/denied for any reason. To note, jurisprudence⁷⁴ elucidates that a person shall be considered formally charged when:

(1) In administrative proceedings — (a) upon the filing of a complaint at the instance of the disciplining authority; or (b) upon the finding of the existence of a *prima facie* case by the disciplining authority, in case of a complaint filed by a private person.

(2) In criminal proceedings — (a) upon the finding of the existence of probable cause by the investigating prosecutor and the consequent filing of an information in court with the required prior written authority or approval of the provincial or city prosecutor or chief state prosecutor or the Ombudsman or his deputy; (b) upon the finding of the existence of probable cause by the public prosecutor or by the judge in cases not requiring a preliminary investigation nor covered by the Rule on Summary Procedure; or (c) upon the finding of cause or ground to hold the accused for trial pursuant to Section 13 of the Revised Rule on Summary Procedure.⁷⁵

Without a doubt, Artuz had been formally charged under both contexts and yet, chose to conceal the same in her PDS, for which she should be held administratively liable.

Time and again, the Court has emphasized that a judge should conduct himself or herself in a manner which merits the respect and confidence of the people at all times, for he or she is the visible representation of the law.⁷⁶ Having been a public prosecutor and now a judge, it is her duty to ensure that all the laws and rules of the land are followed to the letter. Judge Artuz’s dishonesty, and tenacity to commit the same, misled the JBC and tarnished the image of the judiciary. Her act of making false statements in her PDS is reprehensible, depraved, and unbecoming of the exalted position of a judge.

All told, Artuz committed Grave Misconduct, Dishonesty, and Falsification of official document warranting the penalty of dismissal from

⁷² Id. at 197; italics supplied.

⁷³ Id. at 255, dorsal portion; italics supplied.

⁷⁴ See *Plopinio v. Zabala-Cariño*, 630 Phil. 259 (2010).

⁷⁵ Id. at 268-269.

⁷⁶ See *Cañada v. Suerte*, 570 Phil. 25, 36 (2008).

service. Under Sections 46 (A)⁷⁷ and 52 (a),⁷⁸ Rule 10 of the Revised Rules on Administrative Cases in the Civil Service⁷⁹ (RRACCS), in relation to Section 23, Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292,⁸⁰ Dishonesty, Grave Misconduct, and Falsification of official document are grave offenses that carry the extreme penalty of dismissal from service for the first offense, with cancellation of eligibility, forfeiture of retirement benefits, and perpetual disqualification for holding public office.⁸¹

In this regard, the Court invites attention to A.M. No. 02-9-02-SC,⁸² entitled "*Re: Automatic Conversion of Some Administrative Cases Against Justices of the Court of Appeals and the Sandiganbayan; Judges of Regular and Special Courts; and Court Officials Who are Lawyers as Disciplinary Proceedings Against Them Both as Such Officials and as Members of the*

⁷⁷ Section 46 (A), Rule 10 of the RRACCS reads:

Sec. 46. *Classification of Offenses.* – Administrative offenses with corresponding penalties are classified into grave, less grave, or light, depending on their gravity or depravity and effects on the government service.

A. The following grave offenses shall be punishable by dismissal from the service:

1. Serious Dishonesty;

x x x x

3. Grave Misconduct;

x x x x

6. Falsification of official document;

x x x x

See also Rule IV, Section 52 (A) of the Uniform Rules in Administrative Cases in the Civil Service (URACCS), Resolution No. 991936 (September 27, 1999), CSC Memorandum Circular No. 19, dated September 14, 1999.

⁷⁸ Section 52 (a), Rule 10 of the RRACCS states:

Sec. 52. *Administrative Disabilities Inherent in Certain Penalties.* –

a. The penalty of dismissal shall carry with it cancellation of eligibility, forfeiture of retirement benefits, perpetual disqualification from holding public office and bar from taking civil service examinations.

See also IV, Section 58 (a) of the Uniform Rules in Administrative Cases in the Civil Service (URACCS), Resolution No. 991936, CSC Memorandum Circular No. 19, Series of 1999.

⁷⁹ Promulgated on November 8, 2011, through CSC Resolution No. 1101502.

⁸⁰ Otherwise known as the Administrative Code of 1987.

⁸¹ Section 86 of the URACCS has removed forfeiture of accrued leave credits as an accessory to the penalty of dismissal, thereby repealing Section 9, Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292, (see *Igoy v. Soriano*, 527 Phil. 322 [2006] and *Ombudsman v. Court of Appeals and Macabulos*, 576 Phil. 784 [2008]). Section 58, Rule IV of the URACCS, as reiterated in Section 52, Rule 10 of the RRACCS forfeits retirement benefits only as an accessory to the penalty of dismissal.

⁸² See *En Banc* Resolution dated September 17, 2002, which took effect on October 1, 2002. Pertinent portions of which read:

Some administrative cases against Justices of the Court of Appeals and the Sandiganbayan; judges of regular and special courts; and court officials who are lawyers are based on grounds which are likewise grounds for the disciplinary action of members of the Bar for violation of the Lawyer's Oath, the Code of Professional Responsibility, and the Canons of Professional Ethics, or for such other forms of breaches of conduct that have been traditionally recognized as grounds for the discipline of lawyers.

In any of the foregoing instances, the administrative case shall also be considered a disciplinary action against the respondent justice, judge or court official concerned as a member of the Bar. The respondent may forthwith be required to comment on the complaint and show cause why he should not also be suspended, disbarred or otherwise disciplinary sanctioned as a member of the Bar. **Judgment in both respects may be incorporated in one decision or resolution.** (Emphases supplied)

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Philippine Bar.” Under this rule, the administrative case against a judge for Grave Misconduct, Dishonesty, and Falsification – which are also grounds for the disciplinary action against members of the Bar – are automatically considered as disciplinary proceedings against him or her as a member of the Bar. This is the proper course for the Court to take as a violation of the fundamental tenets of judicial conduct, embodied in the new Code of Judicial Conduct for the Philippine Judiciary, the Code of Judicial Conduct and the Canons of Judicial Ethics, constitutes a breach of the following Canons of the CPR:

CANON 1 – A LAWYER SHALL UPHOLD THE CONSTITUTION, OBEY THE LAWS OF THE LAND AND PROMOTE RESPECT FOR LAW AND FOR LEGAL PROCESSES.

Rule 1.01 – A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

CANON 7 – A LAWYER SHALL AT ALL TIMES UPHOLD THE INTEGRITY AND DIGNITY OF THE LEGAL PROFESSION x x x.

CANON 10 – A LAWYER OWES CANDOR, FAIRNESS AND GOOD FAITH TO THE COURT.

Rule 10.01 – a lawyer shall not do any falsehood, nor consent to the doing of any in court; nor shall he mislead or allow the court to be misled by any artifice.

CANON 11 – A LAWYER SHALL OBSERVE AND MAINTAIN THE RESPECT DUE TO THE COURTS AND TO JUDICIAL OFFICERS AND SHOULD INSIST ON SIMILAR CONDUCT BY OTHERS.⁸³

Artuz’s misconduct likewise constitutes a contravention of Section 27, Rule 138 of the Rules of Court, which enjoins a judge, at the pain of disbarment or suspension, from committing acts of deceit or for willfully disobeying the orders of the Court:

Section 27. Disbarment and suspension of attorneys by Supreme Court, grounds therefor. – A member of the bar may be disbarred or suspended from his office as attorney by the Supreme Court for any deceit, malpractice, or other gross misconduct in such office, grossly immoral conduct, or by reason of his conviction of a crime involving moral turpitude, or for any violation of the oath which he is required to take before admission to practice, or for a willful disobedience of any lawful order of a superior court, or for corruptly or willfully appearing as an attorney for a party to a case without authority so to do. The practice of soliciting cases at law for the purpose of gain, either personally or through paid agents or brokers, constitutes malpractice. (Emphases supplied)

⁸³ See *Samson v. Caballero*, supra note 70, at 748.

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Membership in the bar is an integral qualification for membership in the bench; his or her moral fitness as a judge also reflects her moral fitness as a lawyer. Thus, a judge who disobeys the basic rules of judicial conduct also violates her oath as a lawyer.⁸⁴

In view of the foregoing, the Court hereby requires Artuz to show cause why she should not likewise be suspended, disbarred, or otherwise proceeded against, as a member of the Bar.

As regards A.C. No. 7253, the record does not show that Artuz had been given an opportunity to defend and answer the allegations against her for Grave Misconduct and violations of the CPR and RA 6713. The Court, therefore, finds it proper to require Artuz to file her comment before it takes action on this disbarment case.

Accordingly, the Court hereby requires Artuz, within a non-extendible period of fifteen (15) days from notice, to show cause why she should not be suspended, disbarred, or otherwise proceeded against, as a member of the Bar for her actions in A.M. No. MTJ-08-1717, and file her Comment in A.C. No. 7253.


WHEREFORE, the Court resolves the following:

In **A.M. No. MTJ-08-1717**: the Court finds Ofelia M. D. Artuz (Artuz), Presiding Judge of Municipal Trial Court in Cities, Branch 5, Iloilo City, **GUILTY** of Grave Misconduct, Dishonesty, and Falsification of official documents. Accordingly, she is **DISMISSED** from service effective immediately, with forfeiture of all retirement benefits, except accrued leave credits, and with prejudice to re-employment in any branch or agency of the government, including government-owned or controlled corporations, without prejudice to her criminal liabilities.

She is likewise **REQUIRED** to **SHOW CAUSE** within fifteen (15) days from notice why she should not be disbarred, specifically for her apparent violations of Rule 1.01, Canon 1, Canon 7, Rule 10.01, Canon 10, and Canon 11 of the Code of Professional Responsibility, as well as Section 27, Rule 138 of the Rules of Court, as discussed in this Decision.

In **A.C. No. 7253**: Artuz is **REQUIRED** to file her **COMMENT** to the Petition for Disbarment within fifteen (15) days from notice.

⁸⁴ See id.

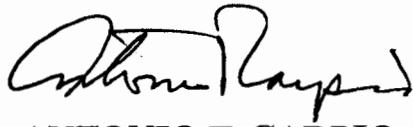


SO ORDERED.

On Leave

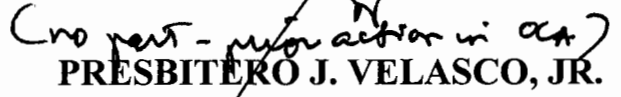
MARIA LOURDES P. A. SERENO

Chief Justice



ANTONIO T. CARPIO

Acting Chief Justice

(no part - prior action in case)


PRESBITERO J. VELASCO, JR.

Associate Justice

On Official Time

TERESITA J. LEONARDO-DE CASTRO

Associate Justice



DIOSDADO M. PERALTA

Associate Justice



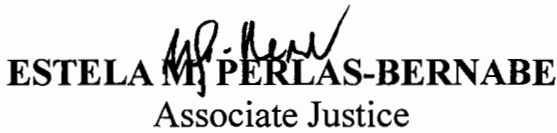
LUCAS P. BERSAMIN

Associate Justice




MARIANO C. DEL CASTILLO

Associate Justice



ESTELA M. PERLAS-BERNABE

Associate Justice



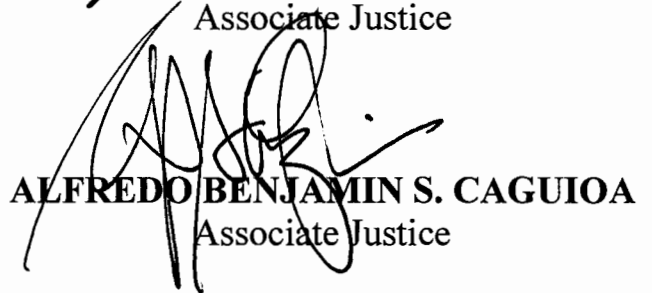
MARVIC M. LEONEN

Associate Justice



FRANCIS H. JARDELEZA

Associate Justice



ALFREDO BENJAMIN S. CAGUIOA

Associate Justice



SAMUEL R. MARTIRES

Associate Justice

On Official Leave

NOEL G. TIJAM

Associate Justice



ANDRES B. REYES, JR.

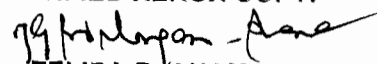
Associate Justice

On Leave

ALEXANDER G. GESMUNDO

Associate Justice

CERTIFIED XEROX COPY:



FELIPA B. ANAMA

CLERK OF COURT, EN BANC
SUPREME COURT