



Republic of the Philippines
 Supreme Court
 Manila

SUPREME COURT OF THE PHILIPPINES
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THIRD DIVISION

**OFFICE OF THE COURT
 ADMINISTRATOR,**

Complainant,

A.M. No. RTJ-19-2567
 (Formerly A.M. No. 01-12-641-RTC)

Present:

PERALTA, J., *Chairperson,*
 LEONEN,
 REYES, A., JR.,
 HERNANDO, *and*
 INTING, JJ.

- versus -

**HON. DANILO P. GALVEZ (Ret.),
 REGIONAL TRIAL COURT,
 BRANCH 24, ILOILO CITY,**

Respondent.

Promulgated:
August 14, 2019

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DECISION

INTING, J.:

For this Court's consideration is a Memorandum¹ dated January 10, 2019 from the Office of the Court Administrator (OCA) on the administrative liability of retired Judge Danilo P. Galvez (Judge Galvez), former Presiding Judge of the Regional Trial Court (RTC), Branch 24, Iloilo City, in connection with the unresolved cases pending before Branch 25 of said court, of which Judge Galvez was the Pairing Judge.

On July 16-20, 2001, the OCA conducted a judicial audit and physical inventory of cases in Branch 25. It was conducted after the erstwhile Presiding Judge of Branch 25, Judge Bartolome M. Fanañal (Judge Fanañal), compulsorily retired on April 21, 2001.

¹ *Rollo*, pp. 300-306.

The audit and inventory revealed, among others, that there were eight (8) criminal and thirty-six (36) civil cases that were already submitted for decision but left undecided by Judge Fanuñal. Thus, in its Resolution² dated January 28, 2002, the Court directed Judge Galvez to resolve the aforesaid cases; and designated Judge Lolita C. Besana (Judge Besana), Presiding Judge of RTC, Branch 32, Iloilo City, and Judge Roger B. Patricio (Judge Patricio), Presiding Judge of RTC, Branch 38, Iloilo City, to assist Judge Galvez in the resolution of said cases, *viz.*:

(a) to DIRECT Judge Danilo P. Galvez, Pairing Judge of Regional Trial Court, Iloilo City, Branch 25 to: (1) DECIDE with dispatch the thirty six (36) inherited civil cases which were left undecided by Judge Bartolome Fanuñal but with complete transcript of stenographic notes, to wit: Civil Cases Nos. 18984, 19279, 20374, 20402, 19189, 17632, 18732, 19344, 13681, 19077, 12626, 18453, 15060, LRC N-949, 12655, 15189, 18513, 13296, 19990, 15405, 15540, 17824, 13793, 12293, 14405, 18861, 18670, 17218, 14690, 13780, 17847, 13801, 10570, 12501, 13035, 16681 as well as Criminal Cases Nos. 47984, 47985, 47986, 47987, 47988, 47989, 47990 and 47991 which are submitted for decision before Judge Fanuñal but still within the ninety (90) day period to decide; (2) RESOLVE the following cases with pending incidents/motions within thirty (30) days from notice, to wit: Criminal Cases Nos. 01-5352, 99-50554, 99-50595, 99-50596, 99-50597 and 99-50598; and (3) TAKE APPROPRIATE ACTION on Criminal Cases Nos. 00-52682, 00-52165, 00-52166 and Civil Case No. 99-14732 taking preferential attention on Criminal Cases Nos. 99-51326 and 99-51327 where the defense have complied with the order of September 26, 2000 requiring him to submit his formal Offer of Exhibits within ten (10) days from said date, as well as archive Criminal Cases Nos. 00-51693, 00-51861, 00-51491, 00-52063, 00-52064, 99-51445, 00-52094, 00-52603, 00-52405 and 00-51942 pursuant to the guidelines set forth in Administrative Circular No. 7-A-92, dated June 21, 1993;

(b) to DESIGNATE Judges Lolita Contreras Besa[n]a, Presiding Judge, Branch 32 and Roger B. Patricio, Presiding Judge, Branch 38, same court, to assist Judge Galvez in the writing of the decisions of the inherited cases mentioned in Item (1-a) and for this purpose to assign said cases to these 3 Judges thru raffle;

(c) to DIRECT Judges Danilo Galvez, Lolita Besana and Roger B. Patricio to SUBMIT a report together with certified copies of the decisions within ten (10) days from rendition/promulgation thereof; and

(d) to ORDER Branch Clerk of Court Marie Yvette D. Go, Regional Trial Court, Iloilo City, assisted by the Clerks in charge of criminal and civil cases to UPDATE the entries in the criminal

² Id. at 11-12.

and civil docket books and to NOTIFY this office [*sic*] within ten (10) days of their compliance.³

On August 19, 2002, however, the Court issued a show cause order⁴ against the three judges for their failure to comply with the aforementioned January 28, 2002 Resolution.

In a letter dated September 13, 2002, Judge Patricio informed the Court that he received nineteen (19) cases and already rendered decisions on nine (9) of those cases.⁵

After almost a year, telegrams⁶ were sent to Judge Galvez and Judge Besana by Deputy Court Administrator Zenaida N. Elepaño (DCA Elepaño) reminding them to comply with the Court's twin Resolutions.

Judge Besana submitted her letter dated January 7, 2003, with an explanation that she already decided, disposed of, or terminated twelve (12) of her inherited cases.⁷

On February 24, 2003, this Court issued a Resolution⁸ wherein the letters of Judge Patricio and Judge Besana were deemed as satisfactory compliance. With regard to Judge Galvez, he was merely required to make the proper manifestation as to whether "he is submitting the case on the basis of the pleadings/records already filed and submitted."⁹

Allegedly unaware of the pendency of the Court's twin resolutions against him, Judge Galvez filed a motion¹⁰ which was received by the Court on June 13, 2018. He explains therein that it was neither his intention to defy nor to disregard the earlier resolutions of the Court as he only came to know about the matter when he was processing his clearance after he compulsorily retired last April 27, 2018. He recalls that the judicial audit was a result of the designation of Branch 25 as a drugs court sometime in 2002 and upon retirement of Judge Fanuñal, and the thirty-six (36) pending cases therein were raffled to him, to Judge Besana and to Judge Patricio per DCA Elepaño's directive. He admits that he misunderstood the foregoing directive and that he adopted a remedy to separate these inherited cases from the regular docket of Branch 24, with the intention to treat the incidents separately, in the event that the parties concerned and their counsel raise any matter

³ Id.

⁴ Id. at 20.

⁵ Id. at 28-30.

⁶ Id. at 24-25.

⁷ Id. at 133-282.

⁸ Id. at 287.

⁹ Id.

¹⁰ Id. at 288-290.

therein. He professes that these cases have already been abandoned as none of the parties or their counsel called his attention by filing the appropriate motion, except for one case which was already decided on the merits. Lastly, he accepts the OCA's recommendation of the imposition of a ₱20,000.00 fine against him.

Judge Galvez reiterated his explanation in a similarly worded letter¹¹ dated June 26, 2018 addressed to the Court Administrator.

The Court then referred the motion to the OCA for evaluation, report and recommendation.

The OCA's Recommendation

In its Memorandum dated January 10, 2019, the OCA found that Judge Galvez was "less than honest as he tried to feign ignorance" of the pendency of the instant case.¹² For the OCA, Judge Galvez gravely ignored the Court's directives and "[h]is failure to comply accordingly betrays not only a recalcitrant streak in character, but also disrespect for the Court's lawful order and directive."¹³ It added that "[t]his contumacious conduct of refusing to abide by the lawful directives issued by the Court [is] an utter lack of interest to remain with, if not contempt of, the system."¹⁴

The OCA further mentions of a pending administrative case filed by former Judge Ofelia Artuz against Judge Galvez for gross ignorance of the law, grave misconduct, gross negligence and conduct prejudicial to the best interest of service docketed as A.M. No. 17-4774-RTJ. It also cites A.M. No. 4189-RTJ for gross ignorance of the law and A.M. No. 04-2080-RTJ for knowingly rendering unjust judgment which were likewise filed against Judge Galvez but were earlier dismissed.

Thus, the OCA recommends that Judge Galvez be adjudged guilty of gross misconduct and fined in the amount of Forty Thousand Pesos (₱40,000.00) which shall be deducted from his retirement gratuity.

The Ruling of this Court

The judge is the visible representation of the law and, more importantly, of justice.¹⁵ Thus, a judge must be the first to abide by the

¹¹ Id. at 294-295.

¹² Id. at 305.

¹³ Id.

¹⁴ Id.

¹⁵ *Re: A.M. No. 05-8-244-MTC, Los Baños, Laguna*, 569 Phil. 333, 341 (2008).

law and weave an example for the others to follow.¹⁶ He/She should be studiously careful to avoid committing even the slightest infraction of the Rules.¹⁷

Compliance with the directives issued by the Court is one of the foremost duties that a judge accepts upon assumption to office as laid out in Canon 1 of the New Code of Judicial Conduct:¹⁸

Section 7. Judges shall encourage and uphold safeguards for the discharge of judicial duties in order to maintain and enhance the institutional and operational independence of the judiciary.

Section 8. Judges shall exhibit and promote high standards of judicial conduct in order to reinforce public confidence in the judiciary, which is fundamental to the maintenance of judicial independence.

In this case, the Court cannot countenance the unjustified refusal of Judge Galvez to comply with the Court's twin Resolutions dated January 28, 2002 and August 19, 2002, as well as the directive from DCA Elepaño. The Court thus agrees with the findings of the OCA that Judge Galvez is guilty of gross misconduct for his deliberate and repeated failure to comply with the Court's lawful orders and directives. He owes candor to the Court when rendering an explanation, in the same way that he expected it from lawyers who appeared before his court.¹⁹ It is even hardly necessary to remind Judge Galvez that judges should respect the orders and decisions of higher tribunals, much more the Highest Tribunal of the land from which all other courts should take their bearings.²⁰ Ultimately, a resolution of the Supreme Court should not be construed as a mere request and should be complied with promptly and completely.²¹

The Court is equally not convinced that Judge Galvez was unaware of the pendency of the Court's directives against him. It is highly incredulous that he could feign ignorance of the Court orders and, at the same time, admit that he was aware of DCA Elepaño's directive that the pending cases left behind by retired Judge Fanuñal be raffled among Judge Besana, Judge Patricio and himself. It is also dubious that he conveniently omitted to specify the number of cases raffled to him and the docket number of the sole case which he claimed to have already

¹⁶ Id.

¹⁷ Id.

¹⁸ A.M. No. 03-05-01-SC dated April 27, 2004.

¹⁹ Re: List of Judges who failed to comply with Administrative Circular No. 10-94, dated June 29, 1994, 439 Phil. 118, 135 (2002).

²⁰ *Guerrero vs. Deray*, 442 Phil. 85, 94 (2002).

²¹ Re: *Audit Report on Attendance of Court Personnel of RTC, Br. 32, Manila*, 532 Phil. 51, 64 (2006).

decided on the merits. These circumstances taken as a whole would lead to no other conclusion than that of the contumacious conduct of Judge Galvez manifested by his blatant disregard and refusal to respect the Court's directive to decide or otherwise dispose of the thirteen (13) cases which were raffled to him by reason of Judge Fanuñal's retirement.

Concomitant therewith, all directives coming from the Court Administrator and his deputies are issued in the exercise of this Court's administrative supervision of trial courts and their personnel, hence, should be respected.²² Similarly, these directives are not mere requests, but should be complied with promptly and completely.²³ Assuming *arguendo* that the twin Resolutions were not served upon Judge Galvez, his unexplained disregard of the directive of the OCA for him to decide or otherwise dispose of the cases raffled to him shows his disrespect for and contempt, not just for the OCA, but more importantly for the Court, which exercises direct administrative supervision over trial court officers and employees through the OCA.²⁴ His indifference to, and disregard of the directives issued to him clearly constituted insubordination which this Court will not tolerate.²⁵

Thus, the Court finds reason to wield disciplinary sanction upon Judge Galvez for his gross misconduct of, even outright disrespect for the Court, for his indifference to the directive of the OCA and the Court. Gross misconduct is a serious offense under Section 8(3), Rule 140 of the Rules of Court.

In *Alonto-Frayna vs. Astih*,²⁶ the Supreme Court ruled that a judge who deliberately and continuously fails and refuses to comply with the resolution of this Court is guilty of gross misconduct and insubordination. Also, in the case of *Davila vs. Generoso*,²⁷ the failure of respondent judge to comply with the show-cause resolutions of the Court was deemed as grave and serious misconduct affecting his fitness and worthiness of the honor and integrity attached to his office.

To reiterate, the Court cannot tolerate the conduct exhibited by Judge Galvez which constitutes no less than clear acts of defiance against the Court's authority. It is not enough that no parties were prejudiced or that the cases were deemed abandoned because of their inaction. What is more important is whether in the course of the judicial process, judicial norms have been maintained with the end in view that a

²² *Re: Findings on the Judicial Audit Conducted in Regional Trial Court, Branch 8, La Trinidad, Benguet*, 806 Phil. 786, 818 (2017).

²³ *Id.*

²⁴ *Clemente vs. Bautista*, 710 Phil. 10, 16 (2013).

²⁵ *Id.*

²⁶ 360 Phil. 385, 389 (1998).

²⁷ 391 Phil. 466, 471 (2000).

judge must discharge his functions with diligence and efficiency as mandated by Canon 3, Rule 3.08, of the Code of Judicial Conduct which provides that “a judge should diligently discharge administrative responsibilities, maintain professional competence in court management and facilitate the performance of the administrative functions of other judges and court personnel.”²⁸

It is also worthy to note that court personnel should conduct themselves in a dignified manner befitting the public office they are holding to achieve public confidence in the judiciary.²⁹ Judges should avoid any conduct or demeanor that may tarnish or diminish the authority of the Supreme Court.³⁰ In the case at bench, the callous and brazen disregard by Judge Galvez of the Supreme Court’s directives, his lack of candor as well as his recalcitrant attitude betray his absence of concern for his office.

Veritably, indifference or defiance to the Court’s orders or resolutions may be punished with dismissal, suspension or fine as warranted by the circumstances.³¹ Section 11(A), Rule 140 of the Rules of Court provides:

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

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

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

3. A fine of more than ₱20,000.00 but not exceeding ₱40,000.00.

Considering that the transgression committed herein by Judge Galvez touched on the parties’ right to the speedy disposition of cases which resulted in the delay in the resolution thereof for at least 17 years (or from 2001 to 2018), not to mention his indifference and recalcitrant behavior towards judicial processes, this Court holds that the imposition of the penalty of suspension from office for six (6) months, without

²⁸ *Longboan vs. Polig*, 264 Phil. 897, 902 (1990).

²⁹ *Re: Findings on the Judicial Audit Conducted in Regional Trial Court, Branch 8, La Trinidad, Benguet*, supra note 22 at 819.

³⁰ *Id.*

³¹ *Office of the Court Administrator vs. Galvez*, 562 Phil. 332, 343 (2007).

salary, as commensurate thereto. However, in lieu of his retirement, the alternative penalty of fine equivalent to his six (6) months salary shall be imposed instead.

WHEREFORE, Judge Danilo P. Galvez, former Presiding Judge of the Regional Trial Court, Branch 24, Iloilo City, is found **GUILTY** of **GROSS MISCONDUCT** and **METED OUT** the penalty of **FINE** equivalent to six (6) months salary, which shall be deducted from his retirement gratuity.

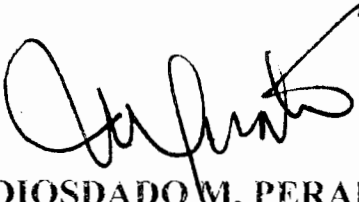
Let a copy of this decision be **FORWARDED** to the Office of the Court Administrator for the prompt release of the remaining benefits due to Judge Galvez after the appropriate reductions therefrom, unless there exists another lawful cause for withholding the same.

Atty. Warne P. Araneta, Branch Clerk of Court, Branch 25, Regional Trial Court, Iloilo City is **DIRECTED** to inform the Court in writing, through the Office of the Court Administrator, of the status of Civil Cases Nos. 13681, 13793, 13801, 15060, 17632, 17847, 18453, 18513, 18670, 18861, 19344, 20402, and LRC N-949, attaching therewith copies of the latest orders or decisions therein, if any, within fifteen (15) days from notice hereof.


SO ORDERED.



HENRI JEAN PAUL B. ANTING
Associate Justice

WE CONCUR:


DIOSDADO M. PERALTA
Associate Justice
Chairperson


MARVIC M.V.F. LEONEN
Associate Justice


ANDRES B. REYES, JR.
Associate Justice


RAMON PAUL L. HERNANDO
Associate Justice

