

EN BANC

[A.M. No. RTJ-96-1336, November 20, 2012]

JOCELYN C. TALENS-DABON, COMPLAINANT, VS. JUDGE HERMIN E. ARCEO, REGIONAL TRIAL COURT, BRANCH 43, SAN FERNANDO, PAMPANGA, RESPONDENT.

RE: PETITION FOR JUDICIAL CLEMENCY OF THEN JUDGE HERMIN E. ARCEO.

R E S O L U T I O N

PERLAS-BERNABE, J.:

For resolution is the Petition for Judicial Clemency^[1] filed by Hermin E. Arceo (respondent), former Presiding Judge of the Regional Trial Court, Branch 43, San Fernando, Pampanga, seeking to lift the ban against his employment in any branch of the government, including government-owned or -controlled corporations, and to be allowed to receive his accrued leave credits and other monetary benefits.

In the Decision^[2] dated July 25, 1996, the Court dismissed respondent from service for committing lewd and lustful acts against complainant Atty. Jocelyn Talens-Dabon which constituted gross misconduct and immorality prejudicial to the best interest of the service. The dispositive portion of the subject Decision reads:

WHEREFORE, Judge Hermin E. Arceo is hereby DISMISSED from the service for gross misconduct and immorality prejudicial to the best interest of the service, with forfeiture of all retirement benefits and with prejudice to re-employment in any branch of the government, including government-owned and controlled corporations. This decision is immediately executory.

SO ORDERED.

Thereafter, respondent filed the following pleadings: (a) Motion for Reconsideration with Leave of Court;^[3] (b) Motion for Leave to File Second Motion for Reconsideration and for Admission of herein Second Motion for Reconsideration,^[4] which were denied in the Resolutions dated August 27, 1996^[5] and October 22, 1996,^[6] respectively; and (c) a Personal Plea for Reinstatement^[7] dated December 17, 1997, which was merely noted without action in the Resolution^[8] dated January 27, 1998.

On October 1, 2012, sixteen (16) years after his dismissal, respondent filed the instant petition alleging that he had immensely suffered from and endured the

stigma caused by his dismissal from the service. He also claimed to have been humbled by his experience and has become remorseful of his previous acts causing him to reform his ways and treat each person with dignity and respect. He has devoted the past sixteen (16) years to "mending his ways and proving to himself and to the community that he can be a better man."^[9]

In *A.M. No. 07-7-17-SC (Re: Letter of Judge Augustus C. Diaz, Metropolitan Trial Court of Quezon City, Branch 37, Appealing for Clemency)*,^[10] the Court laid down the following guidelines in resolving requests for judicial clemency, to wit:

1. There must be proof of remorse and reformation. These shall include but should not be limited to certifications or testimonials of the officer(s) or chapter(s) of the Integrated Bar of the Philippines, judges or judges associations and prominent members of the community with proven integrity and probity. A subsequent finding of guilt in an administrative case for the same or similar misconduct will give rise to a strong presumption of non-reformation.
2. Sufficient time must have lapsed from the imposition of the penalty to ensure a period of reform.
3. The age of the person asking for clemency must show that he still has productive years ahead of him that can be put to good use by giving him a chance to redeem himself.
4. There must be a showing of promise (such as intellectual aptitude, learning or legal acumen or contribution to legal scholarship and the development of the legal system or administrative and other relevant skills), as well as potential for public service.
5. There must be other relevant factors and circumstances that may justify clemency. (Citations omitted)

Applying the foregoing standards to this case, the Court finds merit in respondent's prayer for the lifting of the ban against his re-employment in the government service.

Records show that after his dismissal from the service, respondent engaged in private practice and most of his cases involve poor litigants, neighbors and close friends.^[11] He also submitted a Certificate of Good Moral Character^[12] dated July 16, 2012 issued by Maria Theresa V. Mendoza-Arcega, Acting Executive Judge of the Regional Trial Court of Malolos City, Bulacan and Certificate of Favorable Endorsement^[13] dated July 27, 2012 from Cecilio C. Villanueva, President of the Integrated Bar of the Philippines (IBP) Marcelo H. Del Pilar (Bulacan Chapter) attesting to his reformation and recognizing his valuable contributions to the bar and the bench. For these services, he was given the award *Gawad Bunying Abogadong Bulakenyo* on August 25, 2011.^[14] The Court also notes the many years that had elapsed from the time of his dismissal and recognizes respondent's dedication, citations and contributions^[15] to the legal profession and to the judiciary prior to his