Supreme Court
Manila

EN BANC

JUDICIAL INTEGRITY OFFICE *v.* JUDGE ALFONSO M. CINCO IV, Branch 29, Regional Trial Court, Catbalogan City, Samar

A.M. No. RTJ-25-114
[Formerly A.M. No. 24-09-15-SC]

Present:

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

Promulgated:

December 3, 2025

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DECISION

GESMUNDO, *C.J.*:

Every prospective appointee to the judiciary has a continuing obligation to promptly inform the Judicial and Bar Council (JBC), and the Office of the President (OP) of any matter within their knowledge, that may affect their fitness for judicial office, from the time of their application until their appointment.

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* On official leave.
** On official business.
***No part.

The instant administrative matter arose from the failure of Judge Alfonso M. Cinco IV (Judge Cinco) to declare that a criminal case for violation of Republic Act No. 10168, otherwise known as "The Terrorism Financing Prevention Act of 2012," was filed against him prior to his appointment as Presiding Judge of Branch 29, Regional Trial Court (RTC), Catbalogan City, Samar.

Antecedents

On January 7, 2023, vacancies for judgeship positions in Regions VI to VIII were opened for application.[1] On February 3, 2023, Judge Cinco, then a public prosecutor, submitted his application for the vacant position of presiding judge of Branch 28 and 29 of RTC, Catbalogan City, Samar.[2] Judge Cinco had been working with the Department of Justice (DOJ) as an assistant provincial prosecutor for 2 years, and as city prosecutor for 8 years.[3]

Notably, when Judge Cinco's application was initially submitted to the JBC, there was still no previous or pending civil, criminal, or administrative case filed against him as evidenced by the clearances issued by the Ombudsman (OMB), the Office of the Bar Confidant (OBC), the Integrated Bar of the Philippines (IBP), the DOJ, the National Bureau of Investigation (NBI), and the Philippine National Police (PNP).[4] Moreover, in the processing of said application, Judge Cinco was placed under the first preference classification as he was not subject of any complaint, opposition, and/or derogatory report before the scheduled final deliberation of lower courts in Regions VII and VIII.[5]

Accordingly, Judge Cinco made it to the shortlist of qualified applicants.[6] On August 2, 2023, the shortlist was transmitted to the OP.[7]

Unknown to the JBC, on May 23, 2023, the Joint Task Group Cebu, 3ID, PA, Visayas Command (Viscom) filed a complaint before the DOJ against the Community Empowerment Resources Network (CERNET) for allegedly providing funds to the South-Eastern Front of the New People's Army (NPA), in violation of Republic Act No. 10168.[8]

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1 *Rollo*, p. 1.
2 *Id.*
3 *Id.* at 63.
4 *Id.* at 2.
5 *Id.*
6 *Id.*
7 *Id.*
8 *Id.*

Judge Cinco, in his capacity as council member of the CERNET, was one of the accused named in the complaint.[9] On August 10, 2023, the DOJ issued a subpoena against Judge Cinco.[10] Thereafter, Judge Cinco filed his Counter-Affidavit on September 8, 2023.[11]

Finding reasonable ground to believe that the crime charged was committed and that all accused are probably guilty thereof, the DOJ filed an information against all the accused on May 10, 2024.[12] The case is now pending with Branch 74, RTC, Cebu City, docketed as Criminal Case No. R-CEB-24-02727-CR.[13]

On May 14, 2024, a warrant of arrest was issued by Branch 74, RTC, Cebu City against Judge Cinco.[14] He posted bail on the same day.[15]

On August 30, 2024, the JBC received copies of the appointments of judges for the lower courts in Regions V to VIII.[16] Judge Cinco was appointed as presiding judge of Branch 29, RTC, Catbalogan City, Samar. On September 2, 2024, Judge Cinco took his oath of office.[17]

In a Memorandum[18] dated September 16, 2024, the Office of the Court Administrator (OCA) brought to the attention of Chief Justice Alexander G. Gesmundo the matter of a pending criminal case for violation of Republic Act No. 10168 filed against Judge Cinco. As it turned out, a criminal case was filed against Judge Cinco after he submitted his application, but prior to his appointment.

The Complaint

In a Resolution[19] dated October 1, 2024, the Court *En Banc* noted the Memorandum dated September 16, 2024 of the OCA and directed Judge Cinco to show cause why no disciplinary action should be taken against him for his failure to report the aforesaid criminal case.

Judge Cinco is charged of serious dishonesty and commission of a crime involving moral turpitude for taking his oath of office on September 2, 2024 without informing the Court of the criminal case filed against him.[20] He

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[9] *Id.*
[10] *Id.* at 73.
[11] *Id.* at 59.
[12] *Id.*
[13] *Id.*
[14] *Id.* at 2.
[15] *Id.*
[16] *Id.* at 3.
[17] *Id.*
[18] *Id.* at 1–9.
[19] *Id.* at 56–57.
[20] *Id.* at 8.

was indicted as early as May 10, 2024, or three months before he received his appointment as judge on August 30, 2024, but he did not disclose to the JBC or the OP that there was a criminal case filed against him.

Comment of Judge Cinco

In his Compliance[21] to the October 1, 2024 Resolution of the Court, Judge Cinco stated his explanation and prayed that the matter be considered closed.[22]

Judge Cinco confirmed that he took his oath on September 2, 2024 following his appointment as presiding judge of Branch 29, RTC, Catbalogan City, Samar.[23] He admitted that sometime in August 2023, he came to know about a subpoena issued by the DOJ requiring him to submit a counter-affidavit in response to a complaint for violation of Republic Act No. 10168.[24] He stated that the Information was filed on May 10, 2024 but he did not receive the DOJ Resolution until June 18, 2024.[25]

Judge Cinco apologized for failing to disclose to the proper agencies/offices the filing of the criminal case against him.[26] He claimed he was busy discharging his duties as city prosecutor at that time and it did not occur to him that he had to make a report on the matter.[27] Having complied with the JBC's requirements, he claimed that he was of the honest belief that he only had to wait for the news on whether he would be appointed.[28] Judge Cinco averred that his failure to disclose the criminal case was not because he intended it, but it was because the last 12 months of his life has been a whirlwind of events that tested his patience and challenged his equanimity.[29]

Judge Cinco explained that following the filing of the criminal case, he focused his energy into establishing that there was no ground to hold him for trial,[30] he became preoccupied with the tasks of filing his counter-affidavit[31] and preparing his petition for review,[32] while also attending to his duties as city prosecutor and prosecutor-trainer.[33] He was likewise saddled with a slew of domestic problems such as taking care of his widowed, 81-year old mother,

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21 *Id.* at 58–70.
22 *Id.* at 70.
23 *Id.* at 58.
24 *Id.* at 59.
25 *Id.*
26 *Id.* at 62.
27 *Id.*
28 *Id.*
29 *Id.* at 67.
30 *Id.*
31 *Id.* at 63.
32 *Id.* at 65.
33 *Id.* 63–64.

death of his aunt, hospitalization of his father-in-law, and bullying of his 13-year old daughter in school.[34]

Moreover, Judge Cinco argued that the evidence in the criminal case did not meet the threshold of *prima facie* evidence with reasonable certainty of conviction.[35] He claimed that when the crime was committed in September 2012, he was not yet a CERNET officer.[36] He added that in 2012, he provided voluntary legal services *not for CERNET*, but for persons who were members of CERNET's partner organizations or their beneficiaries, i.e., people in marginalized sectors like farmers, workers, and the urban poor.[37] He added that in the course of his advocacy, he has been vilified and "red-tagged" by certain individuals and groups.[38] He argued that the criminal case against him is a continuation of wrongful labeling and harassment, and claimed that he was implicated in the criminal case merely because certain individuals believe that human rights lawyering is identical to being subversive.[39]

In addition, Judge Cinco claimed that his omission does not fall under or is akin to misconduct categorized under serious, less serious, or light charges.[40] He claimed that the rule that applicants for judgeships be required to execute an undertaking to report to the JBC if they are so charged after the termination of the application process should not be retroactively applied against him.[41] He added that if an argument is to be made that he has an obligation to report the filing of the case against him on account of the high standards of conduct required of judges, then his performance and conduct as judge must be assessed prospectively.[42] Judge Cinco likewise averred that allowing him to perform his duties as a judge will be beneficial to the administration of justice, as the absence of a permanent judge in Branch 29 has contributed to the delay and congestion in their docket.[43]

In a Resolution[44] dated November 12, 2024, the Court referred Judge Cinco's Compliance to the Judicial Integrity Board (JIB) for evaluation, report, and recommendation.

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[34] *Id.* at 65–66.
[35] *Id.* at 60.
[36] *Id.*
[37] *Id.* at 60–61.
[38] *Id.* at 61.
[39] *Id.*
[40] *Id.* at 67.
[41] *Id.* at 67–68.
[42] *Id.* at 68.
[43] *Id.* at 69.
[44] *Id.* at 230–231.

Report and Recommendation of the Office of the Executive Director

In a Report and Recommendation[45] dated February 5, 2025, Atty. Eduardo C. Tolentino (Atty. Tolentino), acting executive director of the JIB, recommended that Judge Cinco be found guilty of serious dishonesty and commission of a crime involving moral turpitude, and be meted the penalty of dismissal from service, with forfeiture of retirement benefits, except accrued leave credits, with prejudice to re-employment in any branch or instrumentality of the government, including government-owned or controlled corporations.[46]

Atty. Tolentino found Judge Cinco liable of serious dishonesty for having failed to immediately report to the JBC, the OP, or the Court the case for violation of Republic Act No. 10168 which named him as one of the respondents.[47] Atty. Tolentino explained that had Judge Cinco done so, the OP would have been given the chance to pick a better and more qualified applicant from the shortlist.[48] Hence, he concluded that Judge Cinco committed serious dishonesty which caused serious damage and grave prejudice to the Government.[49]

Moreover, Atty. Tolentino held that Judge Cinco is liable for commission of a crime involving moral turpitude.[50] He stated that the DOJ found probable cause to charge Judge Cinco with a violation of Republic Act No. 10168, a crime which relates to terrorism, and which necessarily falls within the ambit of a crime involving moral turpitude.[51] He explained that the quantum of proof required in administrative cases is only substantial evidence, and that evidence to support a conviction in criminal cases is not necessary.[52] Thus, he concluded that there is already substantial evidence to support the finding that Judge Cinco is administratively liable for committing a crime involving moral turpitude.[53]

Report of the JIB

In its Report[54] dated February 28, 2025, the JIB recommended that Judge Cinco be found liable for serious dishonesty but not for the commission of a crime involving moral turpitude.[55] Further, it added that Judge Cinco

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45 *Id.* at 250–256.
46 *Id.* at 256.
47 *Id.* at 253.
48 *Id.*
49 *Id.*
50 *Id.* at 254–255.
51 *Id.* at 254.
52 *Id.* at 255.
53 *Id.*
54 *Id.* at 241–249. The Report was signed by Justice Cielito N. Mindaro-Grulla (Ret.), with Justice Angelina Sandoval-Gutierrez (Ret.) concurring.
55 *Id.* at 247–248.

should be meted the penalty of dismissal from service, with forfeiture of all the benefits except accrued leave credits, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations.[56]

The JIB did not find Judge Cinco liable for the commission of a crime involving moral turpitude, explaining that he was merely charged of violation of Republic Act No. 10168, and that there is no proof he committed the crime or was convicted thereof.[57]

However, the JIB ruled that nondisclosure and concealment of relevant and material facts bearing on one's fitness for judicial office reflect on an applicant's integrity and probity and constitutes serious dishonesty.[58] It found that Judge Cinco had ample time to inform the JBC and the OP of the criminal case filed against him, yet he did not do so.[59] Thus, it found him liable for serious dishonesty, and recommended the penalty of dismissal stating that dishonesty reflects on the fitness of the officer or employee to continue in office, and the discipline and morale of service.[60]

On May 20, 2025, the Court issued a Resolution of even date preventively suspending Judge Cinco for 90 days pending the resolution of the instant administrative matter and of Criminal Case No. R-CEB-24-127-CR before the RTC, Cebu City.

Issue

Whether or not Judge Cinco should be held administratively liable for commission of a crime involving moral turpitude, and serious dishonesty.

The Court's Ruling

The Court adopts the findings of the JIB in its February 28, 2025 Report but with modifications on the penalty.

Judge Cinco cannot be held administratively liable for the commission of a crime involving moral turpitude

The charge of commission of a crime involving moral turpitude against Judge Cinco resulted from the filing of a case against him for violation of Republic Act No. 10168.

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56 *Id.* at 248–249.
57 *Id.* at 247.
58 *Id.* at 245.
59 *Id.* at 246–247.
60 *Id.* at 247–248.

Judge Cinco, as officer of CERNET, was accused of violating Section 8(ii), in relation to Section 9, of Republic Act No. 10168 in an Information,[61] which was filed on May 10, 2024.

The Court finds that Judge Cinco cannot be found administratively liable for commission of a crime involving moral turpitude due to lack of evidence.

At present, the criminal case against Judge Cinco for violation of Republic Act No. 10168 remains pending before Branch 74, RTC, Cebu City. As it stands, there is no judgment of conviction yet against Judge Cinco. Thus, there is no proof that he indeed committed the crime charged. The requirement of proving an accused's guilt by proof beyond reasonable doubt in criminal cases is rooted in the presumption of innocence accorded to all by no less than the Constitution.[62]

While it is true that administrative cases and criminal cases are independent from each other,[63] and the quantum of evidence required in an administrative case is clearly less than that required in a criminal case,[64] the Court still finds that there is no substantial evidence at bar to hold Judge Cinco administratively liable for violation of Republic Act No. 10168, which involves moral turpitude.

In the present case, no substantial evidence was adduced to prove that Judge Cinco indeed failed to prevent the delivery of funds to a terrorist organization as an officer of CERNET. The mere finding of probable cause by the DOJ and the subsequent filing of the Information in Court does not *ipso facto* create substantial evidence to hold Judge Cinco administratively liable in this case.

It must be noted that a mere finding of probable cause does not necessarily constitute substantial evidence to hold one administratively liable. Substantial evidence is that amount of relevant evidence a reasonable mind might accept as adequate to support a conclusion.[65] This is the quantum of evidence required to establish a fact in cases before administrative or quasi-judicial bodies.[66] It "is satisfied where there is reasonable ground to believe that [a person] is guilty of the act or omission complained of, even if the evidence might not be overwhelming."[67]

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61 *Id.* at 177.
62 *People v. Angsico*, 945 Phil. 748, 765 (2023) [Per J. Kho, Jr., Second Division].
63 *Paredes v. Court of Appeals*, 555 Phil. 538, 549 (2007) [Per J. Chico-Nazario, Third Division].
64 *Id.*
65 *Navotas Industrial Corporation v. Guanzon*, 914 Phil. 647, 655 (2021) [Per J. Leonen, Third Division].
66 *Id.*
67 *Id.* (Citation omitted).

In contrast, probable cause is defined as the existence of such facts and circumstances that engender a well-founded belief that a crime has been committed and the person to be charged is probably guilty thereof and should be held for trial.[68] This is the executive determination of probable cause.[69] It is made to determine whether or not a criminal case must be filed in court.[70] A finding of probable cause merely binds over the suspect to stand trial.[71] It is not a pronouncement of guilt.[72]

Clearly, substantial evidence and probable cause are separate and distinct from each other. The finding of probable cause is made for a specific purpose, that is to determine whether an Information must be filed in court. On the other hand, substantial evidence is the quantum of evidence required in administrative cases. The finding of probable cause does not necessarily equate to substantial evidence, and vice versa. The administrative or quasi-judicial body and the prosecutor must still make their own independent review and evaluation of the facts and circumstances to determine whether or not there exists substantial evidence or probable cause in their respective cases.

In this case, other than the fact that there was already a finding of probable cause by the DOJ, and the consequent filing of the Information, no other evidence was adduced to prove that Judge Cinco indeed committed the crime charged. Hence, as of this moment, these circumstances do not constitute substantial evidence to hold Judge Cinco administratively liable for committing a crime involving moral turpitude.

However, it must be noted that the finding of the Court in the instant case is without prejudice to the eventual findings of the trial court in the criminal case. The findings and conclusions in this administrative case should not necessarily be binding on the pending criminal case. It is a fundamental principle of administrative law that administrative cases are independent from criminal actions for the same act or omission.[73]

Judge Cinco is liable for serious dishonesty

The Court finds Judge Cinco liable for serious dishonesty on account of deliberately failing to inform the JBC of the criminal case filed against him after his application and prior to his appointment.

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68 *Arroyo v. Sandiganbayan*, 917 Phil. 57, 69 (2021) [Per J. Carandang, Special Third Division].
69 *Id.*
70 *People v. Castillo*, 607 Phil. 754, 764 (2009) [Per J. Quisumbing, Second Division].
71 *Galario v. Office of the Ombudsman*, 554 Phil. 86, 101 (2007) [Per J. Chico-Nazario, Third Division].
72 *Id.*
73 *Montero v. Office of the Ombudsman*, 926 Phil. 695, 706 (2022) [Per J., Leonen, Second Division].

Dishonesty has been defined as the act of intentionally making a false statement on any material fact, or practicing or attempting to practice any deception or fraud in securing one's examination, appointment, or registration.[74]

In numerous cases, the Court has stated that every prospective appointee to the Judiciary has an imperative duty of disclosure, that is, every applicant is duty-bound to lay before the recommending authority, appointing authority, or the Court all his involvement in any criminal, civil and/or administrative case, pending or otherwise terminated, to enable them to fully ascertain or determine the applicant's moral character.[75]

Thus, the Court has consistently held one liable of serious dishonesty for failing to disclose a civil, criminal and/or administrative case, either pending or terminated, filed against them.[76]

In *Gutierrez v. Judge Belan*,[77] the Court found Judge Belan liable for gross dishonesty for knowingly concealing the indictment against him in a criminal case, which was then still pending, in his application with the JBC.

Similarly, respondent judges were also held liable for dishonesty in the cases of *Re: Inquiry on the Appointment of Judge Enrique A. Cube*,[78] *Atty. Fernandez v. Judge Vasquez*,[79] *Office of the Court Administrator v. Judge Adalim-White*,[80] *Office of the Court Administrator v. Judge Aguilar*,[81] *Guerrero-Perez v. Judge Perez*,[82] and *Yalung v. Judge Pascua*[83] for failing to disclose in their application with the JBC, the administrative and/or criminal cases, either pending or terminated, filed against them. The Court reminded respondent judges that someone applying to be an officer of the court should be prudent in their disclosures.

In *Atty. Nava II v. Atty. Artuz*,[84] the Court found Judge Artuz guilty not only of dishonesty, but also of grave misconduct and falsification of official document for deliberately and calculatedly lying in her October 28, 2005 and

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[74] *Office of the Court Administrator v. Judge Adalim-White*, 839 Phil. 530, 541 (2018) [*Per Curiam, En Banc*].

[75] *See Atty. Fernandez v. Judge Vasquez*, 669 Phil. 619 (2011) [Per J. Perez, *En Banc*]; *Re: Non-disclosure before the Judicial and Bar Council of the administrative case filed against Judge Jaime V. Quitain*, 557 Phil. 478 (2007) [*Per Curiam, En Banc*]; *Gutierrez v. Judge Belan*, 355 Phil. 428 (1998) [*Per Curiam, En Banc*]; *Office of the Court Administrator v. Judge Estacion, Jr.*, 317 Phil. 600 (1995) [*Per Curiam, En Banc*].

[76] *Id.*

[77] 355 Phil. 428 (1998) [*Per Curiam, En Banc*].

[78] 297 Phil. 1141 (1993) [*Per Curiam, En Banc*].

[79] 669 Phil. 619 (2011) [Per J. Perez, *En Banc*].

[80] 839 Phil. 530 (2018) [Per Curiam, *En Banc*].

[81] 666 Phil. 11 (2011) [Per J. Leonardo-De Castro, *En Banc*].

[82] A.M. No. RTJ-14-2389, September 30, 2015 [Notice, Second Division].

[83] 411 Phil. 765 (2001) [Per J. Mendoza, Second Division].

[84] 871 Phil. 1 (2020) [*Per Curiam, En Banc*].

November 6, 2006 personal data sheet (PDS) about the fact that she had been formally charged and had pending cases to make it appear that she was qualified for the judgeship position.

In *In the matter of: Anonymous complaint for dishonesty, grave misconduct and perjury committed by Judge Jaime E. Contreras*,[85] the Court likewise found Judge Contreras liable not only for dishonesty but also for grave misconduct and perjury when he failed to disclose in his application, particularly in his PDS, an administrative case filed against him.

Notably, the above-cited cases involve concealment or misrepresentation made by prospective appointees in their application, particularly in their respective PDSs.

In this case, Judge Cinco failed to inform the JBC of the criminal case filed against him after the submission of his application.

For reference, a timeline of the relevant events leading to Judge Cinco's appointment is as follows:

February 3, 2023	Judge Cinco submitted his application for presiding judge
May 23, 2023	A complaint for violation of Republic Act No. 10168 was filed against Judge Cinco before the DOJ.
August 2, 2023	The shortlist containing the nomination of Judge Cinco was transmitted to the OP.
August 10, 2023	The DOJ issued a subpoena against Judge Cinco.
September 28, 2023	Judge Cinco filed his counter-affidavit.
May 10, 2024	The DOJ filed an Information against all the accused, including Judge Cinco.
May 14, 2024	A warrant of arrest was issued by Branch 74, RTC, Cebu City against Judge Cinco. He posted bail on the same day.
August 30, 2024	Judge Cinco was appointed as presiding judge of Branch 29, RTC, Catbalogan City, Samar
September 2, 2024	Judge Cinco took his oath of office.
September 19, 2024	Judge Cinco was arraigned.

As seen in the foregoing, there was still no case filed against Judge Cinco at the time of his application on February 2023. Thus, he has no case to disclose to the JBC at such time. He was truthful in his application documents, and there is no concealment or misrepresentation in his PDS. Notably, at the time that the shortlist containing the nomination of Judge Cinco was

[85] 783 Phil. 9 (2016) [Per J. Reyes, Third Division].

transmitted by the JBC to the OP on August 2, 2023, Judge Cinco was still not aware of the investigation conducted by the DOJ against him. Indeed, it was only on August 10, 2023 that the DOJ issued him a subpoena.

However, the Court still finds Judge Cinco liable for serious dishonesty for failing to apprise the JBC of a criminal case filed against him after the submission of his application, but prior to his appointment.

It must be noted that, at the time of Judge Cinco's application, the PDS submitted by applicants for the judgeship position contains an undertaking which states "I declare that the answers given above are true, correct, and complete based on my personal knowledge and authentic records. **I bind myself to inform the Judicial and Bar Council (JBC) of <u>any development</u> that may affect any of the information contained therein.**"[86]

Here, the criminal case was filed against Judge Cinco after the submission of his application. As early as August 10, 2023, when he presumably received the subpoena from the DOJ, Judge Cinco was already aware that a criminal complaint was filed against him. On May 10, 2024, a criminal information was filed against him, and, on May 14, 2024, he even posted bail. Thus, even before the release of his appointment on August 30, 2024, he was already bound by his undertaking to inform the JBC of such development. However, *he did not*.

Glaringly, Judge Cinco proceeded to take his oath of office on September 2, 2024, still without disclosing the pending criminal case.

As seen in the foregoing, Judge Cinco had reasonable and ample time and opportunity to inform the JBC of the filing of the criminal case against him. However, he failed to do so. Undoubtedly, Judge Cinco violated his undertaking in his PDS and failed to discharge his duty as a prospective appointee to the judiciary to disclose the pending criminal case, a matter which surely has bearing on his fitness for judicial office.

For his part, Judge Cinco argues that he was busy discharging his functions as then prosecutor; that he had been experiencing a slew of personal problems; and that he honestly believed that he need not make a report on the matter, so as to exempt him from duty of disclosure, and free him from consequent liability.

However, such arguments must fail.

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[86] *See* JBC Form No. 1, Revised June 2022. The latest and subsisting version of the PDS when Judge Cinco submitted his application on February 3, 2023.

First, the undertaking in his PDS is very clear and specific. Judge Cinco is mandated to inform the JBC of any development that may affect the information contained therein. Second, his personal matters cannot relieve him from the administrative consequences of his omission as these affect his integrity and probity, which are fundamental qualifications specifically required of appointees to the judiciary. Lastly, Judge Cinco is already covered by the exacting standards of judicial conduct even while he was still applying for a judicial position. As a member of the bar, more so as a prospective appointee for judgeship, Judge Cinco should exhibit honesty and be committed to his undertaking in his PDS. Further, he should know fully well the duty of disclosure imposed by the Court on prospective appointees to the judiciary.

Surely, this cannot be characterized as mere inadvertence on his part. Judge Cinco chose to withhold the information from the JBC. As such, the Court finds Judge Cinco liable of serious dishonesty.

To reiterate, every prospective appointee to the judiciary is required to promptly disclose to the JBC, any matter bearing on their fitness for judicial office. This duty applies even to matters which come to the knowledge of the prospective appointee only after the submission of their application and continues until they are appointed.

This continuing duty is made more pronounced and evident in the latest version[87] of the PDS required of prospective appointees to the judiciary. The undertaking on the latest version of the PDS now requires prospective appointees not only to inform the JBC of any development regarding the information contained therein, but also to inform the OP in writing of any case, complaint, or opposition filed against them after receipt of nomination letter, within five days upon personal knowledge of said cases, should they be nominated for any vacancy, viz.:

> I declare that the answers given above are true, correct, and complete based on my personal knowledge and authentic records. I bind myself to inform the Judicial and Bar Council (JBC) of any development that may affect any of the information contained herein.
>
> . . . .
>
> Moreover, should I be nominated for any vacancy, I shall inform the Office of the President (OP) in writing of any case, complaint, or opposition filed against me (hereinafter referred to as "cases") after receipt of my nomination letter and submit all the relevant documents thereto as attachments together

[87] *See* JBC Form No. 1, JBC Online Registration and Application System (O.R.A.S) generated version, which was formally introduced on January 22, 2025, in the opening of, among others, the Court of Appeals (CA) Justice position *vice* Hon. Fernanda C. Lampas Peralta, who was appointed as CA Presiding Justice on 18 November 2024.

> with the updated PDS within five (5) days upon personal knowledge of said cases. I shall likewise copy furnish the JBC of the said submissions made to the OP.

Verily, prospective appointees to the judiciary are bound to inform the JBC of any development that may affect the information contained in their PDS. Moreover, should they be nominated for any vacancy, they are further bound to inform the OP in writing, of any case, complaint, or opposition filed against them after receipt of their nomination letter. They are further required to submit all relevant documents relating to the cases, oppositions, and complaints and to submit an updated PDS within five days upon personal knowledge of said cases, opposition and complaints, copy furnishing the JBC in all of their submissions made to the OP.

Period to report in the PDS;
criminal investigations

At this point, the Court deems it necessary to clarify at what particular moment of the criminal case prospective appointees to the judiciary should disclose the said case in their PDS.

The case of *Atty. Fernandez v. Judge Vasquez*[88] *(Vasquez),* which was decided on March 22, 2010, is the primary jurisprudence that provides as to when should a criminal case be disclosed in the PDS. Citing *Plopinio v. Atty. Zabala-Carino,*[89] it was ruled therein that only when one is formally charged in a criminal case should the applicant disclose the same in the PDS, viz.:

> In *Plopinio v. Zabala-Cariño,* this Court had the occasion to identify the reckoning point when a specific charge should be reflected in the PDS. Thus, a person is considered formally charged:
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> (1) In administrative proceedings — . . .
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> (2) In criminal proceedings - (a) upon the finding of the existence of probable cause by the investigating prosecutor and the consequent filing of an information in court with the required prior written authority or approval of the provincial or city prosecutor or chief state prosecutor or the Ombudsman or his deputy; (b) upon the finding of the existence of probable cause by the public prosecutor or by the judge in cases not requiring a preliminary investigation nor covered by the Rule on Summary Procedure; or (c) upon the finding of cause or ground to hold the accused for trial pursuant to Section 13 of the Revised Rule on Summary Procedure.[90] (Citation omitted)

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[88] 669 Phil. 619 (2011) [Per J. Perez, *En Banc*].
[89] 630 Phil. 259 (2010) [Per J. Perez, Second Division].
[90] *Atty. Fernandez v. Judge Vasquez,* 669 Phil. 619, 631–632 (2011) [Per J. Perez, *En Banc*].

Tracing the origin of such doctrine, the Court in the cited case of *Zabala-Cariño* ruled that Atty. Zabala-Carino, clerk of court, had no intention to falsify or misrepresent when she answered "No" to the question "Have you ever been formally charged?" in her PDS, despite the pending administrative and criminal cases against her before the Ombudsman. The Court explained that Atty. Zabala-Carino's nondisclosure of her pending Ombudsman cases was by reason of her interpretation of what a formal charge meant as distinguished from a complaint. The Court found that Atty. Zabala-Carino's interpretation of a formal charge is correct. The Court ruled that a person is considered formally charged:

> (1) In administrative proceedings – (a) upon the filing of a complaint at the instance of the disciplining authority; or (b) upon the finding of the existence of a prima facie case by the disciplining authority, in case of a complaint filed by a private person.
>
> (2) In criminal proceedings – (a) upon the finding of the existence of probable cause by the investigating prosecutor and the consequent filing of an information in court with the required prior written authority or approval of the provincial or city prosecutor or chief state prosecutor or the Ombudsman or his deputy; (b) upon the finding of the existence of probable cause by the public prosecutor or by the judge in cases not requiring a preliminary investigation nor covered by the Rule on Summary Procedure; or (c) upon the finding of cause or ground to hold the accused for trial pursuant to Section 13 of the Revised Rule on Summary Procedure.[91]

Thus, the Court found that Atty. Zabala-Carino correctly and honestly answered "No" to the question of whether she is formally charged considering that at the time of her application, the Ombudsman had not yet resolved her pending cases. No Information was filed against her *yet*.

In *Vasquez*,[92] Judge Vasquez answered "No" to the question "Have you been charged with or convicted of or otherwise imposed a sanction of any law, decree, ordinance or regulation by any court, tribunal, or any other government office, agency or instrumentality in the Philippines or any foreign country, or found guilty of an administrative offense or imposed any administrative sanction?" in his PDS. The Court found him liable for dishonesty stating that it is beyond question that Judge Vasquez had been formally charged considering that there was already an Entry of Judgment, and he was already acquitted of the crime in court. Thus, the Court ruled that he should have disclosed the same in his PDS.[93]

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91 *Plopinio v. Atty. Zabala-Cariño*, 630 Phil. 259, 268–269 (2010) [Per J. Perez, Second Division].
92 669 Phil. 619 (2011) [Per J. Perez, *En Banc*].
93 *Atty. Fernandez v. Judge Vasquez*, 669 Phil. 619, 632–633 (2011) [Per J. Perez, *En Banc*].

After a careful review of the circumstances in *Vazquez* and considering that there is now a new PDS form for judicial applicants, a review of the Court's ruling in *Vazquez* is in order.

As discussed earlier, the amended PDS of applicants for judgeship positions now requires the disclosure of all formal or informal complaints filed against the applicant, pending or decided, whether or not in the investigative stage. For reference, question 29 of JBC Form No. 1[94] or the Personal Data Sheet for Judges reads:

> 29. COMPLAINTS FILED AGAINST YOU (any complaint whether civil, criminal, administrative, or special proceeding of **whatever nature and kind whether in the investigation stage [such as OCA-IPI, I.S., NPS, or OMB], pending, or decided)**
>
> Has a complaint ever been filed against you for violation of any law, rules, decree, ordinance, administrative issuance, or regulation before any court; prosecution office; tribunal; or any other government office, agency, or instrumentality; or private entity in the Philippines or in any foreign country? (emphasis supplied)

As seen above, applicants for the judgeship position are required to disclose ALL complaints filed against them whether civil, criminal, administrative, or special proceeding of whatever nature and kind **whether in the investigation stage, pending or decided**. Thus, due to the amendment of the PDS form for applicants in the judiciary, the Court rules that the duty of disclosure is broader for prospective appointees to the judiciary.

The disclosure of all cases, upon their inception with any court, tribunal, or any other government office, agency or instrumentality in the Philippines or any foreign country, even at the investigative stage, before they are technically considered "formal charges," will better enable the appointing authority to fully ascertain and determine an applicant's integrity and probity, which are fundamental qualifications provided by the Constitution for judicial office.

Thus, as it now stands, every prospective appointee to the judiciary has a continuing obligation to promptly inform the JBC, and the OP of any matter within their knowledge, that may affect their fitness, integrity, and suitability for judicial office, including but not limited to all criminal, civil, administrative, disbarment, and special proceeding filed against them, **whether in the investigative stage, pending, decided, or otherwise terminated**. This continuing obligation begins from the time of their application and remains in force until they are extended the appointment. Moreover, should they be nominated for any vacancy, they are further bound

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[94] *See* JBC Form No. 1, JBC Oline Registration and Application System (O.R.A.S) generated version.

to inform the OP in writing of any case, complaint, or opposition filed against them after receipt of their nomination letter, and submit all relevant documents thereto as attachments together with their updated PDS within five days upon personal knowledge of said cases, opposition and complaints, copy furnishing the JBC in all of their submissions made to the OP.[95]

Failure to make a timely disclosure of such matters may result in administrative sanctions even after appointment. This continuing obligation ensures the integrity, and accountability of the judicial selection process and reinforces public confidence in the judiciary. It is rooted in the fundamental tenet that judicial office demands the highest standards of honesty, and moral conduct. As stewards of the rule, prospective judges must be beyond reproach in both fact and appearance. The integrity of the judiciary depends on the trust of the people, and that trust begins with a fair, credible, and transparent appointment process.

Proper penalty

Time and time again, this Court has stressed that "the behavior of all employees and officials involved in the administration of justice, from judges to the most junior clerks, is circumscribed with a heavy responsibility."[96] Although every office in the government service is a public trust, no position exacts a greater demand on moral righteousness and uprightness of an individual than a seat in the judiciary.[97]

In this case, the findings demonstrate that there is substantial evidence that Judge Cinco committed serious dishonesty. By failing to disclose his criminal case after the submission of the shortlist, he was remiss in the fulfillment of his undertaking and the duty imposed on all members of the bench to avoid any impression of impropriety to protect the image and integrity of the judiciary.

Anent the penalty, the Court has consistently held that serious dishonesty, as in the instant case, is in the nature of a grave offense.[98]

Rule 140, Section 17(1) of the Rules of Court, as amended by A.M. No. 21-08-09-SC, provides the sanctions for one found guilty of a serious charge, viz.:

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95 *See* JBC Form No. 1, JBC Online Registration and Application System (O.R.A.S) generated version.

96 *In re: Judge Contreras*, 783 Phil. 9, 14–15 (2016) [Per J. Reyes, Third Division].

97 *Office of the Court Administrator v. Judge Estacion, Jr.*, 317 Phil. 600, 603 (1995) [*Per Curiam, En Banc*].

98 *See Office of the Court Administrator v. Judge Adalim-White*, 839 Phil. 530, 542 (2018) [*Per Curiam, En Banc*], *Atty. Fernandez v. Judge Vasquez*, 669 Phil. 619, 633 (2011) [Per J. Perez, *En Banc*], and *Office of the Court Administrator v. Judge Aguilar*, 666 Phil. 11, 23 (2011) [Per J. Leonardo-De Castro, *En Banc*]. (Citation omitted)

SECTION 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.

In various cases, the Court has imposed the penalty of suspension on respondent judges for the serious dishonesty they committed.

In *In Re: Contreras*,[99] the Court found Judge Contreras guilty of dishonesty for failing to disclose in his PDS that he had been previously found administratively liable and admonished for simple misconduct. The Court imposed upon him the penalty of suspension for a period of one year, taking into account Judge Contreras's more than 30 years of government service, and that such is his first offense as a member of the bench.

In *Aguilar*,[100] the Court found Judge Aguilar liable for dishonesty for failure to disclose the pending cases against her in her PDS upon her assumption of office. The Court stressed that such dishonesty is punishable by dismissal but imposed upon her the penalty of suspension of six months on account of the mitigating circumstances present in the case. The Court found that Judge Aguilar had been in the service for more than 20 years. Moreover, the Court considered that Judge Aguilar had strong credentials for her appointment and that she readily acknowledged and apologized for her omission.

In *Pascua,*[101] the Court found Judge Pascua liable for dishonesty and imposed upon him the penalty of 6-months suspension for making it appear that he had never been charged with any violation of law, decree, ordinance,

[99] 785 Phil. 9 (2016) [Per J. Reyes, Third Division].
[100] 666 Phil. 11 (2011) [Per J. Leonardo-De Castro, *En Banc*].
[101] 411 Phil. 765 (2001) [Per J. Mendoza, Second Division].

or regulation in his PDS despite the fact that he was previously charged with bribery before a prosecutor.

In this case, while Judge Cinco was indeed truthful at the time of his submission of his application with the JBC, and while he did not in fact commit a misrepresentation in his PDS, Judge Cinco still clearly violated the undertaking under his PDS to inform the JBC of any development that may affect the information he provided therein.

Nevertheless, there are several mitigating circumstances that can be appreciated in favor of Judge Cinco. In determining the proper penalty, the Court may consider mitigating circumstances under Rule 140, Section 19(1), to wit:

First, Judge Cinco has served in government for a considerable length of time. Prior to his appointment to the judiciary, he had rendered a full decade of service as a public prosecutor. Jurisprudence recognizes long years of dedicated government work as a mitigating factor, reflecting a demonstrated commitment to public service and suggesting that the misconduct is not reflective of a habitual or incorrigible disposition.[102] Here, Judge Cinco's record as a prosecutor, untainted by administrative sanctions, indicates that he generally observed the standards expected of public officers during the earlier stages of his career.

Second, this is Judge Cinco's first administrative offense as a member of the bench. Under Rule 140, the absence of previous administrative liability is a mitigating circumstance. The Court has consistently held that where a respondent has no prior infractions, such circumstance may temper the imposable penalty, particularly when the offense, while serious, does not involve corruption, moral depravity, or malice.[103] The Court emphasizes that the purpose of administrative sanctions is not only punitive but also corrective. Thus, a first-time offender may be allowed some measure of leniency when the circumstances show that the misconduct, albeit blameworthy, may be addressed without imposing the most severe penalty.

Third, there is no showing that Judge Cinco acted with malicious intent or deliberate concealment, which can be treated as an analogous mitigating circumstance. While his omission to report the pending criminal case constitutes a clear violation of his undertaking in the PDS and his duty to maintain transparency with the JBC and appointing authorities, the record does not indicate that he sought to actively mislead the Court or to obtain his

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[102] *Office of the Court Administrator v. Judge Aguilar,* 666 Phil. 11, 23 (2011), [Per J. Leonardo-De Castro, *En Banc*].

[103] *See Court of Appeals v. Labitoria,* 948 Phil. 90 (2023) [J. Singh, *En Banc*]; *Baetiong v. Judge Dela Cruz-Malaton,* 943 Phil. 434 (2023), [J. Kho, Second Division].

appointment through fraud. This lack of evil intent or bad faith, while not excusing the lapse, may be appreciated as an analogous mitigating circumstance under Rule 140.[104]

Taken together, these mitigating circumstances, particularly, long government service, first offense, and the absence of bad faith, may justify a less severe penalty than would otherwise be imposed for failure to disclose a matter material to one's qualification for judicial office. Nonetheless, they do not erase the seriousness of the violation, especially given that candor and integrity are indispensable to judicial office.

Hence, the Court finds the penalty of suspension from service for six months without pay as sufficient in light of the above circumstances.

To reiterate, public service requires the utmost integrity and the strictest discipline.[105] A public servant must exhibit at all times the highest sense of honesty and integrity.[106] Although every office in the government service is a public trust, no position exacts a greater demand on moral righteousness and uprightness of an individual than a seat in the judiciary.[107] The Court has said time and time again that the conduct and behavior of everyone connected with an office charged with the administration and disposition of justice—from the presiding judge to the lowliest clerk—should be circumscribed with the heavy burden of responsibility as to let them be free from any suspicion that may taint the well-guarded image of the judiciary.[108]

ACCORDINGLY, Judge Alfonso M. Cinco IV is found **GUILTY** of serious dishonesty. He is hereby **SUSPENDED FROM THE SERVICE** for six months without pay, to take effect upon finality hereof, with a stern warning that a repetition of the same or similar act will be dealt with more severely.

SO ORDERED.

ALEXANDER G. GESMUNDO
Chief Justice

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[104] *Office of the Court Administrator v. Judge Larida, Jr.*, 729 Phil. 21, 35 (2014) [J. Bersamin, *En Banc*].
[105] *Court Personnel of the Office of the Clerk of Court of the Regional Trial Court of San Carlos City v. Llamas*, 488 Phil. 62, 70 (2004) [Per J. Panganiban, Third Division].
[106] *Id.*
[107] *Office of the Court Administrator v. Judge Estacion, Jr.*, 317 Phil. 600, 603 (1995) [*Per Curiam, En Banc*].
[108] *Flores-Concepcion v. Judge Castaneda*, 884 Phil. 66, 110 (2020) [Per J. Leonen, *En Banc*].

WE CONCUR:

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