

SECOND DIVISION

[A.M. No. RTJ-01-1665, November 29, 2001]

ROSAURO M. MIRANDA, COMPLAINANT, VS. JUDGE CESAR A MANGROBANG, SR., RESPONDENT.

DECISION

MENDOZA, J.:

This is a complaint against Judge Cesar A. Mangrobang, Sr., Presiding Judge of the Regional Trial Court, Branch 22, Cavite City, for conduct prejudicial to the best interest of the judiciary.

Complainant Rosauro Miranda was the founder and chairman of the board of the Macamir Realty and Development Corporation (Macamir Realty). On July 31, 1996, Macamir Realty entered into a construction contract with O.B. Jovenir Construction and Development Corporation (O.B. Jovenir Construction). In his complaint, dated May 5, 1997, complainant Rosauro Miranda charged that respondent Judge Cesar A. Mangrobang, Sr. engaged in business and in the private practice of law and used his office as a judge to further his business interests. More specifically, respondent allegedly committed the following:

1. By being a Director, Vice President for Administration, and legal counsel of the corporation O.B. Jovenir Construction & Development Corporation [Director and Vice-President], with address at Purok 5, Brgy. Alapan, Imus, Cavite, and impressing on those dealing with said corporation that he has the necessary connections and clout with governmental agencies and judicial offices;
2. By reportedly interceding with other judges for cases of O.B. Jovenir Construction & Development Corporation [notably Judge Jose F. Caoibes, Jr. and Judge Bonifacio Sanz Maceda, both of the Regional Trial Court of Las Piñas City, Metro Manila]; and
3. By reportedly inducing a Cavite Regional Trial Court Judge [Judge Lucenito N. Tagle, Presiding Judge of Branch 20 of the Cavite Regional Trial Court] to intercede at the Court of Appeals on behalf of O.B. Jovenir Construction & Development Corporation in C.A.-G.R. SP. No. 43957 entitled "Macamir Realty And Development Corporation, et al., petitioner vs. Hon. Jose F. Caoibes, Jr. as Presiding Judge of Branch 253, Regional Trial Court, Las Piñas City, O.B. Jovenir Construction And Development Corporation, et al., respondents."^[1]

In support of his first allegation, complainant submitted copies of minutes of meetings between O.B. Jovenir Construction and complainant's corporation, the Macamir Realty, showing that respondent Judge Mangrobang attended the meetings

held on August 17, 1996,^[2] August 24, 1996,^[3] September 27, 1996,^[4] October 4, 1996,^[5] October 11, 1996,^[6] and October 25, 1996^[7] and actively participated in the discussions therein. Thus, it appears in the meeting of August 17, 1996 that respondent "brought the matter of transferring to the contractor the title of the 12 units assigned to them as performance bond." On September 27, 1996, he "[gave the assurance] that by January even if there are delays [in the construction project], construction will normalize." And, on October 25, 1996, he said he "will also ask the help of his associates in order to solve the problem on [an] adverse claim." Complainant did not submit evidence supporting the second and third allegations.

In his answer, dated August 18, 1997, respondent denied that he was an officer of O.B. Jovenir Construction and Development Corp. He claimed it was his son, Cesar Mangrobang, Jr., who was a director of the corporation, as evidenced by the articles of incorporation and by-laws of the corporation. He said that not being an officer nor legal counsel of the corporation, he never received any fee, allowance, or remuneration from O.B. Jovenir Construction. He likewise denied having intervened in cases involving his son's corporation. Respondent admitted, however, that he sat in one or two meetings with representatives of Macamir Realty upon the request of his son "as an observer but never as a representative of O.B. Jovenir."^[8]

On June 25, 1998, complainant filed a Reply to Answer and Comment to Verified Complaint,^[9] and submitted a photocopy of a document entitled "Company's Top Brass," showing respondent to be the Vice-President for Administration of O.B. Jovenir Construction.^[10] However, in his Rejoinder to Reply, submitted on August 17, 1998, respondent said he was unaware of the documents^[11] and submitted the affidavit of his son, Cesar Mangrobang, Jr., attesting to the fact that the latter, and not his father, was a stockholder, vice-president, and treasurer of O.B. Jovenir.^[12]

In its report, the Office of the Court Administrator recommended that -

1. the instant case be RE-DOCKETED as an Administrative Matter;
2. Judge Cesar A. Mangrobang, Sr. be FINED in the amount of P5,000.00 for violating Canon 2, Rule 2.03 and Canon 5, Rule 5.02 of the Code of Judicial Conduct and that he be DIRECTED to sever all ties he has with O.B. Jovenir Construction and Development Corporation so that he can devote all his time to government service and the administration of justice; and
3. the other charges be DISMISSED for being unsubstantiated.^[13]

On September 6, 1999, the case was referred to Associate Justice Quirino Abad Santos of the Court of Appeals for investigation, report, and recommendation.^[14] Justice Abad Santos set the case for hearing,^[15] but, on December 13, 1999, complainant moved for the inhibition of Justice Abad Santos on the ground that the latter and respondent were college fraternity brothers.^[16] Justice Abad Santos inhibited himself from the consideration of the case. Accordingly, this Court designated Associate Justice Ruben T. Reyes, also of the Court of Appeals, to investigate the case.^[17]