

EN BANC

[A.M. NO. RTJ-98-1426, January 31, 2006]

**MANUEL C. RAFOLS, JR. AND LOLITA B. RAFOLS,
COMPLAINANTS, VS. JUDGE TEODORO A. DIZON, RESPONDENT.**

D E C I S I O N

PER CURIAM:

This case was initiated by a letter ^[1] dated March 24, 1998 from the Integrated Bar of the Philippines, South Cotabato-Sarangani-General Santos City Chapter, through its President, Joeffrey L. Montegrio, to the Board of Governors of the Integrated Bar of the Philippines. The letter concerned an alleged case of judicial anomaly perpetrated in its area of responsibility, which to them warranted an administrative investigation of Judge Teodoro Dizon ^[2] and Atty. Ricardo G. Barrios, Jr. ^[3]

The purported anomaly was narrated in a joint affidavit executed by complainants, Manuel C. Rafols, Jr. and Lolita B. Rafols, dated March 3, 1998. ^[4] This was corroborated by the affidavits of Larry Sevilla, dated March 11, 1998; ^[5] Allan Rafols, dated March 16, 1998; ^[6] and Daisy Rafols, dated March 16, 1998, ^[7] all attached to the letter.

Ms. Erlinda C. Verzosa, then Deputy Clerk of Court and Bar Confidant, referred a copy of the letter to then Court Administrator Alfredo L. Benipayo, for appropriate action. ^[8]

Then Senior Deputy Court Administrator Reynaldo L. Suarez filed with the Court an Administrative Matter for Agenda with the following recommendations:

1. The July 30, 1998 letter-note with attachments filed by Atty. Gerard A. Mosquera, Vice-President, Integrated Bar of the Philippines, South Cotabato-Sarangani-General Santos City Chapter be immediately DOCKETED as an Administrative Matter;
2. Judge Teodoro Dizon, Jr., RTC, Branch 37, General Santos City be FURNISHED a copy of the attachments of said letter-note and be DIRECTED to answer, within ten (10) days from receipt, the charges made in the Joint Affidavit of the Spouses Rafols, Jr. that he demanded the total amount of P150,000.00 to decide Civil Case No. 6209 in favor of the Spouses Rafols, Jr., assuring victory all the way up to the Court of Appeals;
3. Pending the outcome of the investigation of the charges, Judge Teodoro Dizon be PREVENTIVELY SUSPENDED;

4. Judge Abednago O. Adre, RTC, Branch 22, General Santos City be DESIGNATED as Acting Presiding Judge of RTC, Branch 37, General Santos City; and
5. The Office of the Bar Confidant be FURNISHED with a copy of the letter-note and its attachments so that it may conduct its own investigation in the matter with respect to the actuations of Atty. Ricardo Barrios, Jr. [9]

In a resolution, dated October 21, 1998, the Court approved the above recommendations. [10]

Mrs. Aurora M. Dizon, wife of respondent, wrote the Court a letter, dated December 18, 1998, communicating to the Court the serious physical condition of her husband, who suffered an ischemic stroke, explaining why the respondent could not file his comment, and praying that the investigation of the administrative complaint be held in abeyance until his recuperation. Mrs. Dizon also appealed for the temporary lifting of the suspension of respondent. [11] In a resolution, dated February 8, 1999, the Court noted the letter of Mrs. Dizon and referred the matter to the Office of the Court Administrator for evaluation, report, and recommendation. [12]

In a memorandum addressed to the Chief Justice, dated February 26, 1999, pursuant to the resolution of the Court dated February 8, 1999, the Office of the Court Administrator recommended the following:

- 1) The letter, dated December 18, 1998, filed by Aurora M. Dizon, wife of respondent judge, Hon. Teodoro A. Dizon, Jr., RTC, Branch 37, General Santos City be NOTED;
- 2) The plea in said letter that Judge Dizon, Jr.'s preventive suspension be lifted be DENIED for lack of merit;
- 3) The Employee's Welfare & Benefits Division, Office of the Administrative Services, Office of the Court Administrator be DIRECTED to furnish Judge Dizon, Jr. with the requisite application forms for retirement due to a total disability claim so that respondent Judge's wife may have the same filled up as soon as possible, should Judge Dizon, Jr. opt to apply for retirement based on total disability. [13]

The recommendations were approved by the Court in a Resolution dated March 17, 1999. [14]

Respondent filed a comment, dated May 11, 1999, in which respondent categorically denied the allegations of the complainants. [15] The Court, in a resolution dated June 30, 1999, noted respondent's comment and referred the case to Associate Justice Wenceslao I. Agnir, Jr. of the Court of Appeals for investigation, report, and recommendation. [16]

Acting on a letter of Justice Wenceslao I. Agnir, Jr., requesting that the investigation be conducted in Manila instead of Tagum City and, if that is not possible in view of respondent's serious physical disability, that the investigation of this administrative

matter be assigned to another Associate Justice, the Court granted the request and designated Associate Justice Jose L. Sabio, Jr. of the Court of Appeals to conduct the investigation. [17]

Now, to the facts of the case.

The first to testify was Atty. Ricardo Barrios, Jr. Atty. Barrios has two contradicting written statements that were submitted to the Court. The first written statement, an affidavit [18] dated January 28, 1998, was an attachment to the Comment of respondent. In this affidavit, Atty. Barrios exonerated respondent by stating that respondent did not ask for money to settle the case, and that he only used the name of respondent for the purpose of collecting his acceptance fee and attorney's fee for a previous case. The second written statement is a letter addressed to the National Bureau of Investigation and the Philippine National Police, [19] dated February 24, 1998, which was annexed to a letter addressed to Justice Aguirre through the Office of the Court Administrator, dated September 27, 2000. In the annexed letter, Atty. Barrios completely repudiated his statements in the affidavit and stated that respondent indeed asked for money to settle the case in favor of complainants and actually did receive money from complainants.

Upon examination, Atty. Barrios was asked to clarify his contradictory statements. He testified that his services were engaged by complainants for a civil case involving the cancellation of a deed of sale. He claimed that complainants did not pay him his acceptance fee of P15,000, but he admitted that eventually he received a total of P71,000. He also admitted that on December 22, 1997 at 9:00 a.m., he visited the residence of complainants to tell them that respondent wanted to talk to them. Thereafter, he and complainants went to the East Royal Hotel Coffee Shop where respondent was waiting and he introduced complainants to respondent. He also claimed that he had no knowledge that respondent demanded P150,000 from complainants as consideration for the latter's winning the case since he was seated far from complainants and respondent when they were talking. He also admitted that he and the driver of respondent went to visit complainants upon instruction of respondent to secure the amount of P100,000, and that he was only given P80,000 and of that amount he was told by respondent to retain P30,000 for himself. [20]

The second witness was complainant, Manuel C. Rafols, Jr. His testimony consisted of identifying respondent and identifying and affirming the contents of a joint affidavit executed by him together with his wife. The pertinent portions of the affidavit read as follows:

1. That we are the plaintiffs of Civil Case No. 6209 for "Cancellation of the following public documents: Deed of Absolute Sale; etc." against spouses Jose S. Chua, et al., as defendants before Regional Trial Court, Branch 37, General Santos City presided by Judge Teodoro Dizon;
2. That we engaged the services of Atty. Ricardo G. Barrios, Jr. of Quemado and Barrios Law Offices of Room 208, Pelbel Building 1, 2019 Shaw Boulevard, Pasig City, to handle the afore-mentioned case;

3. That on December 22, 1997 at 9:30 a.m. Atty. Barrios visited us in our residence informing us that the judge handling the case wanted to talk to me (Mr. Manuel Rafols, Jr.);
4. That Atty. Barrios and I (Manuel C. Rafols, Jr.) went to East Royal Hotel's Coffee shop where the judge referred to by Barrios was already waiting and [he was] introduced to me as Judge Dizon;
5. That I (Manuel) was told by Judge Dizon that our case is under his sala, and that if we could produce P150,000 for him, Judge Dizon will resolve it for us and assured us victory up to the Court of Appeals;
6. That I (Manuel) told Judge Dizon that I had no money yet but I could try to produce and Judge Dizon said that he could wait for me until 12:00 noon;
7. That I (Manuel) and Atty. Barrios left and the latter told me that Judge Dizon badly needed the money and I (Manuel) must produce before twelve o'clock;
8. That I (Manuel) and Atty. Barrios went to Allan Rafols to help us produce [the] money and we went to a lending institution but we were told the money of P50,000 only could be released the following day so we went to our shop and Allan's wife offered to advance the amount of P20,000 to be withdrawn from her savings account;
9. That on our way to the bank, we dropped Atty. Barrios at Royal Hotel to assure the Judge that [the] money is forthcoming; Allan's wife withdrew [the] money [in the amount] of P20,000 from FCRB while I withdraw P30,000 from Rural Bank of Tupi from my account; With P50,000 on hand I (Manuel) and Allan's wife proceeded to East Royal Hotel where we saw Judge Dizon and his driver who beckoned for us at his parked Nissan Pick-up along the highway in front of the hotel;
10. That I (Manuel) alighted from my car [and] approached them and I (Manuel) handed personally the money to Judge Dizon who asked how much the money was and when informed, he said it is not enough. Thereafter I went to the coffee shop of the Hotel and informed Atty. Barrios that the money was already handed to Judge Dizon;
11. That on December 24, 1997, Atty. Barrios together with the driver of Judge Dizon using the same red pick-up visited us again at about 6:00 a.m. telling us that Judge Dizon wanted the balance of P100,000 immediately as he needed this for completion of his new house where the reception of his daughter's wedding will be held;

12. That we only managed to produce P80,000 which we handed personally to Atty. Barrios that day;
13. That on January 20, 1998, Judge Dizon called up by telephone instructing our son to return the call leaving a telephone number. I (Manuel) returned the call on January 21, 1998 and I received instruction from Judge Dizon to see him at his chamber[s] at Branch 37, RTC, Hall of Justice, at once;
14. That at his chamber[s] Judge Dizon demanded a balance of P30,000 and when I told him my balance was only P20,000 considering that we gave already additional P80,000. Judge Dizon said that what Atty. Barrios had given him was lacking, and still insisted for the P30,000 which he said he badly needed, and he even encouraged us to borrow money for it;
15. That on January 22, 1998, Judge Dizon called up the Rafols residence if the P30,000 badly needed by him was ready to be picked up. When I (Manuel) told him we were ready, Judge Dizon told me to wait for him for twenty minutes. Then the red pick-up arrived with Judge Dizon on Board and we (Manuel and Lolita) received instruction from his very same driver to follow their vehicle. We complied and we stopped somewhere in Doña Soledad Estate, Espina, General Santos City;
16. That then and there Judge Dizon alighted from his vehicle and approached us, sh[ook] our hands, and received the amount of P30,000 from me (Manuel); but Judge Dizon told us that in order that we would win in the case, it is still necessary that the RTC Judge in Iloilo City where the perpetuation of the testimony of Soledad Elevecionado-Provido was heard be brought to General Santos to stand as our witness in the trial of the case in his sala and [he] encourage[d] us also to give money to that Judge otherwise he told us not to blame him in the outcome of the case;
17. That we as spouses, all the time were conferring with each other, adamant to give money to Judge Dizon, but we were constrained to do so because if we did not agree, we felt that he would be biased against us in the case still pending before his sala. We were afraid of his imposing personality and his being a Judge. However, when we felt that expenses needed seemed endless and sensing that we were being fooled in our pending case and becoming hopeless if we could not meet Judge Dizon's requirements we were compelled to consult our friend mediaman (sic) Larry Sevilla of our problem;
18. That when we told him all the facts and circumstances of our case, he asked us if we wanted [that] the judge's and the lawyer's racket be exposed in the media and although afraid we agreed. x x x.
19. That when the series of articles on the said expos' [was] published, Atty. Barrios and Judge Dizon attempted several times to appease us by even sending gifts and offered to return portion of the money