

## **SECOND DIVISION**

**[ A.M. No. RTJ-16-2456, March 02, 2020 ]**

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

### **R E S O L U T I O N**

**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 1 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 11 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: