

NATIONAL BUREAU OF INVESTIGATION, COMPLAINANT, VS. JUDGE RAMON B. REYES, RESPONDENT.*A.M. No. MTJ-97-1120. February 21, 2000*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/436092d05ce8/>**PER CURIAM:**

Before us is an administrative complaint for malfeasance brought by the National Bureau of Investigation against respondent Ramon B. Reyes, Presiding Judge of Municipal Circuit Trial Court (MCTC), Mabini-Tingloy, Batangas.

The facts are:

On the evening of November 12, 1996, barangay officials of Barangay Majuben, Mabini, Batangas, arrested Reynaldo Magday, Melvin Dalangin, Rex Cordero and primo Evangelista, who were caught using methamphetamine chloride, popularly known as shabu, during a drug session. The four (4) were detained at the local police station and were charged of violating Section 16, in relation to Section 27, of Article III of Republic Act (R.A.) No. 6425, otherwise known as the Dangerous Drugs Act of 1972. The corresponding information, docketed as Criminal Case No. 1817, was filed before the Municipal Circuit Trial Court of Mabini-Tingloy, Batangas, presided over by respondent Judge Ramon B. Reyes.

On November 20, 1996, Nenita Dalangin, Marina Cordero and Nelia Evangelista, the mothers of the last three (3) accused, approached respondent to plead for the release of their sons. For the sum of P240,000.00, respondent allegedly promised to dismiss the case against all the accused. Since the mothers did not have sufficient means, the amount was eventually lowered to P15,000.00, and the pay-off was scheduled on November 28, 1996. However, respondent failed to report for work on the aforesaid date, so the exchange was reset a week later to December 5, 1996.

Three (3) days before the pay-off, on December 2, 1996, Dalangin, Cordero and Evangelista reported the alleged extortion to the National Bureau of Investigation (NBI) at its Regional Office in Batangas City. After the mothers executed separate sworn statements,[1] the NBI planned an entrapment. To accomplish this, it prepared the amount of P3,000.00 consisting of two five-hundred peso bills and twenty one-hundred peso bills. These bills were individually marked "P-96-187, ATP/NMC, 12/3/96, FCD, NBI" using invisible ink and dusted with yellow fluorescent powder.[2] The NBI also enlisted the services of Intelligence Agent Josephine Cabardo to accompany the mothers to respondent's office, and who posed as the lender of the money.

On the appointed date, Dalangin, Cordero and Evangelista, together with Cabardo appeared at respondent's chambers. He gave Evangelista a piece of yellow pad paper on which to write a motion for reconsideration to be filed with the Regional Trial Court.[3] Dalangin, on the other hand, on instruction of respondent, entered the adjoining latrine and placed the envelope containing the marked money on top of a rag mop placed above the latrine.[4] On re-entering the room, respondent told the women to leave the room on the pretext that he was feeling a little warm. The women exited, and a few moments later, after a pre-arranged signal was given, the NBI operatives entered respondent's chambers.

A slight complication developed, however. The agents were unable to locate the envelope. Ultraviolet testing on respondent's hands conducted by a forensic chemist yielded a negative result, although the rag mop handle showed traces of the yellow fluorescent powder. Since the agents were not armed with a search warrant, they instead asked respondent to accompany them to the regional office. During the questioning, respondent confessed that he had taken the envelope containing the marked money using a handkerchief and placed it inside his desk. Respondent returned to his office with the agents and opened the uppermost left-hand drawer of his table where the envelope was found. When tested with ultraviolet light, the money inside the envelope was found to be that previously marked and dusted by the NBI.

On December 9, 1996 an Information[5] was filed before the Sandiganbayan charging respondent for violating Section 3(e) of R.A. No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act.

On January 20, 1997, the NBI referred the matter to us for appropriate action, via a letter[6] coursed through the Office of the Court Administrator. Prior thereto, on January 9, 1997, respondent filed a letter[7] resigning from his position, citing health reasons. He filed another letter dated January 15, 1997[8] requesting that he be allowed to work at the Judiciary Planning Development and Implementation Office (JPDIO) pending action on his resignation and until his health improves. In due time, the Office of the Court Administrator sent a letter dated February 7, 1997[9] to respondent directing him to submit his comment on the report filed by complainant. Respondent complied, filing a letter dated February 17, 1997[10] whereby he alleged that he was not accorded his rights during custodial investigation under Section 2(b) of R.A. No. 7438.[11]

Thereafter, we issued a Resolution dated April 28, 1997[12] referring the administrative complaint to Executive Judge Mario Lopez of the Regional Trial Court of Batangas City for investigation, report and recommendation, and further directing him to designate an Acting Presiding Judge in the MCTC of Mabini-Tingloy. In the meantime, we suspended respondent from his office and withheld action on his resignation and request to be detailed at the JPDIO. He subsequently withdrew his resignation,[13] which was duly noted per our Resolution of July 7, 1997. However, after Judge Lopez inhibited himself from the proceedings, citing close personal ties to respondent,[14] we referred the matter to former Associate Justice Pedro A. Ramirez of the Court of Appeals for investigation and report.[15]

After reception of the parties' respective evidence, the Investigating Justice rendered his Report dated August 12, 1998. The Investigating Justice disbelieved respondent's defense and ruled accordingly:

"Respondent Judge never denied that the money that was placed by Nenita Dalangin on the floor mop atop the toilet bowl was the same money that was taken by him from the drawer of his table in his chamber and was handed by him to the NBI agents. Neither did he explain how the money happened to be in the drawer of his table in his chamber. It is clear, however, that it was respondent Judge himself who took the money from his table drawer and handed it over to the NBI agents. Indeed, the bribe money was in his possession when he gave it up to the NBI agents. Having been in possession of the bribe money that was given to him, there can no longer be any question as to his receipt of it. By analogy the presumption in the rule of evidence "that a person found in possession of a thing taken in the doing of a recent wrongful act is the taker and the doer of the whole act x x x" (Section 3-k, Rule 131, Revised Rules of Court), is applicable against him. There can be no question any more that respondent Judge is a bribe taker in this case."[16]

Consistent with his findings, he recommended that respondent be dismissed from service with forfeiture of benefits and disqualification from re-employment in the government including government-owned or controlled corporations. He also recommended respondent's disbarment.

In view of the aforesaid recommendation, we issued a Resolution on April 20, 1999 requiring respondent to show cause why he should not be disbarred. He failed to comply within the period allowed him. Thus, in our Resolution

of September 14, 1999, we imposed upon him a fine of P2,000.00 payable within five (5) days from notice, or imprisonment for five (5) days should he fail to pay the fine on time.

On October 1, 1999, respondent filed his "Compliance /Motion for Reconsideration," wherein he reiterated the alleged infringement of his rights during custodial investigation, as guaranteed by the Constitution and R.A. No. 7438. In addition, he averred that the private complainants were guilty of instigation. The compliance/motion was duly noted but the motion for reconsideration was denied.[17]

Respondent's account of the entrapment differs. In his counter-affidavit filed before the Office of the Special Prosecutor, and which the parties agreed would constitute respondent's direct examination,[18] he claimed:

"3. On or about November 20, 1996, three (3) women, who turned out to be Nenita Dalangin, Nenita Evangelista and Marina Cordero, the mothers of the Accused in the above case, asked to talk to me. Considering that Nelia Evangelista was an acquaintance, I agreed to talk with the women in my chambers. Inside my chambers is a toilet which I and the personnel of the Court and even lawyers and private individuals use. The door to my chambers could be seen from the outside through open jalusie [sic] smoked glass windows on the walls dividing my chambers and the area outside my chambers;

"4. The three (3) women pleaded to me that I dismiss the criminal complaint against their sons. However, I told the women that I cannot accede to their request. I suggested that they secure the services of counsel to represent their sons in connection with their case and have their children post bail. When the women asked me how much was the bail for their children, I told the amount as provided for in the guidelines issued by the department of Justice. I never suggested to the women, and neither did I ever demand, that they give me any amount in consideration for the dismissal for [sic] the criminal complaint against their sons;

"5. On November 27, 1996, I signed a 1st Indorsement to the Provincial Prosecutor, hereto attached as Exhibit "2", endorsing the case to the latter and transmitting the records of said case, pursuant to Section 7, Rule 112 of the Rules of Court. On November 28, 1996, my Clerk of Court transmitted the records of the case to the Provincial Prosecutor with a covering letter, hereto attached as Exhibit "3";

"6. On November 27, 1996 in the morning, the three (3) women saw me in my chambers and pleaded anew that I dismiss the criminal complaint against the children. However, I told the women that I cannot accede to their pleas. I told them I had already signed earlier that day an endorsement of the case to the Provincial Prosecutor and the transmittal of the records against their sons to the Provincial Prosecutor. I suggested that they wait for the transmittal of the records of the case to the Provincial Prosecutor and for them to make their representations with the Provincial Prosecutor in connection with said case. The three (3) women never made any offer on said occasion to give me money in consideration for the dismissal of the criminal complaint against their sons. Neither did they tell me that they were coming back in the afternoon of said date to any reasons whatsoever. I never could have agreed to dismiss the case against the sons of the three (3) women and to receive money from the latter in consideration of said demand because I already decided to endorse the case to the Provincial Prosecutor;

"7. On December 5, 1996, in the morning, the three women with another woman, arrived in my chambers and again pleaded that I intercede in behalf of their sons with the Office of the Provincial Prosecutor. The woman, who was with the three (3) mothers of the Accused, who was a complete stranger to me was not introduced to me. I considered it odd and suspicious that the three (3) women would be accompanied by another woman when, on the other two (2) occasions that they talked to me, they were not accompanied by any other person at all. However, I told the women that I cannot intercede for them in the Office of the Provincial Prosecutor. However, I suggested to them to make inquiries from the Office of the Provincial Prosecutor about the case of their sons if the charges had already been filed against them with the court, for them (the three women) to prepare money for the bail bonds of their sons. I suggested also that they write a letter to the Provincial Prosecutor requesting for his help for the release of their sons from detention after posting bail with this Court.

The three (3) women then told me that they had the money for the bail of their children and Nenita Dalangin showed to me an envelope. The three (3) women then prepared the letter that I suggested. However, I went out of my chambers and proceeded to the Office of the Clerk of Court for some official matters, leaving the four (4) women in my chambers. When I returned to my chambers I saw the three women had already prepared and signed the letter. Inexplicably, however, the three (3) women, with their woman companion, stood up and placed the envelope on my table and then prepared to leave hurriedly. I was perplexed by the odd behavior of the four (4) women. Ominously, when I glanced outside my chambers, I saw some male persons, who I later learned, turned out to be NBI agents, in the premises of the court. Sensing that the three (3) women, with their companion, were up to something wrong, I told the women to throw the envelope containing the money in the toilet trash. The three (3) women rushed to the toilet and came out immediately. The four (4) women then rushed out of my chambers. Suddenly, male persons, who later identified themselves as NBI agents, barged in to my chambers and rushed to the toilet. When they emerged from the toilet, they demanded that I go with them to their office. I was shocked by the sudden turn of events. Nevertheless, I agreed to the demand of the NBI agents. I was tested for fluorescent powder but was found negative of fluorescent powder;

"8. The NBI agents much later demanded that I return with them to my office and I agreed to their demand. When we arrived in my chambers, one of the agents [sic];

"9. At no time did I ever tell the NBI agents that I got the money from inside the toilet with the use of a handkerchief and placed the same in the drawer in my table in the chambers. They did not open, right then and there, the drawer in my table. It was only in the afternoon of that day when the NBI agents returned to my chambers, in my company, when they took the money in the drawer of my table. From the time the NBI agents took me to their office, I never left the NBI office. I could not have placed the money in my drawer after I had left from my office in the company of the NBI agents. The money found in the drawer of my table in my court chambers must have been the same money which the NBI men found in the toilet in my chambers and which they took from the toilet. The money which the NBI men took from the toilet had been in the possession of the NBI men, all along until the money was found in the drawer of my table in my chambers. It is thus impossible for me to have placed the money in the drawer of my table; [and]

"10. If as claimed by the NBI agents, I told them that I took the money from the toilet with the use of a handkerchief and placed the money in the drawer of my table, for sure, they would have found the handkerchief in my pocket and subjected the same for testing for fluorescent powder. However, the NBI agents never did ask me to turn over to them my handkerchief. They never submitted any handkerchief as evidence in the Office of the Ombudsman in connection with their complaint against me." [19]

We have reviewed the record and thereby conclude that the charge of bribery against respondent is well-substantiated. Respondent's disavowal of the events that transpired in his chambers cannot be given credence. His assertion that his initial meeting with the private complainants was an accommodation borne out of a casual acquaintance with Nelia Evangelista fails to persuade us. The fact alone that he conferred privately with them in his chambers merits reproof. Judges have been admonished to refrain from conducting in-chambers sessions in the absence of the opposing party and his counsel.[20] We note that these "private" sessions occurred twice, on November 20 and 27, 1996.

The testimony of Intelligence Agent Josephine Cabardo, in particular, shreds whatever credibility respondent's proffered defense has. Cabardo, a disinterested observer in addition to being a law enforcement officer, corroborated the testimonies of the private complainants. She was a direct witness to the entrapment operation, and equally important, respondent failed to present any reason why her testimony should be disbelieved.

Nonetheless, respondent raises by way of defense the alleged deprivation of his right to counsel during the investigation in the NBI Regional Office. Suffice it to state, however, that the alleged infringement of the constitutional rights of the accused while under custodial investigation is relevant and material only where an

extrajudicial confession or admission from the accused becomes the basis of his conviction.[21] In the case at bench, there is sufficient evidence on record, consisting principally of the testimonies of the witnesses presented by complainant, to warrant the imposition of the proper penalty on respondent.

The Code of Judicial Conduct provides:

"CANON 2-A JUDGE SHOULD AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL ACTIVITIES.

Rule 2.01-A judge should so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary."

It is thus evident from the aforesaid provisions that both the reality and the appearance must concur. As we explained in *Capuno v. Jaramillo, Jr.*:[22]

"xxx It bears repeating that integrity in a judicial office is more than a virtue; it is a necessity. xxx Hence, the role of the judiciary in bringing justice to conflicting interests in society cannot be overemphasized. As the visible representation of law and justice, judges are expected to conduct themselves in a manner that would enhance the respect and confidence of our people in the judicial system. They are particularly mandated not only to uphold the integrity and independence of the judiciary but also to avoid impropriety and the appearance of impropriety in their action. For judges sit as the embodiment of the people's sense of justice, their last recourse where all other institutions have failed."

Bribery is classified as a serious charge punishable by, inter alia, dismissal from service with forfeiture of benefits and disqualification from reinstatement or appointment to any public office including government-owned or controlled corporations.[23] In the case at bench, we find sufficient bases in the charge of malfeasance in office against respondent. On past occasions where we had the disagreeable task of disciplining mulcting magistrates,[24] we did not hesitate to impose the penalty of dismissal. Conformably, as he has demonstrated his unsuitability to remain a member of the bench, respondent is deservingly dismissed from service with all its attendant consequences. For as we held in *Haw Tay v. Singayao*:[25]

"xxx The acts of respondent Judge in demanding and receiving money from a party-litigant before his court constitutes serious misconduct in office. This Court condemns in the strongest possible terms the misconduct of respondent Judge. It is this kind of gross and flaunting misconduct on the part of those who are charged with the responsibility of administering the law and rendering justice that so quickly and surely corrodes the respect for law and the courts without which government cannot continue and that tears apart the very bonds of our polity."

The Investigating Justice likewise recommends that respondent be disbarred. Section 27, Rule 138 of the Revised Rules of Court provides that a member of the bar may be disbarred or suspended from his office as attorney on the following grounds: (1) deceit; (2) malpractice or other gross misconduct in office; (3) grossly immoral conduct; (4) conviction of a crime involving moral turpitude; (5) violation of the lawyer's oath; (6) wilful disobedience of any lawful order of a superior court; and (7) wilfully appearing as an attorney for a party without authority. In *The Court Administrator v. Hermoso*[26] and *Bautista v. Guevarra*,[27] we decreed the disbarment of judges, apart from their dismissal from service, who were charged with bribery. The case at bar should be no different. All lawyers who desire to practice their profession in this jurisdiction are required to take an oath of office whereby they undertake, among other obligations, to "do no falsehood, nor consent to the doing of any in court xxx without any mental reservation or purpose of evasion." [28] The practice of law is a privilege, and only those adjudged qualified are permitted to do so. Respondent's conduct falls short of the exacting standards demanded by the legal profession, such that his malfeasance in office merits the ultimate penalty, that of expulsion from our esteemed brotherhood.

WHEREFORE, respondent Ramon B. Reyes is hereby DISMISSED from the service, with forfeiture of all retirement benefits and leave credits and with prejudice to re-employment in any branch or instrumentality of the government, including government-owned or controlled corporations. Further, he is hereby DISBARRED from the practice of law for conduct unbecoming of a member of the bar.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Pardo, Gonzaga-Reyes, Ynares-Santiago, and De Leon, Jr., JJ., concur.

Buena, J., on leave.

[1] Rollo, pp. 20-25.

[2] Id., p. 26.

[3] TSN, dated December 11, 1997, p. 15.

[4] Id., p. 33.

[5] Rollo, p. 2.

[6] Id., pp. 18-19.

[7] Id., p. 9.

[8] Id., p. 7.

[9] Id., p. 5.

[10] Id., p. 1.

[11] "An Act defining Certain rights of Persons arrested, Detained or Under Custodial Investigation As Well As the Duties of the Arresting, Detaining, and Investigating Officers and Providing Penalties for Violations Thereof." Section 2(b) thereof provides, to wit: "Any public officer or employee, or anyone acting under his order or in his place, or who arrests, detains or investigates any person for the commission of an offense shall inform the latter, in a language known to and understood by him, of his rights to remain silent and to have competent and independent counsel, preferably of his own choice, who shall at all times be allowed to confer in private with the person arrested, detained or under custodial investigation. If such person cannot afford the services of his own counsel, he must be provided with a competent and independent counsel by the investigation officer."

[12] Rollo, p. 45.

[13] Letters dated January 28, 1997 and June 9, 1997, Rollo, pp. 48 and 47, respectively.

[14] Rollo, p. 50.

[15] Resolution dated September 3, 1997, Rollo, p. 106.

[16] Report dated August 12, 1998, p. 10.

[17] Resolution dated October 19, 1999.

[18] TSN dated April 29, 1998, p. 5.

[19] Exhibit "6," Folder of Exhibits.

[20] Capuno v. Jaramillo, Jr., 234 SCRA 212, 222 (1994).

[21] People v. Sabalones, 294 SCRA 751, 790 (1998); see also People v. Tidula, 292 SCRA 596, 609 (1998).

[22] 234 SCRA 212, 231-232 (1994).

[23] Section 3 in relation to Section 10A, Rule 140, Revised Rules of Court.

[24] E.g., Quiz v. Castaño, 107 SCRA 196 (1981); Office of the Court Administrator v. Gaticales, 208 SCRA 508 (1992); Office of the Court Administrator v. Antonio, 241 SCRA 331 (1995); Zarate v. Romanillos, 242 SCRA 593 (1995).

[25] 154 SCRA 107, 111-112 (1987).

[26] 150 SCRA 269, 278 (1987).

[27] 142 SCRA 632, 636 (1986).

[28] Section 3, Rule 138, Revised Rules of Court.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.