

**NATIONAL INTELLIGENCE & SECURITY AUTHORITY (NISA)
COMPLAINANT, VS. HON. VALENTINO G. TABLANG, PRESIDING
JUDGE, REGIONAL TRIAL COURT, TACURONG, SULTAN KUDARAT,
BRANCH XX, RESPOND...**

A.C. No. R-94-RTJ. July 31, 1991

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PER CURIAM:

In these consolidated cases, the respondent is administratively charged for irregular activities amounting to serious misconduct unbecoming of a member of the bench. The complaints are for dismissal from office and disbarment.

The respondent, presently a practising lawyer, was appointed as regional trial court judge of Tacurong, Sultan Kudarat, Branch 20 on January 17, 1983. On January 30, 1987, he was purged from his position as Judge when his courtesy resignation was accepted. The acts complained of in these cases pertain to lawsuits assigned to the respondent when he was presiding judge of RTC, Sultan Kudarat, Branch 20.

In Administrative Case No. R-94-RTJ, the pertinent facts are as follows:

A letter-complaint dated February 2, 1984 (Exhibit 7) was filed with the then Ministry of Justice (now Department of Justice) by Governor Benjamin Duque of the Province of Sultan Kudarat and Regional Director of the National Intelligence & Security Authority (NISA), Region XII for irregularities allegedly committed by the respondent in connection with Criminal Case No. 1247 (later docketed as Criminal Case No. 267) entitled "People v. Joseph Embalsado", for violation of the Dangerous Drugs Act which was then pending before his sala. The letter-complaint stated, among others, that the respondent tried to extort money from the parents of the accused in Criminal Case No. 267 in the amount of P20,000.00 in consideration of a favorable judgment.

After the said letter-complaint was forwarded to us, we resolved, on March 8, 1984, to refer the case to the Director of the National Bureau of Investigation for investigation, report and recommendation.

The NBI, through its Supervising Agent, Servillano Mamauag, submitted its report dated April 13, 1984 (Exhibit "H") and recommended, among others, that respondent be inhibited from hearing or trying Criminal Case No. 267 after a finding that:

"The act of Judge VALENTINO G. TABLANG, by asking P20,000.00 from the father of an accused - son whose case is pending in the Court of the former in consideration for (sic) the dropping or dismissal of the case is violative of the provision of the Anti-Graft and Corrupt Practices Act (RA 3019) for which the Judge is held criminally and administratively liable." (Rollo, p. 16)

In a related development, the counsel for the accused in Criminal Case No. 267 filed, on May 21, 1984, a motion to inhibit Presiding Judge (Tablang) from conducting further trial (Exhibit "B") on the ground that the said judge could not be expected to display and exercise objectivity, fairness and justice in conducting further trial inasmuch as he had attempted to extort and demand money from the accused's parents in exchange for a judgment in favor

of the accused.

During the hearing on the motion to inhibit set on May 22, 1984, both the father and the counsel of the accused were adjudged guilty of direct contempt and both the oral and written motions for reconsideration made by the counsel for the accused were denied on the same day and the following day, respectively.

On May 23, 1984, the respondent also denied the motion to inhibit while the accused's father served his jail sentence for the direct contempt charge. The accused's counsel was immediately released upon recognizance of the president of the Integrated Bar of the Philippines, South Cotabato chapter.

On August 24, 1984, a petition for certiorari with prayer for a preliminary mandatory injunction against the respondent (Exhibit "K") was filed before us in connection with the above twin orders of May 23, 1984. The petition further prayed that a formal investigation be conducted regarding the respondent's despotic, capricious and arbitrary manner in conducting trial proceedings in Criminal Case No. 267.

On September 3, 1984, we issued a temporary restraining order enjoining respondent judge from conducting further proceedings in the aforesated criminal case.

On January 16, 1985, acting on the petition for certiorari filed by the accused in Criminal Case No. 267 after the respondent in his answer prayed for exoneration from any liability for the charges imputed to him, we resolved: (1) to nullify and set aside the twin orders of May 23, 1984 for having been issued by the respondent in grave abuse of discretion; (2) to permanently enjoin the respondent from conducting any further proceeding in Criminal Case No. 267; (3) to transfer the venue of the said case to RTC, Branch 19, Isulan, Sultan Kudarat for continuation of trial; and (4) on the administrative aspect, to refer the petition for our consideration en banc together with AM No. R-94-RTJ entitled "NISA v. Judge Valentino Tablang." (Temporary Rollo, p. 48)

On January 13, 1987 we resolved to refer this administrative case (AM No. R-94-RTJ) along with another related case entitled "Jose Lagon v. Judge Valentino Tablang" (AM No. RTJ-86-24) to Justice Jaime M. Lantin of the Court of Appeals for investigation, report and recommendation. Pending investigation or until our further orders, we also resolved to suspend the respondent from office.

In Administrative Case No. RTJ-86-24, the following are the antecedent facts, to wit:

On October 16, 1986, a sworn administrative complaint for dismissal from office and disbarment was filed by the complainant against the respondent for grave and deplorable misconduct committed as follows: that the respondent, aware that the complainant had pending cases before him, demanded and received from the complainant sacks of rice from the latter's rice mill, tires for the respondent's tamaraw jeep and nine (9) anglonobian goats owned by the complainant; that in Civil Case No. 44 entitled "Menandro Lapuz v. Jose Lagon" for tort on the ground that the complainant allegedly induced the Heirs of one Bai Tonina Sepi to sell the subject commercial building to him in breach of the lease contract on the said premises between Lapuz and the deceased Bai Tonina Sepi, the respondent awarded damages more than double the amount prayed for therein; that the respondent without any factual or legal basis ordered the execution pending appeal of the highly excessive award in the said civil case; and that in the same tort case, the respondent irregularly issued ex parte orders without furnishing the complainant copies thereof.

In the same complaint, the complainant included the following allegations: that extortion cases against the respondent had been filed by Jose Embalzado (G.R. No. 68436), NISA (AM No. R-94-RTJ) and Rene Pelaez (S-TB Case, Ref. P/15 - CEMRO 2-25-85, NBI CCN-C-85-01727); that as per NBI records, the respondent as then Assistant Provincial Fiscal of Tuguegarao, Cagayan, was charged before the Tanodbayan in TBP No. 8101-26-17 for estafa thru falsification of public documents; that as per NBI records, the respondent has been

charged with giving false testimony before the local court of Tuao, Isabela as published in the Daily Express issue of July 15, 1980; and that as per NBI records, the respondent, as notary public, notarized a questioned document which contained a falsified signature.

On November 6, 1986, the complainant filed a Supplement to Complaint stating that the respondent further committed illegal, anomalous and oppressive acts allegedly in cahoots with Lapuz' counsel in Civil Case No. 44 with respect to the enforcement of the writ of execution pending appeal therein despite the restraining order of the Court of Appeals.

On November 10 and 28, 1986, the respondent filed his letter-answers which basically denied all the allegations against him and interposed defenses relating to his good moral and professional standing. He further averred that the present suit was mainly aimed at destroying his reputation.

In a resolution dated January 13, 1987, after a prima facie finding warranting investigation, we referred AM No. R-94-RTJ and AM No. RTJ-86-24 to Justice Lantin of the Court of Appeals as earlier mentioned.

On February 11, 1987, the respondent filed a manifestation that he adopts all his answers in AM No. RTJ-86-24 (the aforementioned two letter-answers, the formal answer dated December 4, 1986 and the formal supplemental answer dated January 15, 1987) to serve as his answer in AM No. 94-RTJ.

On February 19, 1987, the respondent filed another manifestation requesting that all notices of the hearings in these consolidated cases be sent to Tuguegarao, Cagayan inasmuch as effective January 30, 1987, he was considered resigned from his post as RTC Judge of Tacurong, Sultan Kudarat, Br. 20 upon acceptance of his courtesy resignation by President Aquino.

On March 12, 1987, a second supplement to complaint was filed in AM No. RTJ-86-24 alleging that the respondent judge further committed irregularities concerning the deposit in court of the monthly rentals in Civil Case No. 44 consisting of the following acts: that the respondent, while presiding judge of RTC, Branch 20 Tacurong, Sultan Kudarat illegally withdrew from time to time and appropriated unto himself the total sum of P40,000.00 from the said rentals; that on October 6, 1986, the respondent demanded from one Eliseo Solitario, the officer-in-charge (OIC) of the respondent's court who collected and received the said rentals, the remaining deposit of P32,000.00 to be turned over to Pelagio Hilarion, Jr. the court interpreter who was designated acting OIC and who was made to acknowledge the receipt of the amount of P72,000.00 not P32,000.00 from Solitario; that on the same date, the respondent Judge granted the urgent ex--parte motion to withdraw rental deposits spuriously dated October 14, 1986 filed by plaintiff Lapuz in Civil Case No. 44 by virtue of which the latter signed a falsified receipt for P72,000.00 representing the rentals deposited and collected in the said case.

After due hearing, Justice Lantin, on May 16, 1991, submitted his separate reports in AM No. R-94-RTJ and AM No. RTJ-86-24 wherein he made similar recommendations, to wit: (a) that the respondent judge be held guilty of serious misconduct in office; and (b) that all retirement and separation benefits and privileges to which the respondent may be entitled be forfeited.

The report in AM No. R-94-RTJ by the designated investigating officer maybe summarized as follows:

Scheduled hearings were held wherein four witnesses for the complainant were presented, namely: Ernesto Embalsado, the father of the accused in Criminal Case No. 267 who related in detail the circumstances regarding the respondent's demand for P20,000.00 in consideration of a favorable judgment for his son, the accused in the aforestated case; Corazon Lim Embalsado, the mother of the accused, who corroborated Ernesto's declarations in court on the respondent's acts of extortion; Atty. Oscar Dinopol, counsel for the accused in Criminal Case No. 267 who stated that after he learned of the respondent's deplorable acts of extortion from his client's father, he did not

immediately file a motion to inhibit the respondent since he was expecting the head of complainant, Gov. Benjamin Duque, to file a similar motion on which the said counsel could base his own motion to inhibit and that when the said counsel filed the same, the respondent judge, during the hearing of the said motion, acted arbitrarily and was very despotic in having cited the said counsel and Ernesto Embalsado for contempt and in having ordered that both be put in jail; and Rosario Bibat, a receivables clerk of Angga's Marketing of which the accused's father is a Branch Manager who declared that on September 28, 1983, a certain Coring Diaz went to their office looking for the accused's father who was not around then so Diaz came back the following morning and left an unsealed note for Ernesto Embalsado (Exhibit "A") instructing Ernesto to cancel the earlier bed order for the respondent because the latter needed cash instead.

Governor Benjamin Duque of Sultan Kudarat and NISA Director from December 1975 to June 30, 1984 clarified in rebuttal that he did not instigate nor influence any of the complainants in the administrative cases filed against the respondent.

The witnesses who appeared for the respondent were Fiscal Macabangan Alamada who attested to the respondent's regular handling of the criminal cases tried before him which were mostly convictions and who stated that he had no knowledge of any complaint against the respondent for extortion except the present case; Mayor Benjamin Eliseo who testified that at the 35th Foundation Day of the Municipality of Tacurong, the respondent was one of the awardees for his legal and technical assistance services; Geronimo Arzagon, Municipal Planning Development Coordinator who corroborated Mayor Eliseo's testimony as to the "parangal" night since he prepared the mimeographed copies of the souvenir program which included the respondent's name as one of the additional awardees at the 35th Foundation Anniversary of Tacurong; Antonio Garcia, president of the Rotary Club of Tacurong from July 1984 to July 1985 and member of the committee concerning the said "parangal" who also stated that the respondent was one of the special awardees and further added that in 1985 the respondent was given by Garcia's Rotary Club a plaque for meritorious contributions to the community mainly for establishing the court house of Tacurong; Perfecto Bautista, governor of Sultan Kudarat since March 1986 who, in his testimony, made the assessment that the respondent is an exemplary public servant whose candor had incurred the ire of some people including those connected with the complainant; and the respondent judge himself who insisted in his statement in court that the instant case had no factual basis and was merely meant to harass him.

After considering all the evidence, both testimonial and documentary in A.M. No. R-94-RTJ Justice Lantin opined that the presumption of innocence in favor of the respondent had been overturned by the substantial and convincing proofs adduced by the complainant from whose witnesses no plausible reason exists to cause them to falsely testify against the respondent.

Anent the 83-page report in AM No. RTJ-86-24, following is a capsulized presentation thereof, to wit:

During the hearings set so that the complainant can establish his case, nine witnesses were presented, namely: the complainant himself whose testimony related specifically the attendant circumstances with respect to all the irregularities allegedly committed by the respondent as delineated in the administrative complaint; Sergio Balofinos, Assistant Manager of the DBP in Tacurong, Sultan Kudarat from August 1982 until October 1986 who testified that sometime in April or May 1984, he and the complainant withdrew from the Family Savings Bank P10,000.00 in P100.00 bills which were placed in an envelope that was handed to the respondent at his residence; Pedro Araneta, then Manager of the DBP in Tacurong, who stated in court that he was the one who encashed the two checks amounting to P12,000.00 and delivered the same amount to the respondent pursuant to a prior agreement that the respondent would lift the court order he issued suspending the construction of the building inside the complainant's compound (projected new site of DBP, Tacurong) in consideration of a month's rental fee of DBP which was P12,500.00 and that the balance of P500.00 was used by Araneta to buy some "batik" clothing

as per instructions of the respondent; Pelagio Hilario, a court personnel in the respondent's sala who disclosed the anomalies in connection with the monthly rentals that were ordered deposited in court in Civil Case No. 44; Eliseo Solitario, another court personnel in the respondent's office who admitted his involvement in the anomalous mishandling of the aforementioned money in Civil Case No. 44 including the acceptance of the falsified receipt purportedly for P72,000.00 (instead of the actual amount remaining on hand which was P32,000.00) representing the amount turned over by Solitario to Hilario when the latter was designated by the respondent to take the place of the former as OIC of the respondent's court; PC Sgt. Danilo Porras presently stationed at Gansing, Sultan Kudarat who declared that on October 16, 1986, while he was on a mission order, he happened to pass by the complainant's ranch where he noticed a group of armed men one of whom was masked and dressed in military uniform and that when he asked the uniformed man to identify himself, a struggle ensued and Porras was able to wrest away the uniformed man's M16 rifle which turned out to be owned by the respondent; Benjamin Sitjar, a businessman in Tacurong, who testified that he owned the truck which was used to transport the cows of the complainant upon the respondent's orders and which truck was apprehended by the police in Marbel, South Cotabato pursuant to the Court of Appeals' order to return the said cows to the complainant; Colonel Glicerio Sua, Commanding Officer of the 38th Infantry Battalion stationed at Sultan Kudarat who said in open court that sometime in October 1986, the respondent requested for the detail of some of his soldiers to assist the sheriff in the implementation of the orders regarding the complainant's case and that the respondent's request was not granted in view of the Court of Appeals' order not warranting implementation thereof; and Jose Jonald Lagon, the complainant's son who recounted how the respondent drew gasoline from his gas station on a credit basis and how the complainant informed him that the gasoline taken was for the complainant's account.

For the respondent, six witnesses gave their testimonies. They were Judge Herman Malcampo who attested to the correctness of the certificate he issued when he was acting Register of Deeds to the effect that the respondent had no real properties in Sultan Kudarat; Luisa de Peralta, provincial budget officer of Sultan Kudarat who presented and testified on the photocopies of the different appropriations for the respondent's sala for 1985; Lydia Gepte, provincial assessor of Sultan Kudarat who declared that there was no property in the name of the respondent as per records of the province of Sultan Kudarat covering the period from 1983 to November 1986; Vicente Miguel, chief accountant of Sultan Kudarat who stated that he prepared the statement of gasoline expenses of the respondent from January 1984 to December 1986; Carlito Abella an employee of the Commission on Audit, Office of the Provincial Assessor, Sultan Kudarat who pointed out in his testimony the different instances when Eliseo Solitario, the respondent's OIC, had been short of funds with respect to his cash accountability and the deficiencies in Solitario's management of the funds for which he was accountable; and the respondent himself who denied the charges against him indicating how stupid and groundless they were on account of his being a respectable and distinguished member of the judiciary.

After weighing all the evidence submitted before him, Justice Lantin, as Investigating Officer, made a finding in AM No. RTJ-86-24 that the respondent's acts were constitutive of serious misconduct whereby no amount of character evidence could exonerate the respondent inasmuch as the testimonies for the complainant were given in a straightforward manner without an indication of any ill motive on their part to falsely testify against the respondent.

However, with respect to the charge that the respondent demanded and received sacks of rice, tires and goats from the complainant, the Investigating Officer found no sufficient evidence to substantiate the same. Furthermore, the additional allegations referring to the previous charges levelled against the respondent as per NBI records were disregarded by Justice Lantin in the determination of the merits of this case for lack of evidence.

After reviewing the records of these cases, we arrive at the conclusion that the reports prepared by the Investigating Officer do not leave anything to be desired, hence, we share his view that the evidence of guilt against the respondent is crystal clear and extremely strong.

Once again, we find this case an occasion to remind the members of the Judiciary:

"x x x to so conduct themselves as to be beyond reproach and suspicion, and be free from any appearance of impropriety in their personal behavior not only in the discharge of their official duties but also in their everyday life, for as we have earlier stressed, 'no position exacts a greater demand on moral righteousness and uprightness of an individual than a seat in the Judiciary' so that (a) magistrate of the law must comport himself at all times in such a manner that his conduct, official or otherwise, can bear the most searching scrutiny of the public that looks up to him as the epitome of integrity and justice.'" (Association of Court Employees of Panabo Davao v. Tupas, 175 SCRA 292 [1989] citing Dia-Anonuevo v. Bercacio, 68 SCRA 81; Quiz v. Castaño, 107 SCRA 196; Fonacier Abano v. Ancheta, 107 SCRA 538; and Cabrera v. Pajares, 142 SCRA 127)

Moreover, as correctly stated by the Investigating Officer, the mere denials and unsatisfactory refutations on the part of the respondent as regards the charges against him coupled with an attempt to bolster his claim that he is innocent through evidence of his good character cannot persuade us to disregard the finding of guilt inasmuch as the evidence on record indubitably shows that the respondent's acts amounted to serious misconduct warranting his dismissal from office. If the respondent were still a Judge, he would have been dismissed with prejudice to re-employment in the government service. However, since the respondent had already been removed from office upon acceptance of his courtesy resignation in 1987, we deem it appropriate under the circumstances to mete out the penalty of forfeiture of any and all retirement and separation benefits and privileges to which the respondent may be entitled.

The evidence adduced in the records is likewise adequate to sustain the complaint for disbarment and to bar the respondent from the practice of law before all courts of justice and all administrative agencies where membership in the Bar is a requisite for practice.

IN VIEW OF THE FOREGOING, this Court, on a clear finding of guilt gleaned from the records, hereby ORDERS that all retirement and separation benefits and privileges to which the respondent may be entitled be forfeited. This penalty carries with it prejudice against re-employment in the government service including government-owned or controlled corporations. The respondent is further barred from the practice of law. The Clerk of Court is ordered to properly disseminate the order of DISBARMENT and to furnish the Secretary of Justice a copy of the decision to study whether or not appropriate criminal charges may be filed against him.

SO ORDERED.

Fernan, C.J., Narvasa, Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Feliciano, Gancayco, Padilla, Bidin, Sarmiento, Griño-Aquino, Medialdea, Regalado, and Davide, Jr., JJ., concur.

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