

EN BANC

[A.M. No. 00-10-230-MTCC, June 20, 2001]

RE: AN UNDATED LETTER WITH THE HEADING "EXPOSÉ" OF A CONCERNED MEDIAMAN ON THE ALLEGED ILLEGAL ACTS OF JUDGE JULIAN C. OCAMPO III OF THE MUNICIPAL TRIAL COURT IN CITIES BRANCH 1, NAGA CITY AND CLERK OF COURT RENATO C. SAN JUAN, MTCC – NAGA CITY.

D E C I S I O N

PER CURIAM:

This concerns an anonymous letter^[1] by a "concerned media man" which contains an "exposé" of anomalies allegedly committed by Judge Julian C. Ocampo III of the Municipal Trial Court in Cities, Branch 1, Naga City and Renato C. San Juan, Clerk of Court, Municipal Trial Court in Cities, Naga City. Copies of the letter were sent to the Office of the President and the Chief Justice, both of whom referred the same to the Office of the Court Administrator. The OCA in turn referred the letter to Executive Judge Jose T. Atienza of the Regional Trial Court of Naga City for investigation, report, and recommendation.

The letter alleged the following:

(1) Justice is for sale at the MTCC, Branch 1, Naga City as respondent judge allows respondent clerk of court to dispense justice for a certain price and in return for certain favors.

(2) Respondent judge has given respondent clerk of court full power and discretion in the hiring of personnel in the MTCC, Branch 1, Naga City with the result that respondent clerk of court hires only his relatives and godchildren by marriage (*hijados* and *hijadas*) so that the MTCC, Branch 1, Naga City has been converted into a "family corporation." Those hired to fill the vacancies in the MTCC, Branch 1, Naga City due to their connections with respondent clerk of court are the following:

- a. MRS. ASUNCION BOLOCON, LEGAL RESEARCHER and Acting Branch Clerk of Court, married to AUGOSTO BOLOCON, a Court Stenographer of the same Court;
- b. MRS. MELBETH CABANOS, a Court Stenographer of said Court married to GREGORIO CABANOS, a Process Server of the same Court;
- c. MRS. MALBA SIPOY, also a Court Stenographer of Branch 1, a HIJADA sa kasal of MR. SAN JUAN and JUDGE OCAMPO;

d. MR. RONNIE SEVERO, Staff Asst. of the same Court, a relative of the former Presiding Judge, JOSEPH ABANTE, whose protege was MR. SAN JUAN;

e. MRS. MARIA VICTORIA RILI, Court Interpreter, a relative of JUDGE ABANTE and a protege of MR. SAN JUAN.

Mrs. Bolocan was also recommended by respondent judge to become the next Branch Clerk of Court which would result in the anomalous situation of her exercising supervision over her husband Augusto who is a stenographer of the same court.

(3) Respondents rig the raffle of criminal cases involving *jueteng* so that they could get their hands on the confiscated bet money. All cases involving *jueteng* are assigned to Branch 1 presided by respondent judge without being raffled among the three branches of the MTCC of Naga City. Respondent clerk of court would inform respondent judge that the accused is either a relative or a friend and make arrangements with respondent judge for the money to be given to him (respondent clerk of court) allegedly for safekeeping as evidence. Respondent judge for his part would allow the accused if he is a first-time offender to plead guilty and impose on him a fine in the amount of P210.00. In case the accused is a repeat offender, respondent clerk of court would arrange for the accused to post bail. In either instance, the case will either be ordered terminated or archived with the bet money being kept in a private vault and thereafter spent for personal uses, *i.e.*, the snacks of, loans to, and the hiring of a dance instructor for the Branch 1 employees, liquor for respondents, and Christmas decor for the Branch 1 office. In the following cases, bet money had been misappropriated:

FOR THE MONTH OF AUGUST 1997

1. CC No. 78538 - PEOPLE v. ALBERT CALASIGAN y MERCADO, et al.
2. CC No. 7[9]632 - PEOPLE v. ERNESTO BORROMEO y ACABADO
3. CC No. 78745 - PEOPLE v. ROY MARTINEZ y BASBAS, et al.

FOR THE MONTH OF SEPTEMBER 1997

4. CC No. 78986 - PEOPLE v. DENNIS MENESIS y PACIA, et al.

FOR THE MONTH OF OCTOBER 1997

5. CC No. 79170 - PEOPLE v. REYNALDO GUINTO y NOPRE
6. CC No. 78632 - PEOPLE v. ROGELIO TAYO y ANTER, et al.
7. CC No. 79294 - PEOPLE v. ABLARDO HERNANDEZ y IPA, et al.

FOR THE MONTH OF NOVEMBER 1997

8. CC No. 79571- PEOPLE v. ALVIN BAÑAS y
SANTILLAN
FOR THE MONTH OF DECEMBER 1997
9. CC No. 79621 - PEOPLE v. ROMEO PEREZ y
OJEDA
10. CC No. 79622 - PEOPLE v. EDGAR "DOQUE"
LANUZGA y MARQUEZ

To conceal the anomalies, the staff of the MTCC, Branch 1 hides the records and expedientes of the cases involving *jueteng*.

(4) Every transaction in the MTCC, Branch 1, Naga City "is for a price": P400.00.for solemnizing of marriages (P100.00 for solemnization fee and documentary stamps, P100.00.for the employee who prepares the papers, P100.00 for the revolving fund for snacks, and P100.00.for drinks (liquor)); P300.00.for approval of motions for reconsideration or motions to lift order of arrest; and P30.00.- P100.00 for affidavits of loss. For the approval of bailbonds, the accused is required to treat the staff to snacks and to give a tip to employees who facilitated his release.

(5) Respondent clerk of court was gifted with an airconditioner by the Robertson Department Store which has pending cases in the MTCC, Naga City.

(6) Knowing that respondent judge is a "habitual heavy drinker" and to preserve his influence with respondent judge, respondent clerk of court supplies him with Fundador brandy which respondent clerk of court either buys or solicits from lawyer-friends who have pending cases in respondent judge's court.

(7) At respondent judge's 59th birthday celebration held in his courtroom, lawyers and parties who had cases pending before him attended. Among those present was Ruben Sia, "a notorious businessman in Naga City" who "cannot be arrested," despite the numerous cases for bouncing checks against him, and Atty. Marvel Clavecilla, who brought "one whole *lechon*." The party started at 3:00 in the afternoon on October 30, 1998 and lasted until the morning of the following day.

(8) Respondent clerk of court makes respondent judge sign papers while the latter is in a drinking session so that the latter signs without any questions asked. In this way, respondent clerk of court manages to have respondent judge approve fake bonds.

(9) Atty. Joselito Fandiño, who manages a bonding company, is "extra close" to respondents and buys them drinks. Atty. Fandiño in fact donated a coffeemaker for the MTCC, Branch 1 with the inscription "donated by Atty. Fandiño."

As the complainant is unknown, the investigating judge required the City Prosecutor of Naga City to submit a report regarding the disposition of the bet money in the cases involving *jueteng* mentioned in the anonymous letter. He made discreet inquiries among the lawyers in Naga City regarding respondent judge's drinking habits in addition to requiring respondents to comment on the allegations against them.

In his comment,^[2] dated April 5, 1999, respondent judge claimed that the author of the letter was actually a female employee of his court, who was disgruntled because he (respondent judge) did not recommend her for appointment as his branch clerk of court to fill the vacancy created by the promotion of respondent Renato C. San Juan to the position of Clerk of Court and Ex-Oficio Sheriff of the MTCC of Naga City. Respondent judge said that he instead recommended his legal researcher, Asuncion Bolocan, whose husband also works at Branch 1. According to respondent judge, Mrs. Bolocan's appointment, which was opposed by the suspected letter-writer on the ground of nepotism, was cleared by the Regional and Central Office of the Civil Service Commission.

Respondent judge claimed that he recommended only individuals who were qualified and that it was merely coincidental that his recommendees were the same individuals recommended by respondent clerk of court, who as a "good and caring relative and godfather[,] had to [look after] the welfare of his kin and godchildren." He alleged that he stood as sponsor at the wedding of Malba Sipoy after her appointment as stenographer; that with regard to promotions, he gave preference to his employees who were qualified so as to avoid demoralization in his staff; and that, in any event, it is the Supreme Court which has the final say on who should be appointed.

Respondent judge denied that the bet money in cases involving *jueteng* were turned over to his court and spent for the benefit of the employees. He said that the only money delivered to his court was that in the amount of P9,000.00. which consisted of bags of coins. The money was given to respondent judge's court in connection with Criminal Case No.78538. According to respondent judge, the coins were not immediately counted because to do so was time-consuming. He said that the money was kept in a safe place for several months. When the same was finally counted, however, half of the money had already been demonetized. Of the P4,000.00. which remained legal tender, respondent judge says half was given to police officer Edgardo Sto. Domingo of the PNP Theft and Robbery Section who received the same "as a Christmas present." The rest of the money was allegedly spent for the purchase of office supplies when the supplies sent by the Court ran out.

With regard to the assignment of *jueteng* cases to his court without being raffled, respondent judge explained that this was done to accommodate the request of the accused in those cases for immediate arraignment so that they did not have to post bail. According to respondent judge, "considering the urgency of the request," respondent clerk of court would refer the cases to him and in turn he would have the cases immediately set for arraignment without conducting a raffle. During arraignment, the accused's counsel would usually manifest that his client was willing to plead guilty provided that the penalty to be imposed would be a fine. The public prosecutor would readily agree if the accused is a first-time offender.

Respondent judge said that it is also not true that the records of the *jueteng* cases were concealed. Anyone who wanted to examine them and was refused could ask him or the RTC Executive Judge for leave to do so. He says that the records show that the lowest fine he imposed was P1,010.00 and not P210.00 as charged.

Respondent judge said that insofar as he knew, those who wanted him to solemnize their marriage were only made to pay a fee of P 50.00 and P 18.00 for documentary stamps. Any money given to the staff for snacks by the couple wishing to get married was purely voluntary, respondent judge said.

Respondent judge denied that the party on his 59th birthday lasted until the wee hours of the morning because the fact was that the party broke up at past 8:00 in the evening. He also denied that Ruben Sia was present at his birthday party. While he admitted that Atty. Marvel Clavecilla was present at the party, he claimed that this was because they had been observing their birthdays together. He said that Atty. Clavecilla had brought liquor and *lechon paksiw* from a pig's head, not a whole *lechon* as alleged. According to Atty. Clavecilla's affidavit,^[3] which respondent judge submitted together with his comment, the party actually took place in a nearby canteen and not in the courtroom as alleged. Atty. Clavecilla also denied he had pending cases before respondent judge.

Respondent judge alleged that he and Atty. Joselito Fandiño were close friends, both of them being professors at the University of Nueva Caceres College of Law. He said, however, that he is unaware that Atty. Fandiño manages any bonding company.

Respondent judge said that the employee whom he claimed wrote the "expose" should not complain about the airconditioner respondent clerk of court solicited because "the Branch to which she (the suspected letter-writer) belongs was also given a unit which she enjoys whenever she reports for office."

He said that the allegation that "justice [is] for sale" in his office is too sweeping since not one case was cited to prove this allegation.

For his part, respondent Clerk of Court Renato C. San Juan in his comment,^[4] dated April 12, 1999, denied that he selected and recommended to respondent judge whom to hire and promote in Branch 1 because the fact was that all employees were recommended by either respondent judge or the latter's predecessor, Judge Joseph Abante. He claimed that the only relatives he had in the MTCC, Branch 1 were the Cabanos spouses. As for Malba Sipoy, respondent clerk of court said that she was already a court stenographer when he and respondent judge stood as sponsors at her wedding.

According to respondent clerk of court, he requested an airconditioner for his office from Robert Obiedo, owner of Robertson Department Store, only because he learned that the latter had already given one to the MTCC. He said that a slightly used air conditioner was given him.

Anent the assignment of cases without the benefit of raffle, respondent clerk of court said that even before he assumed said position, it was already the practice not to raffle detention cases but just to distribute the same to the three branches of the MTCC of Naga City on a rotation basis to ensure "prompt action."