

Republic of the Philippines
Supreme Court
Manila

EN BANC

RE: POST IN SOCIAL MEDIA
PAGE, "ABOGADONG
PINOY," RELATIVE TO AN
ALLEGED UNTOWARD
BEHAVIOR AND
ACTUATIONS OF A CERTAIN
MARIKINA "JUDGE"
TOWARDS A PUBLIC
ATTORNEY'S OFFICE
LAWYER INVOLVING A
PARKING INCIDENT

A.M. No. 23-04-15-SC

Present:

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

Promulgated:

July 1, 2025

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DECISION

LOPEZ, J.:

This Court resolves an administrative Complaint¹ initiated by the Office of the Court Administrator (OCA) against Honorable Rey P. Inciong

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

(Judge Inciong), Presiding Judge of Branch 263, Regional Trial Court (RTC) of Marikina City.²

Antecedents

The instant case finds its origin in an Information received by the OCA regarding a circulating social media post of the alleged misbehavior of a Marikina judge towards a Public Attorney's Office (PAO) lawyer. The judge referred to in the post was later identified to be Judge Inciong. The case was likewise the subject in an anonymous complaint lodged with the Judicial Integrity Board (JIB) via e-mail from a certain Karen Nina. Karen Nina claimed that she worked at the Justice Hall of Marikina City and that she witnessed how Judge Inciong verbally lashed at a PAO lawyer in public, causing great tension in the Justice Hall.³

On March 13, 2023, the OCA sent an electronic mail⁴ to Judge Inciong, directing him to explain his side of the incident within three days from notice.⁵

In a March 14, 2023 Letter⁶ addressed to the OCA, Judge Inciong narrated his version of the facts as follows:

In the morning of March 9, 2023, Judge Inciong arrived at the Justice Hall of Marikina and parked at his designated space. While parking, he noticed a gray Mitsubishi Montero blocking the public thoroughfare, as it was positioned in front of the access ramp for persons with disabilities (PWD) and the pathway for judges and other pedestrians passing through the building. Seeing the obstruction as a threat to his security, Judge Inciong instructed a member of his staff to call the attention of the security guard regarding the improperly parked vehicle. Upon inquiry, he was surprised to learn that the vehicle belonged to a certain Atty. Ivanheck U. Gatdula (Atty. Gatdula), a Public Attorney II from PAO. While queuing for the elevator, Judge Inciong saw Atty. Gatdula moving his vehicle around 10 meters away from its prior position and then later joined him in the line. Judge Inciong questioned Atty. Gatdula why he initially parked in front of the PWD access ramp, to which the latter responded, "[a]h, *ok lang po yun[,] sandali lang naman po.*" Upon Judge Inciong's further prodding, Atty. Gatdula clarified that he was merely trying to avoid disciplinary action for being tardy. It was this response that caused Judge Inciong to lose his temper. Judge Inciong also noticed that Atty. Gatdula had his hands inside his pockets. For fear that

¹ *Rollo*, pp. 1–15. The April 13, 2023 Memorandum addressed to Chief Justice Alexander G. Gesmundo was signed by Court Administrator Raul B. Villanueva (now a Member of this Court) and Assistant Court Administrator Lillian C. Barribal-Co.

² *Id.* at 1.

³ *Id.* at 168.

⁴ *Id.* at 95.

⁵ *Id.*

⁶ *Id.* at 16–19.

the latter was carrying a weapon, Judge Inciong emphatically instructed the young lawyer to remove his hands from his pockets. During the ordeal, several security guards approached the two, some of which addressed Judge Inciong as “judge.” Recognizing Judge Inciong’s position, Atty. Gatdula instantly apologized. Nonetheless, Judge Inciong was insistent to speak to the latter’s superiors regarding the incident.⁷

A few moments later, Atty. Rodaflor B. Larracas (Atty. Larracas), the District Public Attorney of PAO Marikina, approached them. Upon being apprised of the situation, Atty. Larracas sought Judge Inciong’s understanding and explained that it was their office policy to require PAO lawyers to explain their tardiness. She also added that to avoid being late, she would also park her car in the same manner as Atty. Gatdula. Provoked by Atty. Larracas’ response, Judge Inciong inquired whether it was also the policy of PAO to ignore and defy common courtesy just to avoid being tardy. He then turned to Atty. Gatdula and asked him if he was remorseful of his actions. Despite answering in the affirmative, Judge Inciong retorted that he should apologize to all the people in the Justice Hall that he had inconvenienced.⁸

At the end of the workday, Judge Inciong inquired whether Atty. Gatdula complied with his directive to issue a public apology. He was surprised to learn that Atty. Larracas herself instructed Atty. Gatdula to withhold issuing any such apology. Curious as to Atty. Larracas’ defiance, Judge Inciong went to the PAO Office to confront Atty. Gatdula and Atty. Larracas. The latter justified that Atty. Gatdula had nothing to apologize for, but Judge Inciong insisted otherwise. Enraged by Atty. Gatdula’s stoic demeanor throughout the conversation, Judge Inciong lost his temper and “confronted him as a man” and as a result, “violated [Atty. Gatdula’s] personal space.”⁹

Cognizant of his misdeeds, Judge Inciong, in his Letter, apologized for his behavior and for bringing disgrace to the court and to his fellow colleagues on the bench. He also asked for forgiveness from both Atty. Larracas and Atty. Gatdula, stressing that he bore no menace or malice towards them. Nevertheless, Judge Inciong justified his actions by raising the incredible burdens he experienced as a trial court judge, due to the heavy caseload and the lack of a full complement of staff.¹⁰

In his Supplemental Explanation,¹¹ Judge Inciong insisted that while he may have released imprudent words, none of them were directed at Atty. Gatdula. He also confessed that upon further reflection, his temper

⁷ *Id.* at 16–17.

⁸ *Id.* at 17.

⁹ *Id.*

¹⁰ *Id.* at 18–19.

¹¹ *Id.* at 48–49.

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may be attributed to his anxiety from the COVID-19 pandemic, which did not cease after the easing of the restrictions.¹²

For their part, Atty. Larracas¹³ and Atty. Gatdula¹⁴ submitted their respective incident reports to Judge Romeo Dizon Tagra (Judge Tagra), Executive Judge of the RTC of Marikina City. At the same time, the Security Personnel of the Justice Hall of Marikina, through its officer-in-charge, Daniel L. Marantal, also submitted an incident report.¹⁵ The incident reports were received by the OCA in an endorsement Letter¹⁶ dated March 15, 2023.

In their incident reports, Atty. Larracas and Atty. Gatdula divided their encounter with Judge Inciong: *first*, their confrontation in the lobby of the Justice Hall of Marikina, and *second*, their confrontation in the PAO office.¹⁷

Atty. Gatdula confirmed that on March 9, 2023, at around 7:58 a.m., he arrived at the Justice Hall of Marikina and parked his vehicle near the ramp of the lobby to clock in at the PAO biometrics system. In less than a minute, he returned to his vehicle and parked at his designated parking slot. Upon entering the lobby, he noticed Judge Inciong and greeted him, “*Good morning po, Judge!*” The latter responded, “*Anong good morning? Tarantado ka! Bat mo hinarang yung sasakyan mo?*” Despite Atty. Gatdula’s immediate apology, Judge Inciong began berating him, commenting: “*Wala kang modo!*” “*Anong niyayabang mo?*” “*Sikat ka sa Hall of Justice?*” “*PAO ka pa lang, arogante ka na!*”¹⁸

Taken aback, Atty. Gatdula reiterated his apology. Notwithstanding his show of remorse, Judge Inciong continued with his tirade, adding: “*Gusto mo ipatapon kita sa Tawi-Tawi?*” “*Sinong nagpalaki sa’yo?*” When Atty. Gatdula replied “[w]ala po[,]” Judge Inciong responded, “[w]ala? Kaya ka pala ugaling squatter.” Humiliated, Atty. Gatdula unconsciously placed his hands in his pockets. This again earned the ire of Judge Inciong, causing him to shout, “[g]et your god damn hands out of your pocket!” Judge Inciong then sought to speak to his superiors. At this time, Atty. Larracas, Atty. Gatdula’s immediate supervisor, happened to arrive at the lobby.¹⁹

¹² *Id.*

¹³ *Id.* at 30–33.

¹⁴ *Id.* at 25–29.

¹⁵ *Id.* at 34.

¹⁶ *Id.* at 20–21.

¹⁷ *Id.* at 25–29, 30–33.

¹⁸ *Id.* at 25–26.

¹⁹ *Id.* at 26.

Atty. Larracas recalled that she arrived at the lobby at around 8:00 a.m. There, she was approached by someone from the Prosecutor's Office, who relayed, "*Atty[.] (Larracas), si Atty. Gatdula po yata iyon na inaaway po ng private lawyer.*" When Atty. Larracas found Atty. Gatdula, she was surprised to find Judge Inciong insulting him in the presence of several court employees and passersby. After learning what had transpired, Atty. Larracas attempted to appease Judge Inciong. She apologized in behalf of Atty. Gatdula, saying "*Judge, ako na po ang humihingi ng paumanhin sa inyo[.]*" "*wag na po kayong magalit[.]*" "*pasensya na po, it will not happen again.*" Her efforts were futile, as Judge Inciong remained infuriated and required Atty. Gatdula to post a public apology at the lobby by noontime.²⁰

Upon reaching the office, Atty. Larracas informed PAO Regional Director Marlon E. Buan (Regional Director Buan) regarding the incident and asked for guidance on issuing a public apology, who, in turn, advised that no such apology should be issued. Instead, Atty. Larracas proceeded to make further inquiries regarding the incident. She reviewed the closed-circuit television footage, which showed that Atty. Gatdula only took ten seconds to clock in at the biometrics system. To reassure the young lawyer, Atty. Larracas also called Atty. Gatdula in her office to comfort him.²¹

At around 3:45 p.m. of the same day, while conferring with a colleague concerning a particular case, Atty. Gatdula was informed that Judge Inciong was in the PAO Office looking for him. Upon approaching him, Judge Inciong suddenly shouted, "*Get your god damn hands out of my [sic] pocket! Hindi ka na natuto! Nasaan ang apology mo? Ano, wala? Wala kang plano?*" Atty. Gatdula replied, "*Kasi nag-usap pa lang po kami ng DPA ko.*" Even before Atty. Gatdula had a chance to further explain, Judge Inciong interrupted him, again shouting, "*So ano, nakadepende sa DPA mo kung mag-written apology ka? O tara, kausapin natin ang DPA mo!*"²²

Judge Inciong unceremoniously barged into Atty. Larracas' office. When confronted, Atty. Larracas confirmed that after consulting Regional Director Buan, she advised Atty. Gatdula to withhold the issuance of a public apology. She also pleaded with Judge Inciong, "*[h]indi pa po ba sapat ang pamamahiya at pagmumura po ninyo kay Atty. Gatdula doon sa baba?*" Without responding, Judge Inciong turned to Atty. Gatdula and remarked, "*I know you! Do you think I don't know you! 'Yan ba ang itinuro sa'yo ng UST o sa San Beda, kung saan ka man grumaduate?*"²³ Despite the lengthy discussion concerning the parking incident, Judge Inciong remained steadfast in demanding a public apology from Atty. Gatdula. To stress the urgency of Atty. Gatdula's compliance, Judge Inciong taunted at the latter in

²⁰ *Id.* at 30-31.

²¹ *Id.* at 31.

²² *Id.* at 27.

²³ *Id.*

a loud voice, “[u]ulitin mo? Uulitin mo?” In an intrusive and intimidating manner, Judge Inciong suddenly brought his body close to Atty. Gatdula, with their chests and faces almost touching. Judge Inciong repeated his question, to which Atty. Gatdula only answered, “[h]indi po.”²⁴

The escalating encounter prompted Atty. Ian R. Derez (Atty. Derez) to intervene to pacify Judge Inciong.²⁵ Atty. Larracas also added “I’m sorry, Judge. Do you think that what you are doing now is good for a judge? *Tama po ba ang ginagawa nyo? Pwede nyo naman po syang kausapin pero para harapin nyo sya ng ganyan di naman po tama yang ginawa nyo kasi pwede namang pag-usapan yan.*”²⁶

Such efforts did not deter Judge Inciong from insisting that Atty. Gatdula still publicly apologize.²⁷ When Atty. Larracas tried to ask Judge Inciong why he singled out Atty. Gatdula, as other people would also block the driveway of the Justice Hall, Judge Inciong turned to Atty. Gatdula and remarked, “*Siguro malas ka lang kasi natyempuhan kita.*” At the same time, he also threatened the lawyers that should he catch anyone parking improperly, he would have the person arrested. Before leaving the office, Judge Inciong again brought his face close to Atty. Gatdula’s face and said, “*Magbaon ka ng toothbrush, ha? Narinig mo?,*” as if to insinuate that he would have Atty. Gatdula arrested and detained should he fail to issue a public apology.²⁸

Modesto C. Baua, Jr., Joe Marie C. Besagar, and Maricar C. Lucido, of the security personnel of the Justice Hall of Marikina City likewise issued a joint incident report.²⁹ Pertinent portions of their narration read:

Narinig na lang po namin si Judge Rey Inciong na gusto niyang [h]intayin si Attorney Ivanheck Gatdula ng Public Attorney’s Office upang ito’y kausapin[,] ngunit sa kabila ng kanilang pag-uusap[,] narinig na lang po namin si Judge na sumisigaw at pinagsasalitaan na ng masama at masasakit na salita si Atty. Gatdula at [d]umating na rin si Attorney Rodaflor Larracas[,] head of Public Attorney’s Office[,] ngunit napansin niya na may konting problema sa pagitan ni Judge Inciong at Atty. Gatdula [k]aya namagitan si Atty. Larracas upang pakalmahin ang dalawa ngunit patuloy pa rin sa pagsasalita ng masama si Judge. Kaya humingi na lang ng pasensiya si Atty. Larracas kay Judge Rey P. Inciong.³⁰ (Emphasis supplied)

²⁴ *Id.* at 28.

²⁵ *Id.*

²⁶ *Id.* at 33.

²⁷ *Id.* at 28.

²⁸ *Id.* at 28–29.

²⁹ *Id.* at 35.

³⁰ *Id.*

On April 13, 2023, the OCA issued a Memorandum³¹ with the following recommendation:

IN VIEW OF THE FOREGOING, the Office of the Court Administrator respectfully recommends for the consideration of the Honorable Court that Hon. Rey P. Inciong, Presiding Judge, Branch 263, Regional Trial Court, Marikina City, be **REPRIMANDED** for his actions on [March 9, 2023] and be **STERNLY WARNED** that a repetition of the same or any similar acts in the future shall be dealt with more severely.³² (Emphasis in the original)

In a June 27, 2023 Resolution,³³ the Court *En Banc* referred the matter to the JIB for evaluation, report, and recommendation.

In its August 17, 2023 1st Indorsement,³⁴ the JIB's Executive Director referred the matter to Judge Inciong for his comment. Judge Inciong was likewise directed to show cause why he should not be sanctioned as a member of the Philippine Bar for violations of Canon II, Sections 1, 2, 3, 5, and 6 of the Code of Professional Responsibility and Accountability (CPRA).³⁵

In his Verified Comment,³⁶ Judge Inciong acknowledged his misdeeds anew and pleaded for this Court's forgiveness. He conceded that while he used harsh words and acted out of heated frustration, he could not recall uttering any profanity against Atty. Gatdula and Atty. Larracas. Thus, he maintained that he did not engage in any unlawful, dishonest, immoral, or deceitful conduct, as he was merely being honest in his speech.³⁷ More, upon further reflection, Judge Inciong admitted that he was only seeking some sort of accountability from Atty. Gatdula in blocking the PWD access ramp, which could inconvenience court employees and users.³⁸

In praying for the dismissal of the administrative complaint, Judge Inciong implored that this Court exercise compassion, understanding, and patience, considering the embarrassment and shame that his family suffered due to this ordeal. He also invoked his unblemished record and reputation as a public servant, being in government service since 1999. Finally, in recognition of his sworn duty to uphold the dignity of the judiciary, Judge Inciong reassured this Court that he has taken concrete steps to manage his emotions.³⁹

³¹ *Id.* at 1–15.

³² *Id.* at 15.

³³ *Id.* at 53–54.

³⁴ *Id.* at 57–58.

³⁵ *Id.*

³⁶ *Id.* at 63–72.

³⁷ *Id.* at 70.

³⁸ *Id.* at 68.

³⁹ *Id.* at 71.

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On September 15, 2023, the JIB's Executive Director issued a Report and Recommendation,⁴⁰ recommending to the JIB that Judge Inciong be found guilty of vulgar and unbecoming conduct, as well as the Use of Vulgar or Offensive Language under Canon VI, Section 35 of the CPRA, viz.:

IN VIEW OF THE FOREGOING, it is respectfully submitted for the consideration of the Honorable Board that the instant matter be **RE-DOCKETED** and the following recommendations be made to the Supreme Court:

- 1) Respondent Judge Rey P. Inciong, Branch 263, Regional Trial Court, Marikina City, be found **GUILTY** of Vulgar and Unbecoming Conduct and **FINED** in the amount of Five Thousand Pesos ([PHP] 5,000.00), payable within three (3) months from the promulgation of the Court's decision or resolution;
- 2) Respondent Judge Inciong be found **GUILTY** of Use of Vulgar or Offense [sic] Language under Section 35 of the Code of Professional Responsibility and Accountability and **FINED** in the amount of Five Thousand Pesos ([PHP] 5,000.00), payable within three (3) months from the receipt of the decision or resolution;
- 3) Respondent Judge Inciong be **DIRECTED** to **PERSONALLY APOLOGIZE** to Atty. Ivanheck U. Gatdula, Public Attorney II of the Public Attorney's Office; and
- 4) Respondent Judge Inciong be **STERNLY WARNED** that a repeat of the same or similar offense shall be dealt with more severely by the Supreme Court.⁴¹ (Emphasis in the original)

In its September 27, 2023 Report,⁴² the JIB adopted the factual findings of the above-mentioned Report. Nevertheless, it modified the penalties imposed. Given the significant lapse of time between the two incidents, the JIB opined that the two encounters between Judge Inciong, Atty. Gatdula, and Atty. Larracas should be considered as two separate acts, for which Judge Inciong should be held accountable.⁴³ In determining the penalty, the JIB appreciated the mitigating circumstance of first offense, but considered the lapse of time as an aggravating circumstance, as it indicated "more deliberateness or greater degree of unkindness or impropriety that borders on perversity."⁴⁴ Thus, the JIB recommended to the Court *En Banc*:

⁴⁰ *Id.* at 167–175.

⁴¹ *Id.* at 175.

⁴² *Id.* at 198–210. The September 27, 2023 Report in A.M. No. 23-04-15-SC was penned by Justice Rodolfo A. Ponferrada (ret.) and concurred in by Acting Chairperson Justice Angelina Sandoval-Gutierrez (ret.), First Regular Member Justice Sesinando L. Villon (ret.), and Third Regular Member Justice Cielito N. Mindaro-Grulla (ret.) of the Judicial Integrity Board.

⁴³ *Id.* at 207.

⁴⁴ *Id.*

WHEREFORE, it is respectfully **RECOMMENDED** to the Honorable Supreme Court that:

1. The instant case against Respondent Judge Rey P. Inciong Branch 263, Regional Trial Court, Marikina City, be **RE-DOCKETED** as a regular administrative matter;
2. Respondent Judge Inciong be found **GUILTY** of two (2) counts of vulgar and unbecoming conduct and **FINED** in the amount of [PHP] 5,000.00 for each count or a total of [PHP] 10,000.00;
3. Respondent Judge Inciong, as a member of the Philippine bar, be found **GUILTY** of two (2) counts of use of vulgar or offensive language and similar or analogous infractions in violation of the Code of Professional Responsibility and Accountability and **FINED** in the amount of [PHP] 5,000.00 for each count or a total of [PHP] 10,000.00;
4. Both fines in the total amount of [PHP] 20,000.00 be paid within three (3) months from the time the decision or resolution is promulgated;
5. Respondent Judge Inciong be **STERNLY WARNED** that a repetition of the same or similar act shall be dealt with more severely by the Court.⁴⁵ (Emphasis in the original)

The issue before this Court is whether respondent Judge Rey P. Inciong should be held administratively liable for the acts complained of.

This Court's Ruling

This Court agrees with the factual findings of the JIB, but exonerates respondent from all charges.

Given the factual landscape of this case, this Court seizes this opportunity to define once again the role of a judge in relation to the administration of justice and in the public's perception of the judiciary. While every public office is a public trust, no position exacts a greater demand on competence and uprightness than a member of the Bench. Time and again, this Court has emphasized that a "judge is viewed as the visible representation of law and justice from whom the people draw their will and inclination to obey the law; the judge must, accordingly, be the first to abide by the law and present an example for others to follow."⁴⁶

On this score, part and parcel of a magistrate's duty is to ceaselessly adhere to the highest tenets of judicial conduct. These general norms of

⁴⁵ *Id.* at 209.

⁴⁶ *Moroño v. Judge Lomeda*, 316 Phil. 103, 115 (1995) [*Per Curiam, En Banc*]. (Citation omitted)

conduct are embodied in the Canons of the Code of Judicial Conduct.⁴⁷ Pertinently, judges are enjoined to be individuals of unquestioned or unblemished integrity and propriety. Canons 2 and 4 of the Code of Judicial Conduct reads:

CANON 2

Integrity

Integrity is essential not only to the proper discharge of the judicial office but also to the personal demeanor of judges.

SECTION 1. Judges shall ensure that not only is their conduct above reproach, but that it is perceived to be so in the view of a reasonable observer.

SECTION 2. The behavior and conduct of judges must reaffirm the people's faith in the integrity of the judiciary. Justice must not merely be done but must also be seen to be done.

CANON 4

Propriety

Propriety and the appearance of propriety are essential to the performance of all the activities of a judge.

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

SECTION 2. As a subject of constant public scrutiny, judges must accept personal restrictions that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly. In particular, judges conduct themselves in a way that is consistent with the dignity of the judicial office.

Thus, it should come as a matter of course that judges are to be "temperate, patient[,] and courteous both in conduct and in language. Indeed, a judge should so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary."⁴⁸ As dispensers of justice, judges must "exercise judicial temperament at all times, avoiding vulgar and insulting language. He must maintain composure and equanimity."⁴⁹ In *Spouses Jacinto v. Judge Vallarta*,⁵⁰ this Court warned that judges who are remiss in this duty and resort to intemperate language contribute to the degradation of the judicial office, and, ultimately, the erosion of the public's confidence in the judiciary:

⁴⁷ SC Administrative Order No. 03-05-01-SC (2004), Adopting the New Code of Judicial Conduct for the Philippine Judiciary.

⁴⁸ *Re: Anonymous Complaint Against Judge Edmundo T. Acuña, RTC, Caloocan City, Branch 123*, A.M. No. RTJ-04-1891, July 28, 2005 [Per J. Callejo, Sr., Second Division]. (Citation omitted)

⁴⁹ *Re: Anonymous Complaint against Judge Gedorio, Jr.*, 551 Phil. 174, 180 (2007) [Per J. Sandoval-Gutierrez, First Division].

⁵⁰ 493 Phil. 255 (2005) [Per J. Panganiban, Third Division].

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From the standpoint of conduct and demeanor expected of members of the bench, a resort to intemperate language only detracts from the respect due them and becomes self-destructive. The judicial office circumscribes the personal conduct of a magistrate and imposes a number of restrictions. This is a price that judges have to pay for accepting and occupying their exalted positions in the administration of justice. Irresponsible or improper conduct on their part erodes public confidence in the judiciary. Thus, it is their duty to avoid any impression of impropriety in order to protect the image and integrity of the judiciary. "Maintaining the dignity of courts and enforcing the duty of the citizens to respect them are necessary adjuncts to the administration of justice."

Respondent must be reminded that government service is people-oriented. "Patience is an essential part of dispensing justice and courtesy is a mark of culture and good breeding." Impatience and rudeness have no place in government service, in which personnel are enjoined to act with self-restraint and civility at all times.⁵¹ (Citations omitted)

On several occasions, this Court did not hesitate to exercise its supervisory power to admonish judges who failed to exercise proper care and restraint in both their conduct and speech.

In *Tormis v. Judge Paredes*,⁵² the respondent judge, during his class lectures, implicated a fellow member of the Bench in the notorious marriage scams in Cebu City, calling his colleague, "corrupt," and "ignorant of the law." For such utterances, he was found liable for conduct unbecoming of a judge and was imposed the penalty of admonition with warning. This Court clarified that while judges, like any other citizen, are entitled to exercise their freedom of expression, "they should always conduct themselves in a manner that preserves the dignity of the judicial office,"⁵³ and in doing so, should avoid "unnecessary and uncalled for remarks in [their] discussions."⁵⁴

This Court, in *Judge Misajon v. Feranil*,⁵⁵ found the judge guilty of conduct unbecoming of a judge for humiliating the complainant clerk of court before court personnel, litigants and the public, due to her failure to calendar cases, attend hearings, and to keep abreast of the status of cases. While this Court agreed that judges can hold their colleagues and their staff accountable for the efficient performance of their duties, they are admonished to do so without being offensive in speech. Given the high price of their exalted positions, judges were reminded to regulate their emotions, habits, and convictions, and "not to let them loose, either to their own detriment or to that of the courts they serve."⁵⁶

⁵¹ *Id.* at 265–266. (Citations omitted)

⁵² 753 Phil. 41 (2015) [Per J. Mendoza, Second Division].

⁵³ *Id.* at 55.

⁵⁴ *Id.*

⁵⁵ 483 Phil. 339 (2004) [Per J. Ynares-Santiago, First Division].

⁵⁶ *Id.* at 348.

To emphasize that judges must be irreproachable in the discharge of their official duties and in their personal dealings, this Court, in *Re: Anonymous Complaint Against Judge Edmundo T. Acuña, RTC, Caloocan City, Branch 123*,⁵⁷ held that respondent judge was guilty of impropriety for using humiliating and insensitive profanities such as “*putris*” and “*putang ina*.” While respondent judge explained that his use of such expletives was not directed at any person, this Court found this reasoning unacceptable. As subject of constant public scrutiny, respondent judge was reminded to always “exhibit conduct consistent with the dignity of the judicial office.”⁵⁸

In light of these earlier decisions as guideposts, this Court is persuaded that respondent’s actuations, while justified, nonetheless must still be reminded. This Court finds that his justifications are enough to assuage him from administrative penalties, but should be warned with admonition to be more aware and careful in his conduct.

As culled from the records, respondent’s actuations began in the morning of March 9, 2023, when the latter encountered Atty. Gatdula in the queue for the elevator. After learning that Atty. Gatdula was the owner of the vehicle blocking the access ramp, and that he caused the obstruction to clock in on the biometrics system, respondent began spewing demoralizing remarks at the latter in public, such as “*Wala kang modo!*,” “*Anong niyayabang mo?*,” “*Sikat ka sa Hall of Justice?*,” “*PAO ka pa lang, arogante ka na!*”⁵⁹ Despite Atty. Gatdula’s repeated apology and Atty. Larracas’ attempts at intervening, respondent was relentless, even demanding that Atty. Gatdula issue a public apology by noon.⁶⁰

In the afternoon, he confronted Atty. Gatdula and Atty. Larracas in the PAO office. Despite all endeavors to appease him, he continued to utter disparaging remarks against them. Worse, during the height of the encounter, he overstepped personal boundaries by bringing his face and chest close enough to touch Atty. Gatdula, to provoke and further intimidate the young lawyer.⁶¹ In his own admission, he violated Atty. Gatdula’s personal space, as “he wanted to look at him as a man and be acknowledged in the same way.”⁶²

While respondent himself admitted to uttering remarks against Atty. Gatdula and Atty. Larracas, this Court does not lose sight of his intention in reprimanding Atty. Gatdula. He merely intended to put an end to the practice of PAO lawyers of parking in front of the entryway to avoid disciplinary action, no matter how brief.⁶³ Indeed, obstructing the entrance of PWDs and

⁵⁷ A.M. No. RTJ-04-1891, July 28, 2005 [Per J. Callejo, Sr., Second Division].

⁵⁸ *Id.* at 258. (Citation omitted)

⁵⁹ *Rollo*, p. 170.

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.* at 17.

⁶³ *Id.*

other court-users warrants immediate attention, as it unnecessarily inconveniences the public from availing of the court's services. Still, his demeaning reaction and his sudden outbursts towards the PAO lawyers were clearly disproportionate to their actions, however wrong they may have been. As previously held by this Court, "a judge, even on the face of boorish behavior from those he deals with, ought to conduct himself in a manner befitting a gentleman and a high officer of the court."⁶⁴

While it is conceded that respondent, just like any other normal person, may at times be carried away by his emotions, he must be reminded that he holds an extolled position. As such, he must comport himself in a manner that befits one who dispenses with justice, which requires restraint, civility, and the ability to keep one's cool. To stress, judges are free to exercise their right of free speech and expression, but this must be done within the bounds of decency, most especially with those who work in the service of justice.

Given that respondent was simply enforcing order in the court house, as to avoid any obstruction in the pathway for PWDs and other court users, this Court refrains from meting out the penalty recommended by the JIB. While it must sternly wield discipline on erring employees, this Court also has the discretion to temper the harshness of its judgment with mercy. Given the circumstances, this Court takes into account that this is respondent's first offense, given his unblemished record since he began public service in 1999. As such, this Court deems it fit to admonish respondent to be more circumspect in his speech and his actions while dealing with the public, more so with fellow government employees and members of the bar.

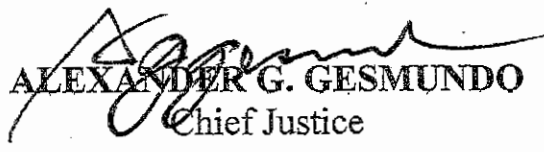
ACCORDINGLY, respondent Judge Rey P. Inciong, Presiding Judge of Branch 263, Regional Trial Court, Marikina City is **ADMONISHED** to be more circumspect in the performance of his duties as a magistrate of the court. He is **WARNED** that a similar conduct in the future shall be dealt with more severely.

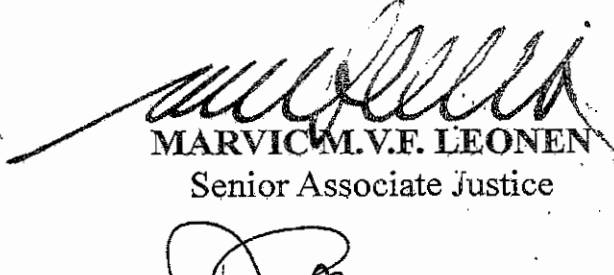
SO ORDERED.


JOSE P. LOPEZ
Associate Justice

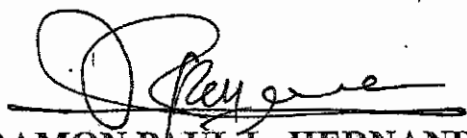
⁶⁴ *Re: Anonymous Complaint against Judge Gedorio, Jr.*, 551 Phil. 174, 180 (2007) [Per J. Sandoval-Gutierrez, First Division]. (Citation omitted)

WE CONCUR:

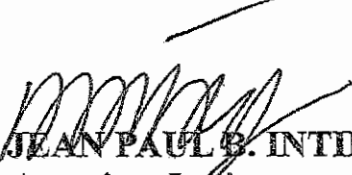

ALEXANDER G. GESMUNDO
Chief Justice

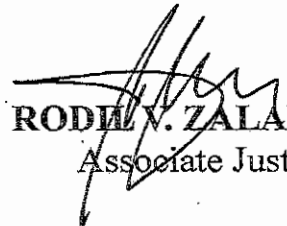

MARVIC M. V. LEONEN
Senior Associate Justice

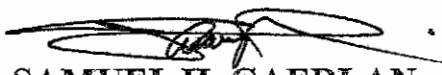
(on official leave)
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


RAMON PAUL L. HERNANDO
Associate Justice

(on official business)
AMY C. LAZARO-JAVIER
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice

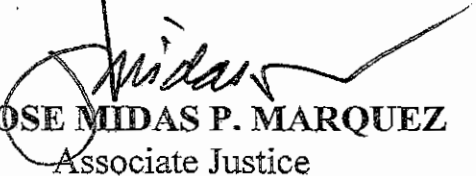

RODIL V. ZALAMEDA
Associate Justice


SAMUEL H. GAERLAN
Associate Justice


RICARDO R. ROSARIO
Associate Justice

See Dissenting Opinion

JAPAR B. DIMAAMPAO
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice

(on official leave)
ANTONIO T. KHO, JR.
Associate Justice

(on leave)
MARIA FILOMENA D. SINGH
Associate Justice

(no part)
RAUL B. VILLANUEVA
Associate Justice