



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

RE: ANONYMOUS COMPLAINT
AGAINST JUDGE LAARNI N.
DAJAO, PRESIDING JUDGE,
REGIONAL TRIAL COURT,
BRANCH 27, SIOCON,
ZAMBOANGA DEL NORTE

A.M. No. RTJ-16-2456

Present:

PERLAS-BERNABE, *J.*,
Chairperson,
REYES, A., JR.,
HERNANDO,
INTING, and
DELOS SANTOS, *JJ.*

Promulgated:

02 MAR 2020

X-----X

RESOLUTION

DELOS SANTOS, *J.*:

The Case

This administrative matter pertains to the vulgar and unbecoming conduct of Judge Laarni N. Dajao (Judge Dajao), Presiding Judge of the Regional Trial Court, Branch 27, Siocon, Zamboanga del Norte, constituting violations of Sections 1 and 2, Canon 4 of the New Code of Judicial Conduct.

The Facts

In an anonymous letter-complaint dated 15 January 2014, an unknown person accused Judge Dajao of (1) manifesting a pattern of unprofessional conduct in terms of language and deed, as observed from a number of his hearings; (2) detailing his name and position in documents as Dr. Laarni N.

Dajao, Ph.D (CL-HC); and (3) making malicious and degrading statements in his Order dated 27 November 2013 in Criminal Case Nos. 2013-08-05 (1049), 2013-08-06 (1050) and 2013-08-07 (1051) for illegal possession of firearms and ammunitions, entitled "*People of the Philippines v. Julman Asim.*"

The letter-complaint expressed that in the Order dated 27 November 2013, Judge Dajao used words which were malicious, degrading, and disgraceful to the image of the court and the legal profession. In the said Order, the anonymous observer posited that Judge Dajao mentioned "big dick/penis, homophobic *baklita*, idiot, *ugok*, psychopath" and imputed a "sexual relationship with a man who is the accused in his sala, etc." The letter-complaint also cited that Judge Dajao placed "Dr." and "Ph.D." beside his name, a questionable act since judges are enjoined to foster humility in their profession. Thus, the complaint prayed that Judge Dajao be reprimanded and disciplined for unprofessional conduct.

In his Comment dated 6 May 2014, Judge Dajao stated that the sole purpose of the complaint was to malign him. He declared that the criminal cases which were the subject of his 27 November 2013 Order were all dismissed without prejudice. As such, Judge Dajao expressed that he could not answer the complaint. Also, Judge Dajao mentioned that he already accepted the apology of the PDEA Regional Director in behalf of the PDEA operatives included in the said Order. Thus, Judge Dajao prayed that the complaint not be acted upon.

The Office of the Court Administrator's Report and Recommendation

In its Report dated 26 January 2016, the Office of the Court Administrator (OCA) found Judge Dajao to be administratively liable for vulgar and unbecoming conduct. The OCA stated that the 27 November 2013 Order of Judge Dajao granted the Omnibus Motion to Quash submitted by the defense. In the same Order, Judge Dajao asserted that a defendant should not be harassed with various prosecutions based upon the same act by splitting the same into various charges, all emanating from the same law violated, when the prosecution could easily embody them in a single information. The OCA observed that Judge Dajao used intemperate language in the said Order and frowned upon Judge Dajao's act of adding "Dr." and "Ph.D." to his name giving the impression that he is egotistical and wants to be recognized by litigants as having excelled in other fields.

The OCA made this recommendation:

- (1) the instant administrative complaint be RE-DOCKETED as a regular administrative matter against Judge Laarni N. Dajao, Presiding
- 

Judge, Branch 27, Regional Trial Court, Siocon, Zamboanga del Norte;
and

(2) respondent Judge Dajao be found LIABLE for vulgar and unbecoming conduct and be FINED in the amount of Five Thousand Pesos (Php 5,000.00), with a STERN WARNING that a repetition of a similar offense shall be dealt with more severely.

The Court's Ruling

We adopt the findings and recommendation of the OCA.

In the Order dated 27 November 2013, which is the subject matter of this administrative case, issued by Judge Dajao pertaining to three criminal cases for illegal possession of firearms and ammunitions, the pertinent portions provide:

WHEREAS:

1. On November 14, 2013, the defense submitted their Motion to Quash dated September 9, 2013, x x x.

x x x x

3. Meanwhile, accused Julman Asim executed a Counter-affidavit dated November 11, 2013, herewith reproduced in *toto*, viz:

x x x x

16. While I was blindfolded, the PDEA agent investigated me by asking if I know Judge Dajao and if I have a relationship with Judge Dajao. After denying their insinuation, they continued asking questions if I am [a] lover of Judge Dajao. They even commented that maybe I have a big dick (penis) and forced me to admit that I have an intimate relationship with Judge Dajao;

x x x x

After a careful evaluation, this court finds for the defense.

x x x x

WHEREFORE, premises considered:

1. All the aforementioned cases *vis*:
1.1 – Criminal Case no. 2013-08-05 (1049)
1.2 – Criminal Case no. 2013-08-06 (1050)
1.3 – Criminal Case no. 2013-08-07 (1051)
are: Dismissed, without prejudice. x x x.

2. The prosecutor is directed to file relevant and ordinate information, taking into consideration all the objects listed in the Omnibus Motion to Quash x x x.

3. The PDEA operatives, by agent II Jury Rocamora – the team leader – pursuant to the principle of the chain of command, is strictly ordered to:

x x x x

3.4 Refrain from thundering pre-emptive, assaultive, incursive and sub[-]judice; even threatening comments/remarks upfront the face of the court and its judge, touching on the merits of their cases docketed in this court. Wait till the issues raised are properly and completely passed upon by this court. Any doubts or questions must be referred to the handling prosecutor. PDEA Agent II Rocamora, **notwithstanding his delusion of being a special law enforcement officer**, must understand and acknowledge that he has no standing in court, except as a witness for the prosecution.

4. Assistant Regional Prosecutor Dennis F. Araojo, to remember:

x x x x

4.2 **By fiction of law, his vital witness-Agent II Jury Rocamora, is an idiot.** Prosecutor Araojo must and should prevail over him in the management and prosecution of PDEA-handled cases. **Idiot notwithstanding, Agent II Rocamora is a brilliant, highly evolved psychopath** who is very familiar with military high-end psy-ops such as preemptions and deflection (See notes, as an illustrative example of deflection. Be cautious in your analysis. Since it is an esoteric perspective, it has to be spiritually discerned). **With sophisticated weaponry and tranced trained-to-obey men at his disposal, if left to his own devices, Agent II Rocamora is a very high security risk, even to the PDEA itself.**

x x x x

5. Accused Julsam Asim, being a detention prisoner, is ordered released from the custody of the Bureau of Jail Management and Penology (BJMP), unless being held for some other lawful cause.

Notes:

x x x x

2. If we follow the articulation of the Counter-Affidavit of accused Asim, x x x **Agent II Rocamora has [a] strange way of unveiling his hidden desires to:**

x x x x

- 6.1 know and have a relationship with Julman Asim aka Baolo;
- 6.2 be loved by Baolo and be his lover in return;
- 6.3 do a big dick (penis) with and force Baolo to have an intimate relationship with him; and
- 6.4 have a sexual relationship with Baolo.

Unlike the literal imputations against Judge Dajao, the positioning of Agent II Rocamora is literary. However, as it were, Agent II Rocamora's courting of Baolo is quite literal-wanton cruelties x x x. **Cruelties without compunction is basic attribute of a psychopath (sadistic). No amount of deflecting can hide PDEA Agent II Rocamora's true self: a Homophobic Baklita.**

SO ORDERED.

GIVEN IN CHAMBERS this 27th day of November, 2013 at Siocon, Zamboanga del Norte, Philippines.

DR. LAARNI N. DAJAO Ph. D (CL-HC)
Presiding Judge

(Emphasis supplied)

Sections 1 and 2 of Canon 4 of the New Code of Judicial Conduct¹ which covers propriety state:

Propriety and the appearance of propriety are essential to the performance of all the activities of a judge.

SECTION 1. Judges shall avoid impropriety and the appearance of impropriety in all of their activities.

SECTION 2. As a subject of constant public scrutiny, judges must accept personal restrictions that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly. In particular, judges shall conduct themselves in a way that is consistent with the dignity of the judicial office.

Moreover, a judge should possess the virtue of *gravitas*. He should be learned in the law, dignified in demeanor, refined in speech and virtuous in character. Besides having the requisite learning in the law, he must exhibit that hallmark judicial temperament of utmost sobriety and self-restraint. In this connection, he should be considerate, courteous and civil to all persons who come to his court. A judge who is inconsiderate, discourteous or uncivil to lawyers, litigants or witnesses who appear in his sala commits an impropriety.²

¹ A.M. No. 03-05-01-SC which took effect on 1 June 2004.

² *De La Cruz v. Carretas*, 559 Phil. 5, 15 (2007).

In the present case, insulting and insensitive language used by Judge Dajao in the Order he issued such as “idiot”, “psychopath”, “big dick (penis)”, “sadistic”, and “homophobic baklita” is a language not befitting a judge. It must be emphasized that judges are enjoined to always be temperate, patient and courteous both in conduct and language. Here, Judge Dajao's unguarded written words, as well as insinuations of a sexual relationship between the parties involved in the case he was hearing, fell short of the standards expected of a magistrate of the law and constituted vulgar and unbecoming conduct that eroded public confidence in the judiciary.

In *Spouses Jacinto v. Judge Vallarta*,³ we held that from the standpoint of conduct and demeanor expected of members of the bench, a resort to intemperate language only detracts from the respect due them and becomes self-destructive. The judicial office circumscribes the personal conduct of a magistrate and imposes a number of restrictions. This is a price that judges have to pay for accepting and occupying their exalted positions in the administration of justice. Irresponsible or improper conduct on their part erodes public confidence in the judiciary. Thus, it is their duty to avoid any impression of impropriety in order to protect the image and integrity of the judiciary.

Also, we agree with the OCA in declaring that “the act of Judge Dajao in adding “Dr.” and “Ph.D” to his name in the subject order gives the impression that he is egotistical, and wants to be recognized by the litigants that other than being a magistrate, the inclusion of a title in the order, other than his official designation as a judge, was unwarranted.”

Canon 2, Rule 2.02 of the Code of Judicial Conduct provides that “a judge should not seek publicity for personal vainglory.” Used in its ordinary meaning, vainglory refers to an individual's excessive or ostentatious pride, especially in one's achievements. Canon 1 on Integrity and Canon 2 on Propriety of the Code of Judicial Conduct proscribes judges from engaging in self-promotion and indulging their vanity and pride.⁴

Here, the inclusion of the titles “Dr.” and “Ph.D” by Judge Dajao in the questioned Order is a clear example of self-promotion and vanity and disseminates unnecessary publicity. In *Office of the Court of Administrator v. Floro, Jr.*,⁵ we held that judges are held to a higher standard and must act within the confines of the code they observe. Judges should not use the courtroom as platform for announcing their qualifications especially to an audience of lawyers and litigants who very well might interpret such publicity as a sign of insecurity. Verily, the public looks upon judges as the bastion of justice — confident, competent and true. And to discover that

³ 493 Phil. 255, 265 (2005).

⁴ See *Uy v. Javellana*, 694 Phil. 159, 186 (2012).

⁵ See 520 Phil. 591, 617-618 (2006).



this is not so, as the judge appears so unsure of his capabilities that he has to court the litigants and their lawyers' approval, definitely erodes public confidence in the judiciary.

Further, it should be borne in mind that it is the express mandate of the Canons of Judicial Ethics that "justice should not be bounded by the individual idiosyncrasies of those who administer it. A judge should adopt the usual and expected method of doing justice, and not seek to be extreme or peculiar in his judgment, or spectacular or sensational in the conduct of his court."⁶

Section 10 (1), Rule 140 of the Revised Rules of Court classifies vulgar and unbecoming conduct as a light charge, for which a fine⁷ of not less than One Thousand Pesos (₱1,000.00) but not exceeding Ten Thousand Pesos (₱10,000.00) may be imposed. We adopt the recommendation of the OCA that Judge Dajao be fined in the amount of Five Thousand Pesos (₱5,000.00), with a severe warning that a repetition of the same or similar acts in the future shall be dealt with more severely.

WHEREFORE, we find respondent Judge Laarni N. Dajao, Presiding Judge of the Regional Trial Court, Branch 27, Siocon, Zamboanga del Norte, **GUILTY of VULGAR and UNBECOMING CONDUCT** and impose on him a **FINE** in the amount of Five Thousand Pesos (₱5,000.00), with a severe warning that a repetition of the same or similar acts in the future shall be dealt with more severely.

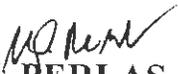
SO ORDERED.


EDGARDO L. DELOS SANTOS
Associate Justice

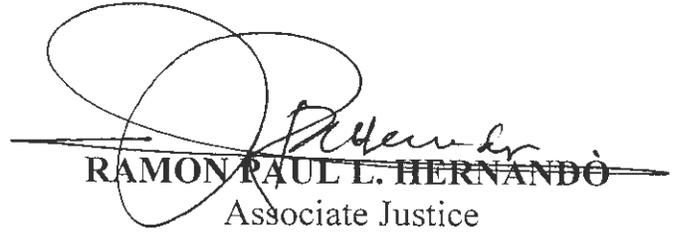
⁶ See *In the Matter of the Alleged Improper Conduct of Sandiganbayan Associate Justice Anacleto D. Badoy, Jr., Taking an Ambulance but Proceeding to the GMA TV Station for an Interview Instead of Proceeding Forthwith to the Hospital*, 443 Phil. 296, 312 (2003).

⁷ Section 11(C)(1), Rule 140 of the Revised Rules of Court.

WE CONCUR:


ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson


ANDRES B. REYES, JR.
Associate Justice


RAMON PAUL L. HERNANDO
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice