

EN BANC

[A.M. No. MTJ-95-1059, August 07, 1998]

**RUFERTO GUTIERREZ AND MARITESS PASSION,
COMPLAINANTS, VS. JUDGE ESTANISLAO S. BELAN, MUNICIPAL
TRIAL COURT, BIÑAN, LAGUNA, RESPONDENT.**

DECISION

PER CURIAM:

In a letter, dated 05 July 1995, addressed to Chief Justice Andres R. Narvasa, Maritess Passion and Ruferto Gutierrez, representing themselves as concerned citizens of Biñan, Laguna, charged Judge Estanislao S. Belan of the Municipal Trial Court of Biñan, Laguna, with conduct prejudicial to the best interest of the service.

The complainants averred that in his application to the Judicial and Bar Council, respondent Judge had stated not having been charged with or accused of any crime. Respondent Judge thereby concealed the pendency of Criminal Case No. 6772, entitled "People of the Philippines vs. Atty. Estanislao Belan," for "Reckless Imprudence Resulting to Serious Physical Injuries," filed against him on 02 July 1979. Upon assumption of office following his appointment on 19 September 1994, respondent Judge, according to the complainants, solicited the help of Judge Sison and Judge Pacia, as well as Judge Leonardo Quiñanola of the Municipal Trial Court of San Pedro, Laguna, to obtain an "ante-dated" dismissal of Criminal Case No. 6772. The complainants likewise accused respondent Judge of having asked for, and keeping for himself, a percentage of the face value of bail bonds approved by him.

In a letter, dated 06 September 1995, Executive Judge Rodrigo V. Cosico of the Regional Trial Court of Laguna and San Pablo City, in reply to the inquiry of Deputy Court Administrator Reynaldo L. Suarez, informed the Court that Criminal Case No. 6772 was ultimately dismissed by Judge Quiñanola on 12 December 1994.

Meanwhile, in his 1st Indorsement, dated 25 September 1995, Assistant Ombudsman Abelardo L. Aportadera, Jr., of the Office of the Ombudsman also referred to the Court CPL. No. 95-1944 ("Maritess Passion and Ruferto Gutierrez vs. Judge Estanislao S. Belan") which stemmed from a letter similar to the one sent to this Court by the complainants.

Respondent Judge was required by the Court, in its resolution of 13 November 1995, to comment on the complaint.

In his comment, dated 13 December 1995, respondent Judge assailed the complaint for being merely the "product of the warped imaginings of the complainants" and suggested that members of the judiciary should be insulated from "unfair and cruel" accusations. According to respondent Judge, he never concealed anything in his application before the Judicial and Bar Council. He denied that he had tried to

influence Judge Quiñanola in any way on the proper disposition of the criminal case or that he had taken any sum relative to the approval of bail bonds.

In the Court's resolution of 18 November 1996, the case was referred to Executive Judge Rodrigo V. Cosico for investigation, report and recommendation.

In his report, dated 22 April 1997, Judge Cosico recommended that the complaint be dismissed. He gave the following account:

"This is a report on the undated letter-complaint filed by Mr. Ruperto Gutierrez and Ms. Maritess Passion against Judge Estanislao S. Belan of the Municipal Trial Court, Biñan, Laguna which was the subject of an investigation conducted by the undersigned pursuant to the letter dated 10 December 1996 of Deputy Court Administrator Zenaida N. Elepaño and the resolution dated 18 November 1996 of the First Division of the Supreme Court.

"THE CHARGES

"The charges against Judge Estanislao S. Belan may be summarized as follows:

"1. That he committed perjury when he stated in his application that he has not been charged or accused of any crime whatsoever;

"2. That with the help of Judge Quiñanola, he was able to cause the dismissal of the case against him, the decision being antedated, and without informing the complainant, the Supreme Court and the Judicial and Bar Council;

"3. That 'he is asking the 'piyansador' to deliver to him the eight (8%) percent of the premium of the bail and even told to some court personnel that he must be included to have a share of any bail bond that he approves;'

"4. That 'all practising lawyers here complaint (sic) about the money making of this Judge and his appointed Clerk of Court of Biñan, MTC who has a very bad reputation when she was still the stenographer of MTC, Sta. Rosa, Laguna.

"5. At the outset, it must be stated that there is difficulty in substantiating the charges against respondent judge since the complainants have no given addresses and appear to be fictitious persons.

"Nonetheless, the undersigned took the testimony of Mrs. Isabelita V. Sison whose testimony may be summarized as follows: that she was employed in 1973 as Clerk Interpreter at the Municipal Trial Court of Biñan, Laguna; that in 1982 her position was changed to Clerk Stenographer and since then she has been serving continuously holding such position; that she has been under Judge Estanislao Belan since September 1994; that she was aware of the charge of reckless imprudence resulting in serious physical injuries filed against Atty. Estanislao Belan; that the case was eventually dismissed by Judge Quiñanola for insufficiency of evidence on

December 12, 1994; that the case was first handled by Judge Emilio Bernabe, Jr. who retired without deciding Criminal Case No. 6772 against Atty. Estanislao Belan; that subsequently, Judge Leonardo Quiñanola was designated to handle Criminal Case No. 6772; that Judge Quiñanola decided Criminal Case No. 6772 against Estanislao Belan on December 12, 1994; that she has no knowledge about the charge that Judge Belan is asking the delivery of eight (8%) percent of the amount of the bailbond; that she has no knowledge about the charge that all practising lawyers in Biñan are complaining about the money making of Judge Belan and his appointed Clerk of Court of Municipal Trial Court, Biñan, Laguna; and that she has nothing to say further at the moment.

"It appearing that Ms. Maritess Passion, the other signatory to the complaint, was not furnished with a copy of the order setting this case for investigation, the case was set anew for further investigation on April 15, 1997. The corresponding subpoena was sent to Atty. Santos Pampolina, Jr., a leading practitioner in Biñan, Laguna and Atty. Charles Fuentes, District Public Attorney. District Public Attorney Charles Fuentes testified on April 15, 1996 but Atty. Santos Pampolina, Jr. begged leave of this Court to defer his testimony until a later date because he was scheduled to take his oath as a director of the IBP in the afternoon of April 15, 1996.

"The testimony of Atty. Charles Fuentes may be summarized as follows: He has been a Public Attorney at the Public Attorney's Office since 1991; he became the District Public Attorney in 1994; he has served as District Public Attorney since that time up to the present; he is not aware of the first three charges against Judge Estanislao Belan before whose Court he appears as a District Public Attorney; in his two years of practice before the Municipal Trial Courts of Biñan, Sta. Rosa, and Cabuyao, Laguna where Judge Belan presided (before the appointment of a regular Presiding Judge in Cabuyao, Laguna) he has not heard of any information about Judge Belan allegedly asking a percentage in the amount of bailbonds posted by the accused; as regards the charge that 'all practising lawyers here complaint (sic) about the money making of this Judge and his appointed Clerk of Court of Biñan, MTC,' Atty. Fuentes stated: 'As I have said, I have worked with Judge Belan. Although we are not personally close to each other, I have not yet heard of any complaint about the so-called money making activities of the Judge and the Clerk of Court whom I really do not personally know. I have not been approached by the Judge personally nor any of his staff for that mater or anything about money changing hands;' and the charges are rather preposterous insofar as he knows Judge Belan and his character and integrity.

"For his part, Atty. Santos Pampolina, Jr., a leading practitioner in Biñan, testified as follows: that he has been a practising lawyer since 1955; that likewise he has been a legal practitioner before the Municipal Trial Court of Biñan, Laguna, since 1955; that he knows Judge Estanislao Belan who was likewise a private practitioner before his appointment as Municipal Trial Court Judge in Biñan, Laguna; that as regards the charge that 'he is asking the 'piyansador' to deliver to him eight (8%) percent of the premium of the bail and even told some court personnel that he must be included to have a share of any bail bond he approves,' he has not encountered anything like that in his practice before the MTC presided over by Judge Belan; that in regard to the charge that all practising lawyers complained about the moneymaking of this Judge and his appointed Clerk of Court, he has not encountered any such moneymaking activity by the Judge or his Clerk of Court; and

that after reading the letter-complaint against Judge Belan, he stated: 'I am not aware of the charge involving Judge Belan. Therefore, I am not in a position to give any comment thereto, Your Honor. With respect to the charge that he is asking the 'piyansador' to give him some money, I have not encountered such practice. In all candidness, I found Judge Belan to be honest, hardworking and level headed. I have no complaint against him as a Judge.'

"In recapitulation, the charges against Judge Estanislao Belan remain unsubstantiated because of the failure of the signatories to the complaint to make themselves known and to prove the charges against Judge Belan.

"EVALUATION

"Based on available records, Judge Estanislao Belan may not be liable for perjury because he never concealed in his personal data sheet that he was charged before. His answer to the query whether he has been charged or convicted of violating any law, decree, ordinance or regulations by any court in the Philippines x x x or found guilty of an administrative offense was: 'Yes, complaint for disbarment-acquitted by the Supreme Court on July 16, 1991.'

"As regards the charge that he was able to cause the dismissal of the case against him through an antedated decision, suffice it to say that the decision in Criminal Case No. 6772 against Atty. Estanislao Belan was issued much later on December 12, 1994. Judge Belan assumed the duties of his position as Municipal Trial Court Judge of Biñan, Laguna on September 19, 1994.

"The third and fourth charges against Judge Estanislao Belan were not substantiated by Atty. Santos Pampolina, Jr., a leading practitioner in Biñan, Laguna, and by Atty. Charles Fuentes, District Public Attorney, Public Attorney's Office, Biñan, Laguna.

"RECOMMENDATION

"WHEREFORE, premises considered, the undersigned respectfully recommends that the charges against Judge Estanislao S. Belan *be dismissed outright.*"^[1]

In the resolution of 30 June 1997, the case was referred to the Office of the Court Administrator ("OCA") for evaluation, report and recommendation. In its memorandum of 27 October 1997, the OCA, through DCA Zenaida N. Elepaño, did not agree with the Investigating Judge on the exoneration of respondent Judge. Quoted hereunder were its findings and recommendation:

"This is in compliance with the Resolution of the First Division of the Honorable Court dated 30 June 1997 referring this case to the Office of the Court Administrator for evaluation, report and recommendation.

"In an unsworn **LETTER-COMPLAINT** dated 5 July 1995 Ruferto Gutierrez and Maritess Passion charged Judge Estanislao S. Belan, MTC, Biñan, Laguna with conduct prejudicial to the best interest of the service.

"On 7 October 1996, this Office submitted a Memorandum to the Honorable Court reporting that:

"` x x x x x x x x x

`Complainants who identified themselves as Concerned Citizens of Biñan, Laguna question the appointment of Judge Belan who assumed office on 19 September 1994 as presiding judge of MTC, Biñan, Laguna despite the fact that he had been charged with Reckless Imprudence Resulting in Serious Physical Injuries. They further allege that at the time of respondent's application for and subsequent appointment as presiding judge, Criminal Case No. 6772 was still pending with MTC, Biñan, Laguna.

`Complainants insist that respondent Judge should be charged with perjury as he did not disclose in his application form submitted to the Judicial and Bar Council that he had been charged in a criminal case still pending resolution by the trial court. They maintain that immediately after assuming office, respondent asked the help of Judge Sison of MTC, Cabuyao, Laguna, to make it appear that the case was dismissed prior to his appointment. The two (2) judges however refused to accede to the request of the respondent as they were aware that the case had continuously been reflected in the Monthly Report of Cases of MTC, Biñan, Laguna as pending resolution even after Judge Belan's appointment. Failing this, respondent judge thereafter approached Judge Leonardo F. Quiñanola of MTC, San Pedro, Laguna who allegedly antedated the dismissal of the case.

`Complainants likewise denounce Judge Belan's other nefarious activities such as asking from the `piyansador' (bondsmen) eight percent (8%) of the premium of bail bonds claiming that the practice is legal. He is also said to have facilitated the appointment of a Clerk of Court who approaches litigants and demands money in exchange of favorable results.

`Deputy Court Administrator Reynaldo L. Suarez in his Report dated 28 September 1995 stated that on 22 August 1995, a telegram was sent by his Office to Executive Judge Rodrigo V. Cosico, RTC, Biñan, Laguna directing the latter to furnish Office of the Court Administrator with the status of Criminal Case No. 6772 (People vs. Atty. Estanislao Belan). In his letter dated 6 September 1995 Executive Judge Cosico informed the Court that the aforesaid case was dismissed by Judge Quiñanola on 12 December 1994.

`In the same Report, it was recommended that the administrative complaint be given due course and that respondent be required to file his comment thereto. Adopting this recommendation, the Court in its resolution dated 13 November 1995 required the respondent to COMMENT within ten (10) days from notice.

`In his COMMENT dated 13 December 1995 Judge Belan denies the charges leveled against him and brands the complaint as `nothing but careless and irresponsible accusations which are pure conjectures, hallow and vagrant, which tax the unprejudiced mind.'