

## **THIRD DIVISION**

**[ A.M. No. RTJ-19-2567 (Formerly A.M. No. 01-12-641-RTC), August 14, 2019 ]**

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.  
HON. DANILO P. GALVEZ (RET.), REGIONAL TRIAL COURT,  
BRANCH 24, ILOILO CITY, RESPONDENT.**

### **D E C I S I O N**

**INTING, J.:**

For this Court's consideration is a Memorandum<sup>[1]</sup> 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. Fanuñal (Judge Fanuñal), compulsorily retired on April 21, 2001.

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 Resolution<sup>[2]</sup> 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 and civil docket books and to NOTIFY this office [*sic*] within ten (10) days of their compliance.<sup>[3]</sup>

On August 19, 2002, however, the Court issued a show cause order<sup>[4]</sup> 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.<sup>[5]</sup>

After almost a year, telegrams<sup>[6]</sup> 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.<sup>[7]</sup>

On February 24, 2003, this Court issued a Resolution<sup>[8]</sup> 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."<sup>[9]</sup>

Allegedly unaware of the pendency of the Court's twin resolutions against him, Judge Galvez filed a motion<sup>[10]</sup> 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 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 P20,000.00 fine against him.

Judge Galvez reiterated his explanation in a similarly worded letter<sup>[11]</sup> 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.<sup>[12]</sup> 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."<sup>[13]</sup> 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."<sup>[14]</sup>

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 (P40,000.00) 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.<sup>[15]</sup> Thus, a judge must be the first to abide by the law and weave an example for the others to follow.<sup>[16]</sup> He/She should be studiously careful to avoid committing even the slightest infraction of the Rules.<sup>[17]</sup>

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:<sup>[18]</sup>

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.<sup>[19]</sup> 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.<sup>[20]</sup> Ultimately, a resolution of the Supreme Court should not be construed as a mere request and should be complied with promptly and completely.<sup>[21]</sup>

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 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.<sup>[22]</sup> Similarly, these directives are not mere requests, but should be complied with promptly and completely.<sup>[23]</sup> 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.<sup>[24]</sup> His indifference to, and disregard of the directives issued to him clearly constituted insubordination which this Court will not tolerate.<sup>[25]</sup>

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.