

SECOND DIVISION

[A.M. NO. RTJ-05-1960, October 25, 2005]

JUVELYN D. KILAT, COMPLAINANT, VS. JUDGE MARIANO S. MACIAS, RTC, BRANCH 28, LILOY, ZAMBOANGA DEL NORTE, RESPONDENT.

R E S O L U T I O N

TINGA, J.:

This is an administrative complaint charging respondent Judge Mariano S. Macias, Executive Judge of the Regional Trial Court, Branch 28, Liloy, Zamboanga del Norte, with immorality, conduct unbecoming of a judicial officer, rape, and violation of the Anti-Child Abuse Law.^[1]

According to complainant, she was a sixteen (16) year-old working high school student in Ipil, Zamboanga del Sur when she met respondent in November 1999. One time, respondent fetched her from her school and had dinner with her in a local restaurant. After dinner, respondent brought her to his vehicle where he kissed and fondled her, assuring her that he will take care of her, her studies, her expenses and her future. Later, she was brought to a hotel. Despite her plea to be driven home, respondent refused, telling her that he just wanted her company while he was resting. Complainant tried to go out of the room but respondent caught up with her and threatened her with a gun. Respondent removed her clothes and succeeded in having sexual intercourse with her. Respondent asked complainant to be his live-in partner, but she did not reply. Respondent threw at complainant P1,500.00 worth of bills and warned her not to tell any person what had transpired.^[2]

Because of the incident, complainant was forced to quit her job and stop with her schooling. She went back to the house of her parents in Salug, Zamboanga del Norte. Respondent still managed to find out her whereabouts and offered her a job in Sindangan, Zamboanga del Norte, which she accepted. However, while in Sindangan, respondent brought her to his house where he again succeeded in having sexual intercourse with her. Afterwards, he gave her money and threatened to have her killed should she tell anyone what happened. From that time onwards, complainant became respondent's kept woman, spending Saturday nights with him and he gave her money every time they had sexual intercourse. Complainant claims that she left respondent when she found out that he was having another affair. She went back to her parents and told them what respondent did to her. They sought the help of Salug officials to seek justice for what respondent had done.^[3]

For his part, respondent claims that complainant was just being used by his ex-wife, Margie Corpus Macias, and several other personalities who he believed had "selfish and personal axes to grind"^[4] against him. He denies the accusation of raping and having illicit relations with complainant whom he knew only as a passing acquaintance. He claims that he had been in contact with complainant only once,

when he bought her cellular phone, and only because he pitied her. Respondent asserts that complainant informed him that she was kidnapped and merely forced to sign the documents used in the instant administrative complaint. To find out the veracity of complainant's story, respondent and his counsel asked her to narrate her plight in the presence of a pastor of the Adventist Church, a lawyer, and a public prosecutor—all respected members of the community.^[5] In support of his defense, respondent annexed the following documents: (i) letter addressed to the Chief Justice signed by complainant withdrawing the instant administrative complaint; (ii) letter to Ombudsman Aniano Desierto signed by complainant, filing administrative charges against those who conspired to kidnap her; (iii) *Sinumpaang Pamamahayag*^[6] executed by complainant dated 21 August 2001; (iv) *Apas-Sumpay Nga Pamamahayag*,^[7] dated 23 August 2001 among others.

Complainant confessed^[8] that she was approached by Vice Mayor Edgar Saldia and Mayor Jesus "Siote" Lim of Salug, Zamboanga del Norte and offered to help her prepare a case for rape against respondent. She refused because respondent did not do anything wrong to her. Later that day, Mrs. Margie Macias talked to complainant, telling her that she was "heaven-sent," because Mrs. Macias wanted respondent to be dismissed from his work. Two days later, Vice Mayor Saldia promised her mother that he will give complainant's father a job in the municipal hall if they agree to the filing of a rape case against respondent. When complainant's mother refused, Vice Mayor Saldia threatened her with a lawsuit. Reluctantly, complainant was left in the vice mayor's house where she was locked in one of the rooms. After two or three days, she was brought to the house of Atty. Selda, where she was forced to sign the affidavit-complaint against respondent. Afterwards, accompanied by the vice mayor's daughter known to her as "Blanca," they had the affidavit notarized by a public prosecutor. Complainant claims that she attempted to tell the public prosecutor about the untruthfulness of the affidavit, but she was afraid of Blanca who was then glowering at her.^[9]

After a few days, complainant was brought to Manila and made to stay in the house of Atty. Reynaldo Llego in Cubao, Quezon City. She was locked up in the house for almost three weeks and was provided with a guard. However, she was able to escape through the help of her cousin, Carmen Manlangit, who was then working in Quezon City.^[10]

On 5 August 2002, respondent filed a *Manifestation*^[11] informing the Court of the *Resolution* of the Office of the Ombudsman-Mindanao which dismissed the criminal complaint for rape filed by the complainant.

Meanwhile, complainant filed charges against those accused of kidnapping her, which complaint was endorsed by the Deputy Ombudsman for Mindanao to the Office of the Provincial Prosecutor of Zamboanga del Norte. The Provincial Prosecutor initially suspended the resolution of the complaint, but the Department of Justice reversed the resolution and ordered the filing of informations for grave coercion and serious illegal detention against Mayor Jesus Lim, Vice Mayor Edgar Saldia, Atty. Alanixon Selda, Margie Corpus-Macias, Ma. Blanca Urongan, Sidney Sy, Dolbert Panangitan, Victorie Panangitan, Salque Bulado, Robert Abella, Atty. Reynaldo Llego, Tony Gallara, Rick "Doe", and Gingging Enriquez.^[12] On 1 December 2003, the Provincial Prosecutor filed the corresponding information and

the case was docketed as Criminal Case No. L-00727, raffled to RTC Branch 28, Liloy, Zamboanga del Norte presided by respondent judge. On 2 December 2003, respondent issued an order for the arrest of the persons named in the information. [13] The next day, accused moved for the inhibition of respondent from the criminal case on the ground that respondent is directly involved in the said case. Respondent thus issued an order inhibiting himself from the criminal proceedings and recommended to the Court that another judge be designated in his place. [14]

The accused in Criminal Case No. L-00727 filed a special civil action for certiorari and prohibition (docketed as CA-G.R. SP No. 80984) with the Court of Appeals, questioning: (i) the DOJ resolution ordering the filing of informations against them; (ii) the information filed; and (iii) the warrant of arrest issued by respondent judge. The Court of Appeals granted the petition, nullifying the information and quashing the warrant of arrest earlier issued. It also recommended to the Office of the Court Administrator (OCA) a separate investigation into respondent judge's administrative culpability for his acts of coercion and harassment and in precipitously issuing the arrest warrant despite being intimately involved in the criminal case. [15]

Meanwhile, on 8 March 2004, this Court granted respondent's application for disability retirement under Republic Act No. 910, as amended. However, payment of disability benefits was held in abeyance pending resolution of the administrative complaints against him. [16]

The OCA required respondent to file his comment on the matter, [17] and on 20 April 2004, respondent complied with the directive, denying any administrative culpability or guilt for acts of coercion, harassment, or unlawful detention of complainant. [18] He claimed that he was merely performing a ministerial function when he issued the subject arrest warrants. Besides, said warrant had not been implemented and accused could still resort to procedural remedies. [19]

On 14 May, 2004, the OCA submitted its findings and recommendation, to wit:

1. This matter be RE-DOCKETED as a regular administrative complaint against respondent Judge;
2. The charge of immorality, conduct unbecoming of a judicial officer, rape and violation of the Anti-Child Abuse Law against the respondent be DISMISSED for lack of sufficient evidence;
3. Respondent Judge be found GUILTY of bias and abuse of authority for issuing the warrant of arrest in Criminal Case No. L-00727 and that he be meted with the penalty of FINE in the sum of Two Thousand Pesos (P2,000.000) pesos to be deducted from his disability retirement benefits. [20]

The case was referred to Court of Appeals Associate Justice Jose Mendoza for investigation, report and recommendation. However, Justice Mendoza prayed to be excused from conducting the investigation since he was a member of the division which decided CA-G.R. SP No. 80984. The case was then referred to Associate Justice Remedios Salazar-Fernando, likewise asked that she be allowed to recuse herself since she was the *ponente* in a case related to CA-G.R. SP No. 80984. The