

## EN BANC

**[ A.M. No. MTJ-08-1727 (FORMERLY A.M. OCA I.P.I. NO. 03-1465-MTJ), March 22, 2011 ]**

**MILAGROS VILLACERAN AND OMAR T. MIRANDA,  
COMPLAINANTS, VS. JUDGE MAXWEL S. ROSETE AND PROCESS  
SERVER EUGENIO TAGUBA, MUNICIPAL TRIAL COURT IN CITIES,  
BRANCH 2, SANTIAGO CITY, ISABELA, RESPONDENTS.**

### DECISION

Before the Court is an administrative complaint<sup>[1]</sup> for violation of Republic Act No. 3019<sup>[2]</sup> filed, on August 12, 2003, by complainants Milagros Villaceran and Omar T. Miranda against respondents Presiding Judge Maxwell S. Rosete<sup>[3]</sup> and Process Server Eugenio Taguba of the Municipal Trial Court in Cities (MTCC), Branch 2, Santiago City, Isabela.

#### The Factual Antecedents

The antecedent facts, gathered from the records, are summarized below.

Complainant Villaceran and her husband Jose Villaceran were the accused in Criminal Case Nos. 1-4210 and 1-4211,<sup>[4]</sup> for violation of *Batas Pambansa Blg. 22*,<sup>[5]</sup> with the MTCC, Santiago City, Isabela. Judge Ruben R. Plata of Branch 1 initially heard the case, but upon his inhibition, the cases were re-raffled to Branch 2 of the same court presided over by the respondent Judge.<sup>[6]</sup>

In her affidavit dated July 25, 2003, complainant Villaceran alleged that her lawyer, Atty. Edmar Cabucana, assured her that the change of judge was advantageous to them because the respondent Judge was easier to talk to, was an associate in their law firm, and was his brother's schoolmate. After their presentation of evidence, Atty. Cabucana told her to produce P25,000.00 for the respondent Judge. Respondent Taguba subsequently asked about the money and informed her that the respondent Judge had drafted a decision acquitting them. After the promulgation of the decision on August 1, 2002, Atty. Cabucana asked her to produce another P25,000.00, supposedly the balance of the P50,000.00 promised to the respondent Judge in exchange for the favorable decision. Her husband advised her to ask for a receipt for the additional P25,000.00. On the same day, she instructed complainant Miranda (their driver) to deliver the P25,000.00 to the office of Atty. Cabucana, and to demand a receipt therefor. Complainant Miranda subsequently returned with a provisional receipt<sup>[7]</sup> duly signed by respondent Taguba.<sup>[8]</sup>

In a separate affidavit also dated July 25, 2003, complainant Miranda corroborated complainant Villaceran's material allegations.<sup>[9]</sup>

In his comment dated November 3, 2003, the respondent Judge denied that he was

a partner or an associate in the Cabucana law office; that he talked to anyone about the Villacerans' cases; or that he received, directly or indirectly, any amount from the Villacerans during the pendency or after the termination of their cases with him. He claimed that he decided cases based on the merits and the evidence presented at the trial. The Villacerans fabricated the administrative case against him out of spite after he found them civilly liable despite their acquittal in the criminal cases.<sup>[10]</sup>

For his part, respondent Taguba, in an affidavit dated October 16, 2003, admitted having received P25,000.00, but insisted that it was not in exchange for the respondent Judge's favorable decision. He explained that the P25,000.00 represented a personal loan he obtained from complainant Villaceran.<sup>[11]</sup>

### **The Administrative Investigation**

The Court referred<sup>[12]</sup> the administrative case to three judges in Isabela for investigation, but, at complainant Villaceran's instance,<sup>[13]</sup> they successively inhibited themselves.<sup>[14]</sup>

The Court subsequently referred<sup>[15]</sup> the case to Judge Henedino P. Eduarte, Regional Trial Court (RTC), Branch 20, Cauayan City, Isabela, who conducted hearings on the case until he retired on May 14, 2006.<sup>[16]</sup>

The Court later referred<sup>[17]</sup> the case to Judge Raul V. Babaran, RTC, Branch 19, Cauayan City, Isabela, but the latter inhibited himself since the respondent Judge was his fraternity brother.<sup>[18]</sup>

The Court then designated Judge Menrado V. Corpuz (*Investigating Judge*), RTC, Branch 38, Maddela, Quirino, to continue the investigation.<sup>[19]</sup>

### **Report of the Investigating Judge**

In his report and recommendation dated January 21, 2008,<sup>[20]</sup> the Investigating Judge recommended that the respondent Judge be exonerated from the charge against him for insufficiency of evidence. He noted that complainant Villaceran had no personal knowledge of the corrupt practice attributed to the respondent Judge. The Investigating Judge also noted that the affidavits of Atty. Cabucana, dated October 14, 2003, and respondent Taguba, dated October 16, 2003 disputed complainant Villaceran's allegation of corruption against the respondent Judge.<sup>[21]</sup>

As to respondent Taguba, the Investigating Judge recommended that he be held guilty of corruption and be dismissed from the service. He noted that the charge against respondent Taguba was uncontroverted; he failed to prove his innocence and to clear his name, despite numerous opportunities to do so.<sup>[22]</sup>

The Court referred the Investigating Judge's Report to the Office of the Court Administrator (OCA) for evaluation, report and recommendation.<sup>[23]</sup>

### **The OCA Memorandum**

In a memorandum dated April 10, 2008, the OCA agreed with the findings and recommendations of the Investigating Judge. It noted that the complainants failed to substantiate the alleged corrupt practice of the respondent Judge since complainant Villaceran admitted that she and her husband never talked to the respondent Judge during the pendency of their cases, nor did they give him any money or token in connection with the criminal cases filed against them.<sup>[24]</sup>

As to respondent Taguba, the OCA noted that he admitted that he received P25,000.00 from complainant Villaceran, through the latter's driver, complainant Miranda; he clearly acted on his own without the intervention of the respondent Judge. It found that respondent Taguba violated Canon 1 of the Code of Conduct for Court Personnel. This Canon provides that court personnel shall not use their official position to secure unwarranted benefits, privileges or exemptions for themselves or for others.<sup>[25]</sup>

Thus, the OCA recommended that: (a) the administrative complaint be re-docketed as a regular administrative matter; (b) the complaint against the respondent Judge be dismissed for insufficiency of evidence; and, (c) respondent Taguba be held guilty of corruption and be dismissed from the service.<sup>[26]</sup>

In a Resolution dated December 10, 2008, the Court re-docketed the complaint as an administrative matter and dismissed the complaint against the respondent Judge. With respect to the complaint against respondent Taguba, the Court required the parties to manifest whether they were willing to submit the case for resolution based on the pleadings and the records.<sup>[27]</sup>

Respondent Taguba submitted the case for resolution on March 16, 2009.<sup>[28]</sup> Complainants Villaceran and Miranda failed to comply with the Court's directive.<sup>[29]</sup>

### **Our Ruling**

After considering the OCA memorandum and the entire records, we find the OCA memorandum to be substantially supported by the evidence on record, and by applicable law and jurisprudence. We, therefore, adopt the findings and recommendations of the OCA memorandum, subject to the modifications indicated below.

Court personnel, from the lowliest employee, are involved in the dispensation of justice; parties seeking redress from the courts for grievances look upon court personnel, irrespective of rank or position, as part of the Judiciary.<sup>[30]</sup> In performing their duties and responsibilities, these court personnel serve as sentinels of justice and any act of impropriety on their part immeasurably affects the honor and dignity of the Judiciary and the people's trust and confidence in this institution.<sup>[31]</sup> Therefore, they are expected to act and behave in a manner that should uphold the honor and dignity of the Judiciary, if only to maintain the people's confidence in the Judiciary.

This expectation is enforced, among others, by Section 2, Canon I of the Code of Conduct for Court Personnel which mandates that "[c]ourt personnel shall not solicit