

## EN BANC

[ A.M. No. RTJ-94-1195, February 26, 1997 ]

**SPOUSES ROMEO P. NAZARENO AND ELISA A. NAZARENO,  
COMPLAINANTS, VS. JUDGE ENRIQUE M. ALMARIO,  
RESPONDENT.**

### D E C I S I O N

#### PER CURIAM:

In a sworn complaint dated 28 February 1994 for gross misconduct or acts unbecoming a judge filed against Judge Enrique M. Almario, then presiding judge of the Regional Trial Court, Branch 15, Naic, Cavite, the spouses Romeo P. Nazareno and Elisa A. Nazareno averred:

*"We would like to narrate some instances where Judge Enrique M. Almario took advantage of our situation in order to force us to accede to his demands. They are as follows:*

1. *Sometime in the middle of 1990, when Judge Almario was still holding his office in Trece Martires City, he saw me (Elisa) in the office of his Court and he invited me to his chamber. After a short conversation, Judge Almario said to me that he was near to retire (sic) and so he needed plenty of money (Inday malapit na ako magretire, kailangan ko ng maraming pera). Mrs. Nazareno was surprised and shocked to hear what the judge said, but could not say anything but just smiled. However, before I (Mrs. Nazareno) left his chamber, Judge Almario said to her to help him with this, and I (Mrs. Nazareno) assured him that she will raise some money for him.*

2. *Then another incident happened when the Judge saw us (Romeo & Elisa Nazareno) in the office of his Court, again Judge Almario invited us to his chamber. His office was still in Trece Martires City Hall. There, he told my husband (Romeo Nazareno, the estate administrator) that he will change him as administrator of the estate because of his conviction in a criminal case filed against him by his sister Natividad. But Romeo told Judge Almario that it had nothing to do with the case as it was the same issue the other party raised even before the former Judge Gustilo of the same sala. Then he said that we have to be prepared for it. Then we left.*

3. *In 1992 when the office of Judge Almario was transferred to Naic, Cavite, I was told that the Judge was at Roschelle Restaurant. Thinking of the incident, I suspected that he (Judge) was waiting for the money he was asking for. I got P10,000.00 from my husband Romeo, wrapped it in a newspaper and I personally delivered the money to Judge Almario at Roschelle Restaurant. He (Judge) asked, me (Mrs. Nazareno) how much*

was the money, I replied, 'P10,000.00 Judge'. Seeing the Judge's facial expression (not contented), I (Mrs. Nazareno) promised again to raise some money next time and he (judge) replied, 'O, sige'.

4. Sometime in the month of November, 1992, in Naic, Cavite, Judge Almario sent for us (sic) his employee Joe to our place, Naic Cinema, and told us that the Judge was asking for food to be taken to the Seaside Beach belonging to Mr. Dualan, because the one who promised him to bring food did not arrive. At about 6:30 P.M. of that day, my husband (Romeo) and I went to the Seaside Beach with the food the Judge had asked. We ordered the food at Roschelle Restaurant and it cost us no less than P2,500.00. There in the beach, he introduced us to Mr. Dualan and to some of his visitors there. And after a while, silently handed the Judge the P10,000.00 as I promised him the last time.

The following morning, a woman from Seaside Beach came to our place, Naic Cinema, and said, 'Ate Naty, Ate Naty, [n]adala ni Judge Almario 'yong susi ng cottage, pakikuha n'yo nalang sa kanya'. Surprised, I (Mrs. Nazareno) replied, 'Hindi ako si Ate Naty mo, siya 'yong kalaban namin sa kaso, nandoon siya sa Dalisay Theatre'. Immediately the woman left. 'Ate Naty' refers to Natividad P. Nazareno, the defendant in the case heard by Judge Almario which was filed by the Estate, through Romeo P. Nazareno, as administrator.

5. During the month of December, 1992, also in Naic, Cavite, another employee of Judge Almario, by the name of Roldan, came to our place, Naic Cinema, telling me that the Judge wanted to see me. So, I went with Roldan. And when we reached the office of the Judge, he told Roldan to step out and closed the door. Judge Almario again asked [for] some food, at least three (3) kinds, for the gathering of his staff at Aroma Beach. He mentioned the time when he needed the food (lunch time). I told him (Judge) to pick-up the food.

But before I left, the Judge asked to change his salary check because he needed cash on that day. He asked for the amount of P7,500.00. So I went back to my place and get [sic] the amount from my husband (Romeo) and returned to the office of Judge Almario. I gave the P7,500.00 for his check, but Judge Almario did not hand over to me his check. I waited for the said check, but the Judge seemed to know nothing about the check and did not bother to say something about the P7,500.00 but just received it. I was then shy to ask from him the check in exchange of the cash I gave him, so I asked permission to leave which he okayed.

6. One time, Judge Almario asked us to change our lawyer because according to him, our lawyer has no 'pakikisama' to him. We did not follow his advice because we believe in our lawyer. For this reason, Judge Almario always deny our motions and pleadings and he even dismissed Mr. Romeo Nazareno's appeal in a criminal case on the ground that the notice of appeal was filed out of time, but which the court of origin or municipal trial court has approved and granted by transmitting all the records of the criminal case to his sala. The criminal case now is pending

*before the Hon. Supreme Court.*

*In spite of our compliance of [sic] his personal demands, Judge Almario has repeatedly shown his bias acts and partiality against us."*<sup>[1]</sup>

In his comment, respondent judge denied all the charges against him.<sup>[2]</sup>

The spouses affirmed the truth of the averments in their complaint in a reply dated 24 May 1994.<sup>[3]</sup>

On 14 June 1994, the Office of the Court Administrator (OCA) based on findings that the matters/issues raised in the complaint are factual in nature recommended that the charges against Judge Almario be assigned to an Associate Justice of the Court of Appeals for a full blown investigation.

On 27 July 1994, the Court approved the OCA recommendation and designated Court of Appeals Associate Justice Conchita Carpio Morales to conduct an investigation and submit a report and recommendation.

The following persons appeared before Justice Carpio Morales:

1. Elisa Nazareno — she testified and affirmed the truth of the allegations in the complaint.

She first narrated how respondent Judge Almario, on one occasion, asked her to enter his chamber after which he told Elisa, in the Visayan dialect, how he needed money since he was nearing his retirement age and that she should help him ("tulungan mo ako"). She told the judge that she would see what she could do. Elisa then recounted that she later gave Judge Almario ten thousand pesos (P10,000.00) on two (2) separate occasions.<sup>[4]</sup>

She testified having given food for respondent judge on two (2) occasions; first, for a gathering of respondent judge's family and friends at the Seaside Beach resort and another, for the Christmas party of the judge's court staff at the Aroma Beach resort.<sup>[5]</sup>

Elisa also recounted how Judge Almario asked her to encash his salary check for P7,500.00 which she did but respondent judge did not give her the salary check and she was hesitant to ask him to give it to her.<sup>[6]</sup>

Finally, Elisa testified about the incident when respondent judge talked to them about replacing her husband (herein co-complainant Romeo Nazareno) as administrator of the property subject of a pending case before respondent Judge.

2. Romeo Nazareno — he testified that they had at least four (4) pending cases before respondent Judge Almario.<sup>[7]</sup>

Romeo corroborated the testimony of Elisa that Judge Almario met with them to discuss his decision to replace him as administrator. Romeo added that respondent