

FIRST DIVISION

[A.M. No. RTJ-99-1516, July 14, 2005]

ONOFRE G. DULAY AND MGA UMAASANG MAMAMAYAN NG QUIRINO, COMPLAINANTS, VS. JUDGE ELIAS O. LELINA, JR., REGIONAL TRIAL COURT, BRANCH 32, CABARROGUIS, QUIRINO, RESPONDENT.

D E C I S I O N

YNARES-SANTIAGO, J:

Respondent Elias O. Lelina, Jr., presiding judge of the Regional Trial Court of Cabarroguis, Quirino, Branch 31, stands administratively charged for gross misconduct in two separate administrative complaints filed by the *Mga Umaasang Mamamayan ng Quirino*, docketed as A.M. OCA IPI No. 99-860-RTJ, and Onofre G. Dulay, docketed as A.M. OCA IPI No. 99-588-RTJ.

An anonymous letter was sent by the *Mga Umaasang Mamamayan ng Quirino* to the National Bureau of Investigation (NBI) on February 25, 1998^[1] requesting for an investigation on the alleged violation of the Anti-Graft Law and other illegal activities committed by respondent judge in the province of Quirino. On June 1, 1998, through an Indorsement Letter from the Office of the Court Administrator (OCA), the matter was referred to the NBI for discreet investigation. The NBI submitted its Investigation Report on July 27, 1999 to the OCA for information and disposition.^[2]

The report stated that respondent judge usually asked for money or parcels of land in exchange for favorable decision. There were incidents when respondent judge would carry his .45 caliber pistol while inside the courtroom, tucked in his waist, for the purpose of intimidating others. According to the NBI, respondent judge was guilty of serious misconduct as a judge and committed the following acts:

- 1) Extorting money from a party litigant who has a case before his court;
- 2) Using intemperate language unbecoming of a judge;
- 3) Failure to pay debt;
- 4) Oppression or unwarranted display of authority;
- 5) Acting as counsel for all the parties with opposing interest on a parcel of land in pursuance of his personal self-interest.

The NBI recommended disbarment and the filing of administrative charges for serious misconduct and inefficiency.

The second case stems from the letter-complaint filed by Onofre G. Dulay with the OCA dated July 11, 1998.^[3] Onofre's charges against respondent judge can be summed up as follows:

- 1) Respondent judge arbitrarily cited him, his mother Victoria

Gacote Dulay, and his aunt, Marita G. Rosal, for indirect contempt in a civil case no longer pending in respondent judge's sala;

- 2) Corollary to the first charge, Onofre's mother and aunt were each meted fines of P15,000.00 and imprisonment of 3 months while Onofre was meted a fine of P30,000.00 and imprisonment of 6 months;
- 3) In Criminal Case No. 1395 filed against Onofre for Grave Threats, respondent judge arbitrarily increased his bail from P50,000.00 to P200,000.00 and immediately issued a warrant for his arrest;
- 4) Respondent judge showed bias in resolving the matters submitted to him in Civil Case No. 445;
- 5) Respondent judge ordered Onofre to give him 160 square meters of a home lot in Cabarroguis, Quirino which respondent directed to be registered in the name of one Agnes Mariano; and
- 6) Respondent judge prepared the pleadings filed in court by Onofre's opponents in behalf of the latter's counsel, Atty. Beltejar.

In his comment^[4] dated February 12, 1999, respondent judge denied the allegations and insisted that Onofre initiated the complaint in retaliation for an unfavorable judgment removing him as administrator of the estate of former Governor Dulay. Respondent judge's comment on each accusation are as follows:

- 1) The subject civil case was transferred to his sala through the directive of the Presiding Judge without any objections from Onofre's party
- 2) Onofre, his mother and aunt were cited for contempt and fined accordingly for their refusal to receive the processes from the court and to answer the contempt charge filed against them.
- 3) The bail set was reasonable considering that the charge was for Grave Threats to Kidnap and Kill, which under the Bail Bond Guide of 1997 is a non-bailable offense. Nonetheless, respondent judge wanted to be fair and followed the recommendation of the Provincial Prosecutor for the amount of the bail.
- 4) Respondent judge proceeded with Civil Case No. 445 in accordance with law.
- 5) The home lot being referred to does not even belong to the late Governor Dulay or to his son Onofre. Likewise, neither is respondent judge the registered owner of said lot.
- 6) Atty. Beltejar is a seasoned lawyer with a reputable practice throughout the country. It is in fact Onofre who has

attempted to offer him money for a favorable judgment in his case.

In a resolution dated December 15, 1999, the cases were docketed as A.M. No. RTJ-99-1516 and were referred to then Court of Appeals Associate Justice Romeo Callejo, Sr. for report and recommendation. Investigative proceedings were conducted. However, upon the appointment of Justice Callejo, Sr. to the Supreme Court, the case was re-assigned to Court of Appeals Justice Conrado M. Vasquez, Jr. per resolution of this Court dated November 13, 2002.^[5]

On the complaint filed by *Mga Umaasang Mamamayan ng Quirino*, Justice Vasquez reported that the alleged complainants never came forward nor did they execute any affidavit or sworn statement to substantiate their claims. The only evidence submitted to support the complaint was the uncorroborated sworn statement of Editha Dumlao, who was not presented as a witness during the investigation, and the report of the NBI, which was based on second-hand information. Thus, he recommended the dismissal of the complaint.

Anent the complaint filed by Onofre Dulay, Justice Vasquez reported that Onofre's statement of facts were not accurate; that Onofre failed to prove that he was ordered to give 160 square meters of home lot to respondent judge. On the contrary, evidence shows that Agnes Mariano is the registered owner of the lot after Onofre gave her the property as payment for his debts. Neither was Onofre able to prove that respondent judge prepared the pleadings filed by his opponents.

However, the investigating justice found adequate evidence showing that respondent judge committed improprieties in dealing with Onofre which warrants disciplinary sanctions.

Based on his findings, the investigating justice recommended:

IN VIEW OF ALL THE FOREGOING, it is respectfully recommended that the complaint of the ***Mga Umaasang Mamamayan ng Quirino*** be **dismissed** for lack of merit. As for the complaint of Onofre G. Dulay, it is further recommended that, for violation of the ***Code of Judicial Conduct***, Judge Elias O. Lelina, Jr. be **dismissed from service with forfeiture of all of the benefits** as the High Court may determine, and be **disqualified from reinstatement or appointment** to any public office, including government-owned or controlled corporations.^[6]

We sustain the findings of the investigating justice.

In administrative proceedings, the complainant has the burden of proving the allegations in the complaint with substantial evidence, i.e., that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.

^[7] It must be remembered that while this Court has the duty to ensure that judges and other court personnel perform their duties with utmost efficiency, propriety and fidelity, it is also our obligation to see to it that they are protected from unfounded suits that serve to disrupt rather than promote the orderly administration of justice.

^[8] Thus, administrative complaints that are clearly motivated by intentions other than the advocacy of judicial competence are promptly written off.