

EN BANC

[A.M. No. RTJ-04-1857, July 29, 2005]

GABRIEL DE LA PAZ, COMPLAINANT, VS. JUDGE SANTOS B. ADIONG, RESPONDENT.

R E S O L U T I O N

AUSTRIA-MARTINEZ, J.:

On October 22, 2004, Judge Santos B. Adiong was found guilty of gross ignorance of the law in A.M. No. RTJ-04-1863 for which he was meted a penalty of six months suspension without salary and benefits.

On November 23, 2004. Judge Adiong was found guilty of gross ignorance of the law and abuse of authority with a penalty of six months suspension without pay in the instant administrative case.

Judge Adiong now comes before the Court with an Urgent Motion for Clarification inquiring on whether the abovementioned two decisions each imposing penalties of six months suspension should be served simultaneously or successively. In the alternative, Judge Adiong prays that should said two penalties be served successively, the six months suspension in the present case be reconsidered and modified to a Fine reasoning that: a) he admits his procedural lapses; b) has served the judiciary for 38 years; c) his continued suspension will cause the clogging of the courts docket considering that the acting judge therein, Hon. Amer Ibrahim is at the same time the Executive Judge and is likewise busy attending to his own cases which includes electoral protest cases needing preferential attention; d) in one case, Admin. Case No. 532-MJ^[1], the Court reconsidered the six months suspension of the respondent therein to a Fine; e) he is the family breadwinner with 6 children ages 5, 7, 8 and 9 and the other two still in college; f) he is suffering from prostrate cancer and severe gout/arthritis but has to stop medication because of financial restraint; g) in 1990, they were attacked by a losing litigant as a result of which, his wife died from gunshot wounds and he survived because of timely medical attention; and, h) he intends to file an application for optional retirement. Judge Adiong also informs the Court that he has already served the penalty of six months in A.M. No. No. RTJ-04-1863.

The penalty of suspension for six months shall be served successively. These two cases arose from two different causes of action and, therefore, the penalties should both be served. Moreover, in the en banc Resolution dated February 25, 1992, the Court categorically stated that in case of two or more suspensions, the same shall be served successively by the erring lawyer.

Anent Judge Adiong's prayer that the six months suspension be converted to a Fine.