SYLVIA SANTOS, COMPLAINANT, VS. JUDGE EVELYN S. ARCAYA-CHUA, REGIONAL TRIAL COURT, BRANCH 144, MAKATI CITY, RESPONDENT.

A.M. No. RTJ-07-2093 (Formerly OCA IPI No. 05-2312-RTJ). February 13, 2009

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

Before the Court is the Complaint of Sylvia Santos (complainant) dated July 14, 2005, against Judge Evelyn S. Arcaya-Chua (respondent), of the Regional Trial Court (RTC) Branch 144, Makati City for serious misconduct and dishonesty.[1]

Complainant, an aunt of respondent's husband, alleges: In the first week of September 2002, she asked respondent's help, who was then the Presiding Judge of the Metropolitan Trial Court (MeTC), Branch 63 of Makati City, regarding the cases[2] of complainant's friend, Emerita Muñoz, pending before the Supreme Court. Respondent, a former employee of the Court, said that she could help as she had connections with some Justices of the Court; she just needed P100,000.00 which she would give to an employee of the Court for the speedy resolution of said cases. In the first week of October 2002, complainant gave respondent P100,000.00 in the privacy of the latter's chamber. When complainant followed up the cases in February 2003, respondent told her that there was a problem, as the other party was offering P10 million to the Justices. Complainant asked respondent to return the P100,000.00; however respondent could no longer be contacted.[3]

In her Comment dated August 19, 2005, respondent denies the charges against her and avers: In the months adverted to by complainant, she (respondent) was facing protests, damaging newspaper reports and administrative cases which caused her hypertension; thus, she could not have agreed to the supposed transaction of complainant. When she became a judge, complainant asked a lot of favors from her, and knowing that she worked as a Court Attorney of the Supreme Court, complainant asked her to talk to a certain Mario Tolosa of the Third Division, to whom complainant gave P50,000.00 for a favorable resolution of Muñoz's cases. Respondent declined; thereafter complainant started spreading malicious imputations against her. On April 23, 2005, complainant begged respondent to talk to anyone in the Third Division to recover the money she gave Tolosa. Respondent again refused; complainant then repeatedly tried to talk to her until April 25, 2005 when complainant threatened to file a case against respondent with the Supreme Court. Complainant sent two demand letters addressed to respondent's court asking for the return of the P100,000.00 complainant allegedly gave her, which letters were read by respondent's Clerk of Court. Complainant also told respondent's husband, outside respondent's house, that she (respondent) was corrupt, as she asked for money in order to settle cases in court. Respondent filed cases of Grave Oral Defamation, Intriguing Against Honor and Unjust Vexation against complainant, while complainant filed an estafa case against her.[4]

Complainant and respondent filed several pleadings reiterating their respective claims.[5]

The Court in its Resolution dated July 4, 2007, referred the instant case to Associate Justice Marina L. Buzon of

the CA for investigation, report and recommendation.[6]

A preliminary conference was set for September 4, 2007.[7] On said date, complainant manifested her desire to move for the dismissal of her complaint against respondent.[8] In a Verified Manifestation dated September 6, 2007, complainant stated that in the latter part of August 2007, she and respondent had a long and serious discussion about the dispute and bad feelings between them; that after a sincere exchange of views, it dawned on complainant that her accusation against respondent was brought about by misunderstanding, confusion and misapprehension of facts concerning the incident subject of the present administrative case; that for the sake of unity and harmonious relations in their family, the complainant and respondent had reconciled and restored friendly relations with each other; and that in view of the foregoing, complainant was no longer interested in pursuing her administrative case against respondent.[9]

In her Report dated October 5, 2007, Justice Buzon recommended the dismissal of the administrative case in view of paucity of evidence upon which a conclusion could be drawn, brought about by the withdrawal by Santos of her complaint and her failure and refusal to prove the allegations in her complaint.[10]

The Court, adopting the recommendation of Justice Buzon, issued its Resolution dated December 5, 2007 dismissing the complaint against respondent for lack of evidence. The Court in the same Resolution also ordered complainant to show cause why she should not be held in contempt of court for filing an unfounded verified complaint dated July 14, 2005 against respondent.[11]

Complainant submitted her Compliance dated January 6, 2008 stating that:

> x x x x
>
> - Contrary to the impression of the Honorable Court, her administrative complaint against Judge Evelyn Argaya [sic] Chua is not unfounded;
>
> - All the allegations therein are true and based on respondent's personal knowledge;
>
> - The main reason why respondent did not anymore pursue her complaint was because of the pressure of her family to forgive Judge Chua, for the sake of unity and harmony in the family, given the fact that Judge Chua's husband is her nephew;
>
> - On several occasions in August 2007, Judge Chua, her husband and their children came to respondent's house and pleaded for forgiveness. Later, respondent's sister, husband and children, as well as her close friends persuaded her to forgive Judge Chua and let bygones be bygones, for the sake of peace and unity in the family;
>
> - It is solely due to the foregoing events as well as for humane reasons that respondent gave up her complaint against Judge Chua.[12] (Emphasis supplied)

In its Resolution dated March 3, 2008, the Court found that complainant's compliance was not satisfactory, and that she was trifling with court processes. The Court then resolved to: reprimand complainant with a stern warning that a more severe penalty would be imposed on her in the event of a repetition of the same offense; recall the Resolution of the Court dated December 5, 2007; reopen the administrative case against respondent; direct Justice Rebecca D. Salvador[13] to conduct an investigation and submit her report and recommendation; and directed complainant to attend all hearings scheduled by Justice Salvador under pain of contempt of court.[14]

Justice Salvador issued an order setting the preliminary conference on April 9 and 10, 2008, and respondent filed a motion to defer the proceedings pending her motion for reconsideration of the Court's March 3, 2008 Resolution.[15] In a Resolution dated April 10, 2008, Justice Salvador denied the motion to defer proceedings.[16] A preliminary conference was conducted on September 3, 2008 where both parties presented

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their respective exhibits; and a clarificatory hearing on September 17, 2008 attended by complainant, her counsel and respondent.[17]

In her Report dated September 23, 2008, Investigating Justice Salvador found sufficient grounds to hold respondent liable for the offenses charged and recommended that "respondent be administratively penalized for the grave misconduct and dishonesty charged by complainant."[18]

Justice Salvador found that: complainant was able to present substantial evidence in support of her complaint against respondent; while respondent denied that she asked for and received from complainant P100,000.00 for the facilitation of a favorable decision on Muñoz's cases, respondent, however, admitted meeting complainant in her office in September 2002, claiming only a different reason for such meeting; that is, complainant was there to console her for the protests against respondent at the time; respondent claims to have incurred complainant's ire for declining complainant's request for favors in June 2004; however, it was respondent who asserted that the complainant asked her to talk to Mario Tolosa of the Supreme Court; complainant asserted that she had not heard of Tolosa before; however it was respondent's comment[19] and her husband's affidavit[20] which stated that complainant informed them on April 23, 2005 that Tolosa had gone on absence without leave; it was respondent, as a former employee of the Supreme Court who stood to know who Tolosa was; there was also a strong reason to believe that respondent knew and associated with Muñoz prior to the parties' falling out, since the affidavit of Robert Chua (Robert), respondent's husband, stated that Muñoz was introduced to them by complainant in September 2003, and that they went to Tagaytay with her in 2004; Robert claimed, however, that the topic of case-fixing never cropped up; although respondent filed a complaint for grave oral defamation, intriguing against honor and unjust vexation on June 20, 2005 before complainant filed the instant administrative complaint, it cannot be denied, however, that respondent at the time had already been served complainant's demand letters dated April 28, 2005 and May 27, 2005; respondent's failure, both as a judge and as a lawyer, to reply to complainant's first demand letter, was unusual; considering complainant's advanced age and illnesses, respondent's claim -- that complainant's motive for filing the administrative case was respondent's refusal to give in to complainant's request to intercede in the cases of the latter's friend -- was too paltry an explanation for complainant's willingness to expend the time, money, effort and aggravation entailed by the administrative case as well as the criminal case filed by and against her; complainant's compliance with the Court's Resolution, which directed her to show cause why she should not be held in contempt for filing an unfounded complaint against respondent, stated that the allegations in her complaint were true and based on personal knowledge, and it was only because of respondent and their family's pleas, as well as for humane reasons, that she gave up her complaint against respondent.

Justice Salvador particularly observed the demeanor of complainant at the September 3, 2008 hearing. According to her, complainant, while weary of the demands entailed by the administrative case, staunchly stood pat over the veracity of her complaint and the reasons why she decided to withdraw the same; respondent also had no reason to ask forgiveness from complainant, if indeed complainant falsely instituted the administrative case against her.[21]

Justice Salvador also gave weight to complainant's testimony that the return of the money by respondent, in addition to familial interests, induced her to withdraw the complaint.[22]

Respondent filed a Motion dated October 10, 2008 claiming that there were significant omissions of testimonies in the Transcript of Stenographic Notes (TSNs) particularly on the statement "Ibinalik naman ho nila ang pera"; such question was also beyond the scope of clarificatory questions that may be propounded, as nowhere in the previous testimonies of complainant, either in the direct or the cross-examination, did she mention the return of the money, and it was only during the clarificatory hearing that it surfaced; thus, she (respondent) was deprived of

her right to cross-examine complainant. Respondent prayed that corrections on the TSN be made, or that the testimonies of complainant -- that "the money was returned to me" and "ibinalik naman ho nila ang pera" -- be stricken off; and in case the correction of the TSN was no longer proper, her manifestation that the said testimony of complainant was given only during the clarificatory hearing and, in effect, without an opportunity for her to cross-examine the complainant.

In the Court's Resolution dated November 26, 2008, the Court denied respondent's prayer that the proposed corrections on the TSN be made, and that the subject testimonies of complainant be stricken off. The Court, however, granted her prayer and noted her manifestation that the subject testimony was given only during the clarificatory hearing and in effect without granting her an opportunity to cross-examine complainant about the same.

The Court agrees with the findings and recommendation of Justice Salvador.

It is settled that in administrative proceedings, the quantum of proof required to establish malfeasance is not proof beyond reasonable doubt, but substantial evidence, i.e., that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion.[23]

In this case, Justice Salvador found that substantial evidence existed to support the allegations against respondent.

Try as she might to show the implausibility of complainant's claims, respondent could not deny that she and complainant met at her office sometime in September 2002; that she and her husband knew Muñoz and associated with her on several occasions, and that it was she (respondent), being a former employee of the Supreme Court, who stood to know who Tolosa was.

But most telling of all the circumstances pointing to respondent's guilt is the unwavering stance of complainant that respondent did solicit and receive P100,000.00 from her in order to facilitate a favorable ruling in Muñoz's cases.

As aptly observed by Justice Salvador, complainant, when repeatedly asked during the hearing, was consistent in her testimony:

> J. DE GUIA-SALVADOR:
>
> x x x At the start of this afternoon's proceedings, you affirmed the truth of the matters stated in your verified complaint?
>
> MS. SANTOS:
>
> Opo.
>
> J. DE GUIA-SALVADOR:
>
> And according to you they are based on your personal knowledge?
>
> MS. SANTOS:
>
> My complaint is true. That is all true.[24]
>
> x x x x
>
> J. DE GUIA-SALVADOR:
>
> Ano ang totoo?
>
> MS. SANTOS:

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Ang sabi ko sa kanya, "Evelyn, tulungan mo lang si Emerita kasi napakatagal na ng kaso niya. Hindi niya malaman kung siya ay nanalo o hindi." Ang sabi niya, "Sige Tita, tutulungan ko."

Evelyn, sasabihin ko ang totoo ha. Huwag kang magagalit sa akin.

J. DE GUIA-SALVADOR:

Just tell us what happened.

MS. SANTOS:

Sabi niya, "Tita, sige, bigyan mo ako ng P100,000.00 at tutulungan ko. Pagka sa loob ng tatlong buwan walang nangyari ibabalik ko sa iyo ang P50,000.00." Which is true ha. Sinabi ko doon sa humihingi ng pabor sa akin. Okay siya. Dumating ang panahon. It took already years walang nangyari. Siyempre ako ngayon ang ginigipit nung tao. Ngayon, kinausap ko siya. Sabi ko, "Evelyn, kahit konti magbigay ka sa akin para maibigay ko kay Emerita." Unang-una iyang Emerita may utang sa akin ng P20,000.00 sa alahas dahil ako, Justice, nagtitinda ng alahas. Bumili sya.

JUDGE ARCAYA-CHUA:

Your honor, at this point, may I request that the complainant be told not to continue with her testimony because she is already through with her direct examination.

J. DE GUIA-SALVADOR:

Noted. But allow her testimony to remain in the record.[25]

Complainant's testimony during the clarificatory hearing also revealed her true reasons for withdrawing her complaint. As borne out by the records and correctly pointed out by Justice Salvador in her Report:

J. DE GUIA-SALVADOR:

I have another question regarding the verified manifestation counsel.

Alright, we go to the verified manifestation which you filed on September 7, 2007, and which had been marked as Exhibits "1," "1-A," "1-B" and submarkings for respondent. You stated in the verified complaint that the accusation against respondent was brought about due to misunderstanding, misapprehension of facts and confusion. Please clarify what do you mean by "the accusation against respondent was brought about due to misunderstanding, misapprehension of facts and confusion"?

MS. SANTOS:

Para matapos na po ang problemang iyan kaya nagka-intindihan na kami't nagkabatian. Sa totoo lang po Justice, matagal kaming hindi nagkibuan. Ngayon, dahil nakiusap nga po sila sa akin, kaya ako naman ho, sige, pinatawad ko na sila dahil pamilya ko ho sila, ang asawa niya. Kung hindi lang ho anak ng kapatid ko yan, baka, ewan ko, baka hindi ko tuluyan iyan.

J. DE GUIA-SALVADOR:

So it is not true that there were facts regarding the incident which you misunderstood or misapprehended?

MS. SANTOS:

Naintindihan ko po iyan, Justice. Kaya nga ho, iyun na nga ho, sa pakiusap po nila na magkasundo na po kami, ibinalik naman ho nila ang pera, kaya ang sabi ko ho, tama na. Iyan po ang buong katotohanan, Justice.[26] (Emphasis supplied)

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The findings of investigating magistrates on the credibility of witnesses are generally given by this Court great weight by reason of their unmatched opportunity to see the deportment of the witnesses as they testified.[27] As Justice Salvador's observations and findings are well supported by the records, the Court finds no reason to depart from such rule.

Indeed, complainant's claim that respondent returned the money to her was given during a clarificatory hearing. And respondent's belated objections to said testimony, through a motion submitted to the Court a month later, were accordingly noted. But respondent could not deny that she was present during the clarificatory hearing and could have very well objected to and refuted complainant's declaration on the matter. Respondent, however, did not make any objection at the time, which failure is truly damaging.

As well explained by Justice Salvador:

> Unrefuted by respondent, it would appear from the foregoing declarations that the return of the money complainant claims to have given the former was, in addition to the familial interests cited therefor, part of the reason the latter withdrew her complaint and acceded to the amicable settlement of the case. If it is true that she received no money in consideration of the favorable and expeditious resolution of G.R. Nos. 142676 and 146718, it necessarily and logically follows that respondent would not have returned - as in fact she would not have anything to return - said money to complainant. More so, when it is borne in mind that, as per respondent's September 20, 2005 manifestation, the aforesaid cases had reportedly been decided in favor of Emerita Muñoz. Finding no refutation of the assertion regarding respondent's return of the money and no reason to doubt the veracity thereof and/or the credibility of complainant insofar as said material fact is concerned, the undersigned is constrained to affirm the existence of a reasonable ground to believe that the former is responsible for the conduct complained of. If a criminal conviction for which the quantum of proof is guilt beyond reasonable doubt, may be made to rest on the testimony of a single credible witness, it stands to reason that an administrative complaint, for which only substantial evidence is required can be sustained on the strength thereof.[28]

Clearly, substantial evidence exists in this case to hold respondent liable for gross misconduct.

As defined, misconduct is a transgression of some established and definite rule of action, a forbidden act, a dereliction of duty, unlawful behavior, willful in character, improper or wrong behavior; while "gross," has been defined as "out of all measure; beyond allowance; flagrant; shameful; such conduct as is not to be excused.[29]

Under Sections 8 and 11 of Rule 140,[30] a judge found guilty of gross misconduct may be punished with any of the following sanctions: (1) dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations, provided, however, that the forfeiture of benefits shall in no case include accrued leave credits; (2) suspension from office without salary and other benefits for more than three but not exceeding six months; or (3) a fine of more than P20,000.00 but not exceeding P40,000.00.

This is respondent's first administrative offense.[31] In view of such circumstance and the sanctions provided under Rule 140, the Court finds suspension from office without salary and other benefits for six months to be proper in this case.[32]

As a final word, let it be stressed once again that the office of a judge is sacred and imbued with public interest. The need to maintain the public's confidence in the judiciary cannot be made to depend solely on the whims and caprices of complainants who are, in a real sense, only witnesses therein.[33] Thus, withdrawal of a complaint or desistance from a complaint will not deprive this Court of its power under the Constitution to ferret out the truth and discipline its members accordingly.[34]

WHEREFORE, Judge Evelyn S. Arcaya-Chua of the Regional Trial Court, Branch 144, Makati City is found GUILTY of gross misconduct and is hereby SUSPENDED from office for six (6) months without salary and other benefits. She is WARNED that the commission of the same or a similar act in the future shall merit a more severe penalty.

SO ORDERED.

Ynares-Santiago, (Chairperson), Chico-Nazario, Nachura and Peralta, concur.

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[1] Rollo, pp. 1-4.

[2] G.R. No. 142676 entitled "Emerita Muñoz v. Atty. Victoriano R. Yabut, Jr. et al." and G.R. No. 146718 entitled "Emerita Muñoz v. Sps. Samuel and Aida Go Chan and Bank of the Philippine Islands."

[3] Rollo, pp. 1-3.

[4] Id. at 6-15. The estafa case filed by complainant against respondent was dismissed by the City Prosecution Office and the petition for review thereon denied by the Department of Justice, id. at 123-125, 169-177, 226-227.

[5] Rollo, pp. 61-62, 68-70, 75-79, 91-92, 107-109.

[6] Id. at 240-241, 255-256. See also id. at 228. Prior to this Resolution, the Office of the Court Administrator recommended that the instant case be dismissed for being premature, without prejudice to its being refiled after the criminal complaint shall have been resolved (id. at 160). The Court in a Resolution on July 5, 2006, resolved to hold in abeyance the proceedings of the instant case pending the outcome of the estafa case against respondent (id. at 161-162). Complainant filed a Motion for Reconsideration and prayed that the case be referred to a Justice of the CA for investigation, report and recommendation (id. at 165-167).

[7] Id. at 265.

[8] Id. at 268.

[9] Id. at 270-271.

[10] Id. at 303-304.

[11] Rollo, p. 292.

[12] Id. at 305.

[13] In lieu of Justice Buzon, who was to retire on March 18, 2008.

[14] Rollo, p. 308.

[15] Id. at 310-314.

[16] Id. at 339-342.

[17] Report dated September 23, 2008, pp. 11-12.

[18] Id. at 2, 31.

[19] Dated August 19, 2005.

[20] Dated August 10, 2005.

[21] Report, pp. 12-27.

[22] Report, p. 28; TSN September 17, 2008, p. 53.

[23] Vidallon-Magtolis v. Salud, A.M. No. CA-05-20-P, September 9, 2005, 469 SCRA 439, 458.

[24] TSN, September 3, 2008, pp. 53-54.

[25] TSN, September 3, 2008, pp. 75-77.

[26] TSN, September 17, 2008, pp. 51-53.

[27] Vidallon-Magtolis v. Salud, supra note 23.

[28] Report, pp. 28-29.

[29] Vidallon-Magtolis v. Salud, supra note 23, at 469.

[30] As amended by A.M. No. 01-8-10-SC.

[31] Per OCA Docket Legal Office.

[32] See Dulay v. Lelina, A.M. No. RTJ-99-1516, July 14, 2005, 463 SCRA 269, 276.

[33] Carman v. Zerrudo, 466 Phil. 569, 580 (2004).

[34] Id.

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