

EN BANC

[A.M. NO. RTJ-01-1631, August 14, 2003]

**OFFICE OF THE COURT ADMINISTRATOR, PETITIONER, VS.
JUDGE JAIME F. BAUTISTA, REGIONAL TRIAL COURT, BRANCH
75, VALENZUELA, METRO MANILA, RESPONDENT.**

D E C I S I O N

PER CURIAM:

On March 22, 2001, newspapers of general circulation reported that herein respondent Judge Jaime F. Bautista of the Regional Trial Court of Valenzuela City was allegedly caught receiving bribe money in an entrapment operation set up by the agents of the National Bureau of Investigation (NBI),^[1] for which he was arrested and charged with direct bribery before the Sandiganbayan.^[2] These news reports prompted the investigation of the case, which led to the filing of the administrative complaint by the Office of the Court Administrator (OCA) against the respondent judge. In a resolution dated March 27, 2001, this Court ordered the indefinite suspension of respondent "in light of the seriousness of the charge against him."^[3] On March 29, 2001, respondent moved to lift the suspension, invoking his right to be presumed innocent of the crime charged.^[4] This Court, by resolution dated May 4, 2001, denied said motion for lack of merit, docketed the complaint as an administrative matter, and referred the case to Associate Justice Roberto Barrios of the Court of Appeals for investigation, report and recommendation.^[5]

The antecedents of the case are as follows:^[6]

On February 13, 2001 a complaint for Damages with Writ of Preliminary Attachment was filed by Claudia Cadlum and Rolando Millar against the Sierra Madre Transit Company, Incorporated (SMTCI) on [the allegation] of a vehicular accident in 1996 involving one of its buses which resulted in the death of Cadlum's daughter and in serious physical injuries to Millar. The case, docketed as Civil Case No. 40-V-01, was raffled to the sala of Judge Jaime F. Bautista.

On March 1, 2001 Judge Bautista issued an order granting plaintiff's prayer for preliminary attachment. The corresponding writ was issued on March 6, 2001 and two of defendants' buses were attached on March 13, 2001.

On March 15, 2001 defendants filed an "Urgent Motion to File Counterbond" which was set for hearing the following day. On March 16, 2001 Judge Bautista issued an order in open court giving the plaintiffs ten days within which to file their Opposition/Comment to defendants' Motion. However, on the same day, Judge Bautista issued another order:

a) admitting defendants' counter bond; b) lifting the writ of attachment; and c) setting aside his earlier order requiring the plaintiffs to file their comment to defendants' motion to file counter bond.

Subsequently, on March 20, 2001, Judge Bautista was arrested in an entrapment operation conducted by the National Bureau of Investigation based on the complaint of Robbery/Extortion of Ranel T. Paruli, Liaison Officer of SMTCI. The complaint was filed with the NBI on March 19, 2001 and alleged that Judge Bautista demanded Ten thousand pesos (P10,000) from Paruli in exchange for a favorable court order.

The NBI reported that on March 20, 2001 at about 1:30 p.m., complainant and several NBI agents proceeded to the sala of Judge Bautista in RTC, Branch 75, Valenzuela City where the Judge was apprehended inside his chamber [allegedly] in the act of receiving the amount of Five thousand pesos (P5,000) in bills which were previously marked and dusted with fluorescent powder. The examination conducted by the Forensic Chemist of the NBI showed Judge Bautista positive for fluorescent powder marks.

The principal basis of the OCA's complaint is the sworn statement filed with the NBI by the liaison officer of SMTCI, Ranel Paruli, the named complainant therein. The material averments of Paruli's statement are summarized, thus: [7]

1. After the hearing on March 16, 2001, he went back to Branch 75 at around 10:00 in the morning to ask for copies of the records of Civil Case No. 40-V-01. He saw Sheriff Montes and asked why the buses had not yet been released despite payment of the requisite counter bond. Sheriff Montes proposed that to secure the release of the buses, SMTCI should give Ten thousand pesos (P10,000) to Judge Bautista;
2. Sheriff Montes left to talk to Judge Bautista and returned thirty minutes later with the following instructions: P5,000 had to be given immediately and the remaining P5,000 must be given on March 19, 2001;
3. After giving the instructions to Paruli, Sheriff Montes accompanied him to the chambers of Judge Bautista where the Judge was in the process of dictating his "order to lift attachment and to release the attached property." Sheriff Montes informed the liaison officer of the bus company that the order will immediately be typed and ready for the Judge's signature. However, the order was not signed because Judge Bautista left early;
4. At around 6:00 p.m. on the same day, Judge Bautista signed the order *in* front of his house in Angono, Rizal, after Paruli handed him the initial payment of P5,000;
5. The balance of Five thousand pesos (P5,000) was supposed to be delivered on March 19, 2001 but instead of giving the money,

SMTCI decided to file a complaint with the NBI. Because of his failure to deliver the balance, the stenographer of Judge Bautista called Paruli on his cellphone to tell him that the judge wanted the amount delivered already. He informed the stenographer that he will deliver the same the following day, March 20, 2001. The stenographer however was not named [or] identified.

The foregoing statement was corroborated by the sworn statement of the driver of SMTCI, Luis Follosa, who was allegedly with Paruli when the first P5,000 was delivered to respondent in the latter's house.

On the other hand, respondent's counter-affidavit, in summary, avers that:^[8]

1. Complainant Paruli's allegation that the Judge demanded and received the amount of Ten thousand pesos (P10,000) is a brazen lie. It is downright malicious and highly preposterous since the amount is too insignificant for him to put his profession and good reputation on the line. He has been maintaining his unblemished record for many years and he will not tarnish it with irregular acts;
2. If the facts are to be examined closely, there is no reason why this complaint should be filed since the order lifting the Writ of Attachment redounded to the defendant's benefit. If anyone should complain, it should be the plaintiffs because they were the ones disadvantaged by the order;
3. Complainant must have been the victim of unscrupulous persons who, to gain pecuniary advantage, used the Judge's name without the latter's knowledge and consent. Like any other litigant, complainant must have tried to persuade a member of the judge's staff for the latter to expedite the case. Unfortunately, he may have come across other persons who were not staff members of the judge who merely "name-dropped" him and demanded money in his behalf in exchange for a favor. Believing that he has knowledge about the transaction, complainant went to the NBI to set him up;
4. Thus the supposed entrapment is actually a case of INSTIGATION. This claim is supported by the events which transpired on March 20, 2001, to wit:
 - a) the judge was at that time resting inside his chambers when a lady staff ushered the complainant inside;
 - b) he was surprised when the complainant vigorously shook his hand (probably for the purpose of dusting his hand with chemical powder) and expressed his appreciation for the order lifting the writ of attachment;
 - c) complainant then hurriedly placed an envelope inside his table drawer and walked out;
 - d) since he was not feeling well at that time, he was too weak to even verify the contents of

- the envelope;
- e) about five to ten minutes thereafter, four NBI agents forcibly barged into the chambers and forced him to admit having received the envelope. They even took his wallet while members of the media feasted on the scene by taking video footages.

5. He strongly submits that his warrantless arrest was unlawful, as the same was not done *in flagrante delicto*.... What actually transpired was a clear case of instigation wherein the NBI agents merely planted the incriminatory evidence against him.

To corroborate respondent's statement, the affidavit of Court Stenographer Imelda Estanislao was submitted, as she allegedly witnessed Paruli's visit to respondent's chambers on March 20, 2001.

During the investigative hearing conducted by Justice Barrios, the following persons testified against respondent: SMTCI Liaison Officer Ranel Paruli, NBI Senior Agent Carlo Vasquez, NBI Senior Agent Noel Morales and NBI Forensic Chemist Filipina Ilagan.

Ranel Paruli in his testimony^[9] clarified that the March 16, 2001 hearing wherein his employer SMTCI moved to lift the preliminary attachment ended with respondent's order in open court requiring the adverse party to file a comment on said motion within ten days. It was only in the afternoon of the same day that said order was set aside by another order granting the lifting of the attachment. He also ventilated in court the disappointment he felt upon learning of the prior order which would have delayed the release of the attached buses despite the P1,800,000 counterbond his employer filed. He narrated that this prompted him to approach Sheriff Jaime Montes, whom he chanced upon in the canteen after the hearing, and to complain to him. As stated in his sworn affidavit, it was thereupon that Montes allegedly proposed to lift the attachment in consideration of P10,000 to be given to respondent, as instructed by the latter.

Paruli further testified on the details of the alleged initial payment of P5,000 to respondent. As instructed by the aforementioned sheriff, Paruli and his driver were accompanied by a court employee to respondent's residence in Angono, Rizal. Upon their arrival at around 5:00 to 5:30 p.m., on March 16, 2001, Paruli approached respondent, who was then seated on a bench in front of his house. It was there that he handed the initial payment of P5,000, after which respondent signed the order that had been drafted. The attached buses were released the very next day.

He likewise testified about the phone call he received from respondent's lady stenographer on March 19, 2001 at around 11:00 to 11:30 A.M. The stenographer asked, "*Hinihintay na ni Judge yung balance, kailan mo babayaran?*" He replied that he shall be giving it on March 20, 2001 instead.

He also affirmed in his testimony the contents of his second sworn affidavit dated September 10, 2001^[10] wherein he declared that on March 19, 2001, he filed on behalf of SMTCI a complaint for robbery/extortion against respondent before the NBI. He recounted in said document how the operation that occurred on March 20,

2001 was undertaken. As part of the plan and with the NBI team as back-up, he went to the respondent judge's chambers and handed the P5,000 as full payment of the consideration respondent demanded of him in exchange for a favorable court order. Upon receipt of said payment, respondent placed it inside his wallet. Paruli then called one of the NBI agents through his cellular phone to signal the delivery of the money. The NBI agents thereafter entered the room and arrested respondent.

NBI Senior Agent **Carlo Vasquez**'s testified^[11] and corroborated the declarations of Paruli as to the entrapment. He confirmed the allegations contained in the Affidavit of Arrest^[12] that he and four other NBI agents executed on March 20, 2001. In said affidavit, they declared that on March 18, 2001, Paruli sought their assistance in charging respondent for alleged robbery/extortion. Acting on Paruli's complaint and based on his sworn statement, they planned an operation to entrap respondent. Hence, in the afternoon of March 20, 2001, they, together with Paruli and two newsmen from GMA, proceeded to the Regional Trial Court of Valenzuela City.

Paruli went directly to respondent's office equipped with a hidden camera mounted on his eyeglasses, a signaling contraption attached to his clothing, and a cellular phone with the number of one of the agents' mobile phone stored in it to signal that the money had, been handed over to respondent. Meanwhile, they strategically positioned themselves outside the office to monitor and await his prearranged signal. Upon Paruli's signal using his cellular phone, they rushed in, introduced themselves and apprehended respondent. Respondent initially shouted invectives and denied knowledge of the money. Paruli pointed to the respondent's drawer which the latter opened, containing the envelope that held the money but which they found empty. Paruli then told them that the money was already in the pocket of respondent. They did not frisk respondent, on his admonition, but after some time, respondent voluntarily went with them to the NBI head office where he was booked, fingerprinted and photographed. In the course of his physical examination, he turned in his wallet, where the complete set of marked bills was recovered. He was subjected to ultra-violet light testing and found positive for the presence of fluorescent powder.

NBI Senior Agent **Noel Morales** testified^[13] and corroborated Agent Vasquez's account and affirmed the contents of the Affidavit of Arrest he likewise executed.

Filipina Ilagan, the NBI forensic chemist who conducted the ultra-violet light examination of respondent, testified^[14] to confirm the contents of her affidavit executed on October 29, 2001.^[15] She declared therein that she recovered the ten pieces of five-hundred-peso bills previously marked and dusted with fluorescent powder from inside respondent's wallet, which the latter got from the right back pocket of his pants. She likewise verified the certification she issued on March 20, 2001, which in part states:^[16]

Examination under Ultra-violet light conducted on the above-named subject showed the following:

1. The presence of yellow fluorescent specks and smudges on the palmar aspect of the left and right hands;