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Republic of the Philippines  
**Supreme Court**  
Manila

EN BANC

OFFICE OF THE COURT  
ADMINISTRATOR,  
Complainant,

A.M. No. RTJ-20-2578  
(Formerly A.M. No. 19-11-268-  
RTC)

Present:

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

- versus -

PRESIDING JUDGE JOSELITO  
C. VILLAROSA, formerly of  
Branch 66, Regional Trial Court,  
Makati City,

Respondent.

Promulgated:

January 28, 2020

X ----- X

**DECISION**

***Per Curiam:***

This resolves the administrative case against Presiding Judge Joselito C. Villarosa (Judge Villarosa) of Branch 66, Regional Trial Court (RTC), Makati City brought about by the article of Ramon Tulfo (Tulfo) involving three Makati judges entitled "What's Happening to Makati Judges?" printed in the July 7, 2015 issue of the *Philippine Daily Inquirer*.

\* On official leave.

### Facts of the Case

On July 7, 2015, the *Philippine Daily Inquirer* published an article written by Tulfo, one of its columnists, entitled “What’s Happening to Makati Judges?” Allegedly, three Makati judges committed certain irregularities in the discharge of their judicial functions. Among the three judges is Judge Villarosa of Branch 66, RTC, Makati City. According to the said article, Judge Villarosa favored moneyed litigants in commercial cases even if their cases are unmeritorious. Tulfo further claimed that Judge Villarosa is part of a syndicate composed of Makati judges who decide big commercial cases based on money and not on the merits. In his article entitled “Controversial Decisions” published on April 28, 2015, Tulfo described Judge Villarosa as having a “history of issuing decisions which were eventually reversed or revoked by the Court of Appeals.” Aside from that, Tulfo revealed a number of other irregularities by Judge Villarosa including the issuance of a temporary restraining order (TRO) against the Department of Transportation and Communications (DOTC) in the procurement of 48 train cars amounting to ₱3.77 Billion on motion of a losing bidder.

In view of the foregoing, the Office of the Court Administrator (OCA) issued a Memorandum dated July 8, 2015 directing Atty. Rullynn S. Garcia (Atty. Garcia), Judicial Supervisor, to investigate the circumstances of the cases referred to in Tulfo’s article. Atty. Garcia was specifically tasked to confer with the judges to get their reaction to the said article, examine the records of the subject cases, and bring the case records to the OCA if necessary.

Atty. Garcia, however, did not confer with Judge Villarosa since at that time, there was an<sup>d</sup> ongoing judicial audit being conducted in Judge Villarosa’s court from May 14 to May 20, 2015.<sup>1</sup>

In the Judicial Audit Report dated June 2, 2015, the judicial team headed by Atty. Garcia released its findings against Judge Villarosa, to wit:

1. The court failed to transfer the following commercial cases, which have not yet reached the trial stage, to Branch 137, Regional Trial Court, Makati City, after Branch 66 was relieved of its designation as a Special Commercial Court, in violation of the Court’s Resolution dated 08 July 2014 in A.M. No. 03-3-03-SC, which was received by the court on 18 July 2014, directing Branch 66 to transfer all commercial cases to Branch 137, except those cases in the trial stage and those already submitted for decision:

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<sup>1</sup> Rollo, pp. 1-2.

	Case No.	Title	Nature	Date Filed	Last Action Taken/ Remarks
1	11-1059	Pinoycare Health Systems, Inc., et al. vs. Rex Redentor Berdes, et al.	Intra-Corporate Controversies under RA 8799	25 Oct. 2011	Order dated 13 March 2015 requiring the plaintiffs to file comment/opposition to the: (a) court-appointed rehabilitation receiver's motion to confirm the engagement of the auditing firm Salvio-Leonida Panganiban & Co.; and (b) defendants' motion to terminate the JDR proceedings[.]
2	12-189	Optimax Int'l. Corp. vs. Beccomax Property and Development Corp., et al.	Derivative Suit of Stockholder a	05 March 2012	Order dated 12 May 2015 resetting the JDR proceedings to 23 June 2015[.]
3	12-851	Asia Special Situations M3 P2 (SPV-MC) vs. John Huang, et al.	Derivative Suit	13 [Sept.] 2012	Order dated 07 May 2015 resetting the JDR proceedings to 08 June 2015. Based on the Notice of Hearing dated 06 [Sept.] 2013 of Atty. John Ivan B. Tablizo, Clerk of Court, Branch 66, this case was transferred to Branch 149 for JDR proceedings. However, in [the] Order dated 11 Oct. 2013 of Judge Cesar O. Untalan, this case was returned to Branch 66 stating that the "JDR proceeding of the instant case should be conducted by the court where the same was raffled."

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	Case No.	Title	Nature	Date Filed	Last Action Taken/ Remarks
4	13-245	Franklin Financial Consultancy Phils., Inc. vs. Borough Financing Corp.	Infringement under the Intellectual Property Code	08 March 2013	Order dated 28 April 2015 submitting the motion for summary judgment for resolution[.]  On 14 Aug. 2014, a Notice was issued for the continuation of marking of exhibits before the Branch Clerk of Court on 01 [Sept.] 2014[.]
5	13-538	Planters Environmental Solutions, Inc. vs. Compliant Solutions Corp., et al.	Unfair Competition	09 May 2013	Order dated 13 May 2015 of Judge Cesar Untalan of Branch 149 resetting the JDR proceedings to 22 July 2015[.]
6	13-951	Burgundy Corporate Tower Office Owners Association vs. Wilfredo Serafica, et al.	Intra-Corporate Controversies	06 Aug. 2013	Order dated 24 June 2015 of Judge Untalan resetting the JDR proceedings to 05 Aug. 2015[.]
7	13-1202	Angping & Associates — Securities, Inc. vs. Peak Condominium Corp., et al.	Declaration of Nullity of Resolution for Capital Call Contribution for Peak Rehabilitation Project	10 Oct. 2013	Receipt on 03 March 2015 of the Mediator's Report returning the case to the court for failure of the parties to arrive at an amicable settlement.
8	14-324	Victoria Murphy, et al. vs. Greenbelt Park Place Condominium[,] et al.	Declaration of Nullity of General Assembly Annual Meeting	21 March 2014	Order dated 4 Nov. 2014 denying the: (a) motion for reconsideration of the Order dated 12 May 2014 granting petitioners' motion to admit the amended petition; and (b) motion to cite respondent Liza Villavicencio in contempt of court[.]  The case has not yet been referred to the PMC for mediation[.]

2. The court transferred cases to Branch 149 for Judicial Dispute Resolution (JDR) proceedings in violation of the *Consolidated and Revised Guidelines to Implement the Expanded Coverage of Court-*

*Annexes Mediation (CAM) and Judicial Dispute Resolution (JDR),*<sup>2</sup> which provides that “the judge to whom the case has been originally raffled, or the JDR judge, shall preside over the first stage of the judicial proceedings, [i.e.], from the filing of a complaint to the conduct of CAM and JDR during the pre-trial stage.”<sup>3</sup> For example:

	Case No.	Title	Nature	Date Filed	Date of Notice of Setting the JDR Before Judge Cesar O. Untalan of Branch 149, RTC, Makati City	Date of Termination of JDR
1	09-216	Pioneer Insurance & Surety Corp. vs. Sulpicio Lines, Inc., et al.	Damages	14 April 2009	11 Nov. 2009	03 Dec. 2009
2	09-264	Philam Insurance Co., Inc. vs. RCL Container Lines, et al.	Damages	24 March 2009	05 Feb. 2010	11 Nov. 2010
3	09-524	Pioneer Insurance & Surety Corp. vs. Albert Y. Pingoy, et al.	Damages	17 June 2009	10 March 2010	08 April 2010
4	13-245	Franklin Financial Consultancy Phils., Inc. vs. Borough Financing Corp.	Infingement under the Intellectual Property Code	08 March 2013	07 Oct. 2013	14 Nov. 2013
5	13-538	Planters Environmental Solutions, Inc. vs. Compliant Solutions Corp., et al.	Unfair Competition	09 May 2013	02 June 2014	(Still ongoing – Order dated 13 May 2015 of Judge Untalan, resetting the JDR proceedings to 22 July 2015[.])

<sup>2</sup> Approved by the Court *En Banc* in its Resolution dated January 11, 2011 in A.M. No. 11-1-6-SC-PHILJA.

<sup>3</sup> Unless otherwise agreed upon as provided by law, the JDR proceedings in areas where only one court is designated as commercial/intellectual property/environmental court shall be conducted by another judge through raffle and not by the judge of the special court.

6	13-951	Burgundy Corporate Office Association vs. Wilfredo Serafica, et al.	Intra-Corporate Controversies	06 Aug. 2013	Order dated 18 June 2014 of Judge Joselito C. Villarosa, referring the case for JDR to Branch 149 pursuant to par. IV of A.M. No. 04-01-12-SC-PHILJA – stating that “the JDR of commercial disputes shall be conducted by the pairing judge of the commercial court[.]”	(Still ongoing – Order dated 24 April 2015 resetting the JDR to 5 Aug. 2015[.])
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3. In Civil Case No. 13-792, titled *M.D.M. Logistics Phils., Inc. vs. Unli Logistics, Inc.*, for Breach of Contract, etc., the court rendered a Decision on 18 May 2015 without ruling on the Formal Offer of Exhibits of the plaintiffs filed on 11 December 2014, in violation of Section 5(g), Rule 30 of the Rules of Court, which essentially provides that “(u)pon admission of the evidence that the case shall be deemed submitted for decision, unless the court directs the parties to argue or to submit their respective memoranda or any further pleading.” In essence, the admission of evidence is a condition *sine qua non* for submitting the case for decision.

4. In Civil Case No. 09-524, titled *Pioneer Insurance & Surety Corp. vs. Albert Y. Pingoy, et al.*, for Damages, the court issued an Order dated 30 November 2010 granting plaintiff’s motion for consolidation of the case with Civil Case No. CEB-34790 (*Mactan Aviation Technology Center, Inc. vs. Capt. Lyubert Laguda, et al.*), which was pending before Branch 10, Regional Trial Court, Cebu City. Defendant Pingoy filed a motion for reconsideration of the 30 November 2010 Order, but the court did not take any action thereon. Subsequent events in the case show that the consolidation was never effected owing probably to its impracticality, if not impropriety. Section 1, Rule 31, of the Rules of Court provides that “(w)hen actions involving questions of law or fact are pending before the court, it may order a joint hearing or trial of any or all the matters in issue in the actions; it may order all actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.” Obviously, this provision contemplates a situation where two or more actions are pending before the same court, which may be the subject of consolidation, and does not apply to actions

which are pending in separate jurisdictions. Thus, the 30 November 2010 Order consolidating Civil Case No. 09-524, which is pending in Branch 66, RTC, Makati City, with a case pending in Branch 10, RTC, Cebu City contravenes said procedural rule.

5. In Civil Case No. 11-1059, titled *Pinoycare Health Systems, Inc., et al. vs. Rex Redentor Berdes, et al.*, after submitting the application for Temporary Restraining Order (TRO) for resolution on 15 December 2011, the court issued an Order dated 05 January 2012 resolving the application for TRO and enjoining defendants from dissolving Pinoycare Health Systems, Inc. "until further orders" in order to maintain the status quo, prevent irreparable injury to plaintiff, and so as not to render nugatory the proceedings before the court. In the same Order, the court set the hearing on the application for a writ of preliminary injunction on 16 January 2012. By using the phrase "until further orders" to indicate the period of effectivity of the TRO, the court caused such period to become indefinite, thereby violating Section 5, Rule 58, Rules of Court and Administrative Circular No. 20-95, which provide that in no case shall the total period of effectivity of the TRO exceed twenty (20) days.

6. In SP M-7574, titled *Metro Rail Transit Corp., et al. vs. Department of Transportation and Communications (DOTC)*, the court issued [*ex parte*] an Order on 30 January 2014, barely two (2) hours after it received the case record from the Office of the Clerk of Court, restraining for a period of twenty (20) days the DOTC, its officials, employees, agents or any person acting on their behalf, from performing any and all acts related in any manner to its procurement of additional Light Rail Vehicles (LRVs) for the MRT3, in violation of Republic Act (R.A.) No. 8975.<sup>4</sup> Section 3 of R.A. No. 8975 provides:

**No court, except the Supreme Court, shall issue any temporary restraining order, preliminary injunction or preliminary mandatory injunction against the government, or any of its subdivisions, officials or any person or entity, whether public or private, acting under the government's direction, to restrain, prohibit or compel the following acts:**

[x x x x]

(b) Bidding or awarding of contract/project of the national government as defined under Section 2 hereof[.]

x x x x

Section 2 defines national government projects as all current and future national government infrastructure, engineering works, and service contracts, including projects undertaken by government-owned and -controlled corporations, all projects covered by R.A. No. 6957, as amended by R.A. No. 7718, otherwise known as the *Build-Operate-and-Transfer Law*, and other related and necessary activities, such as site

<sup>4</sup> An Act to Ensure the Expedious Implementation and Completion of Government Infrastructure Projects by Prohibiting Lower Courts from Issuing Temporary Restraining Orders, Preliminary Injunctions or Preliminary Mandatory Injunctions, Providing Penalties for Violations Thereof, and for other Purposes.

acquisition, supply and/or installation of equipment and materials, implementation, construction, completion, operation, maintenance, improvement, repair, and rehabilitation, regardless of the source of funding.

Undeniably, the act, which was the subject of the 30 January 2014 TRO involved a government project covered by the prohibition under R.A. No. 8975 imposed upon all courts, except the Supreme Court, against the issuance of TRO and preliminary injunction.<sup>5</sup> (Emphases in the original)

### **Explanation of Judge Villarosa**

After being directed by Deputy Court Administrator Jenny Lind R. Aldecoa-Delorino, through a Memorandum dated June 2, 2015, Judge Villarosa offered the following explanations:

1. As to the failure to transfer commercial cases, which have not yet reached the trial stage, to Branch 137, RTC, Makati City — Judge Villarosa did not deny knowing about A.M. No. 03-3-03-SC which ordered his court to transfer all its commercial court cases to Branch 137. He justified the delay in the transfer, however, in this wise:

(a) [T]he agreement between Judge Ethel Mercado Gutay of Branch 137 and Judge Selma P. Alaras in the presence of Atty. John Ivan B. Tablizo and Atty. Neil Duenas that all commercial cases which commenced trial in whatever stage [including conduct of hearing on TRO/Injunction] shall remain in Branch 66;

(b) [T]he pagination of numerous volumes of case folders is a tedious process and takes time to accomplish. [He claimed that], it takes about two (2) to three (3) days to paginate a four (4)-volume case before it can be forwarded to the Office of the Clerk of Court for re-affle; and

(c) [T]he failure of the Executive Judge and the OCA to react to his letter informing them of the agreement mentioned above. [He pointed out] that had he been informed [about] any infirmity in the retention of the cases, he would have acted accordingly [with the order of the OCA. Moreover,] except for Case Nos. 13-538 and 13-951 which were undergoing JDR before Branch 149, the six (6) other commercial cases subject of this administrative matter were transferred to Branch 137 on 27 and 28 May 2015, or after the conduct of the judicial audit, pursuant to A.M. No. 03-3-03-SC.<sup>6</sup>

2. As to the transfer of cases for judicial dispute resolution (JDR) to Branch 149 —

Judge Villarosa averred that the transfer of cases to Branch 149 was brought about because Branch 149 was the lone commercial court that has jurisdiction over the said cases and that it has been a practice to refer

<sup>5</sup> *Rollo*, pp. 3-9.

<sup>6</sup> *Id.* at 10.



commercial cases to Branch 149 whenever JDR failed. Because of this, it was not entirely his fault to follow such practice.<sup>7</sup>

3. As to the failure to rule on the formal offer of evidence before rendering a Decision in Civil Case No. 13-792 —

Judge Villarosa reasoned that said ruling regarding the formal offer of evidence was already included as part of the Decision dated May 18, 2015. Hence, according to him, it is not true that he did not rule on the formal offer of evidence.<sup>8</sup>

4. As to the consolidation of a case pending in Branch 66 with a case pending in Branch 10, RTC, Cebu City —

Judge Villarosa offered no viable excuse. It should be noted that he still proceeded in hearing Case No. 09-524 despite the order granting plaintiff's motion for consolidation joining the aforementioned case with Civil Case No. CEB-34790, pending before Branch 10, RTC, Cebu City. However, counsel for both parties updated him from time to time regarding the proceedings in Cebu.<sup>9</sup>

5. On the issuance of a TRO, the effectivity of which was "until further orders," in violation of Section 5, Rule 58 of the Rules of Court and Administrative Circular No. 20-95, which provide that in no case shall the total period of effectivity of the TRO exceed 20 days —

Judge Villarosa explained that the parties were in the process of arriving at an amicable settlement which were manifested during the conciliation proceedings. Therefore, it did not affect the pending cases.<sup>10</sup>

6. As to the issuance of an order restraining the DOTC for a period of 20 days from performing any and all acts related in any manner to its procurement of additional light rail vehicles for the MRT-3, in violation of Republic Act (R.A.) No. 8975 —

Judge Villarosa averred that he issued a protection order which is akin to a restraining order. He insisted that the issuance of an *ex parte* protection order was in accord with the Alternative Dispute Resolution (ADR) Rules as, based on the pleadings, there were allegations which warranted the issuance of a protection order. This was an available remedy under the ADR Rules, which was a necessary relief to those who are entitled thereto.<sup>11</sup>

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<sup>7</sup> Id. at 10-11.

<sup>8</sup> Id. at 11.

<sup>9</sup> Id.

<sup>10</sup> Id.

<sup>11</sup> Id. at 11-12.

### Report and Recommendation

In its Report and Recommendation<sup>12</sup> dated November 8, 2019, the OCA found Judge Villarosa guilty of violation of a Supreme Court directive and four counts of gross ignorance of the law and procedure and recommended the forfeiture of all his retirement benefits, except accrued leave credits, and disqualification from reemployment in any branch or instrumentality of the government.

The OCA noted that judges, like Judge Villarosa, should always be reminded to be extra prudent and circumspect in the performance of their duties. Moreover, holding such an exalted position requires utmost proficiency in the law.<sup>13</sup>

### The Issue

Whether Judge Villarosa is guilty of gross ignorance of the law and of violation of Supreme Court rules, directives, and circulars.

### The Court's Ruling

We adopt the recommendation of the OCA which found Judge Villarosa guilty of four counts of gross ignorance of the law under Section 8, paragraph 9, Rule 140 of the Rules of Court and of violation of a Supreme Court directive under Section 11(B), Rule 140 of the Rules of Court. However, we deem it proper to modify the penalty to conform to recent jurisprudence.

The reasons offered by Judge Villarosa as to the delay in the transfer of the subject commercial cases to Branch 137 cannot be countenanced. Judge Villarosa was well aware of the Resolution in A.M. No. 03-3-03-SC, a copy of which was received by his court on July 18, 2014, 10 months prior to the conduct of the judicial audit in May 2015. However, he disregarded the said Resolution based on his purported agreement between Judge Ethel Mercado Gutay and Judge Selma P. Alaras that all commercial cases which have commenced trial shall remain with Branch 66.

Moreover, he never presented his letter to the OCA, which allegedly informed the OCA about the agreement, and even passed the blame on said office for not acting on the purported letter. Such kind of reasoning is unacceptable as the Resolution is categorical in ordering the transfer of all commercial cases in his *sala* to Branch 137. Resolutions of the Supreme Court cannot be overturned by mere agreement among judges.

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<sup>12</sup> Id. at 1-17.

<sup>13</sup> Id. at 15, citing *Recto v. Hon. Trocino*, A.M. No. RTJ-17-2508, November 7, 2017, 844 SCRA 157, 179.

Likewise, Judge Villarosa raised the issue of pagination of numerous volumes of case records as a reason for the delay. However, a delay of one or two days is not substantial enough to bring about a delay of about 10 months. To highlight the point that the pagination was not the proximate cause of the delay, immediately after the judicial audit was conducted and completed, all commercial cases were transferred to Branch 137 except for one case. This shows that if sufficient effort was exerted, the cases can be transferred in a short amount of time.

As to the transfer of cases for JDR to Branch 149, the Consolidated and Revised Guidelines to Implement the Expanded Coverage of Court-Annexed Mediation (CAM) and JDR provides that the judge to whom the case has been originally raffled, or the JDR Judge, shall preside over the first stage of the judicial proceedings, *i.e.*, from the filing of a complaint to the conduct of CAM and JDR during the pre-trial stage. Furthermore, in a multiple *sala* court, "if the case is not resolved during JDR, it shall be raffled to another branch for the pre-trial proper up to judgment." Thus, the court to which the case was originally raffled is mandated to preside over the first stage of the proceedings, including the JDR, and it is only upon the failure of the JDR that the said case should be raffled to another branch. Here, Judge Villarosa hastily transferred the cases to Branch 149 without the first stage of the proceedings, which includes JDR, in clear violation of the abovementioned guidelines.

Regarding his failure to rule on the formal offer of evidence before rendering a Decision in Civil Case No. 13-792, Judge Villarosa explained that the ruling on the formal offer of evidence was already included in the Decision. Regarding this issue, we are inclined to give him the benefit of the doubt although he was not able to present a copy of the said Decision as it seems to be an isolated case which we could excuse.

Regarding his consolidation of cases pending before Branch 66 and Branch 10, RTC, Cebu City, Judge Villarosa admitted to granting the motion for consolidation although the latter has no bearing with the case pending in his *sala* and still proceeded with hearing the case pending with his *sala* independently. This clearly violated Section 1, Rule 31 of the Rules of Court, to wit:

SEC. 1. *Consolidation.* – When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all the matters in issue in the actions; it may order all actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

Furthermore, we are left at a quandary as to why Judge Villarosa granted the motion for consolidation if he will eventually hear the case pending in his *sala* independently.

Regarding the issuance of a TRO which remained effective “until further notice” in violation of the 20-day period prescribed in Section 5, Rule 58 of the Rules of Court and Administrative Circular No. 20-95, Judge Villarosa did not offer any valid explanation, as he merely said that the parties, at that time, were in the process of amicably settling the case.

As to his issuance of a TRO against the DOTC in violation of R.A. No. 8975, he claimed that he issued a “protection order akin to a restraining order” in accordance with the ADR Rules. This, however, cannot excuse Judge Villarosa from administrative liability. First, a close perusal of the Order dated January 30, 2014, which was issued *ex parte* in SP M-7574, shows that it is clearly a TRO as it prevented the DOTC from performing any and all acts related in any manner to its procurement of additional light rail vehicles for the MRT-3 for a period of 20 days. Second, the ADR Rules cited as basis by Judge Villarosa is not applicable in the instant case because this is not an arbitration proceeding. This case involves a judicial process where a judge is called to adjudicate and settle the issues of the parties.

In sum, the Court finds Judge Villarosa liable for: (1) violation of A.M. No. 03-3-03-SC dated July 8, 2014 when he deliberately failed to transfer eight commercial cases to Branch 137; and (2) four counts of gross ignorance of the law and procedure when he (a) transferred cases for JDR to Branch 149 without conducting the first stage of judicial proceedings, including JDR, in violation of the Consolidated and Revised Guidelines to Implement the Expanded Coverage of CAM and JDR; (b) ordered the consolidation of Civil Case No. 09-524 pending in his court with Civil Case No. CEB-34790 pending in Branch 10, RTC, Cebu City, in violation of Section 1, Rule 31 of the Rules of Court; (c) issued a TRO that was effective beyond the 20-day period prescribed in Section 5, Rule 58 of the Rules of Court and Administrative Circular No. 20-95 in Civil Case No. 11-1059; and (d) issued a TRO against the DOTC in SP M-7574, in violation of Section 3 of R.A. No. 8975.

It is important to note that previously, Judge Villarosa was found guilty in two other administrative cases. In A.M. No. RTJ-14-2410, a Resolution was issued on March 11, 2015 which found him guilty of gross ignorance of the law, gross inefficiency and serious misconduct, for which he was fined ₱10,000.00. Likewise, in a Resolution dated September 14, 2016 in A.M. No. RTJ-16-2474, he was found guilty of undue delay in resolving a motion in violation of the Code of Judicial Conduct and was fined ₱20,000.00 with a stern warning that repetition of the same or similar act shall be dealt with more severely.<sup>14</sup>

Over and above that, Judge Villarosa has nine pending administrative cases. These are: (1) OCA IPI No. 18-4860-RTJ, entitled “[Reynaldo C. Mallari] v. Judge Villarosa,” for gross ignorance of the law, grave abuse of

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<sup>14</sup> Rollo, p. 15.

discretion, and manifest partiality; (2) OCA IPI No. 18-4800-RTJ, entitled "*Alexander F. Balutan, General Manager, PCSO v. Judge Villarosa*," for gross ignorance of the law, grave abuse of authority, gross neglect of duty, willful violation of the New Code of Judicial Conduct; (3) OCA IPI No. 18-4789-RTJ, entitled "*[Stig] Mats Thomas Hillerstam v. Judge Villarosa*," for gross ignorance of the law; (4) OCA IPI No. 16-4642-RTJ, entitled "*Bangko Sentral ng Pilipinas v. Judge Villarosa*," for gross misconduct and gross ignorance of the law; (5) OCA IPI No. 16-4594-RTJ, entitled "*Lourdes H. Castillo v. Judge Villarosa*," for violation of the Code of Judicial Conduct; (6) OCA IPI No. 15-4480-RTJ, entitled "*DPWH v. Judge Villarosa*," for gross ignorance of the law and gross misconduct constituting violation of the Code of Judicial Conduct; (7) A.M. No. 15-4385-RTJ, entitled "*[Laurentius, Theodorus] Peters [v. Judge Villarosa]*," for partiality, grave abuse of discretion and gross ignorance of the law; (8) UDK No. Anonymous No. 020141114-01, for gross ignorance of the law and misconduct, filed by a concerned citizen; and (9) UDK No. Anonymous No. A20091016-01, for immorality, filed anonymously.<sup>15</sup>

In *Department of Justice v. Judge Mislant*,<sup>16</sup> the Court explained the nature of gross ignorance of the law as an administrative offense, to wit:

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

For liability to attach for ignorance of the law, the assailed order, decision or actuation of the judge in the performance of official duties must not only be found erroneous but, most importantly, it must also be established that he was moved by bad faith, dishonesty, hatred, or some other like motive. Judges are expected to exhibit more than just cursory acquaintance with statutes and procedural laws. They must know the laws and apply them properly in all good faith. Judicial competence requires no less. Thus, unfamiliarity with the rules is a sign of incompetence. Basic rules must be at the palm of his hand. When a judge displays utter lack of familiarity with the rules, he betrays the confidence of the public in the courts. Ignorance of the law is the mainspring of injustice. Judges owe

<sup>15</sup> Id.

<sup>16</sup> 791 Phil. 219, 227-228 (2016).

it to the public to be knowledgeable, hence, they are expected to have more than just a modicum of acquaintance with the statutes and procedural rules; they must know them by heart. When the inefficiency springs from a failure to recognize such a basic and elemental rule, a law or a principle in the discharge of his functions, a judge is either too incompetent and undeserving of the position and the prestigious title he holds or he is too vicious that the oversight or omission was deliberately done in bad faith and in grave abuse of judicial authority. In both cases, the judge's dismissal will be in order.

Anent the imposition of the proper penalty on Judge Villarosa, Section 11(A), Rule 140 of the Rules of Court provides that a serious charge, such as Gross Ignorance of the Law, may be punishable by: (a) 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 and controlled corporations, provided, however, that the forfeiture of benefits shall in no case include accrued leave credits; (b) suspension from office without salary and other benefits for more than three, but not exceeding six months; or (c) a fine of more than ₱20,000.00, but not exceeding ₱40,000.00.

On the other hand, Section 11(B) of the same Rule provides that a less serious charge, such as Violation of Supreme Court Rules, Directives, and Circulars, may be punishable by: (a) suspension from office without salary and other benefits for not less than one nor more than three months; or (b) a fine of more than ₱10,000.00, but not exceeding ₱20,000.00.

As aptly observed by Senior Associate Justice Estela M. Perlas-Bernabe during the deliberations on this case, the Court, in *Boston Finance and Investment Corp. v. Gonzales*,<sup>17</sup> has held that “[i]f the respondent judge or justice of the lower court is found guilty of multiple offenses under Rule 140 of the Rules of Court, the Court shall impose separate penalties for each violation.”

Accordingly, as penalty for the first count of Gross Ignorance of the Law and in view of his supervening retirement (which obviates the implementation of the penalty of dismissal from service),<sup>18</sup> the Court deems it proper to **forfeit all of Judge Villarosa's retirement benefits except accrued leave credits**, and likewise impose the **accessory penalty of disqualification from reinstatement or appointment to any public office, including government-owned and controlled corporations.**

In addition, the Court imposes the following: (a) for the other three counts of Gross Ignorance of the Law, fines in the amount of ₱40,000.00 each; and (b) for his violation of A.M. No. 03-3-03-SC dated July 8, 2014, a fine in the amount of ₱20,000, **Judge Villarosa is therefore fined a total of**

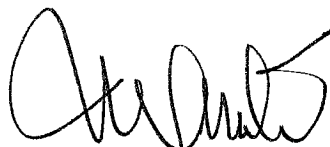
<sup>17</sup> A.M. No. RTJ-18-2520, October 9, 2018.

<sup>18</sup> *Report on the Financial Audit Conducted in the Municipal Trial Court in Cities in Tagum City, Davao del Norte*, 720 Phil. 23, 55 (2013).


**₱140,000.00**, which amount is to be deducted from his accrued leave credits. In case his leave credits are insufficient, the OCA is directed to order Judge Villarosa to pay within 10 days from notice, the said amount.

**WHEREFORE**, former Judge Joselito C. Villarosa is hereby found **GUILTY** of four (4) counts of Gross Ignorance of the Law, as well as of violation of A.M. No. 03-3-03-SC dated July 8, 2014. Accordingly, as explained above, all his retirement benefits except accrued leave credits, are **FORFEITED**, and he is further meted with the accessory penalty of **DISQUALIFICATION** from reinstatement or appointment to any public office, including government-owned and controlled corporations. In addition, he is **FINED** the total amount of ₱140,000.00, which amount is to be deducted from his accrued leave credits. In case his leave credits are insufficient, the Office of the Court Administrator is **DIRECTED** to order Judge Villarosa to pay within ten (10) days from notice, the said amount.

**SO ORDERED.**




**DIOSDADO M. PERALTA**  
*Chief Justice*



**ESTELA M. PERLAS-BERNABE**  
*Associate Justice*



**MARVIC M.V.F. LEONEN**  
*Associate Justice*

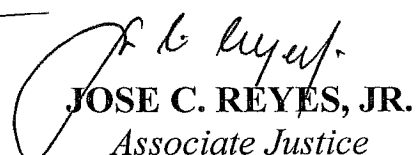


**ALFREDO BENJAMIN S. CAGUIOA**  
*Associate Justice*

(On Official Leave)  
**ANDRES B. REYES, JR.**  
*Associate Justice*




**ALEXANDER G. GESMUNDO**  
*Associate Justice*



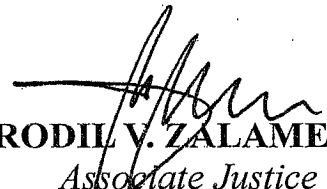
**JOSE C. REYES, JR.**  
*Associate Justice*


(On Official Leave)  
**RAMON PAUL L. HERNANDO**  
*Associate Justice*

  
**ROSMARID. CARANDANG**  
*Associate Justice*

  
**AMY C. LAZARO-JAVIER**  
*Associate Justice*

  
**HENRI JEAN PAUL B. INTING**  
*Associate Justice*

  
**RODIL V. ZALAMEDA**  
*Associate Justice*

  
**MARIO V. LOPEZ**  
*Associate Justice*

  
**EDGARDO L. DE LOS SANTOS**  
*Associate Justice*

  
**SAMUEL H. GAERLAN**  
*Associate Justice*