



Republic of the Philippines
Supreme Court
Manila

EN BANC

ALEXANDER F. BALUTAN,
Complainant,

A.M. No. RTJ-24-055
(Formerly OCA IPI No. 18 -
4800-RTJ)

Present:

-versus-

GESMUNDO, C.J.,
LEONEN,
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ, M.,
GAERLAN,
ROSARIO,
LOPEZ, J.,
DIMAAMPAO,
MARQUEZ,*
KHO, JR., and
SINGH,* JJ.

HON. JOSELITO C.
VILLAROSA, PRESIDING
JUDGE, BRANCH 66,
REGIONAL TRIAL COURT,
MAKATI CITY,

Respondent.

Promulgated:

February 27, 2024

X-----X

* J. Marquez and J. Singh, no part.

DECISION***PER CURIAM:*****The Case**

Judge Joselito C. Villarosa (Judge Villarosa) is charged with Gross Ignorance of the Law, Grave Abuse of Authority, Gross Neglect of Duty, and Willful Violation of the New Code of Judicial Conduct in relation to his dispositions in Civil Case No. 11-310 entitled "*TMA Group of Companies PTY LTD. And TMA Group Philippines, Inc. v. Philippine Charity Sweepstakes Office, et. al.*"

Antecedents

In his Verified Complaint¹ dated February 12, 2018, Alexander F. Balutan (Balutan), in his capacity as the General Manager of the Philippine Sweepstakes Office (PCSO) essentially averred:

On December 4, 2009, TMA Group of Companies Pty. Ltd. (TMA Australia) and TMA Group Philippines, Inc. (TMA Philippines) (TMA et al.) and PCSO entered into a Contractual Joint Venture Agreement (CJVA) for the establishment of the first thermal coating plant in the Philippines. The thermal coating plant would be for the production of PCSO lotto tickets. PCSO would have no investment in the project except for its commitment to buy its lotto tickets exclusively from the said thermal coating plant.²

By Resolution³ dated August 20, 2010, the PCSO Board of Directors suspended the implementation of the CJVA pending review thereof by the Office of the Government Corporate Counsel (OGCC). The OGCC eventually opined that the CJVA was void because the purpose for which it was constituted went beyond the primary corporate purpose, mandate, or charter of the PCSO.⁴

TMA et al., thereafter, demanded that the CJVA be implemented, but to no avail. As a result, on April 8, 2011, TMA et al. filed with the Regional Trial Court (RTC), Makati City a Complaint for Specific Performance and Mandatory and Prohibitory Injunction, with Prayer for a Temporary Restraining Order (TRO) and/or Preliminary Injunction, docketed as Civil

¹ *Rollo*, pp. 2–28.

² *Id.* at 1250–1251.

³ *Id.* at 42.

⁴ *Id.* at 1250–1251.

Case No. 11-310. The case was raffled to Branch 39 presided by Judge Winlove M. Dumayas (Judge Dumayas).⁵

Issuance of the Writ of Preliminary Injunction

By Order⁶ dated May 13, 2011, Judge Dumayas granted TMA et al.'s prayer for issuance of a writ of preliminary mandatory and prohibitory injunction directing PCSO, its agents, or anyone acting on their behalf, to desist from committing acts that would result in the cancellation of the CJVA, including the conduct of any bidding for PCSO's lotto paper requirements. A writ of preliminary mandatory and prohibitory injunction was issued on May 16, 2011. PCSO's subsequent motion to quash was denied per Order dated September 4, 2013. The PCSO assailed these orders before the Court of Appeals via a petition for *certiorari* and prohibition docketed as CA-G.R. SP No. 132655.⁷

By Decision⁸ dated March 27, 2014, the Court of Appeals denied the aforesaid petition and upheld the injunctive writ. Thus, PCSO filed a petition for review on *certiorari* with the Court, docketed as G.R. No. 212143.⁹

Motions for Execution of the Order to Issue Purchase Orders and Transfer of the Case to Respondent Judge

On October 11, 2013, following the issuance of the writ of preliminary mandatory and prohibitory injunction, TMA et al. filed an extremely urgent omnibus motion to direct PCSO to issue purchase orders for their lottery consumables nationwide. In his Order¹⁰ dated November 6, 2013, Judge Dumayas granted the motion and directed TMA et al. to deliver a specific volume of lotto papers to PCSO. PCSO sought reconsideration, and during its pendency, Judge Dumayas issued an Order dated November 25, 2013 that directed TMA et al. to suspend compliance with the Order dated November 6, 2013 but TMA et al. still proceeded to deliver the lotto papers to PCSO's warehouse.¹¹

On April 30, 2014, TMA et al. filed a motion for execution of the Order dated November 6, 2013 for payment of the deliveries amounting to PHP 82,000,000.00 (1st Motion for Execution).¹²

⁵ *Id.*

⁶ *Id.* at 57-61.

⁷ *Id.* at 1250-1251.

⁸ *Id.*

⁹ *Id.* at 1252.

¹⁰ *Id.* at 1251.

¹¹ *Id.*

¹² *Id.* at 1252.

In the interim, Judge Dumayas voluntarily inhibited and Civil Case No. 11-310 was re-raffled to Branch 133, RTC, Makati, presided by Judge Elpidio R. Calis (Judge Calis).¹³

In his Order¹⁴ dated June 11, 2014, Judge Calis granted TMA et al.'s 1st Motion for Execution. It was later challenged by the PCSO through a petition for *certiorari* docketed as CA-G.R. SP 137528.¹⁵ During its pendency, TMA filed yet another motion for execution for Branch 133 to direct PCSO to pay them PHP 178,000,000.00 for its subsequent deliveries (2nd Motion for Execution).¹⁶ This time, however, Judge Calis deferred action thereon following the referral of the case to mediation and judicial dispute resolution (JDR). As it turned out, mediation failed and the case was raffled to Branch 66, RTC, Makati City, presided by Judge Villarosa.¹⁷

Meanwhile, on October 20, 2014, the Court, in G.R. No. 212143 issued a TRO against the implementation of the Order dated November 6, 2013 pertaining to the 1st Motion for Execution. On the basis thereof, PCSO argued that during the effectivity of the TRO, TMA et al.'s 2nd Motion for Execution cannot be granted.¹⁸

Back to CA-G.R. SP 137528, the Court of Appeals rendered its Decision dated February 4, 2016, dismissing PCSO's petition for *certiorari* assailing the grant of TMA et al.'s 1st Motion for Execution. Hence, PCSO once again came up to the Court via another petition for review on *certiorari* docketed as G.R. No. 225457, which was subsequently consolidated with G.R. No. 212143.¹⁹

Assailed Orders of Respondent Judge

After the transfer of the Civil Case No. 11-310 to Judge Villarosa, TMA et al. filed an extremely urgent manifestation and motion dated February 26, 2016, seeking to direct PCSO to make TMA et al. the exclusive source of its lottery and gaming consumables, thus, barring as possible sources thereof the National Printing Office (NPO) itself and other entities. The motion was granted by Judge Villarosa in his Order dated May 18, 2016.²⁰

After PCSO's motion for reconsideration was denied, it went back to the Court of Appeals through a petition for *certiorari* docketed as CA-G.R.

¹³ *Id.* at 1251.

¹⁴ *Id.* at 139-142.

¹⁵ *Id.* at 1252.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

No. 148828. The records however, do not show the current status of the said case.²¹

Meanwhile, TMA et al. filed a motion for summary judgment dated August 3, 2017 which Judge Villarosa granted in his Decision dated December 5, 2017 (Summary Judgment). He ruled therein that the previous writ of preliminary injunction orders were already substituted by the writ of permanent mandatory and prohibitory injunction borne in his Summary Judgment.²²

Taking off from the said Summary Judgment, on December 12, 2017, TMA et al. filed a motion for its execution. In his January 18, 2018 Order, Judge Villarosa granted the motion, and directed the sheriff to execute the monies, properties, and other assets of PCSO amounting to PHP 707,223,555.44 (writ of execution of the Summary Judgment). PCSO consequently moved to quash the writ of execution.²³

PCSO likewise filed with the Court yet another petition for *certiorari* with urgent prayer for issuance of a TRO against the writ of execution of the Summary Judgment. The said petition is docketed as G.R. No. 236888, and consolidated as well with G.R. No. 212143.

Decision of the Supreme Court

In its Decision²⁴ dated August 28, 2019 in G.R. Nos. 212143, 225457, and 236888, the Court invalidated the Order²⁵ dated January 18, 2018 of Judge Villarosa granting the motion for issuance of the writ of execution of the Summary Judgment, *viz.*:²⁶

WHEREFORE, the Court rules as follows:

- (1) In G.R. No. 212143, the Petition for Review on *Certiorari* is **GRANTED**. The Court of Appeals' Decision dated March 27, 2014 in CA-G.R. SP No. 132655 is **REVERSED and SET ASIDE**. The Orders dated May 13, 2011, September 4, 2013 and November 6, 2013 of the Regional Trial Court of Makati City, Branch 59, in Civil Case No. 11-310 are **DECLARED VOID AND OF NO FORCE AND EFFECT**;

²¹ *Id.* at 1253.

²² *Id.*

²³ *Id.*

²⁴ *PCSO v. TMA Group of Companies Pty Ltd.*, 860 Phil. 522 (2019) [Per J. Reyes, A., Jr., Third Division].

²⁵ *Rollo*, pp. 436-440.

²⁶ *PCSO v. TMA Group of Companies Pty Ltd.*, 860 Phil. 522, 562 (2019) [Per J. Reyes, A., Jr., Third Division].

- (2) In G.R. No. 225457, the Petition for Review on *Certiorari* is **GRANTED**. The Court of Appeals' Decision dated February 4, 2016 and Resolution dated June 27, 2016 are **REVERSED and SET ASIDE**. The Orders dated June 11, 2014 and August 12, 2014 of the Regional Trial Court of Makati City, Branch 133 in Civil Case No. 11-310 are **DECLARED VOID AND OF NO FORCE AND EFFECT**; and
- (3) In G.R. No. 236888, the Petition for *Certiorari* is **GRANTED**. The Order dated January 18, 2018 of the Regional Trial Court of Makati City, Branch 66 in Civil Case No. 11-310 is **ANNULLED and SET ASIDE**.
- (4) TMA Group of Companies Pty Ltd. (now known as TMA Australia Pty Ltd.), and TMA Group Philippines, Inc., are **ORDERED** to **RETURN** the amount of PHP 707,223,555.44 representing the amount garnished under the Order dated January 18, 2018 of the Regional Trial Court of Makati City, Branch 66 in Civil Case No. 11-310.

SO ORDERED.²⁷ (Emphasis in the original)

Against the foregoing factual backdrop, complainant charged Judge Villarosa with gross ignorance of the law, grave abuse of authority, gross neglect of duty, and willful violation of the New Code of Judicial Conduct. According to complainant, Judge Villarosa gravely abused his discretion when he ordained that the ancillary writ of preliminary mandatory and prohibitory injunction issued by former assigned Judge Dumayas was already substituted by the writ of permanent mandatory and prohibitory injunction he (Judge Villarosa) issued as part of his Summary Judgment. Thus, by extension, the issuance of the subject writ of execution of the Summary Judgment was likewise devoid of factual and legal basis.²⁸ More, Judge Villarosa's reliance on the decision of the Court of Appeals in CA-G.R. SP No. 132655 upholding the writ of preliminary mandatory and prohibitory injunction of Judge Dumayas constitutes gross ignorance of the law as the issue of their validity was then still pending with the Court which has eventually reversed it.²⁹

In his Comment dated March 22, 2018, Judge Villarosa asserted that the administrative complaint is premature and should be dismissed since the petitions for review brought before the Court have not been resolved as yet. In any case, even if his orders are ultimately set aside, only a mere error of judgment can be allegedly imputed to him.³⁰

²⁷ *Id.* at 562–563.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.* at 1253–1254.

Report and Recommendation of the Judicial Integrity Board Executive Director

In its Report³¹ dated March 29, 2022, Acting Executive Director Atty. James D.V. Navarrete of the Judicial Integrity Board, found Judge Villarosa guilty of gross ignorance of the law and recommended the imposition of fine in the amount of PHP 40,000.00, *viz.*:

- 1) The instant administrative complaint against (Ret.) Presiding Judge Joselito C. Villarosa, Branch 66, RTC, Makati City, be **RE-DOCKETED** as a regular administrative matter; and
- 2) Respondent Judge Villarosa be found **GUILTY** of Gross Ignorance of the Law and accordingly **FINED** in the amount of Forty Thousand Pesos (PHP40,000.00), payable directly to the Supreme Court within thirty (30) days from receipt of notice.³²

Report and Recommendation of the Judicial Integrity Board

By its Report and Recommendation³³ dated October 17, 2023, the Judicial Integrity Board affirmed in the main, but modified the amount of fine from PHP 40,000.00 to PHP 200,000.00, *viz.*:

WHEREFORE, it is respectfully **RECOMMENDED** to the Honorable Supreme Court that:

1. the administrative complaint be **RE-DOCKETED** as a regular administrative matter; and
2. respondent Judge Joselito C. Villarosa, Branch 66, Regional Trial Court, Makati City, be found **GUILTY** of gross ignorance of the law, grave abuse of authority, and gross misconduct constituting violation of the New Code of Judicial Conduct, and **FINED** in the amount of PHP 200,000.00, payable within a period of three (3) months from the time the decision or resolution is promulgated.³⁴

Ruling

The Court resolves to adopt and approve the Report and Recommendation dated October 17, 2023 of the Judicial Integrity Board insofar as it found Judge Villarosa liable for gross ignorance of the law, grave

³¹ *Id.* at 1250–1259.

³² *Id.* at 1258–1259.

³³ *Id.* at 1266–1283; Penned by Justice Rodolfo A. Ponferrada (ret.) and concurred in by Acting Chairperson Justice Angelina S. Sandoval-Gutierrez (ret.) and Justices Sesinando E. Villon (ret.) and Cielito N. Mindaro-Grulla (ret.).

³⁴ *Id.* at 1281.

abuse of authority, and gross misconduct constituting a violation of the New Code of Judicial Conduct.

Rule 140³⁵ of the Rules of Court, Section 14 thereof classifies these infractions as serious charges, thus:

SECTION 14. Serious Charges.— Serious charges include:

(a) Gross misconduct constituting violations of the Code of Judicial Conduct or of the Code of Conduct for Court Personnel;

....

(j) Gross ignorance of the law or procedure;

....

(l) Grave abuse of authority, and/or prejudicial conduct that gravely besmirches or taints the reputation of the service;

....

Gross Ignorance of the Law or Procedure

Indeed, Canon 6 of A.M. No. 03-05-01-SC or the New Code of Judicial Conduct for the Philippine Judiciary, requires that judges maintain competence and diligence. Relatedly, Section 3 of the same Canon 6 ordains judges to take reasonable steps to maintain and enhance their knowledge, skills, and personal qualities necessary for the proper performance of judicial duties.

In *Department of Justice v. Mislang*,³⁶ the Court emphasized that where the law is straightforward and the facts so evident, failure to know it or to act as if one does not know it constitutes gross ignorance of the law, viz.:

Where the law is straightforward and the facts so evident, failure to know it or to act as if one does not know it constitutes gross ignorance of the law. A judge is presumed to have acted with regularity and good faith in the performance of judicial functions. But a blatant disregard of the clear and unmistakable provisions of a statute, as well as Supreme Court circulars enjoining their strict compliance, upends this presumption and subjects the magistrate to corresponding administrative sanctions.

³⁵ RULES OF COURT, as amended by A.M. No. 21-08-09-SC, February 22, 2022.

³⁶ 791 Phil. 219 (2016) [*Per Curiam, En Banc*].

For liability to attach for ignorance of the law, the assailed order, decision or actuation of the judge in the performance of official duties must not only be found erroneous but, most importantly, it must also be established that he was moved by bad faith, dishonesty, hatred, or some other like motive. Judges are expected to exhibit more than just cursory acquaintance with statutes and procedural laws. They must know the laws and apply them properly in all good faith. Judicial competence requires no less. Thus, unfamiliarity with the rules is a sign of incompetence. Basic rules must be at the palm of his hand. When a judge displays utter lack of familiarity with the rules, he betrays the confidence of the public in the courts. Ignorance of the law is the mainspring of injustice. Judges owe it to the public to be knowledgeable, hence, they are expected to have more than just a modicum of acquaintance with the statutes and procedural rules; they must know them by heart. When the inefficiency springs from a failure to recognize such a basic and elemental rule, a law or a principle in the discharge of his functions, a judge is either too incompetent and undeserving of the position and the prestigious title he holds or he is too vicious that the oversight or omission was deliberately done in bad faith and in grave abuse of judicial authority. In both cases, the judge's dismissal will be in order.³⁷ (Emphasis supplied)

As ordained in *Monticalbo v. Judge Maraya*:³⁸

The Court has to be shown acts or conduct of the judge clearly indicative of arbitrariness or prejudice before the latter can be branded the stigma of being biased and partial. Thus, not every error or mistake which judges commit in the performance of their duties renders them liable, unless they are shown to have acted in bad faith or with deliberate intent to do an injustice. Good faith and absence of malice, corrupt motives, or improper considerations are sufficient defenses in which judges charged with ignorance of the law can find refuge.³⁹

On the other hand, in *Philippine National Construction Corp. v. Mupas*⁴⁰ the Court decreed that when the law is sufficiently basic, judges owe it to their office to know and to simply apply it. Anything less would be constitutive of gross ignorance of the law, *viz.*:

While judges should not be disciplined for inefficiency on account merely of occasional mistakes or errors of judgments, it is highly imperative that they should be conversant with fundamental and basic legal principles in order to merit the confidence of the citizenry. A patent disregard of simple, elementary and well-known rules constitutes gross ignorance of the law. To constitute gross ignorance of the law, the acts complained of must not only be contrary to existing law and jurisprudence, but were also motivated by bad faith, fraud, dishonesty, and corruption. When the law is

³⁷ *Id.* at 227–228.

³⁸ 664 Phil. 1, 8–9 (2011) [Per J. Mendoza, Second Division].

³⁹ *Id.* at 8–9.

⁴⁰ 889 Phil. 641 (2020) [*Per Curiam, En Banc*].

sufficiently basic, a judge owes it to his office to know and to simply apply it. Anything less would be constitutive of gross ignorance of the law.⁴¹

Here, instead of complying with the Court's Temporary Restraining Order in the consolidated cases entitled *Philippine Charity Sweepstakes Office v. TMA Group of Companies Pty Ltd.*,⁴² Judge Villarosa demonstrated his gross ignorance of the law when he even peremptorily resolved the case on the merits, with an accompanying writ of permanent mandatory and prohibitory injunction borne therein. In so doing, he rendered nugatory the said TRO which the Court issued precisely to enjoin the execution of the subject CJVA, the validity of which was then pending before it. In other words, Judge Villarosa hastily, if not shrewdly, pre-empted the Court itself from resolving this core issue.⁴³

In *Golango v. Villanueva*,⁴⁴ the Supreme Court cautioned that disregard by a judge of the Court's pronouncement on TROs amounts not only to ignorance of the rule, but also to grave abuse of authority, misconduct, and conduct prejudicial to the proper administration of justice. In that case, the Court once again cautioned judges that they cannot be granted the privilege of overturning the rules of higher courts as to do so would render the Court inutile and lead to a diminution of its power, *viz.*:

Respondent Judge is expected to be aware of this settled rule on temporary restraining order. It was his duty to apply the said rule. He did not have the privilege of overturning the rule. This Court cannot afford the luxury of granting that privilege; otherwise, the Court would be rendered inutile with dire consequences resulting in diminution of its power as the final arbiter of legal issues and impairment of the respect due it, and in judicial instability and chaos. As warned in *People vs. Vera*, "[a] becoming modesty of inferior courts demands conscious realization of the position that they occupy in the interrelation and operation of the integrated judicial system of the nation." In sharper terms, *Luzon Stevedoring Corp. vs. Court of Appeals* reiterated the warning; thus:

The spirit of initiative and independence on the part of men of the robe may at times be commendable, but certainly not when this Court, not but once but at least four times, had indicated what the rule should be. We had spoken clearly and unequivocally. There was no ambiguity in what we said. Our meaning was clear and unmistakable. We did take pains to explain why it must be thus. We were within our power in doing so. It would not be too much to expect, then, that tribunals in the lower rungs of the judiciary would at the very least, take notice and yield deference.

The disregard then by respondent Judge of this Court's pronouncement on temporary restraining orders was not just one of

⁴¹ *Id.* at 649–650.

⁴² 860 Phil. 522 (2019) [Per J. Reyes, A., Jr., Third Division].

⁴³ See *Department of Justice v. Mislang*, 791 Phil. 219 (2016) [*Per Curiam, En Banc*].

⁴⁴ 343 Phil. 937 (1997) [Per J. Davide, Jr., Third Division].

ignorance of the rule but one amounting, in a larger sense, to grave abuse of authority, misconduct, and conduct prejudicial to the proper administration of justice.⁴⁵ (Citations omitted)

Gross Misconduct

The foregoing facts likewise merit a finding that Judge Villarosa is liable for gross misconduct. In *Tobias v. Limsiaco, Jr.*⁴⁶ the Court defined gross misconduct in this wise:

The aforementioned acts of respondent constitute gross misconduct. “Misconduct means a transgression of some established and definite rule of action, willful in character, improper or wrong behavior. “Gross” has been defined as “out of all measure, beyond allowance; flagrant; shameful; such conduct as is not to be excused.”⁴⁷

In *Gacad v. Clapis, Jr.*,⁴⁸ the Court further emphasized that gross misconduct exists if the judicial act complained of is inspired by corrupt motive or a persistent disregard of well-known rules, *viz.*:

Misconduct means intentional wrongdoing or deliberate violation of a rule of law or standard of behavior in connection with one’s performance of official functions and duties. For grave or gross misconduct to exist, the judicial act complained of should be corrupt or inspired by the intention to violate the law, or a persistent disregard of well-known rules. The misconduct must imply wrongful intention and not a mere error of judgment.

Judge Clapis’ wrongful intention and lack of judicial reasoning are made overt by the circumstances on record. First, the Notices of Hearings were mailed to Gacad only after the hearing. Second, Judge Clapis started conducting the bail hearings without an application for bail and granted bail without affording the prosecution the opportunity to prove that the guilt of the accused is strong. Third, Judge Clapis set a preliminary conference seven months from the date it was set, patently contrary to his declaration of speedy trial for the case. Judge Clapis cannot escape liability by shifting the blame to his court personnel. He ought to know that judges are ultimately responsible for order and efficiency in their courts, and the subordinates are not the guardians of the judge’s responsibility.

The arbitrary actions of respondent judge, taken together, give doubt as to his impartiality, integrity and propriety. His acts amount to gross misconduct constituting violations of the New Code of Judicial Conduct, particularly. . .⁴⁹ (Citations omitted)

⁴⁵ *Id.* at 946–947.

⁴⁶ 655 Phil. 1 (2011) [Per J. Peralta, Second Division].

⁴⁷ *Id.* at 10–11.

⁴⁸ 691 Phil. 126 (2012) [*Per Curiam, En Banc*].

⁴⁹ *Id.* at 136–137.

Here, Judge Villarosa has shown a stubborn disregard of the rules which casts doubt on his impartiality, integrity, and propriety as shown by the totality of the circumstances relating to the issuance of his writs of injunction and execution. Undeniably, Judge Villarosa allowed his court to be weaponized through an abuse of court processes. His act clearly violated the New Code of Judicial Conduct particularly Canon 2, Section 1 which requires that judges shall ensure that not only is their conduct above reproach, but that it is perceived to be so in the view of a reasonable observer.

In this regard, the Court in *Office of the Court Administrator v. Dumayas*,⁵⁰ ruled that an indication of gross misconduct resulting from a persistent disregard of well-known rules is the number of cases filed against the said judge, viz.:

The Court has repeatedly and consistently held that the judge must not only be impartial but must also appear to be impartial as an added assurance to the parties that his decision will be just. The litigants are entitled to no less than that. They should be sure that when their rights are violated they can go to a judge who shall give them justice. They must trust the judge, otherwise they will not go to him at all. They must believe in his sense of fairness, otherwise they will not seek his judgment. Without such confidence, there would be no point in invoking his action for the justice they expect.

Interestingly, Judge Dumayas has the following administrative cases filed against him. . .

That a significant number of litigants saw it fit to file administrative charges against Judge Dumayas, with most of these cases having the same grounds, i.e., gross ignorance of the law or procedure and knowingly rendering unjust judgment, only shows how poorly he has been performing as a member of the bench. The Court takes the aforementioned incidents as evidence of respondent's stubborn propensity to not follow the rule of law and procedure in rendering judgments and orders. This definitely has besmirched the integrity and seriously compromised the reputation, not only of his court, but more importantly, of the entire judicial system which he represents.⁵¹ (Citations omitted)

Similarly, the Court has previously noted that numerous litigants likewise filed administrative cases against Judge Villarosa on the same grounds as here, viz.:⁵²

It is important to note that previously, Judge Villarosa was found guilty in two other administrative cases. In A.M. No. RTJ-14-2410, a Resolution was issued on March 11, 2015 which found him guilty of gross

⁵⁰ 827 Phil. 173 (2018) [*Per Curiam, En Banc*].

⁵¹ *Id.* at 188–190.

⁵² *Office of the Court Administrator v. Judge Villarosa*, 869 Phil. 600 (2020) [*Per Curiam, En Banc*].

ignorance of the law, gross inefficiency and serious misconduct, for which he was fined [PHP]10,000.00. Likewise, in a Resolution dated September 14, 2016 in A.M. No. RTJ-16-2474, he was found guilty of undue delay in resolving a motion in violation of the Code of Judicial Conduct and was fined [PHP]20,000.00 with a stern warning that repetition of the same or similar act shall be dealt with more severely.

Over and above that, Judge Villarosa has nine pending administrative cases. These are: (1) OCA IPI No. 18-4860-RTJ, entitled “[Reynaldo C. Mallari] v. Judge Villarosa,” for gross ignorance of the law, grave abuse of discretion, and manifest partiality; (2) OCA IPI No. 18-4800-RTJ, entitled “Alexander F. Balutan, General Manager, PCSO v. Judge Villarosa,” for gross ignorance of the law, grave abuse of authority, gross neglect of duty, willful violation of the New Code of Judicial Conduct; (3) OCA IPI No. 18-4789-RTJ, entitled “[Stig] Mats Thomas Hillerstam v. Judge Villarosa,” for gross ignorance of the law; (4) OCA IPI No. 16-4642-RTJ, entitled “Bangko Sentral ng Pilipinas v. Judge Villarosa,” for gross misconduct and gross ignorance of the law; (5) OCA IPI No. 16-4594-RTJ, entitled “Lourdes H. Castillo v. Judge Villarosa,” for violation of the Code of Judicial Conduct; (6) OCA IPI No. 15-4480-RTJ, entitled “DPWH v. Judge Villarosa,” for gross ignorance of the law and gross misconduct constituting violation of the Code of Judicial Conduct; (7) A.M. No. 15-4385-RTJ, entitled “[Laurentius Theodorus] Peters [v. Judge Villarosa],” for partiality, grave abuse of discretion and gross ignorance of the law; (8) UDK No. Anonymous No. 020141114-01, for gross ignorance of the law and misconduct, filed by a concerned citizen; and (9) UDK No. Anonymous No. A20091016-01, for immorality, filed anonymously.⁵³ (Citations omitted)

Grave Abuse of Authority

Finally, we likewise find Judge Villarosa liable for grave abuse of authority. In *Pilipinas Shell Petroleum Corp. v. Omelio*,⁵⁴ the Court defined grave abuse of authority in the following manner:

Grave abuse of authority is defined as a “misdemeanor committed by a public officer, who under color of his [or her] office, wrongfully inflicts upon any person any bodily harm, imprisonment or other injury”; it is an ‘act of cruelty, severity, or excessive use of authority.’”

The Court emphasized that grave abuse of authority can be shown when the inefficiency springs from a failure to recognize such a basic and fundamental rule, law, or principle, *viz.*:⁵⁵

However, when the inefficiency springs from a failure to recognize such a basic and fundamental rule, law, or principle, the judge is either too incompetent and undeserving of the position and title vested upon him, or

⁵³ *Id.* at 615–616.

⁵⁴ A.M. RTJ-23-031, March 28, 2023 [Per J. Hernando, *En Banc*].

⁵⁵ *Office of the Court Administrator v. Dumayas*, 827 Phil. 173, 187–190 (2018) [*Per Curiam, En Banc*].

he is too vicious that he deliberately committed the oversight or omission in bad faith and in grave abuse of authority.

As ordained in *Villaflor v. Amatong*,⁵⁶ a lower court judge's brazen disregard of a TRO issued by an appellate court constitutes grave abuse of authority. The Court likewise reminded judges that inferior courts must be modest enough to consciously realize the position that they occupy in the interrelation and operation of the integrated judicial system of the nation, *viz.*:

The TRO is clearly and specifically directed at "defendants-appellees" including "public respondent judge or any person under him." The defendants-appellees and public respondent judge in CA-G.R. CV No. 50623 were Biyaya Corporation, Judge Amatong and the Register of Deeds of Kalookan City. Judge Fineza of the RTC, Branch 131, Kalookan City was not among the defendants-appellees. If respondent judge still had doubts as to who the defendants-appellees were, the purpose of the TRO could not have been clearer. It expressly specified the act to be restrained, i.e., "evicting and demolishing" and the object of the restraint, i.e., "the family house" of complainant Villaflor. Clearly, the words of the TRO alone should have placed respondent judge on guard that the intention of the Court of Appeals was to maintain the status quo pending the outcome of the case for annulment of the MeTC judgment and the title of Biyaya Corporation.

And yet, barely two days after receipt of the TRO, respondent judge ordered the sheriff to implement the writ of demolition. The next day, the writ was implemented and complainant's house was totally demolished. Respondent judge's order was done in precipitate haste and in direct defiance of the TRO of the Court of Appeals.

Respondent judge ought to know his place in the judicial ladder. Inferior courts must be modest enough to consciously realize the position that they occupy in the interrelation and operation of the integrated judicial system of the nation. Occupying as he does a court much lower in rank than the Court of Appeals, respondent judge owes respect to the latter and should, of necessity, defer to the orders of the higher court. The appellate jurisdiction of a higher court would be rendered meaningless if a lower court may, with impunity, disregard and disobey it.⁵⁷

Relatedly, the Court underscores that even judges' disregard of rules and basic due process, in violation of the rights they are duty bound to defend, is considered as grave abuse of authority, *viz.*:⁵⁸

While respondent judge conducted a preliminary investigation on the same day the complaint for estafa was filed, however, he did not notify the accused to give him an opportunity to submit counter-affidavits and

⁵⁶ 398 Phil. 503 (2000) [Per J. Puno, First Division].

⁵⁷ *Id.* at 517-518.

⁵⁸ *Sps. Arcilla v. Palaypayon*, 416 Phil. 875 (2001) [Per J. Sandoval-Gutierrez, Third Division].

evidence in his defense. Worst, on the same day, respondent judge issued the warrant of arrest. Clearly, his actions manifest his ignorance of procedural rules and a reckless disregard of the accused's basic right to due process. It should be observed that the complaint was filed obviously to compel complainants to pay accrued rentals. We thus hold that respondent judge is guilty not only of gross ignorance of law, but also of grave abuse of authority.

The ruling of this Court in *Daiz v. Asadon* is pertinent, thus:

“The respondent judge committed grave abuse of authority when he hastily issued a warrant for arrest against the complainants. His premature issuance of a warrant of arrest on the same day, March 18, 1998, when the information for slight physical injuries was filed against complainant spouses was in gross violation of the summary procedure rule that the accused should first be notified of the charges against them and given the opportunity to file their counter-affidavits and other countervailing evidence. It cannot be justified on the ground that respondent judge has information that the spouses would escape. Nothing in the records validates the content, source and extent of that information. There is no gainsaying the fact that the premature issuance of the warrant of arrest against complainant spouses caused them great prejudice as they were deprived of their precious liberty. We reiterate the rule that although a judge may not always be subjected to disciplinary action for every erroneous order or decision he renders, that relative immunity is not a license to be negligent or abusive and arbitrary in performing his adjudicatory prerogatives. If judges wantonly misuse the powers vested in them by law, there will be not only confusion in the administration of justice but even also oppressive disregard of the basic requirements of due process.”

Respondent judge contends that it is his practice to conduct the preliminary investigation on the same day the information or complaint was filed to avoid delay, curtail the expenses of the litigants or prevent the escape of the accused. Suffice it to state that while a judge is constantly admonished to act promptly and expeditiously on matters pending before him, he should not sacrifice the accused's right to be heard for the sake of expediency. Otherwise, he tramples upon the very rights he is duty-bound to defend.⁵⁹ (Emphasis in the original, citations omitted)

Respondent Judge here showed grave abuse of authority by his act of circumventing, if not totally negating the TRO issued by the Court no less.

Penalty

Were it not for his retirement on August 12, 2018, the dismissal from the service of Judge Villarosa as similarly pronounced in *OCA v. Judge Villarosa*⁶⁰ should have also been decreed in the present case. Records show that in *OCA v. Judge Villarosa*,⁶¹ Judge Villarosa was previously found guilty

⁵⁹ *Id.* at 881–882.

⁶⁰ 869 Phil. 600 (2020) [*Per Curiam, En Banc*].

⁶¹ *Id.*

of four counts of Gross Ignorance of the Law. But as the penalty of dismissal from the service could no longer be implemented then in view of his supervening retirement, the Court instead ordered the forfeiture of his retirement benefits except accrued leave credits, with the accessory penalty of disqualification from reinstatement or appointment to any public office, including government-owned and controlled corporations. Judge Villarosa was further fined a total of PHP 140,000.00.

In the present case, Rule 140,⁶² Section 17 of the Rules of Court provides:

SECTION 17. *Sanctions.* —

- (1) If the respondent is guilty of a serious charge, any of the following sanctions may be imposed:
 - (a) **Dismissal from the service, forfeiture of all or part of the benefits as the Supreme Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations.** *Provided, however,* that the forfeiture of benefits shall in no case include accrued leave credits;
 - (b) Suspension from office without salary and other benefits for more than six (6) months but not exceeding one (1) year; or
 - (c) **A fine of more than PHP100,000.00 but not exceeding PHP 200,000.00.** (Emphasis supplied)


Section 18(b) of the same Rule further reads:

Section 18. *Penalty in Lieu of Dismissal on Account of Supervening Resignation, Retirement, or Other Modes of Separation of Service.* — . . .

- (a) Forfeiture of all or part of the benefits as the Supreme Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations. *Provided, however,* that the forfeiture of benefits shall in no case include accrued leave credits; and/or
- (b) Fine as stated in Section 17 (1) (c) of this Rule.

Verily, in lieu of dismissal from the service, Judge Villarosa should be fined PHP 200,000.00 with forfeiture of his retirement benefits, except accrued leave credits, if any, with disqualification from reinstatement or

⁶² RULES OF COURT, as amended by A.M. No. 21-08-09-SC, February 22, 2022.



appointment to any public office, including government-owned or controlled corporations

ACCORDINGLY, JUDGE JOSELITO C. VILLAROSA is found **GUILTY** of Gross Ignorance of the Law, Gross Misconduct, and Grave Abuse of Authority in violation of the New Code of Judicial Conduct. **JUDGE JOSELITO C. VILLAROSA** is **FINED** in the amount of **PHP 200,000.00** payable directly to the Supreme Court within 30 days from receipt of notice. The Court further **ORDERS** the **FORFEITURE** of his retirement benefits, except accrued leave credits, if any, with disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations.

Judge Villarosa is required to inform the Court under oath of the specific date when he received this Decision.

Let a copy of this Decision be furnished to the Office of the Bar Confidant to be entered in the records of Judge Joselito C. Villarosa.

SO ORDERED.



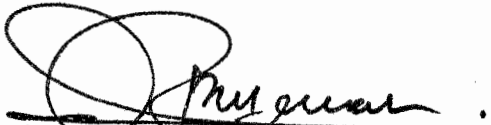
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Chief Justice




MARVIC MARIO VICTOR F. LEONEN
Senior Associate Justice




ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



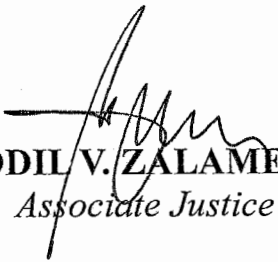
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Associate Justice



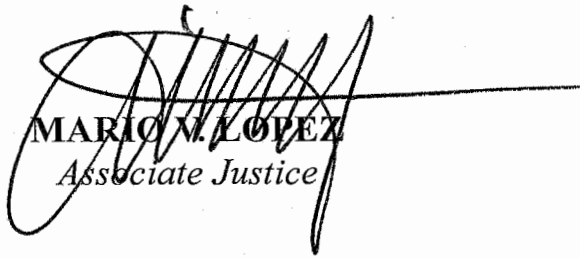
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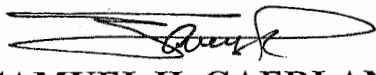
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Associate Justice



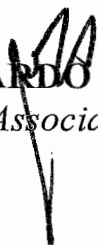
RODIL V. ZALAMEDA
Associate Justice



MARIO N. LOPEZ
Associate Justice



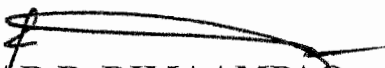
SAMUEL H. GAERLAN
Associate Justice



RICARDO R. ROSARIO
Associate Justice



JHOSEP Y. LOPEZ
Associate Justice



JAPAR B. DIMAAMPAO
Associate Justice

(no part)
JOSE MIDAS P. MARQUEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice

(no part)
MARIA FILOMENA D. SINGH
Associate Justice