

OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. JUDGE PEDRO ANTONIO, RESPONDENT.

A.M. No. MTJ-93-858. February 15, 1995

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/15aa0b483c20/>

PER CURIAM:

This administrative case involves the entrapment of Judge Pedro C. Antonio of the Municipal Circuit Trial Court, Roxas, Isabela, who received money from a litigant for the dismissal of a criminal case against the latter.

Melito Cabasag, a barangay captain, was accused, along with five other persons, [1] of the murder of Orlando Estuesta and Lolita Gallego. He approached the town's mayor, Benito Calderon, for assistance after respondent Judge Antonio allegedly asked him for money in consideration for the dismissal of the case against them. With the assistance of the mayor and the provincial governor (Benjamin Dy), Cabasag reported the matter to the National Bureau of Investigation (NBI) at their Regional Office in Ilagan, Isabela.

In his sworn statement before the NBI, [2] Cabasag complained that Judge Pedro C. Antonio demanded P6,000 from him and his co-accused, or P1,000 each, for the dismissal of their case pending before his sala. In the morning of April 27, 1993, Cabasag went to see Judge Antonio. After bargaining with the respondent judge, the amount was reduced to P3,500 and was scheduled to be given the next day.

The entrapment was laid the next day, April 28, 1993. Rosita Querubin, a radio operator of the NBI, posed as Melito Cabasag's wife and accompanied the latter to the courthouse that morning. Cabasag approached Judge Antonio and asked him why their case was forwarded to the PNP. Respondent answered that there was no reason to worry for no one could interfere with their case as long as it is in his sala. The judge then motioned to the "couple" to proceed to the courtroom where they sat on a bench and continued their conversation.

Rosita Querubin further testified:

"Q.

What was that conversation?

A.

Can I say it in the vernacular?

JUDGE MIRASOL:

Yes.

MS. QUERUBIN:

The Barangay Captain said the following words to Judge Antonio in the Ilocano dialect 'Casanu ngaruden Judge diay asunto nagadu ti nagacaran nan' (How is this Judge, the case has been transferred to many fora?).

JUDGE MIRASOL:

Q.

And then what happened after that?

A.

Judge Antonio answered him also in the Ilocano dialect 'Awan maaramid da nu adda ditoyen, nu madisisionan awan maaramid dan nu malpas ditoy' (They cannot do anything once the case is filed with this court and the court will now resolve the case).

Q.

What else transpired?

A.

Barangay Captain Cabasag informed him that 'kasanu ngay Judge P3,000.00 laeng ti nairemedyo mi' (How is this Judge we were able to remedy P3,000.00 only) then I batted in and said, "we found difficulty in producing the money because we just borrowed the amount. (nagrigat ngamin ti agremedyo Judge)

Q.

Then what transpired next?

A.

Then I got the envelope from my bag, handed it to the Barangay Captain and then the Barangay Captain gave it to Judge Antonio.

Q.

When the Barangay Captain handed the envelope to Judge Antonio, did Judge Antonio receive the envelope?

A.

Yes, your Honor.

Q.

After that what happened?

A.

Upon seeing that Judge Antonio is holding that envelope, as instructed to me, I stood up backed a little then I went out through the back door looking for the Agents and gave them the signal that Judge Antonio was holding that envelope.

Q.

How did you give that signal?

A.

I just removed my hairband and put it back, that's the time for them to come in.

Q.

After that what happened?

A.

Atty. Florencio Binalay came first so I gave way at the door and heard that Atty. Binalay informed the Judge that 'sorry Judge you are under arrest, the envelope you are holding is a bait.

Q.

And what happened?

A.

Judge Antonio threw the envelope and stood up and informed them by saying, 'sandali lang, sandali lang, puwede bang pag-usapan natin ito?'. [3]

From the accounts given by Melito Cabasag, Rosita Querubin and the agents handling the case, it is clear that Judge Antonio actually received the P3,000 from the barangay captain and that he was caught by surprise when the NBI agents [4] pounced on him. [5]

The NBI recommended the filing of Robbery/Extortion charges as well as violation of Republic Act No. 3019 against respondent judge. Director Epimaco Velasco wrote to inform the Court Administrator that the Bureau has already transmitted its findings and recommendation to the Ombudsman, Office of the Provincial Prosecutor of Isabela. [6]

In view of this letter, the Court resolved on October 6, 1993 to consider the verified NBI Report as an administrative complaint and required Judge Pedro C. Antonio to comment thereon and show cause why he should not be suspended.

Executive Judge Teodulo E. Mirasol of the Regional Trial Court of Roxas, Isabela was tasked with investigating, reporting and recommending appropriate action in the administrative case. Respondent Judge Antonio was also placed under preventive suspension in the Court's Resolution of May 18, 1994.

Respondent judge was also charged before the Sandiganbayan for Direct Bribery in an information which reads in part: [7]

"That on or about April 28, 1993, in Roxas, Isabela, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, a public officer, being then the Judge of the Municipal Circuit Trial Court, Roxas, Isabela, before whom a preliminary investigation is being conducted relative to the death of Orlando Estuesta and Lolita Gallego where Melito Cabasag is one of the respondents, taking advantage of his official position and with grave abuse of authority, did then and there, wilfully, unlawfully and feloniously demand, solicit and request from Melito Cabasag the amount of SIX THOUSAND PESOS (P6,000.00), Philippine Currency, and actually and personally received from Melito Cabasag, the amount of ONE THOUSAND PESOS (P1,000.00), Philippine Currency, in consideration for the dismissal of the said case, wherein said accused has to intervene in his official capacity.

CONTRARY TO LAW."

After receiving evidence on the matter, Investigating Judge Mirasol submitted to the Court his Findings and Recommendation dated December 4, 1994, as well as the transcript of stenographic notes.

The Investigating Judge concluded that the entrapment was tainted with suspicion and ill motivated because of the mayor's active intervention in assisting complainant Cabasag. He nevertheless admits that although the respondent judge tried to show that the mayor disliked him, there was no sufficient evidence to prove this allegation, except for the fact that the respondent judge was appointed during the term of the mayor's predecessor.

Judge Mirasol likewise questioned complainant Cabasag's motivation. Two of Cabasag's co-accused (Guillermo Lanuza and Julian Taguba, Jr.) claim that they gave the former P500.00 each for the case's dismissal. However, it has been admitted that the P1,000.00 used for the entrapment came from Mayor Calderon and not from Cabasag. He states in his findings:

"x x x Could it not be said then that the incident was double-edged-one for Cabasag's own personal interest by keeping to himself the P1,000.00 given by his two co-accused to him and then giving favor to the Mayor to wreak possible vengeance because respondent owes his appointment to the Mayor's local political foe.

This question disturbs us and we are not prepared to make any drastic recommendation against the respondent Judge because as a magistrate myself who was tasked to investigate this case we abhor being unwittingly dragged into an affair to satisfy a probable political vendetta. The respondent Judge has suffered enough punishment for his indiscretion, perhaps not aware that a bombshell was about to explode hatched by the insidious hands of those who have a score to settle with him – local politics most probably as insinuated by him in his affidavit to give his side of the incident." [8]

Investigating Judge Mirasol concluded:

"In view of the foregoing consideration, we feel reluctant to recommend any sanction against him because of our honest doubts regarding the good faith of his accusers. After all, it is a truism in law that a complainant must air his grievance, if any, with clean hands. That the complaint is probably ill-motivated does not escape our apprehension. For his indiscretion for having fallen into a trap laid down by his detractors, a reprimand to jerk the respondent to his sensibilities perhaps would be commensurate to his reprehensible mistake." [9]

Respondent judge denied that he received money from Melito Cabasag, adamantly insisting that the entrapment was politically motivated. As the investigating judge declared, evidence to prove this fact was insufficient. The alleged political vendetta was not clearly established. Moreover, there is no anomaly when the town mayor or the provincial governor assisted Melito Cabasag by referring him to the NBI, transporting him there in their vehicle, following up the matter with the NBI and lending P1,000.00 as "bait money." The fact of assisting Cabasag, a barangay captain, does not make it any more political than aiding any other complaining citizen.

We also find worthy of credit, the testimony of Rosita Querubin, a disinterested observer. She corroborates Melito Cabasag's accusation that Judge Pedro C. Antonio accepted the envelope containing money, with full knowledge that it contained the P3,000 they agreed upon. The NBI Team Leader's testimony that after announcing the entrapment, respondent judge panicked and dropped the envelope on the floor is likewise credible.

Furthermore, the testimonies of Cabasag's co-accused show conflicting accounts on their knowledge of the respondent judge's demand as well as of his having contributed money to Melito Cabasag. Hence, they cannot be used to assail Cabasag's allegations.

Respondent judge presented in his defense the testimonies of Atty. Cesar Palogan of the Department of Environment and Natural Resources and court interpreter Milagros Roxas to show that they saw the judge being forced to pick up the envelope. After carefully studying the transcripts of stenographic notes, we are certain that the testimonies of the abovenamed witnesses are not at all helpful to the respondent's cause.

While they admit they saw the judge being made to pick up the envelope, we are convinced that what they saw was the situation following the arrest, after the judge dropped the envelope in panic, and a re-enactment was being attempted. Moreover, although the investigating judge expressed his reservations, he does not absolve respondent judge of liability, for evidence against the latter is abundant. Rather he recommended a "reprimand to jerk the respondent to his sensibilities x x x (as) commensurate to his reprehensible mistake."

We arrive at the inescapable conclusion that the respondent, Judge Pedro C. Antonio, actually demanded money

from the accused Melito Cabasag for the dismissal of the murder case against him and his co-accused and that the judge actually received the money on April 28, 1993.

Even if the respondent proves that the entrapment was politically instigated, he cannot deny that he demanded and accepted money from a party litigant as proved by the trustworthy testimonies of Melito Cabasag, Rosita Querubin, and the NBI Team Leader for the case. What is reprehensible is the fact that the respondent judge accepted money for the dismissal of a case pending before his sala. [10] The amount of money, however small, is immaterial. It constitutes serious misconduct in office. [11]

There is no excuse for such corrupt behavior. Respondent judge's actions were a conscious and deliberate attempt to subvert justice for his personal gain. His dishonesty and evident bad faith are appalling and seriously damage the reputation of a magistrate's most honorable profession, where public and private conduct should be beyond reproach. Under the Code of Judicial Conduct, a judge should avoid impropriety and the appearance of impropriety in all activities and a judge should perform official duties honestly, and with impartiality and diligence. (Italics supplied) [12]

As we have said in the case of *Haw Tay v. Singayao*: [13]

"x x x The acts of respondent Judge in demanding and receiving money from a party-litigant before his court constitute serious misconduct in office. This Court condemns in the strongest possible terms the misconduct of respondent Judge. It is this kind of gross and flaunting misconduct on the part of those who are charged with the responsibility of administering the law and rendering justice that so quickly and surely corrodes the respect for law and the courts without which government cannot continue and that tears apart the very bonds of our polity."

Clearly, there is no place for respondent judge in the judiciary. Dismissing him from service is necessary to protect the public from his maleficence in office.

IN VIEW OF THE FOREGOING, the Court resolves to DISMISS respondent Pedro C. Antonio from the service with prejudice to re-employment in any branch or instrumentality of the government, including government-owned or controlled corporations, and to FORFEIT all his retirement benefits and accrued leave credits, if any. This resolution shall be immediately executory.

SO ORDERED.

Narvasa, C.J., Feliciano, Padilla, Bidin, Regalado, Davide, Jr., Romero, Melo, Puno, Vitug, Kapunan, Mendoza, and Francisco, JJ., concur.

Bellosillo and Quason, JJ., on leave.

[1] Julian Taguba, Jr., Renato Dupapa, Guillermo Lanuza, Ruby Bacani and Remy Binalay.

[2] Rollo , p. 5.

[3] TSN September 28, 1994, pp. 5-7.

[4] Agents Florencio A. Binalay, Mario F. Sison and Franklin M. Javier.

[5] In truth, the white envelope handed to the judge contained only P1000 previously photocopied at the NBI office and interspersed with coupon bond cut down to size to make it appear thicker.

[6] May 2, 1993, Rollo , p. 1.

[7] Third Division, Case No. 20182, January 5, 1994, Rollo , p. 46.

[8] Rollo , p. 109.

[9] Rollo , pp. 109-110.

[10] The case for double murder (I.S. No. 93-214) was actually dismissed by the office of the prosecutor March 24, 1993 after an affidavit of desistance was made by one Domingo Estuesta dated March 11, 1993.

[11] In re Impeachment of Horrilleno, 43 Phil. 212 (1922); Office of the Court Administrator v. Gaticales, A.M. No. MTJ-91-528, May 28, 1992, 208 SCRA 508.

[12] Canons 2 and 3, Code of Judicial Conduct, September 5, 1989.

[13] A.M. No. R-592-RTJ, September 17, 1987, 154 SCRA 107, 111-112.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.