

**Republic of the Philippines
Supreme Court
Manila**

EN BANC

**Re: JOINT REPORT DATED
23 OCTOBER 2023 ON
ANONYMOUS COMPLAINT
AGAINST HON. JOSEPHINE
G. BAUTISTA-NICHOLS,
PRESIDING JUDGE, 4th
MUNICIPAL CIRCUIT TRIAL
COURT, LUMBAN-
KALAYAAN, LUMBAN,
LAGUNA.**

**A.M. NO. MTJ-25-043
[Formerly JIB FPI No. 24-131-
MTJ]**

Present:

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

Promulgated:

February 25, 2025

X----------X

DECISION

INTING, J.:

This administrative case arose from an Anonymous Complaint¹ filed against respondent Hon. Josephine G. Bautista-Nichols (Judge Bautista-Nichols), Presiding Judge, 4th Municipal Circuit Trial Court (MCTC), Lumban-Kalayaan, Laguna, before the Judiciary Public Assistance Section of

* On official leave but left a concurring vote.

¹ Rollo, p. 362, 364.

the Office of the Chief Justice (OCJ) lodged through electronic mail.

The Antecedents

Anonymous complainant “Cat Pusa” alleged that Judge Bautista-Nichols 1) abused her judicial position to influence the outcomes of land-related cases in Sta. Maria, Bulacan;² and 2) demonstrated improper attendance by frequently being absent from in-person hearings, and instead, conducted hearings primarily online.³

The OCJ referred the case to the Office of the Court Administrator (OCA), which directed the Legal Office to investigate through a judicial audit.⁴

After initial preparation, the first judicial audit team (1st team) went to MCTC, Lumban-Kalayaan, Laguna for judicial audit, while the second judicial audit team (2nd team) went to Sta. Maria, Bulacan, to conduct a parallel investigation from August 15 to 19, 2023.⁵

The 1st team was able to cover a total of 124 pending cases consisting of 84 criminal cases, 24 civil cases, and four small claims cases. They also randomly audited 27 decided cases consisting of 25 criminal cases and two civil cases.⁶

During the audit, the 1st team discovered 20 cases that were already submitted for decision but remained pending beyond the reglementary period (subject cases):⁷

No.	Case Number	Title of the Case	Nature of the Case	Date Submitted for Decision/Incidents	Due Date
Criminal Case					
1	7242	People vs. Ferdinand Caballes	Violation of RA 8048	Order dated 02-06-20. The accused finished his testimony. The defense is given 15 days from today to file Formal Offer of Exhibit (FOE) after which the case is submitted for decision. No FOE submitted.	05-31-20

² *Id.* at 362.

³ *Id.* 364.

⁴ *Id.* at 365.

⁵ *Id.* at 332.

⁶ *Id.* at 334.

⁷ *Id.* at 334–367.

2	8046	People vs. Danilo Olivo, et al.	Obstruction of Justice	Order dated 11-20-20. With the admission of all defense exhibits, defense rested its case. The case is now submitted for decision.	02-20-20 [sic]
3	7580	People vs. Jaime Caballes, et al.	Malicious Mischief	Order dated 07-08-21. After the accused rested its case, there being no rebuttal, the case is now submitted for decision.	10-08-21
4	7824	People vs. Gilbert Macawili	Attempted Homicide	Order dated 10-17-21. Defense rested its case. FOE admitted. The case is now submitted for decision.	01-17-21 [sic]
5	8176	People vs. Rommel Porteria	Alarm and Scandal	Order dated 11-05-21. Defense rested its case. The case is now submitted for decision.	02-05-21 [sic]
6	8268	People vs. Carlo Ebit	Qualified Trespass to Dwelling	Order dated 10-07-21. Defense rested its case. There being no rebuttal, the case is now submitted for decision.	10-07-21 [sic]
7	8155	People vs. Manuel Rivera	Attempted Homicide	Order dated 11-25-21. Defense rested its case. The case is now submitted for decision.	02-25-21 [sic]
8	8161	People vs. Alexander Abadines	Grave Threats	Order dated 03-04-22. The last witness for defense is completed. The case is now submitted for decision.	06-04-22




Civil Case					
1	559	Rita Liwayway vs. Jaime Caballes, et al.	Recovery of Possession and Damages	Order dated 11-20-20. The testimony of defense is completed. Let a subpoena be sent to the Provincial Assessor's Office to bring all documents related therein. Defendants' FOE-07-25-21. Plaintiff's Comment on FOE-07-25-21.	11-16-21
2	562	Josefina Solleza vs. Quirico Cabanalan	Quieting of Title, etc.	Per Monthly Report of Cases for July 2023, the case is supposedly submitted for decision on 03-04-21 and due for decision on 06-04-21. However, since the record of the case is with Judge Nichols, the team was not able to audit the same.	06-04-21
3	574	Cristeta Altamirano vs. Sps. Norberto and Salome Delos Reyes	Recovery of Possession and Damages with Prayer for Issuance of TRO	Order dated 11-20-20. Defendants' Counsel given 15 days from today to file FOE and plaintiff the same period to comment after which case is submitted for decision. Defendants' FOE-12-9-2020. Plaintiff's FOE-12-22-2020.	03-22-20 [sic]
4	579	Sixta Perolina vs. Emiliana De Ramos	Recovery of Possession, etc.	Order dated 03-04-21. Considering the herein parties submitted their respective position papers, the case is now submitted for decision.	06-04-21

5	582	Marita Nadal, et al. vs. Dindo Sadsad, et al.	Ejectment (Unlawful Detainer)	Order dated 11-05-21. Plaintiffs and Defendants are given 15 days from today or on 11-20-21 to file Position Paper after which case is submitted for decision. Defendants' Position Paper 11-22-21.	02-22-21 [sic]
6	583	Marita Nadal, et al. vs. Godfrei Ragasa, et al.	Ejectment (Unlawful Detainer)	Pre-Trial Order dated 11-05-21. In today's hearing the PTC is terminated. With or without the said Position Papers (PP) which should be submitted on 11-20-21, this case is submitted for decision. Defendants' PP-11-22-21. Plaintiffs' PP-11-19-21.	02-22-21 [sic]
7	584	Marita Nadal, et al. vs. Jerry Kochensparger, et al.	Ejectment (Unlawful Detainer)	Order dated 05-12-22. Defendants' Counsel given 15 days from today to file Position Paper (PP) after which the case is submitted for decision. Defendants' PP-05-24-22	08-24-22
8	587	Marita Nadal, et al. vs. Milarosa De Borja, et al.	Ejectment (Unlawful Detainer)	Order dated 11-05-21. The defendants are not present in court today. Upon motion of plaintiff's counsel, the same is granted. Judgment on this case will be done by this court.	02-05-21 [sic]

9	589	SM Fernando Realty and Development Corp. vs. Silvino Dublan, Jr. et al.	Ejectment (Unlawful Detainer)	Order dated 02-24-22. When this case was called for hearing, the Preliminary Conference was terminated. Parties thru counsel were given 30 days to simultaneously submit their respective PP without extension from today. Defendants' PP-03-22-22 Plaintiff's PP-03-23-22	06-23-22
10	593	Geralyn Monfero-Ramirez vs. Mark Joseph Nerval, et al.	Ejectment	Pre-Trial Order dated 11-24-21. The plaintiff and defendants reserved the right to present some other documentary evidence during the course of the trial. Defendants' PP-03-04-22. Plaintiff's PP-03-09-22.	06-09-22
11	601	Teresita Santos vs. Reynaldo Santos, et al.	Ejectment	Manifestation and Motion to Submit the Case for Decision filed by plaintiff on 02-10-23. Order dated 03-23-23 granting the motion and submitting the case for decision.	06-23-23
[Small Claims Case]					
12	123	Benjamin Juanillo, Jr. vs. Heirs of Roberto Fabroada, et al.	Sum of Money	Order dated 05-18-23. As prayed for by the defendants, they are given 15 days to file the necessary documents after which the court will decide on the matter.	06-18-23 ⁸

The 1st team was able to examine the records of the subject cases, except the records of Civil Case No. 562 titled "*Josefina Solleza v. Quirico*

⁸ *Id.* at 335-337.



Cabanalan” for Quieting of Title, which was not in court at the time of the audit. Apparently, the records of Civil Case No. 562 were still with Judge Bautista-Nichols for decision writing.⁹

On the other hand, the 2nd team had an audience with the barangay officials of Sta. Maria, Bulacan, and found the allegation of land grabbing to be baseless. According to the barangay officials, no pending case involving a land dispute had been filed by or against Judge Bautista-Nichols. In fact, the barangay officials did not even know that Judge Bautista-Nichols is a judge. They thought that she was just an ordinary person residing in Bulacan.¹⁰

Other Relevant Observations

In a video conferencing hearing (VCH) held on July 6, 2023, the parties in various cases¹¹ were at the MCTC, Lumban-Kalayaan, Laguna, while Judge Bautista-Nichols was at her residence in Sta. Maria, Bulacan,¹² as shown in the Court Calendar dated July 6, 2023:

COURT CALENDAR
July 06, 2023, at 8:30 A.M.
(via Videoconference)

PRESENT:

Hon. Josephine B. Nichols - Presiding Judge (**at her residence**)
Hon. John Evan V. Baron - Public Prosecutor¹³
... (Emphasis supplied)

This confirmed Cat Pusa’s allegation that Judge Bautista-Nichols was conducting VCH outside her judicial region, in defiance of the required standard court proceedings.¹⁴

Moreover, the 1st team witnessed the actual conduct of VCH and noted that Judge Bautista-Nichols was not wearing her judicial robe while conducting the online hearing in her house,¹⁵ as shown in the court calendar dated August 17, 2023:¹⁶

⁹ *Id.* at 337.

¹⁰ *Id.* at 343.

¹¹ *Id.* at 338. *See id.* at 355–361.

¹² *Id.* at 338.

¹³ *Id.* at 355–361.

¹⁴ *Id.* at 338.

¹⁵ *Id.*

¹⁶ *Id.* at 352–354.

COURT CALENDAR
August 17, 2023, at 8:30 A.M.
(via Videoconference)PRESENT:

Hon. Josephine B. Nichols - Presiding Judge (**at her residence**)¹⁷
.... (Emphasis supplied)

Upon inquiry as to why the court was using Google Meet platform for their VCH instead of the required 365 Microsoft Team, Rogie B. Gadaza (Gadaza), the Acting Clerk of Court, explained that the switch to Google Meet was due to poor internet connection. Notably, the switch was not coordinated with the Management Information Systems Office of the Supreme Court; hence, no auto recording of all the VCH they had was made.¹⁸

The 1st team also observed the following: 1) the records in the criminal and civil cases are not paginated; 2) the Certificates of Arraignment were not signed by the Clerk of Court pursuant to the 2002 Revised Manual for Clerks of Court,¹⁹ instead, it contained the signature of the presiding judge; 3) the Certificates of Arraignment in Criminal Cases Nos. 8249, 8471, 8472, 8550, 8556, 8557, 8559, 8568, and 8575 were left unsigned; 4) the Civil Docket Book, i.e., Civil Cases Nos. 585 to 606, is not updated; 5) the court failed to issue an Order of Arraignment in Criminal Case No. 8468, entitled "People v. Archie Herea," for violation of Batas Pambansa No. 6, and a Pre-Trial Order in Civil Case No. 592, entitled "Cristeta Alatamirano v. Anabel Mercado," for Forcible Entry; 6) in two criminal cases,²⁰ Gadaza received payments from the accused for the settlement of their civil obligation and handed it over to the private complainant even without a court-approved settlement agreement; and 7) the court does not have a Judgment Book.²¹

The 1st team reminded Gadaza that under the 2002 Revised Manual for Clerks of Court, the keeping and maintaining a General Docket and Judgment Books is one of his functions as the Branch Clerk of Court.²² In turn, Gadaza promised to update the civil docket books, while the other court staff promised to assist the civil clerk-in-charge, Babylyn G. Urbano (Urbano), in updating and paginating the records.²³

Meanwhile, on October 4, 2023, Judge Bautista-Nichols filed her

¹⁷ *Id.* at 352.

¹⁸ *Id.* at 339.

¹⁹ A.M. No. 02-5-07-SC, which took effect on May 21, 2002.

²⁰ *Rollo*, pp. 337–338. See Criminal Case No. 8480, entitled: "People v. Marcial Valdeabella, Jr.," for Other Deceit, and Criminal Case No. 8378, titled: "People v. Darlynnne Queen de Ramos," for Estafa.

²¹ *Id.* at 338.

²² *Id.* at 340.

²³ *Id.*



application for Optional Retirement Benefits²⁴ effective January 1, 2024.

In the Memorandum²⁵ for Chief Justice Alexander G. Gesmundo dated October 23, 2023, the OCA recommended, among others, that Judge Bautista-Nichols be directed to: 1) comment on the administrative complaint within 15 days from notice and explain why she remains in possession of Civil Case No. 562 despite the lapse of the reglementary period within which to decide the case; 2) return the case records of Civil Case No. 562 to the MCTC within five working days from notice; 3) explain why she should not be subjected to disciplinary action for failure to decide the subject cases within the reglementary period with deliberate dispatch; and 4) explain why she should not be subjected to disciplinary action for failure to: (a) report the VCH conducted from April 1, 2022, up to the present, (b) seek prior permission to conduct the same outside her judicial region, and (c) wear the judicial robe during the VCH. The OCA likewise recommended that the issuance of Judge Bautista-Nichols' Clearance Certificate be held in abeyance pending the docketing of the administrative case.²⁶

Anent the allegation that Judge Bautista-Nichols is misusing her legal knowledge to influence the outcomes of land-related cases, the OCA found it to be without basis and recommended that the charge be considered closed and terminated.²⁷

As to Gadaza, the OCA recommended, among others, that he should be directed to: 1) submit a list of all VCH conducted from April 1, 2022 up to the present; 2) order and supervise the updating of the civil docket book; 3) explain why no disciplinary action should be taken against him for failure to keep and maintain a Judgment Book as required under Rule 136, Section 9 of the Rules of Court; 4) sign all Certificates of Arraignment in all criminal cases and submit proof of compliance within 60 days from notice with warning that continued failure to comply will be dealt with more severely; and 5) refrain from receiving payments from the accused for the latter's civil obligation/s to private complainant in criminal cases without a court-approved settlement/judgment by Compromise Agreement.²⁸

As to Urbano, the OCA recommended that she be directed to 1) explain why no disciplinary action should be taken against her for failure to update the civil docket book within 15 days from notice; and 2) update the civil docket book within 60 days from notice with a warning that failure to comply

²⁴ *Id.* at 374.

²⁵ *Id.* at 332-351. The October 23, 2023 Memorandum was submitted by Court Administrator Raul B. Villanueva, Office of the Court Administrator, Supreme Court, Manila.

²⁶ *Id.* at 347-350.

²⁷ *Id.* at 350-351.

²⁸ *Id.* at 350.

will be dealt with more severely.²⁹

In the Memorandum³⁰ dated December 21, 2023, the OCA reiterated the aforestated directives to Judge Bautista-Nichols, and required her immediate compliance therewith.

In her undated Memorandum,³¹ Judge Bautista-Nichols admitted having possession of the records of Civil Case No. 562 and stated that she inadvertently forgot about the case because of too much work. Nevertheless, she stated that she had already returned the records of the case, including the decision thereon. She admitted having overlooked the subject cases and explained that it was due to her poor health condition.³² In support thereof, Judge Bautista-Nichols attached a medical certificate³³ with a diagnosis of vocal cord cyst. She likewise attached copies of the decisions she rendered in Civil Case Nos. 562 and 593³⁴ and stated that she will decide the remaining 18 cases with deliberate dispatch.³⁵

Judge Bautista-Nichols similarly admitted having failed to report the VCH conducted from April 2022 onwards and reasoned that the internet service in her office was limited and was unable to meet the requirements of the Philippine Judiciary Office 365. To avoid disruption in the court proceedings, she elected to use Google Meet as an alternative. Judge Bautista-Nichols also admitted that she had conducted VCHs outside her judicial region but denied not wearing the judicial robe when she conducted hearings online.³⁶

In his letter-reply³⁷ dated November 24, 2023, Gadaza apologized for his lapses and explained that on top of performing his regular duties as Interpreter I, he was designated as Officer-In-Charge/Acting Clerk of Court II on September 21, 2021, or five days after the sudden demise of Finita E. Aliazas (Aliazas), Clerk of Court II, MCTC.³⁸ Due to the unexpected personnel changes, Gadaza merely adopted Aliazas' processes. Hence, there was no judgment book, as none was kept during Aliazas' tenure. Gadaza did not sign the Certificates of Arraignment because these were signed by the Presiding Judge. Gadaza received payments from the accused for the settlement of their civil obligations to the private complainants which he

²⁹ *Id.*

³⁰ *Id.* at 227–228. The December 21, 2023 Memorandum was submitted by Court Administrator Raul B. Villanueva, Office of the Court Administrator, Supreme Court, Manila.

³¹ *Id.* at 307–308.

³² *Id.* at 307.

³³ *Id.* at 313–314. *See* Medical Certificate issued by Dr. Peregrina Gonzaga.

³⁴ *Id.* at 310–312, 318–324, respectively.

³⁵ *Id.* at 308.

³⁶ *Id.*

³⁷ *Id.* at 271–273.

³⁸ *Id.* at 272.

thought was proper because Aliazas used to do the same.³⁹ Nevertheless, after having been informed of the lapses observed during the judicial audit, Gadaza stated that they had already been rectified.⁴⁰

In compliance with the Court's directives, Gadaza submitted the list of all VCH conducted by the MCTC from April 1, 2022, up to the present,⁴¹ as well as photocopies of Certificates of Arraignment duly signed by him.⁴² He likewise acknowledged the receipt of the records of Civil Case No. 562 from Judge Bautista-Nichols on November 21, 2023, together with a copy of the decision therein.⁴³

In her letter⁴⁴ dated December 1, 2023, Urbano stated that she did not intend to neglect the updating of the civil docket book; however, she alleged that the task was previously performed by Aliazas. Thus, when Aliazas passed away, she merely continued to perform the tasks previously assigned to her by Aliazas, i.e., the docketing of archived cases and the mailing of subpoenas, notices of hearing, and court decisions, among others. Urbano apologized for having overlooked her duty. She likewise expressed her gratitude for the opportunity of being an employee of the judiciary for 26 years and hoped that the Court would accept her explanation.⁴⁵

As for Civil Case Nos. 585 to 606, Urbano reported that she had already updated the statuses of these cases in the civil docket book of the MCTC, and that she had also submitted photocopies thereof.⁴⁶

The Recommendation of the OCA

In the Memorandum⁴⁷ dated February 14, 2024, the OCA recommended as follows:

IN VIEW OF THE FOREGOING, it is respectfully recommended that:

1. the Anonymous Complaint dated [July 30,] 2022[,] and the Joint Report dated [October 23,] 2023, be DOCKETED as a regular administrative complaint against Presiding Judge Josephine G. Bautista-Nichols, Municipal Circuit Trial Court, Lumban-[Kalayaan], Lumban, Laguna, for Undue Delay in Rendering a Decision, Violation of the Code of

³⁹ *Id.*

⁴⁰ *Id.* at 272-273.

⁴¹ *Id.* at 14-15.

⁴² *Id.* at 16-54.

⁴³ *Id.* at 13.

⁴⁴ *Id.* at 55-56.

⁴⁵ *Id.*

⁴⁶ *Id.* at 57-78; 183-226.

⁴⁷ *Id.* at 1-7. The February 14, 2024 Memorandum was submitted by Court Administrator Raul B. Villanueva, Office of the Court Administrator, Supreme Court, Manila.

Judicial Conduct, and Violation of Reasonable Office Rules in the Conduct of Video Conferencing Hearings;

2. the deficiency findings against OIC/Acting Clerk of Court II Rogie B. Gadaza, MCTC, Lumban-[Kalayaan], Lumban, Laguna and Ms. Urbano, Clerk II, same station, considering their respective explanations, be considered complied with and the matter now be CLOSED and TERMINATED; and

3. OIC/Acting Clerk of Court II Rogie B. Gadaza, MCTC, Lumban-[Kalayaan], Lumban, Laguna and Ms. Urbano, Clerk II, same station, be STERNLY WARNED that a repetition for the same or similar acts in the future shall be dealt with more severely.

RESPECTFULLY SUBMITTED.⁴⁸ (Emphasis omitted)

The Issues

1. Should Judge Bautista-Nichols be held administratively liable for Undue Delay in Rendering a Decision, Violation of the New Code of Judicial Conduct for the Philippine Judiciary, and Violation of Reasonable Office Rules in the Conduct of Video Conference Hearings?
2. Should Gadaza be held administratively liable for failure to keep and maintain a Judgment Book as required under Rule 136, Section 9 of the Rules of Court and for his failure to sign the Certificates of Arraignment in criminal cases?
3. Should Urbano be held administratively liable for her failure to update the civil docket book?

The Ruling of the Court

The Court adopts the findings and conclusions of the OCA with modifications.

The Court has repeatedly stressed that “[n]o position demands greater moral righteousness and uprightness from its holder than a judicial office.”⁴⁹ Everyone connected with the dispensation of justice, from the members of the High Court to the rank-and-file employees of the judiciary, are burdened with a heavy responsibility and must always bear in mind that the image of the court of justice is mirrored in their daily conduct.⁵⁰ As such, to maintain the

⁴⁸ *Id.* at 7.

⁴⁹ *Office of the Court Administrator v. Nacuray*, 521 Phil. 32, 38 (2006).

⁵⁰ *Office of the Court Administrator v. Sicad*, 943 Phil. 86, 92 (2023).

people's respect and faith in the judiciary, every member of the judiciary must be a model of uprightness, fairness, and honesty.⁵¹

Here, there is no question that Judge Bautista-Nichols committed undue delay in rendering decisions in pending cases submitted for decision because she, herself, admitted having overlooked the subject cases that were already ripe for decision. While the Court commiserates with Judge Bautista-Nichols as to her poor health conditions, such circumstance however is not sufficient to justify the negligence incurred or her delay in rendering decisions on the subject cases.

On the contrary, she could have easily requested the Court, through the OCA, for extensions of time to resolve the subject cases, but she failed to do so.⁵² Her inaction shows her indifference to the prescriptive periods provided by law.⁵³

Consequently, Judge Bautista-Nichols violated the 1987 Constitution⁵⁴ which mandates that all cases must be decided by the lower courts within three months from date of submission⁵⁵ and Canon 6, Section 5 of the New Code of Judicial Conduct for the Philippine Judiciary⁵⁶ which provides: "Judges shall perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness."

Under Rule 140 of the Rules of Court, as further amended,⁵⁷ the provision "undue delay in rendering a decision or order" is no longer included in the classification of administrative charges and is now subsumed to either "simple neglect of duty," defined as the failure to give proper attention to a task expected of an employee resulting from either carelessness or indifference, or "gross neglect of duty," which refers to negligence characterized by the want of even slight care, or by acting or omitting to act in a situation where there is a duty to act, not inadvertently but willfully and intentionally, with a conscious indifference to the consequences, insofar as other persons may be affected.⁵⁸

⁵¹ *Executive Judge Crisologo-Saguisag v. Haboc*, 940 Phil. 582, 588 (2023).

⁵² OCA Circular No. 243-2022, "Reiteration on the Directive to Comply with the Reglementary Periods to Decide Cases and/or Resolve Incidents."

⁵³ *Office of the Court Administrator v. Judge Gonzales*, 929 Phil. 73, 78-79 (2022), citing *Office of the Court Administrator v. Judge Lagura-Yap*, 875 Phil. 72 (2020).

⁵⁴ CONST., art. VIII, sec. 15(1).

⁵⁵ *Office of the Court Administrator v. Judge Gonzales*, 908 Phil. 546, 554 (2021).

⁵⁶ A.M. No. 03-05-01-SC, June 1, 2004.

⁵⁷ A.M. No. 21-08-09-SC, April 18, 2022.

⁵⁸ *Espiritu, Jr. v. Judge Arenas*, 949 Phil. 856, 863 (2023). See also *Abing v. Judge Manayon*, A.M. No. MTJ-22-006, April 26, 2022 [Notice], citing *Complaint of Ricky Regala Against Enrique E. Manabat, Jr.*, 843 Phil. 1024 (2018).

Considering the sheer number of the subject cases and the delay ranging from one to four years in each case, Judge Bautista-Nichols clearly committed gross neglect of duty in the performance or non-performance of official functions under Rule 140, Section 14(d). In *Office of the Court Administrator v. Hon. Lorenzo F. Balo*,⁵⁹ the Court found Judge Balo guilty of three counts of gross neglect of duty in the performance or non-performance of official functions because he violated three different rules. Similarly, Judge Bautista-Nichols committed three counts of gross neglect of duty when she, despite the express provision of A.M. No. 08-8-7-SC,⁶⁰ failed to resolve the following: 1) eight criminal cases within 30 calendar days from the court's action on the last presenting party's offer of evidence;⁶¹ 2) eleven civil cases within 30 days from receipt by the court of the Mediator's Report or the JDR Report on the parties' failure to reach an amicable settlement;⁶² and 3) one small claims case within 24 hours from termination of the hearing.⁶³

The Court also finds Judge Bautista-Nichols guilty of two counts of the less serious charge of violation of Supreme Court rules, directives, and circulars under Rule 140, Section 15(e) for committing the following acts:

1. conducting VCH outside her judicial region, in clear violation of OCA Circular No. 43-2022;⁶⁴ and
2. failing to wear her judicial robe during the VCH, in violation of Supreme Court Administrative Circular No. 25.⁶⁵

As to the first violation, OCA Circular No. 43-2022 provides that no VCH can be conducted by the judge in his/her home unless expressly authorized by the Court or the OCA in the pursuit of the efficient administration of justice. The pertinent portion of the circular reads:

....

2) When the Judge, based on compelling reasons, has to conduct a videoconferencing hearing from home, he/she can do so by merely giving notice to the [OCA] prior to the scheduled date thereof, provided that his/her home is in an area within the jurisdiction of his/her court and, provided further, that such hearing from home shall be limited to two (2) hearing dates in a week.

⁵⁹ A.M. No. RTJ-23-037, April 16, 2024, at 18. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

⁶⁰ Titled "The Rules on Expedited Procedures in the First Level Courts," April 11, 2022.

⁶¹ A.M. No. 08-8-7-SC, Rule III (B), sec. 7.

⁶² A.M. No. 08-8-7-SC, Rule III (A), sec. 14.

⁶³ A.M. No. 08-8-7-SC, Rule IV, sec. 24.

⁶⁴ Subject: Conduct of Videoconferencing Hearings in Court, from Home or in Other Locations in Areas Under Alert Levels 1 and 2. Signed by then Deputy Court Administrator (now Court Administrator) Raul Bautista Villanueva on March 1, 2022.

⁶⁵ "Use of Black Robes by Trial Judges." Signed by Chief Justice Marcelo B. Fernan on June 9, 1989.

....

3) When the Judge, under exceptional circumstances, has to conduct videoconferencing hearing from home or in another location which is in an area outside of his/her court's jurisdiction, but within the judicial region, then the said Judge must seek prior clearance or permission from the OCA for the same at least two (2) days from the scheduled hearing/s.

4) No videoconferencing hearing may be conducted by a Judge in a location outside of his/her court's judicial region, unless authorized by the Court or the OCA in further pursuit of the efficient administration of justice.

Considering that Judge Bautista-Nichols admitted presiding over several VCH while outside her judicial region without prior permission from the Court, there is no doubt that she violated OCA Circular No. 43-2022.

As to the second violation, jurisprudence dictates that "[t]he wearing of robes by judges during official proceedings . . . is not an idle ceremony. Such practice serves the dual purpose of 'heighten[ing] public consciousness on the solemnity of judicial proceedings' . . . and of impressing upon the judge the exacting obligations of his office."⁶⁶ Absent written permission from the Court, the rule is that a judge's medical condition by itself is not sufficient to exempt him/her from the coverage of Administrative Circular No. 25.⁶⁷

Here Judge Bautista-Nichols denied having failed to wear the judicial robe in this wise:

5.2 Never it happened that I did not wear my judicial robe during my stint as a judge of MCTC Lumban whenever I have court hearing face to face or via videoconferencing. My heart is pure in this aspect and it is a FALSITY that I did not wear my judicial robe whenever I conduct hearing or on any occasion that I have to wear my judicial robe,⁶⁸

It is settled that a general denial is inherently weak, especially when placed against the investigating team's report that they were able to personally observe Judge Bautisa-Nichols conducting VCH without wearing her judicial robe.⁶⁹

As to the penalty, the serious charge of gross neglect of duty is punishable by either of the following: (1) dismissal from 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; (2) suspension

⁶⁶ *Chan v. Judge Majaducon*, 459 Phil. 754, 762 (2003).

⁶⁷ *Atty. Tiongco v. Judge Savillo*, 520 Phil. 573, 586 (2006).

⁶⁸ *Rollo*, p. 308.

⁶⁹ *Office of the Court Administrator v. Trinilla*, 908 Phil. 564, 569–570 (2021).

from office without salary and other benefits for more than six months but not exceeding one year; or (3) a fine of more than PHP 100,000.00 but not exceeding PHP 200,000.00.⁷⁰ The less serious charge of violation of Supreme Court rules, directives, and/or circulars is punishable by either of the following: (1) suspension from office without salary and other benefits for not less than one month nor more than six months; or (2) a fine of more than PHP 35,000.00 but not exceeding PHP 100,000.00.⁷¹

Moreover, Rule 140, Section 21, as amended, provides that on the one hand, if the respondent is found liable for more than one offense arising from separate acts or omissions in a single administrative proceeding, the Court shall impose separate penalties for each offense. On the other hand, “if a single act/omission constitutes more than one offense, the respondent shall still be found liable for all such offenses, but shall, nonetheless, only be meted with the appropriate penalty for the most serious offense.”

In *Hon. Banzuela-Didulo v. Santizo*,⁷² the Court treated the various violations committed by respondent therein as a single collective act because they could not be reasonably separated from one another. Hence, a singular penalty was imposed.⁷³

Considering that the neglect of duty committed by Judge Bautista-Nichols, i.e., failure to resolve the subject cases within the reglementary period, was committed on three occasions that can be reasonably separated from one another, the Court may impose, for each of the three counts, a fine of more than PHP 100,000.00 but not exceeding PHP 200,000.00.

The Court notes, however, that in A.M. No. 23-08-14-SC titled “*Re: List of Top 10 Courts Per Judicial Region with the Most Number of Filed and Disposed Cases and Their Clearance Rate*,”⁷⁴ Judge Bautista-Nichols was recognized as one of the Municipal Trial Court/Municipal Circuit Trial Court judges who attained the 10 highest clearance rates per judicial region:

d. Region IV.

RANK	JUDGE	MTC/MCTC STATION	CLEARANCE RATE
1	RYAN R. ESPINOSA	Laguna, Magdalena-Liliw-Majayjay	196.84%

⁷⁰ REV. RULES OF COURT, Rule 140, sec. 17(1).

⁷¹ REV. RULES OF COURT, Rule 140, sec. 17(2).

⁷² 935 Phil. 496 (2023).

⁷³ *Id.* at 514.

⁷⁴ The October 3, 2003 Resolution in A.M. No. 23-08-14-SC adopting the recommendation of the OCA to give recognition to the judges of the first- and second-level courts that registered the 10 highest clearance rates per judicial region for the year 2022, was issued by the Supreme Court *En Banc*.

2	NICKIE T. VIAJE	Quezon, Mauban-Sampaloc	172.62%
3	ERIC S. FORTALEJA	Laguna, Sta. Cruz	167.86%
4	EMMANUEL JESUS P. SANTOS	Rizal, Binangonan, Br.1	146.93%
5	JOHN ANDREW R. DE GUZMAN	Laguna, Pangil-Paete-Pakil	132.18%
6	JOHN PAUL A. ANDAMO	Laguna, Bay	130.77%
7	JOSEPHINE B. NICHOLS	Laguna, Lumban-Kalayaan	120.39%
8	ARNEL B. CAPARROS	Quezon, Atimonan-Plaridel	116.67%
9	ROBERT V. MARCELO	Rizal, Tanay	109.85%
10	ROY E. CHENG	Cavite, Naic	108.70% ⁷⁵

To the Court's mind, the above citation and commendation is a testament that Judge Bautista-Nichols has learned her ways, acknowledged her shortcomings, and improved on her performance as a trial court judge.

In light of various mitigating circumstances, i.e., Judge Bautista-Nichols' exemplary performance, diligence and effort to dispose of the pending cases, her frail health, and her candid admission of her infractions, as well as the absence of any aggravating circumstances, the Court finds that the fine of more than PHP 100,000.00 but not exceeding PHP 200,000.00, as prescribed under Rule 140, would be too harsh. Thus, applying Rule 140, Section 20,⁷⁶ as amended, the Court resolves to impose a more commensurate fine of PHP 50,001.00 for each count of gross neglect of duty, or a total of PHP 150,003.00.

On the other hand, the Court finds it proper to impose a singular penalty of fine in the amount of PHP 35,000.00, for the less serious offense of violation of the Supreme Court rules, directives, and circulars given that the two infractions, i.e., violation of Administrative Circular No. 25 and violation of OCA Circular No. 43-2022, were the result of a single occurrence, or the unauthorized conduct of VCH.

Anent Gadaza and Urbano, the Court finds it proper to merely admonish them with a stern warning that a repetition of the same procedural lapses would result in a more stringent penalty in the future.

⁷⁵ *Id.* (Emphasis supplied)

⁷⁶ SECTION 20. *Manner of Imposition.* - . . .

If one (1) or more mitigating circumstances and no aggravating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not less than half of the minimum prescribed under this Rule.

To recall, due to the sudden demise of Clerk of Court Aliazas, Gadaza was suddenly placed in the position of Acting Clerk of Court to ensure that the court's operation would not be disrupted. Copying Aliazas' procedures, Gadaza did not sign any certificate of arraignment because he thought it was the judge who had the duty to sign it. He also did not maintain a Judgment Book because Aliazas never maintained one. As for Urbano, she admittedly failed to update the civil docket books, in violation of Rule 136, Section 8⁷⁷ of the Rules of Court, but reasoned that the task of updating the civil docket book was assigned to another court staff.

While Gadaza and Urbano appear to have committed the less serious offense of violation of Supreme Court rules, directives, and circulars, the Court, in view of the attendant circumstances, i.e., their immediate rectification of the procedural lapses, absent a proper turnover and training for the position as to Gadaza, and Urbano's 26 years of service in the judiciary,⁷⁸ opts to adopt the OCA's recommendation to merely admonish and warn them that a repetition of the same or similar offense will warrant the imposition of a more severe penalty.

Admittedly, admonition is not included in the prescribed penalties under Rule 140, as amended. Nonetheless, it is well to stress that the Court, in the exercise of its plenary Constitutional powers to discipline judges and judicial personnel, has the sole discretion in the imposition of penalties.⁷⁹ The Court thus, on a case-to-case basis, may deviate from the framework under Rule 140 when there are special extenuating circumstances present, as in the case.

ACCORDINGLY, the Court finds respondent Judge Josephine G. Bautista-Nichols, Presiding Judge, 4th Municipal Circuit Trial Court, Lumban-Kalayaan, Laguna, **GUILTY** of three (3) counts of gross neglect of duty and two (2) counts of violation of Supreme Court rules, directives, and circulars.

⁷⁷ Section 8. *General docket*. — The clerk shall keep a general docket, each page of which shall be numbered and prepared for receiving all the entries in a single case, and shall enter therein all cases, numbered consecutively in the order in which they were received, and, under the heading of each case and complete title thereof, the date of each paper filed or issued, of each order or judgment entered, and of each other step taken in the case so that by reference to a single page the history of the case may be seen.

⁷⁸ Rule 140, Section 20(2).

SECTION 20. *Manner of Imposition*. — . . .

If one (1) or more mitigating circumstances and no aggravating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not less than half of the minimum prescribed under this Rule.

⁷⁹ CONST., art. VIII, sec. 6.

Section 6. The Supreme Court shall have administrative supervision over all courts and the personnel thereof.

Consequently, the Court imposes upon respondent Judge Josephine G. Bautista-Nichols the following penalties:

1. A **FINE** of PHP 50,001.00 for each count of gross neglect of duty or a total of PHP 150,003.00; and
2. A **FINE** of PHP 35,000.00 for violation of Supreme Court rules, directives, and circulars.

Respondent Judge Josephine G. Bautista-Nichols is **STERNLY WARNED** that a repetition of the same or similar acts shall be dealt with more severely.

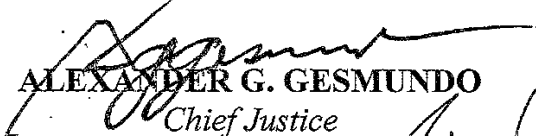
The Court further resolves as follows:


1. Considering the respective explanations submitted by Officer-In-Charge/Acting Clerk of Court II Rogie B. Gadaza, Municipal Circuit Trial Court, Lumban-Kalayaan, Laguna, and Babylyn G. Urbano, Clerk II, same station, relative to the deficiency findings against them, the matter is now considered **CLOSED** and **TERMINATED**; and
2. Officer-In-Charge/Acting Clerk of Court II Rogie B. Gadaza, Municipal Circuit Trial Court, Lumban-Kalayaan, Laguna and Babylyn G. Urbano, Clerk II, same station, are **ADMONISHED** and **STERNLY WARNED** that a repetition of the same or similar acts in the future shall be dealt with more severely.

SO ORDERED.


HENRI JEAN PAUL B. INTING
Associate Justice

WE CONCUR:

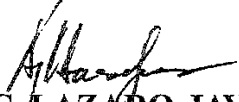

ALEXANDER G. GESMUNDO
Chief Justice


MARVIC M.V.F. LEONEN
Senior Associate Justice

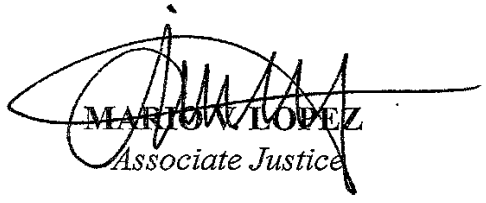

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

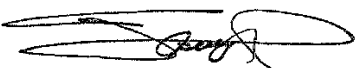
(On official leave but left a
concurring vote)


RAMON PAUL L. HERNANDO
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice


RODIL V. ZALAMEDA
Associate Justice



MARION LOPEZ
Associate Justice


SAMUEL H. GAERLAN
Associate Justice


RICARDO R. ROSARIO
Associate Justice


JHOSEP Y. LOPEZ
Associate Justice


JAFAR B. DIMAAMPAO
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice


MARIA FILOMENA D. SINGH
Associate Justice

