

SUPREME COURT OF THE PHILIPPINES
RECEIVED
JUN 19 2020
BY: P. SANTIAGO
TIME: 1:14



Republic of the Philippines
Supreme Court
Manila

EN BANC

SUSAN R. ELGAR,

Complainant,

A.M. No. MTJ-16-1880
[formerly OCA IPI No. 13-
2565-MTJ]

Present:

PERALTA, C.J.,
PERLAS-BERNABE,
LEONEN,
CAGUIOA,
REYES, A., JR.,
GESMUNDO,
REYES, J., JR.,
HERNANDO,*
CARANDANG,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ,
DELOS SANTOS, and
GAERLAN, JJ.

- versus -

JUDGE SOLIMAN M. SANTOS, JR.,
MUNICIPAL CIRCUIT TRIAL COURT,
NABUA-BATO, CAMARINES SUR.,

Respondent.

Promulgated:
February 4, 2020

X-----X

DECISION

INTING, J.:

This administrative matter stemmed from the Complaint-Affidavit¹ filed by Susan R. Elgar (complainant) against Judge Soliman M. Santos, Jr. (Judge Santos), in his capacity as the Presiding Judge of

* On official leave.

¹ Rollo, pp. 1-11.

Municipal Circuit Trial Court (MCTC), Nabua-Bato, Camarines Sur. Complainant charged him with gross ignorance of the law and violations of the Code of Judicial Conduct and Canons of Judicial Ethics relative to Special Proceedings No. 1870, entitled “In Re: Petition for the Allowance of the Deed of Donation *Mortis Causa* by the Late Wenceslao Elgar.”²

The Antecedents

Complainant's Version

In her verified Complaint-Affidavit³ filed on January 17, 2013, complainant alleged that her deceased husband, Wenceslao F. Elgar, executed on August 18, 1999 a Deed of Donation *Mortis Causa* giving her two parcels of agricultural land located in San Jose, Nabua, Camarines Sur.⁴

Thus, on January 7, 2010, she filed a petition for the allowance of the Deed of Donation *Mortis Causa* before the MCTC, Nabua-Bato, Camarines Sur docketed as Special Proceedings No. 1870.⁵

Then Acting Presiding Judge Bernhard B. Beltran declared the petition to be sufficient in form and in substance, and assumed jurisdiction over the petition, which was a case for probate. However, before the date of the initial hearing, Judge Santos assumed his post as the regular presiding judge of the MCTC.⁶

On August 19, 2010, Wenceslao V. Elgar, Jr. (oppositor), the deceased's son by his first marriage, appeared and opposed the petition. Thus, Judge Santos issued an Order⁷ of even date resetting the proceedings to October 28, 2010 for preliminary conference, and directing the parties to submit position papers; and to propose specific terms and conditions for possible amicable settlement.⁸

² *Id.* at 307.

³ *Id.* at 2-11.

⁴ *Id.* at 2, 307.

⁵ *Id.*

⁶ *Id.* at 2, 307-308.

⁷ *Id.* at 21.

⁸ *Id.* at 2-3, 308.

Complainant alleged that she came to realize that Judge Santos had an ardent advocacy to amicably settle and terminate cases considering the notices/writings posted on the walls, both inside and outside of the courtroom, and even in the staff room, all promoting amicable settlement. Furthermore, Judge Santos issued papers to lawyers and litigants advocating amicable settlement.⁹

Complainant also alleged that Judge Santos continuously besieged her counsel with text messages urging the latter to work out a settlement with oppositor. At times, Judge Santos asked her and her counsel if they could meet him for a conference in the morning on the day of the hearing itself.¹⁰

On October 15, 2010, Judge Santos issued an Order¹¹ advising the oppositor to bring before the court his siblings, who were all residents of the United States of America (USA) and outside the court's jurisdiction—so that all the rightful heirs may have their respective shares in the estate. Judge Santos again urged the parties to amicably settle the case.

After complainant submitted her Pre-Trial Brief, Judge Santos issued an Order¹² dated October 28, 2010 resetting the preliminary conference to January 18, 2011 because he wanted the parties to amicably settle the case and all the heirs to have their respective shares.¹³ Judge Santos opined that the proceedings should not be confined to the determination of the validity of the Deed of Donation *Mortis Causa* since this could result in a bloody and prolonged litigation. He also instructed the parties' counsel to comply with the court's "Prescribed Pre-Trial Brief Contents and Outline."¹⁴

Subsequently, Judge Santos issued various Orders¹⁵ directing the oppositor to submit his pre-trial brief telling the parties to amicably settle, and calling the attention of the parties to submit their compliances.¹⁶

⁹ *Id.* at 3, 308.

¹⁰ *Id.*

¹¹ *Id.* at 33.

¹² *Id.* at 37-38.

¹³ *Id.* at 3, 308-309.

¹⁴ *Id.* at 3-4, 309.

¹⁵ *Id.* at 63 and 64.

¹⁶ *Id.* at 4, 310.

On January 18, 2011, the preliminary conference did not push through due to the absence of the oppositor's counsel. However, Judge Santos talked to complainant and her counsel inside his chambers. He proposed several options for a settlement when in fact none had been offered by the parties. Thus, on even date, Judge Santos issued an Order¹⁷ resetting the preliminary conference and/or pre-trial.¹⁸ He stated therein that the trial court took the opportunity on two separate occasions to discuss to the parties that he was trying to explore the possibility of an amicable settlement between them, ideally including the other heirs concerned.¹⁹

On February 23, 2011, Judge Santos directed the parties to submit information and documents clarifying the status of the seven parcels of land which were earlier adverted to by complainant in her previous submissions to the court, apparently in preparation for an amicable settlement. Complainant averred that Judge Santos overstepped his authority since the petition did not include the seven parcels of land and the combined assessed values of the properties were already outside the jurisdiction of the MCTC.²⁰

On March 9, 2011, Judge Santos again reset the preliminary conference to May 17, 2011.²¹ Judge Santos then directed the parties and their counsel to confer with him inside his chambers. During the meeting, the oppositor made a general proposal for the swapping of properties which complainant did not accept.²²

Thus, complainant was surprised when Judge Santos issued an Order²³ dated April 26, 2011 identifying the properties for swapping and prescribing the requirements for the written agreement as if the parties already agreed.²⁴

Complainant further alleged that the preliminary conference scheduled on May 17, 2011 did not materialize due to the absence of

¹⁷ *Id.* at 65-66.

¹⁸ *Id.* at 4, 310.

¹⁹ *Id.* at 311.

²⁰ *Id.* at 5, 311.

²¹ *Id.* at 75.

²² *Id.* at 5, 311.

²³ *Id.* at 76.

²⁴ *Id.* at 5, 311.

oppositor and his counsel. The preliminary conference scheduled on June 29, 2011 was also postponed on account of the filing of a motion for postponement by complainant's counsel. It was then reset to August 4, 2011.²⁵

Subsequently, the oppositor filed a Motion for Recusal²⁶ followed by a Manifestation²⁷ accusing Judge Santos of impropriety when on August 4, 2011, they accidentally met in Naga City and Judge Santos insisted that the case be settled. However, in his Resolution²⁸ dated August 15, 2011, Judge Santos did not recuse himself.²⁹

Thus, on November 8, 2011, the preliminary conference proceeded and Judge Santos again discussed an amicable settlement of the case. Complainant informed Judge Santos that her counsel was not available and insisted that she should not participate. She also made it clear that she would not sign anything and that she was not amenable to any proposal. At this point, Judge Santos banged his arm on the table. Judge Santos only stopped badgering complainant when she started to cry. The preliminary conference was then moved to December 14, 2011.³⁰

After several more resettings, there was still no agreement on Judge Santos' proposal to swap properties. Hence, the final mediation conference was scheduled on March 21, 2012.³¹ At the hearing, the oppositor manifested that he was not amenable to any settlement. The counsel agreed not to have any pre-trial since the petition was a special proceedings case.³²

Thus, after almost two years, the preliminary conference, which started on October 28, 2010 was finally terminated when in his Order³³ dated June 21, 2012, Judge Santos set the presentation of evidence for the petitioner on August 28, September 11 and 25, October 16, and November 6, 2012.³⁴

²⁵ *Id.* at 5-6, 311.

²⁶ *Id.* at 77-79.

²⁷ *Id.* at 80-81.

²⁸ *Id.* at 82-84.

²⁹ *Id.* at 84.

³⁰ *Id.* at 6, 312.

³¹ *Id.*

³² *Id.* at 7, 312.

³³ *Id.* at 88.

³⁴ *Id.* at 7, 312.

However, on August 7, 2012, Judge Santos issued an Order³⁵ reversing his Order dated June 21, 2012, and mandating the parties to undergo pre-trial hearing.³⁶ He enumerated and listed the matters for stipulations and admission, documents to be submitted, and issues to be taken up by the parties during the pre-trial hearing.³⁷

On August 28, 2012, Judge Santos insisted that the pre-trial hearing be conducted first. He said that he already prepared what should be taken up during the hearing as stated in his Order dated August 7, 2012 and the parties may choose what is acceptable to them and to reject those which are not. Complainant's counsel opposed and argued that the pre-trial should not be dictated by what is embodied in the Order dated August 7, 2012. To this, Judge Santos disagreed and claimed that he was being proactive. Further, while complainant's counsel told Judge Santos that oppositor should first file a pre-trial brief, Judge Santos countered that it was no longer necessary. He explained that the oppositor had the option to file his pre-trial brief, and the expected contents of the oppositor's pre-trial brief could be inferred from the pleadings previously filed.

Subsequently, complainant filed a motion for inhibition, but it was denied by Judge Santos. He reasoned that since he denied the oppositor's motion for recusal, he should likewise deny complainant's motion for inhibition.³⁸

Feeling hopeless with her case, complainant decided to move for the withdrawal of her petition.³⁹ Subsequently, on December 11, 2012, Judge Santos issued an Order⁴⁰ granting complainant's motion withdrawing the petition. However, eight days after withdrawing the petition, Judge Santos issued an Extended Order⁴¹ dated December 19, 2012 castigating complainant's counsel and casting aspersions against her character.⁴² Complainant averred that there was no reason for the issuance of the Extended Order as there was no pending incident.

³⁵ *Id.* at 89-94.

³⁶ *Id.* at 89.

³⁷ *Id.* at 90-93.

³⁸ *Id.* at 7-8, 313.

³⁹ *Id.* at 9.

⁴⁰ *Id.* at 173.

⁴¹ *Id.* at 174-179.

⁴² *Id.* at 9, 313.

Complainant averred that the series of acts done by Judge Santos in pressuring her to agree to an amicable settlement against her will, and willfully disobeying and ignoring both substantial and remedial law in the guise of equity, reflected badly on the judiciary.⁴³

Respondent's Version

In his Comment⁴⁴ dated March 1, 2013, Judge Santos argued that he was not ignorant of the rules and that his persistence to arrive at an amicable settlement was directed at both parties. He explained that his act of applying some pressure was normal in any amicable settlement as long as it was not undue or improper. In fact, under Administrative Matter (A.M.) No. 03-1-09-SC,⁴⁵ “[t]he court shall endeavor to make the parties agree to an equitable compromise or settlement at any stage of the proceedings before rendition of judgment.”⁴⁶

Judge Santos justified his alleged actions which complainant described as constituting gross ignorance of the law: (1) directing the oppositor to bring before the court his co-heirs who were residing at the USA; (2) not limiting his actions to determining the validity of the Deed of Donation *Mortis Causa*; and (3) requiring information and documents to clarify the status of the seven parcels of land under the name of the decedent which were not subject of the petition.⁴⁷ He explained that he committed these acts because the oppositor claimed that complainant’s action was not a simple case for allowance of the Deed of Donation *Mortis Causa*, but was a case that concerned all of the compulsory heirs of the decedent and their rightful share in the estate.⁴⁸ Furthermore, one of the two lots donated by the decedent to complainant, whom oppositor admitted was a compulsory heir, was already in the name of oppositor.⁴⁹

Judge Santos admitted that he constantly texted complainant’s counsel. However, he argued that there was nothing unethical in his actions as he was merely trying to bring the parties to a fair and just amicable settlement.⁵⁰

⁴³ *Id.* at 9, 313.

⁴⁴ *Id.* at 181-207.

⁴⁵ Rules on Guidelines to be Observed by Trial Court Judges and Clerks of Court in the Conduct of Pre-Trial and Use of Deposition-Discovery Measures (effective August 16, 2004).

⁴⁶ *Rollo*, p. 192.

⁴⁷ *Id.* at 194.

⁴⁸ *Id.* at 195.

⁴⁹ *Id.*

⁵⁰ *Id.* at 197.

As to the allegations of conducting *ex parte* meetings or conferences before the scheduled hearings, Judge Santos alleged that the meetings were done sometimes with one or the other party separately and sometimes with both parties present. He argued that these were proper and ethical since his acts were mediation techniques sanctioned under A.M. No. 03-1-09-SC.⁵¹

Judge Santos, likewise, defended his Order⁵² dated April 26, 2011. He alleged that contrary to complainant's allegation, oppositor made an oral proposal for the swap of at least the Sta. Elena Baras property with the two lots which were donated by the decedent to the complainant. It was understood that the proposal for swapping which may include another lot would be formalized in writing so that complainant could intelligently respond thereto. Thus, in his Order dated April 26, 2011, Judge Santos reminded the parties about the draft of the proposal in the form of an extrajudicial settlement of estate. Notably, complainant's silence for a considerable time on this matter amounted to acquiescence or estoppel.⁵³

Judge Santos also admitted to accidentally meeting the oppositor in Naga City. He claimed that he seized the rare opportunity to personally convey his consistent message that the parties enter into an amicable settlement.⁵⁴

Judge Santos further averred that he did not compel, but merely encouraged complainant to participate during the November 8, 2011 preliminary conference in the absence of her counsel. Further, records showed that complainant did not join the conference as she refused to do so. Judge Santos also denied banging his arm on the table and badgering the complainant.⁵⁵

As to the delay in terminating the preliminary conference, Judge Santos argued that the delay should not be attributed to him as he must be given a certain amount of discretion and wisdom in determining whether a settlement between the parties is still possible. Judge Santos blamed the delay on the insincerity of some of the parties and their

⁵¹ *Id.* at 197.

⁵² *Id.* at 76.

⁵³ *Id.* at 199-200.

⁵⁴ *Id.* at 200.

⁵⁵ *Id.* at 199-200.

counsel in their professed willingness to enter into an amicable settlement.⁵⁶ He even proactively drafted an agreement reflecting the proposal of the parties, but in the end the parties failed to arrive at an agreement during the final mediation conference held on June 21, 2012.⁵⁷ Further, there were unusual postponements or resetting by one or both counsel due to various non-appearances, non-submissions and unreadiness of both parties, and changes in the handling counsels.⁵⁸

As to his Decision to conduct a pre-trial, Judge Santos argued that such was already explained in his Order⁵⁹ dated August 7, 2012. He explained therein that such was in accordance with the Rules of Court since under Section 2, Rule 18, which governs ordinary actions, pre-trial is mandatory. On the other hand, Section 2, Rule 72 of the Rules of Court provides that “[i]n the absence of special provisions, the rules provided for the ordinary actions shall be, as far as practicable, applicable in special proceedings.” Further, since complainant submitted her pre-trial brief, she was estopped from questioning the holding of a pre-trial.⁶⁰

Judge Santos also averred that complainant failed to mention that after the pre-trial hearing, he issued a Pre-Trial Order dated August 28, 2012 which complainant did not assail.⁶¹ Instead, complainant filed a motion for inhibition against him.⁶²

As to his denial of the motion for inhibition, Judge Santos referred to the Resolutions he issued in Special Proceedings No. 1870 wherein he denied the Motion to Recuse filed by the oppositor and the Motion for Inhibition filed by complainant.⁶³ Essentially, Judge Santos discussed in his various Resolutions that he remained impartial to the parties,⁶⁴ and that complainant did not present any extrinsic evidence to establish bias, bad faith, malice or corrupt purpose.⁶⁵

⁵⁶ *Id.* at 201.

⁵⁷ *Id.* at 202.

⁵⁸ *Id.* at 201.

⁵⁹ *Id.* at 89-94.

⁶⁰ *Id.* at 204.

⁶¹ *Id.* at 203.

⁶² *Id.*

⁶³ *Id.* at 205.

⁶⁴ *Id.* at 84.

⁶⁵ *Id.* at 169.

Lastly, Judge Santos explained that in the Extended Order, he discussed that there was pride on the part of complainant's counsel who could not take the denial of her motion for inhibition. Thus, she conducted herself in a way that may have caused prejudice to or undermined her client's cause. Judge Santos also gave an advice to complainant's counsel to review and reflect on the "pride and prejudice" aspects of her conduct and handling of complainant's case as it may have implications on her law practice.⁶⁶

The parties then filed their respective Reply⁶⁷ and Rejoinder.⁶⁸

*The Report and Recommendation of the
Office of the Court Administrator (OCA)*

In its Report⁶⁹ dated September 17, 2015, the OCA found Judge Santos guilty of gross ignorance of the law and violation of the New Code of Judicial Conduct for the Philippine Judiciary amounting to simple misconduct.⁷⁰

At the outset, the OCA did not find Judge Santos liable for the following acts: (1) allowing the oppositor to bring to the court his co-heirs, who are all residents of the USA, and, therefore, outside the jurisdiction of the trial court; (2) not limiting his determination to the validity of the Deed of Donation *Mortis Causa*; (3) requiring information and documents concerning seven parcels of land which are not the subject matter of the petition; and (4) ordering the conduct of a regular pre-trial in a special proceeding case. The OCA explained that these matters are judicial in nature and therefore, must be corrected through the appropriate legal remedy.⁷¹

However, the OCA held Judge Santos liable for the following acts: (1) his stubborn persistence in making the parties agree to amicably settle the petition; and (2) undue delay in the termination of the preliminary conference.⁷²

⁶⁶ *Id.* at 206.

⁶⁷ *Id.* at 288-295.

⁶⁸ *Id.* at 296-302.

⁶⁹ *Id.* at 307-321.

⁷⁰ *Id.* at 319-321.

⁷¹ *Id.* at 317.

⁷² *Id.*

The OCA ruled that while there was nothing wrong with conducting conciliation proceedings intended to terminate the case and while Judge Santos had no malicious intent in doing such, his unrelenting efforts have effectively derailed the speedy disposition of the case.⁷³ Here, two years have passed from the time of filing of the complaint on January 7, 2010 until the withdrawal of the petition on December 11, 2012 without the case going beyond the pre-trial stage.⁷⁴ The OCA also ruled that Judge Santos could not deny that the parties repeatedly made it known to him that they did not want to settle amicably.⁷⁵

The OCA further ruled that Judge Santos violated Sections 1 and 2, Canon 2 of the New Code of Judicial Conduct in committing the following acts: (1) issuing the Extended Order which principally scolded and lectured complainant's counsel about "pride and prejudice" and which was highly uncalled for since he already issued an order granting the motion to withdraw the petition;⁷⁶ and (2) sending text messages to complainant's counsel and conducting *ex parte* meetings and conferences.⁷⁷

Finally, the OCA ruled that Judge Santos committed gross ignorance of the law when he issued a prefabricated pre-trial order despite the fact that the pre-trial hearing was not yet terminated and the oppositor failed to file his pre-trial brief.⁷⁸

As to the penalty, the OCA deemed the penalty of a fine to be sufficient considering that this was the first time for Judge Santos to be administratively charged of gross ignorance of the law.⁷⁹ The OCA also considered the violation of the Code of Judicial Conduct amounting to simple misconduct as an aggravating circumstance.⁸⁰ Thus, the OCA recommended that Judge Santos be fined in the amount of ₱30,000.00 and that he be reminded to be more circumspect in his desire to settle cases amicably so as not to hinder their disposition.⁸¹

⁷³ *Id.* at 318.

⁷⁴ *Id.* at 317-318.

⁷⁵ *Id.* at 318.

⁷⁶ *Id.* at 319.

⁷⁷ *Id.*

⁷⁸ *Id.* at 319-320.

⁷⁹ *Id.* at 320.

⁸⁰ *Id.*

⁸¹ *Id.* at 321.

Pending the proceedings, Judge Santos filed a Manifestation⁸² dated October 1, 2016 indicating that he has been appointed as judge of Branch 61, Regional Trial Court, Naga City.

The Court's Ruling

The Court partly adopts the findings and recommendations of the OCA.

At the outset, the Court affirms the OCA's recommendation not to hold Judge Santos administratively liable for conducting a pre-trial in a special proceedings case. It would suffice to say that his decision to conduct a pre-trial which applies to ordinary civil actions has sufficient legal basis. Specifically, Section 2, Rule 72 provides that "[i]n the absence of special provisions, the rules provided for the ordinary actions shall be, as far as practicable, applicable in special proceedings."⁸³

The Court, likewise, agrees with OCA that the following acts alone do not make Judge Santos' administratively liable: (1) advising the complainant to bring her co-heirs who were residing abroad before the court; (2) not limiting the case to the validity of the Deed of Donation *Mortis Causa*; and (3) requiring information on the lots which were not subject matter of the petition.

As correctly ruled by the OCA, these acts are judicial in nature and involved Judge Santos' appreciation of the probate case. In *Salvador v. Judge Limsiaco, Jr.*,⁸⁴ as cited in *Magdadaro v. Judge Saniel, Jr.*,⁸⁵ the Court ruled:

It is settled that a judge's failure to interpret the law or to properly appreciate the evidence presented does not necessarily render him administratively liable. **Only judicial errors tainted with fraud, dishonesty, gross ignorance, bad faith, or deliberate intent to do an injustice will be administratively sanctioned.** To hold otherwise would be to render judicial office untenable, for no one

⁸² *Id.* at 332-333.

⁸³ *Id.* at 204.

⁸⁴ 519 Phil. 683 (2006).

⁸⁵ 700 Phil. 513 (2012).

called upon to try the facts or interpret the law in the process of administering justice can be infallible in his judgment.⁸⁶

Here, complainant failed to show that Judge Santos' acts were motivated by bias or bad faith. The Court is also not convinced that such acts constitute gross ignorance of the law. Thus, assuming that Judge Santos erred in his appreciation of the case, the remedy of complainant should have been to assail them in an appropriate judicial proceeding where Judge Santos could have corrected himself or could have been corrected by a higher court.

However, the same cannot be said of Judge Santos' other acts which, as discussed below, are either tainted with impropriety or, though judicial in nature, constitutes a blatant disregard of established rules and procedures.

*Judge Santos' disregard of
mediation rules under A.M.
No. 01-10-5-SC-PHILJA*

At the outset, the Court finds that Judge Santos failed to take cognizance of A.M. No. 01-10-5-SC-PHILJA in failing to refer the case to mediation. In *Re: Anonymous Complaints against Judge Bandong, RTC, Br. 59, Lucena City, Quezon Province*,⁸⁷ the Court explained that to decongest court dockets and enhance access to justice, the Court, through A.M. No. 01-10-5-SC-PHILJA, approved the institutionalization of mediation in the Philippines through court-annexed mediation.⁸⁸ Under this set of rules, mediatable cases where amicable settlement is possible must be referred by the trial courts to the Philippine Mediation Center (PMC).⁸⁹

Here, the case involved a petition for the allowance of the Deed of Donation *Mortis Causa*, which is governed by the rules on the Settlement of Estate of Deceased Persons under the Rules of Court.⁹⁰

⁸⁶ *Id.* at 520, citing *supra* note 84 at 687.

⁸⁷ 819 Phil. 518 (2017).

⁸⁸ *Id.* at 538.

⁸⁹ *Id.* at 539.

⁹⁰ Article 728 of the New Civil Code provides that "[d]onations which are to take effect upon the death of the donor partake of the nature of testamentary provisions, and shall be governed by the

Being a mediatable case, Judge Santos, who from his actuations, is presumed to have discerned the possibility of amicable settlement among the parties, should have referred the case to the PMC.⁹¹ However, Judge Santos failed to do so.

In *Re: Anonymous Complaints against Judge Bandong, RTC, Br. 59, Lucena City, Quezon Province*,⁹² the Court ruled that the judge could not have feigned ignorance of A.M. No. 01-10-5-SC-PHILJA since the Philippine Judicial Academy frequently conducts conventions and seminars for judges and clerks of court nationwide regarding the implementation of court-annexed mediations and judicial dispute resolutions.⁹³

Further, as early as 2008, cases from MCTC Nabua-Bato, Nabua, Camarines Sur were already being referred to the PMC. Thus, there was no reason for Judge Santos not to refer to the PMC Special Proceedings No. 1870 which was initiated in 2010.

Judge Santos' overbearing acts to make the parties settle amicably and unjustified delay in conducting the proceedings

The Court also finds Judge Santos guilty of violating Sections 1 and 2, Canon 2 of the New Code of Judicial Conduct for the Philippine Judiciary which provide:

rules established in the Title on Succession." Further, under Article 838 of the Civil Code, "[n]o will shall pass either real or personal property unless it is proved and allowed in accordance with the Rules of Court." Thus, the allowance of the Deed of Donation *Mortis Causa* in this case falls under the set of rules on the Settlement of Estate under the Rules of Court.

⁹¹ Under A.M. No. 01-10-5-SC-PHILJA, the following cases are referable to mediation:

- a) All civil cases, settlement of estates, and cases covered by the Rule on Summary Procedure, except those which by law may not be compromised;
- b) Cases cognizable by the Lupong Tagapamayapa under the Katarungang Pambarangay Law;
- c) The civil aspect of BP 22 cases; and
- d) The civil aspect of quasi-offenses under Title 14 of the Revised Penal Code.

As per the website of the Philippine Judicial Academy, the civil aspect of theft (not qualified theft), estafa (not syndicated or large scale estafa), and libel may also be referred to court-annexed mediation. <<http://philja.judiciary.gov.ph/pfaq.html>, last visited November 25, 2019>.

⁹² *Supra* note 87.

⁹³ *Id.* at 540.

CANON 2 INTEGRITY

Integrity is essential not only to the proper discharge of the judicial office but also to the personal demeanor of judges.

SECTION 1. Judges shall ensure that not only is their conduct above reproach, but that it is perceived to be so in the view of a reasonable observer.

SEC. 2. The behavior and conduct of judges must reaffirm the people's faith in the integrity of the judiciary. Justice must not merely be done but must also be seen to be done.

The Court has previously ruled:

“x x x a judge’s official conduct and his behavior in the performance of judicial duties should be free from the appearance of impropriety and must be beyond reproach. One who occupies an exalted position in the administration of justice must pay a high price for the honor bestowed upon him. for his private as well as his official conduct must at all times be free from the appearance of impropriety. Because appearance is as important as reality in the performance of judicial functions, like Caesar’s wife, a judge must not only be pure but also beyond suspicion. A judge has the duty to not only render a just and impartial decision, but also render it in such a manner as to be free from any suspicion as to its fairness and impartiality, and also as to the judge’s integrity.

“It is obvious, therefore, that while judges should possess proficiency in law in order that they can competently construe and enforce the law, it is more important that they should act and behave in such a manner that the parties before them should have confidence in their impartiality.”⁹⁴ (Italics and citation omitted.)

While the courts are enjoined to make the parties agree on an equitable compromise, the judges’ efforts to make the parties agree should be within the bounds of propriety and without the slightest perception of impartiality.

Here, from the very beginning, Judge Santos has shown his predisposition to resolve the case by way of an amicable settlement

⁹⁴ *Sibayan-Joaquin v. Judge Javellana*, 420 Phil. 584, 589-590 (2001).

when on August 19, 2010, he directed the parties to propose specific terms and conditions for possible amicable settlement, and constantly cajoled them to do so through his Orders. He did not deny that in his effort to persuade the parties, he committed the following acts: (1) he sent text messages to complainant's counsel urging the latter to work out a settlement with oppositor; (2) he conducted an *ex parte* meeting with complainant and her counsel inside his chambers to propose several options for a settlement; and (3) he convinced the oppositor to amicably settle during their accidental meeting in Naga City on August 4, 2011, or more than a year from the time of filing the Petition for the Allowance of the Deed of Donation *Mortis Causa*.

In *Borromeo v. Santos*,⁹⁵ the Court once admonished herein Judge Santos for initiating a conference among the parties in a case pending before him. The conference was supposedly for the purpose of settling the cases pending not only before him but also those pending outside his *sala*. The Court ruled that such act cast doubt on Judge Santos' impartiality. More importantly, the Court ruled that Judge Santos' dealings with litigants' counsel outside of the courtroom to discuss a possible settlement could give rise to doubts as to the propriety of the act.⁹⁶ The Court ruled:

x x x While the explanation of Judge Santos in holding the conference among the lawyers of the Parañal siblings is laudable, the same, however, casts doubt on his impartiality and integrity as a judge and erodes the confidence of the people in the judicial system. No matter how noble his intentions may have been, it was improper for Judge Santos to meet the lawyers in a restaurant to discuss a possible settlement, among others. Judge Santos should not have put himself in such a position as to arouse suspicion of improper conduct. He should have known that his dealings with the litigants' counsels outside of the courtroom would give rise to doubts as to the propriety of the same. Judge Santos failed to live up to the norm that "judges should not only be impartial, independent and honest but should be believed and perceived to be impartial, independent and honest."⁹⁷

Furthermore, OCA Circular No. 70-2003 cautions judges "to avoid in chamber sessions without the other party and his counsel present, and to observe prudence at all times in their conduct to the end that they not

⁹⁵ A.M. No. MTJ-15-1850, February 16, 2015, Second Division. Min. Res.

⁹⁶ *Id.*

⁹⁷ *Id.*

only act impartially and with propriety but are also perceived to be impartial and improper.”⁹⁸

Notably, A.M. No. 03-01-09 SC,⁹⁹ which was adverted to by Judge Santos to justify his actions, mandates judges to persuade the parties to arrive at a settlement of the dispute.¹⁰⁰ However, it does not give the judge an unbridled license to do this outside the confines of the official proceedings at the risk of putting into question the integrity of the judiciary.

While Judge Santos may have been impelled by good motives in encouraging the parties to arrive at an amicable settlement, his aforementioned acts, particularly texting complainant’s counsel and convincing the oppositor to amicably settle during their accidental meeting in Naga City, are not part of the court’s official proceedings and thus, cast doubt on the integrity and impartiality of the courts. Moreover, Judge Santos’ *ex parte* meeting with complainant and her

⁹⁸ See also *Edaño v. Judge Asdala*, 651 Phil. 183 (2010). See also *Capuno v. Judge Jaramillo, Jr.*, 304 Phil. 383, 392 (1994), citing *Bibon v. David*, A.M. No MTJ-87-67, March 24, 1988, En Banc, Min. Res.

⁹⁹ Guidelines to be Observed By Trial Court Judges and Clerks of Court in the Conduct of Pre-Trial and Use of Deposition-Discovery Measures

¹⁰⁰ A.M. No. 03-1-09 SC provides in part:

4. Before the continuation of the pre-trial conference, the judge must study all the pleadings of the case, and determine the issues thereof and the respective positions of the parties thereon to enable him to intelligently steer the parties toward a possible amicable settlement of the case, or, at the very least, to help reduce and limit the issues. The judge should not allow the termination of pre-trial simply because of the manifestation of the parties that they cannot settle the case. He should expose the parties to the advantages of pre-trial. He must also be mindful that there are other important aspects of the pre-trial that ought to be taken up to expedite the disposition of the case.

The Judge with all tact, patience, impartiality and with due regard to the rights of the parties shall endeavor to persuade them to arrive at a settlement of the dispute. The court shall initially ask the parties and their lawyers if an amicable settlement of the case is possible. If not, the judge may confer with the parties with the opposing counsel to consider the following:

- a. Given the evidence of the plaintiff presented in his pre-trial brief to support his claim, what manner of compromise is considered acceptable to the defendant at the present stage?
- b. Given the evidence of the defendant described in his pre-trial brief to support his defense, what manner of compromise is considered acceptable to the plaintiff at the present stage?

If not successful, the court shall confer with the party and his counsel separately.

If the manner of compromise is not acceptable, the judge shall confer with the parties without their counsel for the same purpose of settlement.

counsel done inside his chambers is specifically prohibited by OCA Circular No. 70-2003.

Worse, because of Judge Santos' overbearing persistence to make the parties settle amicably, he has unduly hampered the proceedings in Special Proceedings No. 1870.

In *Re: Report on the Judicial Audit conducted in the RTC, Branch 9, Silay City*,¹⁰¹ the Court found Judge Graciano H. Arinday, Jr. (*Judge Arinday*) guilty of gross inefficiency because of the delay he incurred in disposing of the cases assigned to him and which were already submitted for decision. In two of the cases where he incurred delay, the Court ruled that Judge Arinday was too liberal in granting the parties more than one year to amicably settle their dispute.¹⁰²

While the *Judge Arinday* case involved a delay in the disposition of the cases which were already submitted for decision, the Court finds the pronouncement in the same applicable in determining the reasonableness of the delay in Special Proceedings No. 1870. Here, as correctly pointed out by the OCA, the case went on from January 7, 2010 to December 11, 2012 when the petition was finally withdrawn without it proceeding beyond the pre-trial stage. While a few delays were attributable to the parties due to the absence of counsel, the filing of motion for postponement, and change of counsel, the Court finds that based on Judge Santos' actuations spanning around almost three years, it was mainly his overbearing desire to convince the parties to arrive at an amicable settlement that led to the unreasonable delay. While the Court does not find any bad faith or ill motive on the part of Judge Santos in pushing for an amicable settlement, this should not get in the way of arriving at a just and speedy disposition of the litigants' conflicting claims.

Judge Santos' act of unduly castigating complainant's counsel through the Extended Order which was issued even after the petition was already withdrawn

¹⁰¹ 410 Phil. 126 (2001).

¹⁰² *Id.* at 130.

As regards Judge Santos' issuance of the Extended Order,¹⁰³ he again exceeded the bounds of propriety when he unduly castigated complainant's counsel in this wise:

x x x Now, the court is of the definite impression that an element of pride on the part of counsel, in not being able to take the denials of her motions for inhibition of the Presiding Judge, has caused her to conduct herself in this case in a way that may already have caused prejudice to or undermined her client's cause.

x x x x

x x x The honorable thing for counsel whose motions for inhibition were denied is to "take the blows," proceed with the case (in this case, set for initial presentation of petitioner's evidence), face the music, face the judge. Instead, counsel goes into her own denial mode, refusing to accept the denials of her motions for inhibition. It looks like pride has taken over counsel's conduct and handling of petitioner's case to her possible prejudice.

x x x x

Can you imagine a counsel manifesting in writing to a court that "she will not be presenting evidence on said dates or in any future date the Court shall motu proprio schedule" (underscoring supplied)? What is this if not manifest insubordination by an officer of the court? In fact by the time of the last hearing on 11 December 2012, there was already sufficient basis to discipline counsel for petitioner on grounds of legal ethics but this court did not want to add more fuel, as it were, to the fire of the inhibition incident.

x x x x

Fellow judges, including a Court of Appeals Associate Justice, have told this judge, "that's what parties and lawyers do if *dai kursunada* an judge. Right man *ninda* to withdraw the Complaint or Petition." We do not know whether petitioner or counsel has a better alternative in mind other than forum-shopping. This court, while this case has gone out of its hands, deems fit to address that question shortly.

In the meantime, also as a matter of sincere fraternal advice, it should do well for Atty. Bermejo to review and reflect on the "Pride and Prejudice" aspects of her conduct and handling of petitioner's case, as may have implications for her law practice. Learn from this experience, including on correctly discerning bias or impartiality of the judge. Whether for ~~future litigation~~ or for the better alternative to be discussed below, sometimes the client's cause is better served

¹⁰³ *Rollo*, pp. 174-179.

M

when counsel sacrifices herself (rather than the cause or the case) or takes herself out of the picture, considering the dynamics of personalities involved. That too is wise law practice, and when warranted, can bring better results for the client's cause.¹⁰⁴

Judge Santos should have refrained from using his position to browbeat complainant's counsel just because he did not agree with the latter's position. Further, he should have refrained from rendering the Extended Order considering that he already granted the withdrawal of the petition in Special Proceedings No. 1870. Thus, there was no longer any occasion to issue the Extended Order.

*Judge Santos' blatant disregard of
the rules on pre-trial*

The Court likewise finds Judge Santos guilty of gross ignorance of the law.

In *Department of Justice v. Judge Misleng*,¹⁰⁵ the Court explained what constitutes gross ignorance of the law in this wise:

Gross ignorance of the law is the disregard of basic rules and settled jurisprudence. A judge may also be administratively liable if shown to have been motivated by bad faith, fraud, dishonesty or corruption in ignoring, contradicting or failing to apply settled law and jurisprudence. Though not every judicial error bespeaks ignorance of the law and that, if committed in good faith, does not warrant administrative sanction, the same applies only in cases within the parameters of tolerable misjudgment. x x x Where the law is straightforward and the facts so evident, failure to know it or to act as if one does not know it constitutes gross ignorance of the law. A judge is presumed to have acted with regularity and good faith in the performance of judicial functions. **But a blatant disregard of the clear and unmistakable provisions of a statute, as well as Supreme Court circulars enjoining their strict compliance, upends this presumption and subjects the magistrate to corresponding administrative sanctions.**

For liability to attach for ignorance of the law, the assailed order, decision or actuation of the judge in the performance of official duties must not only be found erroneous but, most importantly, it must also be established that he was moved by bad faith, dishonesty,

¹⁰⁴ *Id.* at 174-176. Emphasis and italics omitted.

¹⁰⁵ 791 Phil. 219 (2016).

hatred, or some other like motive. Judges are expected to exhibit more than just cursory acquaintance with statutes and procedural laws. They must know the laws and apply them properly in all good faith. Judicial competence requires no less. Thus, unfamiliarity with the rules is a sign of incompetence. Basic rules must be at the palm of his hand. When a judge displays utter lack of familiarity with the rules, he betrays the confidence of the public in the courts. Ignorance of the law is the mainspring of injustice. Judges owe it to the public to be knowledgeable, hence, they are expected to have more than just a modicum of acquaintance with the statutes and procedural rules; they must know them by heart. **When the inefficiency springs from a failure to recognize such a basic and elemental rule, a law or a principle in the discharge of his functions, a judge is either too incompetent and undeserving of the position and the prestigious title he holds or he is too vicious that the oversight or omission was deliberately done in bad faith and in grave abuse of judicial authority.** In both cases, the judge's dismissal will be in order.¹⁰⁶ (Emphasis supplied; citations omitted.)

Judge Santos' gross ignorance of the law lies not so much in the issuance of the Order dated August 7, 2012, which appeared to incorporate a pre-trial order. The Court finds that what appeared as a pre-trial order incorporated in the said Order is not final. In fact, after the pre-trial hearing, Judge Santos issued a Pre-trial Order¹⁰⁷ dated September 4, 2012.

However, the Court finds that Judge Santos committed a blatant error when in his Order dated August 7, 2012, he gave the oppositor the privilege of submitting at his option a pre-trial brief. The Order provides in part:

In fairness to the oppositor who was represented by former counsel Atty. Beltran, *whose submissions however still bind him*, his current counsel Atty. Gina P. Beltran MAY make further submissions by way of a proper Pre-Trial Brief, IF she wishes to, within 10 days from receipt hereof, considering that no such Brief was submitted by Atty. Beltran (although, as noted above, his "Compliance dated 27 October 2010 but filed 8 March 2011 has (*sic*) some elements of a Pre-Trial Brief)¹⁰⁸

This contravenes the expressed rule under Section 6, Rule 18 of the Rules of Court that the filing of the respective pre-trial briefs by the

¹⁰⁶ *Id.* at 227-228.

¹⁰⁷ *Rollo*, pp. 280-285.

¹⁰⁸ *Id.* at 93.

parties at least three days before the date of pre-trial is mandatory. Section 6, Rule 18 provides:

SEC. 6. *Pre-trial brief.* — The parties shall file with the court and serve on the adverse party, in such manner as shall ensure their receipt thereof at least three (3) days before the date of the pre-trial, their respective pre-trial briefs which shall contain, among others:

(a) A statement of their willingness to enter into amicable settlement or alternative modes of dispute resolution, indicating the desired terms thereof;

(b) A summary of admitted facts and proposed stipulation of facts;

(c) The issues to be tried or resolved;

(d) The documents or exhibits to be presented stating the purpose thereof;

(e) A manifestation of their having availed or their intention to avail themselves of discovery procedures or referral to commissioners; and

(f) The number and names of the witnesses, and the substance of their respective testimonies.

Failure to file the pre-trial brief shall have the same effect as failure to appear at the pre-trial. (Underscoring supplied.)

Worse, during the pre-trial hearing, Judge Santos expressed that in the absence of oppositor's pre-trial brief, he was treating oppositor's previous submissions to the court, *i.e.*, *Opposition*, *Supplement to the Opposition in Lieu of Position Paper*, and *Compliance*, as containing the elements of a pre-trial brief.¹⁰⁹ The records of the pre-trial hearing provide in part:

ATTY. BERMEJO:

Your Honor, this is not ready for pre-trial, they did not submit any Pre-Trial Brief it's unfair for my client. I have no way of knowing what are their proposals are, unless, Your Honor, I have to check all their pleadings.

COURT:

Counsel, I gave Atty. Ballebar that opportunity in the last section of

¹⁰⁹ *Id.* at 90, 108-109.

the Order, if she wishes to submit a Pre-trial Brief within 10 days from receipt hereof, considering that no such brief was submitted by Atty. Beltran, although as noted above, his compliance dated 27 October 2010 but filed 8 March 2011 has some element of a Pre-trial Brief. The court made reference to 3 submissions by oppositor's counsel. In these 3 submissions[,] there are already there elements of a Pre-Trial Brief, one did not necessarily to designate a particular submission as Pre-Trial Brief in order for it to amount to that.¹¹⁰

Judge Santos' act of considering oppositor's submissions as his pre-trial brief is clearly not sanctioned by Section 6, Rule 18 of the Rules of Court which mandates the parties to file a pre-trial brief. Section 5 of the same Rule even provides that failure to file the pre-trial brief shall have the same effect as failure to appear at the pre-trial, which in turn will result to allowing the plaintiff to present his evidence *ex parte* and for the court to render judgment on the basis thereof.

Thus, when he issued the Pre-Trial Order dated September 4, 2012, Judge Santos disregarded the mandatory nature of the submission of pre-trial briefs considering that the oppositor did not submit his pre-trial brief.

Judge Santos' lack of understanding of the rules on pre-trial, constitutes gross ignorance of the law and procedure.

Penalties

As pointed out by my esteemed colleague, Justice Estela M. Perlas-Bernabe, in *Boston Finance and Investment Corporation v. Judge Gonzalez*, the Court set the following guidelines in the imposition of penalties in administrative matters involving members of the Bench and court personnel, thus:

- (a) Rule 140 of the Rules of Court shall exclusively govern administrative cases involving judges or justices of the lower courts. **If the respondent judge or justice of the lower court is found guilty of multiple offenses under Rule 140 of the Rules of Court, the Court shall impose separate penalties for each violation;** and

¹¹⁰ *Id.* at 108-109.

- (b) The administrative liability of court personnel (who are not judges or justices of the lower courts) shall be governed by the Code of Conduct for Court Personnel, which incorporates, among others, the civil service laws and rules. If the respondent court personnel is found guilty of multiple administrative offenses, the Court shall impose the penalty corresponding to the most serious charge, and the rest shall be considered as aggravating circumstances. (Emphasis supplied.)

Rule 140, as amended by A.M. No. 01-8-10-SC of the Rules of Court, classifies the administrative charges against members of the Bench as serious, less serious and light.¹¹¹

The corresponding penalties for a finding of guilt on any of these charges are provided in Section 11, Rule 140, as amended by A.M. No. 01-8-10-SC:

Section 11. *Sanctions.* — A. If the respondent is guilty of a serious charge, any of the following sanctions may be imposed:

1. Dismissal from the service, forfeiture of all or part of the benefits as the 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;

2. Suspension from office without salary and other benefits for more than three (3) but not exceeding six (6) months; or

3. A fine of more than P20,000.00 but not exceeding P40,000.00.


B. If the respondent is guilty of a less serious charge, any of the following sanctions shall be imposed:

1. Suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months; or

2. A fine of more than P10,000.00 but not exceeding P20,000.00.

C. If the respondent is guilty of a light charge, any of the following sanctions shall be imposed:

¹¹¹ SEC. 7. *Classification of charges.* — Administrative charges are classified as serious, less serious, or light.



1. A fine of not less than P1,000.00 but not exceeding P10,000.00 and/or
2. Censure;
3. Reprimand;
4. Admonition with warning.

To recapitulate, Judge Santos committed the following offenses:

1. failure to refer the case to the PMC as prescribed in A.M. No. 01-10-5-SC-PHILJA;
2. pressing the parties to enter into an amicable settlement through means that exceeded the bounds of propriety, *i.e.*, texting complainant's counsel, conducting an *ex parte* meeting with complainant and her counsel inside his chambers, and convincing the oppositor to settle amicably during their accidental meeting in Naga City;
3. causing undue delay in terminating the preliminary conference amounting to gross inefficiency;
4. issuing the Extended Order unduly castigating complainant's counsel after the withdrawal of the petition, thereby exceeding the bounds of propriety; and
5. giving the oppositor the option of submitting his pre-trial brief in contravention of its mandatory nature as stated in Section 6, Rule 18 of the Rules of Court.

Judge Santos' first, second, and third offenses are less serious charges. Specifically, the first offense constitutes a violation of Supreme Court rules, directives, and circulars under Section 9(4),¹¹² Rule 140 of the Rules of Court. The second offense amounts to simple misconduct under Section 9(7),¹¹³ Rule 140 of the Rules of Court, there being no corrupt or wrongful motive on the part of Judge Santos. On the other hand, the third offense which amounts to gross inefficiency or undue

¹¹² SEC. 9. *Less Serious Charges*. – Less serious charges include:
x x x

4. Violation of Supreme Court rules, directives, and circulars;

¹¹³ SEC. 9. *Less Serious Charges*. – Less serious charges include:
x x x

7. Simple Misconduct.



delay falls under Section 9(1),¹¹⁴ Rule 140 of the Rules of Court.

Applying Section 11, Rule 140, the Court deems it proper to impose a penalty of ₱12,000.00 each for the first and third offenses.

As to the second offense, the Court previously found Judge Santos in A.M No. MTJ-15-1850 guilty of violating Section 2, Canon 2 of the New Code of Judicial Conduct for initiating a conference among the parties in a pending case for the purpose of settling the cases pending not only before him but also those pending outside his *sala*. Thus, the Court deems it proper to impose the maximum penalty of ₱20,000.00.

As to the fourth charge, the Court likewise finds it as not attended by corrupt or wrongful motive on the part of Judge Santos in issuing the Extended Order. Thus, it only amounts to simple misconduct which is a less serious charge under Section 9(7),¹¹⁵ Rule 140 of the Rules of Court. Thus, the Court deems it proper to impose a penalty of ₱12,000.00.

Lastly, the fifth offense constitutes gross ignorance of the law under Section 8(9),¹¹⁶ Rule 140 of the Rules of Court which is a serious charge. Thus, applying Section 11, Rule 140, the Court deems it proper to impose the penalty of ₱22,000.00.

WHEREFORE, the Court finds Judge Soliman M. Santos, Jr., formerly of Municipal Circuit Trial Court, Nabua-Bato, Camarines Sur, and now of Regional Trial Court, Naga City, Branch 61 **GUILTY** of violation of Supreme Court rules, directives and circulars, simple misconduct, gross inefficiency or undue delay and gross ignorance of the law.

Judge Soliman M. Santos, Jr. is **ORDERED** to pay the following **FINES**: (1) ₱12,000.00 for failure to refer the case to the Philippine

¹¹⁴ SEC. 9. *Less Serious Charges*. – Less serious charges include:
1. Undue delay in rendering a decision or order, or in transmitting the records of a case;

¹¹⁵ SEC. 9. *Less Serious Charges*. – Less serious charges include:
x x x
7. Simple Misconduct.

¹¹⁶ SEC. 8. *Serious charges*. – Serious charges include:
x x x
9. Gross ignorance of the law or procedure;

Mediation Center as prescribed in A.M. No. 01-10-5-SC-PHILJA; (2) ₱20,000.00 for pressing the parties to enter into an amicable settlement through means that exceeded the bounds of propriety; (3) ₱12,000.00 for causing undue delay in terminating the preliminary conference amounting to gross inefficiency; (4) ₱12,000.00 for issuing the Extended Order unduly castigating complainant's counsel after the withdrawal of the petition, thereby exceeding the bounds of propriety; and (5) ₱22,000.00 for giving the oppositor the option of submitting his pre-trial brief in contravention of its mandatory nature as stated in Section 6, Rule 18 of the Rules of Court.

Judge Soliman M. Santos, Jr. is **STERNLY WARNED** that a repetition of the same or similar acts in the future shall be dealt with more severely. Let a copy of this Decision be attached to his personal record.

SO ORDERED.



HENRI JEAN PAUL B. INTING
Associate Justice

WE CONCUR:



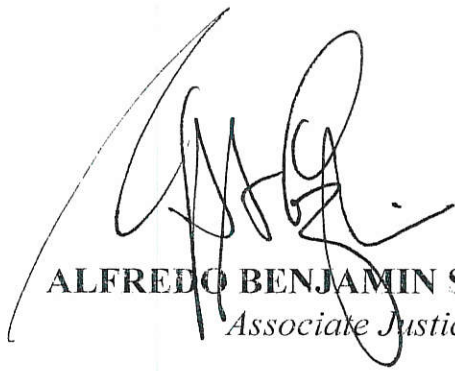
DIOSDADO M. PERALTA
Chief Justice



ESTELA M. PERLAS-BERNADE
Associate Justice



MARVIC M.V.F. LEONEN
Associate Justice



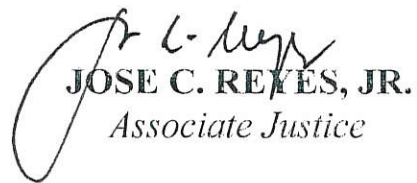
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



ANDRES B. REYES, JR.
Associate Justice



ALEXANDER G. GESMUNDO
Associate Justice



JOSE C. REYES, JR.
Associate Justice

(On official leave)
RAMON PAUL L. HERNANDO
Associate Justice



ROSMARI D. CARANDANG
Associate Justice



AMY C. LAZARO-JAVIER
Associate Justice



RODIL V. ZALAMEDA
Associate Justice



MARION V. LOPEZ
Associate Justice



EDGARDO L. DELOS SANTOS
Associate Justice



SAMUEL H. GAERLAN
Associate Justice