

SECOND DIVISION

[A.M. No. MTJ-01-1348, November 11, 2004]

**JUDGE DOLORES L. ESPAÑOL AND OPHELIA G. SULUEN,
COMPLAINANTS, VS. JUDGE LORINDA T. MUPAS, RESPONDENT.**

[A.M. NO. MTJ-01-1352]

**EMPLOYEES OF THE METROPOLITAN TRIAL COURT,
DASMARIÑAS, CAVITE, COMPLAINANTS, VS. JUDGE LORINDA T.
MUPAS, RESPONDENT.**

[A.M. NO. 01-2-100-RTC]

**RE: REPORT ON THE JUDICIAL AUDIT ON SEARCH WARRANTS AT
THE REGIONAL TRIAL COURT, DASMARIÑAS, CAVITE, BRANCH
90,**

[A.M. NO. MTJ-01-1358]

**RE: REPORT ON THE COMPLAINT OF JUDGE DOLORES L.
ESPAÑOL, REGIONAL TRIAL COURT, DASMARIÑAS, CAVITE,
BRANCH 90; WILMA GO AMPOSTA; AND MEDY M. PATRICIO
AGAINST JUDGE LORINDA T. MUPAS, MUNICIPAL TRIAL COURT,
DASMARIÑAS, CAVITE,**

D E C I S I O N

CALLEJO, SR., J.:

Before the Court are four consolidated administrative cases: three involving Judge Lorinda T. Mupas, Municipal Trial Court (MTC), Dasmariñas, Cavite, docketed as A.M. Nos. MTJ-01-1348, MTJ-01-1352 and MTJ-01-1358; and one relating to the Report on the Judicial Audit on Search Warrants at the Regional Trial Court (RTC) of Dasmariñas, Cavite, presided by Judge Dolores L. Español, docketed as A.M. No. 01-2-100-RTC.

The charges are summarized as follows:

- 1) MTJ-01-1348 – alleged irregularities in the processing and approval of bailbonds (*sic*) in the Municipal Trial Court of Dasmariñas, Cavite with the knowledge and tacit consent of the respondent Judge Lorinda T. Mupas.
- 2) MTJ-01-1352 – utilizing employees in respondent Judge's court to perform domestic chores

in her household whenever she has no house helps; corruption by demanding bribe money before rendering her decisions, citing the case of one Atty. Estrella Laysa to whom respondent Judge sent her sheriff to ask for "lagay" in connection with a simple case for ejectment in her sala; dismissing a drug case against Melvin Lasangue after receiving a sizeable amount for the accused which was later reviewed by Assistant Provincial Prosecutor who did not succumb to respondent Judge's offer of money and free plane ticket for abroad.

3) MTJ-01-1358

- irregular dismissal by respondent Judge of Criminal Case No. 97-0038 against Marcelino Diana for violation of Republic Act No. 6425, despite the fact that shabu and drugs paraphernalia were seized from the accused's residence pursuant to a Search Warrant issued by Honorable Judge Dolores L. Español, on the flimsy pretext that glaring irregularities in the conduct of the search rendered the prohibited drugs confiscated totally inadmissible as evidence, the amount of P500,000.00 in cash and a jeep valued at P200,000.00 allegedly having changed hands in consideration of the dismissal of the case; allowing her clerk of court to conduct preliminary investigations of cases filed in her court; and unjustified refusal to approve the surety bond of an applicant for release from detention upon complaint of Wilma Go Amposta and Medy Patricio.

4) 01-2-100-RTC

- irregular issuance by Honorable Judge Dolores L. Español of search warrants without attaching to the records of the cases written depositions in the form of searching questions and answers of the complainants and their witnesses.^[1]

The cases were initially assigned to Retired Justice Romulo S. Quimbo, Consultant in the Office of the Court Administrator for investigation. Justice Quimbo, however, later voluntarily inhibited himself. Retired Justice Conrado M. Molina, Consultant, Office of the Court Administrator (OCA), was designated in his stead in the Resolution^[2] of September 26, 2001.

A.M. No. MTJ-01-1348
Judge Dolores L. Español

and *Ophelia G. Suluen v.*
Judge Lorinda T. Mupas

In her Letter^[3] dated May 24, 1999, Judge Español updated a “confidential report” dated May 15, 1997 complaining of certain irregularities allegedly committed by the respondent judge. The antecedents are summarized by the Court Administrator as follows:

The complaint of Judge Español stemmed from the dismissal by Judge Mupas of Criminal Case No. 97-0038 entitled “People of the Philippines v. Marcelino Diana” for Violation of Section 16, Article II, Republic Act No. 6425. Diana was apprehended on 16 January 1997 by virtue of Search Warrant No. 334 issued by Judge Español where the search yielded, among others, 249.2 grams of shabu wrapped in twenty-seven (27) plastic sachets, and two (2) decks of shabu wrapped in aluminum foil weighing 1.5 grams.

On 17 January 1997 a criminal complaint against Diana was filed before the MTC of Dasmariñas. A preliminary investigation was conducted by Judge Mupas on 22 and 30 January 1997 involving prosecution witnesses PO2 Enrico Set, a member of the searching party from the PNP Dasmariñas, Cavite, and Barangay Kagawad Joey Carungcong who was invited to witness the search in the house of Diana.

On 7 February 1997 Judge Mupas issued a Resolution recommending the dismissal of the case for lack of probable cause. She ruled that there was a clear violation of the constitutional right of the accused against unreasonable searches and seizure; moreover, “glaring irregularities” in the search rendered the prohibited drugs confiscated from the house of Diana totally inadmissible as evidence. The judge pointed out that during the preliminary investigation, Kagawad Joey Carungcong testified that he never actually witnessed the search; as a matter of fact, nobody witnessed it. Carungcong narrated that on 16 January 1997 at about 4:45 in the afternoon, he was fetched from his office by two policemen to assist them in searching the house of Diana. Carungcong said that no illegal drugs were recovered therefrom. He was nevertheless informed that several plastic sachets containing shabu were found in one of the rooms of the house. Carungcong also revealed that he was informed that when he arrived at the place, the police had already conducted the search of the house without witnesses and that he saw Diana outside his house already handcuffed.^[4]

In a verified Affidavit-Complaint^[5] dated May 27, 1999, Judge Español alleged that the respondent was involved in collecting “premiums” from detention prisoners who apply for bail bonds in her *sala*. It was also alleged that the respondent judge “readily acted on bailable offenses but would leave out cases where the detention prisoners could not afford to post bail or are charged with non-bailable offenses.” The complainant judge continued, thus:

... [I]n her own terms, she [Judge Mupas] claimed that detention prisoners left in the cell are those who are already “pigang-piga na” and one way of doing this is to threaten to transfer them to the

Provincial Jail in Trece Martires, Cavite. This matter is corroborated when Judge Mupas raised this issue in her letter to me dated April 30, 1999, stating that "In one case, in People vs. Marcel Morales, docketed as Criminal Case No. 98-0726, I ordered his commitment from the Municipal Jail of Dasmariñas, Cavite to the Provincial Jail of Trece Martirez City only to find out later that you have already approved his application for bail and ordered his release from custody;"

12. Furthermore, while the above matters were looked into personally by the undersigned and in the presence of Mrs. Ophelia Suluen, Warden Alejandra dela Cruz and JO1 Pabillar begged to be excused from signing their sworn statements for fear of retribution from Judge Mupas, hence, efforts exerted by the undersigned to present their sworn statements failed;
13. Likewise, JO1 Pabillar alleged that they were called by Judge Mupas last Friday, May 21, 1999, and emphasized to them that thenceforth the money for the bailbond (*sic*) premiums should not be given to Belen [Seperedad Robles], but to one Erlinda Carreon, a civilian employee of the Philippine National Police of Dasmariñas. This is a subtle admission that, indeed, some of her staff were involved in this nefarious activity prohibited under Administrative Circular No. 5, dated October 4, 1998. This could be the reason why Judge Mupas is emboldened to challenge that the undersigned name names because she has already prevailed upon these people not to meddle in this matter and, with her clout and even threats, she may have succeeded; ...^[6]

Attached to the complaint was an Affidavit^[7] executed by Ophelia G. Suluen, Legal Researcher, Regional Trial Court, Dasmariñas, Cavite, Branch 90, where she alleged that the respondent judge gave her a call and told her "*Pakisabi mo kay Judge Español na magkakaproblema siya sa mga nirelease nya, kasi reject sa akin dahil yung iba, maraming pending na kaso,*" and "*Malaki kasi ang kita sa piyansa.*"^[8]

According to Suluen, between 10:00 to 10:30 a.m. of April 27, 1999, Ricardo Pabillar, a jail guard at the municipal jail of Dasmariñas, Cavite, came to their court to inquire about the bail bond of one Rogelio Drio, which she had received the day before. Drio was detained for a case pending in the MTC, Dasmariñas, Cavite, in the sala of the respondent judge. She then referred the matter of Drio's bail bond to Judge Español, who, in turn, called jail guard Pabillar to her chambers. Pabillar then told Judge Español that detention prisoners applying for bail preferred the jailers to process their bail bond papers as the latter charged only 15% of the prescribed bail, whereas the staff of the respondent judge would ask for "processing fees" equivalent to 20% of the recommended bail. Only 10%-11% would go to the bonding company while the rest was pocketed by the respondent's staff. Judge Español, thereafter, approved the bailbond of Drio in an Order^[9] dated April 27, 1999.

During the hearing of the case, Suluen testified that Judge Español acted on bail bond applications for cases pending in other courts in Cavite, such as Criminal Cases Nos. 99-0435, 01-2020 and 01-2022, all pending in the respondent judge's *sala*.

Suluen also admitted in open court that persons following up bail bonds used to give them P100 to P200 for snacks for the staff, which included Judge Español. She explained on redirect examination that although Judge Español was also given snacks bought with the money in question, the latter had not known the source of the money.

Ma. Lourdes M. Sapinoso, Court Clerk III, RTC, Branch 90, in her Affidavit^[10] dated November 20, 2001, stated that people who come to their court for approval of bail bond applications often complained about employees of other courts, particularly those from the *sala* of the respondent judge, who asked for amounts equivalent to 30% of the required bond. This was apparently the consideration for the approval of the bond and the issuance of the order of release of the accused. There were also instances when requests for copies of the complaint were denied, allegedly for the purpose of compelling people to post their bail bond before the municipal trial court. Because of this and for "humanitarian considerations," Judge Español approved bailbond applications of cases pending before the *sala* of the respondent judge.

Pilarica Baldejera also testified for the complainant judge. In her Affidavit^[11] dated April 15, 2002, she deposed that the accused in Criminal Cases Nos. 99-0892, 99-1129 and 02-0609, Rodel Baldejera y Villo, was her son, and that the said cases were pending before the *sala* of the respondent judge. She testified that on April 14, 2002, she went to the office of Judge Español with a certain Eric from the Governor's Office. She returned to the complainant judge the next day at about 1:00 to 1:30 p.m. and told her about her son's bail problem. She was advised to see the respondent judge at her office in Dasmariñas. Baldejera arrived there at about 3:00 p.m., and personally requested the respondent judge to allow her son to post bail. The respondent told her to raise a cash bond of P30,000 and to deliver the money to her (the respondent's) office. The latter subsequently told her to see one Inday Carreon at the PNP station. The witness waited for two hours but no one came.

In her Comment,^[12] the respondent judge denied the charges against her, contending that they were malicious imputations, hearsay and without factual and legal basis. She stated that she received two letters from Judge Español dated April 28, 1999 and May 5, 1999, respectively. She then sent her respective replies thereto on April 30, 1999 and on May 12, 1999. The respondent judge stated that she forwarded a query to the Court in a Letter^[13] dated April 28, 1999, where she questioned the legality and propriety of the acts of Judge Español in approving bail bonds and releasing the accused under detention whose cases were filed before her (respondent judge's) sala for preliminary investigation. The respondent claimed that Judge Español did so despite the fact that there was no showing that she (the respondent) was absent or on leave when the applications for bail were approved. The respondent judge listed the cases adverted to, to wit:

For your reference, hereunder are (*sic*) the lists (*sic*) of cases filed before my sala for preliminary investigation whose applications for bail were approved by Judge Español and thereafter, upon her orders, the accused were released from custody.

1. Crim. Case No. 98-0089
PP-vs-ORLANDO SANTIAGO