

EN BANC

[A.M. No. RTJ-00-1535, November 10, 2020]

OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. FORMER PRESIDING JUDGE OWEN B. AMOR, REGIONAL TRIAL COURT, BRANCH 41, DAET, CAMARINES NORTE, RESPONDENT.

RESOLUTION

PER CURIAM:

For resolution is an Administrative Complaint dated February 10, 2000^[1] filed by P/Supt. Danilo C. Manzano (*complainant*) against Judge Owen B. Amor (*respondent*), then Presiding Judge, Branch 4, Regional Trial Court (RTC), Daet, Camarines Norte for violation of Section 3 (e) of Republic Act No. (R.A.) 3019, or the *Anti-Graft and Corrupt Practices Act*.^[2]

The facts are as follows:

On January 26, 2000, three (3) criminal charges were filed against respondent before the Sandiganbayan, docketed as Criminal Cases Nos. 25796-98. The Informations read:

Criminal Case No. 25796 -Violation of Sec. 3 (e) of R.A. 3019:

That on or about January 24, 2000 or for sometime prior thereto, in Quezon City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused being then the Presiding Judge of the Regional Trial Court, Branch 41, Daet, Camarines Norte, committing the offense in relation to his office, while in the discharge of his judicial functions through evident bad faith, did then and there willfully, unlawfully and feloniously cause undue delay to P/Supt. Danilo C. Manzano to wit: by then and there demanding from P/Supt. Danilo C. Manzano the amount of FOUR HUNDRED THOUSAND PESOS (P400,000.00), Philippine currency, in exchange for the dismissal of his cases in Crim. Cases Nos. 9200 for Robbery and 9201 for Viol. Of Sec. 3 (e) of R.A. 3019, both which are pending in the sala of the said accused but he was apprehended by elements of the Presidential Anti-Organized Crime Task Force while in the act of receiving the marked money commingled with boodle money from P/Supt. Danilo C. Manzano, to the damage and prejudice of the latter.

CONTRARY TO LAW.^[3]

Criminal Case No. 25797 - Violation of Sec. 7 (d) of R.A. 6713:

That on or about January 24, 2000 or for sometime prior thereto, in Quezon City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused being then the Presiding Judge of the

Regional Trial Court, Branch 41, Daet, Camarines Norte, committing the offense in relation to his office, did then and there willfully, unlawfully and feloniously solicit and accept directly from P/Supt. Danilo C. Manzano the amount of FOUR HUNDRED THOUSAND [PESOS] (P400,000.00), Philippine currency, in exchange for the dismissal of his cases in Crim. Cases Nos. 9200 for Robbery and 9201 for Viol. of Sec. 3 (e) of R.A. 3019, both of which are pending in the sala of the said accused but he was apprehended by elements of the Presidential Anti-Organized Crime Task Force while in the act of receiving [the] marked money co-mingled with boodle money from P/Supt. Danilo C. Manzano, to the damage and prejudice of the latter.

CONTRARY TO LAW.^[4]

Criminal Case No. 25798 - Direct Bribery:

That on or about January 24, 2000 or for sometime prior thereto, in Quezon City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused being then the Presiding Judge of the Regional Trial Court, Branch 41, Daet, Camarines Norte, committing the offense in relation to his office, did then and there willfully, unlawfully and feloniously agree to dismiss the cases for Robbery and Viol. of Sec. 3 (e) of R.A. 3019 filed against P/Supt. Danilo C. Manzano, both of which are pending in the sala of the said accused in exchange for the amount of FOUR HUNDRED THOUSAND PESOS (P400,000.00), Philippine currency, an act which is connected with the performance of his official duties but constituting a Violation of Section 3 (e) of R.A. 3019, but he was not able to perform said act as he was apprehended by elements of the Presidential Anti-Organized Crime Task Force while actually receiving [the] marked money co-mingled with boodle money from P/Supt. Danilo C. Manzano, to the damage and prejudice of the latter.

CONTRARY TO LAW.^[5]

On March 6, 2000, the Court resolved to: (1) require respondent to comment on the complaint against him, and (2) suspend respondent from office, until further orders from this Court.^[6]

Subsequently, in a Resolution^[7] dated April 12, 2000, the Court referred the instant administrative case to the Office of the Court Administrator (OCA) for evaluation, report and recommendation.

In a Resolution^[8] dated October 4, 2000, the Court resolved to defer any action on the instant administrative case until Criminal Cases Nos. 25796-98, all entitled "*People of the Philippines v. Judge Owen Amor y Ballon, RTC, Branch 41, Daet, Camarines Norte*" pending with the Sandiganbayan are decided with finality.

On October 24, 2001, pending resolution of this case and the criminal cases against him, respondent tendered his irrevocable resignation.^[9] Thus, in a Memorandum^[10] dated December 3, 2001 to the Court, the OCA recommended that respondent's resignation be accepted without prejudice to the continuance of the instant administrative case against him. On March 19, 2002, the Court noted the OCA's

recommendation, and required it to terminate the investigation of the administrative case and submit its report and recommendation.^[11]

Inasmuch as the instant administrative case against respondent was initiated as a consequence of the criminal cases filed with the Sandiganbayan, in a Memorandum^[12] dated March 26, 2002, the OCA recommended that any action on the instant administrative complaint against respondent be deferred until Criminal Case Nos. 25796-98 which were then pending before the Sandiganbayan be terminated with finality.

On April 23, 2002, the Court resolved to defer anew any action on the instant administrative case until Criminal Cases Nos. 25796-98, pending before the Sandiganbayan are terminated with finality.^[13]

On March 15, 2010,^[14] the Court resolved to require the Sandiganbayan to submit a status report of Criminal Cases Nos. 25796-98.

In a Resolution dated February 18, 2019,^[15] the Court directed the Division Executive Clerk of Court of the Sandiganbayan to submit a status report on Criminal Case Nos. 25796-98.

On May 28, 2019, Atty. Anna Marie D. Crespillo, Executive Clerk of Court III, Second Division, Sandiganbayan, informed the Court of the following:^[16]

(a) in a Decision dated March 31, 2011, the Sandiganbayan granted the Demurrer to Evidence of the accused, herein respondent former Presiding Judge Owen B. Amor, Branch 41, RTC, Daet, Camarines Norte, with respect to Criminal Case Nos. 25796 and 25798;

(b) in a Decision dated December 1, 2015, in Criminal Case No. 25797, the Sandiganbayan convicted respondent former Presiding Judge Amor as charged in the Information, and denied his motion for reconsideration;

(c) in a Resolution dated January 10, 2017, the Sandiganbayan granted the application for probation of respondent former Judge Amor,

(d) in a Resolution dated May 31, 2017, the Sandiganbayan ordered the suspension of respondent's sentence and placed him on probation for six (6) months; and

(e) in an Order dated January 4, 2018 of Branch 53, RTC, Sorsogon City, Sorsogon, the court discharged from probation, accused, former Judge Amor, and all civil rights were restored to him and his criminal liability as to the offense for which the probation was granted was totally extinguished.

In a Resolution dated August 5, 2019,^[17] the Court resolved to refer the instant administrative matter to the OCA for evaluation, report and recommendation.

On November 22, 2019, the OCA recommended that respondent former Presiding Judge Owen B. Amor be found guilty of violation of Section 7(d) of Republic Act No. 6013 and Canon 2, Section 2 of the New Code of Judicial Conduct for the Philippine Judiciary. It further recommended that in *lieu* of dismissal from the service, respondent former Judge Amor be penalized with a fine in the amount of One

Hundred Thousand Pesos (P100,000.00), with forfeiture of his retirement benefits except leave credits, and disqualification from reinstatement/reappointment to any public office, including government-owned or government-controlled corporations.
[18]

We adopt the findings of the OCA.

Separation from office does not render a pending administrative charge moot and academic.

Section 6, Article VIII of the 1987 Constitution grants the Supreme Court administrative supervision over all courts and their personnel. This grant empowers the Supreme Court to oversee the judges' and court personnel's administrative compliance with all laws, rules, and regulations, and to take administrative actions against them if they violate these legal norms.^[19]

As we held in *Gallo v. Cordero*:^[20]

The jurisdiction that was ours at the time of the filing of the administrative complaint was not lost by the mere fact that the respondent public official had ceased in office during the pendency of his case. The Court retains its jurisdiction either to pronounce the respondent official innocent of the charges or declare him guilty thereof. A contrary rule would be fraught with injustices and pregnant with dreadful and dangerous implications. ... If innocent, respondent official merits vindication of his name and integrity as he leaves the government which he has served well and faithfully; if guilty, he deserves to receive the corresponding censure and a penalty proper and imposable under the situation.

Thus, even with the resignation of respondent, the instant administrative complaint continues, and will not render this case moot and academic. Cessation from office by reason of resignation, death or retirement is not a ground to dismiss the case filed against him at the time that he was still in the public service.^[21]

An administrative case is independent from the criminal action, although both arose from the same act or omission.

In resolving this case, we reiterate that an administrative proceeding is independent from a criminal proceeding, although both may arise from the same act or omission. Given the differences in the quantum of evidence required, the procedure observed, the sanctions imposed, as well as the objective of the two proceedings, the findings and conclusions in one should not necessarily be binding on the other. Thus, as a rule, exoneration in the administrative case is not a bar to a criminal prosecution for the same or similar acts which were the subject of the administrative complaint or vice-versa.^[22]

In this case, respondent's actuations constituting solicitation of money should be weighed in the same manner as other acts classified as offenses under Rule 140 of the Rules of Court should be evaluated— through substantial evidence. The evidence

to support a conviction in a criminal case is not necessary in an administrative proceeding like the present case.^[23]

To emphasize, in administrative proceedings, the following are important considerations which must be taken into account: **first**, the finding of administrative guilt is independent of the results of the criminal charges; **second**, the respondent in an administrative proceeding stands scrutiny and treated not as an accused in a criminal case, but as a respondent court officer; **third**, the Supreme Court, in taking cognizance of this administrative case, acts not as a prosecutor, but as the administrative superior specifically tasked to discipline its Members and personnel; **fourth**, the quantum of proof required for a finding of administrative guilt remains to be substantial evidence; and **fifth**, the paramount interest sought to be protected in an administrative case is the preservation of the Constitutional mandate that a public office is a public trust.^[24]

Thus, following the above-cited guiding principles, the instant administrative case should not have dragged on for years since an investigation and evaluation of the complained acts of respondent could and should have proceeded independently from the criminal cases filed against him.

Respondent's actuations constituting as administrative offense.

Section 7(d) of Republic Act No. 6713 entitled "An Act Establishing a Code of Conduct and Ethical Standards for Public Officials and Employees..." provides:

x x x x

(d) *Solicitation or acceptance of gifts.* — Public officials and employees shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value from any person in the course of their official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of their office.

In the instant case, the Decision of the Sandiganbayan finding respondent guilty of violation of Section 7(d) of R.A. 6713 for having solicited and accepted directly from complainant Manzano the amount of Four Hundred Thousand Pesos (P400,000.00) in exchange for the dismissal of his cases which were pending in the sala of respondent is enough to establish the required degree of evidence in administrative proceedings, *i.e.*, substantial evidence.

Moreover, it is undisputed that respondent was apprehended in an entrapment operation by the members of the Presidential Anti-Organized Crime Task Force (PAOCTF) while in the act of receiving marked money co-mingled with boodle money from P/Supt. Danilo C. Manzano. The pertinent portion of the Decision reads:

x x x x

On January 24, 2000, Manzano was with his poseur-wife at the lobby of the Sulu Hotel when Judge Amor arrived at around three o'clock in the afternoon. From the lobby, they proceeded to the parking area where ***P/Insp. Cheryl Botones handed the entrapment money to Manzano who in turn handed the enveloped money to Judge***