EN BANC

[A.M. No. MTJ-04-1523.(formerly A.M. OCA IPI No. 99-780-MTJ), February 06, 2004]

DARIO MANALASTAS, COMPLAINANT, VS. JUDGE RODRIGO R. FLORES, MUNICIPAL TRIAL COURT, BRANCH 2, SAN FERNANDO, PAMPANGA, RESPONDENT.

D E C I S I O N

CALLEJO, SR., J.:

This is an administrative complaint against Judge Rodrigo R. Flores,[1] Municipal Trial Court (now Municipal Trial Court in Cities), Branch 2, City of San Fernando, Pampanga, for dishonesty, gross incompetence, gross ignorance of the law, patent immorality and gross inefficiency.

The pertinent facts, as culled from the records, are as follows:

As an aftermath of the May 1997 barangay elections in San Jose, San Fernando, Pampanga, Alberto Guinto, as protestant, filed an election contest[2] against Dario Manalastas, as protestee, with the MTC of San Fernando, Pampanga, then presided by the respondent judge. As the election case required the revision of a number of ballot boxes, the respondent appointed a revision committee, which thereafter submitted its report to the court.[3] The respondent then issued an Order dated November 9, 1998, declaring the case submitted for decision[4] despite the protestee's objections and demands for a hearing.

Before the decision on the case could be promulgated, a signed copy thereof was leaked out to the winning party. Upon learning of the aforesaid incident, the respondent immediately imputed the blame on his court interpreter, Mrs. Candelaria M. Mangulabnan. Thus, on August 30, 1999, he issued an Order stating, *inter alia*, that the decision dated May 5, 1999 was stolen from his office and therefore "unofficial," "a mere scrap of paper, hence, had no force and effect." In the same Order, the respondent set the case for promulgation of judgment on September 6, 1999.[5]

Meanwhile, protestee Dario Manalastas, now the complainant, filed a Letter-complaint dated September 6, 1999 against the respondent, accusing the latter of high-handed irregularities committed in the proceedings of Barangay Election Protest No. 97-04. The complainant averred that it was wrong for respondent to consider the election protest submitted for decision without conducting a hearing thereon, and despite vehement objection from his camp. Furthermore, after furnishing him a copy of the Decision dated May 5, 1999 the respondent issued an order, *ex parte*, declaring it null and void and directing that another decision be

promulgated on September 6, 1999. Complainant further imputed the following acts to the respondent:

1. The respondent dismissed Criminal Cases Nos. 99-1855, 99-1856 and 99-1857 for rape in exchange for P160,000 which he demanded from the relatives of the accused, after which he deliberately failed to transmit the records to the provincial prosecutor for review;2) The respondent granted several motions for reduction of bail on the condition that part of the reduced bail be given to him; the respondent likewise dismissed cases after preliminary investigation on the condition that the bond posted by the accused be given to him;3) In Criminal Case No. 99-2248, the respondent judge reduced the bail bond from P127,000 to P30,000, but only P25,000 was deposited with the court as the difference was kept by the respondent;4) In criminal cases raffled to the respondent judge's *sala*, he undertook to procure the surety bonds for the accused for a fee or commission;5) In one case involving violation of Rep. Act No. 6425, the respondent ordered the detained accused transferred from the municipal jail to a rehabilitation center, in the process enabling the latter to escape before the case reached the Regional Trial Court;6) Most rulings, resolutions and decisions of the respondent were prepared by his clerk of court; he likewise allowed other judges to interfere in cases pending before him, and even signed decisions prepared by other judges; and,7) The respondent flaunted different women, introducing them as his paramours, and induced other lawyers to tag along by providing them with women.

2. The respondent granted several motions for reduction of bail on the condition that part of the reduced bail be given to him; the respondent likewise dismissed cases after preliminary investigation on the condition that the bond posted by the accused be given to him;

3. In Criminal Case No. 99-2248, the respondent judge reduced the bail bond from P127,000 to P30,000, but only P25,000 was deposited with the court as the difference was kept by the respondent;

4. In criminal cases raffled to the respondent judge's *sala*, he undertook to procure the surety bonds for the accused for a fee or commission;

5. In one case involving violation of Rep. Act No. 6425, the respondent ordered the detained accused transferred from the municipal jail to a rehabilitation center, in the process enabling the latter to escape before the case reached the Regional Trial Court;

6. Most rulings, resolutions and decisions of the respondent were prepared by his clerk of court; he likewise allowed other judges to interfere in cases pending before him, and even signed decisions prepared by other judges; and,

7. The respondent flaunted different women, introducing them as his paramours, and induced other lawyers to tag along by providing them with women.[6]

The case was docketed as A.M. OCA IPI No. 99-780-MTJ. In compliance with the directive of Court Administrator Alfredo L. Benipayo,[7] the respondent judge submitted his comment on the administrative complaint, vehemently denying all the charges against him. He asserted that the charges were unsubstantiated and mere

hearsay. He demanded an immediate hearing to prove his innocence and reserved his right to file counter-charges against his accuser.[8]

In a Letter[9] dated November 15, 1999, the complainant requested the withdrawal of his complaint against the respondent judge, as the filing of the complaint was "a product of misappreciation and miscomprehension of facts for which no fault could be ascribed or attributed to anyone, including the respondent judge."[10]

In a Resolution dated August 22, 2001, we resolved to refer the case as recommended to Executive Judge Pedro M. Sunga, Jr., Regional Trial Court (RTC), Pampanga, for investigation, report and recommendation.[11] On July 11, 2001, Judge Adelaida A. Medina succeeded Judge Sunga, Jr. as the new Executive Judge of the RTC of Pampanga.[12] Thus, in a Resolution dated December 3, 2001, we referred the case to the new executive judge.[13]

Upon receipt of the case, Judge Medina scheduled a hearing on February 19, 2002. Neither party appeared on the said date. Instead, the complainant filed a Manifestation dated February 12, 2002, reiterating his disinterest in prosecuting the instant case and prayed for its dismissal. Attached thereto was an Affidavit of Desistance, stating that whatever errors respondent judge committed in Barangay Election Protest No. 97-04 were errors of judgment that could not be taken against him. The complainant also declared that the evidence he intended to present in support of his charges had been lost, and despite diligent efforts could not be located.

The complainant appeared in the hearing of March 12, 2002 and affirmed the validity and voluntariness of his affidavit of desistance. Executive Judge Medina thereafter submitted her Report dated May 14, 2003, with the following recommendation:

> Respondent judge is guilty of corrupt act[s] and gross misconduct constituting violations of the Code of Judicial Conduct. Under Rule 140 of the Rules of Court, as amended by A.M. No. 01-8-10-SC dated September 11, 2001, both are serious charges punishable by the penalty of dismissal from the service with forfeiture of benefits, suspension, or fine. However, respondent judge had earlier been dismissed and his benefits forfeited in connection with another administrative case. Thus, the remaining penalty that may be imposed upon respondent judge is a fine of more than Php20,000 but not exceeding Php40,000.
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> Considering that this is the third of a series of administrative charges lodged against respondent judge, all of which involving (sic) corruption in office, the undersigned deems it proper to recommend the imposition upon him of a fine in the maximum amount of Php40,000. What emerges from the cases filed against respondent judge is a pattern of corruption so serious as to tarnish the image of the entire judiciary. To this the court must not turn a blind eye, as it serves only to erode the public's faith and trust in the judiciary.[14]

We agree with the investigating judge that the respondent is administratively liable.

The withdrawal of the complaint or the execution of an affidavit of desistance does not automatically result in the dismissal of an administrative case. To condition an administrative action upon the will of the complainant, who for one reason or another, condones a detestable act, would be to strip this Court of its power to supervise and discipline erring members of the judiciary.[15] The withdrawal of complaints cannot divest the Court of its jurisdiction nor deprive it of its power to determine the veracity of the charges made and to discipline, such as the results of its investigation may warrant, an erring respondent. The Court's interest in the affairs of the judiciary is a paramount concern that must not know bounds.[16]

With respect to the irregularities of Barangay Election Protest No. 97-04, we quote with approval the following findings and observations of the investigating judge:

> As regards the allegation of inefficiency relative to the proceedings in Election Protest Case No. 97-04, a related case was filed before RTC Branch 47, entitled "Dario Manalastas vs. Hon. Rodrigo R. Flores, et al.", and docketed as Civil Case No. 11929. The case is one for prohibition and mandamus, with a prayer for the issuance of a writ of preliminary injunction and temporary restraining order. It is also alleged therein that the procedure followed by respondent judge in the election protest case was highly irregular.
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> Indeed, as alleged by the complainant, respondent judge considered the election protest case submitted for decision upon his receipt of the report of the revision committee, over the objections of counsel for protestee. Attached hereto as Annexes "C" & "D" are copies of the order and manifestation of objection.[17]

In issuing the order considering the case submitted for decision based on a mere report, the respondent judge was clearly guilty of violating due process, tantamount to gross ignorance of the law. Revision is merely the first stage, and not the *alpha* and *omega*, of an election contest.[18] The respondent judge should have known that the function of the revisors is very limited. In *Defensor-Santiago v. Ramos*,[19] we elucidated, thus:

> ... [R]evisors do not have any judicial discretion; their duties are merely clerical in nature (*Hontiveros v. Altavas*, 24 Phil. 632 [1913]). In fact, their opinion or decision on the more crucial or critical matter of what ballots are to be contested or not does not even bind the Tribunal (*Yalung v. Atienza*, 52 Phil. 781 [1929]; *Olano v. Tibayan*, 53 Phil. 168 [1929]). Thus, no undue importance may be given to the revision phase of an election contest. It can never serve as a logical or an acceptable basis for the conclusion that massive fraud or irregularities were committed during an election, or that a Protestant had won in said election. If that were so, a Protestant may contest all ballot boxes and, in the course of the revision thereof, object – for any imagined ground whatsoever, even if the same be totally unfounded and ridiculous – to all ballots credited to the Protestee; and then, at the end of the day, said Protestant may even announce to the whole world that contrary to what is reflected in the election returns, Protestee had actually lost the election.[20]