

DR. JULIO E. QUIZ, COMPLAINANT, VS. JUDGE AMADO B. CASTAÑO, RESPONDENT.

Adm. Matter Nos. 2367-CAR & 2373-CAR. September 03, 1981

Ponente: TEEHANKEE, J.

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TEEHANKEE, J.:

Respondent Judge Amado B. Castaño of the Court of Agrarian Relations, Branch V, Cagayan de Oro, was administratively charged in two administrative cases (Adm. Case No. 2367-CAR and Adm. Case No. 2373-CAR) by complainant Dr. Julio E. Quiz for dishonesty and serious misconduct in office.

The cases were referred to Associate Justice Jose A. K. Melo of the Court of Appeals for investigation, who submitted the following report and recommendation on June 23, 1981:

"The two administrative matters involved herein are identical. Administrative Matter No. 2367-CAR is with reference to the action on April 2, 1980 of then Acting Chief Justice Claudio Teehankee requiring respondent CAR Judge Amado B. Castaño (Branch V, Cagayan de Oro City) to explain why disciplinary action should not be taken against him in view of the resolution dated March 26, 1980 of the Tanodbayan in TBP 8001-22-02, Dr. Julio Quiz vs. Judge Amado B. Castaño, dismissing the supposed bribery charge of Quiz against Judge Castaño "without prejudice to whatever administrative disciplinary action" that might be taken against respondent. Administrative Matter No. 2373-CAR, upon the other hand, concerns the verified complaint dated April 7, 1980, filed with the Supreme Court by Dr. Julio Quiz against respondent judge alleging the same acts investigated by the Tanodbayan, and which as aforesaid were made the subject of Administrative Matter 2367-CAR.

"Initially, it was the Honorable Onofre A. Villaluz, Associate Justice of the Court of Appeals, who was designated investigator of the matters which were later ordered consolidated. Justice Villaluz in his report dated November 19, 1980, recommended that the administrative cases be dismissed for failure to prosecute. A Motion for Extension of Time to File Motion for Reconsideration was subsequently filed by complainant. This motion was denied by Justice Villaluz. In the same resolution of the Supreme Court designating undersigned as investigator, the Honorable Court set aside the above order of Justice Villaluz.

"Complainant Julio E. Quiz is a physician practising in the City of Gingoog as well as a property owner therein. On August 1, 1978, one Antonio Desoy filed a complaint against complainant and Diosdado Rosalim for violation of maintenance of peaceful possession, reliquidation of shares, and damages, which case was later to be denominated as CAR Case No. 388 Misamis Oriental 78, before the court presided over by respondent, Judge Amado B. Castaño. Respondent issued on August 3, 1978, a temporary restraining order commanding defendants therein to re-frain from molesting plaintiff Desoy in the peaceful cultivation and harvest of the landholding in dispute, and further authorizing Desoy to harvest therefrom, with Desoy retaining 1/3 of the proceeds of copra sales and the remaining 2/3 to be deposited in court for delivery to defendant Quiz (Exh. B and Exh. 10).

"During the pendency of the case and sometime in 1978, complainant charged that Ligaya Bayhon, a clerk stenographer in the court of respondent, went and saw complainant and told him to go to the house of a certain

Amador Baul in Gingoog City where respondent was waiting for him. At this place, respondent told complainant to come up with P20,000.00 and he would have CAR Case No. 388 settled amicably in favor of complainant. Complainant could not agree to the proposal as he could not raise the amount because he was not allowed to harvest. Some incidents thereupon took place in regard to CAR Case No. 388 including a motion filed by Quiz to inhibit respondent from hearing the case, which incidents were even elevated to the Court of Appeals which, however, sustained the respondent's actions. When the case was remanded to respondent, he issued on October 3, 1979, an order (Exhibits 6 and 26) lifting or setting aside the temporary restraining order issued on August 3, 1978 (Exhibits B and 10).

"Around a month after the restraining order was lifted, complainant contends, Ligaya Bayhon went to his house in Gingoog City telling him that respondent needed money. This time, complainant agreed to give some money because of the lifting of the restraining order. Complainant then got some advance from one Androclus Raniezes who is a copra buyer, and delivered the money to Baul's house where respondent was playing mahjong with Bayhon, Alice Bacallo and one Abrodemian. Bayhon was the one who received the money.

"Bothered now, complainant sought the advice of the National Bureau of Investigation in Cagayan de Oro and he was told that nothing much could be done at that stage, but that in case some more demands are made, he should go to the NBI office to report the same so that proper steps could be taken. Not long thereafter, on January 18, 1980, while complainant was at his house situated in an interior of Jadol street in Gingoog City, Bayhon came, telling him not to leave as respondent judge was coming presently. True enough, Judge Castaño, within minutes, arrived together with a male companion. The male members of the party then began to drink liquor, the piano was played, and Bayhon started singing. The entire stay of respondent at the house of complainant lasted from around 3 o'clock in the afternoon to approximately 9 o'clock in the evening. In the course of the visit, a demand for P20,000.00 was made by respondent, but complainant, already decided to report the matter to the NBI, bargained for P10,000.00 to be paid in installments. Respondent then said that said amount would be for him alone. Arrangements were then made for complainant Quiz to proceed to Cagayan de Oro City the following day Monday (January 21, 1980), and to bring with him P5,000.00, with the balance of P5,000.00 to be paid a week thereafter. Respondent jotted down the telephone numbers of his house and that of the court house and made a diagram or sketch of the location of his house. (Said sketch is admittedly in the possession of the Tanodbayan prosecutor, Fiscal Rola).

"On the agreed date, January 21, 1980, complainant Quiz went to Cagayan de Oro City, and as previously agreed upon with the NBI authorities thereat, he proceeded to the NBI building and saw Regional Director Arturo Figueras. The money bills were marked with fluorescent powder by a laboratory technician and given to Director Figueras who then told Quiz to call by telephone respondent judge. Ligaya Bayhon answered, informing Quiz that respondent was not in court but would be back at around noon time. Quiz thus proceeded to the residence of his sister, Nena Pelaez, which was near the NBI office, to take his lunch, and while thereat, Quiz received a telephone call from Bayhon to the effect that respondent wanted to see Quiz at the Caprice Steak House between 3 and 4 o'clock that afternoon. Quiz returned to the NBI office where he stayed until around 3 o'clock, at which time he was handed the marked money bills inside an envelope also dusted with fluorescent powder.

"Upon arrival at the Caprice Steak House, complainant saw Ligaya Bayhon waiting by the door. They went in and ordered ice cream. Thirty minutes afterwards, respondent, accompanied by his wife, arrived and joined Quiz and Bayhon at the latter's table. Mrs. Castaño was introduced to complainant by respondent, and orders were placed for some food. Bayhon then excused herself, and shortly thereafter, Mrs. Castaño also left, to prepare her own tea (according to Quiz), but to go to the next door office of the Mindanao Post, according to respondent and Mrs. Castaño herself.

"With just respondent and complainant left at the table, respondent winked at complainant and pointed at the latter's pocket. Complainant in turn tapped the right pocket of his pants, got the envelope with the money, and handed it to respondent under the table. Respondent laughed and complainant joined in and at the same time

stood up, pretending to cough. He then took his handkerchief and wiped his mouth and face with it. This was the signal for the 4 NBI agents, who had earlier stationed themselves at the Caprice Steak House, to confront and apprehend respondent. The peace officers, Esteban Libid, Amado Dycoco, Francisco Sanchez, and Rogelio Manawil were agents from Manila Central Office of the NBI, and were then in Cagayan de Oro in regard with another matter, but their services were availed by Director Figueras because they were not known as agents in the vicinity. Agent Dycoco, the ranking agent identified himself and his companions as NBI agents and the money was confiscated from respondent who had placed the envelope in his pocket, according to Agent Libid.

"At the NBI office, respondent's hands were examined by Lorimer L. Hembrador, Senior Forensic Chemist, who thereafter rendered his Physics Report No. P-80-01 (Exhibit K and Exhibit 8) which was identified by him when he testified, showing that the right palm of respondent was positive for fluorescent powder, thus:

- '(1) Proximal phalange of the index finger;
- '(2) Interphalangeal fold between the proximal and middle phalanges of the index finger;
- '(3) Proximal phalange of the middle finger;
- '(4) Interphalangeal fold between the proximal and middle phalanges of the middle finger;
- '(5) Proximal phalange of the ring finger;
- '(6) Interphalangeal fold between the proximal and middle phalanges of the ring finger; and
- '(7) Middle phalange of the ring finger.

"Respondent's explanation of these incidents is that he merely wanted to have CAR Case No. 388 settled. In view, however, of the damning circumstances that he admittedly met with complainant on at least three occasions in the absence of Antonio Desoy, plaintiff in CAR Case No. 388, and with these meetings taking place at private houses (including that of complainant's) and a public eatery, respondent's explanation loses any measure of plausibility.

"Reliance is based on Section 2, Rule 12 of the Uniform Rules of Procedure of the Courts of Agrarian Relations which reads:

'Section 2. - Court's duty to effect amicable settlement. - On the date of hearing but before actually receiving evidence on the case, the Court shall endeavor to settle the case amicably: Provided, that in no case shall any amicable settlement work out to give the agricultural lessee or tenant less rights, benefits or advantages than the law grants him. If an agreement as to the whole or any part of the case is arrived at, it shall be reduced to writing, signed and acknowledged by the parties and counsel, if present, before the Judge, and the same shall be the basis of the decision.'

"In point of fact, respondent did try to find out whether settlement of CAR Case No. 388 was possible - and he did this most properly in open court, but inasmuch as the top offer of Quiz was only P3,000.00, while the minimum amount at which Desoy would settle was P15,000.00, nothing came out of the attempt to settle the case. Respondent would have been well advised to leave matters at that stage in view of later developments, including the appeal of Quiz of the issuance of the temporary restraining order, the denial of a motion to lift the same, as well as an order denying a motion for inhibition. Antonio Desoy was also shot at and gravely wounded on July 22, 1979, for which incident he accused complainant Quiz. All of these would have probably given a prudent man indications that settlement of the agrarian case would be improbable. But respondent was undeterred, which should not perhaps be taken against him -- had he taken the proper steps. But, precisely, respondent's acts in his supposed attempts to have the agrarian case settled are simply unbelievable, giving undersigned investigator the definite impression that such attempts, far from being legitimate tries at settlement, were indeed acts of extortion.

"Thus, respondent admits he did meet with complainant in the house of Amador Baul in Gingoog City, the house where respondent stays whenever he was in the City. Not only did he meet Quiz here--respondent unilaterally asked Quiz to meet him there. This was the occasion when respondent allegedly asked Quiz to settle for P15,000.00. Respondent also admits visiting Quiz at the latter's house on January 18, 1980 on which occasion he agreed to meet Quiz in Cagayan de Oro the following Monday when Quiz would bring P5,000.00. At this time, respondent even took the trouble of giving Quiz the telephone numbers of his office and his house, and made as well a sketch of the location of his residence. And on January 2P, 1980, respondent met complainant in a public eatery in the absence of Desoy in whose behalf he was allegedly acting. The Caprice Steak House, and not the court room, was chosen as the meeting place, because, according to respondent, the court premises were very warm and not comfortable and conducive to wholesome discussion for an amicable settlement (Annex D). It strikes undersigned as strange and inexplicable that granting that respondent had to meet with complainant at the Caprice Steak House which was supposedly a place more conducive to discussion leading to an amicable settlement, why he went there without Desoy, the other party, indispensable it must be observed, to a settlement.

"Altogether, the alleged purpose of these meetings--to effect a settlement of CAR Case No. 388--appears to undersigned as an all too apparent ploy on respondent's part to escape liability for his acts, and Antonio Desoy lent himself most willingly in foisting such outlandish defense. Consider thus the following factors:

"(a) Antonio Desoy, plaintiff in CAR Case No. 388 against Quiz, accused the same Quiz in regard to a shooting incident which occurred on July 22, 1979, in which Desoy was seriously wounded. Parenthetically, it must be added that the frustrated murder charge was dismissed by the military legal authorities in December 1979. Desoy was insistent that he would not settle the agrarian case for less than P15,000.00. Yet, in the alleged meeting he had with respondent on January 11, 1980, when he pleaded with respondent to see Quiz to work for a settlement--a fabricated incident to the mind of undersigned--Desoy urged respondent to have the case settled for P20,000.00 because of the several wounds he suffered when he was shot by Quiz (increasing thereby his asking price from P15,000.00, the increase to include settlement of the criminal case). But when cross-examined on whether the amount he was demanding would include the criminal case, he immediately answered that he will never settle the criminal case, as he is still angry at Quiz.

"Further, Desoy testified that he needed some funds very urgently, because his family was in dire financial needs, with his children suffering from malnutrition, and his wife about to deliver a child. On January 20, 1980, when Desoy saw respondent again, the latter informed him that Quiz was willing to pay P10,000.00, and respondent also told Desoy to go to the court house or to respondent's house the following day as Quiz was arriving with some money. On the fateful day of January 21, 1980, Desoy, however, did not go either to respondent's house or office if only to inquire about the money brought by Quiz and which funds he badly needed. Desoy's explanation why he did not see respondent judge on January 21, 1980, is that in the early morning of that day, 2 persons went to see him offering him a check for his 1/3 share of the harvest, but because these 2 mysterious persons were asking him to sign some documents, Desoy allegedly demurred because he wanted to see his lawyer and to have the deposit made in court. He spent the whole day trying to locate his lawyer. Notwithstanding his pressing need for money, he did not inquire thereafter whether a deposit of the check constituting his share was made; and he also did not try to see respondent until January 23, 1980, or 2 days after the date they agreed to meet in regard to the offer of P10,000.00. For a man who pictures himself to be in such pressing and critical need of immediate financial assistance, the above actions of Desoy generate grave suspicion.

"(b) On October 3, 1979, respondent issued an order (Exhibit 6 and Exhibit 26) lifting the temporary restraining order in CAR Case No. 388. In this order, the wife of Antonio Desoy was required to deposit the landowner's 2/3 share in accordance with the restraining order because 'records show that the last time the plaintiff made a deposit of the landowner's share of the copra sales was on March 1, 1979.' As a knowledgeable agrarian court judge, and as a coconut planter himself, respondent knew that from August 3, 1979, (date of

restraining order) to October 3, 1979 (date of lifting), there were 5 trimestral harvests, and it was of course of record that there was only one deposit of the 2/3 landowner's share of Quiz made and this was on March 4, 1979. Desoy, as of January 1980, had not accounted for at least 4 previous trimestral harvests, and according to the motion for accounting (Exhibit P) these unaccounted shares amount to more than P50,000.00. With some money owing from Desoy in favor of Quiz, and with Desoy already expressing himself as amenable to a settlement for only P15,000.00 at the start of the case and, therefore, before he incurred some indebtedness in favor of Quiz, it is a wonder why Desoy should still ask for P20,000.00 and for respondent to give an ear to such demand, without at least respondent reminding Desoy that any demand must take into consideration Desoy's unaccounted harvests.

'(c) Respondent knew that Quiz would be coming into some money in January 1980 because he would by then begin to harvest after respondent had lifted his restraining order. Thus, in the order of re-spondent dated December 13, 1979 (Exhibit I), it was stated among others, that 'Dr. Julio Quiz informed the plaintiff in open court that pursuant to the order of the Court, he is going to make the regular harvest in the middle part of January 1980.' Admittedly also, respondent at this time had just bought a house and borrowed money from the Develop-ment Bank of the Philippines and his family was still in the process of furnishing the house and intro-duc-ing renovations and additional improvements.

"A concatenation of the above circumstances strengthen undersigned's conviction that respondent did try to extort money from Dr. Quiz. Perhaps respondent would have escaped liability had he re-ceived the money in the court house and in the presence of Desoy or at least some court personnel. But as it was, he had to go to a public eatery and accept money and pocket the same and thence only to be subsequently apprehended red-handed with marked money. Respondent himself deplores his action and states, 'As a general rule it is not proper for a judge to meet a party litigant in a public eating place...' (Annex D, p. 88, Record) But such act, taken together with the circumstances discussed above, exposes respondent's attempt to extort.

"A judge's official and even personal conduct must be free from any appearance of impropriety. He should in no way act or so bear himself in such a way that his acts may be easily misinterpreted. His actions must be above reproach for the judicial office calls and demands of its holder that he be studiously careful in avoiding any infraction or appearance of infraction of the law, lest his example demoralize the people of the community whose contentment and happiness his office is designed to promote.

"Verily, members of the Judiciary should display not only the highest integrity but judges must at all times conduct themselves in such manner as to be above reproach and suspicion. Evidently, respondent's actions fail to measure up to such norm. Even if one were to be liberal and accede that respondent received P5,000.00 in behalf of Desoy, his actions in (a) unilaterally seeking settlement by visiting litigants in their residences and sending for them to see him in private residences, (b) in meeting with them in the absence of the other party or their counsel or authorized representative, (c) in meeting a litigant at a public eatery alone and receiving a sum of money, and (d) in being apprehended thereat by NBI agents in possession of marked money--all of these have totally and irreversibly compromised respondent and have absolutely rendered him useless to the Judiciary. But as it is, under the prevailing setting, one cannot afford to be magnanimous to respondent. Undersigned is morally convinced that respondent did try and attempt to extort money from complainant Dr. Quiz, for which reason, his dismissal for the service must perforce be recommended.

"In view of the foregoing, it is hereby recommended that respondent be dismissed from the service."

The Court finds the above report and recommendation well-taken.

Accordingly, respondent Judge is hereby separated from the service as recommended for serious misconduct with forfeiture of all retirement benefits any pay and with prejudice to reinstatement in any branch of the government or any of its agencies or instrumentalities.

Fernando, C.J., Barredo, Aquino, Concepcion, Jr., Fernandez, Guerrero, De Castro, and Melencio-Herrera, JJ.,

concur.

Makasiar, J., no part.

Abad Santos, J., on official leave.

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