



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

HON. CARMEL GIL GRADO,  
Presiding Judge, Branch 56,  
Regional Trial Court [RTC],  
Compostela, Davao De Oro,  
Complainant,

A.M. No. RTJ-24-073  
[Formerly JIB FPI No. 21-028-  
RTJ]

Present:

- versus -

CAGUIOA, J., Chairperson,  
INTING,  
GAERLAN,  
DIMAAMPAO, and  
SINGH, \*JJ.

HON. ARLENE LIRAG-  
PALABRICA, Presiding Judge,  
Branch 31, RTC, Tagum City,  
Davao Del Norte,

Respondent.

Promulgated:

JUL 07 2025

X-----Miss DeBatt-----X

DECISION

INTING, J.:

Before the Court is an administrative Complaint<sup>1</sup> filed by Judge Carmel Gil Grado (Judge Grado), Presiding Judge of Branch 56, Regional Trial Court (RTC), Compostela, Davao de Oro against Judge Arlene Lirag-Palabrica (Judge Palabrica), Presiding Judge of

\* On leave.

<sup>1</sup> Rollo, pp. 2-15.

Branch 31, RTC, Tagum City, Davao del Norte for Gross Ignorance of the Law and Gross Misconduct.

Judge Palabrica is being charged in her capacity as the Acting Presiding Judge of Branch 2, Tagum City, Davao del Norte.

### *The Antecedents*

Judge Grado is the private complainant in Criminal Case Nos. 26621 and 26622, entitled “*People of the Philippines v. Loreto C. Perandos, Jr.*,” for two counts of violation of Republic Act No. 9262,<sup>2</sup> or the Anti-Violence Against Women and Their Children Act of 2004. The criminal cases were filed in 2015 and originally raffled to Branch 34, RTC, Panabo City, Davao del Norte. At the time the Informations were filed, Judge Grado was still a lawyer at the Public Attorney’s Office (PAO).

The criminal cases were initially archived as the accused evaded arrest. In November 2020, the cases were then reinstated after the accused was arrested for violation of Section 5 of Republic Act No. 9165<sup>3</sup> in Hinatuan, Surigao del Sur. By this time, Judge Grado was already the Acting Presiding Judge of Branch 34, RTC, Panabo City, Davao del Norte. Judge Grado, being the private complainant in Criminal Case Nos. 26621 and 26622, was constrained to inhibit herself from these criminal cases.

Consequently, in an Order dated November 20, 2020, the criminal cases were referred to the RTC of Tagum City, Davao del Norte, pursuant to OCA Circular No. 200-2016.<sup>4</sup> Eventually, Criminal Case Nos. 26621 and 26622 were raffled to Branch 2, RTC, Tagum City, Davao del Norte.

---

<sup>2</sup> Titled, “An Act Defining Violence Against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and for Other Purposes.” Approved on March 8, 2024.

<sup>3</sup> Titled, “An Act Instituting the Comprehensive Dangerous Drugs Act of 2002, Repealing Republic Act No. 6425, otherwise known as the Dangerous Drugs Act of 1972, as amended, Providing Funds Therefor, and for Other Purposes.” Approved on January 23, 2002.

<sup>4</sup> Titled “New Provision under Section 8, Chapter V of A.M. No. 03-8-02-SC Dated 27 January 2004” (September 22, 2016), pertinent portions of which provide:

(d) [W]here all the judges in the multiple branch RTC are disqualified or voluntarily inhibit, the Clerk of Court of the branch of the judge disqualified or inhibited last, shall refer the order of inhibition to the Executive Judge of the nearest multiple branch RTC or to the nearest single branch RTC, whichever is the nearest in terms of geographical location. . . .

Following the retirement of Presiding Judge Ma. Susana T. Baua, Judge Palabrica, who was designated as the Pairing Judge of Branch 2, took over the case.

On February 17, 2021, before the criminal cases were called in open court, Judge Grado approached Judge Palabrica in her chambers. Judge Palabrica then asked Judge Grado if she was open to an amicable settlement, which the latter declined. Judge Grado explained that the accused in the criminal cases had threatened to kill her and her family, and had maligned her son, who has special needs, by calling him “*buang*” or crazy.

Judge Grado observed that Judge Palabrica was eager to amicably settle the case; hence, she again approached Judge Palabrica and conveyed the terms and conditions of the settlement, should there be any, which included the following:

1. Payment of Fifty Thousand (PHP 50,000.00) and [return of] the gun which was stolen from her; or
2. Return of the gun and plead guilty to a lesser felony.<sup>5</sup>

On the scheduled hearing of March 25, 2021, the accused failed to appear as he had been transferred to the Surigao del Sur District Jail Annex. Before the hearing commenced, and with the knowledge of the accused’s absence, Judge Palabrica asked Judge Grado to agree to the provisional dismissal of the criminal cases, which Judge Grado refused.

During the hearing, Judge Palabrica, in open court and in the presence of court employees, a lawyer from the PAO, the handling prosecutor from the Office of the City Prosecutor of Tagum City, a private lawyer, two other individuals, and Judge Grado’s nephew made the following statements to Judge Grado:

THE COURT:

*Lalong nakakahiya. Nasacan naman ang kahihyanan mo judge?*  
Think about your position. I will inhibit myself *kasi* I do not want to be

---

<sup>5</sup> Rollo, p. 33.



scolding up judge who cannot understand. *Pasensiya ka na judge ha.*  
How many years have you been a judge?

JUDGE GRADO (Complainant):

Four (4) years.

THE COURT:

*Ako 14 years. In government service, how many?*

JUDGE GRADO (Complainant):

The same.

THE COURT:

*A yon lang? O ako po 34 years, so give it to me, give me credit for that. It doesn't work. So, I will just inhibit because I do not want to be trying a case against a colleague whom I scolded in open Court for being stubborn after explaining to her to take the higher ground because she is an Honorable Judge and should not be wasting her time on trivial matters involving a relationship gone awry in the past. As an Honorable Judge she should concentrate on public service. *Ilagay mo jan para may basis tayo. [Pasensiya] ka na sa akin. Sorry ha. Prangka ako. Kung mayroon kang gustong e sulti, e sulti mo na sa akin sige tindig. Sa tingin mo tama ang ginawa ko na insultuhin ka ngayon?**

JUDGE GRADO (Complainant):

It is up to you *po*.

THE COURT:

*Hindi tama. Sasabihin mong hindi tama kasi judge ako bakit ginawa 'to. Ma'am, I'm telling you, when you lower yourself as that, you are no longer an Honorable Judge. Ano nga yong doctrine na just like a government, you cannot sue the government unless it's the government who sue you first, yon po. Maybe the Family Court in Davao City... Mabuti kung bata ka pa pero 48 years old ka na. Pag-isipan mo yan ma'am. Do not waste your time and charge it to experience. Babae lang talaga tayo na niloloko nang mga lalaki. Yan ang masakit na katotohanan kahit pa sabihin women empowerment. Wala. It's the Filipino culture, my husband used to say to me, when you come home forget that you are a prosecutor, forget that you are a*

judge, you are a wife and a mother. *Kaya tingnan mo yong mga anak ko, alfa (sic) male...*

....

THE COURT:

Agree ka judge? *Pag napunta [ito] sa Davao, mabuti mapunta [ito] doon, kilala mo kasi mga classmates mo.* I think they will be more sympathetic. *Ikaw ang kawawa dito kasi you get to be blamed. Pero ito kung hindi ka sana judge, I will take this case, pero for me your position hinders this case. Mag sorry ako [pasensiya] [ka na]. Kung galit ka sa akin sige magalit ka sa akin, lilipas din yan. Basta ang importante nasabi ko yong sentiment ko na hindi sasabihin sa iyo.* They will only talk at your back. Probably you know but they will not tell you the way it is. I am famous for that and that's the reason why I have a conflict with the previous judge. *Pareho ugali namin.* I will say it the way it is. *Tapos.* So, *kasi* Filipino people are too polite, we are not blunt I am blunt and it hurts. The truth always hurt. We are done. Thank you for coming judge *ha.* You follow it up *kung saan mapunta.*<sup>6</sup>

Judge Palabrica not only berated Judge Grado in open court but also directed her tirade toward Judge Grado's nephew, who had accompanied her that day, stating:

THE COURT:

See? *O anong masasabi mo pamangkin, di ba kahiya hiya, judge si ante. Judge si ante pinapagalitan ng kapwa niya judge bakit, kasi hindi siya judge ngayon, ordinary lang siyang tao* and that's what I'm telling you. Had I told you this with just the two of us, o you will not *ano*, it won't work. O imagine *dito* in open Court and still you are...*kasi* pride, *mahiya [ka na] pride mo...*

Judge Grado further recalled that Judge Palabrica made additional insulting remarks, which she instructed the court stenographer to omit from the record. While Judge Grado cannot recall these rude remarks *verbatim*, she recalls Judge Palabrica stating:

"Are you not ashamed? You are a judge. You are exposing yourself to ridicule. Why should you stoop down to the level of the accused? You should take the higher ground. Judge *ka.* Remember that you have a reputation to protect. Have you not gotten over your

---

<sup>6</sup> TSN, Proceedings in Crim. Case Nos. 26621 and 26622. March 25, 2021, *id.* at 43-45.

ex-boyfriend? Have you not moved on? *Niloko ka na, magpapaloko ka pa ba ulit? Ang mga lalaki, lalaki yan.* They are men. They are not saints. *Kahit na sabihin pa nila na* women empowerment *age na tayo,* that is not true. *Tayo pa rin ang kawawa sa society. Hindi mo ba alam na pinagtatawanan ka sa likud mo ng mga tao dito sa Hall of Justice?* Just because of this case *ginawa ka na sumsuman ng mga tao* (you were made a fodder for gossip). *Kung mag hearing tayo dito,* I will insult you. The PAO lawyer will insult you. Are you ready for that? *Walang kwenta ang kaso na ito.* You are wasting your time. We are public servants. Every time we will hear this case, you will go on leave. What will happen to your public service?"<sup>7</sup>

Judge Grado averred that she did not ask for any special treatment, as she appeared in court not in her capacity as a judge but as a private complainant, yet she was treated poorly by Judge Palabrica.

Judge Grado further asserted that Judge Palabrica's endless personal tirade against her during the March 25, 2021 hearing constituted a violation of Rule 3.03 and 3.04 of the Code of Judicial Conduct. She, likewise, opined that Judge Palabrica's actions constituted Gross Ignorance of the Law due to her violation of the Rules on Court Assisted Mediation and Judicial Dispute Resolution.

In an Order<sup>8</sup> dated March 25, 2021, Judge Palabrica inhibited herself from trying the criminal cases, viz.:

The undersigned inhibits herself in trying these cases for the reason that she does not want to be trying a case against a colleague whom she scolded in open Court for being stubborn after explaining to her to take the higher ground because she is an Honorable Judge and should not be wasting her time on trivial matters involving a relationship gone awry in the past. As an Honorable Judge she should concentrate on public service.<sup>9</sup>

In her Comment<sup>10</sup> dated August 25, 2021, Judge Palabrica asserted that her candid and blunt words were not malicious but rather an expression of her dismay and frustration with Judge Grado's remarks, specifically: (a) that she would not be ashamed if her relationship with the accused was openly scrutinized; (b) that she would be happy if the

---

<sup>7</sup> *Id.* at 6.

<sup>8</sup> *Id.* at 35.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* at 140–142.

accused, who was already detained for a drug case, would be punished under Republic Act No. 9262; and (c) that she would only agree to an amicable settlement if the accused pays her PHP 50,000.00 and returns her gun.<sup>11</sup>

Judge Palabrica further stated that the criminal cases involving Judge Grado would result in maligning her moral uprightness and image as a judge. She elaborated that a full-blown trial of the criminal cases would subject Judge Grado to scrutiny, not simply as a woman but as a judge; hence, such personal and intimate matters should remain private and confidential.

In addition, Judge Palabrica pointed out that she has never been the respondent in any administrative case filed by litigants or lawyers for Gross Ignorance of the Law, and that this accusation was borne only by the “hurt feelings of a colleague.”<sup>12</sup>

Although Judge Palabrica acknowledged that amicable settlement or provisional dismissal requires the consent of both parties, she maintained that Judge Grado, given her superior position relative to her former partner in the cases, should have acted with propriety and prudence to settle the matter, as this generated unpleasant talks and cast a terrible impression on the local judiciary.<sup>13</sup>

*Report and Recommendation of the Judicial  
Integrity Board (JIB) – Office of the Executive Director*

The JIB-Office of the Executive Director (OED), through Acting Executive Director James D.V. Navarrete, found Judge Palabrica guilty of Simple Misconduct under Section 15(a) of Rule 140 of the Rules of Court, as further amended by A.M. No. 21-08-09-SC,<sup>14</sup> and recommended the penalty of a fine in the amount of PHP 36,000.00, with a stern warning that any repetition of the same or similar offense shall be dealt with more severely.<sup>15</sup>

---

<sup>11</sup> *Id.* at 140.

<sup>12</sup> *Id.* at 141.

<sup>13</sup> *Id.* at 151.

<sup>14</sup> A.M. No. 21-08-09-SC, Titled: “Further Amendments to Rule 140 of the Rules of Court”, February 22, 2022.

<sup>15</sup> *Rollo*, p. 163.



The JIB-OED opined as follows:

*First*, Judge Palabrica violated Sections 1 and 6 of the Code of Judicial Conduct when she uttered unnecessary remarks in open court expressing her dismay and frustrations with Judge Grado's situation. More, Judge Palabrica's comments on the inferior role of women in society were inappropriate. Judge Palabrica should have handled the criminal cases with reasonable sensitivity, considering that they involved allegations against women and their children.<sup>16</sup>

*Second*, there is no basis to sanction Judge Palabrica for Gross Ignorance of the Law. For one, a proper judicial remedy should have been resorted to. For another, there was no referral order attached to the complaint proving the alleged referral of the criminal cases for mediation. Besides, Judge Grado was initially amenable to settling the case.<sup>17</sup>

In recommending the penalty of a fine, the JIB-OED considered Judge Palabrica's long years of service as a mitigating circumstance.

#### *Report of the JIB*

In a Report<sup>18</sup> dated February 21, 2024, the JIB adopted the JIB-OED's recommendation finding Judge Palabrica guilty of Simple Misconduct constituting violations of the Code of Judicial Conduct, but modified the penalty by increasing the fine to PHP 100,000.00.

The JIB noted that Judge Palabrica is a repeat offender as she was previously found guilty of Conduct Unbecoming of a Judge in the consolidated cases of A.M. No. MTJ-16-1878, entitled *Atty. Virginia C. Rafael v. Judge Arlene L. Palabrica*, and A.M. No. P-16-3513, entitled *Judge Arlene L. Palabrica v. Clerk of Court V Virginia C. Rafael*.

The JIB also found Judge Palabrica administratively liable, as a member of the Bar, for Grossly Undignified Conduct Prejudicial to the Administration of Justice under Canon VI, Section 33(i), in relation to Canon II, Section 4, of the Code of Professional Responsibility and

---

<sup>16</sup> *Id.* at 161-162.

<sup>17</sup> *Id.* at 162-163.

<sup>18</sup> *Id.* at 164-178.





Accountability (CPRA), and recommended that she be fined in the amount of PHP 50,000.00.

### *The Issue*

The issue for the Court's resolution is whether Judge Palabrica should be held administratively liable for the remarks she made against Judge Grado in open court during the March 25, 2021, hearing in Criminal Case Nos. 26621 and 26622.

### *The Ruling of the Court*

The Court adopts the recommendations of the JIB with modifications.

Time and again, the Court has reminded judges to always conduct themselves in a manner that preserves the dignity, independence, and respect for themselves, the Court, and the Judiciary as a whole.<sup>19</sup> It is imperative that judges should possess the virtue of *gravitas*.<sup>20</sup> They must demonstrate the hallmark of judicial temperament, characterized by utmost sobriety and self-restraint.<sup>21</sup> More, judges should exercise greater caution in their choice of words and mode of expression, mindful of their duty to uphold the esteemed reputation of the Judiciary.

Judicial decorum demands that a magistrate consistently exercise restraint and composure, avoiding inflammatory or excessive rhetoric and refraining from any form of vilification.<sup>22</sup> This standard of conduct is essential to maintain the dignity and impartiality of the Judiciary and inspire public confidence in its fairness and integrity. By adhering to respectful and measured language, both in written judgments and oral remarks, a judge reinforces the credibility and perceived absence of bias in the judicial process.

---

<sup>19</sup> *Lorenzana v. Judge Austria*, 731 Phil. 82, 101 (2014). See also Canon 3, Section 2 of the New Code of Judicial Conduct for the Philippine Judiciary.

<sup>20</sup> *Espejon v. Judge Lorredo*, 920 Phil. 620, 631 (2022), citing *Dela Cruz (Concerned Citizen of Legazpi City) v. Judge Carretas*, 559 Phil. 5, 15 (2007).

<sup>21</sup> *Inonog v. Judge Ibay*, 611 Phil. 558, 568 (2009), citing *Engr. Torcende v. Judge Sardido*, 444 Phil. 12, 29 (2003).

<sup>22</sup> See *Atty. Guanzon v. Judge Rufon*, 562 Phil. 633, 637 (2007), citing *Turqueza v. Judge Hernando*, 186 Phil. 333, 342 (1980) and *Royeca v. Judge Animas*, 162 Phil. 851, 858 (1976).



Regrettably, Judge Palabrica failed to uphold this rigorous standard of conduct prescribed for members of the Judiciary.

*Judge Palabrica is guilty of Simple Misconduct constituting violations of the New Code of Judicial Conduct under Section 15(a) of Rule 140.*

The Court has defined misconduct as “a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by [a] public officer.”<sup>23</sup> Misconduct is deemed *gross* when there is substantial evidence showing corruption, clear intent to violate the law, or flagrant disregard of established rules.<sup>24</sup> Absent these elements, the misconduct is classified as *simple*.

Canon 6, Section 6 of the New Code of Judicial Conduct for the Philippine Judiciary mandates judges to “maintain order and decorum in all proceedings before the court and be patient, dignified and courteous in relation to litigants, witnesses, lawyers and others with whom the judge deals in an official capacity.” It is especially reprehensible for a judge to humiliate a lawyer, litigant, or witness.<sup>25</sup>

Relevantly, on February 15, 2022, the Court approved A.M. No. 21-11-25-SC, also known as the *Guideline on the Use of Gender-Fair Language in the Judiciary and Gender-Fair Courtroom Etiquette*. This landmark guideline underscores the harmful nature of sexist language, defining it as a form of communication—whether written or oral—that “devalues members of one sex, almost invariably women, and, thus, fosters gender inequality.” It provides comprehensive instructions to Judiciary members, officials, and employees on adopting gender-fair language and promoting gender-sensitive courtroom etiquette.

---

<sup>23</sup> *Office of the Court Administrator v. Sicad*, A.M. No. P-22-058, June 27, 2023, citing *Re: Oliver B. Maxino*, 873 Phil. 729, 735 (2020).

<sup>24</sup> *Domingo v. Civil Service Commission*, 874 Phil. 587, 603 (2020), citing *Civil Service Commission v. Ledesma*, 508 Phil. 569, 579 (2005).

<sup>25</sup> *Dela Cruz (Concerned Citizen of Legazpi City) v. Judge Carretas*, *supra* note 20, at 16.



Here, Judge Palabrica's conduct and statements during the March 25, 2021 hearing constitute *Simple Misconduct*. Her intemperate and snide remarks in open court inflicted undue harm on Judge Grado. Worse, Judge Palabrica not only humiliated Judge Grado but also demeaned women in general by stating in open court, during a criminal proceeding involving violence against women and their children, "[b]abae lang talaga tayo na niloloko nang (sic) mga lalaki. Yan ang masakit na katotohanan kahit pa sabihin women empowerment," "Ikaw ang kawawa dito kasi you get to be blamed."

The remarks made by Judge Palabrica, which belittled Judge Grado as a woman and undermined her character for being the complainant in criminal cases involving allegations of domestic violence against her former partner, fundamentally contradict the Judiciary's commitment to fostering an environment free from sexist language and gender discrimination. Indeed, Judge Palabrica's utterances, which perpetuate harmful stereotypes that portray women as inferior or weak, have no place in any judicial forum.

Notably, Judge Palabrica admitted to making these statements, explaining that they were an act of "tough love" intended to spare Judge Grado from public embarrassment, given the sensitive nature of the criminal cases and her position as a judge. This justification, however, is consistent with the Court's judicial policy on the matter. Judge Palabrica's behavior demonstrated insensitivity and even bias, against a complainant before her *sala*, a lapse of rational judgment, and an authoritarian demeanor, all in an effort to preserve a misguided perception of judicial authority.

That being said, the Court finds that Judge Palabrica is administratively liable for Simple Misconduct only as the elements of corruption, clear intent to violate the law, or flagrant disregard for established rules, were not sufficiently established. Although her remarks fell short of the standard of respect and dignity mandated by Section 35 of Republic Act No. 9262, there is insufficient evidence to conclude that she *deliberately* violated this provision in her treatment of Judge Grado.



*The JIB correctly concluded that Judge Grado failed to provide substantial evidence to establish that Judge Palabrica was guilty of Gross Ignorance of the Law.*

Gross Ignorance of the Law, classified as a *serious charge* under Section 14(j) of Rule 140, as further amended, pertains to the disregard of the basic rules and settled jurisprudence.<sup>26</sup> In other words, if the law is clear and the facts are undisputed, a judge's failure to properly apply the law, or their acting as if unaware of the law, constitutes gross ignorance.<sup>27</sup> Moreover, a judge may face administrative liability *if* it is proven that their actions are proven to have been motivated by bad faith, fraud, dishonesty or corruption in ignoring, contradicting, or failing to apply settled law and jurisprudence.<sup>28</sup>

"A judge is presumed to have acted with regularity and good faith in the performance of judicial functions."<sup>29</sup> However, this presumption is overturned when there is a blatant and willful disregard of clear statutory provisions or Supreme Court circulars requiring strict compliance. Such conduct renders a judge subject to administrative sanctions.<sup>30</sup>

For liability to arise for Gross Ignorance of the Law, the assailed order, decision or actions of the judge in the performance of official duties must not only be found erroneous but, more importantly, also shown to have been driven by bad faith, dishonesty, hatred, or other similar motive.<sup>31</sup>

In the case at bar, the JIB correctly concluded that Judge Palabrica cannot be held administratively liable for Gross Ignorance of the Law for having encouraged Judge Grado to amicably settle the criminal cases, given the absence of proof that her actions were motivated by bad faith, dishonesty, fraud, or corruption. Rather, they appear to have been

---

<sup>26</sup> *Cayabyab v. Judge Pangilinan, Jr.*, 878 Phil. 60, 70 (2020), citing *Department of Justice v. Judge Misleng*, 791 Phil. 219, 227 (2016).

<sup>27</sup> *Cayabyab v. Judge Pangilinan, Jr.*, *id.*

<sup>28</sup> *Usama v. Hon. Tomarong*, 937 Phil. 601, 612–613 (2023), citing *Department of Justice v. Judge Misleng*, *supra* at 227–228.

<sup>29</sup> *Cayabyab v. Judge Pangilinan, Jr.*, *supra*, citing *Department of Justice v. Judge Misleng*, *id.*

<sup>30</sup> *Id.*, citing *Department of Justice v. Judge Misleng*, *id.* at 227–228.

<sup>31</sup> *Id.* at 228.

prompted by Judge Palabrica's concern for Judge Grado's position as a sitting magistrate.

Judge Grado's mere allegations, unsupported by substantial evidence demonstrating an intent to impute wrongdoing or malign her reputation in open court, are insufficient to warrant an administrative sanction against Judge Palabrica for this specific charge. Besides, the JIB aptly noted that Judge Grado initially agreed to amicably settle the case and presented her terms and conditions.

The Court has consistently emphasized that disciplinary proceedings against judges are neither complementary to nor a substitute for available judicial remedies.<sup>32</sup> Administrative complaints must be grounded in substantial evidence or such "relevant evidence that a reasonable mind might accept as adequate to support a conclusion,"<sup>33</sup> and they cannot serve as a recourse for grievances that should properly be addressed through the judicial process.

*Judge Palabrica cannot be held  
administratively liable under  
the CPRA.*

At the outset, Section 4 of Rule 140 of the Rules of Court, as further amended, provides as follows:

SECTION 4. *Administrative Case Considered as Disciplinary Actions Against Members of the Philippine Bar.* — An administrative case against any [members, officials, employees and personnel of the Judiciary] shall also be considered as a disciplinary action against him or her as a member of the Philippine Bar, provided, that the complaint specifically states that the imputed acts or omissions therein likewise constitute a violation of the Lawyer's oath, the Code of Professional Responsibility, the Canons of Professional Ethics, or such other forms of breaches of conduct that have been traditionally recognized as grounds for the discipline of lawyers.

<sup>32</sup> *The Officers and Members of the IBP, Baguio-Benguet Chapter v. Judge Pamintuan*, 485 Phil. 473, 486-487 (2004).

<sup>33</sup> *Office of the Ombudsman v. Fetalvero, Jr.*, 836 Phil. 557, 560 (2018), citing *De Jesus v. Guerrero III*, 614 Phil. 520, 528-529 (2009).

If the complaint fails to include such specific statement, or if the disciplinary proceedings are instituted *motu proprio*, *the respondent, in the interest of due process, must first be required to show cause in this respect before he or she is likewise disciplined as a member of the Philippine Bar as may be warranted by the circumstances of the case.* (Italics supplied)

...

Here, the JIB, acting under the authority of Section 4, recommended that Judge Palabrica be fined in the amount of PHP 50,000.00 for insulting Judge Grado in open court which, it opined constitutes the offense of Grossly Undignified Conduct Prejudicial to the Administration of Justice under Section 33(i) of the CPRA.

However, after a careful consideration of the present circumstances, the Court finds that Judge Palabrica *cannot* be held administratively liable for violating the CPRA in the case.

Preliminarily, good moral character is both a prerequisite for admission to the legal profession and a *continuing requirement* for maintaining one's standing as a member of the Bar and an officer of the court.<sup>34</sup> Accordingly, lawyers are expected and required to demonstrate a high sense of morality, honesty, and fair dealing.<sup>35</sup> For this reason, all lawyers, whether in private or public service, are mandated to adhere to the Lawyer's Oath and the CPRA.

Judges, as members of the Bar, are equally bound by the same standards of integrity and professional conduct as other lawyers. Thus, a judge facing an administrative case under Rule 140 may also be sanctioned for violating the Lawyer's Oath and the CPRA.

That being said, *not every offense under Rule 140 warrants a similar disciplinary action under the CPRA.* As the Court explained in *Guevarra-Castil v. Trinidad*,<sup>36</sup> a government official may only be disciplined as a member of the Bar *if* their misconduct "is of such character as to affect [their] qualification as a lawyer or to show moral delinquency."

<sup>34</sup> *Moya v. Atty. Oreia*, 915 Phil. 1, 11 (2021).

<sup>35</sup> *Id.*

<sup>36</sup> 925 Phil. 582 (2022).

Consequently, the Court clarifies that Section 4 of Rule 140 would only come into play *if* the administrative charge against a judge, official or employee of the Judiciary *directly* affects their moral fitness to practice the legal profession. To rule otherwise would result in an absurd situation wherein a member of the Judiciary is disciplined *twice* for the very same act relating to the discharge of his or her official functions.

In line with this, Judge Palabrica cannot be disciplined under the CPRA for the remarks that she made during the hearing of the subject criminal cases. *For one*, Judge Palabrica's actions, which clearly pertain to the discharge of her judicial functions as a sitting magistrate, already constitute Simple Misconduct under Rule 140. *For another*, Judge Palabrica's utterances are clearly rooted in her personal belief, albeit a misguided one, that the criminal cases should be settled amicably between the parties in order to protect Judge Grado's reputation as a member of the Judiciary. In other words, her misconduct relates more to her position in the Judiciary than to her status as a lawyer.

Verily, there is no basis to sanction Judge Palabrica under the CPRA, as there is no indication that her misconduct is of such character that her moral fitness to remain a member of the Bar is compromised.

*Proper penalty imposed.*

*A. Penalty for Judge Palabrica's violation of Section 15(a) of Rule 140 of the Rules of Court*

Simple Misconduct constituting violations of the Code of Judicial Conduct is a *less serious charge* under Section 15 of Rule 140, as amended. It is sanctioned under Section 17 of the same Rule as follows:

Section 17. *Sanctions.* —

....

- (2) If the respondent is guilty of a less serious charge, any of the following sanctions shall be imposed:
  - (a) Suspension from office without salary and other benefits for not less than one (1) month nor more than six (6) months; or

- (b) A fine of more than [PHP] 35,000.00 but not exceeding [PHP] 100,000.00

....

In determining the appropriate penalty, the Court notes that Judge Palabrica was previously sanctioned for Conduct Unbecoming of a Judge and fined in the amount of PHP 100,000.00 in the consolidated cases of A.M. No. MTJ-16-1878, entitled *Atty. Virginia C. Rafael v. Judge Arlene L. Palabrica*, and A.M. No. P-16-3513, entitled *Judge Arlene L. Palabrica v. Clerk of Court V Virginia C. Rafael*.

Considering the aggravating circumstance of a *previous finding of administrative liability*<sup>37</sup> against Judge Palabrica, the Court deems a fine of PHP 101,000.00 commensurate with her transgression in this case, in accordance with Section 20<sup>38</sup> of Rule 140, as further amended.

*On a final note*, blaming a victim for a crime or wrongful act committed against them is profoundly unjust and morally reprehensible. This behavior not only perpetuates harmful stereotypes but also undermines the principles of justice by shifting accountability away from the perpetrator.

The Court remains vigilant in protecting and upholding the rights of the people and refuses to condone victim-blaming narratives and the use of sexist language, which inevitably impairs the integrity of our legal system and diminish public trust in the Judiciary. Sexist language in any form devalues women, reinforces systemic biases, and impedes equality. Judges, as stewards of the law, must lead by example, fostering inclusivity and eliminating discrimination both in and out of the courts.

**ACCORDINGLY**, the Court finds respondent Judge Arlene Lirag-Palabrica, Presiding Judge, Branch 31, Regional Trial Court, Tagum City, Davao del Norte, **GUILTY** of Simple Misconduct constituting violation of the Code of Judicial Conduct under Section 15(a) of Rule 140 of the Rules of Court. Accordingly, the Court imposes a **FINE** in the amount of PHP 101,000.00, with a stern warning that a repetition of the same or similar offense shall be dealt with more severely.

<sup>37</sup> A.M. No. 21-08-09-SC, sec. 19(2)(a).

<sup>38</sup> SECTION 20. *Manner of Imposition*. -- If one (1) or more aggravating circumstances and no mitigating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not exceeding double of the maximum prescribed under this Rule.

...



Let copies of this Decision be furnished to the Office of the Bar Confidant to be appended to respondent Judge Arlene Lirag-Palabrica's personal record as an attorney, the Integrated Bar of the Philippines for its information and guidance, and the Office of the Court Administrator for circulation to all courts in the country.

**SO ORDERED.**

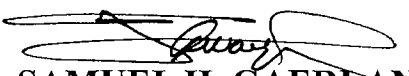


**HENRI JEAN PAUL B. INTING**  
*Associate Justice*

WE CONCUR:



**ALFREDO BENJAMIN S. CAGUIOA**  
*Associate Justice*



**SAMUEL H. GAERLAN**  
*Associate Justice*



**JAPAR B. DIMAAMPAO**  
*Associate Justice*

(On leave)  
**MARIA FILOMENA D. SINGH**  
*Associate Justice*