

EN BANC

[**A.M. No. RTJ-02-1672 (formerly A.M. OCA IPI No. 99-754-RTJ), January 30, 2002**]

MICHAEL T. VISTAN, COMPLAINANT, VS. JUDGE ADORACION G. ANGELES RTC, BRANCH 121, KALOOKAN CITY, RESPONDENT.

DECISION

PUNO, J.:

The present administrative case stemmed from a sworn complaint filed before the Office of the Court Administrator against respondent Judge Adoracion G. Angeles, Presiding Judge of the Regional Trial Court of Kalookan City, Branch 121, by her nephew, Michael Vistan, for oppression and conduct unbecoming a judge.

The sworn complaint,^[1] which is supported by the sworn statements of Maria Mercedes Vistan^[2] and their other relatives,^[3] charges that respondent Judge Angeles maltreated and physically abused her niece, Maria Mercedes, who is the half-sister of complainant Michael. Judge Angeles is a sister of Mercedes' grandmother, Leonila Angeles vda. de Vistan. It appears that in 1990, Leonila entrusted Maria Mercedes, then four years old, to the care and custody of Judge Angeles who is not married, when the father of Mercedes died. The complaint avers that for nine years, Judge Angeles has allegedly been maltreating Mercedes by pinching and slapping her, punching her on the face, pulling her hair and hitting her with a piece of wood. A similar complaint for child abuse was filed against Judge Angeles, this time by Maria Mercedes herself, before the Department of Justice. Initially, the Department of Justice issued a resolution finding the existence of probable cause and recommending that Judge Angeles be indicted in court for multiple counts of child abuse or violation of R.A. No. 7610. This was eventually reconsidered and reversed, and the information for child abuse filed in court was withdrawn.

In her Comment, Judge Angeles denied the charges and averred that the present administrative case is being used as a leverage to force her to withdraw the kidnapping case she filed against complainant Michael and their relatives when Michael took Mercedes from the house of Judge Angeles on April 12, 1999 and brought her to Hagonoy, Bulacan.

In a Memorandum dated July 18, 2000,^[4] then Court Administrator Alfredo L. Benipayo recommended the dismissal of the instant complaint for lack of merit on the ground that:

"Thus, it is clear that after conducting its own investigation and review of the case, the Department of Justice found no probable cause to hold respondent for trial on the charge of child abuse and consequently the information filed in court was withdrawn. In the light of the same, it

behooves upon this Office to recommend the dismissal of the instant charge of Oppression and Conduct Unbecoming a Judge which is grounded on the same allegation of child abuse.

As to the other ancillary charges involving respondent's alleged conduct unbecoming in the evening of April 12, 1999, her use of police authorities that same night and her alleged malicious filing of kidnapping case against herein complainant, we find her explanation thereon to be well-taken.

Respondent in her comment admitted having loss (sic) her temper when complainant refused to reveal the whereabouts of Maria Mercedes. We agree with her that such anger was a normal reaction inasmuch as she had reason to be concerned about the safety of her surrogate daughter. The claim that she exhibited violence was not substantiated by convincing evidence, hence, it must necessarily fail. Further, we see no irregularity on the part of respondent when she sought the assistance of the police authorities in her search for the missing daughter. Respondent in filing the kidnapping case against herein complainant could also not be faulted inasmuch as she has every right, as would any other individual, to avail of the legal remedies available to her."

In a resolution dated October 23, 2000, the Court's Second Division referred the matter to Associate Justice Marina Buzon of the Court of Appeals for investigation, report and recommendation.

On December 5, 2000, Justice Buzon issued an order setting the case for preliminary conference for the stipulation of facts and admission of documentary exhibits, and to determine the number of witnesses to be presented and the dates of hearing.

In the meantime, in a letter December 12, 2000^[5] addressed to the members of this Court, respondent judge assailed the Resolution issued by this Court's Second Division dated October 23, 2000, referring the case to Justice Marina Buzon of the Court of Appeals for investigation, report and recommendation. In said letter, respondent judge insinuated that Senior Associate Justice Josue Bellosillo, as Chairman of the Second Division, ordered the investigation of the charges against her because he had "some axes to grind against" her. A portion of the letter reads as follows:

"It is relevant to disclose at this point that she perceives said action as part of the vindictive streak of Justice Josue Bellosilo (sic), Chairman of the Second Division, against the undersigned.

Justice Bellosillo has some axes to grind against the undersigned stemming from her earlier complaints against said justice's friends and blood relative.

It is crystal-clear that this case is a mere retaliatory move on the part of Justice Bellosillo at this most opportune time when the undersigned has just been appointed by the Chief Executive as a new Associate Justice of the Court of Appeals."