

## EN BANC

**[ A.M. NO. RTJ-09-2183 [FORMERLY A.M. OCA IPI NO. 05-2346-RTJ], July 07, 2009 ]**

**CONCERNED LAWYERS OF BULACAN, PETITIONERS, VS.  
PRESIDING JUDGE VICTORIA VILLALON-PORNILLOS, RTC,  
BRANCH 10, MALOLOS CITY, BULACAN, RESPONDENT.**

### D E C I S I O N

#### **PER CURIAM:**

Some "Concerned Lawyers of Bulacan," denominating themselves as such, filed a five-page Anonymous Administrative Complaint of August 31, 2005 against Presiding Judge Victoria Villalon-Pornillos (respondent) of Branch 10 of the Regional Trial Court (RTC) of Malolos City.

#### **THE CHARGES AGAINST RESPONDENT:**

Complainants charged respondent with having violated Republic Act Nos. 3019 and 6713, the Canons of Judicial Conduct, the Code of Professional Responsibility, and the Rules of Court, Rule 140, Sections 1, 8 (pars. 1-4, 6-9) and 9 (pars. 2, 4), as amended by A.M. No. 01-8-10-SC<sup>[1]</sup> (2001), and furnished details synthesized as follows:

Respondent has a notorious history of committing graft and corruption by "fixing" cases and "selling" decisions or orders, such as receiving P5 million from Lorna Silverio, extorting P6 million from Romeo Estrella, and obtaining P200,000 from Leonardo de Leon and asking him to pay her electric bills while simultaneously extorting from de Leon's detractors, all relative to the election protests involving the mayoralty race at San Rafael, Baliuag and Angat, respectively.

Respondent is maintaining amorous relationships with her driver and bodyguards, borrowing money from her staff and other court officers to cover up her corruption, vindictively detailing almost all of her staff to other offices, and bragging about her associations with former classmates now working in the judiciary.

Respondent has ostentatiously displayed ill-gotten wealth. She rented a taxi for P2,000 a day for almost six months. She maintains and enrolls her four children in first-class schools. And she acquired a new *Ford Lynx* car.

Respondent reports to court only twice a week. She became mentally ill when her husband passed away in 1993 and experienced mental trauma when her alleged lover was killed.

#### **REFERRAL OF THE COMPLAINT TO, AND ACTION TAKEN BY, THE OFFICE OF THE COURT ADMINISTRATOR:**

By internal Resolution of September 20, 2005,<sup>[2]</sup> the Court directed the Office of the Court Administrator (OCA) to conduct a discreet investigation of the charges and to submit a report thereon within 30 days from notice.

A *sub rosa* investigation was conducted in October 2005 by an investigating team which interviewed court officers and personnel as well as practicing lawyers in Malolos, after apprising and assuring them of the confidentiality of the inquiry. Without disclosing the subject of the investigation, the investigating team represented itself to be on a covert fact-finding mission on alleged irregularities by some RTC judges of Malolos.

The OCA, which submitted its report by Memorandum of November 24, 2005, concluded that the allegations of corruption and extortion were based on hearsay; and absent any evidence from reliable witnesses, it found the same to be difficult to prove; and "as long as no one is willing to come forward and testify based on personal knowledge, the charges of corruption must fail."

On the allegations of respondent's illicit amorous relationships with her driver and bodyguards, the OCA found the same to be based on rumors, noting that not one of the witnesses confirmed that respondent and her alleged lovers were seen under scandalous circumstances.

The OCA confirmed, however, that Judge Pornillos obtained loans from court personnel and lawyers. One lawyer the team interviewed who maintains a law office in Malolos disclosed, under condition of anonymity, that respondent obtained a P5,000 loan from her which has remained unpaid, albeit she has condoned it as she considers respondent as one of her friends. One court employee also interviewed by the team similarly revealed that respondent obtained loans ranging from P500 to P1,000 from her in 1991-1992 which had, however, been settled.

Respecting respondent's alleged reporting to court twice a week, the team noted that a perusal of the guard's logbook indicating the Malolos judges' time of arrival and departure shows that out of the 29 working days for the period from September 1, 2005 to October 11, 2005, respondent reported to court only for 20 days. Respondent notably arrived late in court and departed therefrom almost always earlier than 4:30 p.m.

Upon the recommendation of the OCA, the Court, by Resolution of January 17, 2006, directed the Office of the Deputy Court Administrator to immediately conduct a judicial audit to ascertain conclusively whether respondent could be held to answer administratively for (a) habitual tardiness, (b) failure to report to the court during all working days of the week, and (c) apparent poor records management; and to forthwith submit a judicial report thereon.<sup>[3]</sup>

The Office of the Deputy Court Administrator thus conducted a judicial audit from July 31, 2007 to August 3, 2007 and examined 354 cases assigned to Branch 10 of the Malolos RTC.

**DIRECTIVE FOR RESPONDENT TO COMMENT:**

As recommended in the Audit Report of October 15, 2007, the Court, by Resolution of November 20, 2007, required respondent to comment on the following:

- (a) Why the records of Criminal Case No. 600-M-1997 was not presented to the audit team for judicial audit and to submit to the Office of the Court Administrator the status of the said cases;
- (b) Why it took her several months to act on the Motion for Reconsideration in the following decided cases: Civil Cases 388-M-2006, CV-520-M-2006, CV-714-M-2002 and CV-195-2006;
- (c) Why she designated Ms. Venus M. Awin, Officer-in-Charge/Branch Clerk of Court to receive evidence *ex-parte* despite the clear mandate of Sec. 9, Rule 30 of the Rules of Court, requiring that only Clerk[s] of Court who are members of the bar can be delegated to receive evidence *ex-parte*;
- (d) Why the criminal cases CR-836-M-98, CR-2315-M-2004, CR-3569-M-2003 and P-558-2004 has not been acted upon for a considerable period of time since its last orders;
- (e) Why Election Case No. 01-M-2004 entitled "Apolonio Marcelo vs. Leonardo De Leon" is still pending despite the order of the Comelec for her to cease and desist from acting on the case since April 3, 2006;
- (f) Why the following cases has not been set for further hearing/trial for a considerable length of time since its last orders:

Civil Cases  
18-M-2005  
654-M-2004  
515-M-2005

Criminal Cases  
CR-4180-M-2003  
CR-2189-M-2003  
CR-2190-M-2003  
CR-559-M-2004  
CR-1385-M-2004  
CR-833-M-2003  
CR-1433-M-1999[;]

and to submit her comment on the charges of (i) habitual tardiness; (ii) failure to report during all working days of the week; and (iii) apparent poor records management.<sup>[4]</sup>

#### **RESPONDENT'S COMMENT:**

On January 15, 2008, respondent filed her 34-page Comment, devoting the first five pages thereof to imputing to former Judge Florentino Floro the malicious filing of the anonymous complaint. She prayed for the immediate dismissal of "all the false charges engineered by petitioner herein for lack of merit, with costs against him [sic]."<sup>[5]</sup>

Respondent explains that the record of Criminal Case No. **600-M-1997** was not

presented to the audit team for audit because Public Prosecutor Gaudioso Gillera borrowed it on June 1, 2005 along with two other related cases; and that by Order of November 29, 2007, Criminal Case No. 600-M-1997 and the related cases were provisionally dismissed for failure to prosecute.

Respondent belies the delay in resolving the respective motions for reconsideration in four civil cases. Thus, she explains: In Civil Case No. **388-M-2006**, the two motions for reconsideration of the September 8, 2006 Decision (which were filed on March 16, 2007 and May 28, 2007) were expunged by Orders of March 16, 2007 and June 28, 2007; the Motion for Reconsideration of March 5, 2007 in Civil Case No. **520-M-2006** was denied by Order of April 17, 2007 after it was submitted for resolution on April 16, 2007, and since no appeal was taken therefrom, the Decision of November 17, 2006 became final and executory; while Civil Case No. **714-M-2002** was dismissed by Decision of November 15, 2005, the Motion for Reconsideration was only resolved on January 10, 2007 because the motion was submitted for resolution only on January 10, 2007; and in Civil Case No. **195-M-2006**, a motion for reconsideration of the June 10, 2006 Decision was filed on August 24, 2006 but was resolved only on May 10, 2007 because the motion was submitted for resolution only on May 9, 2007.

Respondent denies designating Venus M. Awon, Officer-in-Charge/Branch Clerk of Court (OIC-BCC), to receive evidence *ex parte* and claims that she herself heard all cases on the merits in open court, including *ex parte* proceedings.

Respondent asserts that she has always timely resolved motions submitted for resolution upon receipt of the last pleading and explains as follows: the last Order in Criminal Case No. **836-M-1998** found in the records by the audit team was one dated February 1, 2006 giving the prosecution five days to file the necessary motion to finally terminate the case but respondent states that she actually issued an Order of June 28, 2007 setting the pre-trial conference/hearing on August 15, 2007, which was followed by notices of pre-trial conference/hearing for September 26, 2007, October 24, 2007 and February 6, 2008; in Criminal Case No. **2315-M-2004** where the last notice referred to a trial *in absentia* set on June 1, 2005, she scheduled the case for reception of prosecution evidence on October 10, 17, 31, 2007 and of defense evidence on January 30, 2008; in Criminal Case No. **3569-M-2003**, she provisionally dismissed the case by Order of November 9, 2005, and as no further setting appeared in the record, the case was archived by Order of April 10, 2007.

On why EPC No. **01-M-2004** was still pending despite the order of the Comelec for her to cease and desist from acting on the case since April 3, 2006, respondent explains that she ordered the suspension of the proceedings on March 17, 2005 and subsequently dismissed the case by Order of August 28, 2007 for being moot after the protestant filed his candidacy for the *Sangguniang Barangay* elections.

Respecting the cases listed under paragraph (f) of the Court's November 20, 2007 Resolution, respondent states that there was no necessity to set them for further hearings because: Civil Case No. **18-M-2005** was already dismissed for failure to prosecute by Order of April 10, 2007; judgment on the pleadings was rendered on April 19, 2007 in Civil Case No. **654-M-2004**; in Civil Case No. **515-M-2005**, the process server was required, by Order of May 17, 2007, to explain in writing why no disciplinary action should be taken against him for his non-submission of an Explanation as required by previous Orders; several hearings were set in Criminal

Case No. **4180-M-2003** by Orders of April 19, 2007, May 30, 2007, June 20, 2007 and December 5, 2007; in Criminal Cases Nos. **2189-M-2003** and **2190-M-2003**, hearings were set on October 3, 2007 and November 21, 2007 by Orders of July 12, 2007 and October 3, 2007, respectively, and subpoena *duces tecum/ad testificandum* was issued to confirm the alleged death of the accused at the Manila City Jail; Criminal Case No. **559-M-2004** was provisionally dismissed by Order of November 30, 2005; Criminal Case No. **833-M-2003** was provisionally dismissed by Order of July 6, 2005, which dismissal was clarified by Order of January 17, 2006; and Criminal Case No. **1433-M-1999** was provisionally dismissed by Order of December 7, 2007.

As for the status of the cases submitted for decision, respondent relates that Civil Case No. **119-M-2007** was not raffled to Branch 10 but to Branch 20; a Decision of November 10, 2006 was already rendered in Civil Case No. **583-M-2006**; a Decision of July 19, 2007 was issued in Civil Case No. **310-M-2007**; and a Decision of May 10, 2005 was released in Civil Case No. **071-M-2004**.

Respecting the incidents submitted for resolution in the following enumerated cases, respondent narrates that: the motion to dismiss in Civil Case No. **236-M-2007** was granted by Order of July 29, 2007; in Civil Case No. **76-M-2005**, the motion for new trial was granted by Order of July 26, 2007; in Civil Case No. **288-M-2006**, the Orders of March 19 and 21, 2007 denying the defendant's motions for reconsideration and to quash subpoena were sustained by this Court in G.R. No. 176295 by Resolution of June 18, 2007; in Civil Case No. **497-M-2003**, pre-trial conference was set by Order of June 14, 2007; in SP-Proc. **20-M-2000**, an Order of November 27, 2007 was issued partly granting a motion to exclude certain properties from the estate and denying the motion to distribute collected rentals from the existing improvements in those partly excluded properties except the withdrawal of the sum to pay inheritance and realty taxes; in Civil Case No. **228-M-2005**, judgment on the pleadings was rendered on August 28, 2007; Civil Case No. **797-M-2005** was dismissed without prejudice by Order of August 1, 2007; Civil Case No. **775-M-2001** was dismissed for failure to prosecute by Order of April 9, 2007; Criminal Case No. **1677-M-2006** was dismissed by Order of August 29, 2007; in Criminal Case No. **2199-M-2007**, the Amended Information which downgrades the offense to homicide was admitted by Orders of October 3, 2007; in Criminal Case No. **3866-M-2003**, the prosecution's exhibits were admitted by Order of July 23, 2007 which also set the reception of defense evidence on September 19, 2007; Criminal Cases Nos. **452-M-2006**, **453-M-2006**, **2609-M-2006**, **2610-M-2006**, **2611-M-2006**, **2612-M-2006** were consolidated and set for pre-trial conference on January 30, 2008 per Notice of November 21, 2007; in Criminal Case No. **1197-M-1998**, the defense counsel was directed anew to submit the required pleading and to manifest in writing the intention to present rebuttal evidence; and in Criminal Case No. **1359-M-2005**, the accused's Motion for Reconsideration was denied by Order of May 30, 2007.

Respondent avers that she arrives early for work, her asthmatic attacks or high fever notwithstanding. She submitted a certification<sup>[6]</sup> from the Court's Leave Division which enumerates the days for which she had filed leaves of absence. She states that she has always filed leaves of absence for the days that she was absent from work. She adds that while on leave, she would still work on cases and would never use such time for pleasure, travel or vacation. She maintains that she operates the court efficiently despite it being understaffed, as there are only four