

DOMINGA P. MASANGCAY, COMPLAINANT, VS. JUDGE CARLOS T. AGGABAO, TANCHING L. WEE, ATTY. EDWIN O. BETGUEN, ELSA V. MANUEL, ESTRELLA V. MAGAT AND MELCHOR TOTTO, RESPONDENTS.

Admin. Matter. No. RTJ-93-947. November 28, 1994

Ponente: DAVIDE, JR., J.

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DAVIDE, JR., J.:

In a sworn letter-complaint[1] filed on 1 February 1993, complainant Dominga P. Masangcay, Clerk IV of the Office of the Clerk of Court of the Regional Trial Court (RTC) of Cabarroguis, Province of Quirino, charged respondents Judge Carlos T. Aggabao, Presiding Judge of Branch 32; Atty. Edwin O. Betguen, Clerk of Court VI of Branch 31; Tanching L. Wee, Sheriff IV of Branch 32; Elsa V. Manuel, Cash Clerk II; Estrella V. Magat, Interpreter of Branch 31; and Melchor Totto, an RTC Aide of Branch 31, with the following:

"1. Gambling prohibited by law.

Judge Aggabao, Atty. Edwin O. Betguen, Melchor Totto, Estrella V. Magat and Tanching L. Wee gamble with cards namely 'Tong-It' or 'Pepito' together with outsiders inside the Courtroom and any vacant place at the Justice Hall during Office Hours. The Judge plays with the group when [there are] no scheduled cases during office hours. Atty. Betguen could not act on the needs of the people who need his service immediately for he is gambling.

2. Receiving for personal use of a fee, gift or other valuable thing in the course of official duties or in connection therewith when such fee, gift or valuable thing is given by any person in the hope or expectation of receiving a favor or better treatment than that accorded other persons or committing acts punishable under the Anti-graft laws.

Judge Carlos T. Aggabao, Atty. Edwin O. Betguen, Estrella V. Magat, Melchor Totto used to go with lawyers and clients who have pending cases in his sala for a lunch picnic particularly at Atty. Delizo's house. Judge Aggabao and Atty. Betguen go with Atty. Beltejar for a lunch to a nearby restaurant too. These result to unfair judgment prejudicial to the case of the adverse party. To cite examples Civil Case No.--- _ _ _ _ _ Taganas Vs. Allagones, PP. Vs. Gaudencio Blas and other cases.

Atty. Betguen and Atty. Agnes Hernando ask for a fee in any document he or she prepares, such as affidavits, contracts, Deed of Sales and also ready documents needed for his or her signatures as Ex-Officio Notary Public with the assistance of Elsa V. Manuel their fee collector but they do not declare in the Record Book.

Elsa V. Manuel, Staff II In-Charge of Criminal Cases that are disposed in the Office of the Clerk of Court usually ask for a fee ranging from TWENTY (P20.00) PESOS to FIFTY (P50.00) PESOS from the person who wants to withdraw the property bond.

3. Discourtesy in the course of official duties.

Judge Aggabao shouts with insulting angry words at prosecuting Fiscals or their witnesses during hearing, scolds Stenographic Reporters and utter uncourteous words at them in the Courtroom....

4. Dishonesty

Stand fans and typewriters issued by the Supreme Court were taken at [sic] their houses by Judge Aggabao and Atty. Betguen for their personal use....

5. Disgraceful and immoral conduct

As Executive Judge, subordinate woman employee asks his advice about her problem she encounters. He usually takes advantage of the situation by asking for a short time date with such employee. An employee who rejects to his proposal is bad. He is always hot at her and if she finds a mistake, he said he is going to dismiss such employee. But if such employee accepts his proposal she is good and sweet for him.

6. Nepotism

As Executive Judge, he recommends an employee to a vacant position. Joel Totto was appointed RTC Aide Branch 32. He is the son of Melchor Totto, RTC Aide of Branch 31 who is the First Cousin of the wife of Judge Aggabao. Our office is always untidy. They do other jobs outside not prescribed in their functions and duties. So Judge Aggabao requested the Provincial Government to employ aides under local funds.

7. Improper or Unauthorized Solicitations of contributions from subordinate employees, party litigants or Private Practitioners.

Judge Aggabao distributed envelopes to Private Practitioners and ask them for a help for his candidate."

Attached to the complaint are the certification of one Alice Mamate, Clerk of the Luzon Loggers Incorporated of Luna, Cabaroguis, Quirino, that the service car of Judge Aggabao was, upon his request made through Joel Totto, filled with thirty liters of diesel fuel on 10 October 1992, and the affidavits of Joel Villanueva and Catalina Senica attesting to the playing of cards by Judge Aggabao and other personnel in one of the courtrooms of the Hall of Justice during office hours sometime in July 1992 and December 1992.

The respondents filed their sworn joint comment[2] on 2 April 1993. They denied the charges for being malicious and baseless and alleged that:

1. Gambling is strictly prohibited within the Justice Hall wherein the courts are housed and no gambling activities have been done within it from the time Judge Aggabao assumed the post of Executive Judge; the statement of Joel Villanueva in his affidavit is untrue as he could not have come to the court due to fear because in July 1992 he stabbed Estrella Magat on her breast when she refused to give P15,000.00 to him; and Catalina Senica had later recanted, claiming that she was merely tricked by the complainant into signing a prepared affidavit.

2. Only parties for special occasions, tendered by Atty. Delizo, like his birthday celebrations, were attended by court employees, lawyers, professionals, businessmen and government officials; Atty. Delizo is an ex-Governor of Quirino and a well-known and respectable lawyer; the Taganas case was decided 10 years ago and respondents Judge Aggabao and Atty. Betguen did not go to a nearby restaurant for lunch with Atty. Baltazar. The case of People vs. Blas was not decided by Judge Aggabao but by Judge Gregorio Buenavista.

3. While respondent Atty. Betguen and Atty. Hernando, both Clerks of Court, notarized documents because there are no notaries public within the vicinity, they do so "for free since most of the documents they notarize are already prepared documents"; respondent Manuel never acted as their collector since it is not her assigned task to collect fees.

4. No fee is charged for the withdrawal of property bond in criminal cases.

5. Judge Aggabao does not shout with insulting and angry words at prosecuting fiscals or witnesses, or scold or utter uncourteous words at stenographic reporters; he has not taken advantage of a woman, much less a subordinate; on the contrary, he has always been very kind and honorable to court employees; neither has he committed nepotism in the appointment of Joel Totto since the latter is a relative in the fifth civil degree of affinity and was appointed to the unclassified service.

6. Judge Aggabao and Atty. Betguen did not bring home any typewriter. The former does not need any as he dictates his decisions, while the latter has his own typewriter in the house. Neither of them brought home any electric fan.

The respondents claimed that the complainant filed the complaint to satisfy her desire for revenge. They cite the following reasons in support of their claim:

1. Judge Aggabao, in December 1992, had threatened to file administrative charges against the complainant for the loss of the records of two criminal cases and reprimanded her when he learned that she was collecting fees from lawyers or parties without issuing receipts, and she also believed that she was convicted in a case because he failed to prevent Melchor Totto and Estrella Magat from testifying against her;

2. Respondent Atty. Edwin Betguen had issued to her a memorandum directing her to show cause why she should not be administratively charged for keeping, concealing or losing the records in a criminal case for oral defamation against her which she received after its remand by the Court of Appeals; Atty. Betguen had also issued to her memoranda on several occasions concerning her inefficiency in work.

3. Respondents Estrella Magat and Melchor Totto had testified against her in a case for oral defamation filed against her, which led to her conviction.

4. Respondent Tanching L. Wee had filed a complaint against her for her alleged anomalous actuations in not raffling among the sheriffs foreclosure orders and writs of execution.

5. Respondent Elsa V. Manuel had insisted that complainant should relinquish to her as Cash Clerk the duty pertaining to such position, and reported to respondent Judge Aggabao and Atty. Betguen complainant's collection of legal and research fees without issuing the corresponding receipts.

Attached to the joint comment are the affidavits of the respondents' witnesses.

On 30 June 1993, respondent Judge Aggabao filed a so-called Addendum Evidence^[3] to which are attached: (1) the petition of all the employees of the Clerk of Court, dated 31 May 1993, requesting that the complainant be relieved from her post and barred from entering the said office for being disrespectful and for the loss of records; (2) Administrative Order No. 1 of Executive Judge Gregorio Buenavista, dated 31 May 1993, ordering the temporary detail of the complainant with the Municipal Trial Court (MTC) of Cabarroguis, Quirino; (3) the petition of all the employees of the said MTC refusing to accept the complainant; and (4) the indorsement of Judge Bannuar Bongolan of the said MTC indorsing the latter petition to Executive Judge Buenavista and informing him that the complainant is a persona non grata to his court personnel.

Pursuant to the recommendation of the Office of the Court Administrator of 3 September 1993, the Court referred this case to Associate Justice Alicia Austria-Martinez of the Court of Appeals for investigation, report, and recommendation.^[4]

Justice Austria-Martinez conducted several hearings from November 1993 to August 1994. At the initial hearing on 12 November 1993, the complainant and the respondents agreed on the following facts:

1. Complainant is the respondent in administrative complaints for (a) dishonesty filed by respondent Atty.

Betguen, which is pending investigation before Executive Judge Rosales of Branch 27 of the RTC of Bayombong, Nueva Vizcaya, and (b) non-raffling of a case filed with the Supreme Court by respondent Wee in which complainant was found guilty;

2. Complainant is likewise the respondent in a criminal case for infidelity in the custody of public documents or records filed by respondent Betguen with the Ombudsman, which is still pending investigation in said office; however, said case was filed after complainant filed the instant complaint;

3. Respondents Magat and Totto were witnesses against the complainant in oral defamation cases (Criminal Cases Nos. 901 and 902) which were filed ahead of the present case.[5]

Complainant Masangcay presented three witnesses and also testified in her behalf. Witness Florentino Satulan testified that when he went to the Justice Hall in Cabarroguis on 23 October 1992 he saw Atty. Betguen holding some playing cards.[6] Witness Catalina Senica testified that on two occasions, sometime on 11 November 1992 and December 1992, she went to see Atty. Betguen and in a room which she described as a courtroom, she saw respondents Judge Aggabao, Atty. Betguen, Magat, Wee, and Totto playing cards and that she was told they were playing "tong-it." [7] Witness Melchor Martinez corroborated the testimony of Senica that when she and Martinez went to see Atty. Betguen on 11 November 1992, the latter made them wait for some time before he came out of his office and notarized the special power of attorney they brought to him. The complainant testified on the particulars of her other charges.

All the respondents testified, except Elsa V. Manuel who was not served with the notices of the hearings as she was then already on a one-year leave of absence. They presented as witnesses other court personnel of the RTC of Cabarroguis. The witnesses were one in refuting the allegations of complainant Masangcay and in asserting that a desire for revenge motivated her in filing the complaint against them as they were instrumental, either as complainants or witnesses, in administrative and criminal cases filed or intended to be filed against her.

After the termination of the hearings, Justice Austria-Martinez submitted to this Court her Report, dated 8 September 1994, wherein she gives a detailed summary of the testimonies of the witnesses and then makes the following findings:

"FINDINGS:

1. ON GAMBLING --

a. The testimony of Masangkay[8] does not deserve full faith and credence. Her ill-motive against the respondents is too obvious.

b. However, the testimonies of Satulan and Senica established that respondents Judge Aggabao and Atty. Betguen together with other persons were playing cards during office hours sometime in December, 1992 and on October 23, 1993.

c. The testimony of witness Senica that she also had seen the said respondents Aggabao and Betguen gambling together with their co-respondents Wee and Totto on November 11, 1992 appears to be an after-thought as it was not stated in her Affidavit, dated January 29, 1993 (Exh. "C", p. 15, Rollo).

d. The fact that witness Senica had signed the affidavit dated February 23, 1993 (Exhs. "D" and "2") declaring that the contents of her previous affidavit dated January 29, 1993 (Exh. "C") are not true and prepared by the Masangkay spouses, does not render her testimony before the undersigned not credible. While it may be argued that she executed her affidavit dated January 29, 1993 (Exh. "C", p. 15, Rollo) and her letter to the Administrator, dated March 8, 1993, upon instigation or under the influence of Masangkay, the fact that Senica had the courage to appear before the Investigator and reiterate her declarations in the affidavit (Exh. "C"), in the presence of all the

respondents, that she had seen respondents Judge Aggabao and Atty. Betguen playing cards during office hours at the court premises, convince the undersigned Investigator that indeed she saw respondents Aggabao and Betguen playing cards sometime in December, 1992.

e. The same observation is true with respect to the testimony of witness Satulan who positively testified that he had seen Atty. Betguen holding some playing cards. Even if he had an axe to grind against Atty. Betguen regarding the implementation of a writ of execution in a civil case, witness Satulan, a simple farmer, would not have the courage to appear before the Investigator, and, in the presence of the respondents, falsely testify against Atty. Betguen.

f. The fact that complaining witness Masangkay initiated the present administrative case against the respondents, out of revenge for having been convicted of the crime of oral defamation and the impending case that at the time that her letter-complaint was filed on February 1, 1993, respondents Judge Aggabao and Atty. Betguen had intended to file against her for dishonesty and infidelity in safekeeping of documents, does not automatically render the testimonies of Senica and Satulan against said respondents Aggabao and Betguen not worthy of belief.

g. There is no sufficient evidence that Sheriff Wee, RTC Aide Totto and Interpreter Magat engaged in gambling considering that the affidavit of Satulan (Exh. "A") referred only to Atty. Betguen and that of Senica (Exh. "C") referred only to Judge Aggabao and Atty. Betguen. Their subsequent testimonies during the investigation against the other respondents, namely: Magat, Wee and Totto appear to have been made as an afterthought to implicate them together with Judge Aggabao and Atty. Betguen.

2. On 'receiving for personal use of a fee, gift or other valuable thing in the course of official duties ... -?

a. Bare assertions of complaining witness Masangkay are not sufficient to convict the respondents of the above charges. There is no showing that Judge Aggabao had stepped beyond the bounds of judicial ethics when, as admitted by him, on special occasions, like the birthday of (ex-Governor) Atty. Delizo, he was invited together with other government officials and prominent people.

b. However, the testimony of Provincial Prosecutor Anthony Foz revealed that Judge Aggabao has been occasionally fraternizing with lawyers in drinking sessions. (TSN, Hearing of August 2, 1994, p. 703, Rollo).

c. The consumption slip (Exh. "X") signed by a certain Joel Totto and the certification of one Alice Mamate (Exh. "X-1") are sufficiently explained by respondent Judge in his Affidavit dated March 29, 1993, x x x. Besides, Masangkay admitted during the investigation that she heard about it only from Totto which is therefore pure hearsay. (TSN, Hearing of July 8, 1994, p. 593, Rollo).

d. Masangkay's claim that Mrs. Allagonez told her that she gave money to respondent Totto for his co-respondent Judge Aggabao does not deserve credence on the ground that it is hearsay. Besides, Mrs. Allagonez herself denied having given any money to respondents Totto and Judge Aggabao.

e. Likewise, Masangkay's claim that Mrs. Garingan gave T-shirts to respondent Betguen is denied by Mrs. Garingan herself and therefore, there is no way of giving credence to Masangkay's bare assertions.

3. On discourtesy in the course of official duties --

Mere claim of complaining witness Masangkay is not sufficient to find Judge Aggabao guilty of discourtesy to the lawyers, their clients/witnesses or to the court employees. Provincial Prosecutor Anthony Foz and Interpreter Loreta Garingan attest to the fact that Judge Aggabao had not been discourteous in the performance of his duties. No stenographer complained about any abrasive actions committed against them by Judge Aggabao.

4. On Dishonesty --

The bare assertion of complaining witness Masangkay is not sufficient to hold respondents Judge Aggabao and Atty. Betguen guilty of bringing home stand fans and typewriters for their personal use. The undersigned Investigator takes note of the Affidavit dated March 19, 1993 executed by Ma. Agnes D. Hernando, subscribed and sworn to before Judge Gregorio A. Buenavista (Annex "F", Comments of respondents, p. 65, Rollo) wherein affiant declared that she is Clerk of Court V of the RTC, Branch 32, Cabarroguis, Quirino; that she is in-charge of the supplies and equipments in their office; that all their office equipments are intact inside the Justice Hall Building. In the absence of any report from the officer in charge of supplies and equipments in the Office of Judge Aggabao and that of Atty. Betguen that the stand fans and typewriters subject-matter of herein letter-complaint of Masangkay have been taken out of their respective offices for personal use, the undersigned finds no valid reason to believe Masangkay.

5. On Disgraceful and Immoral Conduct of Judge Aggabao -?

- a. Court Interpreter Garingan vehemently denied having been held on the thigh by Judge Aggabao, directly contradicting the testimony of Masangkay. For that reason alone, Masangkay's claim must fail.
- b. As to Masangkay's assertion that she was snuggled close by Judge Aggabao, moving his right hand from her head to her shoulder to her arm with malice is difficult to believe. It is more probable that Masangkay merely misunderstood the action of Judge Aggabao in trying to assure her about the criminal case against her.

6. On Nepotism -?

Masangkay's claim is not tenable. Section 59 of the Revised Administrative Code of 1987 on the Civil Service Commission, provides:

'SEC. 59. Nepotism. -- (1) All appointment in the national, provincial, city and municipal governments or in any branch or instrumentality thereof, including government-owned or controlled corporations, made in favor of a relative of the appointing or recommending authority, or of the chief of the bureau or office, or of the persons exercising immediate supervision over him, are hereby prohibited.

As used in this Section, the word 'relative' and members of the family referred to are those related within the third degree either of consanguinity or of affinity.

(2) The following are exempted from the operation of the rules on nepotism: (a) persons employed in a confidential capacity, (b) teachers, (c) physicians, and (d) members of the Armed Forces of the Philippines: Provided, however, That in each particular instance full report of such appointment shall be made to the Commission. x x x'

According to Masangkay, Judge Aggabao recommended Joel Totto and was appointed as the RTC Aide in his sala, Branch 32; that Joel is the son of respondent Melchor Totto (RTC Aide of Branch 31) who is the first cousin of Judge Aggabao's wife. In other words, Joel Totto is Judge Aggabao's nephew by affinity by a first cousin of his wife which is already in the fifth degree and therefore not covered by the above rule on nepotism.

7. On Improper or Unauthorized Solicitations of Contributions from subordinate employees, party litigants or Private Practitioners --

Masangkay's claim that she saw Judge Aggabao solicit contribution from a practitioner cannot prosper. The practitioner referred to is neither identified nor presented by Masangkay; and the bare allegations of Masangkay whose motive in filing the charges renders her testimony not credible, is not sufficient to find Judge Aggabao guilty of soliciting contributions.”[9]

Justice Austria-Martinez then concludes:

"CONCLUSIONS:

1. Respondents Judge Carlos T. Aggabao and Atty. Edwin O. Betguen are guilty of playing cards during office hours in the court premises. However, whether or not they were gambling or playing for money is not established; and therefore, sense of justice and fairness, leads the undersigned to the conclusion that they merely engaged in activities that are improper, which officials like them should not be doing during office hours and in the court premises.

Judge Aggabao failed to comply with Canon 2 of the Code of Judicial Conduct which provides that a judge should avoid impropriety and the appearance of impropriety in all activities; and, Rule 2.01 which mandates that a judge should so behave at all times as to promote public confidence in the integrity of the judiciary.

Atty. Betguen's conduct is prejudicial to the best interest of the service (Section 46[27] of the Revised Administrative Code of 1987 on the Civil Service Commission).

2. Respondent Judge Carlos T. Aggabao occasionally fraternized with lawyers by having drinking sessions with them. He is likewise guilty of not complying with Canon 2 of the Code of Judicial Conduct.

3. All other charges against all the respondents are not supported by substantial evidence."

and submits the following recommendations:

"RECOMMENDATIONS:

1. That Judge Carlos T. Aggabao be REPRIMANDED for acts of impropriety, in violation of Canon 2 of the Code of Judicial Ethics.

2. That Atty. Edwin O. Betguen be REPRIMANDED for conduct prejudicial to the best interest of the service, under Section 46 (27) of the Revised Administrative Code of 1987 on the Civil Service Commission.

3. That all the other charges against all the respondents be dismissed for lack of substantial evidence, except for respondent Elsa Manuel (Cash Clerk II) who has been on leave of absence since October 11, 1993 (a month before the start of herein investigation) up to the present, with a prayer that the charges against her be investigated by the Executive Judge of the Regional Trial Court of Quirino, and, that the investigation of the above-entitled administrative case by the undersigned be considered closed and terminated."

The above findings and conclusions of Justice Austria-Martinez, being based on her meticulous and careful evaluation of the testimonies of the witnesses and their credibility, are entitled to the highest degree of respect.

It may also be stressed that in their sworn joint comment, the respondents deny only the charge of gambling but not the playing of cards during office hours in one of the courtrooms. They admit that they attended parties tendered by Atty. Delizo, an ex-governor of Quirino and a well-known and respectable lawyer, for special occasions like his birthday celebrations. Respondent Atty. Betguen claims that while he, as the Clerk of Court, notarized documents because there are no notaries public in the vicinity, he did so for free since most of the documents presented to him had already been drafted.

While there is insufficient proof of gambling, the playing of cards during office hours in a courtroom by respondents Judge Aggabao and Atty. Betguen is convincingly established not only by the testimonies of Satulan and Senica, as found by the investigating Justice, but also by the respondents' failure to deny this fact in their sworn joint comment. A courtroom is hardly the place for playing cards. A courtroom is generally looked upon by the people with high respect and not a few consider it as a sacred place where witnesses testify under oath, where conflicts are resolved, rights adjudicated, and justice solemnly dispensed. Making it a game room diminishes its sanctity and dignity. The playing of cards in the courtroom and the occasional fraternization with lawyers in

drinking sessions, established by the testimony of Provincial Prosecutor Anthony Foz, made the respondent Judge liable, at the very least, for impropriety in violation of Canon 3 of the Canons of Judicial Ethics which requires that a judge's official conduct should be free from the appearance of impropriety, and his personal behavior, not only upon the bench and in the performance of judicial duties, but also in his everyday life, should be beyond reproach.

Likewise, respondent Judge Aggabao should have avoided attending parties for special occasions tendered by an ex-governor and a well-known and respectable lawyer because his attendance could reasonably tend to raise suspicion that his social relationship or friendship with Atty. Delizo would be an element in his determination of Atty. Delizo's cases, which may be great in number because of his political and professional stature. Canon 30 of the Canons of Judicial Ethics provides:

"It is not necessary to the proper performance of judicial duty that judges should live in retirement or seclusion; it is desirable that, so far as the reasonable attention to the completion of their work will permit, they continue to mingle in social intercourse, and that they should not discontinue their interests in or appearance at meetings of members of the bar. A judge should, however, in pending or prospective litigation before him be scrupulously careful to avoid such action as may reasonably tend to waken the suspicion that his social or business relations or friendship constitute an element in determining his judicial course."

Rule 2.01 of the Code of Judicial Conduct mandates that a judge should so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary. While lawyers in Cabarroguis may not attribute any impropriety for such acts, litigants, especially those whose adversaries are the clients of Atty. Delizo, cannot help but have a well-founded fear that Atty. Delizo must have received or may receive special favors from the respondent Judge.

Respondent Atty. Betguen, as Clerk of Court, was also guilty of malfeasance in office when, with the respondent Judge, he played cards in one of the courtrooms during office hours. And, with his admission in the sworn joint comment that he notarized documents, presumably in his capacity as ex officio notary public pursuant to Section 242 of the Revised Administrative Code, for free, he had deprived the Government of the required fees therefor. Section 252 of the said Code provides:

"SEC. 252. Compensation of notaries public. -- No fee, compensation, or reward of any sort, except such as is expressly prescribed and allowed by law, shall be collected or received for any service rendered by a notary public. Such moneys collected by notaries public proper shall belong to them personally. Officers acting as notaries public ex officio shall charge for their services the fees prescribed by law and account therefor as for Government funds."

While Atty. Betguen wanted to appear charitable, he had in fact committed either neglect of duty or inefficiency.

WHEREFORE, taking into account the recommendations of investigating Justice Alicia Austria-Martinez and considering the foregoing observations, judgment is hereby rendered:

1. Declaring that respondent Judge Carlos T. Aggabao of Branch 32 of the Regional Trial Court of Quirino violated Canons 3 and 30 of the Canons of Judicial Ethics and Canon 2 of the Code of Judicial Conduct, for which he is hereby **ADMONISHED** to be more discreet in his actions, with a warning that the commission of the same or similar acts in the future shall be dealt with more severely;
2. Finding respondent Atty. Edwin O. Betguen, Clerk of Court VI, Branch 31 of the Regional Trial Court of Quirino, guilty of malfeasance in office, neglect of duty or inefficiency, and conduct prejudicial to the best interest of the service, for which he is hereby **REPRIMANDED** with a warning that the commission of the same or similar acts in the future shall be dealt with more severely;

3. With respect to the complaint against respondent Elsa V. Manuel, directing the Executive Judge of the Regional Trial Court of Quirino to conduct an investigation and submit a report and recommendation thereon within thirty (30) days from receipt from the Office of the Court Administrator of certified true copies of the complaint in this case and the joint comment thereon, as well as of the Addendum Evidence submitted by respondent Judge Carlos T. Aggabao. The Office of the Court Administrator shall transmit said documents to the Executive Judge within ten (10) days from notice hereof.

4. DISMISSING, for lack of substantial evidence, the complaint against respondents Tanching L. Wee, Estrella V. Magat, and Melchor Totto.

SO ORDERED.

Padilla, (Chairman), Bellosillo, Quiason, and Kapunan, JJ., concur.

[1] Rollo, 11-13.

[2] Rollo, 37-50.

[3] Rollo, 124-126.

[4] Id., 146.

[5] Rollo, 189-190.

[6] TSN, 12 November 1993, 22-23.

[7] TSN, 19 November 1993, 11-14.

[8] The report of Justice Austria-Martinez uniformly used this spelling of the surname of the complainant. The latter, however, spells her surname in all her pleadings as MASANGCAY.

[9] Report, 23-28.

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