

EN BANC

[A.M. NO. RTJ-99-1460, August 11, 2006]

**OFFICE OF THE COURT ADMINISTRATOR, PETITIONER, VS.
JUDGE FLORENTINO V. FLORO, JR., RESPONDENT.**

[A.M. NO. RTJ-99-273-RTC, AUGUST 11, 2006]

**RE: RESOLUTION DATED 11 MAY 1999 OF JUDGE FLORENTINO V.
FLORO, JR.**

**[A.M. NO. RTJ-06-1988 (FORMERLY A.M. OCA IPI NO. 99-512-
RTJ, AUGUST 11, 2006)]**

**LUZ ARRIEGO, PETITIONER, VS. JUDGE FLORENTINO V. FLORO,
JR., RESPONDENT.**

RESOLUTION

CHICO-NAZARIO, J.:

On 31 March 2006, the Court en banc rendered a Decision in these consolidated cases, the dispositive portion of which states:

WHEREFORE, premises considered, the Court resolves to:

- 1) FINE Judge Florentino V. Floro, Jr. in the total amount of FORTY THOUSAND (P40,000.000) PESOS for seven of the 13 charges against him in A.M. No. RTJ-99-1460;
- 2) RELIEVE Judge Florentino V. Floro, Jr. of his functions as Judge of the Regional Trial Court, Branch 73, Malabon City and consider him SEPARATED from the service due to a medically disabling condition of the mind that renders him unfit to discharge the functions of his office, effective immediately;
- 3) As a matter of equity, AWARD Judge Florentino V. Floro, Jr. back salaries, allowances and other economic benefits corresponding to three (3) years;
- 4) DISMISS the charge in A.M. No. RTJ-06-1988 (Luz Arriego v. Judge Florentino V. Floro, Jr.) for LACK OF MERIT; and
- 5) DISMISS the charge in A.M. No. 99-7-273-RTC (Re: Resolution Dated 11 May 1999 of Judge Florentino V. Floro, Jr.) for MOOTNESS.

Judge Floro filed three^[1] *Partial Motions for Reconsideration* grounded on the following:

I.

The Intent of the Framers of the 1987 Constitution (1 Record 443, 495-6, and 1 Journal 237 of the 1986 Constitutional Commission, specifically, the Constitutional Convention's Mr. Concepcion & Fr. Bernas, S.J.) is: The power to determine the incapacity of judges to discharge the duties of their office is part of the overall administrative authority of the Supreme Court over all its members and all the members of the judiciary. It can only declare "the incapacity of a judge" (under Sec. 11, Art. VIII, Constitution) by creating a panel of impartial (private) doctors-specialists in the field.

Ms. Francianina G. Sanchez, Clinical Psychologist and Chief Judicial Staff Officer, Psychologist Ms. Beatriz O. Cruz, Dr. Celeste P. Vista, M.D. (Psychiatrist and Medical Officer IV), and Supreme Court Senior Chief Staff Officer, general practitioner and government physician Dr. Rosa J. Mendoza, M.D. who conducted the mental tests on Judge Floro (on December 15, 2000) are absolutely disqualified by the Constitutional provision; and their March 7, 2001 psychological/psychiatric evaluation reports are NULL and VOID ab initio/inadmissible for any legal purpose.

II.

Without the complainant, OCA's presenting the 6 mental health professionals --- Dr. Cecilia Villegas and Ms. Melinda Griro, 1995 and Dr. Celeste Vista, Ms. Beatriz Cruz, (I.Q. 68 of Judge Floro) Ms. Francianina G. Sanchez, 1998, 2001, and general physician Dr. Rosa J. Mendoza, M.D. --- their questioned (evaluation) report on Judge Floro, aside from being grossly incomplete and inadequate, is HEARSAY evidence.

Judge Floro is entitled to cross-examine said mental health professional who made the report. Without such examination, he would be deprived of the right to confront and examine the witnesses against him.

The Investigator (Ret.) Justice Pedro A. Ramirez's repeated denials of (1) Judge Floro's Continuing Trial Objections and (2) December 5, 2000, September 28, October 9, 2001 & February 21, 2002 Omnibus Motions to a) put on the witness stand, to confront and to determine their qualifications as experts b) to cross-examine and c) to disqualify or inhibit, the said 6 mental health professionals, violated the cardinal primary rights of Judge Floro (Ang Tibay vs. CIR) to administrative, substantive and constitutional due process of law; it is no less than denial of justice; such denial suffices to cast on the investigation, official acts and the mental reports the impress of nullity.

III.

Judge Floro's cardinal primary rights --- "2. the tribunal must consider the evidence presented; 3. the decision must have something to support itself; 4. the evidence must be substantial 5. the decision must be based on the evidence presented at the hearing" --- were flagrantly violated by the Investigator (Ret.) Justice Ramirez's March 7, 2001 Partial