



SUPREME COURT OF THE PHILIPPINES  
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Republic of the Philippines  
Supreme Court  
Manila

**EN BANC**

**REPUBLIC OF THE  
PHILIPPINES,**

Complainant,

**A.M. No. RTJ-07-2063**

**(Formerly OCA IPI No. 07-2588-RTJ)**

- versus -

**JUDGE RAMON S. CAGUIOA,  
Presiding Judge of the Regional  
Trial Court of Olongapo City,  
Branch 74,**

Respondent.

X-----X

**COMMISSIONER OF CUSTOMS,  
Complainant,**

**A.M. No. RTJ-07-2064**

**(Formerly OCA IPI No. 07-2608-RTJ)**

- versus -

**JUDGE RAMON S. CAGUIOA,  
Presiding Judge of the Regional  
Trial Court of Olongapo City,  
Branch 74,**

Respondent.

X-----X

**CHARLES T. BURNS, JR.,\***  
Complainant,

**A.M. No. RTJ-07-2066**  
**(Formerly OCA IPI No. 07-2628-RTJ)**

Present:

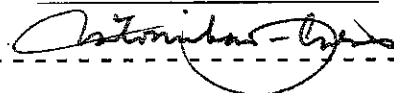
GESMUNDO, C.J.,  
LEONEN,  
CAGUIOA,\*\*  
HERNANDO,  
LAZARO-JAVIER,\*\*  
INTING,  
ZALAMEDA,  
LOPEZ, M.,  
GAERLAN,  
ROSARIO,  
LOPEZ, J.,  
DIMAAMPAO,  
MARQUEZ,  
KHO, JR., and  
SINGH, JJ.

- versus -

**JUDGE RAMON S. CAGUIOA,**  
Presiding Judge of the Regional  
Trial Court of Olongapo City,  
Branch 74, and **CHRISTOPHER T.**  
**PEREZ, Sheriff IV, Regional Trial**  
**Court of Olongapo City, Branch 74,**  
Respondents.

Promulgated:

August 23, 2022



X

X

**RESOLUTION**

**PER CURIAM:**

Before this Court is a Petition for Judicial Clemency<sup>1</sup> filed by former Judge Ramon S. Caguioa (*respondent*), praying that he be reinstated as a Regional Trial Court (*RTC*) Judge; that the whole period of his dismissal be

\* Also referred to as "Edward T. Burns, Jr." in some parts of the *rollo* (see *rollo* [A.M. No. RTJ-07-2063], p. 1122).

\*\* No part.

<sup>1</sup> *Rollo* (A.M. No. RTJ-07-2063), pp. 975-976 (in its March 16, 2021 Resolution, the Court resolved to treat the February 9, 2021 Letter-Request for judicial clemency of respondent as a petition for judicial clemency).

considered and treated as suspension without pay; and that his retirement and other relevant benefits as a Judge be fully restored.<sup>2</sup>

### *The Antecedents*

Three administrative cases were filed against respondent, docketed as A.M. Nos. RTJ-07-2063, RTJ-07-2064, and RTC-07-2066, which the Court consolidated.<sup>3</sup>

A.M. No. RTJ-07-2063 pertained to the administrative complaint<sup>4</sup> filed by the Republic of the Philippines (*Republic*), through the Office of the Solicitor General (*OSG*), alleging that respondent committed gross ignorance of the law, manifest partiality, and conduct prejudicial to the best interest of the service. The complaint stemmed from respondent's issuance of a writ of preliminary injunction, which enjoined the implementation of Section 6 of Republic Act (*R.A.*) No. 9334<sup>5</sup> that subjected the applicants in Civil Case No. 102-0-05, an action for declaratory relief entitled "*Indigo*

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<sup>2</sup> Id. at 976.

<sup>3</sup> Id. at 198.

<sup>4</sup> Id. at 5-30.

<sup>5</sup> SEC. 6. Section 131 of the National Internal Revenue Code of 1997, as amended, is hereby amended to read as follows:

"SEC. 131. Payment of Excise Taxes on Imported Articles. —

"(A) *Persons Liable.* — Excise taxes on imported articles shall be paid by the owner or importer to the Customs Officers, conformably with the regulations of the Department of Finance and before the release of such articles from the customshouse, or by the person who is found in possession of articles which are exempt from excise taxes other than those legally entitled to exemption.

"In the case of tax-free articles brought or imported into the Philippines by persons, entities, or agencies exempt from tax which are subsequently sold, transferred or exchanged in the Philippines to non-exempt persons or entities, the purchasers or recipients shall be considered the importers thereof, and shall be liable for the duty and internal revenue tax due on such importation.

"The provision of any special or general law to the contrary notwithstanding, the importation of cigars and cigarettes, distilled spirits, fermented liquors and wines into the Philippines, even if destined for tax and duty-free shops, shall be subject to all applicable taxes, duties, charges, including excise taxes due thereon. This shall apply to cigars and cigarettes, distilled spirits, fermented liquors and wines brought directly into the duly chartered or legislated freeports of the Subic Special Economic and Freeport Zone, created under Republic Act No. 7227; the Cagayan Special Economic Zone and Freeport, created under Republic Act No. 7922; and the Zamboanga City Special Economic Zone, created under Republic Act No. 7903, and such other freeports as may hereafter be established or created by law: *Provided, further,* That importations of cigars and cigarettes, distilled spirits, fermented liquors and wines made directly by a government-owned and operated duty-free shop, like the Duty-Free Philippines (DFP), shall be exempted from all applicable duties only: *Provided, still further,* That such articles directly imported by a government-owned and operated duty-free shop, like the Duty-Free Philippines, shall be labeled 'duty-free' and 'not for resale': *Provided, finally,* That the removal and transfer of tax and duty-free goods, products, machinery, equipment and other similar articles other than cigars and cigarettes, distilled spirits, fermented liquors and wines, from one freeport to another freeport, shall not be deemed an introduction into the Philippine customs territory."

*Distribution Corp., Inc. v. The Hon. Secretary of Finance,*” to the payment of sin taxes and excise taxes on tobacco and alcohol products.<sup>6</sup>

In A.M. No. RTJ-07-2064, the Commissioner of Customs charged respondent with gross ignorance of the law, manifest partiality, and conduct prejudicial to the best interest of the service. The complaint<sup>7</sup> stemmed from respondent’s issuance of a writ of preliminary injunction, which enjoined the implementation of a customs personnel order (CPO) issued by the Commissioner of Customs and approved by the Secretary of Finance. In the subject CPO, the applicant, Andres Salvacion, then the District Collector of the Port of Subic, was reassigned to the port of Cagayan de Oro and another customs officer was designated as Acting District Collector of Subic.<sup>8</sup>

Finally, in A.M. No. RTC-07-2066, complainant Charles T. Burns, Jr. (*Charles*) charged respondent with grave misconduct for the latter’s issuance of a writ of execution in favor of the adverse party in Civil Case No. 77-0-97, entitled “*Mary Agnes Burns v. Spouses Juan C. Beltran,*” for recovery of ownership and possession over several parcels of land, placing the adverse party in possession of the said properties.<sup>9</sup>

In its June 26, 2009 Decision,<sup>10</sup> the Court found respondent guilty in all the above administrative cases. The dispositive portion states:

**IN VIEW WHEREOF**, in A.M. No. RTJ-07-2066, respondent Ramon S. Caguioa, Presiding Judge of the Regional Trial Court of Olongapo City, Branch 74 is found **GUILTY** of simple misconduct, and is hereby ordered **SUSPENDED** from office without pay, for a period of **THREE MONTHS**.

In A.M. Nos. RTJ-07-2063 and RTJ-07-2064, respondent Ramon S. Caguioa, Presiding Judge of the Regional Trial Court of Olongapo City, Branch 74 is found **GUILTY** of gross ignorance of the law and conduct prejudicial to the best interest of the service, and is hereby ordered **DISMISSED FROM THE SERVICE** with forfeiture of retirement benefits, except leave credits.

<sup>6</sup> *Rollo* (A.M. No. RTJ-07-2063), pp. 6-12.

<sup>7</sup> *Rollo* (A.M. No. RTJ-07-2064), pp. 10-40.

<sup>8</sup> *Id.* at 13-19.

<sup>9</sup> *Rollo* (A.M. No. RTJ-07-2066), pp. 1-2.

<sup>10</sup> *Rollo* (A.M. No. RTJ-07-2063), pp. 887-917.

The complaint against respondent Sheriff Christopher T. Perez is **DISMISSED** for lack of merit.

This Decision is final and immediately executory.

**SO ORDERED.**<sup>11</sup>

Respondent filed a motion for reconsideration of the June 26, 2009 Decision of the Court. However, in its August 18, 2009 Resolution,<sup>12</sup> the Court denied said motion for reconsideration with finality.

In a Letter<sup>13</sup> dated July 13, 2010, respondent pleaded for judicial clemency and prayed, among others, that he be reinstated to his office. Subsequently, respondent filed an Omnibus Motion<sup>14</sup> dated October 10, 2011, to convert his letter of judicial clemency to a second motion for reconsideration.

On November 25, 2011, Charles, in A.M. No. RTJ-07-2066, filed a Comment<sup>15</sup> manifesting that he will not interpose any objection to the reinstatement of respondent. According to him, time has a way of healing wounds, and he believes that the time respondent was out of the Judiciary was enough penalty in itself. Also, he stated that he is no longer interested in the further prosecution of respondent, and submits the matter to the discretion of the Court with the plea that respondent be reinstated to the Judiciary.<sup>16</sup>

In its December 13, 2011 Resolution,<sup>17</sup> the Court denied respondent's October 10, 2011 Omnibus Motion, as well as his second motion for reconsideration, and noted the comment of Charles.

#### *Petition for Judicial Clemency*

After almost 12 years from respondent's dismissal from the judicial service, or on February 9, 2021, respondent wrote a Letter-Request for

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<sup>11</sup> Id. at 916-917.

<sup>12</sup> Id. at 880.

<sup>13</sup> Id. at 918-925.

<sup>14</sup> Id. at 926-952.

<sup>15</sup> Id. at 958-960.

<sup>16</sup> Id. at 959.

<sup>17</sup> Id. at 962-963.

Judicial Clemency<sup>18</sup> addressed to then Chief Justice Diosdado M. Peralta. The letter-request is hereto reproduced for ready reference:

**Re: Request for Judicial Clemency**

Dear Chief Justice[,]

I write to you requesting and praying that I be granted judicial clemency by the Honorable Court from my dismissal from the service as Regional Trial Court Judge of Olongapo City, Branch 74, as of June 26, 2009.

Almost eleven (11) years have gone by since my dismissal from service. I went back to the private practice of law to earn a modest living and at the same time, devoted myself to my immediate family. In truth, I believe that in my private practice, I have served my clients well with utmost honesty, good faith, and competence. I have also had my fair share of *pro bono* cases for those who could not afford. To be candid, what befell me as a Judge served as an eye opener to my human fragility and fallibility, but by the grace of God and the love and support of my family, I have endured. It is my firm belief now that I am a changed and reformed man.

Ever since the Court ended my service as Judge, I became remorseful of my past misdeeds. I came to a realization of the folly of my ways and have repented, in all humility, my error in issuing an injunctive writ premised on a perceived but misplaced reliance on two (2) Supreme Court decisions. In hindsight, I should have been much more cautious and circumspect of the possible ramifications and logical consequences of my actions. I sincerely regretted my lapse in judgment and what I had done.

Attached herein x x x are the separate testimonials of Associate Justice Carlito Calpatura of the Court of Appeals and Associate Justice Alex Quiroz of the Sandiganbayan. They have witnessed and attested to my remorse and contrition of past mistakes as well as to my reformation.

I still have 6 more productive years ahead of me before I turn 70 years old. If given the opportunity, I know in my heart that I can still be of service to the Judiciary. Please allow me to redeem myself.

Under the above premises, I respectfully request and fervently pray that my plead for judicial clemency be favorably acted upon by the Honorable Court and specifically, 1] that my status as RTC Judge be reinstated; 2] that the whole period of my dismissal be considered and treated as suspension without pay; and 3] that my retirement and other relevant benefits as Judge be fully restored.

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<sup>18</sup> Id. at 975-976.

Hoping for kind and favorable consideration and action, I remain.

Sincerely Yours,

**RAMON CARLOS S. CAGUIOA.**<sup>19</sup>

Attached to the letter-request were the respective testimonials of Associate Justice Carlito B. Calpatura (*Justice Calpatura*) of the Court of Appeals, Associate Justice Alex L. Quiroz (*Justice Quiroz*) of the Sandiganbayan, and Atty. Melencio Sta. Maria (*Atty. Sta. Maria*), Dean of the Far Eastern University – Institute of Law.<sup>20</sup> In essence, the letters attested to respondent's humility, professional competence, and his upright and ethical conduct in all the years following his dismissal from the Bench. Particularly, Justice Quiroz attested to the fact that on several occasions, respondent had represented several accused on *pro bono* cases before the Sandiganbayan.

In its March 16, 2021 Resolution,<sup>21</sup> the Court treated respondent's letter-request as a petition for judicial clemency. It was stated therein that "a perusal of the petition would reveal *prima facie* showing of the circumstances that would warrant the grant of the petition."<sup>22</sup> The petition for judicial clemency of respondent was then referred to the Presiding Judge of the Court of Appeals, and directed the latter to refer the petition to a commission, comprised of the three most senior Associate Justices of the Court of Appeals (*Commission*), for evaluation, report, and recommendation. The Court also required the member-in-charge of the Commission to "notify the complainants and the public of the proceedings prior to the reception of evidence."<sup>23</sup>

In its November 11, 2021 Resolution,<sup>24</sup> the Commission ordered the issuance of a notice to the offended parties and the publication of respondent's petition for judicial clemency, and required them to file their opposition to the said petition within 10 days from receipt or publication of said notice. To expedite the proceedings, Justice Calpatura, Justice Quiroz, and Atty. Sta. Maria were also directed to confirm the execution of their respective testimonials in support of respondent's petition for judicial clemency. Respondent was likewise directed to submit additional duly

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<sup>19</sup> Id.

<sup>20</sup> Id. at 977-980.

<sup>21</sup> Id. at 983-984.

<sup>22</sup> Id. at 983.

<sup>23</sup> Id. (see dorsal side of p. 983).

<sup>24</sup> Id. at 1010-1014.

authenticated evidence in support of his petition for judicial clemency within the same 10-day period.<sup>25</sup>

On November 17, 2021, Justice Calpatura filed his Compliance<sup>26</sup> confirming his execution of his testimonial in favor of respondent. In a Letter<sup>27</sup> dated November 26, 2021, Justice Quiroz also confirmed the execution of his testimonial in favor of respondent. The Commission, however, did not receive the compliance of Atty. Sta. Maria.<sup>28</sup>

On December 20, 2021, respondent filed his Compliance<sup>29</sup> with the requirement of publication, attaching thereto the Affidavits of Publication,<sup>30</sup> and the Newspapers<sup>31</sup> where the notice was published. The three newspapers containing the notice were all published on December 15, 2021.

According to the Commission, it did not receive any opposition to the petition for judicial clemency of respondent within the prescribed 10-day period from the publication of the notice.<sup>32</sup>

On January 10, 2022, the Republic, as represented by the OSG, filed a Comment<sup>33</sup> on the petition for judicial clemency of respondent. Mainly dissecting what happened in the consolidated administrative cases for which respondent was dismissed from service, the OSG argued that the injury and damage allegedly sustained by the State for the serious breaches committed by respondent are too substantial and should not be countenanced. It thus prayed that the petition for judicial clemency of respondent be denied.<sup>34</sup>

In his Reply,<sup>35</sup> dated January 15, 2022, respondent pointed out that the writs of preliminary injunction he issued in G.R. No. 168584,<sup>36</sup> were immediately nullified by the Court, thereby negating the claim of the OSG on the injury and damage allegedly suffered by the State. Respondent further posited that the Court never made a finding of manifest partiality, ill-will,

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<sup>25</sup> Id. at 1013-1014.

<sup>26</sup> Id. at 1015-1016.

<sup>27</sup> Id. at 1050.

<sup>28</sup> Id. at 1126.

<sup>29</sup> Id. at 1031-1032.

<sup>30</sup> Id. at 1033, 1034-A, 1035-A.

<sup>31</sup> Id. at 1034, 1035, 1036.

<sup>32</sup> Id. at 1127.

<sup>33</sup> Id. at 1082-1093.

<sup>34</sup> Id. at 1086-1087.

<sup>35</sup> Id. at 1094-1096.

<sup>36</sup> *Republic v. Caguioa*, 562 Phil. 187 (2007).



bias or corrupt intentions against him, either in G.R. No. 168584, or in the June 16, 2009 Decision of the Court in this case.<sup>37</sup>

### *Report and Recommendation*

In its February 10, 2022 Report and Recommendation,<sup>38</sup> the Commission recommended that the petition for judicial clemency of respondent be granted. It observed that respondent has shown deep remorse for his lapses in judgment, particularly, for improvidently issuing the writs of injunction. It also found that when respondent returned to private practice, he served his clients with utmost honesty, good faith, and competence, and even had his fair share of *pro bono* cases for those who could not afford to hire the services of a lawyer. The Commission declared that respondent's remorse and contrition were duly attested to by Justice Calpatura, Justice Quiroz, and Atty. Sta. Maria. It emphasized that these attestations were not merely issued to favor respondent as a friend; rather, they were issued based on their professional dealings with respondent.<sup>39</sup>

The Commission also stressed that 12 years had already passed since respondent's dismissal, which is more than sufficient lapse of time, not only to acknowledge his infractions but, more importantly, to undertake reform. It also found that the element of reconciliation was present, and respondent has made a public apology by publishing his petition for judicial clemency. Finally, the Commission underscored that respondent is only 65 years old and still has five productive years ahead of him which he can put to good use by being a productive member of the legal profession and as a legal academician. Respondent is deemed to possess the legal acumen and expertise, which he can share and contribute to the legal community, as a member of the Bench.<sup>40</sup> The dispositive portion of the report and recommendation states:

In view of the foregoing, the Commission **RECOMMENDS** that the petition for judicial clemency be **GRANTED**.<sup>41</sup>

### **The Court's Ruling**

The Court finds the petition partially meritorious.

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<sup>37</sup> *Rollo* (A.M. No. RTJ-07-2063), p. 1095.

<sup>38</sup> *Id.* at 1120-1134; issued by Associate Justice Mariflor P. Punzalan Castillo, Associate Justice Ramon M. Bato, Jr., and Associate Justice Apolinario D. Bruselas, Jr.

<sup>39</sup> *Id.* at 1132-1133.

<sup>40</sup> *Id.* at 1133-1134.

<sup>41</sup> *Id.* at 1134.

The concept of judicial clemency has been thoroughly and eloquently discussed in the case of *Re: Allegations Made Under Oath at the Senate Blue Ribbon Committee Hearing Held on September 26, 2013 Against Associate Justice Gregory S. Ong, Sandiganbayan*<sup>42</sup> (*Re: Ong*). There, the concepts of forgiveness, clemency, mercy, pardon, and judicial clemency were expounded and differentiated, to wit:

Forgiveness is a chosen response of an individual harmed by another's wrongdoing. It is often personal in nature. One needs to deserve to be forgiven. It is different from generally being excused from a penalty.

Clemency, on the other hand, when granted by this Court, is an extraordinary act based on equity. It must: (1) not transgress existing laws; (2) not override the choice of those who have been wronged; and (3) should, as much as possible, be based on established facts and accepted normative or ethical values. Most important, we should be aware of the precedents we create and the social or cultural impact of the clemencies we grant.

In contrast to forgiveness, the wrongful act involved in clemency caused not merely personal, but public injury. Thus, clemency should be preceded by an apology not only to the person wronged, but to the entire society. Apologies of any nature must be preceded by a full and unconditional acceptance of the wrong committed and the justness of the penalty imposed.

Clemency is in the nature of pardon based on mercy. Pardon and mercy translate to the commutation of the penalty, either wholly or partially. Pardon and mercy are, therefore, uniquely personal to the wrongdoer. However, the act of granting clemency should not go against a public or moral good. Clemency can only be granted when its conditions are fully, unequivocally, and unconditionally accepted by the wrongdoer.

Judicial clemency is "an act of mercy removing any disqualification," which may be granted only upon a strong proof that it is warranted. To be granted judicial clemency, a claimant must show evidence of reformation and potential.

However, clemency should not only be seen as an act of mercy. It is not only for the wrongdoer's convenience. The interests of the person wronged, as well as society in general — especially its value in precedent — should always be taken into primordial consideration.<sup>43</sup>

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<sup>42</sup> A.M. No. SB-14-21-J, January 19, 2021.

<sup>43</sup> *Id.*

To be frank, the Court has been conservative in granting petitions for judicial clemency. This stems from the concept that judicial clemency is neither a right nor a privilege that one can avail of at any time. Its grant must be delicately balanced with the preservation of public confidence in the courts.<sup>44</sup> Indeed, as a general rule, a petition for judicial clemency is not looked upon with favor. In *Junio v. Judge Rivera, Jr.*<sup>45</sup> (*Judge Rivera*), the Court held that:

To be sure, we have always been unsparing in wielding the rod of discipline against members of the Judiciary who fall short of the exacting standards decreed by the Code of Judicial Conduct. This is because a judge, upon his assumption to office, becomes the visible representation of the law and of justice. Membership in the judiciary circumscribes one's personal conduct and imposes upon him certain restrictions, whose faithful observance is the price one has to pay for holding such an exalted position. Thus, a magistrate of the law must comport himself in a manner that his conduct must be free of a whiff of impropriety, not only with respect to the performance of his official duties, but also to his behavior outside his sala and as a private individual. His conduct must be able to withstand the most searching public scrutiny, for the ethical principles and sense of propriety of a judge are essential to the preservation of the people's faith in the judicial system. We certainly do not require judges to measure up to the standards of conduct of the saints and martyrs, but we do expect them to be like Caesar's wife in all their actions. Hence, their faithful adherence to the Code of Judicial Conduct is strictly demanded. A lackadaisical attitude towards these judicial standards is impermissible.<sup>46</sup>

Nevertheless, considering that the Court has the direct control and supervision over all members of the Bench, past or present, it is inevitable that petitions for judicial clemency would be sought by those administratively disciplined by the Court. It would be unjustified if the Court completely ignores petitions for judicial clemency, most especially those which are genuine, sincere, and meritorious. To address such concern, in *Re: Letter of Judge Augustus C. Diaz, Metropolitan Trial Court of Quezon City, Branch 37, Appealing for Judicial Clemency*<sup>47</sup> (*Re: Diaz*), the Court laid down the following guidelines in resolving requests for judicial clemency:

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

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<sup>44</sup> Id.

<sup>45</sup> 509 Phil. 65 (2005).

<sup>46</sup> Id. at 67-68.

<sup>47</sup> 560 Phil. 1 (2007).

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.<sup>48</sup>

*Re: Ong* further expounded the above-stated guidelines. However, in *Department of Justice v. Judge Mislant*<sup>49</sup> (*Judge Mislant*), the Court underscored that the new parameters set by *Re: Ong* are prospective in application.

Remorse and reformation must reflect how the claimant has redeemed [his or her] moral aptitude by clearly understanding the gravity and consequences of [his or her] conduct. There is an element of reconciliation in clemencies. 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.<sup>50</sup> This Court has also considered other factors such as the petitioner's advanced age, deteriorating health, and economic difficulties.<sup>51</sup>

It must also be emphasized that while this Court is mindful of its duty to discipline its officers, concomitant to this duty is the willingness to extend mercy to those who have rectified their errors and mended their ways. However, the grant of clemency should not excuse or remove the fault of the offender's past acts, nor should it amount to a condonation. Clemency is not

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<sup>48</sup> Id. at 5-6.

<sup>49</sup> A.M. Nos. RTJ-14-2369 & RTJ-14-2372, February 15, 2022.

<sup>50</sup> *Re: Allegations Made Under Oath at the Senate Blue Ribbon Committee Hearing Held on September 26, 2013 Against Associate Justice Gregory S. Ong, Sandiganbayan*, supra note 42.

<sup>51</sup> Id.

blind acceptance or tolerance of a wrongful act. Thus, any act of clemency should not revisit a decision that has already become final. A plea for clemency is not a legal device to reconsider a judgment and reopen a case.<sup>52</sup>

Further, there are degrees of clemency. Generally, unless for extraordinary reasons, dismissal or disbarment cannot be the subject of any kind of clemency within five years. There should also be no disruption of the service. Moreover, the Court clarified which kinds of offenses are subject to various forms of clemency and the equivalent extraordinary circumstances that should be considered. This Court lifts and modifies penalties if there are intervening factors that merit mitigation. Penalties are imposed not to punish but to correct offenders. Thus, when an errant officer demonstrates their sincere repentance and remorse for the wrong they committed and the penalty imposed has already served its purpose, judicial clemency is warranted.<sup>53</sup>

Only when these guidelines are strictly adhered to, shall the Court consider whether judicial clemency is warranted. The burden of proof to establish compliance with these guidelines rests on the movant. Notably, based on the guidelines provided by in *Re: Diaz*, and further explained in *Re: Ong*, there were instances when the Court granted, either fully or partially, petitions for judicial clemency.

In *Talens-Dabon v. Judge Arceo*<sup>54</sup> (*Arceo 2012 case*), the Court granted the petition for judicial clemency of a dismissed judge. It was underscored that after therein respondent's dismissal from the service, he engaged in private practice and most of his cases involved poor litigants, neighbors and close friends, and then Judge Maria Theresa V. Mendoza-Arcega, now Associate Justice of the Sandiganbayan, issued a certificate of good moral character in his favor. It was also sufficiently shown that he was remorseful and had reformed after his dismissal from the service. While it may be conceded that respondent therein was 71 years old, had already reached retirement age, and was no longer eligible for regular employment in public service, considering his achievements and mental aptitude, it cannot be doubted that he could still be of service to the government in some other capacity. Thus, the Court lifted the ban against his disqualification from re-employment in any branch of the government, and his accrued leave credits were released. Nevertheless, it must be emphasized that in the subsequent case of *Talens-Dabon v. Judge Arceo*<sup>55</sup> (*Arceo 2020 case*), the

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<sup>52</sup> Id.

<sup>53</sup> Id.

<sup>54</sup> 699 Phil. 1 (2012).

<sup>55</sup> A.M. No. RTJ-96-1336, June 2, 2020.

Court denied the petition for payment of retirement benefits of the same judge.

In *Paredes v. Padua*<sup>56</sup> (*Padua*), respondent therein demonstrated his sincere repentance and deep remorse for the wrong he committed in a moment of fallibility. The dismissal of respondent exposed him to the attendant humiliation and tremendous suffering, and virtually stripped him of his dignity and livelihood. Further, his destitution was aggravated by the bad state of his health, considering that he was already in the twilight of his life. In the interest of justice and in consideration of the plight of respondent, the Court restored his accrued leave benefits.

In *Judge Rivera*,<sup>57</sup> the Court considered several factors in the petition for judicial clemency such as: respondent's years of service; that it was his only administrative offense; that respondent demonstrated sincere repentance; that he was dismissed from service more than 10 years ago; and that he has a regressing physical condition. The Court granted judicial clemency in favor of therein respondent. It was emphasized that extending judicial clemency is meant to give respondent the chance to redeem himself. The Court likewise allowed him to find gainful employment in government service and granted him his monetary benefits for his long service in the government.

Even when the judge concerned was not meted out the ultimate penalty of dismissal but a lesser penalty therein, the Court still granted judicial clemency in some meritorious cases.

In *Re: Petition for Judicial Clemency of Judge Irma Zita V. Masamayor*,<sup>58</sup> therein judge was found to be grossly inefficient for belatedly resolving cases pending before her sala and was meted with administrative fines, which she had already paid 10 years ago. The Court granted her subsequent petition for judicial clemency for her past administrative offenses because she had exhibited remorse for her previous misdeeds. It was also emphasized therein that petitioner had subsequently shown diligence in the performance of her duties and had not committed any similar act or omission.

Similarly, in *Omar v. Judge Barraquias*,<sup>59</sup> the judge concerned was found administratively guilty of undue delay in rendering a decision or an

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<sup>56</sup> 471 Phil. 31 (2004).

<sup>57</sup> *Supra* note 45.

<sup>58</sup> 683 Phil. 443 (2012).

<sup>59</sup> A.M. No. RTJ-17-2498, September 28, 2021.

order and was meted a fine. When a petition for judicial clemency was filed, the Court granted the same. It was emphasized in said case that the judge had sufficiently shown remorse and reformation. He accepted his shortcomings, as well as the penalty imposed upon him. He also expressed sincere repentance for his past actions. Considering that the judge was only 49 years old, he still had productive years ahead of him that can be put to good use by giving him a chance to redeem himself.

On the other hand, there are a handful of cases wherein the Court denied the petition for judicial clemency because the movants failed to comply with the guidelines provided in *Re: Diaz*, as expounded by *Re: Ong*.

In *Concerned Lawyers of Bulacan v. Judge Villalon-Pornillos*,<sup>60</sup> the Court denied the petition for judicial clemency filed by therein petitioner because her petition only demonstrated her attitude of impenitence, self-righteousness, and even vindictiveness, which unquestionably renders her undeserving of judicial clemency. Recently, the petitioner filed another petition for judicial clemency in *Concerned Lawyers of Bulacan v. Judge Villalon-Pornillos*,<sup>61</sup> but it was again denied by the Court because she still failed to exhibit remorse for her past misdeeds.

Similarly, in *Judge Misleng*,<sup>62</sup> the petitioner therein neither accepted his wrongdoing nor showed remorse for his actions. He also claimed giving free legal advice for needy individuals but the purported certification, which would attest to such fact, was generally worded and lacked any specific details. Thus, even if more than five years had lapsed since his dismissal from service, it was not shown that petitioner had reformed.

In *Mamasaw Sultan Ali v. Judge Pacalna*,<sup>63</sup> the Court denied the petition for judicial clemency of petitioner therein because apart from petitioner's own declarations, there was no independent evidence or relevant circumstances to justify clemency. Due to the lack of genuine evidence of reformation, the petition could not be given credence.

Finally, in *Re: Deceitful Conduct of Ignacio S. Del Rosario, Cash Clerk III, Fiscal Management Office-Office of the Court Administrator*,<sup>64</sup> while therein petitioner claimed that he was remorseful for his actions, there was no strong indication that he had creditably reformed himself. It was

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<sup>60</sup> 805 Phil. 688 (2017).

<sup>61</sup> A.M. No. RTJ-09-2183, March 15, 2022.

<sup>62</sup> Supra note 49.

<sup>63</sup> 722 Phil. 112 (2013).

<sup>64</sup> 833 Phil. 390 (2018).

emphasized that it was incumbent upon him to prove in sufficient terms how he had effectively reformed himself, given his past transgressions which tarnished the Court's image and reputation. Moreover, he likewise failed to present any evidence to demonstrate his promise and potential for public service. Proof of reformation and a showing of potential for public service and promise are considered indispensable requirements in the grant of judicial clemency. Due to the lack of evidence presented to show his reformation, the petition was denied.

Notably, to appropriately determine the merits of a petition for judicial clemency, the Court provided the proper procedure to be undertaken in *Re: Ong*. It was stated therein that, prospectively, allegations of those who apply for clemency must first be evaluated by this Court to find whether *prima facie* circumstances exist to grant the relief. Should there appear to be so, a commission must be created to receive the evidence, with due notice to any offended party and the public. The commission will then determine if there is substantial evidence supporting the allegations.<sup>65</sup>

Nevertheless, the Court highlighted, in *Nuñez v. Ricafort*<sup>66</sup> (*Nuñez*), that the procedure for the creation for an independent commission which shall receive evidence in *Re: Ong*, does not apply to all petitions for judicial clemency, especially to those pertaining only to members of the Bar, and not the Bench, to wit:

Finally, while reception of evidence by a fact-finding commission may be desirable as held in *Re: Ong*, it would render tedious — due to logistical reasons — the clemency procedure, at least insofar as it concerns greater the population of lawyers all over this jurisdiction. Besides, as mentioned, the substantive import of a disbarred lawyer's faults should not be equated to an erring public officer. Hence, what remains pertinent is that the practice of resolving clemency petitions filed by disbarred lawyers be grounded on facts established by some fact-finding investigation. Accordingly, rather than requiring the reception of evidence as in a full-blown trial, a petition for reinstatement, which demonstrates *prima facie* merit upon preliminary evaluation of the Court, should instead, be referred to the OBC (or any other fact-finding body the Court so designates) in order to verify the details and the authenticity of the statements in and evidence attached to the clemency petition. The said office should then submit its report on its fact-finding to the Court for its ultimate disposition on the clemency plea filed by the disbarred lawyer.<sup>67</sup> (emphases and underscoring omitted)

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<sup>65</sup> *Re: Allegations Made Under Oath at the Senate Blue Ribbon Committee Hearing Held on September 26, 2013 Against Associate Justice Gregory S. Ong, Sandiganbayan*, supra note 42.

<sup>66</sup> A.C. Nos. 5054 & 6484, March 2, 2021.

<sup>67</sup> *Id.*





Further, in *Nuñez*, the Court observed that the standard of proof regarding reinstatement in the membership of the bar and a petition for judicial clemency is “clear and convincing evidence.”<sup>68</sup> This standard of proof is less than proof beyond reasonable doubt but greater than preponderance of evidence. The degree of believability is higher than that of an ordinary civil case.<sup>69</sup>

It was underscored in *Nuñez* that granting judicial clemency lies in the sound discretion of the Court.<sup>70</sup> Accordingly, the movant has the burden to hurdle this high bar of standard of proof to be granted judicial clemency. While *Nuñez* involves a petition for judicial clemency regarding membership of the Bar, the Court observes that this high standard of proof of “clear and convincing evidence,” should be equally applicable in a petition for judicial clemency regarding membership in the Bench.

Applying the foregoing, the Court finds that the petition for judicial clemency of respondent is partly meritorious.

In its March 16, 2021 Resolution,<sup>71</sup> the Court referred the petition for judicial clemency to the Commission. After performing its necessary mandate, the Commission issued its February 10, 2022 Report and Recommendation, which contained its evaluation of the petition. The dispositive portion of the said report states that the petition for judicial clemency should be granted.<sup>72</sup>

The Court partially agrees and adopts the findings of fact of the Commission.

#### *Remorse and reformation*

The petition presents proof of remorse and reformation on the part of respondent. In his petition, respondent expressly stated being remorseful of his past misdeeds, and realized the folly of his ways and his error in issuing the injunctive writs. He emphasized that in hindsight, he should have been much more cautious and circumspect of the possible ramifications and logical consequences of his actions, and sincerely regrets the lapses in his judgment.<sup>73</sup> He also stated that after his dismissal from service, he went back to the practice of law to earn a modest living, and claimed that he served his

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<sup>68</sup> Id.

<sup>69</sup> *Riguer v. Mateo*, 811 Phil. 538, 547 (2017).

<sup>70</sup> *Supra*.

<sup>71</sup> *Rollo* (A.M. No. RTJ-07-2063), pp. 983-984.

<sup>72</sup> Id. at 1134.

<sup>73</sup> Id. at 975-976.

*Dato*

clients well with utmost honesty, good faith, and competence. He likewise had his fair share of *pro bono* cases for those who could not afford the services of a lawyer.<sup>74</sup>

Respondent's remorse and repentance are attested to by the testimonials submitted by Justice Calpatura, Justice Quiroz, and Atty. Sta. Maria. Justice Calpatura stated that after respondent was dismissed from the service in 2009, he went back to private law practice. Justice Calpatura witnessed how respondent was remorseful of his past actions and misconduct. Justice Calpatura believes that, given a chance with his remaining years, respondent could still contribute and use his God-given talents, training, and expertise for the betterment of the people, particularly in the Judiciary.<sup>75</sup>

Justice Quiroz, on the other hand, attested that since respondent's dismissal in June 2009, he came to know respondent because he appeared before the Sandiganbayan a number of times representing the accused on a *pro bono* basis. In court, as a private law practitioner, Justice Quiroz observed that respondent held himself completely and professionally in an ethical and upright manner. From their conversations, Justice Quiroz was able to conclude that respondent was remorseful of his past misdeeds, that respondent realized from his past mistakes, and that he should have been more circumspect in his judicial orders and decisions. Finally, Justice Quiroz requested the Court to give respondent the chance to redeem his name and honor.<sup>76</sup>

Atty. Sta. Maria gave his wholehearted support and endorsement for respondent to be granted judicial clemency. He states that respondent was his classmate and co-faculty at the Ateneo Law School, and that they were both practicing law before respondent was appointed to the Bench in 2001. He underscored that after respondent was dismissed from the service in 2009, he bumped into him a number of times in the courts of Metro Manila and, since that time, respondent has exhibited genuine remorse for his past misdeeds. Atty. Sta. Maria stated that respondent confided to him that he regretted the course of action he took that led to his leaving the judicial service. Finally, Atty. Sta. Maria asserted that respondent still has time to lead a productive life until he reaches the mandatory retirement age of 70 in the Judiciary.<sup>77</sup>

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<sup>74</sup> Id. at 975.

<sup>75</sup> Id. at 978.

<sup>76</sup> Id. at 979.

<sup>77</sup> Id. at 980.

During the Commission's investigation, both Justices Calpatura and Quiroz affirmed their attestation for respondent. While Atty. Sta. Maria failed to respond, the Commission did not find any reason to doubt the genuineness of his attestation considering that his testimonial was made through the official correspondence of the Far Eastern University – Institute of Law, where he is the Dean.<sup>78</sup>

The Court agrees with the finding of the Commission that there is no reason to doubt the genuineness of the attestations made by the foregoing. Likewise, there is lack of evidence that these attestations were issued to respondent simply because of existing friendships. Only Atty. Sta. Maria admitted being a classmate of respondent. On the other hand, Justices Calpatura and Quiroz stated that they interacted with respondent only in a professional capacity. Notably, Justice Quiroz stated that he only came to know respondent after the latter's dismissal from the service on June 26, 2009, after respondent's appearances before the Sandiganbayan representing the accused on a *pro bono* basis.

Justice Calpatura and Justice Quiroz are members of the appellate court. Atty. Sta. Maria is also the Dean of a reputable law school. Given their high standing in the legal community, the Court finds that their attestations were made pursuant to their duty of upholding the integrity of the Judiciary and the legal profession; and that they would not ruin or put the integrity of the Judiciary and the legal profession in jeopardy just to accommodate a friend or classmate.

In *Re: Ong*, the Court concluded that petitioner therein was remorseful in his conduct and had accepted the verdict laid down on him. The several testimonies narrating that, while he had accepted the dire consequences of his dismissal, he still participated in socio-civic activities and provided free legal service to those in need, were considered by the Court to establish his remorsefulness and proof of his reformation.

Further, sufficient time had lapsed from the imposition of the penalty to ensure a period of reformation. In *Re: Ong*, it was stated that, unless for extraordinary reasons, dismissal or disbarment cannot be the subject of any kind of clemency within five years. Nevertheless, in *Judge Mislant*,<sup>79</sup> it was emphasized that the five-year period is just reasonable estimation of the minimum period for reflection, and does not mean that proof of remorse and rehabilitation is dispensed with by the Court.

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<sup>78</sup> Id. at 1128-1129.

<sup>79</sup> Supra note 49.

In this case, the decision dismissing respondent from service was promulgated on June 26, 2009. Almost 12 years had passed upon respondent's filing of his letter-request on February 9, 2021, which the Court treated as a petition for judicial clemency. Coupled with the substantive evidence of respondent's remorsefulness and reformation, the Court believes that there has been sufficient lapse of time from the imposition of the penalty to guarantee that respondent is indeed a changed man.

*Reconciliation; public apology*

The requisite of reconciliation has been complied with. In *Re: Ong*, the Court stated that 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. On the other hand, where there is no private offended party, the plea for clemency must contain the public apology.

In this case, there were three administrative cases filed against respondent. A.M. No. RTJ-07-2063 and A.M. No. RTJ-07-2064 were instituted by the Republic and the Commissioner of Customs, both public entities. In said cases, respondent was meted the penalty of dismissal. In A.M. No. RTJ-07-2066, Charles was the private offended party, and respondent was meted out therein the penalty of suspension from service for three months. To comply with the requisite of reconciliation in clemency, respondent published his letter-request, which consisted of his petition for judicial clemency and his public apology. The three newspapers containing the same were all published on December 15, 2021.<sup>80</sup>

The Court agrees with the Commission that the requisite of reconciliation, particularly, in A.M. No. RTJ-07-2066, may be dispensed with since respondent had already served his penalty of suspension from service for three months long ago. Nevertheless, as early as November 25, 2011, Charles filed a Comment<sup>81</sup> stating, among others, that the passage of time has healed his wounds and that he is longer interested in pursuing the case against respondent.<sup>82</sup> To the Court's view, this satisfies the reconciliation requirement for judicial clemency under A.M. No. RTJ-07-2066.

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<sup>80</sup> *Rollo* (A.M. No. RTJ-07-2063), p. 1127.

<sup>81</sup> *Id.* at 958-960.

<sup>82</sup> *Id.* at 959.

With respect to A.M. No. RTJ-07-2063 and A.M. No. RTJ-07-2064, to which the OSG filed its Comment, the Court likewise finds that the requisite of reconciliation has been complied with by respondent.

As earlier observed, the Republic, in its Comment through the OSG, merely harped on the substantive findings of the Court in its Decision dated June 26, 2009. It does not refer to any acts of respondent after being dismissed from judicial service. More specifically, the Republic's Comment failed to pinpoint any act or omission of respondent that would demonstrate his lack of remorse for the wrongdoings he committed after he was dismissed from service. It could not dispute the testimonials of the esteemed members of the legal community that respondent has admitted his mistakes and had undertaken remedial measures to assure his reformation. Indeed, *Re: Ong*, instructs that the grant of clemency should not excuse or remove the fault of the offender's past acts, nor should it amount to a condonation. Clemency is not blind acceptance or tolerance of a wrongful act. *Re: Ong* also emphasized, at the same time, that any act of clemency should not revisit a decision that has already become final. A plea for clemency, after all, is not a legal device to reconsider a judgment and reopen a case.<sup>83</sup>

To be sure, the June 26, 2009 Decision of the Court has long become final and executory. This present petition for judicial clemency shall not alter the findings of the Court therein, but instead, focus on the actions of respondent after his dismissal from judicial service – whether he had shown sufficient remorse and reformation, and whether he has satisfactorily complied with the requirement of reconciliation.

Thus, for the Republic, through the OSG, to say that respondent's offenses are “too substantial and severe which cannot and should not be countenanced” is tantamount to saying that his offenses were too grave to be forgiven. This clearly runs counter to, if not altogether defeats, the spirit of a plea for judicial clemency.

Accordingly, the Court finds that the opposition of the Republic, through the OSG, to the petition for judicial clemency of respondent lacks merit. The public apology published by respondent in several newspapers is sufficient to satisfy the requirement of reconciliation – that he truly admitted his wrongdoing.

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<sup>83</sup> *Re: Allegations Made Under Oath at the Senate Blue Ribbon Committee Hearing Held on September 26, 2013 Against Associate Justice Gregory S. Ong, Sandiganbayan*, supra note 42.

*Productive years; potential  
for service*

The Court finds that respondent still has productive years ahead of him which can be put to good use by giving him a chance to redeem himself. According to the Commission, respondent is 65 years old and thus, has five more remaining years in judicial service. As properly held by the Commission, there is sufficient time for respondent to be a productive member of the legal profession.<sup>84</sup>

Further, the Court observes that respondent still shows promise and potential for public service. It is undeniable that before becoming a member of the Bench, respondent was already a private practitioner and a faculty member of the Ateneo Law School. As observed by Justice Quiroz, after respondent was dismissed from judicial service, he represented clients in court as private practitioner and had held himself completely and professionally in an ethical and upright manner. The Commission correctly ruled that respondent possesses legal acumen and expertise which he can share and contribute to the legal community, particularly, for the advancement of the legal profession.<sup>85</sup>

Stemming from his deep and genuine remorse, the Court finds that respondent will not only seek to redeem himself, but also exert to do better in serving the public.

*Partial grant of the petition  
for judicial clemency*

Nevertheless, even if the Court finds that there is clear and convincing evidence that the movant in a petition for judicial clemency is remorseful, reformed, and has reconciled with the victims or the public, it does not *ipso facto* result to the absolute and complete grant of the reliefs sought. To repeat, the grant of judicial clemency must be delicately balanced with the preservation of public confidence in the courts.<sup>86</sup> In considering the outcome of the petition for judicial clemency, the Court must also sensitively weigh its implication to the other members of the Bench, the Bar, and the general public. Due to the painstaking scrutiny undertaken by the Court, the reliefs prayed for in petitions for judicial clemency may not be granted in full.

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<sup>84</sup> Rollo (A.M. No. RTJ-07-2063), p. 1134.

<sup>85</sup> Id.

<sup>86</sup> Re: *Allegations Made Under Oath at the Senate Blue Ribbon Committee Hearing Held on September 26, 2013 Against Associate Justice Gregory S. Ong, Sandiganbayan*, supra note 42.

Evidently, in evaluating this petition, the Court cannot disregard the lasting impression left by respondent's past misconducts. His act of granting the injunctive writs demonstrated his gross ignorance of the law. As stated by the Court in its June 26, 2009 Decision, "the requisites for the issuance of a writ of preliminary injunction are basic and elementary, and should have been known by respondent judge."<sup>87</sup>

In *Re: Ong*, the Court partly granted the plea for judicial clemency due to the gravity and consequences of his past conduct. In resolving the same, the Court forfeited two-thirds of the respondent's lump sum retirement benefit as penalty.<sup>88</sup> As stated therein, humanity calls us to show benevolence and compassion to those deserving, but this Court has a greater duty toward justice and fairness.<sup>89</sup>

In the *Arceo 2020 case*,<sup>90</sup> the Court did not grant the release of the judge's retirement benefits because releasing said forfeited benefits would be too much leniency considering the severity of the infraction committed. Instead, in the earlier *Arceo 2012 case*,<sup>91</sup> the clemency given by the Court extended only to the lifting of the judge's disqualification from re-employment in any branch of the government and the release of his accrued leave credits.

In *Atty. Meris v. Judge Ofilada*,<sup>92</sup> the Court granted the heirs of the dismissed judge 25% of his retirement benefits as a sign of compassion. On the other hand, in *Padua*,<sup>93</sup> respondent therein demonstrated his sincere repentance and deep remorse for the wrong he committed in a moment of fallibility. However, despite the finding that respondent was remorseful, the Court only restored his accrued leave benefits.

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<sup>87</sup> *Rollo* (A.M. No. RTJ-07-2063), p. 911.

<sup>88</sup> The dispositive portion in *Re: Ong* states:

**WHEREFORE**, the Plea for Judicial Clemency is **PARTLY GRANTED**. As a measure of mercy, this Court grants his retirement benefits. However, he forfeits two-thirds of his lump sum benefit as penalty. Considering the lapse of more than five years and subject to the usual clearances, Gregory Ong is now entitled to his full pension. His disqualification from reemployment in any branch, agency, or instrumentality of the government, including government-owned or controlled corporations is **LIFTED**.

**SO ORDERED.**

<sup>89</sup> *Id.*

<sup>90</sup> *Supra* note 55.

<sup>91</sup> *Supra* note 54.

<sup>92</sup> 419 Phil. 603 (2001).

<sup>93</sup> *Supra* note 56.

In this case, respondent prayed for three reliefs in his petition for judicial clemency:

1. That he be reinstated as RTC Judge;
2. That the whole period of his dismissal be considered and treated as suspension without pay; and
3. That his retirement and other relevant benefits as a Judge be fully restored.<sup>94</sup>

The Court finds that it shall only partly grant the reliefs prayed for in the petition for judicial clemency of respondent.

The Court denies respondent's first prayer that he be reinstated to his former position as Presiding Judge of the Regional Trial Court of Olongapo City, Branch 74. This position is no longer vacant and has already been filled-up by another member of the Bench. Thus, it would inequitable to restore respondent to his former position.

The Court also denies respondent's second prayer that the whole period of his dismissal be considered and treated as a suspension without pay. Cognizant of the gravity of his offenses and the attendant duty of the Court to weigh the same with the preservation of the public's confidence in the Judiciary, the Court deems it fit to exercise its sound discretion not to downgrade the original penalty imposed.

Finally, the Court partially grants respondent's third prayer, particularly, that his disqualification for reappointment to any public office is lifted. In the June 26, 2009 Decision, the Court ordered respondent's dismissal from service with forfeiture of retirement benefits, except leave credits.<sup>95</sup> This penalty of dismissal carries with it the accessory penalty of disqualification from reinstatement or appointment to any public office, including government-owned or -controlled corporations.<sup>96</sup> Thus, by virtue

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<sup>94</sup> *Rollo* (A.M. No. RTJ-07-2063), p. 976.

<sup>95</sup> *Id.* at 916.

<sup>96</sup> See Rule 140, Section 17 of the Rules of Court, as amended by A.M. No. 21-08-09-SC, February 22, 2022, to wit:

SECTION 17. Sanctions. –

(1) If the respondent is guilty of a serious charge, any of the following sanctions shall be imposed:

- (a) Dismissal from service, forfeiture of all or part of the benefits as the Supreme Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or -controlled corporations. *Provided, however,* that the forfeiture of benefits shall in no case include accrued leave credits[.]



of his removal from office, respondent was deemed disqualified from engaging in any employment in the government.

The Court finds that the lifting of his disqualification from reemployment in any branch, agency, or instrumentality of the government, including government-owned or controlled corporations is in order because respondent proved that he was remorseful, reformed, and had made reconciliation through his public apology. Further, considering respondent's mental aptitude and acquired skills, it cannot be doubted that he could still be of service to the government in some other capacity.<sup>97</sup> To reiterate, respondent still shows a promise and potential for public service and he possesses legal expertise that may contribute to the advancement of the legal profession, and society in general.<sup>98</sup> This will be his opportunity to redeem himself in public service.

However, the Court cannot restore the forfeited retirement benefits of respondent. For one, respondent has not yet reached the mandatory age of retirement for the Judiciary.<sup>99</sup> In previous cases involving judicial clemency, the release of retirement benefit was undertaken as the movants therein were

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<sup>97</sup> See *Talens-Dabon v. Arceo* (2012 case), supra note 54 at 6.

<sup>98</sup> See *Rollo* (A.M. No. RTJ-07-2063), p. 1124.

<sup>99</sup> See Section 1 of R.A. No. 910, as amended by R.A. 9946, which states that the mandatory age of retirement is 70 years old, viz.:

SECTION 1. When a Justice of the Supreme Court, the Court of Appeals, the Sandiganbayan, or of the Court of Tax Appeals, or a Judge of the regional trial court, metropolitan trial court, municipal trial court, municipal circuit trial court, shari'a district court, shari'a circuit court, or any other court hereafter established who has rendered at least fifteen (15) years service in the Judiciary or in any other branch of the Government, or in both, (a) retires for having attained the age of seventy years, or (b) resigns by reason of his/her incapacity to discharge the duties of his/her office as certified by the Supreme Court, he/she shall receive during the residue of his/her natural life, in the manner hereinafter provided, the salary which plus the highest monthly aggregate of transportation, representation and other allowances such as personal economic relief allowance (PERA) and additional compensation allowance which he/she was receiving at the time of his/her retirement, or resignation, and non-wage benefit in the form of education scholarship to one (1) child of all Justices and Judges to free tuition fee in a state university or college: *Provided*, That such grant will cover only one (1) bachelor's degree. When a Justice of the Supreme Court, the Court of Appeals, the Sandiganbayan or of the Court of Tax Appeals, or a Judge of the regional trial court, metropolitan trial court, municipal trial court, municipal circuit trial court, shari'a district court, shari'a circuit court, or any other court hereafter established has attained the age of sixty (60) years and has rendered at least fifteen (15) years service in the Government, the last three (3) of which shall have been continuously rendered in the Judiciary, he/she shall likewise be entitled to retire and receive during the residue of his/her natural life also in the manner hereinafter provided, the salary plus the highest monthly aggregate of transportation, representation and other allowances such as personal economic relief allowance (PERA) and additional compensation allowance which he/she was then receiving and the non-wage benefit in the form of education scholarship to one (1) child of all Justices and Judges to free tuition fee in a state university or college[.]

already at the age of retirement.<sup>100</sup> Likewise, respondent's petition is utterly lacking of any allegation of any exigent circumstances, such as whether respondent is undergoing any economic difficulties, that may necessitate the Court's act of mercy in the granting him financial aid in the form of releasing his retirement benefits in whole or in part. Accordingly, the Court does not presently find sufficient justification to restore respondent's forfeited retirement benefits.

On a final note, it must be emphasized that the Court is not belittling the damage done by a few erring members of the Bench. These transgressions not only create tangible harm to certain parties, but also tarnish the image of the Court to the public. The public's continuous trust in the Judiciary is essential to its existence.<sup>101</sup> Nevertheless, concomitant to the right to preserve the high standard of judicial integrity, comes the equal duty to demonstrate compassion and mercy to those who are truly deserving and repentant. The Court acknowledges that judicial power is not merely the authority to impose hardship and punishment to wrongdoers and the malefactors, but is also the wisdom to discern who are genuinely yearning, even in administrative cases, for a new lease on life.

**WHEREFORE**, the Petition for Judicial Clemency is **PARTIALLY GRANTED**. Respondent Ramon S. Caguioa's disqualification from reemployment in any branch, agency, or instrumentality of the government, including government-owned or controlled corporations is **LIFTED**.

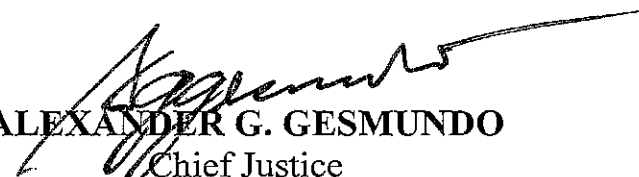
Respondent's prayers that he be reinstated as a Regional Trial Court Judge, that the whole period of his dismissal be considered and treated as suspension without pay, and that his retirement benefits as a Judge be fully restored are **DENIED**.

**SO ORDERED.**

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<sup>100</sup> See *Re: Allegations Made Under Oath at the Senate Blue Ribbon Committee Hearing Held on September 26, 2013 Against Associate Justice Gregory S. Ong, Sandiganbayan*, supra note 42; *Junio v. Rivera, Jr.*, supra note 45; *Meris v. Ofilada*, supra note 92.

<sup>101</sup> *Office of the Court Administrator v. Buzon*, A.M. No. P-18-3850, November 17, 2020.

  
**ALEXANDER G. GESMUNDO**  
Chief Justice

  
**MARVIC M.V.F. LEONEN**  
Senior Associate Justice

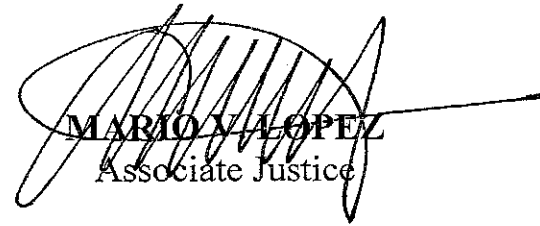
(No Part)  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice


  
**RAMON PAUL L. HERNANDO**  
Associate Justice


(No Part)  
**AMY C. LAZARO-JAVIER**  
Associate Justice

  
**HENRI JEAN PAUL B. INTING**  
Associate Justice

  
**RODIL V. ZALAMEDA**  
Associate Justice

  
**MARIO V. LOPEZ**  
Associate Justice

  
**SAMUEL H. GAERLAN**  
Associate Justice

  
**RICARDO R. ROSARIO**  
Associate Justice

  
**JHOSEP Y. LOPEZ**  
Associate Justice

  
**JAPAR B. DIMAAMPAO**  
Associate Justice

  
**JOSE MIDAS P. MARQUEZ**  
Associate Justice

  
**ANTONIO T. KHO, JR.**  
Associate Justice

  
**MARIA FILOMENA D. SINGH**  
Associate Justice