

## EN BANC

[ **A.M. NO. MTJ-91-565, October 05, 2005** ]

**PATRICIO T. JUNIO, COMPLAINANT, VS. JUDGE PEDRO C. RIVERA, JR., MTC, ALAMINOS, PANGASINAN, RESPONDENT.**

### RESOLUTION

**SANDOVAL-GUTIERREZ, J.:**

Before us are letters dated November 17, 2004 and June 17, 2005 of respondent Judge Pedro C. Rivera, Jr. **pleading for judicial clemency** relative to our Resolution dated August 30, 1993 dismissing him from the service for kissing his boarder's daughter while he was drunk during his birthday party, which act constitutes gross misconduct and conduct prejudicial to the best interest of the Judiciary. The dispositive portion of our Resolution reads:

"WHEREFORE, respondent Judge Pedro C. Rivera, Jr. is hereby found guilty of gross misconduct and conduct prejudicial to the best interest of the Judiciary, and is hereby DISMISSED from the service with prejudice to re-employment in any part of the government service including government-owned or controlled corporations, with forfeiture of all retirement benefits and privileges (if any), except the money value of accrued earned leave credits. Respondent Judge is hereby ORDERED to cease and desist immediately from rendering any order or decision, or continuing any proceedings, in any case whatsoever, effective immediately upon receipt of a copy of this Resolution."

After more than 11 years or on November 17, 2004, respondent Judge sent a letter to this Court, stating that he did not file a motion for reconsideration of our Resolution because he "accepted the verdict, in all humility." But he pleaded that based on humanitarian considerations and in the spirit of forgiveness, we grant him his monetary benefits corresponding to his long years of service in the government; and allow him to work in any government agency or government-owned or controlled corporations as a consultant. He further stated that he was acquitted in the criminal case for acts of lasciviousness filed against him; that he served the government for more than thirty-five (35) years, four (4) years of which was in the Judiciary; and that this is his first administrative offense.

He also stated that:

"x x x. My dismissal from the service was more than enough punishment for me. The humiliation suffered by me in the past constituted chastisement and atonement for the indiscretions and sins on my part. I feel that I have come to terms with reality and learned my lesson. Now I plead for the humanitarian consideration for the grant of the retirement benefit due me that was forfeited by the Resolution dated August 30, 1993 of this Honorable Court.

x x x. I am not seeking my reinstatement. That is beyond me now. But I am merely pleading for the release of the benefit due me for the long years of my government service. The benefits will go a long way to give me the wherewithal as I face the sunset of my life. x x x."

On June 17, 2005, respondent Judge again wrote this Court reiterating his plea for judicial clemency "in the light of my present personal circumstances." He stated that he is undergoing intensive medical treatment for cataract, prostatic enlargement, postural vertigo, hypertension and arthritis; that he is "under heavy financial crisis;" and that his ardent wish is "to reap the fruits" of his long years of service to the government.

To be sure, we have always been unsparing in wielding the rod of discipline against members of the Judiciary who fall short of the exacting standards decreed by the Code of Judicial Conduct. This is because a judge, upon his assumption to office, becomes the visible representation of the law and of justice.<sup>[1]</sup> Membership in the judiciary circumscribes one's personal conduct and imposes upon him certain restrictions, whose faithful observance is the price one has to pay for holding such an exalted position.<sup>[2]</sup> Thus, a magistrate of the law must comport himself in a manner that his conduct must be free of a whiff of impropriety, not only with respect to the performance of his official duties, but also to his behavior outside his *sala* and as a private individual. His conduct must be able to withstand the most searching public scrutiny, for the ethical principles and sense of propriety of a judge are essential to the preservation of the people's faith in the judicial system.<sup>[3]</sup> We certainly do not require judges to measure up to the standards of conduct of the saints and martyrs, but we do expect them to be like Caesar's wife in all their actions. Hence, their faithful adherence to the Code of Judicial Conduct is strictly demanded.<sup>[4]</sup> A lackadaisical attitude towards these judicial standards is impermissible.

However, in respondent's case, we note certain significant factors that spur us to consider his present plea for judicial clemency and reexamine with compassion the penalty imposed on him. These are:

1. *Respondent Judge has rendered more than thirty five (35) years of government service.*
2. *This is his first and only administrative offense.*
3. *He demonstrated sincere repentance.*
4. *He was dismissed from the service more than ten (10) years ago and "has come to terms with reality and learned (his) lesson."*
5. *His regressing physical condition caused by various illnesses and old age necessitate financial support.*

We cannot ignore respondent's present difficult plight as depicted in his letter of June 17, 2005, thus: