

SPO4 DOMINGO B. MANAOIS, COMPLAINANT, VS. JUDGE LAVEZARES C. LEOMO, MUNICIPAL CIRCUIT TRIAL COURT, SAN MARCELINO CASTILLEJOS, ZAMBALES, RESPONDENT.*A.M. No. MTJ-03-1492. August 26, 2003*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/5008f23ef455/>**PER CURIAM:**

Before us is the verified letter-complaint,[1] filed by SPO4 Domingo B. Manaois, charging Judge Lavezares C. Leomo, Municipal Circuit Trial Court (MCTC), San Marcelino-Castillejos, Zambales, with grave misconduct, acts constituting obstruction of justice, and abuse of authority.

Complainant alleged that he is a member of the Philippine National Police (PNP) assigned as the Chief of the Traffic Management Office in Olongapo City. Sometime in August, 1998, his office received a bench warrant of arrest dated August 12, 1998 against one Rowena C. Corpuz, accused in Criminal Case No. 97-0390 for estafa then pending before the Regional Trial Court, Branch 253, Las Piñas City. On August 25, 1998, at about 9:30 A.M., Rowena appeared at his office inquiring about a motor vehicle clearance. Remembering her name as the subject of the warrant of arrest, he asked if she has a pending case in the said court. She answered in the affirmative. Thereupon, he showed her a copy of the warrant and declared that she is under arrest. Immediately, she rushed out of the office and approached her companion who happened to be Judge Lavezares C. Leomo, herein respondent, waiting inside a car. She returned, accompanied by respondent, to complainant's office. Respondent then confronted complainant, asking why Rowena should be arrested. When complainant explained that being an officer of the law it is his duty to enforce the warrant of arrest, respondent grabbed Rowena's hand and both left hurriedly. At around 4:00 P.M. of that day, respondent phoned complainant, informing him that he (respondent) has turned over Rowena to the PNP at Castillejos, Zambales and that he would notify the presiding judge of the RTC, Branch 253, Las Piñas City accordingly. Later, complainant learned that respondent has been "extending special treatment" to Rowena because the two "are very special friends."

Complainant further alleged that the following day, or on August 26, 1998, he sent a memorandum[2] to his superior reporting that respondent prevented him from arresting Rowena. He furnished the RTC which issued the warrant a copy of his report, prompting Prosecutor Aurelio H. Castillo, assigned to prosecute the said criminal case, to file a motion to cite respondent in contempt of court for thwarting the arrest of Rowena.

On the basis of complainant's report and Prosecutor Castillo's motion, the RTC issued an Order[3] dated September 9, 1998 requiring respondent to explain why he should not be cited in contempt of court for committing the acts complained of.

In retaliation, so complainant claimed, respondent issued an Order[4] dated September 10, 1998 (without any case number), requiring him to explain within three (3) days why he should not be cited in contempt of court for submitting a false report, particularly paragraph 5 of his memorandum which reads:

"5. At this juncture, however, Judge Leomo [now respondent], on top of his voice, prevented the undersigned [now complainant] from effecting the arrest of Ms. Rowena Corpuz and instead grabbed the hand of the

suspect, went out from this Office and sped away leaving us behind empty-handed."

On September 11, 1998, complainant submitted his letter-explanation[5] to respondent, stating that his memorandum is a true account of what really happened, as attested to by three (3) witnesses whose joint affidavit[6] is attached thereto.

On the same day, respondent issued another Order[7] (this time it was docketed as Special Proceedings No. C-04-98) setting for hearing the contempt charge against complainant on September 16, 1998 at 3:00 P.M. Complainant filed a motion to postpone the hearing to September 23, 1998 but it was denied.

During the September 16, 1998 hearing, complainant failed to appear. Hence, respondent judge issued a bench warrant of arrest[8] against him. This prompted complainant, through his counsel, Atty. Estanislao Cesa, Jr., to file with the RTC of Olongapo City Civil Case No. 365-0-98 for prohibition and injunction. In due course, the court enjoined the enforcement of the bench warrant against complainant.

Complainant finally alleged that respondent's acts constitute grave misconduct, obstruction of justice, and abuse of judicial authority, warranting his dismissal from the service.

On January 8, 1999, then Court Administrator Alfredo L. Benipayo required respondent to answer complainant's charges.

In a Manifestation[9] dated February 23, 1999, respondent prayed for the dismissal of the complaint, the same being "a product of a previous misunderstanding" between the parties and that they "have already patched up their differences," as attested to by complainant in his Affidavit of Desistance[10] (attached to the Manifestation).

Complainant, through Atty. Cesa, filed an opposition, alleging that respondent's culpability can be proven by the documents already on record; and that respondent was penalized for indirect contempt by the RTC, Branch 23, Las Piñas City in its Resolution dated October 21, 1998.[11] He was sentenced to suffer imprisonment for six (6) months and to pay a fine of P30,000.00.

On October 22, 1999, respondent filed his answer[12] denying complainant's allegations, branding them as bereft of truth and the product of complainant's wild imagination. When he assisted Rowena Corpuz on August 25, 1998 at complainant's office, she was already under his custody considering that previously, she voluntarily surrendered to him. In turn, he immediately brought her to the custody of the PNP of Castillejos, Zambales which is within his jurisdiction.

Respondent further averred that he charged complainant with contempt of court because the latter made a false report about the August 25, 1998 incident which blemished his name. He now prays for the dismissal of this complaint, stressing that complainant had executed an affidavit of desistance manifesting his lack of interest to prosecute his charges.

In a Resolution[13] dated August 2, 2000, we referred the instant case to the Executive Judge, Regional Trial Court, Olongapo City, for investigation, report and recommendation.

In his Report dated February 18, 2002, Executive Judge Eliodoro G. Ubiadas recommended that respondent be dismissed from the service for unduly interfering in the enforcement of the warrant of arrest against Rowena Corpuz. Hereunder are his findings:

x x x

"The offense charged against respondent judge and the gravity of his acts are proven by testimonies in court made by SPO4 Manaois, foremost of which in Criminal Case No. 97-0390, entitled People vs. Corpuz, of the

Regional Trial Court at Las Piñas City, Branch 253, which was made the basis for the conviction of the respondent judge for contempt in a Resolution dated October 21, 1998; x x x.

x x x

"On the basis of the testimony of the complainant SPO4 Domingo Manaois and the documentary evidence presented, the court finds that the complainant, in possession of the warrant of arrest against Rowena Corpuz, issued by the RTC of Las Piñas, Branch 253, was approached by the said Rowena Corpuz regarding a PNP-TMG motor vehicle clearance. Ms. Rowena Corpuz was asked by the complainant whether she was the subject of a warrant of arrest issued by the Las Piñas Regional Trial Court and having found out that she was in fact the one subject of the warrant, tried to place her under arrest. Before the arrest could be effected, however, she hurriedly went out of the office and called her companion waiting inside a white Toyota Corolla, who happens to be respondent Judge Lavezares Leomo. The latter confronted the complainant regarding the arrest of Ms. Rowena Corpuz and the complainant explained to the respondent Judge that the arrest of Ms. Rowena Corpuz should be effected because he was tasked to implement the warrant of arrest. The complainant was prevented by respondent judge to effect the arrest of Ms. Rowena Corpuz by grabbing her hand, went out from the complainant's office and sped away.

"The Regional Trial Court of Las Piñas, when notified by complainant of what transpired on August 25, 1998, issued an Order dated September 9, 1998 requiring the respondent judge to explain why he should not be cited for contempt of court for intervening in the service of the warrant of arrest against Ms. Rowena Corpuz. But respondent judge, upon receipt of the said Order, instead of making an explanation, issued an Order requiring the complainant to explain before his court why he should not be cited for indirect contempt of court for reporting the incident of August 25, 1998 which respondent judge claimed as a false report. Subsequently, because the complainant did not appear on the date of hearing for the indirect contempt proceedings, respondent judge issued a bench warrant of arrest against complainant.

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"The execution of the Affidavit of Desistance on the ground of misunderstanding between the parties should not be taken seriously and in fact should not merit the dismissal of the administrative complaint for failure of the complainant to state in the said Affidavit of Desistance what the cause of misunderstanding was and the acts constituting the misunderstanding between the parties. x x x"[14]

On April 17, 2002, we referred Judge Ulbiadas' Report to the Office of the Court Administrator (OCA) for evaluation, report and recommendation.

In his Report dated February 4, 2003, Deputy Court Administrator Jose P. Perez adopted Judge Ulbiadas's findings and recommended that respondent be dismissed from the service, with forfeiture of all retirement benefits excluding the accrued leave credits and with prejudice to reemployment in the government, including government-owned and controlled corporations.

At the outset, we shall delve on respondent's supplication that the complaint against him be dismissed in view of complainant's affidavit of desistance.

It bears stressing that disciplinary actions against public officers and employees, including those in the Judiciary, do not involve purely private or personal matters. Their office is imbued with public interest as provided by Section 1, Article XI of the Constitution, thus:

"Section 1. Public office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives."[15]

Hence, administrative actions are not made to depend upon the will of every complainant who may, for one reason or another, condone a detestable act.[16] The settled rule is that the complainant's withdrawal of his complaint or desistance from pursuing the same, does not necessarily warrant the dismissal of the administrative case. Certainly, complainant's desistance cannot divest us of our jurisdiction under Section 6, Article VIII of the Constitution,[17] to investigate and decide complaints against erring employees of the judiciary. Stated otherwise, such unilateral act does not bind us on a matter relating to our disciplinary power.[18]

Consequently, we disregard the complainant's affidavit of desistance, especially because on the basis of the facts on record, we can adjudicate the merits of this case.

On the issue of respondent's culpability, we agree with the findings and recommendation of both the investigating judge and the OCA.

The allegations in the complaint were proven by the evidence on record. Undoubtedly, respondent obstructed the normal course of law enforcement. Respondent's defense that he later surrendered Rowena to the PNP of Castillejos, Zambales deserves scant consideration. He had already prevented the enforcement by complainant of the warrant of arrest against her.

By preventing Rowena's arrest, respondent also unduly interfered in the criminal proceedings against Rowena. Certainly, such conduct caused unnecessary delay in the administration of justice of which respondent is duty-bound to uphold. Also, he caused prejudice to the interests of the State and the complaining witness.

Canon 2 of the Code of Judicial Conduct directs a judge to refrain from influencing in any manner the outcome of any litigation or dispute pending before another court or administrative agency. The slightest form of interference cannot be countenanced. Once a judge uses his influence to derail or interfere in the regular course of a judicial proceeding for the benefit of one or any of the parties therein, public confidence is diminished, if not totally eroded.[19]

Furthermore, Canon 2 mandates that a judge should avoid impropriety, or even an appearance of impropriety in all his conduct as a magistrate.

It bears reiterating the dictum that, like Caesar's wife, a judge must not only be pure, but must also be above suspicion.[20] He must conduct himself in a manner that gives no ground for reproach.[21] This exacting standard of decorum is demanded from, judges to promote public confidence in the integrity and impartiality of the judiciary.[22]

Respondent judge's unjustified interference in the enforcement of a warrant of arrest constitutes gross misconduct which can erode public confidence in the judiciary, for it is the duty of a judge to uphold and respect the law, not to violate it.

Respondent further aggravated his offense by issuing the September 23, 1998 Order requiring complainant to explain why he should not be cited in contempt of court for allegedly making a false report. Such act betrayed an abuse of judicial authority as it was meant to justify his intervention in Rowena's arrest. Expectedly, when the complainant failed to appear during the "hearing" of the "contempt proceedings," respondent ordered his arrest. If truly he was aggrieved by the report, his remedy was not in his court, but before the court which issued the warrant of arrest and to which the report was submitted.

Indeed, respondent not only failed to live up to his judicial duties, he even acted in bad faith. His actuations constituted gross misconduct that merits serious sanction. In SP02 Jose B. Yap vs. Judge Aquilino A. Inopiquez, Jr.,[23] we explained the concept of gross misconduct, thus:

"Misconduct is defined as any unlawful conduct on the part of a person concerned in the administration of justice prejudicial to the rights of parties or to the right determination of the cause (Black's Law Dictionary, Fourth Ed., p. 1150). It generally means wrongful, improper, unlawful conduct motivated by a premeditated, obstinate or intentional purpose (Words and Phrases, Vol. 27, p. 466, citing *Sewell vs. Sharp*, La App. 102 So 2d 259, 261). The term, however, does not necessarily imply corruption or criminal intent (Ibid., citing *State Ex Rel Asbaugh vs. Bahr*, 40 N.E. 2d 677, 680, 68 Ohio App. 308). On the other hand, the term 'gross' connotes something 'out of all measure; beyond allowance; not to be excused; flagrant; shameful' (Black's Law Dictionary, Fourth Ed., p. 832).

"For administrative liability to attach it must be established that the respondent was moved by bad faith, dishonesty, hatred or some other like motive (*Atty. Antonio Guerrero vs. Hon. Adriano Villamor*, AM No. RTJ-90-483; *George Carlos vs. Hon. Adriano Villamor*, AM No. RTJ-90-617, 25 September 1998). As defined

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'Bad faith does not simply connote bad judgment or negligence; it imputes a dishonest purpose or some moral obliquity and conscious doing of a wrong; a breach of a sworn duty through some motive or intent or ill-will; it partakes of the nature of fraud (*Spiegel vs. Beacon Participation*, 8 NE 2nd Series, 895, 1007). It contemplates a state of mind affirmatively operating with furtive design or some motive of self-interest or ill will for ulterior purposes (*Air France vs. Carrasco*, 18 SCRA 155, 166-167). Evident bad faith connotes a manifest deliberate intent on the part of the accused to do wrong or cause damage (*Llorente, Jr. vs. Sandiganbayan*, 287 SCRA 382 [1998], citing *Marcelo vs. Sandiganbayan*, 185 SCRA 346 [1990])."

Gross misconduct under Section 8(3), Rule 140 of the Revised Rules of Court, as amended, is classified as a serious charge punishable by any of the sanctions provided under Section 11 of the same Rule, thus:

"Sec. 11. Sanctions. - A. If the respondent is guilty of a serious charge, any of the following sanctions may be imposed:

"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 benefits;

"2. Suspension from office without salary and other benefits for more than three (3) but not exceeding six (6) months; or

"3. A fine of more than P20,000.00 but not exceeding P40,000.00."

Furthermore, as stated above, respondent violated Canon 2 of the Code of Judicial Conduct.

WHEREFORE, Judge LAVEZARES C. LEOMO is found GUILTY of GROSS MISCONDUCT and of violating Canon 2 of the Code of Judicial Conduct and is DISMISSED from the service, with forfeiture of all retirement benefits, excluding the accrued leave credits, and with prejudice to reemployment in the government, including government-owned or controlled corporations.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Puno, Vitug, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Callejo, Sr., Azcuna, and Tinga, JJ., concur.
Corona, and Carpio Morales JJ., on leave.

[1] Dated September 19, 1998, Rollo at 2-7.

[2] Annex "B," Complaint, Rollo at 8-9.

- [3] Issued by Judge Jose F. Caoibes, Jr., Annex "C," id. at 10.
- [4] Annex "D," Complaint, Rollo at 11.
- [5] Annex "E," id. at 12.
- [6] Annex "E-1," id. at 13.
- [7] Annex "F," id. at 14.
- [8] Annex "H," id. at 17.
- [9] Rollo at 89.
- [10] Id. at 90.
- [11] Id. at 47-51.
- [12] Id. at 134-135.
- [13] Id. at 143.
- [14] Executive Judge Ulbiadas's Report and Recommendation at 6-9.
- [15] R.A. No. 6713, otherwise known as "The Code of Conduct and Ethical Standards for Public Officials and Employees," implements this section.
- [16] Sandoval vs. Manalo, AM. No. MTJ-96-1080, August 22, 1996, 260 SCRA 611, citing Garciano vs. Sebastian, 231 SCRA 588, 605 (1994).
- [17] "Section 6. The Supreme Court shall have the administrative supervision over all courts and the personnel thereof."
- [18] Erlinda Licudine vs. Branch Clerk of Court Wilfredo P. Saquilayan and Sheriff Wilmar M. De Villa, A.M. No. P-02-1616, February 4, 2003, citing Enojas, Jr. vs. Gacott, Jr., 322 SCRA 272, 278-279 (2000); Agulan, Jr. vs. Fernandez, 356 SCRA 162, 173 (2001) and Rizon vs. Zerna, 365 SCRA 315, 319 (2001).
- [19] In Re: Derogatory News Items Charging Court of Appeals Justice Demetrio Demetria With Interference On Behalf Of A Suspected Drug Queen, A.M. No. 00-7-09-CA, March 27, 2001, 335 SCRA 366.
- [20] Palang vs. Zosa, G.R. No. L-38229, August 30, 1974, 58 SCRA 776, 778.
- [21] Villaluz vda. De Enriquez vs. Judge Jaime F. Bautista, AM. No. RTJ-99-1439, May 9, 2000, 331 SCRA 521, 529, citing San Juan vs. Bagalacsa, AM, No. RTJ-97-1395, December 22, 1997, 283 SCRA 416.
- [22] Vedaña vs. Judge Valencia, 356 Phil. 317, 329 (1998); Nazareno vs. Almario, AM. No. RTJ-94-1195, February 26, 1997, 268 SCRA 657.
- [23] A.M. No. MTJ-02-1431, May 9, 2003, citing Canson vs. Garchitorena, SB-99-9-J, July 28, 1999, 311 SCRA 268.

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