

EN BANC

[G.R. No. 100487, March 03, 1997]

**JUDGE ARTURO JULIANO, PETITIONER, VS. THE
SANDIGANBAYAN AND THE PEOPLE OF THE PHILIPPINES,
RESPONDENTS.**

[G.R. NO. 100607. MARCH 3, 1997]

**RENATO VERACRUZ Y LEGASTO, PETITIONER, VS. THE
SANDIGANBAYAN AND THE PEOPLE OF THE PHILIPPINES,
RESPONDENTS.**

D E C I S I O N

TORRES, JR., J.:

These petitions for review on certiorari, although filed separately by petitioners Judge Arturo Juliano and Renato Vera Cruz, arose from the same decision of the Sandiganbayan in Criminal Case No. 14288 dated April 5, 1991, the dispositive portion of which reads:

"WHEREFORE, on the first count alleged in the Information, the Court finds Judge Arturo Juliano y Llacar and Renato Vera Cruz y Legasta guilty beyond reasonable doubt, as co-principals, of the crime defined in Section 3, paragraph (f), Republic Act No. 3019, as amended, and pursuant to Section 9 (a) of the same Act in conjunction with the Indeterminate Sentence law, imposes upon each of them the penalties of imprisonment ranging from SIX (6) YEARS and ONE (1) MONTH as minimum, to NINE (9) YEARS and TWENTY ONE (21) DAYS as maximum, and perpetual disqualification from public office, and further orders them to pay jointly and severally the amount of NINE THOUSAND FIVE HUNDRED PESOS (P9,500.00) Philippine Currency, to Romeo de la Cruz y Ediza and the costs.

IT IS SO ORDERED."^[1]

The cases had the same antecedent facts:

Spouses Romeo de la Cruz and Salvacion Erese were the lessees of a portion of Lot 11-B, Subdivision Plan Pls-2-78-D G.L.R.O. Record No. 8374, with an area of 25 by 36 feet plus 6 meters, located at Biñan, Laguna. They were the owners of the two-storey commercial building constructed on the said land and which was being leased to Carlito Morales and Felisa Ong with a monthly rental of One Thousand Pesos. When the lessees failed to pay the monthly rentals for August, September and October 1983, the spouses de la Cruz filed an ejectment

case on January 13, 1984 with the Municipal Trial Court of Biñan, Laguna where Judge Arturo Juliano was the presiding judge and Renato Vera Cruz was the Clerk of Court.

On August 2, 1984, de la Cruz filed an ex-parte Motion to Withdraw Consigned Rentals amounting to P10,000.00 previously deposited by defendant Morales representing rentals from September 1983 to June 1984. The motion was not immediately acted upon and it was only on December 26, 1984 that an order was issued by Judge Juliano allowing de la Cruz to withdraw the consigned rentals. Then on February 5, 1985, the trial court rendered its decision ordering defendant Morales to vacate the premises and to pay back rentals starting October 27, 1983 up to the time they leave the premises.

On January 2, 1986, Romeo de la Cruz filed before the Office of the Tanodbayan a complaint against Judge Arturo Juliano and Renato Vera Cruz with the following charges:

- "1. For refusing, after due demand and without justification, to act within a reasonable time to resolve a motion filed with the court in Civil Case No. 2217 pending before said court for the withdrawal of deposited rentals and that said refusal was for the purpose of obtaining material benefit because when the complainant agreed to the demands of the respondents that the deposited rentals be given to them, respondent Judge Arturo Juliano issued an order allowing complainant to withdraw the rentals deposited with the Treasurer of Biñan, Laguna, in the amount of P10,000.00; and
2. By causing undue injury to herein complainant thru evident bad faith, manifest partiality, inexcusable negligence or ignorance of the law in the discharge of judicial function."^[2]

Complainant de la Cruz alleged that Judge Juliano and his Clerk of Court Renato Vera Cruz had conspired against him. The motion to withdraw the deposited rentals remained unresolved for several weeks because the accused had made known to the complainant that a big portion of the amount be given to them before the withdrawal would be granted. Complainant sought assistance from Barangay Captain Alberto Almeda and even asked help from Doña Josefa Marcos, mother of then President Ferdinand Marcos. Mrs. Marcos wrote the accused Judge requesting the resolution of the motion. Complainant then learned from alleged reliable source that he might even lose the case if he would not agree to give the money to the accused. When he agreed to give, accused Judge issued the order allowing the withdrawal of the deposited rentals.

Complainant alleged that he met respondent Vera Cruz about the withdrawal of deposit twice. When complainant agreed to the proposal, he met Vera Cruz at the Municipal Building on December 26 or 27, 1984. Complainant was accompanied by his friend Vicente Cea. Accused Vera Cruz was already holding the order allowing the withdrawal of deposit so they proceeded to the Treasurer to get the money. Thereafter, they went to the office of the accused Judge and handed him the money. P9,500.00 was the share of the accused Judge while the P500.00 was given to

accused Vera Cruz and Alberto Almeda for their snacks. Complainant also inquired when the case would be decided and the accused judge assured him of a decision by the first week of January 1985.

Despite regular follow-ups, the case was only decided on February 5, 1985. A copy was given to the complainant by accused Vera Cruz the day after the case was promulgated. Complainant allegedly felt cheated after reading the decision because there was no award of back rentals. Consequently, he returned to accused Vera Cruz but the latter denied having read the decision. Accused Vera Cruz however, assured the complainant that he would talk to the accused judge. Thus, on February 13, 1985, complainant received by mail another decision also dated February 5, 1985 but with award for back rentals.

Witness for the complainant Alberto Almeda stated during the preliminary conference that he was with the complainant at the Office of the Municipal Treasurer and he saw the latter counting the money. He also stated that he was given P500.00 for their lunch. During the trial, however, Almeda apparently became forgetful and started denying his previous statements. He alleged that he had a poor memory because he got sick with diabetes.

Another prosecution witness was Mario Faraon who testified that he saw accused Vera Cruz handing a document to the treasurer, Bienvenido Viernes. Then he saw the complainant counting the money and later wrapping it with a piece of paper.

Judge Arturo Juliano testified that he allowed the withdrawal of the money after the complainant told him that he was in dire need of money. The reason why the order was not immediately issued was that only one copy of the motion to withdraw was filed. So he waited for the other copies which were probably never filed. Another reason for the delay was that he had other duties attending to two additional courts. Accused judge denied receiving money from the complainant. He also alleged that the decision dated February 5, 1984 was not immediately released because when accused Vera Cruz was about to affix the dry seal, he noticed that there was no provision as to the back rentals. He prepared another decision which was also released the same day.

Both accused Judge Juliano and Vera Cruz were prosecuted before the Sandiganbayan for violation of Section 3 (f) of the Anti-Graft and Corrupt Practices Act, which reads:

"In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

(f) Neglecting or refusing, after due demand or request without sufficient justification, to act within a reasonable time on any matter pending before him for the purpose of obtaining, directly or indirectly, from any person interested in the matter some pecuniary or material benefit or advantage, or for the purpose of favoring his own interest or giving