

EN BANC

[A.M. No. RTJ-03-1812, November 19, 2003]

**PABLITO R. SORIA AND TEODULO R. SORIA, COMPLAINANTS,
VS. JUDGE FRANKLYN A. VILLEGAS, REGIONAL TRIAL COURT OF
PAGADIAN CITY, BRANCH 19, RESPONDENT.**

D E C I S I O N

PER CURIAM:

The failure of a judge to comply with show-cause orders issued by this Court constitutes grave and serious misconduct affecting his fitness and the worthiness of the honor and integrity attached to his office.^[1] In this case, respondent judge was afforded several opportunities to file his comment to the administrative complaint filed against him but he has failed and, to date, continues to disregard the orders of the Court. This contumacious conduct and his disobedience to the Court's mandate should merit no further compassion. Respondent's continuous refusal to abide by lawful directives issued by this Court can mean no less than his own utter lack of interest to remain with, if not his contempt of, the system to which he has all along pretended to belong.^[2]

This administrative matter was initiated by way of a letter-complaint to this Court dated April 19, 2000. Complainants Pablito R. Soria and Teodulo R. Soria are the Chairman/Manager and Comptroller, respectively, of the petitioner corporation in Special Civil Action No. 51332K, entitled "*Soria and Sons, Inc., Petitioner versus Philippine Ports Authority, et al., Respondents.*" The case was filed with the Regional Trial Court of Pagadian City, Branch 19, presided by respondent Judge Franklyn A Villegas.

Complainants allege that they filed the special civil action for Certiorari, Prohibition and Mandamus to assail the sudden termination of their arrastre and stevedoring services by the Philippine Ports Authority. The petition contained an application for Temporary Restraining Order and Preliminary Injunction. However, respondent judge deliberately delayed the resolution of the application for injunction because his son, Franklyn Jefferson Ligon Villegas, was a candidate for Councilor of Pagadian City under the same party ticket of mayoralty candidate Warlito Pulmones of BP Shipping Brokerage, one of the party-respondents in the special civil action.

On May 2, 2001, the Office of the Court Administrator (OCA) required respondent to comment on the complaint. On August 7, 2001, the OCA, after learning that respondent judge had not filed his comment on the administrative complaint, issued a 1st Tracer to the latter reiterating the directive.

Respondent judge again failed to comply with the order to comment. On January 16, 2002, the OCA issued a 2nd Tracer wherein respondent was given an additional five days within which to file his comment.

Respondent still failed to file his comment. On July 29, 2002, a Resolution was issued by this Court directing him to file his comment and to explain within ten days why no disciplinary action should be taken against him for insubordination for failure to heed the OCA's orders.

Thereafter, respondent judge filed a Motion for Extension of Time To File Comment, alleging that he learned of the Resolution requiring him to comment only on September 19, 2002 when he attended the wake of his stenographer's brother. He sought an extension of ten days counted from October 2, 2002 within which to file the Comment, averring that he was scheduled to attend a "Three-Day Live-In National Workshop on the Role of Judges, Prosecutors and Public Defense Attorneys on the Prevention of Torture," in Davao City on September 25 to 27, 2002, and that the return boat trip which he will take on September 28, 2002 will arrive in Pagadian City only on October 1, 2002.

The extension of time prayed for by respondent judge was granted. However, he still failed to file his comment. On December 4, 2002, respondent was ordered to explain within ten days why no disciplinary action should be taken against him for repeated failure to heed the OCA's directives. Respondent again failed to file his comment.

Another Resolution was issued on April 23, 2003, requiring respondent judge to show cause why he should not be disciplinarily dealt with or held in contempt for failure to comply with various Resolutions of the Court.

The case was referred to the Office of the Court Administrator for evaluation, report and recommendation. The OCA recommended that respondent be:

- (1) suspended for one year without pay effective immediately upon receipt of notice for gross insubordination and continuous defiance of Court orders;
- (2) directed to file his comment within five days from notice or face arrest and detention until he complies;
- (3) fined Five Thousand Pesos (P5,000.00) to be paid within ten days from notice.

It was further recommended that respondent be immediately divested of his position as Executive Judge of the Regional Trial Court of Pagadian City, pursuant to Administrative Order No. 33-2003, and that Judge Harun B. Ismael, the Presiding Judge of Branch 22 of the Regional Trial Court of Pagadian City be designated as Executive Judge.

We agree with the findings of the OCA that respondent judge is liable. However, we find the recommended penalty not commensurate to the degree of malfeasance committed.

Respondent should know that judges must respect the orders and decisions of higher tribunals, especially the Supreme Court from which all other courts take their bearings. A resolution of the Supreme Court is not to be construed as a mere request nor should it be complied with partially, inadequately or selectively.^[3]