

## EN BANC

[ **A.M. No. MTJ-01-1362(formerly A.M. No. 01-2-49-RTC), February 22, 2011 ]**

**JUDGE NAPOLEON E. INOTURAN, REGIONAL TRIAL COURT, BRANCH 133, MAKATI CITY, VS. JUDGE MANUEL Q. LIMSIACO, JR., MUNICIPAL CIRCUIT TRIAL COURT, VALLADOLID, SAN ENRIQUE-PULUPANDAN, NEGROS OCCIDENTAL, RESPONDENT.**

**A.M. No. MTJ-11-1785(formerly A.M. OCA IPI No. 07-1945-MTJ)**

**SANCHO E. GUINANAO, COMPLAINANT, VS. JUDGE MANUEL Q. LIMSIACO, JR., MUNICIPAL CIRCUIT TRIAL COURT, VALLADOLID, SAN ENRIQUE-PULUPANDAN, NEGROS OCCIDENTAL, RESPONDENT.**

## D E C I S I O N

### PER CURIAM:

Before us are two (2) consolidated cases filed against Judge Manuel Q. Limsiaco, Jr. as the Presiding Judge of the Municipal Circuit Trial Court (*MCTC*) of Valladolid, San Enrique-Pulupandan, Negros Occidental. The first case involves the failure of Judge Limsiaco to comply with the directives of the Court. The second case involves the failure of Judge Limsiaco to decide a case within the 90-day reglementary period.

### A.M. No. MTJ-01-1362

On September 25, 1998, a complaint was filed against Judge Limsiaco for his issuance of a Release Order in favor of an accused in a criminal case before him.<sup>[1]</sup> After considering the evidence, we then found Judge Limsiaco guilty of ignorance of the law and procedure and of violating the Code of Judicial Conduct. In the decretal portion of our May 6, 2005 Decision, we ruled:

**WHEREFORE**, Judge Manuel Q. Limsiaco, Jr. is found **GUILTY** of ignorance of the law and procedure and violations of the Code of Judicial Conduct. He is hereby ordered to pay a **FINE** in the amount of Forty Thousand pesos (P40,000.00) upon notice, and is **STERNLY WARNED** that a repetition of the same or similar infractions will be dealt with more severely.

Respondent Judge is **DIRECTED** to explain, within ten (10) days from notice, why he should not be administratively charged for approving the applications for bail of the accused and ordering their release in the following Criminal Cases filed with other courts: Criminal Cases Nos. 1331,1342,1362,1366 and 1368 filed with the RTC, Branch 59, San

Carlos City; 67322, 69055-69058 filed with the MTCC, Branch 3, Bacolod City; 67192-67193 filed with the MTCC, Branch 4, Bacolod City; 72866 filed with the MTCC, Branch 5, Bacolod City; 70249, 82897 to 82903, 831542, 83260 to 83268 filed with the MTCC, Branch 6, Bacolod City; and 95-17340 filed with the RTC, Branch 50, Bacolod City, as reported by Executive Judge Edgardo G. Garvilles.

**SO ORDERED.**

Judge Limsiaco twice moved for an extension of time to file a motion for reconsideration of the above decision and to comply with the Court's directive requiring him to submit an explanation. Despite the extension of time given however, **Judge Limsiaco failed to file his motion for reconsideration and the required explanation.**

In the Resolution dated January 24, 2006, we issued a show cause resolution for contempt and required Judge Limsiaco to explain his failure to comply with the Decision dated May 6, 2005. In the Resolution dated December 12, 2006, after noting the failure of Judge Limsiaco to comply with the Resolution dated January 24, 2006, we resolved to impose a fine in the amount of P1,000.00 against Judge Limsiaco and to reiterate our earlier directive for him to file an explanation to the show cause resolution.

On February 1, 2007, Judge Limsiaco filed a *Manifestation and Urgent Motion for Extension of Time to File Explanation* wherein he apologized to the Court and paid the P1,000.00 fine. He cited poor health as the reason for his failure to comply with the Resolution dated January 24, 2006. On February 6, 2007, we resolved to grant the motion for extension filed by Judge Limsiaco and gave him ten (10) days from January 15, 2007 within which to file his explanation.

**Despite the grant of the extension of time, no explanation for the show cause resolution was ever filed.** Per Resolution dated December 15, 2009, we again required Judge Limsiaco to comply with the show cause resolution within ten (10) days from receipt under pain of imposing a stiffer penalty. Verification made from the postmaster showed that a copy of the December 15, 2009 Resolution was received by Judge Limsiaco on February 1, 2010.

In addition, a Report (as of August 31, 2010) from the Documentation Division, Office of the Court Administrator (OCA) showed that the directives in **our Decision dated May 6, 2005 have not been complied with by Judge Limsiaco.**

A.M. No. MTJ-11-1785

On September 24, 2007, Judge Limsiaco was charged with Delay in the Disposition of a Case by complainant Sancho E. Guinanao, a plaintiff in an ejectment case pending before Judge Limsiaco. Guinanao claimed that Judge Limsiaco failed to seasonably decide the subject ejectment case which had been submitted for resolution as early as April 25, 2005. The OCA referred the matter to us when Judge Limsiaco failed to file his comment to the administrative complaint. Under the pain of a show cause order for contempt for failure to heed the OCA directives to file a comment, Judge Limsiaco informed us that he had already decided the case on

February 4, 2008. Subsequently, we resolved<sup>[2]</sup> to declare Judge Limsiaco in contempt and to impose a fine of P1,000.00 for his continued failure to file the required comment to the administrative complaint. **The records show that Judge Limsiaco paid the P1,000.00 fine but did not submit the required comment.**

Per Resolution dated November 23, 2010, we ordered the consolidation of the above cases, together with A.M. No. MTJ-09-1734, entitled *Florenda V. Tobias v. Judge Manuel Q. Limsiaco, Jr.*, which case was separately decided on January 19, 2011.

### The Court's Ruling

We shall consider in this ruling not merely Judge Limsiaco's conduct in connection with the discharge of judicial functions within his territorial jurisdiction, but also the performance of his legal duties before this Court as a member of the bench. We shall then take both matters into account in scrutinizing his conduct as a judge and in determining whether proper disciplinary measures should be imposed against him under the circumstances.

### A judge's duties to the Court

Case law teaches us that a judge is the visible representation of the law, and more importantly of justice; he or she must, therefore, be the first to follow the law and weave an example for the others to follow.<sup>[3]</sup> Interestingly, in *Julianito M. Salvador v. Judge Manuel Q. Limsiaco, Jr., etc.*,<sup>[4]</sup> a case where Judge Limsiaco was also the respondent, we already had the occasion to impress upon him the clear import of the directives of the Court, thus:

For a judge to exhibit indifference to a resolution requiring him to comment on the accusations in the complaint thoroughly and substantially is gross misconduct, and may even be considered as outright disrespect for the Court. The office of the judge requires him to obey all the lawful orders of his superiors. After all, a resolution of the Supreme Court is not a mere request and should be complied with promptly and completely. Such failure to comply accordingly betrays not only a recalcitrant streak in character, but has likewise been considered as an utter lack of interest to remain with, if not contempt of the judicial system.

We also cited in that case our ruling in *Josephine C. Martinez v. Judge Cesar N. Zoleta*<sup>[5]</sup> and emphasized that obedience to our lawful orders and directives should not be merely selective obedience, but must be full:

[A] resolution of the Supreme Court requiring comment on an administrative complaint against officials and employees of the judiciary should not be construed as a mere request from the Court. Nor should it be complied with partially, inadequately or selectively.

Respondents in administrative complaints should comment on all accusations or allegations against them in the administrative complaints because it is their duty to preserve the integrity of the judiciary.

Moreover, the Court should not and will not tolerate future indifference of respondents to administrative complaints and to resolutions requiring comment on such administrative complaints.

As demonstrated by his present acts, we find it clear that Judge Limsiaco failed to heed the above pronouncements. We observe that in A.M. No. MTJ-01-1362, Judge Limsiaco did not fully obey our directives. Judge Limsiaco failed to file the required comment to our show cause resolution despite several opportunities given to him by the Court. His disobedience was aggravated by his insincere representations in his motions for extension of time that he would file the required comments.

The records also show Judge Limsiaco's failure to comply with our decision and orders. In A.M. No. MTJ-01-1362, Judge Limsiaco failed to file his comment/answer to the charge of irregularity pertaining to his approval of applications for bail in several criminal cases before him. He also failed to pay the P40,000.00 fine which we imposed by way of administrative penalty for his gross ignorance of the law and procedure and violations of the Code of Judicial Conduct. Incidentally, in A.M. No. MTJ-11-1785, Judge Limsiaco failed to file his comment on the verified complaint despite several orders issued by the Court.

We cannot overemphasize that compliance with the rules, directives and circulars issued by the Court is one of the foremost duties that a judge accepts upon assumption to office. This duty is verbalized in Canon 1 of the New Code of Judicial Conduct:

**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.**

The obligation to uphold the dignity of his office and the institution which he belongs to is also found in Canon 2 of the Code of Judicial Conduct under Rule 2.01 which mandates a judge to behave at all times as to promote public confidence in the integrity and impartiality of the judiciary.

Under the circumstances, the conduct exhibited by Judge Limsiaco constitutes no less than clear acts of defiance against the Court's authority. His conduct also reveals his deliberate disrespect and indifference to the authority of the Court, shown by his failure to heed our warnings and directives. Judge Limsiaco's actions further disclose his inability to accept our instructions. Moreover, his conduct failed to provide a good example for other court personnel, and the public as well, in placing significance to the Court's directives and the importance of complying with them.

We cannot allow this type of behavior especially on a judge. Public confidence in the judiciary can only be achieved when the court personnel conduct themselves in a