

REGIDOR GUTIERREZ, COMPLAINANT, VS. JUDGE MEDEL ARNALDO B. BELEN, REGIONAL TRIAL COURT, BRANCH 36, CALAMBA, LAGUNA, RESPONDENT.

A.M. No. RTJ-08-2118. June 26, 2008

Ponente: AZCUNA, J.

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AZCUNA, J.:

Complainant Regidor A. Gutierrez filed an administrative case against Judge Medel Arnaldo B. Belen of the Regional Trial Court (RTC), Branch 36, Calamba, Laguna charging him with Unbecoming Conduct and/or Harassment.

In his Complaint dated September 11, 2006, complainant alleged that he worked as a postman for more than 30 years. He was assigned at the Post Office in Alaminos, Laguna for fifteen years and, later, he was transferred to the San Pablo City Post Office where he worked from August 1, 2004 up to the present. On August 8, 2006, State Prosecutor Ma. Victoria Suñega-Lagman requested complainant to execute an Affidavit attesting to the fact that on May 14, 2004, he delivered Registered Mail No. CP-1662 intended for respondent judge, then a private practitioner, but it was received by one Walter Maloles. The said mail matter contained a Resolution dated April 30, 2004 of State Prosecutor Suñega-Lagman in a Criminal Complaint for Estafa/Violation of B.P. Blg. 22, docketed as I.S. No. 04-313 entitled "Medel B. Belen v. Theresa Cabahug @ Theresa Lamson," directing the respondent judge, as therein complainant, to pay the filing fee corresponding to the amount sought to be recovered. Respondent judge failed to pay the amount of the filing fee and the case was dismissed by the Municipal Trial Court in Cities of San Pablo City. State Prosecutor Suñega-Lagman informed complainant that the Affidavit he executed could be used in the cases which respondent judge may file against the former in the Integrated Bar of the Philippines and the Office of the Ombudsman.

Upon verification with the Alaminos, Laguna Post Office that he was the one who delivered the mail matter which was the subject of the affidavit, complainant agreed to execute an Affidavit dated August 8, 2006 attesting to the fact that on May 14, 2004, he delivered Registered Mail No. CP-1662, addressed to respondent judge with postal address at Corner Francisco Fule Street and Socorro Fule Street, Alaminos, Laguna; that the mail matter was received by Walter Maloles; that he personally knew respondent judge as he had previously talked to him and that respondent judge's father was the former Postmaster in Laguna; that since he frequented Manila, respondent judge instructed him to forward all his correspondence to Walter Maloles or Walter's mother, Francisca, and in their absence, to any member of the Maloles family, as they are his relatives and they served as caretakers of his house.

At about 7:45 a.m. of August 16, 2006, Francisca Maloles and Rodel Belen, brother of respondent judge, went to the San Pablo City Office and requested complainant to sign a prepared Clarificatory Affidavit. The proposed Clarificatory Affidavit stated that on May 14, 2004, he was supposed to deliver Registered Mail No. CP-1662, addressed to respondent judge, at corner Francisco Fule Street and Socorro Fule Street, Alaminos, Laguna, where

the parents of respondent judge used to stay, but there was no occupant therein so he proceeded to the house of Walter Maloles at Bagong Silang, Alaminos, Laguna to inquire on the whereabouts of respondent judge; that upon being informed that no one was residing therein because Spouses Sofronio D. Belen, parents of respondent judge, had migrated to the United States while respondent judge was residing in Parañaque, Metro Manila and instead of having the same returned to sender, he requested Walter Maloles to receive the mail matter with the instruction to hand it to respondent judge; and that Walter Maloles told him that there was no assurance that he (Maloles) could forward the mail matter to respondent judge who rarely stayed in the house of his parents.

After consulting Postmaster Gemma Vidaleon, complainant informed Rodel Belen and Francisca Maloles that he would not sign the affidavit. At about 8:00 a.m. of that same day, complainant received a phone call from respondent judge who was in Calamba, Laguna where he was assigned as an RTC judge. According to complainant, respondent judge was very angry and uttered the invective, "Punyeta ka" and also threatened to file a case against him. Complainant was able to identify the voice of respondent judge as he had previously talked to him and that Postmaster Vidaleon had told him that respondent judge called for him.

As a consequence of the incident, complainant filed the present administrative complaint against respondent judge for Unbecoming Conduct and/or Harassment. Complainant averred that it was the threat of respondent judge to file a case against him that prompted him to file the complaint, not respondent judge's utterance of the invective "Punyeta ka" supposedly directed to him.

In his Comment dated January 8, 2007, respondent judge appended the Joint Affidavits of Sheriffs Crisenciano Rimas and Edgardo Torres. He denied having met complainant. Respondent judge admitted that he made a phone call to complainant at San Pablo City Post Office but only to explain to the latter that he did not know him and that he did not request him to deliver any mail matter to Walter Maloles and that complainant must execute an affidavit to clarify that matter; that despite his explanation, complainant arrogantly said that he cannot sign the Clarificatory Affidavit for fear that he might be subjected to administrative complaints for erroneous delivery of mails.

In his Reply dated January 22, 2007, complainant maintained that he was executing said affidavit as he did not want to be caught in the "crossfire between respondent judge and Prosecutor Ma. Victoria Lagman, together with the other personnel of the Office of the Regional State Prosecutor" and to prevent future incidents that may endanger his person, his job, or his family. He suggested that the Joint Affidavit of Deputy Sheriffs Crisenciano Rimas and Edgardo Torres was not credible as they were sheriffs assigned to the RTC of Calamba City where respondent judge was also assigned and that the two might have been constrained to execute the same so as not to antagonize respondent judge.

In his Supplemental Reply Affidavit dated October 17, 2007, complainant expressed that the insistence to make him sign the Clarificatory Affidavit amounted to coercion on the part of respondent judge and that it was, in effect, inducing complainant to commit perjury which constitutes serious misconduct.

The Office of the Court Administrator (OCA), in a Report dated May 3, 2007, recommended that the case be referred to a Consultant in the OCA for investigation, report, and recommendation as both parties had conflicting versions. However, the Court, in its Resolution dated July 9, 2007, directed that the administrative complaint instead be referred to the Presiding Justice of the Court of Appeals for raffle to a Justice therein for investigation, report, and recommendation.

On December 10, 2007, Investigating Justice Portia Aliño-Hormachuelos submitted a Partial Report and sought extension of time of 30 days, or until January 17, 2008, within which to submit her report and recommendation due to the following reasons, to wit: the parties had yet to submit their memoranda and other papers; her official

trip to Beijing, China from December 12 to 17, 2007; and the impending holidays.

In the Final Report and Recommendation dated January 17, 2008,[1] the Investigating Justice recommended that the complaint be dismissed for lack of factual or legal basis, based on the following:

FINDINGS AND EVALUATION:

It is uncontroverted that respondent judge did indeed:

- prepare a clarificatory affidavit which he sent through his brother and Francisca Maloles for the complaint to sign, but which the latter declines;
- that he called complainant over the phone and told him that charges would be filed against him for executing a perjurious affidavit.

The only factual issue raised is whether respondent shouted the invective "punyeta ka" at the complainant in an angry manner because complainant refused to sign the Clarificatory Affidavit. Complainant asseverates that by doing so, along with the above actuations not denied by respondent judge, the latter engaged in conduct unbecoming a judge and/or harassment.

On this lone factual issue, the undersigned Investigating Justice finds in favor of the respondent. Judge Belen's denial that he shouted at the complainant or that he uttered "punyeta ka" is credible especially since it was corroborated by Sheriff Rimas, a disinterested witness, who was seated at his desk only 1 to 2 meters away from the phone when the call was made by respondent. Rimas testified that he did not hear Judge Belen shout or say "punyeta ka"; that had Judge Belen shouted or uttered the invective, he (Rimas) would have heard it, being quite near. Sheriff Rimas was not shown to have any bias in favor of respondent judge as to make him testify falsely. Rimas is not assigned in the respondent's sala but in the Office of the Clerk of Court, RTC, Calamba, Laguna, hence respondent would hardly be able to exercise influence or suasion over him. Further, Sheriff Rimas testified in a brief, simple, straightforward manner that he lent credence to his testimony. On the other hand, complainant's case is riddled with contradictions as already adverted to. His allegations therefore in this regard must be rejected for lack of credibility.

The remaining question is whether respondent Judge's actuations subject of this Complaint amounted to Conduct Unbecoming a Judge and/or Harassment.

That respondent Judge caused the preparation of the Clarificatory Affidavit is not controverted. However, after he made the phone call, respondent never called complainant again, never told the latter to see him regarding the affidavit, and never even filed any case against the complainant despite his caution that charges could be filed for making a perjurious affidavit. And as borne out by the subsequent admissions of the complainant during the investigation, at least three of the separate statements complainant made in his affidavit dated Aug. 16, 2002 are not true, viz:

- that he knew respondent personally;
- that respondent instructed him to deliver his mail matter to Maloles; and
- that he delivered the matter at the stated address, corner Fule St., Alaminos, Laguna (he delivered it to Maloles at Bagong Silang, Alaminos, about 1 kilometer away from Fule St.).

This being so, respondent Medel cannot be faulted for trying to put the record straight by way of the proposed Clarificatory Affidavit which was meant to correct the erroneous, if not untrue, statements in complainant's earlier affidavit. More importantly, respondent acted in his capacity as a party in the botched Estafa case and not in his capacity as a judge. That respondent is a judge is merely incidental. He did not use his position to obtain his objective which was to clarify, or correct, the statements in complainant's affidavit which had a bearing on his rights as a citizen and an ordinary party in a case. The stringent requirements relative to a

judge's conduct never factored into the case because respondent acted merely in his capacity as an ordinary citizen entitled to proper government service vis-à-vis his mail matter.

It bears stressing that the mail matter involved was registered and addressed to respondent. It contained an Order for respondent to pay filing fees in an Estafa case he had instituted against a certain party. Proper delivery of registered mail matter is mandated under Sec. 16 of the Philippine Postal Manual.

The Estafa case respondent filed was eventually dismissed.

Neither will the charge of harassment prosper.

Respondent called complainant only once and never again even though the contents of his Proposed Clarificatory Affidavit might have warranted a later call or persuasion since, as later borne out by complainant's admission, respondent was justified in asking for a clarification and/or correction of complainant's earlier affidavit.

As for the alleged threat to file charges against the complainant, it is well-settled that the threat must be of an unjust act in order to hold the supposed threatener liable. A threat to file a case or cases to enforce one's claim or rights is not an unjust act but a valid and legal act that is not culpable. Indeed, a threat to enforce one's right through competent authority, if the claim is just or legal, is in keeping with the fundamental principle of the primacy of the rule of law. The law provides for certain means for the enforcement of a claim, and it is not a threat to resort to these means.

The Court finds that the charges of unbecoming conduct and/or harassment against respondent judge are bereft of merit. Complainant cannot rely on mere suspicion and unfounded charges. In the hearing before the Investigating Justice on October 18, 2007,[2] complainant admitted that on May 14, 2004, he delivered the subject mail matter, addressed to respondent judge, to Walter Maloles at Bagong Silang, Alaminos, and not at the respondent judge's address, as stated in his affidavit, at Corner Francisco Fule St., Alaminos, Laguna. Complainant said that he delivered it to Maloles because the latter had been the caretaker of respondent judge's house and either Walter Maloles or Francisca Maloles had previously received the mails of respondent judge as shown by different logbooks in the Alaminos Post Office. When queried, complainant declared that respondent judge did not categorically instruct him to forward all his correspondence and mail matter to Walter or Francisca Maloles or any member of the Maloles family, thus, contradicting his own statement in the Affidavit dated August 8, 2006. With regard to the follow-up question of whether complainant personally knew respondent judge, complainant replied that he was never introduced personally to respondent judge. He also affirmed that once, while respondent judge was standing by the terrace of his house, someone pointed to a man and informed him that he was respondent judge. Again, the contents in the affidavit contradicted his testimony.

In the hearing of October 25, 2007,[3] complainant presented certified xeroxed copies of the logbooks of the Post Office of Alaminos, Laguna and a copy of the Registry Return Card for I.S. No. 04-313 from the Office of the City Prosecutor, San Pablo City, which showed that the incident of May 14, 2004 was not the first time that a registered mail addressed to the respondent judge was delivered to a member of the Maloles family. Complainant also declared that the reason why he was filing the present administrative case was respondent judge's utterance of the invective against him; threat to file a case against him; and coercing him to sign the Clarificatory Affidavit as presented by respondent judge's brother which he refused to sign as it was contrary to the Affidavit dated August 8, 2006 he had earlier executed.

On the other hand, Deputy Sheriff Crisenciano Rimas corroborated, in the hearing of October 25, 2007, that respondent judge never raised his voice while talking to complainant. Sheriff Rimas also testified that on August 16, 2006, between 8:00-8:30 a.m. when the telephone call to the complainant was made by Judge Belen, he was just one to two meters away and he never heard respondent judge shout "punyeta ka." He stated that while he

heard respondent judge telling complainant that he will file a case against him, the statements were not said in a shouting or angry manner.

Faced with the conflicting versions, the Court finds the declarations of respondent judge to be credible. It is obvious that complainant filed this administrative case as a retaliatory measure or to seek leverage over respondent judge in anticipation of whatever appropriate legal action or case the latter may take against him for declaring untruthful statements in his Affidavit dated August 8, 2006. Respondent judge has adequately explained the reason why he called up complainant, that is, to rectify the erroneous declarations in the said affidavit. While it was in fact established that respondent judge called complainant, the alleged invective was not substantiated nor was any basis for complainant's allegation of harassment given. There was no undue injury caused to complainant's person.

Administrative charges against members of the judiciary must be supported at least by substantial evidence or such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.[4] In *Planas v. Reyes*,[5] the Court emphasized that:

In administrative proceedings, the burden of proof that respondent committed the act complained of rests on the complainant. The complainant must present sufficient evidence to support such accusation (citing *Ong v. Rosete*, A.M. No. 04-1538, October 22, 2004, 441 SCRA 150).

It must be stressed that in administrative proceedings, the quantum of proof required to establish a respondent's malfeasance is not proof beyond reasonable doubt but substantial evidence, i.e., that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion, is required. More importantly, in administrative proceedings, the complainant has the burden of proving by substantial evidence to the contrary, the presumption that the respondent has regularly performed his duties will prevail. Indeed, if a respondent judge or a court employee should be disciplined for a grave offense, the evidence against him should be competent and derived from direct knowledge. Charges based on mere suspicion and speculation cannot be given credence. Hence, when the complainant relies on mere conjectures and suppositions, and fails to substantiate his claim, as in this case, the administrative complaint must be dismissed for lack of merit (citing *Ever Emporium, Inc. v. Judge Maceda*, A.M. Nos. RTJ-04-1881 and RTJ-04-1882, October 14, 2004, 440 SCRA 298).

The Court will not shirk from its responsibility of imposing discipline upon erring members of the bench. At the same time, however, the Court should not hesitate to shield them from unfounded suits that only serve to disrupt rather than promote the orderly administration of justice. This Court could not be the instrument that would destroy the reputation of any member of the bench, by pronouncing guilt on mere speculation (citing *Ong v. Rosete*, A.M. No. 04-1538, October 22, 2004, 441 SCRA 150).

Applying the foregoing principles to the present case, this Court finds that complainant failed to present substantial evidence to prove his charges. The basis for filing the charges was respondent judge's alleged actuation in making the phone call to complainant, but complainant failed to prove that respondent judge employed duress or any form of harassment. Clearly, there is no basis to impose sanctions upon respondent judge.

WHEREFORE, the administrative complaint against respondent Judge Medel Arnaldo B. Belen of the Regional Trial Court, Branch 36, Calamba, Laguna for Unbecoming Conduct and/or Harassment is DISMISSED.

No costs.

SO ORDERED.

Puno, C.J., (Chairperson), Carpio, Corona, and Leonardo-De Castro, JJ., concur.

[1] Sealed Final Report and Recommendation, pp. 15-21.

[2] TSN, October 18, 2007, rollo, pp. 93-126.

[3] TSN, October 25, 2007, id. at 127-163.

[4] Kilat v. Macias, A.M. No. RTJ-5-1960, October 25, 2005, 474 SCRA 101 citing Portic v. Villalon-Pornillos, A.M. No. RTJ-02-1717, May 28, 2004, 430 SCRA 29, 34 and Lachica v. Judge Flordeliza, A.M. No. MTJ-94-921, March 5, 1996, 324 Phil. 534, 254 SCRA 278.

[5] A.M. No. RTJ-05-1905, February 23, 2005, 452 SCRA 146.

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