

## EN BANC

[ A.M. No. RTJ-08-2140 (Formerly A.M. No. 00-2-86-RTC), October 07, 2014 ]

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.  
EXECUTIVE JUDGE OWEN B. AMOR, REGIONAL TRIAL COURT,  
DAET, CAMARINES NORTE, RESPONDENT.**

### R E S O L U T I O N

**PERLAS-BERNABE, J.:**

Before the Court is a Memorandum<sup>[1]</sup> dated November 23, 1999 filed by Acting Presiding Judge Manuel E. Contreras (Judge Contreras) of the Municipal Trial Court (MTC) of Paracale, Camarines Norte for the Office of the Court Administrator (OCA) against respondent Executive Judge Owen B. Amor (respondent) of the Regional Trial Court of Daet, Camarines Norte (RTC), accusing him of Grave Abuse of Authority, Grave Misconduct, and Acts Inimical to Judicial Service.

#### The Facts

In the Memorandum which he submitted pursuant to the verbal instruction of then Court Administrator Alfredo L. Benipayo,<sup>[2]</sup> Judge Contreras reported on the alleged acts of respondent, as follows:

**First**, on October 1, 1999, respondent impounded the tricycle of a certain Gervin Ojeda at the Hall of Justice of Daet, Camarines Norte, when the latter bumped the former's vehicle and was unable to pay the amount demanded for the incurred damages. As such impounding was entered in the Guard's Logbook, Judge Contreras was able to secure a certification regarding the same from Security Guard Virginia Morico (SG Morico). However, SG Morico inadvertently dated the certification October 11, 1999, instead of November 11, 1999. When Judge Contreras called the attention of SG Morico of the wrong date, the latter took the certification and went straight to respondent's chambers. After leaving the chambers, SG Morico became "belligerent and discourteous" and refused to return the certification to Judge Contreras. Thus, Judge Contreras sought the assistance of Judge Sancho Dames and 2<sup>nd</sup> Assistant Provincial Prosecutor Leo Intia in order to retrieve the aforesaid certification from SG Morico, but to no avail. Thereafter, Judge Contreras learned that respondent had berated the guards of the Hall of Justice, including SG Morico, for issuing the certification, and that SG Morico and Head Guard Quintin Fernandez tried to conceal the alleged acts of grave abuse of authority by respondent.<sup>[3]</sup>

**Second**, during the latter part of October 1999, Acting Presiding Judge Rosita Lalwani (Judge Lalwani) of the MTC of Mercedes, Camarines Norte called respondent to seek reconsideration of her detail to another station. Respondent then berated Judge Lalwani and accused her of being lazy and abusive like the other judges of Camarines Sur who were also detailed at Camarines Norte. Further, respondent

instructed Judge Lalwani to go slow with the trial of a BP 22<sup>[4]</sup> case as the accused therein was his friend.<sup>[5]</sup>

***Third***, on October 27, 1999 and under the pretext of a judicial visit, respondent visited Judge Contreras at the latter's chambers and personally intervened for one Atty. Freddie Venida (Atty. Venida), who was previously arrested and charged with indirect contempt for his failure to appear in three (3) criminal cases for which he stood as an accused. Respondent then told Judge Contreras that he does not mind Atty. Venida's abusive practice as he gives him gold which was abundant in Paracale, Camarines Norte. Respondent further sneered at Judge Contreras for "not exploiting the situation" and intimated to the latter that Atty. Venida would give him gold. Judge Contreras rejected respondent's indecent overtures, resulting in the latter publicly announcing in open court that he is an abusive judge for persecuting Atty. Venida.<sup>[6]</sup>

***Fourth***, lawyers, prosecutors, and litigants complained about the habitual absenteeism of respondent, especially during Mondays and Fridays, resulting in delays in the disposition of cases in violation of existing laws and circulars on speedy trial.<sup>[7]</sup>

***Lastly***, upon assumption as Executive Judge, respondent ordered Clerk of Court Atty. Perfecto Loria (Atty. Loria) to submit all petitions for extra-judicial foreclosures to him for scrutiny, especially those requiring publication upon filing, resulting in the delay in the proceedings. Respondent also ordered Atty. Loria to ask for "grease money" from the newspaper publishers under the pain of being blacklisted. Atty. Loria, however, never obeyed respondent regarding this matter.<sup>[8]</sup>

Pursuant to the OCA's Report<sup>[9]</sup> dated February 3, 2000, the Court issued a Resolution<sup>[10]</sup> dated February 28, 2000 treating Judge Contreras's Memorandum as an administrative complaint to which respondent was required to comment, but to no avail. Thus, the Court issued a Resolution<sup>[11]</sup> dated July 2, 2001, ordering respondent to show cause why he should not be disciplinarily dealt with or held in contempt for such failure, and to submit his comment on Judge Contreras's Memorandum. As respondent continued to ignore the said directives, the Court issued a Resolution<sup>[12]</sup> dated January 30, 2008 referring the matter to the OCA for evaluation, report, and recommendation.

Meanwhile, respondent filed his certificate of candidacy (COC) for the 2002 Barangay Elections, resulting in his automatic resignation from the service effective June 7, 2002.<sup>[13]</sup>

### **The OCA's Report and Recommendation**

In a Memorandum<sup>[14]</sup> dated July 25, 2008, the OCA found respondent administratively liable as charged, and accordingly recommended that: (a) the case be re-docketed as a regular administrative matter; (b) respondent's retirement benefits be ordered forfeited; and (c) respondent be disqualified from reinstatement or appointment to any public office, including government-owned and controlled corporations.<sup>[15]</sup>

The OCA found that respondent's failure to comment on the administrative complaint despite being given an opportunity to do so is tantamount to an admission of the truth of the allegations against him. Thus, the OCA found respondent to have gravely abused his authority, committed grave misconduct, and performed acts inimical to judicial service.<sup>[16]</sup>

The OCA also found respondent guilty of gross misconduct and insubordination for unduly refusing to obey the Court's repeated orders for him to file his comment on the instant administrative case against him.<sup>[17]</sup>

Further, the OCA considered respondent's filing of a COC for the 2002 Barangay Elections that resulted in his automatic resignation "as a mere convenient ploy for a 'graceful exit' from the judiciary and to evade liability on his part."<sup>[18]</sup> In this relation, the OCA opined that respondent's automatic resignation during the pendency of the case did not divest the Court of its jurisdiction to pronounce whether or not respondent was guilty or innocent of the charges against him.<sup>[19]</sup>

Finally, the OCA held that respondent's acts would have warranted the imposition of the penalty of dismissal but due to his automatic resignation, it recommended, instead, that he be meted the aforesaid penalties.<sup>[20]</sup>

### **The Issue Before the Court**

The essential issue in this case is whether or not respondent should be held administratively liable for Grave Abuse of Authority, Grave Misconduct, Gross Insubordination, and Acts Inimical to Judicial Service.

### **The Court's Ruling**

The Court concurs with the OCA's findings and recommendation.

Grave abuse of authority is defined as a misdemeanor committed by a public officer, who, under color of his office, wrongfully inflicts upon a person any bodily harm, imprisonment, or other injury; it is an act characterized with cruelty, severity, or excessive use of authority.<sup>[21]</sup>

Misconduct, on the other hand, is a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by the public officer. To warrant dismissal from service, the misconduct must be grave, serious, important, weighty, momentous, and not trifling. The misconduct must imply wrongful intention and not a mere error of judgment and must also have a direct relation to and be connected with the performance of the public officer's official duties amounting either to maladministration or willful, intentional neglect, or failure to discharge the duties of the office. In order to differentiate grave misconduct from simple misconduct, the elements of corruption, clear intent to violate the law, or flagrant disregard of established rule, must be manifest in the former.<sup>[22]</sup>

Needless to say, these acts are inimical to judicial service, and thus, constitute conduct prejudicial to the best interest of the service as they violate the norm of