

Republic of the Philippines
Supreme Court
Manila

EN BANC

CORPUS B. ALZATE,

A.M. No. RTJ-25-099
Complainant, [Formerly OCA IPI No. 18-4879-RTJ]

- versus -

Present:

HON. RAPHIEL F. ALZATE,
Presiding Judge, Branch 1, Regional
Trial Court, Bangued, Abra,
Respondent.

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

Promulgated:

August 5, 2025

X-----X

DECISION

* On official business.

** On official business and no part due to prior participation as Court Administrator.

*** On leave.

**** On official business and no part due to prior participation as Deputy Court Administrator.

ROSARIO, J.:

For resolution of the Court is a Complaint¹ filed by complainant Judge Corpus Alzate (complainant) against respondent Judge Raphiel F. Alzate (respondent) concerning misconduct and acts of dishonesty relative to some annulment cases being conducted in his court, or in Branch 58, Regional Trial Court (RTC), Bucay, Abra (RTC-Branch 58).²

Antecedents

According to complainant, RTC-Branch 58, presided by respondent, was notoriously known to practicing lawyers in Abra, as well as its nearby provinces, as the "Annulment Capital of the North." Trial lawyers allegedly go to Bucay, Abra to file their annulment cases in said court, even if the parties are not residents thereof, as respondent allegedly disregards the residency requirement. Complainant further averred that respondent and his wife, Atty. Maria Saniata Liwliwa Gonzales-Alzate (Atty. Gonzales-Alzate), have earned a reputation as a "conjugal syndicate" because of their penchant to offer "package deals" to married couples who want to annul their marriage within a brief period.³

Complainant alleges that Atty. Gonzales-Alzate initially deals with the parties in the annulment case and later assigns their case to a certain lawyer. Respondent would then decide the case in their favor. Often, the lawyers to whom the cases were assigned had no idea about the cases nor do they participate in the proceedings. However, the lawyers could not complain out of fear of jeopardizing their other cases pending before respondent.⁴

In one instance, a lawyer allegedly turned down an assignment for annulment case. Atty. Gonzales-Alzate then appointed another lawyer to handle the case. The lady lawyer from Ilocos Norte who accommodated the case had no idea who her clients were and only agreed to lend her name and sign the pleadings already prepared by the "conjugal syndicate."⁵

Another "accommodating lawyer" was Atty. Byrone B. Alzate (Atty. Alzate) who agreed to handle a case assigned to him by Atty. Gonzales-Alzate. Atty. Alzate said he was never notified of the scheduled hearings and that his law office was simply furnished with a copy of respondent's decisions. He claimed that he did not receive any share in the "success fee."⁶

¹ *Rollo*, pp. 2-22.

² *Id.* at 794.

³ *Id.* at 794-795.

⁴ *Id.* at 778.

⁵ *Id.* at 779.

⁶ *Id.*

Complainant cited two cases involving petitions for declaration of nullity of marriage, which respondent favorably decided: (1) *Villanueva v. Villanueva*, docketed as Civil Case No. 13-764 (*Villanueva*), and (2) *Bermudez v. Bermudez*, docketed as Civil Case No. 14-804 (*Bermudez*).

In *Villanueva*, the counsel on record was Atty. Gonzales-Alzate. The case was filed when Hon. Jaime L. Dojillo, Jr. (Judge Dojillo) was still the presiding judge of RTC-Branch 58. For the court to have jurisdiction over the case, Atty. Gonzales-Alzate made it appear that petitioner Paquito Villanueva, Jr. (*Villanueva*) was a resident of North Poblacion, Bucay, Abra. However, Villanueva actually resided in Zone 2, Bangued, Abra, and has been respondent's best friend since their childhood days. Complainant knows this because when respondent was still his clerk of court, the latter requested him to recommend Villanueva for the position of accountant in an electric cooperative. Also, Villanueva's house is only about 20 meters away from the house of respondent's family.⁷

When respondent was designated as acting presiding judge of RTC-Branch 58, his wife, who was then Villanueva's counsel on record, withdrew as counsel on November 4, 2013. However, the Minutes of the March 2014 hearing showed that Atty. Gonzales-Alzate still appeared as Villanueva's counsel. Complainant claims that this is a gross violation of Rule 137 of the Rules of Court because although Atty. Gonzales-Alzate was no longer the counsel on record, still, her previous appearances influence respondent's decision.⁸

In *Bermudez*, the counsel on record was Atty. Alzate, who only allegedly signed the petition to accommodate Atty. Gonzales-Alzate's request. Atty. Alzate was to serve as the lawyer of the petitioner and receive the corresponding appearance fees. The petition was granted without him presenting any witness or any hearing being scheduled.⁹

Considering the foregoing, complainant prayed that respondent be dealt with administratively for committing the offenses charged and that the administrative case also be considered as a disciplinary proceeding against respondent as a member of the Bar for purposes of disbarment.¹⁰

In his Comment,¹¹ respondent denied the accusations against him.

According to respondent, the petition for declaration of nullity of marriage in the *Villanueva* case was filed before RTC-Branch 58 on June 24,

⁷ *Id.*

⁸ *Id.*

⁹ *Id.* at 779-780.

¹⁰ *Id.* at 780.

¹¹ *Id.* at 29-42.

2013, when the presiding judge was still Judge Dojillo. When Judge Dojillo was transferred to another court, respondent was appointed as its acting presiding judge on September 2, 2013.¹²

Respondent admitted that his wife, Atty. Gonzales-Alzate, was Villanueva's counsel, but she withdrew her appearance after he took over as the branch's acting presiding judge. The hearing conducted on November 7, 2013 was only for the sole purpose of granting his wife's withdrawal from the case. Thereafter, she never again appeared in the case.¹³

Respondent also claimed that, contrary to complainant's allegations, Villanueva is a resident of North Poblacion, Bucay, Abra, residing in the house of his relative, Winifredo Villanueva (Winifredo).¹⁴ In support thereof, respondent submitted Winifredo's affidavit,¹⁵ stating that Villanueva has been residing at his house in North Poblacion, Bucay, Abra since May 2012. In addition, the Certification¹⁶ issued by Amado Acosta, Barangay Captain, Zone 2, stated that from May 2012 to May 2016, Villanueva has not been residing in Barangay Zone 2, Bangued, Abra.¹⁷

Respondent stated that he does not have any personal knowledge of the allegations regarding his relationship with Villanueva. He also denied requesting complainant to recommend Villanueva for the position of accountant in an electric cooperative.¹⁸

Anent *Bermudez*, respondent maintained that there were no irregularities in his handling of the case. Petitioner Nathaniel Bermudez (Bermudez) was a resident of South Poblacion, Bucay, Abra, even before he filed his petition.¹⁹ In support of his claims, respondent submitted an Affidavit²⁰ (First Alzate Affidavit), purportedly executed by Atty. Alzate, wherein the latter denied speaking to complainant about any irregularity in *Bermudez*, but admitted that he was Bermudez's counsel. He claimed that he was notified and was able to attend all the hearings of the case.²¹ He also submitted Bermudez's affidavit,²² stating that he has been staying at his relative's house in South Poblacion, Bucay, Abra, and has been residing there since 2013. The affidavit of Darroll Azdi Bernandez Gonzales,²³ Barangay Captain of South Poblacion, Bucay, Abra, confirmed that Bermudez has been

¹² *Id.* at 30.

¹³ *Id.* 30-32.

¹⁴ *Id.* at 30-31.

¹⁵ *Id.* at 44.

¹⁶ *Id.* at 45.

¹⁷ *Id.* at 31.

¹⁸ *Id.*

¹⁹ *Id.* at 37.

²⁰ *Id.* at 54-56.

²¹ *Id.* at 54.

²² *Id.* at 57-58.

²³ *Id.* at 59-60.

residing in South Poblacion, Bucay, Abra. Moreover, the Certification²⁴ from Barangay Captain Correa P. Seares stated that from 2013 up to 2016, Bermudez was no longer a resident of Zone IV, Bangued, Abra.²⁵

In his Reply,²⁶ complainant attached a photographed copy of the Minutes²⁷ of the hearing in *Villanueva* held sometime in March 2014, which appeared to include the name of Atty. Gonzales-Alzate. It showed that she continued to appear as counsel for Villanueva. Complainant likewise submitted an affidavit of Atty. Alzate (Second Alzate Affidavit),²⁸ wherein the latter denied executing the October Affidavit attached to respondent's Comment and insisted that he was never notified of any hearing, nor did he attend any proceeding in connection with *Bermudez*.²⁹

In his Rejoinder,³⁰ respondent reiterated that the Minutes presented by complainant merely contained the written name "Gonzales-Alzate" and the subject incident was "reset to" or moved to another hearing date. His wife's name was inadvertently written by a member of his staff. To support his claim, respondent submitted a Certification³¹ issued by Rigoberto R. Barbero, Court Interpreter III of RTC-Branch 58, stating that the latter committed the said inadvertence. Respondent also maintained that he tried and decided *Villanueva* after his wife withdrew her appearance as counsel for Villanueva. He also stated that Atty. Alzate voluntarily executed the First Alzate Affidavit. He submitted another original copy of the First Alzate Affidavit and an Affidavit³² executed by Cesar Pacursa Banayos, stating that in the morning of October 22, 2018, Atty. Alzate instructed him to give the two copies of the First Alzate Affidavit to respondent.³³

In his Sur-Rejoinder,³⁴ complainant reiterated his earlier prayer that respondent be held administratively liable for gross misconduct and dishonesty.³⁵

On March 27, 2019, the Office of the Court Administrator (OCA) recommended the referral of the instant administrative matter to the Court of Appeals (CA) for investigation, report, and recommendation.³⁶

²⁴ *Id.* at 63.

²⁵ *Id.*

²⁶ *Id.* at 67–71.

²⁷ *Id.* at 73.

²⁸ *Id.* at 74–75.

²⁹ *Id.* at 75.

³⁰ *Id.* at 76–90.

³¹ *Id.* at 102.

³² *Id.* at 106–107.

³³ *Id.* at 106.

³⁴ *Id.* at 110–112.

³⁵ *Id.*

³⁶ *Id.* at 119.

*Report and Recommendation of the
Investigating Justice*

In his Report and Recommendation,³⁷ Investigating Justice Rafael Antonio M. Santos (Justice Santos) emphasized that in administrative proceedings, the complainant has the burden of proving the allegations in their complaint with substantial evidence.³⁸

Justice Santos noted that complainant cited two cases, *Villanueva* and *Bermudez*, to substantiate his claim that respondent and his wife rigged several annulment cases. However, Justice Santos found the evidence adduced in the said cases wanting. The records clearly showed that *Villanueva* was filed when respondent was not yet assigned to RTC-Branch 58. The further assertion that Atty. Gonzales-Alzate continued to appear as Villanueva's counsel after Judge Dojillo's transfer to another court was also found inconclusive. Per Justice Santos, a court staff member sufficiently explained that the Minutes with Atty. Gonzales-Alzate's name was clearly a result of inadvertence.³⁹

Complainant further averred that "since the wife was the lawyer who prepared the petition, who presented the witnesses, it behooves upon the respondent (Judge) to have inhibited himself as a modicum gesture of *delicadeza*."⁴⁰ Justice Santos concurred but stressed that in *Villanueva*, respondent's situation would technically fall under the concept of voluntary inhibition. While voluntarily inhibiting from the case out of *delicadeza* would have been the prudent thing to do for respondent, his failure to do so cannot be considered grave misconduct or dishonesty.⁴¹

Justice Santos concluded that the evidence presented, insofar as *Villanueva* and *Bermudez* are concerned, is insufficient to establish that respondent committed gross misconduct and dishonesty. Nonetheless, he recommended that a judicial audit team be tasked to fully scrutinize the records of nullity of marriage cases decided by respondent.⁴²

³⁷ *Id.* at 715-772. The November 14, 2019 Report and Recommendation was penned by Associate Justice Rafael Antonio M. Santos of the Court of Appeals, Manila.

³⁸ *Id.* at 726.

³⁹ *Id.* at 727-730.

⁴⁰ *Id.* at 237, 730.

⁴¹ *Id.* at 736.

⁴² *Id.* at 771-772.

*Report and Recommendation of the
Office of the Executive Director of the
Judicial Integrity Board*

In a Report and Recommendation,⁴³ the Office of the Executive Director (OED) of the Judicial Integrity Board (JIB) found respondent guilty of violation of Canon III, Section 5⁴⁴ of the New Code of Judicial Conduct for the Philippine Judiciary⁴⁵ (New Code of Judicial Conduct), and recommended the imposition of the penalty of a PHP 5,000.00 fine. The *fallo* of said Report reads:

IN VIEW OF THE FOREGOING, it is respectfully submitted for the consideration of the Honorable Board that the following recommendations be made to the Supreme Court:

1. the instant administrative complaint against former Presiding Judge Raphiel F. Alzate, Branch 58, Regional Trial Court, Bucay, Abra be **RE-DOCKETED** as a regular administrative matter; and
2. respondent former Presiding Judge Alzate be found **GUILTY** of violating Section 5, Canon III of the New Code of Judicial Conduct and [be] meted the penalty of **FINE** in the amount of Five Thousand Pesos ([PHP] 5,000.00), payable within thirty (30) days from receipt of notice.⁴⁶ (Emphasis in the original)

The OED agreed with the findings of Justice Santos that the evidence presented by complainant is insufficient to establish that respondent committed gross misconduct and dishonesty in deciding *Villanueva* and *Bermudez*, and that the evidence also did not fully establish that respondent

⁴³ *Id.* at 778–788. The May 14, 2021 Report and Recommendation was submitted by Atty. James D.V. Navarrete, Deputy Clerk of Court at-Large, Office of the Court Administrator and Acting Executive Director, Judicial Integrity Board, and Eduardo C. Tolentino, Acting SC Senior Chief Staff Officer, Research and Investigation Services, Judicial Integrity Board.

⁴⁴ Canon III, sec. 5. Judges shall disqualify themselves from participating in any proceedings in which they are unable to decide the matter impartially or in which it may appear to a reasonable observer that they are unable to decide the matter impartially. Such proceedings include, but are not limited to, instances where

- a. The judge has actual bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceedings;
- b. The judge previously served as a lawyer or was a material witness in the matter in controversy;
- c. The judge, or a member of his or her family, has an economic interest in the outcome of the matter in controversy;
- d. The judge served as executor, administrator, guardian, trustee or lawyer in the case or matter in controversy, or a former associate of the judge served as counsel during their association, or the judge or lawyer was a material witness therein;
- e. The judge's ruling in a lower court is the subject of review;
- f. The judge is related by consanguinity or affinity to a party litigant within the sixth civil degree or to counsel within the fourth civil degree; or
- g. The judge knows that his or her spouse or child has a financial interest, as heir, legatee, creditor, fiduciary, or otherwise, in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceedings[.]

⁴⁵ A.M. No. 03-05-01-SC (2004).

⁴⁶ *Rollo*, p. 788.

was involved in corrupt activities in deciding nullity of marriage cases filed before RTC-Branch 58.⁴⁷

However, the OED did not agree that respondent is not guilty of any administrative infraction when he opted not to inhibit from *Villanueva*, in violation of Rule 137, Section 1⁴⁸ of the Rules of Court. Respondent was, thus, found guilty of violation of Canon III, Section 5(g)⁴⁹ and Canon IV, Sections 1⁵⁰ and 4⁵¹ of the New Code of Judicial Conduct.

Report of the JIB

In its Report,⁵² the JIB modified the amount of the fine meted on respondent and disposed as follows:

ACCORDINGLY, the Judicial Integrity Board respectfully **RECOMMENDS** to the Honorable Supreme Court that:

- (1) the instant administrative complaint be **RE-DOCKETED** as a regular administrative matter against former Presiding Judge Raphiel F. Alzate, Branch 1, Regional Trial Court, Bangued, Abra; and
- (2) former Presiding Judge Raphiel F. Alzate be found **GUILTY** of Simple Misconduct constituting violation of Section 5, Canon III of the New Code of Judicial Conduct, and [be] meted with the penalty of **FINE** in the amount of [PHP] 100,000.00, payable

⁴⁷ *Id.* at 785.

⁴⁸ Sec. 1. *Disqualification of Judges.* - No judge or judicial officer shall sit in any case in which he, or his wife or child, is pecuniarily interested as heir, legatee, creditor or otherwise, or in which he is related to either party within the sixth degree of consanguinity or affinity, or to counsel within the fourth degree, computed according to the rules of the civil law, or in which he has been executor, administrator, guardian, trustee or counsel, or in which he has presided in any inferior court when his ruling or decision is the subject of the review, without the written consent of all parties in interest, signed by them and agreed upon the record.

The above disqualification shall likewise apply to all clerks of court, assistant clerks of court, deputy clerks of court and branch clerks of court in all court levels insofar as relevant to them in the performance of their respective functions and duties.

A judge may, in the exercise of his sound discretion, disqualify himself from sitting in a case, for just or valid reasons other than those mentioned above.

⁴⁹ Sec. 5. Judges shall disqualify themselves from participating in any proceedings in which they are unable to decide the matter impartially or in which it may appear to a reasonable observer that they are unable to decide the matter impartially. Such proceedings include, but are not limited to, instances where

...
(g) The judge knows that his or her spouse or child has a financial interest, as heir, legatee, creditor, fiduciary, or otherwise, in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceedings.

⁵⁰ Sec. 1. Judges shall avoid impropriety and the appearance of impropriety in all of their activities.

⁵¹ Sec. 4. Judges shall not participate in the determination of a case in which any member of their family represents a litigant or is associated in any manner with the case.

⁵² *Rollo*, pp. 794–828. The June 30, 2023 Report was penned by Justice Romeo J. Callejo, Sr. (Ret.), Chairperson of the Judicial Integrity Board, and concurred in by Justices Sesinando E. Villon (Ret.), Rodolfo A. Ponferrada (Ret.), and Cielito N. Mindaro-Grulla (Ret.), members of the Judicial Integrity Board. Justice Angelina Sandoval Gutierrez (Ret.) was on leave.

within three (3) months from promulgation of judgment.⁵³
(Emphasis in the original)

While the JIB affirmed the findings of the OED, it found respondent guilty of simple misconduct and increased the fine imposed on respondent in view of his previous administrative liabilities, pursuant to Rule 140, Section 20⁵⁴ of the Rules of Court, as amended.

The Court's Ruling

After a judicious review of the records, the Court finds the Report of the JIB well-taken, subject to the following discussion.

In *Zara v. Joyas*,⁵⁵ We held:

In administrative proceedings, the complainant has the burden of proving, by substantial evidence, the allegations in the complaint. Substantial evidence has been defined as such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. For the Court to exercise its disciplinary powers, the case against the respondent must be established by clear, convincing and satisfactory proof.

Reliance on mere allegations, conjectures and suppositions will leave an administrative complaint with no leg to stand on. After all, basic is the rule that mere allegation is not equivalent to proof and charges based on mere suspicion, speculation or conclusion cannot be given credence.⁵⁶ (Citations omitted)

In *Anonymous Complaint Against Judge Pintac*,⁵⁷ the Court defined gross or grave misconduct as:

[A] serious transgression of some established and definite rule of action, such as unlawful behavior or gross negligence by the public officer or employee, that tends to threaten the very existence of the system of administration of justice an official or employee serves. It may manifest itself in corruption, or in other similar acts, done with the clear intent to violate the law or in flagrant disregard of established rules.⁵⁸

⁵³ *Id.* at 827.

⁵⁴ Sec. 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.

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.

If there are both aggravating and mitigating circumstances present, the Supreme Court may offset each other.

⁵⁵ 853 Phil. 21 (2019) [Per J. Peralta, Third Division].

⁵⁶ *Id.* at 24–25.

⁵⁷ 886 Phil. 1 (2020) [Per Curiam, *En Banc*].

⁵⁸ *Id.* at 14–15, citing *Ramos v. Limeta*, 650 Phil. 243, 248–249 (2010) [Per Curiam, *En Banc*].

While dishonesty is defined as “a disposition to lie, cheat, deceive, or defraud; untrustworthiness; lack of integrity; lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray.”⁵⁹

Here, complainant failed to prove that respondent is guilty of gross misconduct and dishonesty in deciding *Villanueva* and *Bermudez*. He also failed to prove that respondent is involved in corrupt activities in deciding nullity of marriage cases filed before the RTC-Branch 58.

We quote with approval the following discussion of the JIB:

Scrutinizing the records, there was no substantial evidence in this case which showed that Respondent and his wife were indeed involved in a *modus* of negotiating “package deals” with litigants interested in obtaining favorable decisions in their Petitions for Nullity of Marriage, in Branch 58, Regional Trial Court, Bucay, Abra. The fact that the Respondent failed to inhibit from the case of *Villanueva v. Villanueva*, to which his wife was previously a counsel, and the allegation that Atty. Byrone B. Alzate never received a notice of the hearing of the case in *Bermudez v. Bermudez*, nor participated in the said case, neither supports the presence of corruption, done with the clear intent to violate the law or in flagrant disregard of established rules.

Furthermore, the allegation that the Respondent would decide cases for parties who are not even residents of Bucay, Abra, as in the cases of both *Villanueva v. Villanueva* and *Bermudez v. Bermudez*, was sufficiently disputed by the evidence on record, such as affidavits and certifications. Furthermore, the Respondent had adequately rebutted the allegation, that, as in the case of *Bermudez v. Bermudez*, favorable decisions were made, with lawyers to whom the cases are assigned, like Atty. Byrone B. Alzate, not having an idea that they supposedly participated in the proceedings.

.....

The foregoing brings us to the conclusion that, apart from the allegations of the Complainant, no other competent evidence was adduced to support his accusations. Notably, no other proof on record supports the contention of the Complainant, that the Respondent had allowed the appointment of other “accommodation lawyers” to handle the nullity cases he decided in Branch 58, Regional Trial Court, Bucay, Abra.⁶⁰

We nonetheless note that an audit was already conducted to investigate respondent’s alleged corrupt activities in deciding nullity of marriage cases, including *Bermudez*. In *In re Alzate*,⁶¹ (Audit case), the Court found

⁵⁹ *Office of the Court Administrator v. Indur*, 685 Phil. 272, 287–288 (2012) [*Per Curiam, En Banc*].

⁶⁰ *Rollò*, pp. 821–824.

⁶¹ 940 Phil. 505 (2023) [*Per Curiam, En Banc*].

respondent guilty of gross neglect of duty for proceeding with nullity of marriage cases without conducting a pre-trial and without awaiting the collusion reports when he was the presiding judge in Branch 24, RTC, Cabugao, Ilocos Sur and RTC-Branch 58.⁶²

As for *Villanueva*, We agree that respondent should be faulted for his failure to inhibit.

In his Comment,⁶³ respondent stated:

1. He assumed his duties as Acting Presiding Judge of RTC Branch 58, Bucay, Abra on September 2, 2013.⁶⁴
2. Since his assumption as Acting Presiding Judge of said branch, the *Villanueva* case was heard on November 7, 2013 for the purpose of granting the Motion to Withdraw as Counsel filed by Atty. Gonzales-Alzate.⁶⁵
3. The foregoing Motion was granted on November 7, 2013.⁶⁶
4. He started to try the *Villanueva* case after the complete submission of the appearance of the Office of the Solicitor General and the compliance of the prosecutor of his collusion investigation report and after the presentation of evidence of the other witnesses.⁶⁷
5. In not inhibiting from the case, he was under the conviction that he was acting in accordance with law and the Rules of Court and under his authority as Acting Presiding Judge.⁶⁸

Respondent also stated in his Memorandum⁶⁹ that in *Villanueva*, his wife presented petitioner Villanueva before Judge Dojillo to testify.⁷⁰ Notably, respondent did not deny the allegation that his wife filed the petition for declaration of nullity of marriage in *Villanueva*.⁷¹ As noted by Justice Santos, "it was Atty. Gonzales-Alzate who prepared the petition for declaration of nullity of marriage and who presented the evidence in chief for petitioner."⁷²

Rule 137, Section 1 of the Rules of Court is clear:

Sec. 1. *Disqualification of Judges.* -- No judge or judicial officer shall sit in any case in which he, or his wife or child, is pecuniarily

⁶² *Id.* at 572.

⁶³ *Rollo*, pp. 29-42.

⁶⁴ *Id.* at 30.

⁶⁵ *Id.* at 31.

⁶⁶ *Id.* at 32.

⁶⁷ *Id.* at 33-34.

⁶⁸ *Id.* at 34.

⁶⁹ *Id.* at 659-682.

⁷⁰ *Id.* at 665.

⁷¹ *Id.* at 573-574.

⁷² *Id.* at 735.

interested as heir, legatee, creditor or otherwise, or *in which he is related to either party within the sixth degree of consanguinity or affinity, or to counsel within the fourth degree, computed according to the rules of the civil law*, or in which he has been executor, administrator, guardian, trustee or counsel, or in which he has presided in any inferior court when his ruling or decision is the subject of the review, without the written consent of all parties in interest, signed by them and agreed upon the record.

The above disqualification shall likewise apply to all clerks of court, assistant clerks of court, deputy clerks of court and branch clerks of court in all court levels insofar as relevant to them in the performance of their respective functions and duties.

A judge may, in the exercise of his sound discretion, disqualify himself from sitting in a case, for just or valid reasons other than those mentioned above. (Emphasis supplied)

Canon III, Sections 5(f) and (g) and Canon IV, Section 4 of the New Code of Judicial Conduct are likewise clear:

CANON III

Sec. 5. Judges shall disqualify themselves from participating in any proceedings in which they are unable to decide the matter impartially or in which it may appear to a reasonable observer that they are unable to decide the matter impartially. Such proceedings include, but are not limited to, instances where:

....

- (f) The judge is related by consanguinity or affinity to a party litigant within the sixth civil degree or to counsel within the fourth civil degree; or
- (g) The judge knows that his or her spouse or child has a financial interest, as heir, legatee, creditor, fiduciary, or otherwise, in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceedings.

....

CANON IV

Sec. 4. Judges shall not participate in the determination of a case in which any member of their family represents a litigant or is associated in any manner with the case.

As mentioned by Justice Santos and the JIB, respondent was duty-bound to inhibit from *Villanueva* due to his wife's participation in the case. Respondent's inhibition in *Villanueva* is not merely discretionary; it is compulsory. There is no excuse for respondent's failure to inhibit in said case.

Considering the foregoing, We find respondent guilty of gross ignorance of the law or procedure, instead of simple misconduct as found by the JIB.

In *Paderanga v. Judge Paderanga*,⁷³ We found the respondent judge therein guilty of gross ignorance of the law or procedure for disobeying the rule on compulsory self-disqualification of judges:

The rules on the disqualification of judges, particularly compulsory self-disqualification, are basic legal guidelines that must be at the palm of every judge's hands. They are as basic as a rule of thumb. That the respondent disobeyed them should render him fully accountable for gross ignorance of the law or rule. The Court has declared:

[...] "As public servants, judges are appointed to the judiciary to serve as the visible representation of the law, and more importantly, of justice. From them, the people draw their will and awareness to obey the law." If judges, who have sworn to obey and uphold the Constitution, shall conduct themselves as respondent did, in wanton disregard and violation of the rights of the accused, then the people, especially those who have had recourse to them shall lose all their respect and high regard for the members of the Bench and the judiciary itself shall lose the high moral ground from which it draws its power and strength to compel obedience to the laws.⁷⁴ (Citations omitted)

As in the cited case, respondent disobeyed the basic rule of compulsory disqualification of judges. He even defends his non-inhibition on the ground that his wife withdrew her appearance as counsel in *Villanueva*. However, such withdrawal does not change the fact that respondent's wife actively participated in the said case prior to her withdrawal. Respondent cannot therefore deny that there still exists a perception that the case was decided in his wife's favor.

It is well-established that a judge should not handle a case where there is a perception, rightly or wrongly, that he is susceptible to bias and partiality because of relationship or some other ground.⁷⁵ The Court has also repeatedly emphasized the importance of impartiality and propriety in the conduct of the members of the bench:

A judge must not only be impartial but must also appear to be impartial [...]. Public confidence in the Judiciary is eroded by irresponsible or improper conduct of judges. A judge must avoid all impropriety and the

⁷³ 766 Phil. 581 (2015) [Per J. Bersamin, First Division].

⁷⁴ *Id.* at 598–599.

⁷⁵ *Re: Anonymous Complaint Against Judge Aldea-Arocena*, 861 Phil. 143, 156 (2019) [*Per Curiam*, *En Banc*]. (Citation omitted)

appearance thereof. Being the subject of constant public scrutiny, a judge should freely and willingly accept restrictions on conduct that might be viewed as burdensome by the ordinary citizen.

[...]

Judges must, at all times, be beyond reproach and should avoid even the mere suggestion of partiality and impropriety. Canon 4 of the *New Code of Judicial Conduct* states that “[p]ropriety and the appearance of propriety are essential to the performance of all the activities of a judge.”⁷⁶ (Emphasis in the original, citations omitted)

Under Rule 140 of the Rules of Court, as amended, gross ignorance of the law or procedure is considered a serious charge,⁷⁷ punishable by dismissal from service, suspension from office without salary and benefits for more than six months but not exceeding one year, or a fine of more than PHP 100,000.00 but not exceeding PHP 200,000.00.⁷⁸

We note that in *Sindon v. Alzate*,⁷⁹ respondent was already penalized for violating the rule on compulsory disqualification for failing to inhibit in his wife’s application for notarial commission, for which he was reprimanded with warning that a repetition of the same or similar act shall be dealt with more severely.⁸⁰ We likewise note that in the Audit Case, respondent was found guilty of gross neglect of duty for which he was suspended for five years.⁸¹ We further note that respondent was subsequently dismissed from service for failing to comply with the Court’s directive in the Audit Case.⁸²

Considering that this is the second time that respondent was found guilty of violating the rule on compulsory disqualification and the third time that he has been held administratively liable, coupled with the fact that he has already been dismissed from service, the Court deems it appropriate to impose a penalty of a fine of PHP 200,000.00.

⁷⁶ *Id.*, citing *In re Ong*, 743 Phil. 622, 673–676 (2014) [*Per Curiam, En Banc*].

⁷⁷ Sec. 14. *Serious Charges*. — Serious charges include:

.....
(j) Gross ignorance of the law or procedure[.]

⁷⁸ Sec. 17. *Sanctions*. —

(1) If the respondent is guilty of a serious charge, any of the following sanctions shall be imposed:

(a) 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. *Provided, however*, that the forfeiture of benefits shall in no case include accrued leave credits;

(b) Suspension from office without salary and other benefits for more than six (6) months but not exceeding one (1) year; or

(c) A fine of more than PHP 100,000.00 but not exceeding PHP 200,000.00.

⁷⁹ 869 Phil. 632 (2020) [*Per J. Lazaro-Javier, First Division*].

⁸⁰ *Id.* at 643–644.

⁸¹ *In re Alzate*, 940 Phil. 505, 572 (2023) [*Per Curiam, En Banc*].

⁸² 951 Phil. 380, 384 (2024) [*Per Curiam, En Banc*].

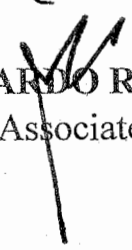
As regards complainant's prayer that that this administrative case also be considered as a disciplinary proceeding against respondent as a member of the Bar for purposes of disbarment,⁸³ We find that the offense respondent is guilty of in this case does not affect his qualification as a lawyer. As such, we deem it sufficient to penalize respondent as a member of the bench.

ACCORDINGLY, the Court finds Judge Raphael F. Alzate **GUILTY** of Gross Ignorance of the Law and is **ORDERED** to pay a fine in the amount of PHP 200,000.00. Payment of the fine shall be made within 30 days from finality of this Decision and Judge Raphael F. Alzate is **ORDERED** to submit to the Court proof of compliance within 10 days from payment. Failure to comply shall constrain the commencement of contempt proceedings against him pursuant to Rule 71, Section 3 of the Rules of Court for disobeying a lawful order of this Court.

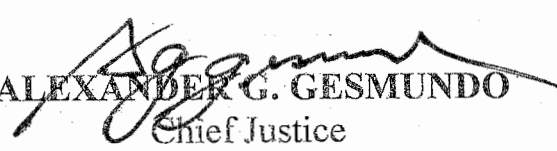
Let copies of this Decision be furnished the Office of the Bar Confidant and the Office of Administrative Services, Office of the Court Administrator for recording in the personal file of Judge Raphael F. Alzate; the Office of the Court Administrator for dissemination to all courts of the Philippines; and the Integrated Bar of the Philippines for its information and guidance.

The Judicial Integrity Board is directed to prepare a comprehensive report and recommendation regarding Judge Raphael F. Alzate's fitness to remain a Member of the Bar.

SO ORDERED.


RICARDO R. ROSARIO
Associate Justice

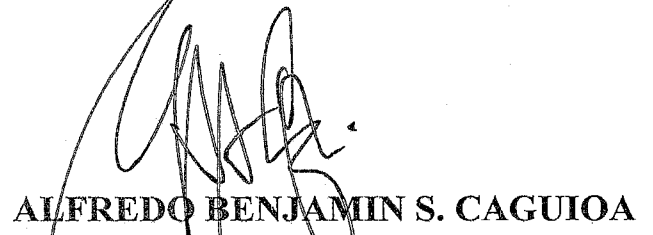
WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice


⁸³ Rollo, p. 14.




MARVIC M.V.F. LEONEN
Associate Justice




ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



RAMON PAUL L. HERNANDO
Associate Justice




AMY C. LAZARO-JAVIER
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice


ON OFFICIAL BUSINESS
RODIL V. ZALAMEDA
Associate Justice



SAMUEL H. GAERLAN
Associate Justice



JHOSEP V. LOPEZ
Associate Justice



JAPAR B. DIMAAMPAO
Associate Justice

NO PART, ON OFFICIAL BUSINESS
JOSE MIDAS P. MARQUEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice

ON LEAVE
MARIA FILOMENA D. SINGH
Associate Justice

NO PART, ON OFFICIAL BUSINESS
RAUL B. VILLANUEVA
Associate Justice