

## FIRST DIVISION

[ A.M. No. RTJ-00-1564, July 26, 2001 ]

**MARISSA M. GORDON AND JOSE B. NAVARRO, COMPLAINANTS,  
VS. JUDGE FRISCO T. LILAGAN, REGIONAL TRIAL COURT,  
BRANCH 34, TACLOBAN CITY, RESPONDENT.**

### **DECISION**

#### **YNARES-SANTIAGO, J.:**

Two administrative complaints, one by Marissa M. Gordon, Legal Researcher II and the second by Jose B. Navarro, were filed against Judge Frisco T. Lilagan, Presiding Judge of the Regional Trial Court of Tacloban City, Branch 34.

In a letter-complaint filed with the Office of the Court Administrator on December 14, 1999,<sup>[1]</sup> complainant Jose B. Navarro alleged that respondent judge falsified his certificate of service from December 1996 and was able to receive his salary. Navarro also alleged that the wife of respondent judge presides over the meetings of the clerks of court when respondent was still the Executive Judge. Complainant further averred that Mrs. Lilagan is engaged in selling shoes, bags and "symmetry products" at the *Bulwagan ng Katarungan* of Tacloban City. Respondent judge was also charged with using the money of the Province of Leyte in his personal trips to Manila.

In the second letter-complaint filed with the OCA on December 27, 1999,<sup>[2]</sup> Marissa M. Gordon, Legal Researcher II of the RTC of Tacloban City, Branch 34, alleged that on December 16, 1999, Mrs. Lilagan maltreated her inside the chambers of respondent judge without any provocation. As proof of the injuries she sustained, complainant submitted a medical certificate that she was examined and treated on December 17, 1999 at the Tacloban City Hospital which showed that she suffered from hematoma.<sup>[3]</sup> In the complaint, Gordon narrated that upon being summoned to his chambers by respondent judge on December 16, 1999, she was followed by Mrs. Lilagan inside who, upon closing the door and without any provocation, gripped her upper arms tightly from behind and violently shook her from side to side causing intense pain and multiple hematoma in her upper arms.

Gordon further alleged that Mrs. Lilagan, who was not a court employee, was always at the office of respondent judge and was engaged in the business of selling "Newport" bags, shoes and "Symmetry" (food supplements) products to lawyers and court personnel. Complainant also stated that Mrs. Lilagan acted as an "alter ego" of respondent judge and practically ran and managed the court since she calls and presides over court staff meetings, assigns staff workloads and discusses the merits of decisions and resolutions, sometimes even with the lawyers and parties-litigants. According to complainant, all these acts of Mrs. Lilagan were "being allowed and tolerated with pride" by respondent judge.

In response to Navarro's complaint, respondent judge commented,<sup>[4]</sup> among others, that when he received the First Indorsement from the OCA to comment on the complaint, he immediately went to the address of the complainant and discovered that Jose B. Navarro is a fictitious name and that no such person resided in the address stated in the complaint. Respondent judge admitted that his wife stays in his office but argued that this act does not violate any Supreme Court Circular. With regard to the charge of falsification of his certificate of service, respondent judge alleged that no evidence was presented by complainant to prove the same and that the contents of the letter-complaint of Jose B. Navarro were mere fabrications.

As to Gordon's letter complaint, respondent judge denied the allegations of the complaint with regard to the December 16, 1999 incident, contending that the same were designed to seek vengeance because he disapproved Gordon's request to go on leave to take the Bar Examinations. He further stated that he recalled the voucher of the complainant for the Legal Researcher's Conference when he discovered that the amount requested by complainant was "too much and without his imprimatur," as a result of which, complainant was not able to attend said conference. Respondent judge vehemently denied the allegations that his wife was engaged in selling shoes, bags and "Symmetry" products. However, he admitted that his wife assisted him in his caseload considering that she was previously employed in the judiciary as a Legal Researcher of the Regional Trial Court of Pangasinan, Branch 51 for almost four years until she resigned to run for public office in Dolores, Eastern Samar. He averred that he requested his wife to go over the records to pinpoint problem areas and to suggest measures to rectify the same and to improve the system of case monitoring.

The OCA, upon evaluation, recommended that: 1) the case be docketed as a regular administrative matter; and 2) the case be referred to a consultant of the OCA for investigation, report and recommendation.

In a Resolution dated July 3, 2000,<sup>[5]</sup> the Court resolved to: a) docket the case as a regular administrative proceeding; and b) refer the case to Associate Justice Godardo A. Jacinto of the Court of Appeals for investigation, report and recommendation.

At the hearing called by the Investigating Justice, the parties stipulated on the following issues:

1. Whether respondent allows his wife to interfere in his judicial functions or in the activities of the court;
2. Whether respondent judge allows his wife to have access to court records;
3. Whether respondent judge allows his wife to conduct business within the court premises; and
4. Whether on December 16, 1999 at 9:00 a.m., complainant was manhandled by respondent's wife in his chambers in the presence of respondent, and whether or not respondent Judge had something to do with this incident, or may be blamed for this incident.

In resolving the foregoing issues, Justice Jacinto made the following factual findings:

On December 16, 1999 at about 9:00 o'clock in the morning Gordon was called by Judge Lilagan to the chambers through a buzzer. At that time the court personnel present were Edissa Cui-Sampo, Rachel Ramos and Ma. Luz P. Ramones. Aside from them Mrs. Lilagan and some other employees were also present. When she went inside the chamber Mrs. Lilagan followed and closed the door. Without any provocation and with no apparent reason, she started manhandling her by gripping her upper arms from behind using both hands with a strong force causing pain, shaking her from side to side and pushing her down. What Mrs. Lilagan did caused her intense pain producing multiple hematoma to her upper arms considering that she is taller, stronger and much bigger than her body built.<sup>[6]</sup>

To support her claim that she suffered hematoma, complainant submitted a Medical Certificate issued by Dr. Leo B. Lagado of the Tacloban City Hospital,<sup>[7]</sup> pursuant to a request for its issuance sent by the Chief of Police of Tacloban City.<sup>[8]</sup>

Respondent denied complainant's allegation and claims that the manhandling incident did not take place. Corroborating respondent's denial, witness Sherwin Roncal, RTC-Branch 34 Utility Worker, stated in his affidavit<sup>[9]</sup> that the door of the chambers was half-open when complainant was inside the chambers; that through the said opening, he did not see Mrs. Lilagan hold complainant; that what he observed inside the chambers was that Mrs. Lilagan told complainant "Why are you spreading bad things against me outside? I am trying to respect you, you are not harmed and yet you are doing that," after which complainant stood up, pointed a finger at Mrs. Lilagan while uttering some words and then went out.

Respondent's witness, Ma. Luz Ramones, also stated in her affidavit<sup>[10]</sup> that she did not hear any commotion inside the chambers when complainant was there with respondent and Mrs. Lilagan in the morning of December 16, 1999; that when complainant emerged from the chambers she did not notice anything unnatural or unusual in her actions; that complainant did not act like she was in pain or suffered injuries in her arms.

Another witness, Rosemarie Macaya, stated in her affidavit<sup>[11]</sup> that in the morning of December 16, 1999 she also did not notice anything unusual in complainant's actions; that neither did complainant complain during all the time she was in the office that she suffered pain or injury.

Finally, testifying for respondent, Mrs. Lilagan, in her affidavit,<sup>[12]</sup> stated that in the morning of December 16, 1999 she went with respondent to his office at the Bulwagan Ng Katarungan; that she went inside respondent's chambers but later went out and talked with utility worker