

NELIA B. ESMERALDA-BAROY, COMPLAINANT, VS. EDMUNDO B. PERALTA, COURT INTERPRETER, MTC TINAMBAC, CAMARINES SUR, RESPONDENT. EDMUNDO B. PERALTA, JUVY N. COSCA, RAMON C. SAMBO AND ...

A.M. No. MTJ-93-751. March 05, 1998

Ponente: KAPUNAN, J.

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KAPUNAN, J.:

Four (4) administrative complaints are the subject of this decision.

I

In *Nelia B. Esmeralda-Baroy v. Edmundo B. Peralta*, docketed as A.M. No. MTJ-93-751,[1] Baroy (former Clerk of Court of the MTC, Tinambac, Camarines Sur) filed a sworn complaint against Edmundo B. Peralta (Court Interpreter likewise of MTC, Tinambac, Camarines Sur) charging the latter with (a) infidelity in the custody of documents; (b) falsification and irregularity in the accomplishment of daily time records (DTR); (c) gross insubordination and willful disregard of express or implied directives and refusal to obey reasonable orders of superior; (d) absence without official leave (AWOL); (e) violation of court regulations, i.e., removing documents, evidence and exhibits from the office and bringing them outside without court order; (f) dereliction and abandonment of duty; and (g) incompetence and inefficiency in the performance of official function.[2]

The specifications of the charges and respondent Peralta's respective answers thereto may be summarized as follows:

Infidelity in the custody of public documents. On or about October 29, 1992, Edmundo B. Peralta willfully, unlawfully and feloniously removed, concealed, hid and destroyed court exhibits, namely: Exhibits "B", "D", "7" and "7-A" in Criminal Case No. 5719 and Exhibits "A", "B", "C", "1" and "2" in Criminal Case No. 5682, entrusted to him for safekeeping to the damage and prejudice of the parties who offered the same as evidence.

Peralta, in his answer, claims that he already submitted Exhibits "B", "D", "7" and "7-A" in Criminal Case No. 5719 to Judge Palaypayon inside the latter's chamber and in the presence of Atty. Elmer Briaso, counsel for the accused therein, as early as October 15, 1992. Consequently, the loss of the said exhibits cannot be attributed to him but to the person who was in custody of them at the time of the alleged loss. With respect to Exhibits "A", "B", "C", "1" and "2" in Criminal Case No. 5682, Peralta avers that he tried to turn them over to complainant Baroy but the latter refused to accept the same. Hence, he forwarded the same to their office by registered mail.

Falsification and irregularity in the accomplishment of daily time records (DTRs). Peralta falsified his DTRs covering the period between August 10, 1992 to October 29, 1992, in that he made it appear on the Attendance Logbook and Form 48 that he arrived on time when in truth and in fact, he was always 20-40 minutes late.

Peralta denies these allegations. He contends that complainant Baroy affixed her signature on said DTRs after

verifying their contents, thus, she is estopped from questioning their alleged irregularity.

Gross insubordination and willful disregard of express or implied orders of a superior. Peralta refused to act as interpreter, as his job requires, in the preliminary investigation of Criminal Case No. 5764.

In answer, Peralta avers that he did not disobey the order for him to act as interpreter but only refused to go inside Judge Palaypayon's chamber unless the latter divested himself of his gun and deposit the same with the police.

Absence without official leave (AWOL). Peralta was absent without official leave from October 29, 1992 to November 17, 1992.

Peralta alleges that he filed a leave of absence covering said period upon his return to work as was the usual court practice.

Violation of court regulations. Peralta removed documents, evidence and exhibits from the office and brought them out without court order or proper authorization.

Peralta contends that the reason for what he did was that he did not trust complainant Baroy nor Judge Palaypayon to safekeep the said documents. He maintains that he was afraid of being framed of any wrongdoing or of being blamed in case of loss of said documents considering the animosity prevailing in said office.

Dereliction and abandonment of duty. Peralta is guilty of the following acts, viz: (a) negligently misplacing court processes and official communications; (b) loitering and gallivanting outside the office during office hours; (c) viewing betamax during office hours; (d) sleeping inside the session hall; (e) continuously ignoring directives of the Clerk of Court requiring his comment concerning his misdeeds or giving disrespectful answers; (f) refusing to pay his debt of P100.00 as contribution for the 1991 Christmas party; (g) getting the salaries of his officemates while on AWOL without informing the court; and (h) incompetence and inefficiency in the performance of his official function as interpreter.

Peralta denies he ever committed the foregoing acts and alleges that they are pure lies.

The charge of incompetence and inefficiency in the performance of official function is subsumed in the preceding charge.

II

In *Edmundo B. Peralta, et al. v. Judge Lucio P. Palaypayon, Jr.*, likewise docketed as A.M. No. MTJ-93-751, Peralta filed a letter-complaint charging Judge Palaypayon with harassment and grave misconduct. Complainant Peralta alleges that he was unjustly cited for direct contempt of court and ordered arrested by respondent judge for his refusal to attend the preliminary investigation in Criminal Case No. 5764 and act as interpreter therein. He further alleges that his polite refusal was due to the fact that he feared for his safety, thus, he did not want to go inside respondent judge's chamber where he claimed the latter kept a short firearm inside a drawer. As a consequence, Peralta was sentenced by respondent judge to suffer five (5) days imprisonment.

Respondent judge vigorously denied the foregoing charges and claimed that Peralta was cited in direct contempt of court for his refusal to perform his official duty as court interpreter inside his chamber. He denied possessing/keeping a gun inside his drawer.

III

In Judge Lucio P. Palaypayon, Jr. v. Edmundo B. Peralta, docketed as A.M. No. P-93-801, Judge Palaypayon filed a sworn letter-complaint charging Peralta with (a) infidelity in the custody of public documents; (b) bringing out court records without authority; (c) refusal to perform official duty; (d) disobedience and insubordination of office rules; and (e) irregularity in attendance.[3] The allegations in the 1[st], 2[nd], 3[rd] and 5[th] charges are identical with the charges in A.M. No. MTJ-93-751 entitled *Nelia Esmeralda-Baroy v. Edmundo B. Peralta*. The allegations in the remaining 4[th] charge consist of the following, to wit: (a) Peralta's failure to wear office uniforms and to heed the order prohibiting the reading of magazines or newspapers during office hours; (b) his failure to attend to litigants who wish to transact official business with the court; and (c) his failure to turn over all the records and exhibits he placed in the bodega despite court order and despite the fact that he was relieved as court custodian.

These charges were vehemently denied by Peralta.

IV

The fourth administrative complaint, which is based on a letter-complaint of Judge Palaypayon dated July 29, 1993 to Executive Judge David C. Naval recommends the summary dismissal of respondent Edmundo Peralta. Essentially, the complaint relates to the alleged refusal of respondent Peralta to obey the order of his superior to act as interpreter during the preliminary investigation conducted on November 18, 1992 in Criminal Case No. 5752 and on November 19, 1992 in Criminal Case No. 5764 which is the subject in A. M. No. MTJ-93-751 and A.M. No. P-93-801 where he was cited for direct contempt.

On May 17, 1993, A.M. No. P-93-801 was ordered consolidated with A.M. No. MTJ-93-751.[4]

The cases were thereafter referred to Executive Judge David C. Naval of the Regional Trial Court of Naga City, for investigation, report and recommendation. Upon Judge Naval's inhibition, First Vice Executive Judge Antonio N. Gerona was designated in his stead.

Joint hearings were set for the said cases.

On August 9, 1995, complainant Baroy filed a manifestation with the investigating judge informing the latter that she was dismissed from the service by this Court in A.M. No. MTJ-92-751 in a resolution of May 30, 1994 and that she is waiving her right to prosecute the case against respondent Peralta in A.M. No. MTJ-93-751.

On August 29, 1995, respondent Peralta filed a manifestation to withdraw A.M. No. P-93-801 for the reason that it raises the same issues as the unnumbered administrative case filed with the Executive Judge of Naga City.

On September 15, 1995, Judge Palaypayon filed his opposition to the motion to withdraw A.M. No. P-93-801 arguing that: (1) there is no similarity of issue between A.M. No. P-93-801 and the unnumbered administrative case, (2) the Supreme Court does not sanction any settlement of a case without first determining its merits and (3) A.M. No. P-93-801 can be re-activated or re-filed. Additionally, Judge Palaypayon sought the dismissal of A.M. No. MTJ-93-751 because: (1) the complaint is not under oath; (2) it involves the same issues and cause of action as A.M. No. MTJ-95-1021 (*Peralta, et. al. vs. Judge Palaypayon*) which was resolved by this Court on November 15, 1995; and (3) forum-shopping.

Respondent Peralta in turn filed a rejoinder to Judge Palaypayon's opposition to his motion to withdraw alleging that: 1) if A.M. No. P-93-801 is re-activated, it will give respondent an opportunity to comment and air his side; (2) the fact that A.M. No. MTJ-93-751 is not under oath, is not fatal; (3) the issues raised in A.M. No.

MTJ-95-1021 are not the same as those in A.M. No. MTJ-93-751 as can be gleaned from the allegations of the two complaints; and (4) forum-shopping or multiplicity of suits may be waived when the Supreme Court deems it fit.

On January 16, 1996, Judge Palaypayon as respondent in A.M. No. MTJ-93-751 filed a supplemental pleading to his original motion to dismiss alleging once more that A.M. No. MTJ-93-751 and A.M. No. MTJ-95-1021 involve the same cause of action and that the resolution of A.M. No. MTJ-95-1021 constitutes a bar to the prosecution of A.M. No. MTJ-93-751.

On January 30, 1996, respondent Peralta filed his comment to the said supplemental pleading alleging that the rule on res judicata cannot apply because the issues in A.M. No. MTJ-93-751 are different from those in A.M. No. MTJ-95-1021. He claims that the order of contempt in A.M. No. MTJ-95-1021 arose from defamatory utterances of respondent Peralta on July 9, 1993 while the order of contempt in A.M. No. MTJ-93-751 arose from the refusal of Peralta to act as interpreter on November 18 and 19, 1993. Respondent Peralta prayed that the motion to dismiss and its supplemental pleading be dismissed.

Meanwhile on January 25, 1996, complainant Judge Palaypayon filed a motion to waive his right to prosecute A.M. No. P-93-801. Respondent Peralta offered no objection thereto.

Prescinding from the foregoing antecedents, investigating judge made the following recommendation, to wit:

WHEREFORE, in view of the foregoing it is respectfully recommended that with respect to Adm. Matter No. MTJ-93-751 entitled Nelia B. Esmeralda-Baroy, complainant, vs. Edmundo B. Peralta, respondent, it is respectfully recommended that the same be dismissed on the ground that, as stated earlier, in a manifestation filed on August 9, 1995, complainant Baroy has waived her right to prosecute this case and that she did not appear anymore during the several scheduled investigation of this case inspite of due notice.

With respect to Adm. Matter No. MTJ No. 93-751 entitled Edmundo B. Peralta vs. Judge Lucio P. Palaypayon, Jr., while the motion to dismiss of Judge Palaypayon in Adm. Matter MTJ No. 93-751 entitled Edmundo B. Peralta, complainant vs. Judge Lucio P. Palaypayon Jr., respondent, be denied for lack of merit, the report and recommendation already submitted by the undersigned in the aforementioned unnumbered Adm. Case be adopted and to find respondent Judge Lucio P. Palaypayon Jr., to have acted arbitrarily in sentencing complainant Edmundo Peralta an excessive penalty of five (5) days. Since this Honorable Court had already found Judge Palaypayon in Adm. Matter No. MTJ-95-1021 to have acted also arbitrarily in sentencing complainant Edmundo Peralta the excessive penalty of five (5) days for direct contempt and admonishing respondent Judge with a warning that repetition of the same or similar acts will be death (sic) with more severely in the future, herein investigator respectfully submit and left to this Honorable Court the proper penalty it may deem proper.

With respect to Adm. Matter No. P-93-801, entitled Judge Lucio P. Palaypayon, Jr. vs. Edmundo B. Peralta, it is respectfully recommended that the same be dismissed on the ground that aside from the manifestation in open court by counsel for the complainant Judge Palaypayon on November 17, 1995 that the latter is withdrawing this case, Judge Palaypayon himself filed on January 25, 1996 a 'Motion to Waive My Right To Prosecute Adm. Matter No. 93-801', alleging among others that he discovered that all his charges in Adm. Matter No. MTJ-93-801 were already included in the unnumbered Adm. Case where the undersigned investigator had already submitted his report recommendation.[5]

The Court, in its Resolution dated July 31, 1996, referred the cases to the Office of the Court Administrator for evaluation, report and recommendation.

Said Office submitted its Memorandum with the following findings which we reproduce verbatim:

On the charge of gross insubordination and refusal to obey order of superior, based on the evidence presented by both parties, we find that the respondent did not really attend to and perform his duty as such interpreter during the preliminary investigation held on November 18, 1992 in Criminal Case No. 5752, People vs. San Buenaventura, and on November 19, 1992 in Criminal Case No. 5764, People vs. Acuña. His refusal on the ground, among others, that there was threats to his life and that complainant has a gun kept under his drawer and that his request to divest complainant of his gun first or that the preliminary investigation be conducted outside the chamber of the complainant and that there is no order to interpret are not valid and justifiable reasons for the respondent not to perform his duty.

That fear that respondent had in mind that some untoward incident might happen to him inside the judge chambers is merely speculative and unfounded. As aptly observed by the Investigating Judge in his report and recommendation, 'it is most unlikely that the complainant who is a judge would harm the respondent in the presence of the private complainant in the 2 criminal cases and their witnesses. As an interpreter, it was incumbent upon him to perform his duty and that there was no need of an order directing him to interpret.' (Report and Recommendation, p. 18). As interpreter of the Court, he should realize that his administrative function is just as essential to the prompt and proper administration of justice.

On the other hand while respondent had exhibited a clear and contumacious refusal to obey his superior, Judge Palaypayon should have exercised proper restraint and decorum in dealing with an otherwise stubborn personnel. Due process requires that he should at least ask his explanation why he refused to perform his duty before citing him for contempt of court and ordering his immediate arrest. Moreover, granting that respondent is guilty of direct contempt we consider as harsh and excessive the penalty of 5 days imprisonment imposed by complainant on the person guilty of direct contempt of court if it be declared by an inferior court should only suffer one day imprisonment as prescribed by said rule. While complainant has subsequently reduced the penalty to one day after respondent spent 24 hours in jail, is not his voluntary act but because of the pleadings made by other persons and out of pity.

It is an oft-repeated rule that the power to punish for contempt is inherent in all courts so as to preserve order in judicial proceedings and to uphold the due administration of justice. Judges, however, should exercise their contempt powers judiciously and sparingly, with utmost restraint, and with the end in view of utilizing their contempt powers for correction and preservation not for retaliation or vindication. (A.M. No. RTJ-93-955, Castaños vs. Escano, Jr., resolution dated December 12, 1995). The power to punish contempt should be exercised on the preventive and not on the vindictive principle, on the corrective rather than the retaliatory idea of punishment. (Cantado vs. Tan, 160 SCRA 404).

With respect to the charge that on July 9, 1993, respondent showed disrespect towards the complainant and uttered defamatory words saying that complainant do not understand simple English, it is noted that this fact is also the basis of the complaint in A.M. No. MTJ-95-1021 where complainant Judge Palaypayon as respondent therein were charged by Edmundo Peralta with gross ignorance of the law and grave abuse of authority for citing the latter for direct contempt of court and sentencing him with an excessive penalty of 5 days imprisonment. The Court in the resolution dated November 15, 1995 admonished therein respondent Judge with a warning that a repetition of the same or similar acts in the future will be dealt with more severely.

As to whether such defamatory statements can be a ground for disciplinary action in the present case, we advert to the findings of the Investigating Judge Antonio Gerona, Vice Executive Judge, RTC, Naga City in his report and recommendation that the alleged defamatory words were uttered by respondent after office hours in the afternoon and that the alleged defamatory utterance made would have been at most an indirect contempt under Section 3 of Rule 71 of the Rules of Court as it did not obstruct or interrupt any court proceedings, or the administration of justice. In the case of Nazareno vs. Barnes, 136 SCRA 57, it was held that the remedy against an attack on a judge's character and official performance of duty is not declaration of contempt, but a criminal action for defamation (Report and Recommendation dated January 15, 1994, p. 19). In fact, a case for grave oral defamation was already filed by herein complainant Judge where respondent Peralta was convicted by

RTC, Branch 25, Naga City on January 16, 1995 (A.M. No. MTJ-95-1021).

With respect to the charge that respondent's refusal to open the bodega where records and exhibits are being kept, according to the findings of Judge Gerona there was no sufficient showing that there was deliberate intent on the part of respondent to defy or disobey the order of complainant to turn over the key to the Clerk of Court. He attributed the delay to the following reasons: 1) there was apprehension on his part that the exhibits might get lost and the lost might be attributed to him again as what happened to exhibits in Criminal Cases Nos. 5752 and 5764 when the truth is it was already turned over to the Judge and the Clerk of Court; and 2) respondent sought first the advise of the Executive Judge Surtida who advised him to see Deputy Court Administrator Reynaldo Suarez who in turn advised him to comply with the order of the complainant. In view of this, Judge Gerona recommended the exoneration of the respondent on this charge.

In his report and recommendation dated January 15, 1994 in the unnumbered Administrative Case, Judge Gerona made the following recommendations:

1. With respect to the first and second charge, which are the alleged refusal of the respondent to act as interpreter in Criminal Case No. 5752 on November 18, 1992 and Criminal Case No. 5764 on November 19, 1992, respondent be reprimanded for neglect of duty;
2. With respect to the alleged uttering of defamatory statements, respondent be exonerated, the sole testimony of complainant who actually did not hear the alleged defamatory statements is not sufficient to find respondent guilty of the charge and the persons who executed affidavits were not presented as witnesses;
- 3 With respect to the charge of alleged refusal to obey the order of complainant to turn over the key to the bodega, respondent be exonerated.

We agree with the recommendation of Judge Gerona with some modification. With respect to the 4th charge, respondent cannot be fully exonerated. The delay could have been avoided if respondent had done something to erase his apprehension. It is noted that at that time he is being asked to turn over the key, he was already relieved of his duty as court custodian, hence, he no longer had authority to remain in possession of the key. What respondent could have done is to conduct a turn-over inventory of all the exhibits in his custody and have it formally received by the Clerk of Court to avoid loss of exhibits. Moreover, there was bad faith on his part since he even sealed the bodega preventing therefor the retrieval of some exhibits which could have prejudiced the litigants.

There are other charges in A.M. No. MTJ-93-751 (Nelia Esmeralda-Baroy vs. Edmundo Peralta) which were not discussed in the report and recommendation of Judge Gerona. Same should be dismissed for insufficiency of evidence, not to mention the failure of complainant Clerk of Court to prosecute her case.

For instance the charge of Infidelity in the Custody of Documents was not sufficiently proven. Records show that respondent Peralta had already delivered the alleged missing exhibits in Criminal Case No. 5752, People vs. Velasco, to Judge Palaypayon inside his chambers even before he was issued the memorandum letter requiring him to submit the exhibits on October 27, 1992 and this fact was witnessed by Atty. Brioso, accused counsel, who executed an affidavit to attest such fact. On the other hand, the exhibits in Criminal Case No. 5764 were actually sent by respondent to the complainant Clerk of Court thru mail in view of the refusal of said Clerk of Court to receive the same. The proof of delivery of said exhibit is evidenced by the registry receipt and the return card. These evidences were not successfully rebutted herein complainant(s).

As regards the charge of Falsification and Irregularity in the accomplishment of DTRs, the same should likewise be dismissed for lack of material evidence. It is noted that all the questioned DTRs bear the signature of complainant Clerk of Court hence there is the presumption of regularity. The mere fact that said signatures were subsequently erased by herein complainant Clerk of Court is not sufficient proof that there was falsification made in the DTRs in the absence of any other evidence such as testimony of witnesses who can

attest to the fact that said respondent was always late in reporting to office.

As to the charge of AWOL from October 27, 1992 to November 17 1992 the same cannot prosper. Record shows that respondent filed an application for leave immediately when he reported back to office on November 18, 1992 which application however was disapproved by Judge Palaypayon for reason that it was filed late. He may have filed late his application for leave but in this case there was no intention to enjoy his leave of absence without official sanction which is the essence of AWOL. The respondent should be reminded, however, that application for leave should be filed before the taking of such leave.

As to the other charges such as gallivanting, loitering, viewing betamax and sleeping at the session hall during office hourse, etc. the same should likewise be dismissed for want of evidence.[6]

Consequently, it was recommended that:

1 A.M. No. MTJ-93-751 (Nelia Esmeralda-Baroy vs. Edmundo Peralta), the same should be dismissed for failure of complainant to prosecute and lack of sufficient evidence except with respect to the charge of Gross Insubordination and willful disregard and refusal to obey court orders which was resolved together with the Unnumbered Administrative Case.

2 A.M. No. MTJ-93-751 (Peralta vs. Judge Palaypayon), Respondent Judge Palaypayon be found guilty of grave abuse of authority for issuing contempt orders in a vindictive manner and imposing a penalty of imprisonment in excess of what is prescribed by Section 1, Rule 71, Revised Rules of Court and considering that this is respondent's second infraction where previously he was admonished by this Court with warning that a repetition of the same will be severely dealt with (A.M. No. MTJ-95-1021), respondent be imposed a penalty of FINE of P5,000.00.

3 A.M. No. P-93-801, the charges herein are identically the same with the Unnumbered Administrative Case, hence this case be taken together with the Unnumbered Administrative Case.

4 Unnumbered Administrative Case, (Judge Palaypayon vs. Peralta), respondent Peralta be found guilty of gross dereliction of duty for his willful refusal to perform his duty to interpret on two occasions without justifiable reason and for his willful refusal to turn over the key to the bodega where the exhibits are kept even after he was relieved of his duty as custodian of exhibits, respondent be SUSPENDED from office for one month with warning that a repetition of the same in the future will be dealt with severely by this Court.[7]

The Court agrees with the findings and recommendation of the Office of the Court Administrator that Judge Lucio P. Palaypayon, Jr. and Court Interpreter Edmundo P. Peralta are indeed guilty of grave abuse of authority and gross dereliction of duty, respectively.

It must, however, be stressed that the twin waivers of complainants Nelia B. Esmeralda-Baroy and Judge Lucio P. Palaypayon of their right to prosecute A.M. No. MTJ-93-751 and A.M. No. P-93-801, respectively, against Edmundo B. Peralta do not constitute dismissal of the said complaints. These cases should instead be taken together with the other two (2) cases, A.M. No. MTJ-93-751 and the unnumbered administrative case, likewise subject of the present controversy. We have consistently held that a complaint for misconduct, malfeasance or misfeasance against a public servant, be they officials or mere employees, cannot be withdrawn at any time for whatever reason by a complainant as this is anathema to the preservation of the faith and confidence of the citizenry in their government, its agencies and instrumentalities. Verily, proceedings in such cases should not be made to depend on the whims and caprices of the complainants who are in a real sense, only witnesses therein. [8]

Anent the charge of grave abuse of authority against Judge Lucio P. Palaypayon, Jr. for sentencing Edmundo B. Peralta to suffer five (5) days imprisonment for direct contempt of court, we find the said punishment arbitrary

and excessive. Under Section 1, Rule 71 of the Rules of Court, a person guilty of misbehavior in the presence of, or so near an inferior court or judge as to obstruct or interrupt the proceedings before the same, including disrespect toward the court or judge, offensive personalities towards others may be summarily adjudged in contempt by such court or judge and punished by fine not exceeding ten pesos (P10.00) or imprisonment not exceeding one (1) day or both.

It is well-settled that the power to punish a person in contempt of court is inherent in all courts so as to preserve order in judicial proceedings and to uphold the due administration of justice.[9] Judges, however, are enjoined to exercise such power judiciously and sparingly, with utmost restraint, and with the end view of utilizing the same for correction and preservation of the dignity of the court, and not for retaliation or vindication.

Records show that respondent judge was previously admonished by this Court for the same infraction against the same complainant in A.M. No. MTJ-95-1021 with a warning that a repetition of the same act will be dealt with more severely.[10] Accordingly, respondent judge is sentenced to pay a fine of P2,000.00.

The findings and recommendation of the Office of the Court Administrator with respect to the complaints against respondent Edmundo B. Peralta are adopted in their entirety save for the penalty imposed which we find too severe. Consequently, respondent Peralta is suspended from office for a period of fifteen (15) days.

WHEREFORE, premises considered, the Court hereby rules as follows:

In A.M. No. MTJ-93-751 entitled Edmundo B. Peralta v. Judge Lucio P. Palaypayon, Jr., respondent judge is found guilty of grave abuse of authority and is accordingly sentenced to pay a FINE of P2,000 with warning that a repetition of the same or similar acts in the future will be dealt with more severely;

In A.M. No. MTJ-93-751 entitled Nelia Esmeralda-Baroy v. Edmundo B. Peralta, A.M. No. P-93-801 and the unnumbered administrative case, both entitled Judge Lucio P. Palaypayon, Jr. v. Edmundo B. Peralta, respondent Edmundo B. Peralta is found guilty of gross dereliction of duty and is hereby **SUSPENDED** from office for a period of fifteen (15) days effective immediately with warning that a repetition of the same or similar acts in the future will be dealt with more severely.

SO ORDERED.

Narvasa, CJ. (Chairman), Romero and Purisima, JJ., concur.

[1] Should be A.M. No. P-93-751.

[2] Rollo, pp. 19-27.

[3] Id., at 1-3.

[4] Id., at 63.

[5] Investigating Judge's Report and Recommendation, pp. 16-17.

[6] Memorandum, pp. 9-12.

[7] Id., at 12-19.

[8] Lewelyn s. Estreller v. Sofronio Manatal, Jr., A.M. No. P-94-1034, February 21, 1997; Florendo v. Enrile, 239 SCRA 22 [1994].

[9] Atty. Rexel M. Pacuribat v. Judge Rodrigo F. Luis, Jr., A.M. No. RTJ-97-1382, July 17, 1997; In re: Emil

Jurado, 243 SCRA 299 [1995]; Castaños v. Escaño, Jr., 251 SCRA 174 [1995].

[10] Edmundo B. Peralta v. Judge Lucio P. Palaypayon, Jr., A.M. No. MTJ-95-1021, November 15, 1995.

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