

**ASSOCIATION OF COURT EMPLOYEES OF PANABO, DAVAO,
COMPLAINANT, VS. MARIANO C. TUPAS, PRESIDING JUDGE,
REGIONAL TRIAL COURT, BRANCH 4, PANABO, DAVAO,
RESPONDENT.**

A.M. No. RTJ-87-141. July 12, 1989

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PER CURIAM:

In a sworn "Charge Sheet" dated November 23, 1987 and filed with the Court on December 1, 1987, which was signed by nine (9) employees of the Regional Trial Court, Branch 4, in Panabo, Davao, in the name of the Association of Court Employees of Panabo, of which they professed to be members, said Association accused the presiding judge of said court, Mariano C. Tupas, of corruption and dishonesty (10 counts), oppression and abusive and immoral conduct unbecoming a judge (2 counts), and sought an investigation and hearing of the charges and imposition of the appropriate penalty.[1]

The Court acted on the charges by issuing a Resolution on December 10, 1987 placing the respondent Judge under preventive suspension and directing him to answer the charges within ten (10) days.[2] On December 21, 1987, the respondent filed a 12-page verified answer with nineteen (19) annexes[3] and, simultaneously, a motion to lift his suspension and to detail him to another RTC sala.[4] The Court Administrator favorably endorsed the motion and on January 12, 1988, the Court issued a Resolution[5] lifting the respondent's suspension effective immediately, detailing the latter to Branch 19, Regional Trial Court, Digos, Davao del Sur, and referring the complaint to Associate Justice Hector C. Fule of the Court of Appeals for investigation, report and recommendation.

Upon receipt of the record of the case, Justice Fule scheduled daily hearings for two successive weeks: March 7-11, 1988 and March 14-18, 1988, in his chambers in Manila for reception of the evidence of the parties, the case thereafter to be deemed submitted for resolution.[6] He subsequently denied a motion of the complainant association conduct the investigation in Davao.[7]

The complainant, however, took its plea for a change of venue to this Court,[8] which granted the same, set aside that portion of its earlier Resolution referring the complaint to Justice Fule for investigation and instead directed Deputy Court Administrator Juanito C. Ranjo to conduct and terminate said investigation in Davao City in the chambers of the Executive Judge of that City, from April 11 to 15, 1988, and to submit his report and recommendation within thirty days.[9]

In carrying out the Court's directive, Deputy Court Administrator Ranjo received the testimony of twenty-five (25) witnesses, eleven (11) for the complainant and fourteen (14) for the respondent, in Davao City, during the period April 11-16, 1988. He also admitted thirteen (13) exhibits, some with integral markings, for the complainant and fifty-nine (59) exhibits, also with integral markings, for the respondent. Memorandums were thereafter submitted, and on August 8, 1988, the Investigator submitted a 42-page report and recommendation dated August 1, 1988.

The Investigator's report groups the specific charges against the respondent under four (4) general headings, as follows:

"I. Corruption and dishonesty for (1) using the cash collections of the Court; (2) collecting P150.00 as fee for solemnizing marriage; (3) incurring obligations without any intention of paying them; (4) ordering police officers to cut narra, knowing the same to be prohibited, and without paying for the same; (5) receiving one truckload of ramie roots which are the subject matter of Civil Case No. 86-36, entitled 'Margarito Hadia vs. Santos Barbarona'; (6) directing Station Commander P/Capt. Celestino Donayre, Jr., P/Cpl. Ruperto Cagape and P/Cpl. Rafael B. Dolon to order lumber from lumberyards without paying for it, thus forcing said police officers to pay the same out of their own pockets; (7) always asking gasoline from the municipal mayor who had to give cash from his own pocket; (8) convincing the defendant in Civil Case No. 87-29 entitled 'Rebecca Longa vs. Leonardo Longo,' to discharge his lawyer Atty. Samuel Oscena, so he could arrange (fix) the case for a fee; (9) exacting money from litigants and employees; and (10) requiring the Deputy Sheriff to give him P100.00 to P300.00 for every foreclosure, attachment or execution the sheriff conducted.

"II. Oppression, Abusive and Immoral Conduct for: (1) interfering with the court stenographers for the payment of transcript of stenographic notes; (2) making immoral advances on female employees; (3) ordering lawyers to file charges against his own employees; and (4) actively participating in the settlement of cases and sharing in the money settlement.

"III. Inefficiency for: (1) not reporting on Mondays, holding sessions at 9:30 A.M., and leaving the Court at 2:00 P.M., and issuing Certificates of Service showing that he is reporting on Mondays and as prescribed by law; and (2) not disposing of cases within the prescribed 90-day period.

"IV. Conduct unbecoming a Judge for: (1) selling raffle tickets of the Knights of Rizal of which he is a ranking officer; and (2) openly drinking in the company of friends at public places." [10]

The Court has carefully considered the Investigator's Report in the light of the testimonial and documentary evidence presented. Said document not only comprehensively summarizes the evidence for both sides; it also exhaustively analyzes the same and details the reasons for the Investigator's assessment of its weight and credibility. There appears no reason for faulting that notable effort in any particular and, indeed, every reason to uphold it as correct and in accordance with the proffered proof in every substantive aspect.

Accordingly, the Court hereby adopts the findings set out in the Report of the Investigator, and approves the recommendations made therein for the dismissal, for insufficiency of evidence and/or want of merit, of all the charges alleged in the complaint except those of (a) receiving gasoline, or money with which to purchase it, from parties directly or indirectly interested in cases pending in his (respondent's) court, and (b) accepting from Leo Caballero, OIC Branch Clerk of Court of respondent's former sala, the amount of P1,000.00 to help defray his expenses in travelling to the Supreme Court, Manila, to requisition supplies, accountable forms and books while the recommendation of said Mr. Caballero to the position of Legal Researcher was being considered by him (respondent), which acts were either admitted by said respondent or sufficiently established by the evidence.

This Court has, time and again, reminded members of the Judiciary 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." [11]

The aforesaid proven or admitted actuations of respondent constitute serious misconduct meriting commensurate administrative sanction.

WHEREFORE, Judge Mariano C. Tupas is held guilty of grave misconduct. He is hereby SUSPENDED from office for six (6) months without pay effective immediately, and sternly warned that commission of other acts of misconduct will warrant more severe sanctions from the Court.

SO ORDERED.

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

[1] Record, pp. 1-4

[2] Id., p. 7

[3] Id., pp. 9-41

[4] Id., pp. 42-44

[5] Id., pp. 96-97

[6] Id., p. 99

[7] Id., pp. 100, 102

[8] Id. (Vol. II), pp. 2-4

[9] Id. (Vol. II), pp. 25-26

[10] Report and Recommendation, pp. 1-2

[11] Dia-Anonuevo v. Bercacio, 68 SCRA 81; See also Quiz V. Castano, 107 SCRA 196; Fonacier Abano v. Ancheta, 107 SCRA 538; Cabrera v. Pajares, 142 SCRA 127

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