

EN BANC

[A.M. No. MTJ-05-1574 (Formerly A.M. No.04-8-199-MTC), November 07, 2017]

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
JUDGE CONRADO O. ALINEA, JR., MUNICIPAL TRIAL COURT, IBA,
ZAMBALES, RESPONDENT.**

DECISION

PER CURIAM:

This administrative matter filed by the Office of the Court Administrator (OCA) stemmed from a news report in the June 19, 2004 issue of the Philippine Daily Inquirer^[1] regarding an entrapment operation conducted by the National Bureau of Investigation (NBI) against Respondent Judge Conrado O. Alinea, Jr. (Judge Alinea) of the Municipal Trial Court of Iba, Zambales (MTC), for demanding and receiving the amount of P15,000.00 from the plaintiffs in a land dispute case pending in the said court.

The undisputed facts, as borne by the records, are as follows:

Raul A. Neria (Neria) and his uncle, Cesar Abadam (Abadam), were among the plaintiffs in Civil Case No. 785^[2] (subject case). The MTC ruled in favor of the plaintiffs, which ruling was affirmed by the Regional Trial Court, Branch 69, Iba, Zambales (RTC) on appeal by the defendants therein.^[3] On August 24, 2001, the RTC issued a Notice to Vacate,^[4] ordering the defendants to vacate the premises subject of the case. However, defendants refused to do so,^[5] prompting the RTC to issue an Order^[6] dated September 15, 2003 for the issuance of a Writ of Demolition (Writ). Thereafter, in another Order^[7] dated October 6, 2003, the RTC remanded the subject case to the MTC for execution of the Writ.

Judge Alinea issued an Order^[8] dated November 7, 2003, directing the sheriff to enforce the Writ. On December 23, 2003, defendants filed an Urgent Motion to Quash Writ of Demolition,^[9] but this was denied in a Resolution dated May 3, 2004.^[10] On Motion for Reconsideration^[11] by the defendants, Judge Alinea, in an Order^[12] dated June 3, 2004, recalled the Writ and set the motion for hearing on June 11, 2004. Immediately after the hearing on the said date, Neria and Abadam asked Judge Alinea why he recalled the Writ. However, instead of giving any satisfactory answer, Judge Alinea told them to give him P15,000.00 in exchange for a favorable resolution.^[13]

Surprised by Judge Alinea's directive, Neria and Abadam filed on June 15, 2004 with the NBI a complaint^[14] for Direct Bribery, and an entrapment operation was arranged. On June 17, 2004, Neria and Jose Abadam, together with NBI agents and

Simeon Soriaga of the television program *Magandang Gabi Bayan*, proceeded to Iba, Zambales for the operation. Judge Alinea sent a text message to Neria, directing them to proceed to Bon's Restaurant. Upon reaching the restaurant, Neria and Jose Abadam handed over an envelope containing the marked money in the amount of P15,000.00 to Judge Alinea. After Judge Alinea acknowledged receipt of the money and placed them on the table, the NBI agents immediately arrested him and thereafter subjected him to an ultraviolet light examination by the NBI forensic chemist. Per the NBI's Report^[15] dated June 21, 2004, Judge Alinea was tested positive for specks of fluorescent powder from the marked money.^[16]

The Office of the Ombudsman filed an *Information*^[17] for Direct Bribery^[18] against Judge Alinea with the Sandiganbayan, docketed as Criminal Case No. 27994, thus:

That on or about 17 June 2004 at around 2:00 o'clock in the afternoon, sometime prior or subsequent thereto, in Iba, Zambales, Philippines and within the jurisdiction of this Honorable Court, the above named accused CONRADO ALINEA y OBISPO, a public officer, being then the Presiding Judge of the Municipal Trial Court of Iba, Zambales, taking advantage of his official position and with grave abuse of authority, did then and there willfully, unlawfully and feloniously demand FIFTEEN THOUSAND PESOS ([P]15,000.00) but received only the amount of TEN THOUSAND PESOS [P10,000.00] consisting of Three (3) pieces [P]1,000 bills, six (6) pieces of [P]500 bills and forty (40) pieces [P]100 bills, dusted with fluorescent powder and invisible ink, from Raul A. Neria in exchange for a favorable resolution that he will render in connection with Civil Case No. 785 entitled Heirs of Agueda Giron, et al. vs. Heirs of Roque Edejer, et al. to the damage and prejudice of said private complainant and the public interest.

CONTRARY TO LAW.^[19]

Meanwhile, the OCA instituted the instant administrative matter against him for the same offense. In its Resolution^[20] dated January 17, 2005, the Court ordered Judge Alinea to: (1) comment on the NBI report dated June 21, 2004,^[21] the *Information* filed with the Sandiganbayan against him,^[22] and the *sinumpaang salaysay* of Neria;^[23] and (2) show cause why he should not be suspended, disbarred, or otherwise disciplinarily sanctioned as a member of the Bar for Violation of Rule 1.01,^[24] Canon 1 of the Code of Professional Responsibility (CPR) within ten (10) days from notice.

In his Comment,^[25] Judge Alinea denied having demanded any amount of money from Neria and having taken the marked money, and even accused Neria of attempting to bribe him. He alleged that he refused to accept the said envelope and simply left it at the table before walking away. In its Resolution^[26] dated June 20, 2005, this Court held in abeyance the administrative proceedings pending resolution of the criminal case against Judge Alinea.

Subsequently, the Sandiganbayan promulgated a Decision^[27] dated January 25, 2010, finding Judge Alinea guilty beyond reasonable doubt of Direct Bribery, finding

that the series of circumstances established Judge Alinea's intent to extort money from Neria and Abadam in exchange for a ruling in their favor, thus:

WHEREFORE, judgment is hereby rendered finding the accused Conrado O. Alinea, Jr. **GUILTY** beyond reasonable doubt of the crime of Direct Bribery, defined and penalized under the second paragraph of Article 210 of the Revised Penal Code, as amended.

In the absence of any mitigating or aggravating circumstance, the accused is sentenced to an indeterminate penalty of imprisonment of 1 year, 1 month and 11 days of *prision correccional*, as minimum, to 3 years, 6 months and 20 days of *prision correccional*, as maximum, and a fine of Twenty Thousand Pesos (P20,000.00).

The accused shall also suffer the penalty of special temporary disqualification.

SO ORDERED.^[28]

On *petition for review on certiorari*,^[29] the Court's Third Division affirmed Judge Alinea's conviction in its Resolutions dated July 19, 2010^[30] and November 17, 2010,^[31] finding no reversible error on the part of the Sandiganbayan in convicting him of the said offense. An Entry of Judgment was subsequently issued on January 24, 2011.^[32] Thereafter, in its Resolution^[33] dated January 13, 2016, the Court ordered the resumption of the administrative proceedings against him. However, Judge Alinea had reached the compulsory retirement age of 70 on August 16, 2013,^[34] three (3) years before the resumption of the said proceedings.

The OCA's Report and Recommendation

In its Memorandum^[35] dated August 8, 2016, the OCA found Judge Alinea guilty of gross misconduct for Violation of Republic Act No. 3019,^[36] (R.A. No. 3019) and Section 8, Rule 140 of the Rules of Court, as well as Canon 1, Rule 1.01 of the CPR, and recommended that he be disbarred, citing his conviction by the Sandiganbayan for Direct Bribery, which was affirmed by the Court. It opined that allowing Judge Alinea to continue serving as a judge after his conviction would unduly tarnish the image of, and the people's confidence in, the judicial system, and would be an insult to the legal profession. Moreover, it cited Section 27, Rule 138 of the Rules of Court in relation to A.M. No. 02-9-02-SC,^[37] which provides that administrative cases against a judge of a regular court based on grounds which are identical to those for disciplinary action against a member of the bar, shall be also considered as a disciplinary case against him as such member of the Bar, and that judgment in both respects may be incorporated in one decision or resolution. However, the OCA anchored its finding of gross misconduct on the violation of R.A. No. 3019 instead of Direct Bribery under the Revised Penal Code despite Judge Alinea's conviction on the latter offense.

The OCA also took into account that Judge Alinea had already reached the compulsory retirement age of 70, hence dismissal from the service would be impossible to impose. Thus, it recommended the following:

RECOMMENDATION: It is respectfully recommended for the consideration of the Honorable Court that:

- a) respondent Judge Conrado O. Alinea, Jr., Municipal Trial Court, Iba, Zambales, be found **GUILTY** of gross misconduct for violation of the Anti-Graft and Corrupt Practices Act (R.A. No. 3019), the Code of Judicial Conduct under Section 8, Rule 140 of the Rules of Court, and the Code of Professional Responsibility under Rule 1.01, Canon I. In lieu of dismissal from the service, which may no longer be imposed owing to his retirement, as penalty for his offense, all his retirement benefits, except accrued leave credits, be **FORFEITED**, and with prejudice to reemployment in the Government or any of its subdivisions, instrumentalities, or agencies including government-owned and -controlled corporations; and,
- b) respondent Judge Alinea be likewise **DISBARRED** and his name be **STRICKEN** from the roll of attorneys.^[38]

The Court's Ruling

After a judicious review of the records, the Court has no cogent reason to diverge from the findings and recommendations of the OCA.

Direct Bribery involves, among others, the act of a public officer in accepting an offer or promise, or receiving a gift, by himself or another, with a view to perform a crime or an unjust act, or commit an omission, which is connected to his official duties.^[39] It is a crime involving moral turpitude, an act which is "done contrary to justice, honesty, modesty, or good morals," and involves "an act of baseness, vileness, or depravity in the private duties which a man owes his fellowmen, or to society in general, contrary to the accepted and customary rule of right and duty between man and woman, or conduct contrary to justice, honesty, modesty, or good morals,"^[40] and which renders any person convicted of the said offense unfit to continue discharging his duties as a public official or a lawyer.^[41] It is also among the serious charges enumerated in Section 8,^[42] Rule 140 of the Rules of Court, which may be punished by, among others, dismissal from the service and forfeiture of benefits.^[43] Moreover, it is a violation of Canon 1, Rule 1.01 of the CPR, and a ground to disbar or suspend a lawyer as gross misconduct under Section 27,^[44] Rule 138 of the Rules of Court.

In this matter, the OCA observed that the Sandiganbayan and the Court had held Judge Alinea guilty beyond reasonable doubt of the crime of Direct Bribery, finding that: (1) Judge Alinea demanded P15,000.00 from Neria in exchange for a favorable resolution of the latter's case; (2) while at Bon's Restaurant in Iba, Zambales, Judge Alinea had indeed accepted the said amount from Neria, after which the NBI agents arrested him; and (3) the NBI forensic chemist subjected Judge Alinea to an ultraviolet light examination, which tested him positive for fluorescent specks from the money he received from Neria. Hence, it concluded that the foregoing are more than sufficient evidence to find Judge Alinea administratively liable for the said offense as a member of both the Bench and the Bar.

The Court agrees with the OCA. It cannot emphasize enough how bribery, whether direct or indirect, can seriously affect the public's trust in every subdivision and agency of government, more so in the judiciary. As the branch of government responsible for interpreting laws and settling controversies brought to it by any person, it has the duty to observe fairness and neutrality in hearing the sides of all the parties to a case,^[45] and make a resolution thereon based solely on the merits of the evidence presented by the parties and the laws and jurisprudence applicable thereon.^[46]

As gleaned above, the evidence had fully established Judge Alinea's criminal intent to extort money from Neria and Abadam, from demanding P15,000.00 in exchange for a favorable decision, to actually accepting the said amount when they met at Bon's Restaurant. Thus, Judge Alinea not only gravely violated his duty to dispense justice solely in accordance with the merits of the case, but also put the trust and confidence of the people in the judiciary and the rule of law into serious peril, hence rendering him utterly unfit to continue dispensing his duties as a public official and a member of the Bar.^[47]

As for the imposable penalty, the Court agrees with the OCA that Judge Alinea should be disbarred and the benefits he received as a judge be forfeited. It is important to stress anew that Direct Bribery is not only a serious charge which would merit the dismissal from the service of a judge and the forfeiture of his benefits, but also a crime involving moral turpitude which is a ground for the disbarment of a lawyer.

In this regard, it is relevant to note that the Court has, in the past, dismissed erring judges from the service and disbarred them in a single decision on the ground of conviction of a crime involving moral turpitude,^[48] and forfeited the benefits of other judges similarly situated, who had already retired prior to the resolution of the administrative matters against them,^[49] all in accordance with Section 27, Rule 138 of the Rules of Court in relation to A.M. No. 02-9-02-SC. In view of the seriousness of the offense, and considering that Judge Alinea had already reached the compulsory retirement age of 70 on August 16, 2013, the Court hereby imposes the forfeiture of benefits as a former judge.

In addition, the Court hereby disbars him. In imposing the supreme penalty of disbarment, the Court is also aware of its recent decision in *Office of the Court Administrator v. Judge Eliza B. Yu*.^[50] In the said case, the Court dismissed Judge Eliza B. Yu from the service for gross insubordination, gross misconduct, gross ignorance of the law, grave abuse of authority, oppression, and conduct unbecoming of a judicial official in, among others: (1) resisting the implementation of the Court's Administrative Order No. 19-2011 in designating her to render night court duties; (2) refusing to honor the

appointment of court personnel; (3) issuing show-cause orders against fellow judges and court personnel; and (4) sending e-mails, and Yahoo and Facebook messages, which contained sexual innuendos to a fellow female judge. However, while the offenses charged against her were also considered as violations of the Lawyer's Oath, the Code of Professional Responsibility, and the Canons of Professional Ethics, it was shown that she was not yet given an opportunity to explain why she should not be disbarred or otherwise disciplined as a member of the Bar. Thus, in its