



In her *Sinumpaang Salaysay* dated July 7, 2014, complainant narrated that she and PO1 Batacan were on duty as security officers at the Ligao Regional Trial Court Building (Hall of Justice) when they were approached by Judge Barcillano and Atty. Lozano. Although PO1 Batacan immediately stood up to greet the newcomers, complainant, who claims to have been taken by surprise, took a while before she was able to stand up, bow her head, and greet them “Sir.” Despite this, she alleged that Judge Barcillano asked Lorna Roquid, an RTC employee sitting with the police officers at the security desk at the time of the incident, to leave and told complainant to sit down next to him. When she complied, Judge Barcillano asked her to go back where she was previously seated. Complainant was asked to do this repeatedly which embarrassed her.<sup>7</sup>

Complainant also narrated that Judge Barcillano thereafter asked her if she knew who he was. When, in her state of nervousness, she got his name wrong, Judge Barcillano asked for her name several times and even insulted her by saying “PO1 *ka lang*.”<sup>8</sup>

Judge Barcillano, with Atty. Lozano, also allegedly harassed complainant about her firearm, including asking for the original of her Acknowledgment Receipt of Equipment (ARE), asking for the gun to check for the serial number and cocking it many times in front of her and other court employees. Complainant claimed that when Judge Barcillano was not initially able to find the serial number, he handed the firearm to Dennis Arjona, Acting Foreman of the Maintenance Division, who, after verifying that the serial numbers in the ARE and the gun match, returned the same to complainant.<sup>9</sup>

Later on, complainant recounted that Judge Barcillano called Leonardo, the husband of Executive Judge Amy Ana L. de Villa-Rosero (Executive Judge Rosero). When Leonardo approached, Judge Barcillano then said: “*Lokoloko ka pala eh, ano bang pinagmamalaki mo, ano? Magsusumbong ka?*” Leonardo reportedly replied: “*Tinawag mo po ako Sir, wala naman akong ginagawang masama.*” Atty. Lozano then tried to mediate when Judge Barcillano cursed Leonardo by saying “*Tarantado ka pala.*” Afterwards, Judge Barcillano left the building.<sup>10</sup>

In her *Sinumpaang Salaysay* dated July 7, 2014,<sup>11</sup> PO1 Batacan narrated that on July 4, 2014, she immediately left after greeting Judge Barcillano because she noticed that his eyes were red and he smelled of alcohol. Although she initially thought that complainant followed her out, she later on saw that Judge Barcillano was talking to complainant and cocking her gun. PO1 Batacan states that she tried to signal complainant to

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<sup>7</sup> *Id.* at 9.

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

<sup>9</sup> *Rollo*, pp. 9-10.

<sup>10</sup> *Id.* at 10.

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



go but that the latter was unable to leave. She also claims she saw Judge Barcillano call for a man. Afterwards, he left the building and boarded his car. PO1 Batacan recounts that she immediately went to complainant who told her about Judge Barcillano's acts of shaming her and Leonardo.

For his part, Leonardo, in his *Sinumpaang Salaysay* dated August 5, 2014,<sup>12</sup> claimed that on the day of the incident, he was at the Hall of Justice waiting for his wife, Executive Judge Rosero, when Arjona called him and pointed to a small bag the latter was carrying which allegedly contains a firearm owned by Judge Barcillano. At the time, respondent Judge was standing by the security desk and cocking a gun. Judge Barcillano saw Leonardo and called him out using a hand sign. He greeted Judge Barcillano, who thereafter sat down and drank his coffee. Leonardo claims that Judge Barcillano suddenly said "*Lokoloko ka pala, eh.*" When Leonardo replied "*Judge, tinawag mo po ako at wala naman akong ginagawang masama,*" Judge Barcillano allegedly told him: "*May pinagmamalaki ito! Ano? Magsusumbong ka!*" Leonardo claims he tried to leave the place to avoid further altercations but that Judge Barcillano allegedly tried to punch him and said "*Tarantado ka pala!*" Fortunately, Arjona was able to hold respondent Judge back and convinced him to go home. Leonardo then noted that Judge Barcillano was drunk and could not walk straight, having apparently shared some drinks with court employees during working hours.<sup>13</sup>

On November 5, 2014, the OCA referred the complaint-affidavit to Judge Barcillano for comment.<sup>14</sup>

In his Comment dated December 4, 2014,<sup>15</sup> Judge Barcillano essentially denied the allegations of grave misconduct and harassment made by complainant and her witnesses. He claims that the complaint is a result of his disagreement with Executive Judge Rosero, the Executive Judge, on some matters. For example, Judge Barcillano claims the complaint is Executive Judge Rosero's act of revenge against him for supposedly "castigating" her husband Leonardo inside the Hall of Justice. He also states that they have differences in opinion as to Executive Judge Rosero's act of allowing police officers to act as security personnel for the Hall of Justice.<sup>16</sup>

Judge Barcillano does not deny saying the words "*PO1 ka lang?*" to complainant. He claims, however, that the same was made on a "clarificatory manner and purpose."<sup>17</sup> According to Judge Barcillano, during the incident on July 4, 2014, complainant, as she recounts, switched her seat several times but denies that the switching was made on account of his orders. He claims that complainant "seemed to be uneasy x x x, cornered and

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<sup>12</sup> *Id.* at 12-13.

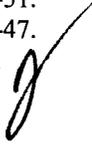
<sup>13</sup> *Id.* at 12.

<sup>14</sup> *Id.* at 43.

<sup>15</sup> *Id.* at 44-51.

<sup>16</sup> *Id.* at 44-47.

<sup>17</sup> *Id.* at 48.



obviously nervous, for reasons she knows for herself only.”<sup>18</sup> Judge Barcillano also does not deny that he asked for complainant’s gun and ARE to check if the same was properly booked as he was “security conscious” due to prior instances of firearm-related violence in the vicinity of the Hall of Justice.<sup>19</sup> He also denies that he was under the influence of alcohol at the time, as claimed by PO1 Batacan and Leonardo. Judge Barcillano avers that his eyes may have been reddish at that time but this is on account of the usual voluminous paperwork in his office especially during Fridays (motion day). He also points out that: (1) nowhere in complainant’s *Sinumpaang Salaysay* did she claim that he was drunk; (2) PO1 Batacan, who left immediately after greeting him, has no basis to say that he was drunk; and (3) Leonardo cannot believably claim that he saw Judge Barcillano drinking during office hours as he (Leonardo) himself claims that he arrived at the Hall of Justice at 3:50 PM, on or about the time of the incident complained of. The claim that he was drunk was thus “purely speculative and conjectural.”<sup>20</sup>

Judge Barcillano likewise admits uttering the words “*Bakit mayabang ka?*” and “*Bakit paki-alamero ka?*” to Leonardo. Contrary to Leonardo’s claim, however, Judge Barcillano denies ever having said the words “*Tarantado ka*” and the like. Taken in light of Leonardo’s disrespectful and unsolicited declaration immediately prior, Judge Barcillano claims that the uttered words are not wrongful in themselves.<sup>21</sup>

In his *Sworn Explanation and Comment*,<sup>22</sup> Atty. Lozano essentially corroborated Judge Barcillano’s narration of the events.

Due to the factual inconsistencies and contradictions between the opposing versions, the OCA recommended the conduct of a formal investigation.<sup>23</sup> Hence, in a Resolution dated March 2, 2016,<sup>24</sup> we resolved to re-docket the complaint as a regular administrative matter and refer the administrative matter to the Presiding Justice of the Court of Appeals, Manila for investigation, report, and recommendation.

On April 12, 2016, Associate Justice Normandie B. Pizarro was designated as the Investigating Justice.<sup>25</sup> After the conduct of hearing and the filing of the parties’ respective memoranda, the Investigating Justice submitted his Report and Recommendation.<sup>26</sup> There, he found that Judge Barcillano conducted himself in an unbecoming manner, though not constitutive of grave misconduct, unbecoming of his stature as an esteemed officer of the court:

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<sup>18</sup> *Id.* at 48-49.

<sup>19</sup> *Id.* at 49.

<sup>20</sup> *Id.* at 49-50.

<sup>21</sup> *Id.* at 50.

<sup>22</sup> *Id.* at 54-61.

<sup>23</sup> *Id.* at 70.

<sup>24</sup> *Id.* at 71-72.

<sup>25</sup> *Id.* at 74.

<sup>26</sup> *Id.* at 187-202.

The circumstances presented above demonstrate how Judge Barcillano, Jr. conducted himself below the standard of decorum expected of a judge. His actions, words, and line of questioning appear to have been done arrogantly and uncalled for. In the first place, he should not have repeatedly asked PO1 Marcelo to sit beside him, stand up, and sit again beside him if his purpose was not to embarrass her. His explanation that it was done by PO1 Marcelo in her own volition is simply unbelievable. Second, he should not have repeatedly asked PO1 Marcelo's name and said her rank "**PO1 ka lang**" because it was offensive and insulting. Third, he should not have held PO1 Marcelo's gun, much less cocked it in public because it was a deviation from protocol and/or from the norm of conduct.

As a magistrate, Judge Barcillano, Jr. is expected to be an embodiment of professionalism, but the exact opposite was shown towards PO1 Marcelo. Rather than giving respect to a police officer who was on-duty at the time, Judge Barcillano, Jr. expressed mockery and a condescending attitude, or with conceited show of superiority.<sup>27</sup>

As to the altercation between Judge Barcillano and Leonardo, the Investigating Justice held that whatever the reason, Judge Barcillano's manner of dealing with complainant and Leonardo was unbecoming of his status as an esteemed officer of the court.<sup>28</sup> Further, he rejected the claim that the complaint was a retaliatory act instigated by Executive Judge Rosero, finding the same to be "immaterial if not speculative."<sup>29</sup> The Investigating Justice, however, refused to consider the allegations of drunkenness (and holding of drinking sessions during office hours) against Judge Barcillano as he found the same to be without any concrete proof.<sup>30</sup> Noting that this was Judge Barcillano's first administrative charge, the Investigating Justice recommended that he be found guilty only of the offense of conduct unbecoming a judge, fined the amount of Ten Thousand Pesos (₱10,000.00) and admonished with a stern warning that a repetition of the same or similar act will be dealt with more severely.<sup>31</sup>

We ADOPT the Investigating Justice's findings and recommendation.

At the outset, we hold that the motives behind the filing of an administrative complaint are irrelevant.<sup>32</sup> That a complaint is alleged to be instigated or retaliatory is not a ground which will deter us from exercising our power to discipline officers of the court.

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<sup>27</sup> *Id.* at 198.

<sup>28</sup> *Id.* at 196.

<sup>29</sup> *Id.* at 200.

<sup>30</sup> *Id.* at 200-201.

<sup>31</sup> *Id.* at 201-202.

<sup>32</sup> See *Court Administrator v. Seville*, A.M. No. P-95-1159, March 20, 1997, 270 SCRA 190



Judge Barcillano's dissatisfaction with Executive Judge Rosero's decision to post police officers in the Hall of Justice does not justify his acts of accosting complainant. While he may be security conscious, checking the booking of firearms is not part of his job. Further, his act of demanding for complainant's firearms and ARE in an aggressive manner effectively harassed the already nervous police officer. If, as Judge Barcillano claims, he strongly believed that the presence of the police officers violates existing rules, the appropriate course of action would have been to take up the issue with Executive Judge Rosero, not the police officers who are merely obeying orders.

We also agree with the Investigating Justice that regardless of the reason or motive behind the altercation, Judge Barcillano, being a magistrate, should have observed judicial temperament which requires him to be always temperate, patient, and courteous, both in conduct and in language.

We nevertheless agree that the allegations of drunkenness and holding of drinking sessions during office hours were not duly proven. As correctly pointed out by Judge Barcillano, these allegations came from PO1 Batacan (who herself claims to have immediately left after greeting Judge Barcillano) and Leonardo (who arrived in the Hall of Justice at 3:50 PM). No similar allegation appeared in complainant's *Sinumpaang Salaysay*. We find this relevant considering that, under the circumstances thus far proven, it was complainant who was in a better position to observe Justice Barcillano's actual condition and demeanor. More, we note that in the transcript of the proceedings before the Investigating Justice, it was established that the PAO, where the drinking session was allegedly held, had glass walls with interiors visible even to those across the street. If indeed illegal drinking sessions were being held, it would have been easy for complainant to obtain positive testimony from witnesses about this very matter.

Under Sections 10(1) and 11(C) of Rule 140 of the Rules of Court, unbecoming conduct is classified as a light charge punishable by: (1) a fine of not less than one thousand pesos (₱1,000.00) but not exceeding ten thousand pesos (₱10,000.00), and/or (2) censure; (3) reprimand; (4) admonition with warning.

**WHEREFORE**, and in view of the foregoing, respondent Judge Ignacio C. Barcillano, Jr., Presiding Judge of Branch 13 of the RTC, Ligao City, Albay is found **GUILTY** of **CONDUCT UNBECOMING OF A JUDGE**. He is hereby **FINED** the amount of Ten Thousand Pesos (₱10,000.00) with a stern warning that a repetition of the same or any similar act will be dealt with more severely.

**SO ORDERED.**



  
**FRANCIS H. JARDELEZA**  
*Associate Justice*

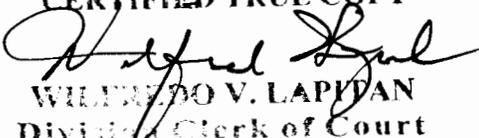
WE CONCUR:

  
**PRESBITERO J. VELASCO, JR.**  
*Associate Justice*  
*Chairperson*

  
**LUCAS P. BERSAMIN**  
*Associate Justice*

  
**BIENVENIDO L. REYES**  
*Associate Justice*

  
**NOEL GIMENEZ TIJAM**  
*Associate Justice*

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**WILFREDO V. LAPIDAN**  
Division Clerk of Court  
Third Division

JUN 27 2017