

## SECOND DIVISION

**[ A.M. No. MTJ-03-1479 (OCA IPI No. 01-1003-MTJ), February 17, 2003 ]**

**ATTY. MELENCIO A. CEA, COMPLAINANT, VS. JUDGE ORLANDO C. PAGUIO, MTC-BR. 1, MEYCAUAYAN, BULACAN, RESPONDENT.**

### D E C I S I O N

**BELLOSILLO, J.:**

ATTY. MELENCIO A. CEA, in an *Affidavit-Complaint* dated 23 January 2001, charged Judge Orlando C. Paguio, MTC-Br. 1, Meycauayan, Bulacan, with violation of the *Code of Legal Ethics* and *The Anti-Graft and Corrupt Practices Act* (Rep. Act No. 3019). Complainant's grievance arose from Crim. Cases Nos. 95-17285, 95-17286 and 95-17287, for violation of Batas Blg. 22, all entitled "*People v. Alicia Cea Tecson*," where respondent judge rendered a consolidated decision dated 3 July 2000 convicting the accused on all counts.

The *Affidavit-Complaint* dated 23 January 2001 alleged that complainant was the counsel of his daughter, accused Alicia Cea Tecson, in the above-entitled criminal cases. It further alleged that at the instance of respondent judge they met at the *Ark's Restaurant* in Marilao, Bulacan, to discuss the status of the criminal cases. During one of the meetings, respondent judge intimated that he would lose the cases and solicited P100,000.00 from him in exchange for a favorable decision. Feeling insulted by the suggestion, he retorted that he need not give "grease money" because his daughter had a meritorious case. He then dared respondent judge to proceed with the promulgation. True enough, judgment was rendered and promulgated on 4 December 2000 finding complainant's daughter guilty as charged.

The *Affidavit-Complaint* was endorsed for appropriate action to the Office of the Court Administrator which, by 1<sup>st</sup> Indorsement dated 5 March 2001, directed respondent to file his *Comment* thereon within ten (10) days from receipt thereof.

On 6 April 2001 respondent judge filed his *Comment* categorically denying the claim that he met with complainant on several occasions regarding the status of the criminal cases. According to him, the truth of the matter is that he did not know complainant's residence address or that of his law office. He denied having made any suggestion or proposal to extort money from the complainant. He argued that if, as complainant claimed, the defense in the criminal cases was meritorious, it would be futile for him to squeeze any material consideration from complainant considering that a meritorious case is always a winning case. He explained that the delayed promulgation on 4 December 2000 of the decision dated 3 July 2000 was caused not by any devious design on his part but by the continuous failure of the accused to appear in court for the promulgation.

In its initial *Report* dated 22 November 2001, the Office of the Court Administrator

recommended the referral of the instant case to the Executive Judge of the Regional Trial Court, Malolos, Bulacan, for investigation, report and recommendation.

By way of a *Resolution* dated 21 January 2002, the Supreme Court directed the Executive Judge of RTC, Malolos, Bulacan, to conduct an investigation and submit his report and recommendation thereon within ninety-(90) days from receipt of the records.

In compliance therewith, Executive Judge Oscar C. Herrera, Jr., RTC-Br. 20, Malolos, Bulacan, submitted a *Report* dated 8 October 2002 finding respondent Judge Orlando C. Paguio<sup>[1]</sup> guilty of gross misconduct and recommended the imposition of an appropriate sanction against him. In finding complainant's testimony plausible, the Executive Judge observed that -

x x x complainant remained firm in his assertion that respondent asked to meet with him a number of times at Ark's Restaurant in Marilao, Bulacan. During these meetings, the respondent repeatedly asked for the amount of P100,000 for the acquittal of complainant's daughter in Criminal Cases Nos. 95-17285, 95-17286 and 95-17287. He refused to come across and instead asked respondent to promulgate the decision which the latter continuously delayed. One of these meetings took place on October 5, 2000, as shown by the Ark's Restaurant receipt with Invoice No. 1575 (Exh. "A"), where complainant was accompanied by his other daughter, Dr. Carmelita Cea-Mallari.

The undersigned had observed closely the demeanor of complainant when the latter testified during the investigation. Complainant did so in a straightforward and categorical manner. He was credible and was consistent with the narrations contained in the Complaint-Affidavit dated January 22, 2001 which he filed with the OCA. In fact, respondent himself testified that he knew complainant to be a man of principle.<sup>[2]</sup>

The wheels of justice would run smoothly not only if the judiciary is purged of the debilitating presence of recreant judges, but also importantly, if the members who perform their functions conscientiously are not hampered by groundless and vexatious charges. In its attempt to cleanse the Aegean stables, so to speak, this Court must tread on with utmost circumspection and prudence to make sure that only the guilty is denounced and the innocent absolved. Thus, any administrative complaint leveled against a judge, such as the instant case, must always be examined with a discriminating eye for the consequential effects are by their very nature highly penal where the respondent stands to face the sanction of dismissal and/or disbarment. With this in mind, we carefully evaluated the evidence on record and have come to the conclusion that the complainant has not veritably proved his case.

In his *Affidavit-Complaint*, complainant adamantly asserted that he and respondent judge, at the latter's instigation, met a number of times at the *Ark's Restaurant*, and that during one of these conferences respondent solicited P100,000.00 from him in exchange for the acquittal of the accused, his daughter, in Crim. Cases Nos. 95-17285, 95-17286 and 95-17287. In corroboration, complainant presented a receipt dated 5 October 2000 indicating the food items which were supposedly ordered by respondent. Complainant's daughter, Dr. Carmelita Cea-Mallari, was also made to