

## THIRD DIVISION

**[ A.M. No. RTJ-03-1757 (A.M. OCA IPI No. 97-372-RTJ), February 19, 2003 ]**

**ALBERT T. UY, COMPLAINANT, VS. JUDGE ADRIANO R. OSORIO, RTC, BRANCH 171, VALENZUELA, METRO MANILA, RESPONDENT.**

### D E C I S I O N

**SANDOVAL-GUTIERREZ, J.:**

The present administrative case stemmed from the affidavit-complaint dated April 7, 1997 filed with this Court by Albert Uy against Judge Adriano R. Osorio,<sup>[1]</sup> Regional Trial Court (RTC), Branch 171, Valenzuela, Metro Manila.

Albert Uy's affidavit-complaint alleges that he and his wife Carmen were defendants in Civil Case No. 4701-V-95 pending in respondent Judge Osorio's sala. On several occasions, respondent invited complainant to go to "Barracks," respondent's karaoke bar in Malabon. There, on different dates, respondent asked complainant to give him a television set, an air-conditioner, and the amounts of P20,000.00, P10,000.00, and US\$1,000.00 needed by his second family in Balagtas, Bulacan where his three children with one Inday Osorio live. Complainant obliged, prompting him to mortgage his car and close his bank accounts. As consideration for the appliances and money given by complainant, respondent promised that he will win in Civil Case No. 4701-V-95.

On May 16, 1996, respondent judge issued an order unloading Civil Case No. 4701-V-95 to another RTC judge on the ground that his court was designated as a special court to hear and decide only heinous crimes. What is surprising is that he did not unload Civil Case No. 4692-V-95, "Alfredo Atienza vs. Toyota (Cubao), Inc." Plaintiff here is respondent's *compadre*.

On May 21, 1996, complainant wrote respondent demanding the return of his money and appliances.

Subsequently, a "uniformed policeman" delivered to complainant's house a Metrobank check (No. 018382) in the name of Christian Osorio, respondent's son. The check, in the sum of P25,613.25, was intended as payment for the TV set and the air-conditioning unit. It was received by complainant's sister-in-law, Diana Uy.

Thereafter, complainant again wrote respondent another letter demanding payment of the sums of P20,000.00, P10,000.00 and \$1,000.00. In response, respondent sent his compadre, Alfredo Atienza, to complainant's house to deliver another Metrobank check (No. 018388) in the amount of P30,000.00, also in the name of Christian Osorio. It was received by complainant's wife, Carmen Uy.

In his comment on the affidavit-complaint, respondent Judge Osorio vehemently

denied complainant's imputations against him. He explained that it is his son, Christian Osorio, who owns the karaoke bar "Barracks." Complainant is a disgruntled litigant and has "an axe to grind" against him considering that in Civil Case No. 4701-V-95, he issued a writ of preliminary attachment resulting in the sale at public auction of complainant's vehicles and the garnishment of his bank deposits. In order to obtain a favorable judgment, complainant befriended Christian. In the process, complainant convinced Christian to add a VIP room to his karaoke bar and offered to sell a TV set, an air-conditioning unit and sound equipment worth P55,000.00, payable as the business progresses. Later, Christian intimated to pay in part, but complainant said it was not yet time to pay. He then requested Christian to convince his father to decide the case in his favor. Christian agreed, informing his father of such request. This prompted respondent to unload Civil Case No. 4701-V-95, using as reason the designation of his sala by this Court as a special court to hear and decide exclusively heinous crimes. He then advised his son to pay complainant for the appliances.

Respondent judge further averred in his comment that being a widower, he has no second family; that he has served the judiciary for more than thirty (30) years with utmost honesty; and that he will "not spoil and destroy the earned credits of his career."

In a Resolution dated March 9, 1998, this Court referred this administrative matter to then Court of Appeals Justice Romeo Callejo, Sr. (now a member of this Court) for investigation, report and recommendation.

After conducting a hearing, Justice Callejo submitted his Report recommending that the affidavit-complaint against respondent judge be dismissed for insufficiency of evidence.

Justice Callejo's findings are reproduced as follows:

"Calibrating and assessing the evidence of the parties, the Investigating Justice is convinced that the Complainant had decided to influence the Respondent to resolve Civil Case No. 4701-V-95 in his favor but that he cannot contact the Respondent personally as the latter made it a policy, in his Court, that no one can see him in his Chambers. The Complainant then decided to use the son of the Respondent, Christian Osorio, as a 'channel' or 'vehicle' to the Respondent and influence the latter in resolving Civil Case No. 4701-V-95 in his favor. The Complainant managed to convince Christian Osorio to convert a portion of his 'Karaoke Bar' into a 'VIP room' and offered to supply Christian Osorio with an air-conditioner and television unit as well as cash in the amount of P30,000.00 and US\$1,000.00. Christian Osorio knew no better. He took the bait and accepted the appliances and the cash amounts from the Complainant. As it was, when the time was ripe, the Complainant sought the help of Christian Osorio to talk with the Respondent to resolve Civil Case No. 4701-V-95 in favor of the Complainant. However, when apprised by his son of the request of the Complainant, sometime in April, 1996, the Respondent realized that the Complainant managed to inveigle himself into the good graces of his son, Christian Osorio, precisely to influence the Respondent in resolving Civil Case No. 4701-V-95 in favor of the Complainant. But the Respondent was even caught in a bind

because if he inhibited himself from the case, he had to have a valid reason for so doing. However, the Respondent cannot use, as a justification for his inhibition, the attempt of the Complainant to influence the Respondent via his son, Christian Osorio, as the same would place his son, in a bad light. However, when the Respondent received Administrative Order No. 51-96 of the Supreme Court, the Respondent used the said Order as justification for unloading Civil Case No. 4701-V-95 to another Branch of the Court, thus, preserving the integrity of the Court. On the other hand, the complainant realized that all the appliances and cash money he gave to Christian Osorio were for naught. He had to recover the appliances and cash money he gave to Christian Osorio. However, if the Complainant filed a complaint against Christian Osorio, he will thereby be rendering himself vulnerable to a charge of attempt to corrupt a public rendering himself vulnerable to a charge of attempt to corrupt a public officer, a felony under Article 213 of the Revised Penal Code. Hence, to compel Christian Osorio to refund to the Complainant the cash money he received from the Complainant and recover the value of the appliances, he wrote the letters of demand, Exhibits 'A' and 'C', to the Respondent smuggled that, to avert being charged administratively by the Complainant, the Respondent will have to insist that his son, Christian Osorio, complied with the demands of the Complainant. However, the Complainant sent his letters of demand with the notations 'Personal/Confidential' written on the envelopes to insure that the staff of the Respondent will not open the said envelopes thereby insuring that the Respondent will not be able to charge the Complainant with libel. As it was, after the Complainant had received the remittances of Christian Osorio, he did not anymore file any charges against the Respondent. Although the Complainant failed to secure a favorable judgment from the Respondent, in Civil Case No. 4701-V-95, however, he was able to recover his 'investment' with Christian Osorio. In fine, the Investigating Justice finds and so declares that the Complainant failed to prove, with the requisite quantum of evidence, his charge of 'Corruption' against the Respondent."

This Court agrees with the findings, conclusion and recommendation of Justice Callejo.

Actually, on the basis of his affidavit-complaint, complainant is charging respondent with bribery, dishonesty and violation of the Anti-Graft and Corrupt Practices Law, classified as serious charges under Sections 7 and 8, Rule 140 of the Rules of Court, thus:

"SEC. 7. *Classification of Charges.*- Administrative charges are classified as serious, less serious, or light.

"SEC. 8. *Serious charges.* – Serious charges include:

- '1. Bribery, direct or indirect;
2. Dishonesty and violations of the Anti-Graft and Corrupt Practices Law (R.A. 3019).

x x x'''