Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

CAMARINES SUR IV ELECTRIC COOPERATIVE, INC., represented by ATTY. VERONICA T. BRIONES, Complainant, -versus- **LABOR ARBITER JESUS ORLANDO M. QUIÑONES,** Respondent.	**A.C. No. 10743** Present: LEONEN, *J., Chairperson,* LAZARO-JAVIER, LOPEZ, M., LOPEZ, J., and KHO, JR., *JJ.* **Promulgated:** FEB 06 2023

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DECISION

LEONEN, *J.*:

The Court has plenary disciplinary authority over all lawyers. A government lawyer's misconduct in the exercise of their public duties, which also amounts to a violation of the Lawyers' Oath and Code of Professional Responsibility, exposes them to suspension or even removal from the practice of law.

Before this Court is an Administrative Complaint filed by Camarines Sur IV Electric Cooperative, Inc. against Labor Arbiter Jesus Orlando M. Quiñones (Quiñones) for violating the Lawyer's Oath and Canons 1 and 7 of the Code of Professional Responsibility.[1] The electric cooperative asserts that the acts of Labor Arbiter Quiñones amount to gross neglect of duty and violates the Code of Judicial Conduct.[2]

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1 *Rollo*, p. 2
2 *Id.*

The present Complaint originated from a constructive dismissal complaint of Donato Gerardo G. Bongat (Bongat) against Camarines Sur IV Electric Cooperative, Inc. and its General Manager, Mr. Cyril Tria (Tria).[3] Bongat was a licensed electrical engineer of the electric cooperative from 1994 until he resigned in 1999. He was designated as Special Project Division Manager under the close supervision of the General Manager. Tria ordered him to hold office in Caramoan, Camarines Sur. Since Bongat has yet to report to the new office, Tria denied his request for travel expenses. This led to Bongat's resignation and filing of a constructive dismissal complaint against the electric cooperative and Tria.[4] Labor Arbiter Fructuoso Aurellano ruled in favor of Bongat and ordered them to give Bongat his separation pay, backwages, and attorney's fees amounting to PHP 224,795.95.[5]

The electric cooperative appealed the Decision but the National Labor Relations Commission denied the same. Thereafter, the cooperative no longer assailed the constructive dismissal finding and limited its Motion for Partial Reconsideration to its right to be reimbursed the amount adjudged in favor of Bongat. It asserted that Tria's personal and individual acts generated the liability and thus he should be personally liable to pay Bongat's award.[6] The National Labor Relations Commission also denied this Motion.[7]

Hence, Camarines Sur IV Electric Cooperative, Inc. filed a Petition for *Certiorari* before the Court of Appeals naming Tria as private respondent.[8] The cooperative no longer assailed the propriety of the monetary award, but asserted its right to be reimbursed for Bongat's award.[9]

During the pendency of the Petition, a writ of execution was issued. The cooperative's Philippine National Bank deposits were garnished to satisfy the award.[10]

Eventually, the Court of Appeals granted the Petition and ordered Tria to reimburse Camarines Sur IV Electric Cooperative, Inc. for any monetary award given to Bongat. The dispositive portion reads:

> **WHEREFORE**, the petition is **GRANTED**. The assailed resolutions promulgated on May 25, 2005 and April 21, 2006 of public respondent in NLRC-NCR CA No. 027385-01 are **AFFIRMED** with MODIFICATION that private respondent Cyril E. Tria is hereby ordered to

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3 *Id.* The Complaint, titled *Donato Gerardo G. Bongat v. CASURECO IV/Cyril Tria* and docketed as RAB-V-05-0600062-99, was filed before the Regional Arbitration Branch No. V in Legazpi City.
4 *Id.* at 468–469.
5 *Id.* at 17.
6 *Id.* at 46.
7 *Id.* at 49–50.
8 *Id.* at 51–58.
9 *Id.* at 56.
10 *Id.* at 63.

> reimburse petitioner CASURECO any amount the latter may be compelled to pay complainant Donato G. Bongat pursuant to the December 19, 2000 decision of the Labor Arbiter in NLRC-RAB-V-05-0600062-99.
>
> SO ORDERED.[11]

On July 21, 2008, the cooperative filed a Motion for the Issuance of a writ of execution to enforce the January 18, 2008 Decision[12] of the Court of Appeals.[13] Labor Arbiter Quiñones replaced Labor Arbiter Aurellano in National Labor Relations Commission Case No. RAB-V-05-0600062-99.[14] On March 17, 2009, Tria filed a Motion to Quash the writ of execution, alleging lack of knowledge and participation in the Bongat case.[15] He subsequently filed a Supplemental Motion to Quash, alleging that the labor arbiter has no jurisdiction because the relief prayed for is civil in nature.[16] Labor Arbiter Quiñones granted the Motion.[17] Camarines Sur IV Electric Cooperative, Inc. appealed the quashal of the writ but the National Labor Relations Commission affirmed Labor Arbiter Quiñones.[18]

The cooperative filed another Petition for *Certiorari*.[19] On December 23, 2011, the Court of Appeals issued a Decision[20] reversing the quashal of the writ of execution. The December 23, 2011 Decision became final and executory, and could no longer be modified without exceptional circumstances. Thus, the appellate court held that it constituted grave abuse of discretion on the part of Labor Arbiter Quiñones to have granted the Motion to Quash the writ. The dispositive portion reads:

> WHEREFORE, premises considered, the Resolution dated September 25, 2009 issued by the NLRC is hereby REVERSED and SET ASIDE. The labor arbiter is ordered to ENFORCE its Decision dated December 19, 2000 in Donato Gerardo G. Bongat, represented by his heirs, et al v. CASURECO docketed as NLRC NCR CA No. 027385-01/NLRC RAB V-06-00062-99 as modified by the Decision dated January 18, 2008 rendered by this Court's Fourth Division.
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> SO ORDERED.[21]

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11 *Id.* at 74.

12 *Id.* at 67. The January 18, 2008 Decision in CA G.R. SP No. 95193 was penned by Associate Justice Hakim S. Abdulwahid, and concurred in by Associate Justices Rodrigo V. Cosico and Arturo G. Tayag of the Fourth Division, Court of Appeals, Manila.

13 *Id.* at 529–531.

14 *Id.* at 454.

15 *Id.* at 78–79.

16 *Id.* at 81–83.

17 *Id.* at 92.

18 *Id.* at 111–114.

19 *Id.* at 116–125.

20 *Id.* at 131. The December 23, 2011 Decision in CA G.R. SP No. 111663 was penned by Associate Justice Danton Q. Bueser and concurred in by Associate Justices Rosmari Carandang (now a retired member of this Court) and Ricardo Rosario (now a member of this Court) of the Seventh Division, Court of Appeals, Manila.

21 *Id.* at 5.

After the Court of Appeals December 23, 2011 Decision became final and executory, Camarines Sur IV Electric Cooperative, Inc. filed another Motion for Issuance of a writ of execution against Tria.[22] However, the writ was issued against the electric cooperative instead of Tria.[23] National Labor Relations Commission Sheriff Trefilo B. Cantoria, Jr. (Sheriff Cantoria) garnished its Land Bank Accounts for another PHP 224,795.95 notwithstanding a final and executory judgment ordering the reimbursement of the electric cooperative.[24]

On January 8, 2014, Labor Arbiter Quiñones recalled the writ of execution and ordered Sheriff Cantoria to lift the Notice of Garnishment.[25] He issued another writ of execution pursuant to the Court of Appeals December 23, 2011 Decision.[26]

On March 12, 2015, Camarines Sur IV Electric Cooperative, Inc. filed an ex-parte Motion to Admit its amended Complaint.[27] The cooperative removed its third cause of action for alleged delay in the resolution of its Motion to Lift appeal bond in another case involving Labor Arbiter Quiñones.[28]

On June 29, 2015, the Court noted and granted the amendment to the present Complaint.[29]

On September 16, 2015, the Court required Labor Arbiter Quiñones to file his Comment,[30] which he did on February 5, 2016.[31] This was noted on June 27, 2016.[32]

On August 22, 2016, the Court referred the Complaint to the Integrated Bar of the Philippines for investigation.[33]

On May 11, 2017, the Integrated Bar of the Philippines conducted a mandatory conference.[34] The parties filed their Position Papers on June 15 and June 21, 2017.

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22 *Id.* at 147–149.
23 *Id.* at 150–151.
24 *Id.* at 152.
25 *Id.* at 153.
26 *Id.*
27 *Id.* at 197–198.
28 *Id.* at 199–208.
29 *Id.* at 391.
30 *Id.* at 393.
31 *Id.* at 399–403.
32 *Id.* at 411.
33 *Id.* at 429.
34 *Id.* at 448.

Camarines Sur IV Electric Cooperative, Inc. contends that in quashing the writ of execution, Labor Arbiter Quiñones maliciously delayed the implementation of the Court of Appeals January 18, 2008 Decision, supposedly in violation of his Lawyer's Oath.[35] It argues that the Code of Judicial Conduct also applies to Labor Arbiter Quiñones since a quasi-judicial officer is held to the same standard as judges.[36] The cooperative alleges that the act of quashing the writ of execution is a refusal to implement a final and executory decision, which amounts to gross ignorance of the law.[37] It contends that Labor Arbiter Quiñones also granted the Motion to Quash without supporting evidence, and that his failure to review the records allegedly shows malice and bias against the cooperative. Allegedly, Labor Arbiter Quiñones's act of quashing the writ was deliberately done to delay the cooperative's cause.[38]

The cooperative argues that the labor arbiter's subsequent issuance of an erroneous writ of execution constitutes gross negligence and erodes the public's respect for law and legal processes.[39] It insists that he could not blame his subordinate for the mistake since a writ of execution is not a *pro forma* document.[40]

Labor Arbiter Quiñones contends that his quashal of the writ was not frivolous but a valid exercise of quasi-judicial discretion under the Labor Code and the 2005 Revised Rules of Procedure of the National Labor Relations Commission.[41] He underscores that he was even sustained by the National Labor Relations Commission, but the cooperative singled him out in its Complaint.[42] He admits that the second writ of execution was erroneously issued due to an honest mistake.[43] He explains that *pro forma* documents such as a writ of execution, are prepared by Mr. Ralph Martin Villaflor, a clerical employee, upon the direction of Labor Arbitration Associate Jesusandy L. Blanquisco.[44] Labor Arbiter Quiñones argues that it was simply a case of inadvertence and that there was no deliberate ill-intent or malice on his part. He claims that the frivolous allegations against him was done to supposedly intimidate his office to favor pending and future labor cases filed against the cooperative.[45]

On December 30, 2019, Integrated Bar of the Philippines Commission on Bar Discipline Commissioner Atty. Gilbert L. Macatangay found Labor Arbiter Quiñones liable for his wrongful issuance of a writ of execution:

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35 *Id.* at 199.
36 *Id.* at 457.
37 *Id.* at 458–459.
38 *Id.* at 463.
39 *Id.*
40 *Id.* at 464.
41 *Id.* at 611.
42 *Id.* at 612.
43 *Id.* at 613.
44 *Id.*
45 *Id.* at 614.

> In view of the foregoing premises, respondent JESUS ORLANDO M. QUIÑONES violated his Lawyer's Oath and the pertinent provision of the Code of Professional Responsibility and the undersigned Investigating Commissioner respectfully recommends that a penalty of SUSPENSION from the practice of law for a period of Three (3) months, with a STERN WARNING that a repetition of the same or similar conduct in the future will warrant a more severe penalty be imposed.[46]

The Commissioner stressed that since a writ of execution forms part of the legal processes of the court, it should have been prepared cautiously.[47] He contended that Labor Arbiter Quiñones cannot escape liability by simply admitting inadvertence in the preparation of the writ.[48] On July 25, 2020, the Integrated Bar of the Philippines Board of Governors reversed and set aside the findings of the Investigating Commissioner and directed the Commission to issue an extended Resolution explaining its recommendation.[49]

On June 28, 2021, Deputy Director for Bar Discipline Atty. Ramon Manolo A. Alcasabas issued the extended Resolution:

> RESOLVED to REVERSE and SET ASIDE, as it is hereby REVERSED and SET ASIDE, the Report and Recommendation of the Investigating Commissioner in the above-entitled case and instead the complaint is hereby recommended to be DISMISSED, considering the acts complained of pertains to respondent's official acts as Labor Arbiter for which the IBP has no jurisdiction; that the remedy to question errors on judgment is through an appeal; and that there is no independent unethical conduct committed by respondent."
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> SO ORDERED.[50]

The Complaint charges Labor Arbiter Quiñones with an administrative offense in the performance of his official duties. Citing *Spouses Buffe v. Gonzales*[51] and *Alicias, Jr. v. Macatangay*,[52] the Deputy Director for Bar Discipline states that it is the Ombudsman who exercises disciplinary authority over government lawyers and not the Integrated Bar of the Philippines. He also did not find any independent unethical conduct that Labor Arbiter Quiñones committed outside his official duties.[53]

On December 2, 2021, the Integrated Bar of the Philippines Board of Governors denied the Motion for Reconsideration of the electric

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46 *Id.* at 682.
47 *Id.* at 681.
48 *Id.*
49 *Id.* at 673–674.
50 *Id.* at 687.
51 797 Phil. 143 (2016) [Per J. Carpio, Second Division].
52 803 Phil. 85 (2017) [Per J. Carpio, Second Division].
53 *Rollo*, p. 687.

cooperative.[54]

The issues for resolution are as follows:

First, whether the Integrated Bar of the Philippines Board of Governors correctly dismissed the Complaint for lack of jurisdiction; and

Second, whether Labor Arbiter Quiñones violated his lawyer's oath and the Code of Professional Responsibility in the conduct of his duties.

We reverse the recommendations of the Integrated Bar of the Philippines Board of Governors.

I

The Constitution provides the Court's power "to promulgate rules concerning pleading, practice, and procedure in all courts, and the admission to the practice of law."[55] Necessarily included is our authority to discipline lawyers, and if warranted, remove them from the Bar.[56] As guardians of the profession, the Court's disciplinary powers over members of the Bar is ultimate.[57] It is plenary in scope and nature.[58]

On January 19, 1973, the Court exercised its constitutional authority and ordained the Integrated Bar of the Philippines.[59] Its fundamental purposes are "to elevate the standards of the legal profession, improve the administration of justice, and enable the Bar to discharge its public responsibility more effectively."[60]

The Court deputized the Integrated Bar of the Philippines to assist in administrative cases involving lawyers. The rules on disbarment and discipline of attorneys are provided under Rule 139-B of the Rules of Court. To implement Rule 139-B of the Rules of Court, the Court approved the Rules of Procedure on the Commission on Bar Discipline of the Integrated Bar of the Philippines.[61]

In 2015, Rule 139-B was amended, removing the power of the

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54 *Id.* at 671–672.
55 CONST., art VIII, sec. 13.
56 *Manalang v. Buendia*, A.C. No. 12079, November 10, 2020 [Per Curiam, *En Banc*].
57 *Zaldivar v. Sandiganbayan*, 293 Phil. 144, 147 (1993) [Per J. Campos, *En Banc*].
58 *Id.*
59 *In the Matter of the Integration of the Bar of the Philippines*, 151 Phil. 132 (1973) [Per Curiam, *En Banc*].
60 RULES OF COURT, Rule 139-A, sec. 2.
61 2008 Rules of Procedure of the Commission on Bar Discipline, Bar Matter No. 1755, June 17, 2008.

Integrated Bar of the Philippines to decide administrative cases. As explained in *Festin v. Zubiri*:[62]

> Under the old rule, the IBP Board had the power to "issue a decision" if the lawyer complained of was either exonerated or meted a penalty of "less than suspension of disbarment." In this situation, the case would be deemed terminated unless an interested party files a petition before the Court. The case of *Ramientas*, which was cited as respondent's basis for filing the present petition for review, was pronounced based on the old rule.
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> In contrast, under the amended provisions cited above, the IBP Board's resolution is merely recommendatory regardless of the penalty imposed on the lawyer. The amendment stresses the Court's authority to discipline a lawyer who transgresses his ethical duties under the CPR. Hence, any final action on a lawyer's administrative liability shall be done by the Court based on the entire records of the case, including the IBP Board's recommendation, without need for the lawyer-respondent to file any additional pleading.
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> On this score, respondent's filing of the present petition for review is unnecessary. Pursuant to the current rule, the IBP Board's resolution and the case records were forwarded to the Court. The latter is then bound to fully consider all documents contained therein, regardless of any further pleading filed by any party — including respondent's petition for review, which the Court shall nonetheless consider if only to completely resolve the merits of this case and determine respondent's actual administrative liability.[63] (Emphasis supplied, citations omitted)

Under the current rules, the Commission on Bar Discipline no longer reviews administrative cases involving lawyers. It functions as a hearing chamber where factual issues can be ventilated through an Investigating Commissioner.[64] Its findings are reviewed by the Integrated Bar of the Philippines Board of Governors, who in turn reports its recommendations to the Court.[65] It must be emphasized that the Board's resolution is only recommendatory, subject to the Court's discretion to adopt, modify, or reject the same.

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62 811 Phil. 1 (2017) [Per J. Perlas-Bernabe, First Division].

63 *Id.* at 7–8.

64 2012 Rules of Procedure of the Commission on Bar Discipline

65 RULES OF COURT, Rule 139-B, sec. 12, as amended in Bar Matter No. 1645, October 13, 2015 states:
Section 12. *Review and Recommendation by the Board of Governors.* —
a) Every case heard by an investigator shall be reviewed by the IBP Board of Governors upon the record and evidence transmitted to it by the Investigator with his report.
b) After its review, the Board, by the vote of a majority of its total membership, shall recommend to the Supreme Court the dismissal of the complaint or the imposition of disciplinary action against the respondent. The Board shall issue a resolution setting forth its findings and recommendations, clearly and distinctly stating the facts and the reasons on which it is based. The resolution shall be issued within a period not exceeding thirty (30) days from the next meeting of the Board following the submission of the Investigator's report.
c) The Board's resolution, together with the entire records and all evidence presented and submitted, shall be transmitted to the Supreme Court for final action within ten (10) days from issuance of the resolution.
d) Notice of the resolution of the Board shall be given to all parties through their counsel, if any

Section 1, Rule 139-B of the Rules of Court, as amended, provides the jurisdiction of the Integrated Bar of the Philippines in relation to proceedings for disbarment, suspension, or discipline of attorneys, including those in government service:

> SECTION 1. *How Instituted.* — Proceedings for the disbarment, suspension, or discipline of attorneys may be taken by the Supreme Court *motu proprio*, or upon the filing of a verified complaint of any person before the Supreme Court or the Integrated Bar of the Philippines (IBP). The complaint shall state clearly and concisely the facts complained of and shall be supported by affidavits of persons having personal knowledge of the facts therein alleged and/or by such documents as may substantiate said facts.
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> *The IBP shall forward to the Supreme Court for appropriate disposition all complaints for disbarment, suspension and discipline filed against* incumbent Justices of the Court of Appeals, Sandiganbayan, Court of Tax Appeals and judges of lower courts, *or against lawyers in the government service, whether or not they are charged singly or jointly with other respondents, and whether or not such complaint deals with acts unrelated to the discharge of their official functions.*
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> If the complaint is filed before the IBP, six (6) copies of the verified complaint shall be filed with the Secretary of the IBP or the Secretary of any of its chapter who shall forthwith transmit the same to the IBP Board of Governors for assignment to an investigator.[66] (Emphasis supplied)

I (A)

Generally, the Court defers administrative complaints against government lawyers to the Ombudsman or to the proper disciplinary authority.[67]

This is in recognition of the Ombudsman's authority under Section 13 (1), Article XI of the 1987 Constitution to "[i]nvestigate on its own, or on complaint by any person, any act or omission *of any public official, employee, office or agency*, when such act or omission appears to be illegal, unjust, improper, or inefficient."[68]

Moreover, the Administrative Code provides the disciplinary jurisdiction over civil service officials or employees:

> SECTION 47. Disciplinary Jurisdiction. — (1) The Commission shall decide upon appeal all administrative disciplinary cases involving the imposition of a penalty of suspension for more than thirty days, or fine in

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[66] RULES OF COURT, Rule 139-B, sec. 1, as amended in Bar Matter No. 1645, October 13, 2015.

[67] *Fuji v. Atty. Dela Cruz*, 807 Phil. 1, 8 (2017) [Per J. Leonen, Second Division], *citing Spouses Buffe v. Gonzales*, 797 Phil. 143 (2016) [Per J. Carpio, Second Division].

[68] CONST., art. XI, sec. 13, par. 1.

> an amount exceeding thirty days' salary, demotion in rank or salary or transfer, removal or dismissal from office. A complaint may be filed directly with the Commission by a private citizen against a government official or employee in which case it may hear and decide the case or it may deputize any department or agency or official or group of officials to conduct the investigation. The results of the investigation shall be submitted to the Commission with recommendation as to the penalty to be imposed or other action to be taken.
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> (2) The Secretaries and heads of agencies and instrumentalities, provinces, cities and municipalities shall have jurisdiction to investigate and decide matters involving disciplinary action against officers and employees under their jurisdiction. Their decisions shall be final in case the penalty imposed is suspension for not more than thirty days or fine in an amount not exceeding thirty days' salary. In case the decision rendered by a bureau or office head is appealable to the Commission, the same may be initially appealed to the department and finally to the Commission and pending appeal, the same shall be executory except when the penalty is removal, in which case the same shall be executory only after confirmation by the Secretary concerned.
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> (3) An investigation may be entrusted to regional director or similar officials who shall make the necessary report and recommendation to the chief of bureau or office or department within the period specified in Paragraph (4) of the following Section.
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> (4) An appeal shall not stop the decision from being executory, and in case the penalty is suspension or removal, the respondent shall be considered as having been under preventive suspension during the pendency of the appeal in the event he wins an appeal.[69]

Notwithstanding the foregoing, the Court exercises plenary disciplinary authority over all lawyers, including those in government service. The Court has disciplined government lawyers whose misconduct in public office also amounted to violation of the Lawyers' Oath and the Code of Professional Responsibility.[70] As part of the Civil Service, government lawyers do not cease to be officers of the Court and members of the Bar. They do not shed their duties under the Lawyers' Oath and the Code of Professional Responsibility.[71] Lawyers in government service are held to account to more exacting ethical standards:

> A lawyer's holding of public office does not deprive this Court of jurisdiction to discipline and impose penalties upon him or her for unethical conduct. On the contrary, holding public office amplifies a lawyer's disciplinary liability. In *Fuji v. Atty. Dela Cruz*:
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> > Lawyers in government service should be more conscientious with their professional obligations consistent with the time-honored principle of public office being a public trust. *The ethical standards under the Code of*

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[69] ADM. CODE, Book V, Title I, Chapter 7, sec. 47, Executive Order No. 292 (1987).
[70] *Collantes v. Renomeron*, 277 Phil. 668, 675 (1991) [Per Curiam, *En Banc*].
[71] CODE OF PROFESSIONAL RESPONSIBILITY, Canon 6.

> *Professional Responsibility are rendered even more exacting as to government lawyers* because they have the added duty to abide by the *policy of the State to promote a high standard of ethics, competence, and professionalism in public service.*
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> This was demonstrated in this Court's Decision in *Collantes v. Atty. Renomeron*. Confronted with the issue of "whether the respondent register of deeds, as a lawyer, may also be disciplined by this Court for his malfeasances as a public official[,]" this Court ruled, "yes, for his misconduct as a public official also constituted a violation of his oath as a lawyer."[72] (Emphasis supplied, citations omitted)

Here, the Integrated Bar of the Philippines Board of Governors refused to exercise its mandate to discipline Labor Arbiter Quiñones for lack of jurisdiction, citing *Spouses Buffe* and *Alicias*.[73]

In *Spouses Buffe v. Gonzales*,[74] the Court dismissed a complaint against former Secretary of Justice Raul M. Gonzalez, former Undersecretary of Justice Fidel J. Exconde, Jr., and former Congressman Eleandro Jesus F. Madrona, for allegedly refusing to administer Atty. Karen M. Silverio-Buffe's oath of office as Assistant Provincial Prosecutor of Romblon and to transmit her appointment papers to the Department of Justice Regional Office. The Court dismissed the complaint, ruling that the Integrated Bar of the Philippines did not have jurisdiction over administrative complaints involving government lawyers:

> Considering that both Exconde and Madrona are public officers being charged for actions, which are allegedly unfair and discriminatory, involving their official functions during their tenure, the present case should be resolved by the Office of the Ombudsman as the appropriate government agency. Indeed, the IBP has no jurisdiction over government lawyers who are charged with administrative offenses involving their official duties. For such acts, government lawyers fall under the disciplinary authority of either their superior or the Ombudsman. Moreover, an anomalous situation will arise if the IBP asserts jurisdiction and decides against a government lawyer, while the disciplinary authority finds in favor of the government lawyer.[75]

Building on *Spouses Buffe*, the Court similarly dismissed a disbarment complaint filed against Commissioners of the Civil Service Commission in *Alicias, Jr. v. Macatangay*:[76]

> The 1987 Constitution clothes the Office of the Ombudsman with the administrative disciplinary authority to investigate and prosecute any act or omission of any government official when such act or omission appears to be illegal, unjust, improper, or inefficient. The Office of the

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72 *Pelipel v. Avila*, A.C. No. 7578, August 14, 2019 [Per Curiam, *En Banc*] at 30. This pinpoint citation refers to the copy of this Resolution uploaded to the Supreme Court website.

73 *Rollo*, pp. 686–687.

74 797 Phil. 143 (2016) [Per J. Carpio, Second Division].

75 *Id.* at 151–152.

76 803 Phil. 85 (2017) [Per J. Carpio, Second Division].

> Ombudsman is the government agency responsible for enforcing administrative, civil, and criminal liability of government officials "in every case where the evidence warrants in order to promote efficient service by the Government to the people." In *Samson v. Restrivera*, the Court ruled that the jurisdiction of the Ombudsman encompasses all kinds of malfeasance, misfeasance, and non-feasance committed by any public officer or employee during his or her tenure. *Consequently, acts or omissions of public officials relating to the performance of their functions as government officials are within the administrative disciplinary jurisdiction of the Office of the Ombudsman.*[77] (Emphasis supplied, citations omitted)

This doctrinal pronouncement in *Spouses Buffe* and other similar cases have been expressly abandoned in *Guevarra-Castil v. Atty. Trinidad*.[78]

In *Guevarra-Castil*, the Court disbarred Atty. Emely Trinidad, a lawyer in the Philippine National Police, for gross immorality for having a public affair with a married colleague resulting in a child. While the complaint pertained to private acts unrelated to her public duties, the pronouncement in *Guevarra-Castil* is instructive as regards the procedure in administrative complaints filed against government lawyers:

> 1. All complaints against and which seek to discipline government lawyers in their respective capacities as members of the Bar *must be filed directly before this Court*. Conversely, **complaints which do not seek to discipline them as members of the Bar** *shall be dismissed for lack of jurisdiction and referred to the Ombudsman or concerned government agency for appropriate action.*
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> 2. In connection with paragraph 1, upon filing, the Court must determine whether the concerned agency, the Ombudsman, or the Court, has jurisdiction over the complaint against the government lawyer. In making such determination, the following must be considered: *did the allegations of malfeasance touch upon the errant lawyer's continuing obligations under the CPR and/or the Lawyer's Oath*? To put it more simply, the primordial question to be asked in making this determination is this: *do the allegations in the complaint, assuming them to be true, make the lawyer unfit to practice the profession*?
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> > 2a. If the question in paragraph 2 yields a positive answer, the case properly lies before the Court, which shall retain jurisdiction. This is so because again, the power to regulate the practice of law, and discipline members of the bar, belongs to Us. Necessarily, proceedings to be had before this Court should concern these and only these matters. This rule shall hold, even if the complaint also contains allegations of administrative and/or civil service rules infractions. In such situation however; the Court shall limit its ruling only to the matter of the respondent's fitness as a lawyer.
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> > 2b. On the other hand, if the question in paragraph 2 yields

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77 *Id.* at 91.

78 A.C. No. 10294, July 12, 2022 [Per Curiam, *En Banc*].

> a negative answer, the Court, for lack of jurisdiction, shall dismiss the case and refer the same to the appropriate government office or the Ombudsman.
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> 3. If multiple complaints have been filed, the process shall be the same.
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> In the event that paragraph 2b shall apply, and results in a situation where one or more complaint/s have been dismissed and referred to the appropriate government office or the Ombudsman, and one or more complaint/s have been retained by this Court, the cases shall proceed independently from one another.
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> *To reiterate, the fitness to be a lawyer is a continuing requirement*, measured against the standards laid out in the Lawyer's Oath and the CPR, and apply to all facets of their life, including private dealings. Needless to say, *the same standards of honesty and fairness expected of a lawyer apply to all, whether privately or publicly employed.* Accordingly, with such guidelines, the doctrine in *Spouses Buffe and similar cases*, which state that the Court has no jurisdiction to discipline, as member of the bar, government lawyers who committed acts or omissions involving their official duties, are thus *abandoned.*[79] (Emphasis supplied)

It must be clarified that *Guevarra-Castil* did not overturn *Spouses Buffe* in its entirety. It upheld the Court's policy of dismissing and referring administrative complaints against government lawyers to proper government agencies or to the Ombudsman when the complaint does not seek to discipline government lawyers as members of the Bar.

The expansive reach of the Court's constitutional disciplinary authority over lawyers does not distinguish between a lawyer in government service or in private sector, and regardless of whether the act committed was in the exercise of public functions or relating to their private affairs. Thus, the subject of the offense is irrelevant. It is the allegations in the complaint which determines whether the Court may take cognizance of an administrative case pertaining to a government lawyer.

Ultimately, it is the Court who decides whether to exercise jurisdiction on a complaint seeking to discipline government lawyers for acts done in the exercise of their duties, upon a *prima facie* showing that their misconduct makes them unfit to continue in the practice of the legal profession.

With the reversal of the doctrine in *Spouses Buffe*, the Commission on Bar Discipline cannot recommend the dismissal of an administrative complaint just because the respondent is a government lawyer. It bears reiterating that Section 1 of Rule 139-B of the Rules of Court, as amended, provides that should a complaint be filed against a government lawyer in the Integrated Bar of the Philippines, it "shall forward [the complaint] to the

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[79] *Id.*

Supreme Court for appropriate disposition."[80] Here, the complaint was directly filed before the Court and referred to the Integrated Bar of the Philippines.[81] The Integrated Bar of the Philippines Board of Governors should not have refused to exercise their mandate.

Applying the Guidelines in *Guevarra-Castil*, we first examine the Complaint against Labor Arbiter Quiñones.

II

The Complaint alleges violations of the Lawyer's Oath and Canons 1 and 7 of the Code of Professional Responsibility in relation to Labor Arbiter Quiñones's quasi-judicial exercise of his functions in the Bongat constructive dismissal case. Specifically, Labor Arbiter Quiñones was accused of willfully and deliberately delaying Camarines Sur IV Electric Cooperative, Inc.'s right to be reimbursed its wrongful payment of separation pay, first by refusing to execute the judgment in the January 18, 2008 Decision of the Court of Appeals, and second, in issuing an erroneous writ of execution in the December 23, 2011 Court of Appeals Decision.[82] The electric cooperative alternatively asserts that these acts constitute gross negligence which erodes respect for law and legal processes.[83]

Here, the acts subject of the Complaint directly pertain to the exercise of the quasi-judicial functions of Atty. Quiñones as a labor arbiter. This alone should not have deterred the Integrated Bar of the Philippines from heeding the directive of the Court to investigate the disbarment complaint.

In several cases, we held that complaints against quasi-judicial officers may be considered as administrative cases against judges, over which the Court has jurisdiction:

> In *Tadlip v. Atty. Borres, Jr.*, we ruled that an administrative case against a lawyer for acts committed in his capacity as provincial adjudicator of the Department of Agrarian Reform — Regional Arbitration Board may be likened to administrative cases against judges considering that he is part of the quasi-judicial system of our government.
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> This Court made a similar pronouncement in *Buehs v. Bacatan* where the respondent-lawyer was suspended from the practice of law for acts he committed in his capacity as an accredited Voluntary Arbitrator of the National Conciliation and Mediation Board.

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80 RULES OF COURT, Rule 139-B, as amended, sec. 1.
81 *Rollo*, p. 676.
82 *Id.* at 199–200.
83 *Id.* at 6.

> Here, the respondent, being part of the quasi-judicial system of our government, performs official functions that are akin to those of judges. Accordingly, the present controversy may be approximated to administrative cases of judges whose decisions, including the manner of rendering the same, were made subject of administrative cases.
>
> As a matter of public policy, not every error or mistake of a judge in the performance of his official duties renders him liable. In the absence of fraud, dishonesty or corruption, the acts of a judge in his official capacity do not always constitute misconduct although the same acts may be erroneous. True, a judge may not be disciplined for error of judgment absent proof that such error was made with a conscious and deliberate intent to cause an injustice.
>
> While a judge may not always be held liable for ignorance of the law for every erroneous order that he renders, it is also axiomatic that when the legal principle involved is sufficiently basic, lack of conversance with it constitutes gross ignorance of the law. Indeed, even though a judge may not always be subjected to disciplinary action for every erroneous order or decision he renders, that relative immunity is not a license to be negligent or abusive and arbitrary in performing his adjudicatory prerogatives.
>
> When the law is sufficiently basic, a judge owes it to his office to know and to simply apply it. Anything less would be constitutive of gross ignorance of the law.[84]

We discuss the charges in the Complaint in *seriatim*.

II (A)

Labor Arbiter Quiñones argues that the quashal of his predecessor's writ of execution (first writ of execution) was a valid exercise of quasi-judicial discretion. He insists he was obligated to resolve the Motion to Quash and granted it under his mandate as a labor arbiter.[85]

We do not agree.

In *Chiquita Brands, Inc. v. Judge Omelio*,[86] we laid down the requirements and instances when setting aside the execution of a final judgment may be proper:

> Ordinarily, courts have the ministerial duty to grant the execution of a final judgment. The prevailing party may immediately move for execution of the judgment, and the issuance of the writ follows as a matter of course. Execution, being "the final stage of litigation . . . [cannot] be frustrated."

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[84] *Lahm, III v. Mayor, Jr.*, 682 Phil 1, 10–12 (2012) [Per J. Reyes, Second Division].
[85] *Rollo*, p. 416.
[86] 810 Phil. 497 (2017) [Per J. Leonen, Second Division].

Nevertheless, *the execution of a final judgment may be stayed or set aside in certain cases. "Courts have jurisdiction to entertain motions to quash previously issued writs of execution[.]" They "have the inherent power, for the advancement of justice, to correct the errors of their ministerial officers and to control their own processes.*"

A writ of execution may be stayed or quashed when "facts and circumstances transpire" after judgment has been rendered that would make "execution impossible or unjust."

In *Lee v. De Guzman*, the trial court issued a writ of execution directing a car manufacturer to deliver a 1983 Toyota Corolla Liftback to a buyer. The manufacturer moved to quash the writ. Instead of ordering the manufacturer to deliver the car, this Court ordered the manufacturer to pay damages. The cessation of the manufacturer's business operations rendered compliance with the writ of execution impossible.

Another exception is when the writ of execution alters or varies the judgment. A writ of execution derives its validity from the judgment it seeks to enforce. Hence, it should not "vary terms of the judgment . . . [or] go beyond its terms." Otherwise, the writ of execution is void. Courts can neither modify nor "impose terms different from the terms of a compromise agreement" that parties have entered in good faith. To do so would amount to grave abuse of discretion.

Payment or satisfaction of the judgment debt also constitutes as ground for the quashal of a writ of execution. In *Sandico, Sr. v. Piguing*, although the sum given by the debtors was less than the amount of the judgment debt, the creditors accepted the reduced amount as "full satisfaction of the money judgment." This justified the issuance of an order recalling the writ of execution.

A writ of execution may also be set aside or quashed when it appears from the circumstances of the case that the writ "is defective in substance," "has been improvidently issued," issued without authority, or was "issued against the wrong party."

The party assailing the propriety of the issuance of the writ of execution must adduce sufficient evidence to support his or her motion. This may consist of affidavits and other documents.

On the other hand, in resolving whether execution should be suspended or whether a writ of execution should be quashed, courts should be guided by the same principle in the execution of final judgments. Certainly, they may require parties to present evidence.[87] (Emphasis supplied, citations omitted)

Caution is required in quashing a writ of execution, with strict compliance with the requirements under the law and jurisprudence:

Nothing is more settled in law than that once a judgment attains finality it thereby becomes immutable and unalterable. The enforcement of such judgment should not be hampered or evaded, for the immediate

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87 *Id.* at 532–534.

> enforcement of the parties' rights, confirmed by final judgment, is a major component of the ideal administration of justice. This is the reason why *we abhor any delay in the full execution of final and executory decisions. Thus, a remedy intended to frustrate, suspend, or enjoin the enforcement of a final judgment must be granted with caution and upon a strict observance of the requirements under existing laws and jurisprudence.* Any such remedy allowed in violation of established rules and guidelines connotes but a capricious exercise of discretion that must be struck down in order that the prevailing party is not deprived of the fruits of victory.[88] (Emphasis supplied, citations omitted)

Here, while Labor Arbiter Quiñones resolved the Motion to Quash without delay, he was overzealous in doing so. The April 13, 2009 Order quashing the writ of execution reads:

> Acting on respondent Tria's "Motion to Quash Writ of Execution" and "Supplemental Motion to Quash Writ of Execution", *with nary any opposition/comment filed by parties to instant case despite being furnished with copies thereto, and finding the arguments raised thereon on matters of due process and jurisdictional issues sustainable*, the writ of execution issued dated March 4, 2009 is hereby ordered QUASHED, and therefore, of no force and effect.
>
> SO ORDERED.[89]

Labor Arbiter Quiñones failed to state the factual basis of his Order where he said, "finding the arguments raised thereon on matters of due process and jurisdictional issues sustainable."[90] He did not explain how the final and executory judgment in the Court of Appeals January 18, 2008 Decision was issued without due process and without jurisdiction. Camarines Sur IV Electric Cooperative, Inc., as the winning party, has a right to enjoy the finality of the case and to enforce the final judgment in its favor.[91] Since Labor Arbiter Quiñones refused to implement a final and executory judgment from the appellate court, it is incumbent for him to explain the basis of extending litigation.

While the labor arbiter's quashal of a writ of execution does not expressly fall under a final order or judgment, on the merits for which the Constitution requires clear and distinct expression of the facts and law from which it is based,[92] due process requires that parties are sufficiently informed of the factual and legal basis of the decision. In *Solid Homes, Inc. v. Laserna*,[93] the Court discusses the components of administrative due process:

> The rights of parties in administrative proceedings are not violated

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88 *Pahilla-Garrido v. Tortogo*, 671 Phil. 320, 326–327 (2011) [Per J. Bersamin, First Division].
89 *Rollo*, p. 548.
90 *Id.*
91 *Pahilla-Garrido v. Tortogo*, 671 Phil. 320, 326–327 (2011) [Per J. Bersamin, First Division].
92 CONST., art. 8, sec. 15.
93 574 Phil. 69 (2008) [Per J. Chico-Nazario, Third Division].

as long as the constitutional requirement of due process has been satisfied. In the landmark case of *Ang Tibay v. CIR*, we laid down the cardinal rights of parties in administrative proceedings, as follows:

> 1) The right to a hearing, which includes the right to present one's case and submit evidence in support thereof.
>
> 2) The tribunal must consider the evidence presented.
>
> 3) The decision must have something to support itself.
>
> 4) The evidence must be substantial.
>
> 5) The decision must be rendered on the evidence presented at the hearing, or at least contained in the record and disclosed to the parties affected.
>
> 6) The tribunal or body or any of its judges must act on its or his own independent consideration of the law and facts of the controversy and not simply accept the views of a subordinate in arriving at a decision.
>
> 7) The board or body should, in all controversial question, render its decision in such a manner that the parties to the proceeding can know the various issues involved, and the reason for the decision rendered.

As can be seen above, among these rights are "the decision must be rendered on the evidence presented at the hearing, or at least contained in the record and disclosed to the parties affected"; and that the decision be rendered "in such a manner that the parties to the proceedings can know the various issues involved, and the reasons for the decisions rendered". Note that there is no requirement in *Ang Tibay* that the decision must express clearly and distinctly the facts and the law on which it is based. *For as long as the administrative decision is grounded on evidence, and expressed in a manner that sufficiently informs the parties of the factual and legal bases of the decision, the due process requirement is satisfied.*[94] (Emphasis supplied, citations omitted)

Aside from the lack of sufficient explanation, Labor Arbiter Quiñones completely adopted the allegations of the movant Tria, who failed to attach supporting documents in his Motion. Had he exercised prudence, Labor Arbiter Quiñones would have found the electric cooperative's opposition and evidence showing that Tria was not denied due process in the appellate proceedings. Records show proof of his receipt of pleadings filed in CA G.R. SP No. 95193.[95] Having failed to participate in the proceedings therein, the Decision recognizing Camarines Sur IV Electric Cooperative, Inc.'s right to reimbursement became immutable, final, and executory. Thus, the electric cooperative's entitlement to the issuance of a writ of execution is a matter of right. Its denial without sufficient explanation of the factual and legal basis amounted to a denial of due process and unnecessarily prolonged the

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[94] *Id.* at 82-83.

[95] *Rollo*, pp. 545–547.

litigation.

Here, Labor Arbiter Quiñones's quashal of the writ of execution was grossly ignorant of its requirements in jurisprudence. He did not exercise caution and prudence in quashing the same and deprived due process to the electric cooperative. In its December 23, 2011 Decision, the Court of Appeals found that there was no exceptional circumstance calling for the quashal of the writ of execution.[96]

The National Labor Relations Commission's subsequent affirmation of Labor Arbiter Quiñones's quashal of the writ did not erase his gross ignorance of the law. A review of the records show that Camarines Sur IV Electric Cooperative, Inc. changed its theory in the middle of the proceedings. Initially, it claimed lawful order or procedure of the management and absence of bad faith in the exercise of its management prerogative.[97] However, upon Motion for Partial Reconsideration before the National Labor Relations Commission, the electric cooperative raised for the first time that the liability-generating acts were done by Tria in *ultra vires* and in bad faith.[98] Thus, it prayed to be reimbursed the amounts it was ordered to pay in the Bongat case.[99] Due to Tria's lack of participation in the Court of Appeals, the cooperative's right to reimbursement for Bongat's monetary awards were recognized and became final and executory.

Nevertheless, Labor Arbiter Quiñones failed to elaborate the foundation of his ruling. It was the National Labor Relations Commission that fleshed out these details and ruled that "the instant case has metamorphosed into a totally different case."[100] Labor Arbiter Quiñones also granted the Motion without requiring sufficient evidence from Tria proving that he was denied due process in the proceedings before the Court of Appeals. Thus, Labor Arbiter Quiñones committed gross ignorance when he quashed the first writ of execution without stating the factual and legal basis, and in gross disregard of its requirements.

II (B)

The Complaint also charges Labor Arbiter Quiñones with violation of the Lawyer's Oath and Code of Professional Responsibility, or the Code of Judicial Conduct alternatively, when he issued an erroneous writ of execution against Camarines Sur IV Electric Cooperative, Inc., who filed the Motion for its issuance.[101]

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96 *Id.* at 593–595.
97 *Id.* at 24.
98 *Id.* at 46.
99 *Id.* at 47.
100 *Id.* at 114.
101 *Id.* at 2.

Labor Arbiter Quiñones admits this error. However, he ascribes the mistake to Mr. Ralph Martin Villaflor (Villaflor), an Administrative Aide VI or Clerk III at Regional Arbitration Branch No. 5 of Legazpi City, who was tasked to prepare the second writ of execution. He explains that it was regular office procedure for clerical employees to prepare and encode *pro forma* documents, including writs of execution.[102] Villaflor executed an Affidavit stating that he was newly appointed to the position when he was charged with the preparation and encoding of the subject writ of execution. He admitted that he committed a mistake since he was new and unfamiliar with the case.[103]

We cannot condone Labor Arbiter Quiñones's dereliction of duty amounting to gross negligence.

In *Re: Complaint Aero Engr. Darwin A. Reci Against Court Administrator Jose Midas P. Marquez and Deputy Court Administrator Thelma C. Bahia Relative to Criminal Case No. 05-236956*,[104] the Court distinguished between gross or simple neglect resulting from dereliction of duty:

> Dereliction of duty may be classified as gross or simple neglect of duty or negligence. *Gross neglect of duty or gross negligence "refers to negligence characterized by the want of even slight care, or by acting or omitting to act in a situation where there is a duty to act, not inadvertently but wilfully and intentionally, with a conscious indifference to the consequences, insofar as other persons may be affected. It is the omission of that care that even inattentive and thoughtless men never fail to give to their own property." It denotes a flagrant and culpable refusal or unwillingness of a person to perform a duty.* In cases involving public officials, gross negligence occurs when a breach of duty is flagrant and palpable. In contrast, simple neglect of duty means the failure of an employee or official to give proper attention to a task expected of him or her, signifying a "disregard of a duty resulting from carelessness or indifference."[105] (Emphasis supplied, citations omitted)

Here, Labor Arbiter Quiñones completely left the preparation of the writ of execution to a newly appointed clerk who has no history of the developments of the constructive dismissal complaint. Relying on ordinary office procedure, he passed the blame to the clerk's inexperience in preparing a *pro forma* writ of execution.[106] This constitutes gross neglect of duty.

A writ of execution is not a *pro forma* court process that can be completely delegated to a clerical personnel. A writ of execution commands

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[102] *Id.* at 416.
[103] *Id.* at 407.
[104] 805 Phil. 290 (2017) [Per J. Perlas-Bernabe, *En Banc*].
[105] *Id.* at 292.
[106] *Rollo*, p. 417.

the sheriff or other proper officer to enforce the judgment.[107] The manner of the judgment's enforcement as well as its satisfaction relies on the words written on the writ of execution.[108] The writ of execution must conform with the rules on its issuance, form, and contents under Section 8, Rule 39 of the Rules of Court.[109] In addition, it must conform to the terms of the judgment without extending or narrowing its scope.[110] Execution is described to be "the fruit and end of the suit and is very aptly called the life of the law."[111] Undeniably, the most difficult phase of any proceeding is the execution of judgment, which if not done would mean an empty victory for the winning party.[112] Thus, its preparation of the writ of execution devolves upon a judge.[113]

Here, the subject writ of execution was not a *pro forma* document. It detailed the procedural developments of the case from its initial resolution by Labor Arbiter Aurellano on December 19, 2000 up to its second elevation to the Court of Appeals in CA G.R. SP No. 111663.[114] The pertinent portion of the writ of execution dated November 20, 2014 reads:

> WHEREAS, on March 4, 2009, a writ of execution was issued against respondent Cyril Tria, to give effect to the prior Court of Appeals ruling. However, a subsequent order dated April 13, 2009 of the Hon. Labor Arbiter Jesus Orlando M. Quiñones quashed the writ. The same was affirmed by the NLRC. *However, said order was reversed and set aside by the Court of Appeals in CA-G.R. SP No. 111663 and ordered the undersigned Labor Arbiter to enforce the Decision dated December 19, 2000.*

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107 RULES OF COURT, Rule 39, sec. 8.

108 RULES OF COURT, Rule 39, secs. 9–11.

109 RULES OF COURT, Rule 39, sec. 8, reads:
Section 8. Issuance, form and contents of a writ of execution. — The writ of execution shall: (1) issue in the name of the Republic of the Philippines from the court which granted the motion; (2) state the name of the court, the case number and title, the dispositive part of the subject judgment or order; and (3) require the sheriff or other proper officer to whom it is directed to enforce the writ according to its terms, in the manner hereinafter provided:
(a) If the execution be against the property of the jugment obligor, to satisfy the judgment, with interest, out of the real or personal property of such judgment obligor;
(b) If it be against real or personal property in the hands of personal representatives, heirs, devisees, legatees, tenants, or trustees of the judgment obligor, to satisfy the judgment, with interest, out of such property;
(c) If it be for the sale of real or personal property to sell such property describing it, and apply the proceeds in conformity with the judgment, the material parts of which shall be recited in the writ of execution;
(d) If it be for the delivery of the possession of real or personal property, to deliver the possession of the same, describing it, to the party entitled thereto, and to satisfy any costs, damages, rents, or profits covered by the judgment out of the personal property of the person against whom it was rendered, and if sufficient personal property cannot be found, then out of the real property; and
(e) In all cases, the writ of execution shall specifically state the amount of the interest, costs, damages, rents, or profits due as of the date of the issuance of the writ, aside from the principal obligation under the judgment. For this purpose, the motion for execution shall specify the amounts of the foregoing reliefs sought by the movant.(8a)

110 *Bank of the Philippine Islands v. Green*, 48 Phil. 284, 287–288 (1925) [Per J. Malcolm, *En Banc*].

111 *Tan v. Herras*, 272 Phil. 599, 603 (1991) [Per Curiam, *En Banc*], *citing Philippine Airlines v. Court of Appeals*, 260 Phil. 606 (1990) [Per J. Gutierrez, *En Banc*].

112 *Moya v. Bassig*, 222 Phil. 367, 370 (1985) [Per Curiam, *En Banc*].

113 *Vda. De Dizon v. Tensuan*, 503 Phil. 687, 694 (2005) [Per J. Ynares-Santiago, First Division].

114 *Rollo*, pp. 602–603.

. . . .

> NOW, THEREFORE you are hereby commanded to collect, in accordance with Section 9, Rule XI of the 2011 NLRC Rules of Procedure, as amended, the total amount of Php224,795.95 from respondents CASURECO IV whose address on record is at Talojongon, Tigaon, Camarines Sur, representing complainant's additional judgment award pursuant to the Decision dated January 18, 2008.
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> . . . .
>
> SO ORDERED.[115] (Emphasis supplied)

In leaving the preparation of the writ of execution to Villaflor, the important portion of the dispositive portion in the Court of Appeals December 23, 2011 Decision was completely left out:

> WHEREFORE, premises considered, the Resolution dated September 25, 2009 issued by the NLRC is hereby REVERSED and SET ASIDE. The Labor Arbiter is ordered to ENFORCE "its Decision dated December 19, 2000 in Donato Gerardo G. Bongat, represented by his heirs, et al. v. CASURECO docketed as NLRC NCR CA No. 027385-01/NLRC RAB V-06-00062-99 as *modified by the Decision dated January 18, 2008 rendered by this Court's Fourth Division.*"[116] (Emphasis supplied)

The December 19, 2000 Decision imposing solidary liability between Camarines Sur IV Electric Cooperative, Inc. and Tria was already modified in the January 18, 2008 Decision of the Court of Appeals Fourth Division. The final and executory judgment recognized the electric cooperative's right of reimbursement against Tria.

Clearly, what happened here was not a case of simple inadvertence, but dereliction of duties to a subordinate amounting to gross negligence. Had he checked the contents of the writ of execution, he would have easily discovered the simple but fatal mistake of the clerk who prepared the draft of the writ.

In *VC Ponce Co. Inc., v. Judge Eduarte*,[117] the Court fined and admonished the respondent judge for dereliction of duty for failing to resolve a motion for reconsideration of his ruling and for refusing to correct the sheriff's computation of the judgment debt. The Court held that a judge is directly responsible for the proper discharge of his or her duties and is responsible for the mistake of his or her staff:

> While it is conceded that no one called upon to try the facts or interpret the law in the administration of justice can be infallible, and although a judge may not always be subjected to disciplinary action for

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[115] *Id.* at 603.
[116] *Id.* at 143–144.
[117] 397 Phil. 498 (2000) [Per J. Ynares-Santiago, First Division].

every erroneous order or decision he renders, that relative immunity is not a license to be negligent or abusive and arbitrary in performing his adjudicatory prerogatives. Indeed, such immunity does not relieve a judge of his obligation to observe propriety, discreetness and due care in the performance of his judicial functions.

Neither can respondent judge seek refuge behind the acts or omissions of his staff members because —

> A judge . . . is expected to keep his own record of cases so that he may act on them promptly without undue delay. It is incumbent upon him to devise an efficient recording and filing system in his court so that no disorderliness can affect the flow of cases and their speedy disposition. . . . *Proper and efficient court management is as much his responsibility. He is the one directly responsible for the proper discharge of his functions.*

The Court was even more terse in *Pantaleon v. Judge Teofilo L. Guadiz, Jr.* where it said:

> Respondent cannot hide behind the incompetence of his subordinates. *He should be the master of his own domain and take responsibility for the mistakes of his subjects.*

Succinctly stated, *respondent judge ought to know that "[a]s a member of the Bench, he should be the embodiment of competence, integrity and independence.* Rule 3.01 of Canon 3 calls for a judge to be faithful to the law and to maintain professional competence. Rule 3.05 admonishes all judges to dispose of the court's business promptly and to decide cases within the periods fixed by law. Rule 3.09 requires a judge to organize and supervise the court personnel to insure the prompt and efficient dispatch of business and requires that at all times the observance of high standards of public service and fidelity. Suffice it to state that respondent judge fell short of these ideals.

A careful evaluation of the facts of the case, the pleadings of the parties and the evidence adduced, convinces the Court that respondent judge is guilty of dereliction of duty for his delay in resolving complainant's motion for reconsideration of the obviously erroneous computation of the money judgment in Civil Case No. Br. 20-1546.[118] (Emphasis supplied, citations omitted)

It is evident that Labor Arbiter Quiñones did not review the contents of the writ. He relied on a supposed "regular office procedure"[119] and signed the writ that Villaflor prepared. This gross negligence led to the anomalous issuance of a writ of execution against the movant. The writ also completely contradicted the final and executory directive in the Court of Appeals December 23, 2011 Decision, which it seeks to enforce. This did not only delay Camarines Sur IV Electric Cooperative, Inc.'s right to be reimbursed by eight years, one month, and 30 days from when the writ of execution was originally issued on November 9, 2006, but also led to the garnishment of the

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[118] *Id.* at 517–518.

[119] *Rollo*, p. 417.

cooperative's Philippine National Bank account amounting to PHP 224,795.95.[120] It was only on January 8, 2015 that the erroneous writ of execution had been recalled and replaced with a correct one, and the garnishment notice lifted.[121]

Notwithstanding Labor Arbiter Quiñones's gross negligence in his duties, we do not find deliberate intent to delay and prejudice Camarines Sur IV Electric Cooperative, Inc. After having been alerted as to the garnishment of the electric cooperative's account from the issuance of the erroneous writ of execution, Labor Arbiter Quiñones immediately corrected his acts without delay.[122]

III

We discuss the appropriate penalties.

In *Lahm III and Concepcion v. Labor Arbiter Mayor, Jr.*,[123] we emphasized that quasi-judicial officers are subject to the same exacting standards required of judges.[124] Performing judicial functions, quasi-judicial officers are expected to be the "embodiment of competence, integrity and independence," and their subordinate's incompetence will not shield them from punishment for their misconduct.[125]

In *Lahm III and Concepcion*, the labor arbiter who erroneously issued a writ of preliminary injunction in gross ignorance of the law and unnecessarily delayed the resolution of the motion for reconsideration for its issuance was suspended for six months.

On February 22, 2022, the Court *En Banc* promulgated further amendments to Rule 140 of the Rules of Court.[126] As further amended, the Rules provide a "complete, streamlines, and updated administrative disciplinary framework for the entire Judiciary."[127] Rule 140 also applies to administrative cases considered as disciplinary action against members of the Bar.[128] Moreover, the amendments also streamlined the jurisprudential rules on modifying circumstances such as those that may mitigate or aggravate the

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120 *Id.* at 604.
121 *Id.* at 605.
122 *Id.* at 153.
123 682 Phil 1 (2012) [Per J. Reyes, Second Division].
124 *Id.* at 11.
125 *V.C. Ponce Co., Inc. v. Judge Eduarte*, 397 Phil. 498, 517 (2000) [Per J. Ynares-Santiago, First Division], *citing Pantaleon v. Judge Teofilo L. Guadiz*, 380 Phil. 106 (2000) [Per J. Melo, Third Division].
126 SC Administrative Matter No. 21-08-09-SC, February 22, 2022, Further Amendments to Rule 140 of the Rules of Court.
127 SC Administrative Matter No. 21-08-09-SC, February 22, 2022, Further Amendments to Rule 140 of the Rules of Court.
128 RULES OF COURT, Rule 140, sec. 4, as amended by A.M. No. 21-08-09-SC, February 22, 2022.

liability of errant lawyers.[129] These were also made to apply retroactively to pending administrative cases.[130]

This Court finds Labor Arbiter Quiñones guilty of gross ignorance of the law and gross neglect of duty. These are serious offenses.[131] The penalties for serious offenses range from a fine amounting to PHP 100,000.00 to PHP 200,000.00; suspension from office without salary and other benefits for more than six months but not exceeding one year; or dismissal from service, forfeiture of all or part of benefits, and disqualification from reinstatement or appointment to any public office.[132] Separate penalties are imposed for separate acts or omissions in a single administrative proceeding.[133] The imposition of the appropriate sanction depends on this Court's discretion based on the circumstances present.[134]

It appears that the present Complaint is not the first administrative case filed against Labor Arbiter Quiñones. He previously filed a petition for *certiorari* before the Court which was docketed as G.R. No. 238943. In the petition, Labor Arbiter Quiñones assailed the Ombudsman's ruling on his administrative disciplinary case. However, the Court's First Division summarily dismissed the petition for being the wrong remedy. Thus, the mitigating circumstance of first offense does not apply in this case. Hence, we impose the minimum penalty of six (6) months suspension from office without salary and other benefits for each serious charge of gross ignorance of the law and gross negligence of duty in National Labor Relations Commission Case No. RAB V Case No. 05-06-00062-99.

ACCORDINGLY, finding respondent Atty. Jesus Orlando Quiñones guilty of gross ignorance of the law in violation of his Lawyer's Oath and of the Code of Professional Responsibility, the Court resolves to **SUSPEND** respondent from the practice of law for a period of six (6) months, with a **WARNING** that commission of the same or similar offense in the future will

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129 RULES OF COURT, Rule 140, sec. 19, as amended by A.M. No. 21-08-09-SC, February 22, 2022.

130 RULES OF COURT, Rule 140, sec. 24, as amended by A.M. No. 21-08-09-SC, February 22, 2022.

131 SC Administrative Matter No. 21-08-09-SC, February 22, 2022, Further Amendments to Rule 140 of the Rules of Court, sec. 14.

132 SC Administrative Matter No. 21-08-09-SC, February 22, 2022, Further Amendments to Rule 140 of the Rules of Court, sec. 17.

133 SC Administrative Matter No. 21-08-09-SC, February 22, 2022, Further Amendments to Rule 140 of the Rules of Court, sec. 21 states:
SECTION 21. *Penalty for Multiple Offenses.* – If the respondent is found liable for more than one (10 offense arising from separate acts or omissions in a single administrative proceeding, the Court shall impose separate penalties for each offense. Should the aggregate of the imposed penalties exceed five (5) years of suspension or P1,000,000.00 in fines, the respondent may, in the discretion of the Supreme Court, be meted with the penalty of dismissal from service, forfeiture of all or part of the benefits as may be determined, 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.
On the other hand, if a single act/omission constitutes more than (1) offense, the respondent shall still be found liable for all such offenses, but shall, nonetheless, only be meted with the appropriate penalty for the most serious offense.

134 807 Phil. 1 (2017) [Per J. Leonen, Second Division] citing *Uy v. Tansinsin*, 610 Phil. 709 (2009) [Per J. Nachura, Third Division].

result in the imposition of a more severe penalty.

The suspension from the practice of law shall take effect immediately upon receipt of this Decision by respondent. He is **DIRECTED** to immediately file a Manifestation to this Court that his suspension has started, copy furnished all courts and quasi-judicial bodies where he has entered his appearance as counsel.

Let copies of this Decision be furnished to the National Labor Relations Commission, to the Integrated Bar of the Philippines, as well as to the Office of the Bar Confidant and the Court Administrator who shall circulate it to all courts for their information and guidance and likewise be entered in the record of the respondent as attorney.

SO ORDERED.

MARVIC M.V.F. LEONEN
Senior Associate Justice

WE CONCUR:

AMY C. LAZARO-JAVIER
Associate Justice

MARIO V. LOPEZ
Associate Justice

JHOSEP Y. LOPEZ
Associate Justice

ANTONIO T. KHO, JR.
Associate Justice