



Republic of the Philippines
Supreme Court
Manila

EN BANC

DR. RAUL M. SUNICO, IN HIS
CAPACITY AS PRESIDENT OF
THE CULTURAL CENTER OF THE
PHILIPPINES,

Complainant,

- versus -

JUDGE PEDRO DL. GUTIERREZ
PRESIDING JUDGE, REGIONAL
TRIAL COURT, BRANCH 119,
PASAY CITY,

Respondent.

A.M. No. RTJ-16-2457

[Formerly OCA I.P.I No. 14-4291-RTJ]

Present:

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

Promulgated:

February 21, 2017

X-----*[Signature]*-----X

DECISION

PER CURIAM:

Before us is an Administrative Complaint¹ filed by Dr. Raul M. Sunico (*Dr. Sunico*) against respondent Judge Pedro DL. Gutierrez (*respondent Judge*), Presiding Judge, Regional Trial Court, Branch 119, Pasay City, for gross ignorance of the law, grave abuse of authority, gross

* On wellness leave.

¹ Rollo, pp. 1-25.

neglect of duty, and violation of the New Code of Judicial Conduct, in connection to Civil Case No. R-PSY-12-10726-CV, entitled “*Felix Espiritu v. Raul Sunico, in his capacity as President of the Cultural Center of the Philippines.*”

In his Complaint² dated July 10, 2014, Dr. Sunico, in his capacity as the President of the Cultural Center of the Philippines (CCP), alleged that the latter entered into a five (5)-year lease contract on a property owned by CCP with Felix Espiritu (*Espiritu*), covering the period of June 16, 2007 until June 15, 2012. Thereafter, Espiritu operated his Yakitori Dori Bar and Grill Restaurant on the leased property.³

On April 18, 2012, the CCP management notified Espiritu that it will no longer renew the lease contract after its termination on June 15, 2012. CCP demanded that Espiritu settle his outstanding obligation.⁴ Espiritu, however, expressed his interest to renew the lease contract for another five (5) years, but CCP rejected the offer. On June 19, 2012, after the expiration of the contract, CCP sent a notice of disconnection of electricity and water supply to Espiritu.⁵

On June 27, 2012, Espiritu filed a Petition for Specific Performance⁶ to fix the lease period, injunction and damages before the sala of respondent Judge Gutierrez, who was then on leave.⁷ Vice-Executive Judge Wilhelmina J. Wagan denied the application for a 72-hour TRO.⁸ On July 3, 2012, pairing Judge Rowena Nieves Tan also denied the application for issuance of a 20-day TRO for lack of merit.⁹ Meanwhile, CCP disconnected the electric and water supplies in the subject premises.¹⁰

On July 24, 2012, Espiritu filed an *Ex Parte* Manifestation with Motion for Reconsideration and *Status Quo Ante* Order¹¹ which was set for hearing on July 27, 2012. Dr. Sunico claimed that CCP received the copy of the Manifestation/Motion only on August 2, 2012.¹² Dr. Sunico alleged that despite the violation of the three (3)-day notice rule, respondent Judge Gutierrez issued an Order dated July 27, 2012 directing CCP to file its comment/opposition within (5) days from notice.¹³ CCP received the Order on August 22, 2012 and had until August 28, 2012 to file its comment (August 27, 2012 was a non-working holiday). Due to time constraints, CCP asked for extension of time, or until September 7, 2012, to file its

² *Id.* at 2-3.

³ *Id.* at 2.

⁴ *Id.*

⁵ *Id.* at 3.

⁶ *Id.* at 29-48.

⁷ *Id.* at 3.

⁸ *Id.* at 49-50.

⁹ *Id.* at 51-54.

¹⁰ *Id.* at 4.

¹¹ *Id.* at 77-86.

¹² *Id.* at 5.

¹³ *Id.* at 352.

Wagan

comment.¹⁴ However, on August 28, 2012, Dr. Sunico lamented that, without waiting for their comment/opposition which was filed within the requested period of extension, respondent judge immediately issued an Order resolving the motion in favor of Espiritu.¹⁵

CCP moved for reconsideration of the Order dated August 28, 2012 but was denied. Dr. Sunico alleged that respondent judge was partial and that he also violated CCP's right to procedural due process when he resolved Espiritu's motion without awaiting for CCP's comment/opposition.¹⁶

After hearing, respondent judge issued an Order dated September 25, 2012 granting Espiritu's motion for the issuance of preliminary injunction.¹⁷ A writ of preliminary injunction was issued on September 28, 2012 after posting of bond.¹⁸ On October 10, 2012, Dr. Sunico filed a Motion for Reconsideration of the Order and for the Dissolution of the Writ of Preliminary Injunction.¹⁹ To expedite the proceedings, CCP filed a Manifestation with Extremely Urgent Motion for Early Resolution of its Motion for Reconsideration²⁰ dated December 13, 2012. Dr. Sunico claimed that respondent judge failed to act on the motion despite the lapse of more than three (3) months from the time of the filing to resolve.²¹ On March 6, 2013, CCP filed another Reiterative Motion for Speedy Resolution of the Motion for Reconsideration.²²

Finally, after more than 5 months, respondent judge denied Dr. Sunico's motion for reconsideration in an Order dated April 1, 2013. Dr. Sunico resented that the said order is a mere one-page document with three (3) short paragraphs which failed to explain how respondent judge arrived at said order. Dr. Sunico, likewise, claimed that the "apathetic" and "nail-pace" actions of respondent judge to CCP's motion fostered suspicion on his impartiality.²³

On May 17, 2013, Dr. Sunico sought respondent judge's inhibition. During the hearing, respondent judge stated that Dr. Sunico's motion was improper, since *certiorari* was the better remedy. He also asked Dr. Sunico if it was possible to give Espiritu an extension of the lease contract. Meanwhile, on June 27, 2013, Dr. Sunico filed a Petition for *Certiorari* of

¹⁴ *Id.* at 5.

¹⁵ *Id.* at 88-93.

¹⁶ *Id.* at 6.

¹⁷ *Id.* at 116-122.

¹⁸ *Id.* at 123-124.

¹⁹ *Id.* at 127-150.

²⁰ *Id.* at 153-155.

²¹ *Id.* at 7-8.

²² *Id.* at 8.

²³ *Id.*

J. B. Aragon

the Orders dated September 25, 2012 and April 1, 2013 before the Court of Appeals (CA), docketed as CA-G.R. SP No. 130529.²⁴

After four (4) months from the filing of the motion for inhibition, respondent judge issued an Order²⁵ dated September 26, 2013 stating that he shall inhibit from the case provided that the petition for *certiorari* before the CA is granted and that he is found to have gravely abused his discretion in issuing the writ of preliminary mandatory injunction.

In a Decision²⁶ dated November 11, 2013, the CA found respondent judge Gutierrez gravely abused his discretion in issuing the Orders dated September 25, 2012 and April 1, 2013. The appellate court stated that Espiritu was not entitled to a writ of preliminary injunction since there was no showing that he had a clear and unmistakable right that must be protected.

Consequently, Dr. Sunico reiterated its motion for respondent judge's inhibition. In an Order²⁷ dated January 15, 2014, respondent judge deferred his inhibition until the resolution of the Motion for Reconsideration filed by Espiritu before the CA. The CA denied the motion for reconsideration in a Resolution dated March 10, 2014 for lack of merit. However, notwithstanding the denial by the CA of Espiritu's motion for reconsideration, respondent judge refused to recuse himself from the case.²⁸

On April 29, 2014, Espiritu filed a Petition for Review on *Certiorari* before the Supreme Court (SC). Meanwhile, CCP fenced certain areas of the subject property within its perimeter but excluded the subject leased premises. Espiritu misinterpreted CCP's action as violative of the *status quo ante* issued by respondent judge on August 28, 2012. Hence, Espiritu filed an *Ex Parte* Manifestation with Motion for Issuance of Show Cause Order against CCP.²⁹

On May 9, 2014, Espiritu filed a Supplemental Motion for Removal of Fence, which was set for hearing on May 13, 2014. Dr. Sunico filed a reiterative *Ex-Parte* Motion for Immediate Inhibition of respondent judge. During the hearing, the Motion for Issuance of Show Cause Order and the Supplemental Motion filed by Espiritu were simultaneously heard. Complainant Dr. Sunico assailed the actions of respondent judge in

²⁴ *Id.*

²⁵ *Id.* at 161.

²⁶ *Id.* at 163-180. Penned by Associate Justice Celia C. Librea-Leagogo, with Associate Justices Rosmari C. Carandang and Melchor Q. C. Sadang, concurring.

²⁷ *Rollo*, p. 203.

²⁸ *Id.* at 10.

²⁹ *Id.* at 10-11.

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entertaining Espiritu's motions. Furthermore, respondent judge urged the parties to forge a compromise to remove the fence.³⁰

On June 2, 2014, Dr. Sunico filed a Consolidated Opposition to the Motions of Espiritu with Fourth Reiteration of its motion for respondent judge's inhibition.³¹

In an Order dated June 4, 2014, respondent judge Gutierrez ruled as follows:

WHEREFORE, premises considered, the Court hereby rules as follows:

a. Petitioner's motion for issuance of show cause Order is granted and hence gives respondent Raul Sunico to explain in writing within fifteen (15) days from receipt hereof why he should not be cited for contempt;

b. Petitioner's motion for removal of fence is also granted and respondent through its officers are ordered to remove all the fences around the leased premises of petitioner within twenty-four (24) hours from receipt hereof under pain of contempt of court for failure to comply with the same or referral to the Ombudsman upon complaint of petitioner; and

c. The motion to inhibit filed by respondent is denied for lack of merit.³²

On June 5, 2014, CCP filed a Motion for Reconsideration with Fifth Reiterative Motion for Inhibition.³³ Complainant Dr. Sunico insisted that respondent judge has been partial from the very start. He ordered the removal of the fence which was outside the subject leased premises and even inspected the property without CCP's knowledge or presence, and continued to hear the case apparently to accommodate and protect Espiritu.

On August 14, 2014, the Office of the Court Administrator (OCA) resolved to require respondent judge to file his comment relative to the complaint filed against him.³⁴

On November 25, 2014, acting on the fifth reiterative prayer for his inhibition and motion for reconsideration, respondent judge resolved to grant the motion for inhibition.³⁵

³⁰ *Id.* at 12.

³¹ *Id.*

³² *Id.* at 282-283.

³³ *Id.* at 284-293.

³⁴ *Id.* at 331.

JJ [unclear] on [unclear]

In his Comment³⁶ dated November 26, 2014, respondent judge categorically denied the allegations against him. He asserted that the assailed writ and orders were issued in the exercise of his judicial function, based on his appreciation of the facts, and within the bounds of the law and established jurisprudence. He opined that he cannot be subjected to civil, criminal or administrative liability for any official acts he did no matter how erroneous they are as long as he acted in good faith.³⁷

Respondent judge explained that considering the urgency of the matter, *i.e.*, disconnection of the utilities that hamper the operation of Espiritu's business on the leased premises, he was then duty-bound to immediately rule on the matter which was why he granted the injunction. He opted not to discuss the assailed orders considering that these are the subject of *certiorari* proceedings before the CA and the SC.³⁸

Respondent judge further averred that complainant filed the instant administrative complaint to coerce him to inhibit from further trying the case, which he had already granted.³⁹

Meanwhile, in separate cases, A.M. No. RTJ-04-1858, respondent judge was found guilty of simple misconduct and he was fined Php20,000.00. In another administrative case, A.M. No. RTJ-08-2157, respondent judge was reprimanded for poor ethical judgment and for failure to uphold the dignity of the court.⁴⁰

In a Memorandum⁴¹ dated January 20, 2016, the OCA found respondent judge guilty of gross ignorance of the law, undue delay and manifest bias and partiality and recommended that he be fined in the amount of ₱40,000.00 and be sternly warned. It likewise recommended that the complaint be redocketed as a regular administrative complaint against respondent judge.

Meanwhile, on December 9, 2016, respondent judge Gutierrez compulsorily retired.

RULING

We concur with the findings of the OCA, except as to the imposible penalty.

³⁵ *Id.* at 361-362.

³⁶ *Id.* at 335-350.

³⁷ *Id.* at 341.

³⁸ *Id.* at 347-348.

³⁹ *Id.* at 348-349.

⁴⁰ *Id.* at 369.

⁴¹ *Id.* at 366-374.

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On the charge of undue delay in rendering a decision or order:

In the instant case, records show that on October 12, 2012, CCP filed a motion for reconsideration and for the dissolution of the writ of preliminary injunction.⁴² On the same date, respondent judge gave Espiritu the opportunity to file comment/opposition, and CCP to file a reply from receipt of Espiritu's comment/opposition, which upon submission was deemed submitted for resolution.⁴³ On December 13, 2012, Espiritu filed his Comment, while on November 26, 2013, CCP filed its Manifestation with Extremely Urgent Motion for Resolution. In the same manifestation, CCP informed the trial court that it would no longer file a reply, and moved for the early resolution of its motion for reconsideration.⁴⁴ Notwithstanding that the matter had already been submitted for resolution upon submission of CCP's manifestation/motion, respondent judge continued with the proceedings by setting the case for preliminary and pre-trial conference on April 4, 2013. On March 6, 2013, CCP filed anew a reiterative urgent motion for speedy resolution. Respondent judge Gutierrez resolved the motion only on April 1, 2013.⁴⁵ Respondent judge did not provide any reason for his delay in resolving the said motion.

A Motion for reconsideration of an interlocutory order should be resolved within a reasonable length of time in view of its urgency, and not the 90-day period in the Constitution.⁴⁶ Otherwise, the issue in question may become moot and academic. In this particular case, there was an urgent need to resolve the motion in order to remove any doubt on Espiritu's entitlement to a preliminary injunction. In sum, the unexplained delay of respondent judge in resolving the motion is inexcusable, unwarranted and unreasonable. An inexcusable failure to decide a case or motion constitutes gross inefficiency, warranting the imposition of administrative sanctions such as suspension from office without pay or fine on the defaulting judge.⁴⁷

On the charge of gross ignorance of the law:

Respondent judge contend that Dr. Sunico should have resorted to judicial remedies first. He added that he cannot be held liable for gross ignorance of the law for issuing the writ of preliminary mandatory injunction in favor of Espiritu since it was done in the exercise of his judicial functions.

We are unconvinced.

⁴² *Id.* at 127-151.

⁴³ *Id.* at 152.

⁴⁴ *Id.* at 153-155.

⁴⁵ *Id.* at 338.

⁴⁶ Section 15(1), Article VIII of the Constitution.

⁴⁷ *Spouses Marcelo v. Judge Pichay*, 729 Phil. 113, 122 (2014).

By the Honorable Judge

It must likewise be emphasized that Dr. Sunico indeed elevated the assailed orders of respondent judge before the CA in CA-G.R. SP No. 130529. In fact, the appellate court already ruled that respondent judge committed grave abuse of discretion amounting to lack or in excess of jurisdiction in issuing the subject injunctive writ against CCP for having no basis in fact or in law. The pertinent discussion in the decision of the CA is noteworthy, to wit:

In the present case, we find that private respondent Espiritu is not entitled to a writ of preliminary mandatory injunction since there is no showing that he has a clear and unmistakable right that must be protected.

It is a deeply ingrained doctrine in Philippine remedial law that a preliminary injunctive writ under Rule 58 issues only upon a showing of the applicant's "clear legal right" being violated or under threat of violation by the defendant. "Clear legal right," within the meaning of Rule 58, contemplates a right "clearly founded in or granted by law." Any hint of doubt or dispute on the asserted legal right precludes the grant of preliminary relief... These procedural barriers to the issuance of a preliminary injunctive writ are rooted on the equitable nature of such relief, preserving the *status quo* while, at the same time, restricting the course of action of the defendants even before adverse judgment is rendered against them.

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The initial evidence presented by private respondent Espiritu before the public respondent in the preliminary injunction incident do not show the presence of the requisites for his entitlement to a writ of preliminary mandatory injunction. Ergo, public respondent committed grave abuse of discretion amounting to lack or in excess of jurisdiction in issuing a writ of preliminary mandatory injunction against petitioner CCP which has no basis in fact or in law. The only evidence needed by (public respondent) to justify the issuance of the writ, if indeed there was a need to issue one, was the lease contract itself which. *Though evidentiary in nature, would have shown, at first glance, that (private respondent Espiritu) was not entitled to the writ, even without a full-blown trial. The situation before the Court is ... a consequence of the parties' stipulation of a determinate period for (the lease contract's) expiration. The possibility of irreparable damage without proof of actual existing right is not a ground for injunction.* Where the complainant's right is doubtful or disputed, injunction is not proper. Absent a clear legal right, the issuance of the injunctive relief constitutes grave abuse of discretion. A finding that the applicant for preliminary mandatory injunction may suffer damage not capable of pecuniary estimation does not suffice to support an injunction, where it appears that the right of the applicant is unclear or dispute. (Emphasis ours)

Based on the foregoing, respondent judge manifested ignorance as to the propriety or impropriety of issuing a writ of preliminary injunction. The evidence presented in the application for preliminary injunction do not show the presence of the requisites for Espiritu's entitlement to a writ of preliminary mandatory injunction. Indeed, the expired lease contract itself

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would have easily shown that Espiritu was not entitled to the writ. In fact, the initial attempts by Espiritu to get an injunction against CCP were denied in the Orders dated June 27, 2012 and July 3, 2012, respectively, in the same case.⁴⁸ It should be pointed out also that Espiritu filed a motion for reconsideration which the CA rejected anew. Thus, without basis in fact and in law, respondent judge's issuance of the writ of preliminary injunction shows manifest gross ignorance of the law.

Another point of concern is respondent judge's nonchalant attitude as to the implication of the appellate court's finding of grave abuse of discretion. The term "grave abuse of discretion" has a specific meaning. An act of a court or tribunal can only be considered as with grave abuse of discretion when such act is done in a "capricious or whimsical exercise of judgment as is equivalent to lack of jurisdiction." The abuse of discretion must be so patent and gross as to amount to an "evasion of a positive duty or to a virtual refusal to perform a duty enjoined by law, or to act at all in contemplation of law, as where the power is exercised in an arbitrary and despotic manner by reason of passion and hostility." Furthermore, the use of a petition for *certiorari* is restricted only to "truly extraordinary cases wherein the act of the lower court or quasi-judicial body is wholly void." From the foregoing definition, it is clear that the special civil action of *certiorari* under Rule 65 will strike an act down for having been done with grave abuse of discretion if the petitioner could manifestly show that such act was patent and gross,⁴⁹ as what happened in this case.

Respondent judge cannot feign ignorance as to the effect of the grant of the petition for *certiorari* since the dispositive portion of appellate court's decision leaves no room for any interpretation, to wit:

Wherefore, premises considered, the Petition is GRANTED. The Orders dated 25 September 2012 and 01 April 2013 of the Regional Trial Court, National Capital Judicial Region, Branch 119, Pasay City, in Civil Case No. R-PSY-12-10726-CV are NULLIFIED. Accordingly, the writ of preliminary mandatory injunction issued in favor of private respondent Felix Espiritu doing business under the name and style "Yakitori Dori Bar and Grill Restaurant" is LIFTED and any bond posted by the latter is CANCELLED. Costs against private respondent.

SO ORDERED.

However, even after the pronouncements of the appellate court that respondent judge committed grave abuse of discretion, in an Order⁵⁰ dated May 13, 2014, he opted to proceed with the subject case and even

⁴⁸ Penned by Judge Wilhelmina G. Jorge-Wagan and Judge Rowena Nieves A. Tan, respectively, in *Felix Espiritu, doing business under the name and style Yakitori Dori Bar And Grill Restaurant v. Raul Sunico*.

⁴⁹ *Malayang Manggagawa ng Stayfast Phils., Inc. v. National Labor Relations Commission, Stayfast Philippines, Inc./ Maria Almeida*, 716 Phil. 500, 516 (2013).

⁵⁰ *Rollo*, p. 246.

R. J. [Signature]

further enjoined the parties to make a compromise agreement relative to the removal of the fence placed on the premises of Espiritu. Worse, in an Order⁵¹ dated June 4, 2014, respondent judge again granted Espiritu's motion for the removal of fence which CCP constructed outside of the leased premises, and denied anew Dr. Sunico's motion to inhibit. Clearly, judging by the foregoing, the Court can only conclude that the actuations of respondent Judge were not only gross ignorance of the law of the effect of the appellate court's finding of grave abuse of discretion but defiance as well to the lawful directives/orders of the appellate courts.

Though not every judicial error bespeaks ignorance of the law or of the rules, and that, when committed in good faith, does not warrant administrative sanction, the rule applies only in cases within the parameters of tolerable misjudgment. When the law or the rule is so elementary, not to be aware of it or to act as if one does not know it constitutes gross ignorance of the law. One who accepts the exalted position of a judge owes the public and the court proficiency in the law, and the duty to maintain professional competence at all times. When a judge displays an utter lack of familiarity with the rules, he erodes the confidence of the public in the courts. A judge is expected to keep abreast of the developments and amendments thereto, as well as of prevailing jurisprudence. Ignorance of the law by a judge can easily be the mainspring of injustice.⁵²

In the absence of fraud, dishonesty, or corruption, the acts of a judge in his judicial capacity are not subject to disciplinary action. However, the assailed judicial acts must not be in gross violation of clearly established law or procedure, which every judge must be familiar with. Every magistrate presiding over a court of law must have the basic rules at the palm of his hands and maintain professional competence at all times.⁵³

Thus, respondent judge's actuations cannot be considered as mere error of judgment that can be easily excused. Obstinate disregard of basic and established rule of law or procedure amounts to inexcusable abuse of authority and gross ignorance of the law.

On bias and partiality:

Given the foregoing discussions, We find equally disturbing is respondent judge's stubbornness to cling to the subject case for unknown reason. Indeed, the decision of the appellate court implies that it should not have been difficult for respondent judge to determine whether Espiritu was entitled to an injunctive writ. Respondent judge should have been guided by this ruling and should have refrained in further issuing orders which tend to favor Espiritu without factual or legal basis. However, instead of rectifying

⁵¹ *Id.* at 280-283.

⁵² *Spouses Lago v. Judge Abul, Jr.*, 654 Phil. 479, 491 (2011).

⁵³ *Id.*

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his errors or inhibiting from the case at once, respondent judge appeared to be unperturbed and insisted in hearing the case.

The rule on inhibition and disqualification of judges is laid down in Section 1, Rule 137 of the Rules of Court:

Section 1. Disqualification of judge. – No judge or judicial officer shall sit in any case in which he, or his wife or child, is pecuniarily interested as heir, legatee, creditor or otherwise, or in which he is related to either party within the sixth degree of consanguinity or affinity, or to counsel within the fourth degree, computed according to the rules of the civil law, or in which he has been executor, administrator, guardian, trustee or counsel, or in which he has presided in any inferior court when his ruling or decision is the subject of review, without the written consent of all parties in interest, signed by them and entered upon the record.

A judge may, in the exercise of his sound discretion, disqualify himself from sitting in a case, for just or valid reasons other than those mentioned above.

The Rules contemplate two kinds of inhibition: compulsory and voluntary. Under the first paragraph of the cited Rule, it is conclusively presumed that judges cannot actively and impartially sit in the instances mentioned. The second paragraph, which embodies voluntary inhibition, leaves to the sound discretion of the judges concerned whether to sit in a case for other just and valid reasons, with only their conscience as guide. Here, the case of respondent judge would fall under the concept of voluntary inhibition.

Indeed, mere imputation of bias or partiality is not enough ground for judges to inhibit, especially when the charge is without basis.⁵⁴ However, when Dr. Sunico questioned the issuance of the subject injunctive writ before the CA, he also moved for the inhibition of the respondent judge. Acting on the motion, respondent judge promised in his Order dated September 26, 2013, that he would inhibit from the case should the CA grant the petition for *certiorari* filed by the CCP and with findings that there was grave abuse of discretion in the issuance of the TRO and the writ of preliminary mandatory injunction. However, even with subsequent appellate court's finding of grave abuse of discretion, respondent judge still refused to inhibit. Respondent judge further issued an Order⁵⁵ dated January 15, 2014 deferring his inhibition until the resolution of the motion for reconsideration filed by Espiritu before the CA. Again, notwithstanding the appellate court's denial of Espiritu's motion for reconsideration, respondent judge refused to recuse himself from the case.

⁵⁴ *BGen. (Ret.) Ramiscal v. Hon. Justices Hernandez, et al.*, 645 Phil. 550, 558 (2010).

⁵⁵ *Rollo*, p. 203.

Noteworthy to mention also is that when the subject case was elevated to the SC, We issued a Resolution dated June 2, 2014 in G.R. No. 211616,⁵⁶ which denied Espiritu's petition and held that the appellate court properly nullified the subject order for having issued with grave abuse of discretion. It is appalling that given respondent judge's admission that he received the said Resolution of the SC on June 9, 2014, he still failed to undo his erroneous actions which undoubtedly put petitioner in a disadvantageous position.

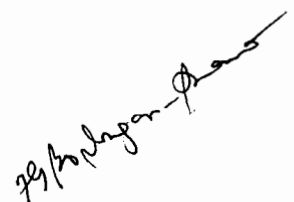
It was likewise shown that respondent judge inhibited himself from hearing the subject case only on November 25, 2014, *i.e.*, after numerous motions for inhibition filed by CCP, the receipt of the SC Resolution dated June 2, 2014 on June 9, 2014, and after the filing of the administrative complaint against him. In other words, there were several valid and significant grounds for him to inhibit from the case voluntarily yet he refused to do so for unknown reason. His defiance of the court's rulings and his continuous efforts to entertain Espiritu's motions in effect unjustly extended the latter's lease contract which had long expired. The totality of the circumstances and the actuations of the respondent judge attendant to the case, clearly lead to the inescapable conclusion that the respondent judge evidently favoured Espiritu, a clear *indicium* of bias and partiality that calls for a severe administrative sanction.

Records show that respondent judge compulsorily retired on December 9, 2016. Nevertheless, his retirement does not exculpate him from his transgressions as presiding judge. It should be noted that the Court *en banc* is unanimous as to the findings of gross ignorance of the law, undue delay in rendering an order, bias and partiality. Nonetheless, five (5) members of the Court voted to impose upon respondent judge the penalty of forfeiture of his retirement benefits and disqualification from re-employment in government service instead of dismissal because he is no longer connected with the Court. However, seven (7) members of the Court believed that the penalty of forfeiture of his retirement benefits and disqualification from re-employment in government service to be too harsh a penalty, considering respondent judge's length of service, and thus, voted to impose a fine of ₱500,000.00 to be deducted from his retirement benefits.

WHEREFORE, premises considered, Judge Pedro DL. Gutierrez, Presiding Judge of the Regional Trial Court, Branch 119, Regional Trial Court, Pasay City, is found **GUILTY** of Gross Ignorance of the Law, Undue Delay in Rendering an Order, Bias and Partiality, and is hereby **ORDERED** to **PAY** a **FINE** of ₱500,000.00 to be deducted from his retirement benefits.

This Decision is immediately **EXECUTORY**.

⁵⁶ *Felix Espiritu v. Cultural Center of the Philippines.*



SO ORDERED.




MARIA LOURDES P. A. SERENO
Chief Justice



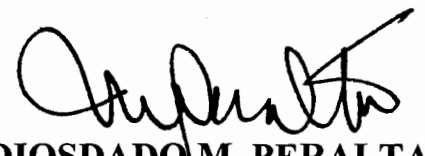
ANTONIO T. CARPIO
Associate Justice



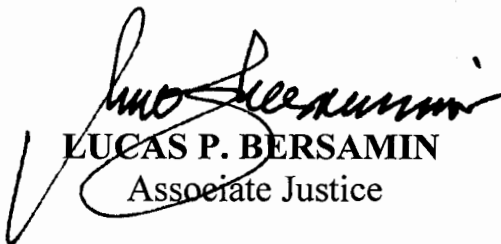
PRESBITERO J. VELASCO, JR.
Associate Justice



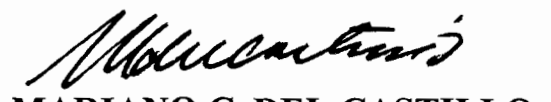
TERESITA J. LEONARDO-DE CASTRO
Associate Justice



DIOSDADO M. PERALTA
Associate Justice



LUCAS P. BERSAMIN
Associate Justice




MARIANO C. DEL CASTILLO
Associate Justice




JOSE CATRAL MENDOZA
Associate Justice


On wellness leave
BIENVENIDO L. REYES
Associate Justice



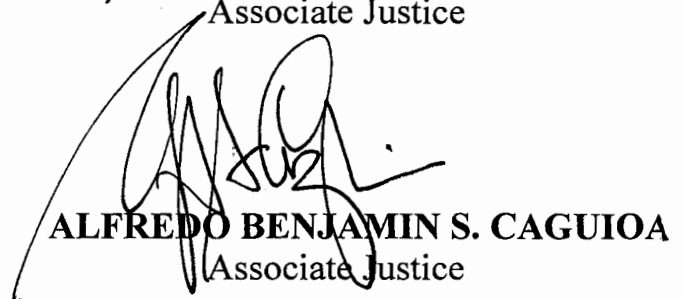
ESTELA M. PERLAS-BERNABE
Associate Justice



For total forfeiture
MARVIC M.V.F. LEONEN
Associate Justice



FRANCIS H. JARDELEZA
Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice