

EN BANC

[A.M. No. RTJ-05-1908, August 15, 2007]

**EMMANUEL YMSON VELASCO, COMPLAINANT, VS. JUDGE
ADORACION G. ANGELES, PROMULGATED: PRESIDING JUDGE,
REGIONAL TRIAL COURT, CALOOCAN CITY, BRANCH 121,
RESPONDENT.**

D E C I S I O N

CARPIO, J.:

The Case

This administrative case covers 10 complaints filed by Emmanuel Ymson Velasco (complainant), State Prosecutor of the Department of Justice (DOJ), against Adoracion G. Angeles (respondent), Presiding Judge of the Regional Trial Court (RTC) of Caloocan City, Branch 121.

The Facts

Complainant was the investigating prosecutor in a criminal complaint for multiple counts of child abuse, or violation of Republic Act No. 7610 (R.A. 7610),^[1] filed in 1999 against respondent by her grandniece, Ma. Mercedes Vistan (Mercedes). The complaint was docketed as I.S. No. 99-553. On 20 June 1999, complainant issued a Resolution (Resolution) recommending respondent's indictment.

Calling the indictment "highly anomalous," respondent charged complainant with gross ignorance of the law, manifest partiality, and bad faith in an administrative complaint^[2] filed before the DOJ on 7 July 2000. Then DOJ Secretary Hernando B. Perez dismissed the complaint in a letter dated 6 June 2001 addressed to respondent.^[3] After her motion for reconsideration was denied, respondent filed a Petition for Review (petition for review) before the Office of the President, docketed as O.P. Case No. 02-D-187. Six of the complaints in the present case are based on the contents of the petition for review and respondent's succeeding pleadings in O.P. Case No. 02-D-187. The rest are based on acts respondent allegedly committed either before this case was filed, or during its pendency, but in connection with incidents in I.S. No. 99-553.

On 8 April 2003, we referred the matter to Court of Appeals Associate Justice Noel G. Tijam (Justice Tijam) for investigation, report, and recommendation.^[4] Justice Tijam conducted a full-blown investigation and presided over 16 hearings from 9 June 2003 to 4 August 2004. On 15 March 2005, we resolved to treat the matter as a regular administrative complaint.^[5]

The Report and Recommendation dated 1 December 2004 (Report) of Justice Tijam outlines the following charges against respondent:

1. Misquoting complainant in bad faith and accusing complainant of falsifying a public document;
2. Using intemperate language in pleadings filed before the Office of the President and the Office of the Court Administrator (OCA), Supreme Court;
3. Committing acts of child abuse against her two housemaids, in violation of R.A. 7610;
4. Visiting the Secretary of Justice while her case was pending before the DOJ;
5. Visiting the Secretary of Justice during office hours, without filing for official leave of absence;
6. Maliciously stating in a pleading that complainant, in his capacity as public prosecutor, deliberately suppressed evidence to weaken the government's case;
7. Falsifying a public document and introducing the document as evidence in a judicial proceeding;
8. Causing Mercedes to execute a false affidavit, and introducing the affidavit as evidence in a judicial proceeding;
9. Using intemperate language and assailing the dignity of a Supreme Court Justice; and
10. Utilizing sheriffs of the RTC Caloocan to serve pleadings on her behalf.

For purposes of expediency, we shall discuss jointly charges (1) and (7), and (3) and (8), as they involve intertwined facts. We shall do the same for charges (2) and (9), which are substantially similar, and charges (4) and (5), which arise from a common incident.

1st complaint: Respondent quoted the Resolution incorrectly and accused complainant of falsification;

7th complaint: Respondent falsified a public document and knowingly introduced it as evidence in a judicial proceeding

Complainant alleged in his Complaint dated 25 July 2002 (first complaint)^[6] that respondent's petition for review contained "false and malicious statements" that besmirched his reputation. Complainant specifically assailed the following portion of the petition for review:

Fourth, the x x x [complainant] employed a double standard in the appreciation of the evidence presented. He gave full credit to the testimony of the thirteen-year-old Maria Mercedes because he considered her still a child, but he did not afford even the slightest consideration to

the handwritten notes of the girl's younger brother x x x.

Attempting to disguise his bias for Maria Mercedes, [complainant] pontificated that from the mouths of children, we elicit the truth.

But considering his reaction to Patrick Adrienne (sic) G. Vistan's notes and to Jennilyn Serquina's affidavit, the adage was twisted by [complainant] as follows: "From the mouth of Maria Mercedes, I get the truth, from the mouths of other people, regardless of age, I get falsehood."

The only nomenclature for such attitude is manifest partiality.^[7]
(Emphasis supplied)

Complainant alleged that his Resolution only stated, "From the mouths of children we get the truth." In her Comment dated 24 October 2002 (initial comment),^[8] respondent admitted that she modified the statement as alleged by complainant. However, respondent justified the change as a means of pursuing her argument that complainant "used a double standard" in investigating Mercedes' case. Respondent insisted that complainant had based his Resolution on Mercedes' bare allegations, without requiring Mercedes to present a medical certificate supporting the charges of physical abuse, or her diary allegedly containing a record of incidents of abuse.

Complainant also bewailed respondent's accusation in the petition for review that he "made it appear [in the Resolution]" that on 22 June 1999, Leonila Vistan (Leonila), Mercedes' grandmother and respondent's sister, subscribed to her *Sinumpaang Salaysay* (*Salaysay*) before him at the DOJ. Respondent suggested that Leonila could not have gone to the DOJ on that date, and that the *Salaysay*, which complainant cited in the Resolution recommending respondent's indictment, was not Leonila's but was complainant's fabrication.^[9]

First, respondent pointed out that complainant's Resolution was dated 20 June 1999, or two days preceding Leonila's supposed appearance on 22 June 1999. Thus, respondent posited that there was no need for Leonila to be at the DOJ on the questioned date to subscribe to her affidavit before complainant, as the investigation was by then already concluded, and in fact she was not notified of any hearing to take place on that date. Second, respondent alleged that long before June 1999, Leonila had been staying at the ground floor of her house as she could not climb up the stairs.^[10] Respondent therefore suggested that it was impossible for Leonila to climb up to the third floor of the DOJ building, where complainant's office was located.

On the other hand, Mercedes testified before Justice Tijam that she accompanied Leonila to the DOJ at the 22 June 1999 hearing; that Leonila was able to climb the stairs of the DOJ; and that in her presence and with her assistance, Leonila affixed her thumbmark on the *Salaysay*.^[11] Complainant's witness Percival Abril (Abril)^[12] corroborated Mercedes' testimony, saying that he was present when Leonila subscribed to her *Salaysay* before complainant on 22 June 1999.^[13] Abril also testified that although Leonila appeared weak, she was able to sign the certificate of attendance.^[14] On cross-examination, Abril admitted that he failed to prepare a

subpoena for respondent's attendance on 22 June 1999.^[15] Abril stated that the subpoenas he prepared were only for Mercedes and other prosecution witnesses.

Trying to turn the tables against respondent, complainant in his Complaint dated 29 October 2002 (seventh complaint)^[16] accused her of falsifying a copy of the *Salaysay* and knowingly introducing the falsified copy as evidence before the Office of the President and the OCA.

Complainant alleged that respondent obtained a certified true copy of Leonila's *Salaysay* from the DOJ records. This copy, which was submitted as "Annex 'N'" to respondent's administrative complaint against complainant before the DOJ, contains no signature or stamp mark of a public prosecutor. Complainant claimed that Leonila appeared before him on 22 June 1999 attesting to the contents of a copy of the affidavit, on which complainant affixed his signature and stamp mark. In the copy respondent submitted to the Office of the President as an annex to the petition for review, respondent rewrote over the original word "Annex" and superimposed the letter "D" over the "N." In the copy respondent submitted to the OCA for this administrative case, respondent rewrote over the original word "Annex" and superimposed the number "6" over the "N." Complainant pointed out that respondent, in all her other annexes previously labeled or marked, never superimposed a new marking over the old.

Complainant accused respondent of intending to hide the original marking to be able to claim that the *Salaysay* was never subscribed before him, especially on the questioned date of 22 June 1999. Complainant contended that respondent submitted the documents to the Office of the President and the OCA in an effort to mislead them deliberately into believing that Leonila did not appear at the DOJ on that date.

In her Comment dated 26 February 2003 (second comment),^[17] respondent countered that complainant's accusation was intended as a cover-up for his falsification of a copy of Leonila's *Salaysay*. Respondent contended that her act of changing the markings on the copy for purposes merely of its attachment to different pleadings did not affect the meaning of its contents to any degree.

2nd and 9th complaints: Respondent used intemperate language in her pleadings

In his Complaint dated 8 October 2002 (second complaint),^[18] complainant accused respondent of using intemperate language not befitting a judge. It appeared that in complainant's Manifestation/Comment submitted in O.P. Case No. 02-D-187, he mentioned that his postgraduate degree thesis tackled measures to curb corruption. In her Reply dated 17 September 2002, respondent commented:

[Complainant] also boasts about his thesis at the National Defense College wherein he allegedly made recommendations to preempt corruption and ineptitude at the [DOJ]. x x x It certainly does not mean that he is incapable of doing the acts imputed against him. Naturally, [complainant] is expected to submit a thesis that is dripping with idealism. Certainly, he cannot submit a thesis on how to do acts of corruption when the bosses are not looking. The genuine concern is not

the rhetorics in his thesis but whether or not he has the sincerity to pursue the objectives set forth therein. [Complainant] submits that he does not have the sincerity or the moral fiber to do what his thesis says.

x x x^[19]

Complainant charged respondent with maliciously besmirching his reputation before the Office of the President and of mocking the "judiciary's efforts to strengthen the integrity of the criminal justice system." Respondent contended, however, that she only intended to emphasize that complainant's thesis was not necessarily a reflection of his track record in public service,^[20] particularly of his investigation of the child abuse case. Respondent explained that she perceived complainant's citation of his thesis as an "evasive strategy to avoid the main issue of his culpability."

In his petition for indirect contempt dated 24 February 2003 (ninth complaint),^[21] complainant again accused respondent of using intemperate language and assailing the dignity and stature of the Supreme Court and of Justice Josue N. Bellosillo (Justice Bellosillo, now retired) in particular. The controversy arose when respondent stated in a pleading submitted in O.P. Case No. 02-D-187 that the Court had already decided the administrative case filed by Michael Vistan (Michael), Mercedes' brother, on her behalf. Complainant challenged respondent to show proof of the decision. Instead of simply furnishing complainant a copy, respondent in her Rejoinder to the Reply dated 15 October 2002 remarked:

[Respondent] has no obligation to produce [complainant] proof of the dismissal by the Supreme Court of the administrative aspect of the child abuse case. This is a matter of public record and knowledge. And besides, if [complainant] portrays to know a lot about the undersigned, ironically even on matters which she herself has no knowledge of, then he ought not to be asking anymore about the Supreme Court's decision on the administrative case. **No doubt his patron has already told [him] about the minutiae of the deliberations.**^[22] (Emphasis supplied)

Complainant claimed that the "patron" referred to is Justice Bellosillo. Complainant recounted that he knew nothing about the status of the administrative case until he inquired and obtained from Michael a copy of Justice Bellosillo's letter addressed to Chief Justice Hilario G. Davide, Jr. (now retired). In the letter^[23] dated 2 January 2001, Justice Bellosillo used strong language to refute respondent's accusations that he intervened in the fight for Mercedes' custody between respondent and the Department of Social Welfare and Development (DSWD). Respondent had taken issue with the fact that the incumbent DSWD Secretary then was Lina Bellosillo Laigo (Secretary Laigo), a relative of Justice Bellosillo. Respondent had also filed an administrative case against Secretary Laigo and other government personnel involved in the investigation of the child abuse case.^[24]

Respondent did not take lightly complainant's extensive quotation of Justice Bellosillo's letter in his pleadings filed before the Office of the President and the OCA. In her Rejoinder dated 29 January 2003, respondent stated:

The alleged letter of Justice Bellosillo to the Honorable Chief Justice has not even the remotest connection to this case x x x. Relevantly,