

## THIRD DIVISION

[ A.M. No. MTJ-94-999, September 23, 1996 ]

**TERESITA DYSICO, COMPLAINANT, VS. JUDGE EUGENIO A. DACUMOS, RESPONDENT.**

### DECISION

**PANGANIBAN, J.:**

In this Decision, the Court finds occasion to remind trial magistrates, particularly municipal court judges, that they must strictly abide by the Code of Judicial Conduct, for as the frontline officials of the judiciary, their actions are scrutinized by our people who expect them to be models of utmost integrity, professional competence and unassailable independence.

#### The Charge

In her sworn letter-complaint dated January 26, 1994,<sup>[1]</sup> complainant Teresita Dysico charged respondent Judge Eugenio Dacumos of the Municipal Trial Court of San Fernando, La Union, Branch 1 with (1) delay in hearing and resolving Criminal Case No. 20012 for grave coercion, where said complainant was the offended party; (2) grave misconduct; (3) partiality; and (4) inefficiency in managing his court personnel.

Complainant alleged in her said letter-complaint that sometime in January 1989, she filed Criminal Case No. 20012 for grave coercion against her former employer, Benito Gapuz Te and the latter's counsel, Atty. Roman Villalon, Jr. for forcing her to sign a resignation letter and an affidavit containing an admission that she was a dishonest employee of the Te-owned Asian Lumber and Construction. She said that the trial took more than four (4) years and yet after the case was submitted for decision, the judge kept on delaying -- for no sufficient reason and in spite of his alleged promises to the contrary -- the promulgation of his decision. She suspected that the judge was delaying the case because he had been bribed by the accused. In urging the judge to speed up the resolution of the case, she allegedly furnished him a copy of a decision rendered by the National Labor Relations Commission in her case for illegal dismissal, ordering her reinstatement.

Complainant also asked that respondent judge, who she claimed already owned a big, concrete residential house, be made to explain the source of his funds for the construction of a new 3-storey concrete building worth about P5 million.

#### The Other Pleadings

In his Comment,<sup>[2]</sup> respondent Judge admitted that Criminal Case No. 20012 lasted for more than four (4) years but that the delay could not be attributed to him because (1) he had 481 pending cases; (2) complainant contributed to the delay;

and (3) the evidence presented was voluminous, consisting of cartons of receipts. In any event, the decision, all of 73 pages was promulgated on January 27, 1994, a day after the herein complaint was filed.

The judge also presented documentary evidence to show that the funds for his residential house and his two- (not three-) storey building (which according to him was worth only P650,000 to P700,000) were sourced from loans from the Rural Bank of Bauang (La Union), Home Development and Mutual Fund, Pag-ibig, Philippine National Bank (La Union) and other creditors.

Complainant in her reply<sup>[3]</sup> insisted on her previous allegations and added that respondent judge received money from wedding sponsors thru his employees who passed around a brown envelope among said sponsors and asked them to contribute "for the judge", in spite of the legal fees having already been fully paid. She also contested the valuation of the building as being worth at least P3 million which could not have been totally funded by the alleged borrowings. She further accused respondent of partiality in the conduct of the trial, and inefficiency and laxity in the management of his court personnel.

Filing his rejoinder,<sup>[4]</sup> respondent judge averred that the irregularities attributed to him in regard to Criminal Case No. 20012 had already been passed upon by the Regional Trial Court and the Supreme Court, both of which upheld his decision. He denied forcing money from wedding sponsors -- claiming that such payment, if any, was purely voluntary on the part of the parties and their sponsors.

In her answer<sup>[5]</sup> to the rejoinder, complainant averred that respondent judge during the preliminary investigation of Criminal Case No. 20012 partook of a merienda hosted by the accused.

### **Investigation, Report and Recommendation**

By Resolution of the First Division of this Court on November 9, 1994, this case was referred to Executive Judge Braulio Yaranon for investigation, report and recommendation. In his extensive Report<sup>[6]</sup> dated June 7, 1995, Executive Judge Yaranon submitted the following findings.<sup>[7]</sup>

"I - Findings Re: Alleged Delay, Partiality, and Gross Misconduct In Hearing and Resolving Criminal Case No. 20012.

A) - Alleged bias or partiality in resolving the case. The Decision (Exhibit N) on its face, shows that the respondent set forth the evidence adduced for the prosecution (Decision, pp. 3-16), as well as that for the defense (Decision, pp. 20-58). He then analyzed and evaluated the evidence (Decision, pp. 58-73), and concluded, citing reasons, that the weight of evidence, leans in favor of the defense version of the incident and consequently held the two co-accused not guilty of offense charged. The undersigned respectfully makes the finding that the said decision on its face, indicates that the respondent exercised reasonably fair and sound judgment, without bias or partiality, in rendering his decision in Criminal Case No. 20012, hence he should be absolved of this particular charge.

B) - Alleged Delay in the Proceedings Due to Partiality and Ignorance of the Law. It is charged that the respondent was partial and ignorant of the law because he allowed the accused to file several motions prohibited under the Rule on Summary Procedure, and that he further granted the accused extension to file counter-affidavits. It is respectfully pointed out that the two (2) Grave Coercion Cases (Nos. 20012 and 20013) which are both triable under the Rule on Summary Procedure, were taken up jointly with Criminal Case No. 20014, For Serious Illegal Detention, until the later case was remanded to the Office of the Provincial Prosecutor, hence a strict application of the Rule on Summary Procedure, may not be appropriate. Most of the motions complained of, appear to have been filed while all the three (3) criminal cases aforementioned, were jointly considered by the respondent. Considering that the respondent in fact denied the motion to allow cross-examination of prosecution witnesses, and to present rebuttal evidence during the preliminary examination xxx a finding is made that this particular charge is not sufficiently established.

The record shows that delay in the hearing of the case is mainly attributable to legal maneuvers employed by the defense xxx as well as by the prosecution.

C) - Alleged Delay in Resolving the Case. The record shows that the last hearing in Criminal Case No. 20012, was held on February 11, 1993, for the reception of rebuttal evidence for the prosecution. There is no order of record indicating when the case was deemed submitted for resolution. Considering March 23, 1993, when the prosecution submitted a position paper, as the date when the case was deemed submitted for resolution, and considering further that the Decision dated December 29, 1993, was promulgated on January 27, 1994, there is no question that the respondent exceeded the ninety (90) day reglementary period by at least six (6) months. That the draft of the decision was misplaced sometime in October, 1993, cannot excuse the delay because even at that time, the reglementary period had already been exceeded by at least four (4) months. A finding is therefore made that the respondent rendered his decision at least six (6) months beyond the reglementary period.

Evident on the face of the Decision (Decision, pp. 16-20) rendered in Criminal Case No. 20012, is the resolution of a motion for contempt submitted for resolution on April 22, 1993 (per Order dated April 22, 1993, Record of Criminal Case No. 20012, p. 675). The motion for contempt was therefore resolved at least five (5) months beyond the reglementary period.

D) - Alleged Bribery. The suspicion of the complainant that the respondent must have been bribed by the co-accused Benito Gapuz Te, owner of Asian Lumber and Construction, because he has been able to build a residential house valued at not less than Three Million (P3,000,000.00) Pesos, and that the materials must have come from the said accused, is not supported by evidence. The respondent presented