

THIRD DIVISION

**[A.M. No. RTJ-11-2267 (formerly A.M. OCA IPI
No. 03-1788-RTJ), January 19, 2011]**

**MANSUETA T. RUBIN, COMPLAINANT, VS. JUDGE JOSE Y.
AGUIRRE, JR., REGIONAL TRIAL COURT, BRANCH 55,
HIMAMAYLAN, NEGROS OCCIDENTAL, RESPONDENT.**

D E C I S I O N

BRION, J.:

In a verified complaint, dated June 14, 2003,^[1] filed before the Office of the Court Administrator (OCA), Mansueta T. Rubin (*complainant*) charged Judge Jose Y. Aguirre, Jr.^[2] of Graft and Corruption, Betrayal of Public Trust, Grave Abuse of Authority of a Judge, Manifest Bias and Partiality, and Violation of Judicial Conduct. In her verified complaint, the complainant alleged:

II

That Complainant is the widow of the late Feliciano Rubin who was appointed as the Judicial Administrator of the Estate of the Spouses Dioscoro Rubin and Emperatriz Rubin;

III

That Complainant, during the lifetime of her husband, Feliciano Rubin, who is the aforesaid Judicial Administrator, had witnessed and experienced that her husband and their family were victims of Graft and Corruption, Grave Injustice amounting to Violation of the Constitution, Betrayal of Public Trust, Grave Misconduct, Grave Abuse of Authority, Gross Ignorance of Law, Conduct Unbecoming of a Judge or Judicial Magistrate, Manifest Bias and Partiality, and Violation of the Code of Judicial Conduct, on the part of the respondent Judge committed during the conduct of the proceedings in Special Proceeding No. 28, Intestate Estate of the Spouses Dioscoro Rubin and Emperatriz Rubin, and in Civil Case No. 184, an Annulment of Adoption pending before him, as follows:

A

The respondent Judge, by way of devious schemes and clever machinations extorted money from the aforesaid Estate by lending expertise in connivance with other lawyer in pursuing an alleged claim against the Estate allegedly intended for workers' wages as money claims against the Estate, in a labor case entitled "Constancia Amar, et.(sic) al. versus Hacienda Fanny and Dioscoro Rubin," RAB Case Nos. 1092-81 and

A-593-81, both consolidated and numbered as 0104-82, which was then pending and decided by Labor Arbiter Ricardo T. Octavio;

B

That the aforesaid consolidated labor cases were decided and became final and executory and the judgment was already satisfied and paid for personally by Dioscoro Rubin when he was still alive in the amount of P44,000.00 in the form of check which was given to Atty. Corral, counsel for the claimants, through Atty. Rogelio Necessario, counsel for Hacienda Fanny and Dioscoro Rubin x x x.

C

That respondent Judge acted with grave abuse of discretion and grave abuse of authority by ordering the aforesaid Estate to pay P205,125.00 upon a Motion based on a non-existing final or executory decision, which order was illegal and improper and without any notice and/or hearing accorded to the Estate through its then Judicial [Administrator] Feliciano Rubin. x x x x

D

The labor case decided by Labor Arbiter Oscar Uy awarded the claimants in the amount of P205,125.00, which decision was appealed by Judicial Administrator Feliciano Rubin and was ordered remanded and decided by Labor Arbiter Octavio in the consolidated cases with the reduction of the award in the amount of P62,437.50. The judgment amount was further reduced after an audit in the amount of P44,000.00. x x x x

E

That respondent Judge had threatened the Judicial Administrator and threatened to be cited for contempt if he will not pay the said labor claims, further threatened to sell the properties if he will not pay the said labor claims, and likewise threatened that he would order the x x x properties of the Estate to be sold at public auction if the said claim will not be paid. x x x x The evident purpose of the respondent Judge was to cause harassment and anxiety against the then Judicial Administrator which made his health condition deteriorate so fast that facilitated his death.

F

That Complainant's deceased husband who was the Administrator of the said Estate was forced to pay the amount ordered by the respondent Judge which was deposited in court but which was ordered released by the same respondent Judge [b]ecause the money claim ordered to be paid by respondent Judge had already been paid and satisfied by Administrator Feliciano Rubin, naturally no recipient would claim the amount nor anybody can be found from the records of the case or that no laborer came forward to claim that he had not been paid of his money

claim;

G

The respondent Judge was grossly ignorant of the law when he ordered the change of Administrator after the then Judicial Administrator Feliciano Rubin refused to follow the invalid and unlawful orders of the respondent Judge, as he ordered his Clerk of Court, Atty. Gregorio A. Lanaria to act as Special Administrator of the Estate with orders to sell the properties of the Estate to satisfy the outstanding claim or obligations of the Estate, which was part of the clever scheme of respondent Judge to extort money from the Estate x x x.

H

That respondent Judge had extended unwarranted benefit, advantage and preference to the newly appointed Judicial Administratrix of the Estate, Aileen Rubin, through his manifest bias and partiality and evident bad faith towards the late Administrator's wife, complainant herein, and the surviving heirs, especially in his conduct of the proceedings involving the Estate and the Annulment of Adoption case. Respondent Judge even appointed Aileen Rubin as Administratrix of the Estate whose legal personality is still the subject of the Annulment of Adoption case, and even pronounced that under the eyes of the law Aileen Rubin is the sole and legal heir of the aforesaid Estate - thus prejudging the cases before him even if the proceedings are still pending;

I

That respondent Judge ordered his appointed Administratrix, Aileen Rubin, to enter into the Estate, and having entered therein, she and her cohorts ransacked the premises, took out records, personal belongings of the deceased Feliciano Rubin, then Administrator of the Estate, and his wife, the complainant herein x x x.^[3]

The complainant submitted documentary evidence to support the above allegations.^[4]

In his Comment, Judge Aguirre claimed that the complaint contained malicious and scurrilous allegations that smacked of harassment. The complaint was filed by the disgruntled complainant who mistakenly believed that she should be appointed as the Judicial Administratrix of the Estate of the late Spouses Dioscoro and Emperatriz Rubin, instead of Aileen Rubin, the adopted child of the deceased spouses. Judge Aguirre asserted that his appointment of Aileen Rubin as Special Administratrix was affirmed by the Court of Appeals^[5] (CA) and by the Supreme Court.^[6]

He also asserted that the complainant had confused two labor cases.^[7] Only the amount of P44,000.00 was paid as separation pay in RAB Case No. VI-0104-82. In RAB Case No. A-593-81, Judge Aguirre issued orders to compel Mr. Feliciano Rubin, the former Administrator of the Estate of the late Spouses Dioscoro and Emperatriz

Rubin, to pay lawful and valid claims against the estate. Judge Aguirre emphasized that he had already been penalized by the Supreme Court for delaying the enforcement of the final and executory decision of the National Labor Relations Commission (NLRC) against the estate of the late spouses Dioscoro and Emperatriz Rubin.

Judge Aguirre submitted his own documentary evidence to corroborate his allegations.^[8]

In its report, the OCA recommended that the case be docketed as a regular administrative case considering the varying positions taken by the parties, and considering, too, the failure of Judge Aguirre to explain in his Comment why he invited Mr. Feliciano Rubin to see him personally in court.

In the Resolution dated March 17, 2004,^[9] the Court referred the case to Justice Josefina Guevarra-Salonga (*Investigating Justice*) for investigation, report and recommendation.

The Investigating Justice found that except for the charge of Conduct Unbecoming of a Judge and Violation of Judicial Conduct, the other charges against Judge Aguirre were "bereft of factual and legal basis."^[10] The Investigating Justice found that Judge Aguirre committed an impropriety when he sent a letter to Mr. Feliciano Rubin "to discuss and to expedite a possible extra-judicial settlement of the estate of the deceased Spouses Rubin."^[11] The Investigating Justice explained:

[H]is act of sending a letter to a party litigant for a personal conference, however motivated, does not validate his action and the damning implications it may generate to the [J]udiciary this is especially so since the content of said letter can constitute as an act of fraternizing with party-litigants. It must be emphasized that in-chambers sessions without the presence of the other party and his counsel must be avoided. The prohibition is to maintain impartiality. Being a judicial front-liner who has a direct contact with the litigating parties, the respondent judge should conduct himself beyond reproach.^[12]

The Investigating Justice ruled that Judge Aguirre violated Canon 2 of the Code of Judicial Conduct which states that a judge should avoid impropriety and the appearance of impropriety in all activities. The Investigating Justice recommended that Judge Aguirre be reprimanded with a stern warning that a repetition of the same or similar act shall be dealt more severely.

The Court's Ruling

We find the findings of the Investigating Justice to be well-taken.

First, the complainant's claims of alleged devious schemes, clever machinations, and connivance employed by Judge Aguirre to extort money from the Estate of the Spouses Dioscoro and Emperatriz Rubin are unsupported by evidence. A perusal of the documents submitted by both parties shows that the orders issued by Judge