

**OLIVIA LAUREL, COURT STENOGRAPHER III, DIANA RAMOS,
UTILITY WORKER, BOTH OF THE REGIONAL TRIAL COURT, BRANCH
25, BIÑAN, LAGUNA AND HERMINIA JAVIER, CLERK III, RTC-OFFICE
OF THE ...**

A.M. No. RTJ-06-1992 (Formerly OCA I.P.I. No. 98-603-RTJ). July 06, 2010

Ponente: LEONARDO-DE CASTRO, J.

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LEONARDO-DE CASTRO, J.:

For our resolution are 11 consolidated administrative cases.

While Judge Pablo B. Francisco (Judge Francisco) was detailed as acting Presiding Judge of Branch 25, and later on, of Branch 24, of the Regional Trial Court (RTC) of Biñan, Laguna, he instituted nine administrative complaints (A.M. No. P-10-2745, A.M. No. RTJ-00-1992, A.M. No. P-10-2746, A.M. No. P-10-2747, A.M. No. P-10-2748, A.M. No. P-10-2749, A.M. No. P-10-2750, A.M. No. P-10-2751, and A.M. No. P-03-1706) against the following officers and rank and file personnel of the RTC of Biñan, Laguna:

NAMES[1] (in alphabetical order)

POSITIONS

Nicanor B. Alfonso

Process Server

Joel O. Arellano

Sheriff

Angelito A. Bati

Utility Worker

Julieta M. Chaves

Court Stenographer III

Caridad D. Cuevillas

Clerk III

Atty. Rowena M. Galeon

Branch Clerk of Court

Atty. Gerardo P. Hernandez

Clerk of Court V

Herminia Javier

Clerk III

Olivia Laurel

Court Stenographer III

Maria Fe L. Lopez

Court Stenographer III

Arnel G. Magat

Sheriff IV

Atty. Melvin D.C. Mane

Branch Clerk of Court

Carmelita D. Moreno

Clerk III

Julian R. Orfiano, Jr.

Court Legal Researcher II

Benedicto B. Pascual

Interpreter III

Diosalyn N. Perez

Court Stenographer III

Diana Ramos

Utility Worker

Andrew A. Santos

Clerk III

Ramon Luis Sevilla

Process Server

The two other administrative cases at bar were filed against Judge Francisco: (1) A.M. No. RTJ-06-1992, by Javier, Laurel, and Ramos, together with Prosecutor Alberto R. Nofuente (Pros. Nofuente); and (2) A.M. No. RTJ-10-2214, by Magat and one Joel O. Arellano (Arellano).

We consolidated all 11 administrative cases for a more expedient and exhaustive determination, since all said cases were related to each other and essentially involve the same parties, issues, and causes of action. However, also considering the insufficiency of the records initially available to us, and our inability to resolve the issues based only on the pleadings submitted by the parties, we agreed in the recommendation of the Office of the Court Administrator (OCA) to refer the cases to the Court of Appeals for investigation, report, and recommendation.

The cases were raffled to Associate Justice Roberto A. Barrios of the Court of Appeals.

I

FACTUAL ANTECEDENTS

Judge Francisco was originally assigned as the Presiding Judge of RTC-Branch 26 of Sta. Cruz, Laguna. After encountering a disconcerting problem in an election case, Judge Francisco requested that he be detailed elsewhere. He was thereafter detailed as the acting Presiding Judge of RTC-Branch 25 of Biñan, Laguna from January 1996 to January 1998, and then of RTC-Branch 24, also of Biñan, Laguna, from February 1998 to September 1998.

At first, the relations between Judge Francisco and the personnel of the RTC of Biñan, Laguna, were friendly and harmonious, but animosity crept in after some time. Even then Executive Judge Helario Corcuera (Executive Judge Corcuera) and Judge Rodrigo Cosico[2] of the RTC of Biñan, Laguna, were brought into the fray, with Judge Francisco filing various administrative complaints against the previous two judges, which were eventually dismissed.

In a letter[3] dated August 3, 1998 to Court Administrator Alfredo L. Benipayo (Benipayo), Alfonso, Arellano, Bati, Cuevillas, Javier, Laurel, Lopez, Magat, Atty. Mane, Moreno, Orfiano, Pascual, Perez, Ramos, Santos, and Sevilla expressed their sentiments against Judge Francisco, and demanded that said judge be relieved of his detail at the RTC of Biñan, Laguna and be ordered to return to his permanent post at the RTC of Sta. Cruz, Laguna. The court personnel wrote:

We, the undersigned court personnels of Regional Trial Court, Branches XXIV and XXV and Office of the Clerk of Court, Biñan, Laguna respectfully communicate and convey unto your Honorable Office our sentiments toward temporary Presiding Judge, HON. PABLO B. FRANCISCO of Branch XXIV, RTC-Biñan, Laguna.

It is the wish of the overwhelming court personnels to have a good and harmonious relationship with their judges so they can have a pleasant working condition to ensure a prompt and efficient performance of their duties and responsibilities. Unfortunately, this wish is now difficult and probably impossible to achieve in the Regional Trial Court, Biñan, Laguna during the incumbency of HON. PABLO B. FRANCISCO in RTC-Branch XXIV.

It all began when Judge Francisco was ordered by your Office to vacate Branch XXV and assume his temporary assignment in Branch XXIV. From then on, we never had an occasion to have an ideal mood and nice atmosphere to perform efficiently our assigned tasks in the judiciary. Four (4) of the staff in Branch XXIV were charged administratively for inexistent and imaginary reasons solely to show his might to those who go against him even on personal matters.

Two (2) employees in Branch XXV and one (1) from the Office of the Clerk of Court and even the Assistant Provincial Public Prosecutor were likewise victims of his suspicious mind when he cited them in direct contempt based on concocted ideas which could have cost their liberties for a period of nine (9) days if not for the timely temporary restraining order issued by the Honorable Court of Appeals.

Two (2) deputy sheriffs [of] the Court were obliged by HON. PABLO B. FRANCISCO to contribute Two Thousand Pesos (P2,000.00) each to defray the "salary" of his personal bodyguard which amount is a big imposition on their meager salary. Out of fear, the two (2) sheriffs were constrained to shoulder that burden even though it is against their will.

Court employees had to bear insults even in open Court for slightest mistakes. He always gives bad interpretation to laughters and smiles. He always interpreted glances to mean making faces to ridicule him. He

is also fond of delivering speeches in open Court and even after court sessions practically accusing all court personnel in RTC-Biñan, Laguna, are engaged in graft and corruption. Demoralizing remarks to humiliate and downgrade reputation and morals as public servants of employees are more often than not the order of the day. This uncalled behavior already caused the untimely resignation of his Branch Clerk of Court and utility aide and probably we will end up the same if his continued stay in Branch XXIV will be allowed by your Honorable Office.

Lately, he announced that he will prevent any retirement benefits available to those future retirees as he is decided to file administrative cases against each and every one of the Court personnel.

We, the undersigned Court employees of Branches XXIV and XXV of the Regional Trial Court are now totally demoralized, scared and afraid of the vindictive mind and future moves of HON. PABLO B. FRANCISCO. Fears now engulfed our minds as simple glances on him might cost our liberties if not our positions.

Thus, we are respectfully appealing unto your Honorable Office to give due course to this petition of ours to forestall a total demoralization if not complete destruction of this component part of the judiciary.

Furthermore, we understand that Hon. RTC-Judge Pablo B. Francisco has a pending request to extend his stay as Presiding Judge in Branch XXIV up to October 1, 1998. As things stand now in our Court, we respectfully appeal to you that the said request of Hon. Pablo B. Francisco be turned down and instead he be ordered to return soonest to his original and legitimate sala at Branch XXVI RTC-Sta. Cruz, Laguna.

Furthermore, HON. PABLO B. FRANCISCO boasts that he is [a nephew of HON. CHIEF JUSTICE ANDRES V. NARVAZA], and consequently, he is untouchable. We do hope this to be false.

We earnestly appeal that HON. PABLO B. FRANCISCO be ordered to return to his legitimate station in Branch XXVI of Regional Trial Court, Sta. Cruz, Laguna, where he belongs or somewhere else but not in Biñan, Laguna.

Should you desire, we are willing to have an audience with you to enable us to ventilate our grievances.[4]

Aware of the open animosity exhibited between Judge Francisco and several personnel of the RTC of Biñan, Laguna, and its damaging effect on the administration of justice, some members of the Integrated Bar of the Philippines (IBP), practicing their profession in Biñan, Laguna, sent a letter[5] dated August 19, 1998 to then Court Administrator Benipayo, likewise requesting the return of Judge Francisco to his original court of assignment at RTC-Branch 26 of Sta. Cruz, Laguna.

After consideration of the two letters, we issued Administrative Order No. 113-98 on August 27, 1998 revoking the designation of Judge Francisco as acting Presiding Judge of RTC-Branch 24 of Biñan, Laguna.

Despite Judge Francisco's return to the RTC of Sta. Cruz, Laguna, the administrative charges and counter-charges between Judge Francisco and the personnel of RTC of Biñan, Laguna, still subsist and await our resolution.

In a Resolution dated August 19, 2003, the Court En Banc accepted the resignation of Judge Francisco upon the recommendation of the Office of the Court Administrator without prejudice to the continuation and outcome of the proceedings of the administrative complaints filed against him.

A.M. No. RTJ-06-1992

As the acting Presiding Judge of RTC-Branch 24 of Biñan, Laguna, Judge Francisco issued an Order[6] dated July 14, 1998 holding Javier, Laurel, Ramos, and Pros. Nofuente guilty of Direct Contempt, for supposedly disrupting the court proceedings in Sp. Proc. No. B-2433 held on July 14, 1998, and sentencing them to nine days' imprisonment at the Biñan Municipal Jail.

Javier, Laurel, Ramos and Pros. Nofuente filed before the Court of Appeals a Petition for Certiorari and Prohibition with a prayer for the issuance of a Writ of Preliminary Injunction, docketed as CA-G.R. SP. No. 48356. In its Resolution dated July 23, 1998, the Court of Appeals issued a Temporary Restraining Order (TRO) against the implementation of Judge Francisco's July 14, 1998 Order. Subsequently, the appellate court promulgated its Decision^[7] dated September 9, 1998, setting aside the assailed Direct Contempt Order for having been issued by Judge Francisco with grave abuse of discretion. Judge Francisco's appeal of the Court of Appeals judgment was denied by this Court.^[8]

Judge Francisco's issuance of the Order dated July 14, 1998 also led to the filing by Javier, Laurel, Ramos, and Pros. Nofuente of a Complaint for Gross Ignorance of the Law and Incompetence against Judge Francisco. According to the Complaint, Judge Francisco's Direct Contempt Order was issued in violation of due process and Rule 71, Section 1 of the Rules of Court. Said Complaint was docketed as A.M. No. RTJ-06-1992.

Pros. Nofuente narrated that around 10:00 a.m. on said date, he was with Zenaida Manansala (Manansala), a complainant in one of the cases he was handling at the RTC-Branch 25 of Biñan, Laguna, to request Process Server Sevilla to subpoena the next witness in Manansala's case. Pros. Nofuente maintained that his voice was in the ordinary conversational volume which could not have disrupted the court proceedings, if there was any at all. He was just one or two meters away from the courtroom and, at that time, Judge Francisco was not wearing his robe and was seated at the lawyers' table. Pros. Nofuente denied he was conversing with Laurel and Ramos for the latter two were inside the staff room, busily doing their assigned tasks. They were all within the sight of Judge Francisco, but they were not aware that Judge Francisco was already throwing dagger looks at them. When Pros. Nofuente left, Judge Francisco shouted "Mga tarantado kayo." Three days after the incident, Judge Francisco released the Order declaring, not only Laurel, Ramos, and Pros. Nofuente, but also Javier, guilty of Direct Contempt.

Laurel and Ramos also denied that they disrupted the court proceedings in Sp. Proc. No. B-2433 on July 14, 1998. Both of them could not remember talking to each other or to anybody or making noise at that time. Judge Francisco did not call their attention for the supposed disruption although his sala was just one or two meters away from their office.

Javier, for her part, argued that she was cited of direct contempt in ausencia. She was not within the court premises at 10:00 a.m. of July 14, 1998, as she was in Landbank, Calamba, Laguna to encash her check. She presented her Daily Time Record (DTR) for the month of July, showing that on July 14, 1998, she reported for work only for half a day, particularly, from 1:00 to 5:00 p.m. Javier also asserted that she had not even once disrupted court proceedings by boisterous conversation or laughter or by making any noise within the court premises.

In his Answer, Judge Francisco explained that his Direct Contempt Order was not the result of a single disrespectful act, but the culmination of a series of discourteous acts of Javier, Laurel, Ramos, and Pros. Nofuente, which impeded the administration of justice, particularly, causing the disruption of the court proceedings in Sp. Proc. No. B-2433 on July 14, 1998. Judge Francisco recounted that:

For several months now, after the undersigned Presiding Judge vacated Branch 25 of this Court, a group of persons composed of Assistant Public Prosecutor Alberto R. Nofuente of the Department of Justice, and Olivia Laurel, Diana Ramos and Herminia Javier, court employees, has subjected the undersigned to spite and ridicule. Prosecutor Nofuente, in more than a dozen times, while within the court premises and upon sensing the presence of the Presiding Judge anywhere near him, would evidently blurt unsavory remarks aimed at the Presiding Judge although most of the time he would make them appear to be directed at Mayet, the food caterer of court employees. At one time, Prosecutor Nofuente even spit on the floor to show his ill will for the

Presiding Judge who was passing by. The group also would frequently engage themselves even during office hours in raucous laughter within the presence and hearing of the Presiding Judge with nothing funny to laugh about. At one time, the Presiding Judge caught Diana Ramos acting like a cheerleader, egging on Prosecutor Nofuente, Olivia Laurel and Herminia Javier to laugh harder simultaneously, which prompted the Presiding Judge to call the attention of Olivia Laurel about her group's uncanny behavior. Even during court sessions of Branch 24, Olivia Laurel and Herminia Javier would throw sharp glances and make faces at the Presiding Judge. Almost every member of this group has an axe to grind against the Presiding Judge for events which transpired during his incumbency in Branch 25. Olivia Laurel was eased out of [her] position as OIC-Branch Clerk of Court after the undersigned recommended a lawyer, a qualified one, in her place. Diana Ramos was caught by the undersigned tearing certain pages of case records and was publicly rebuked for it. The Presiding Judge had refused to drop charges against a relative of Herminia Javier arising out of the implementation of a search warrant. Of course, Herminia's unwavering loyalty to her group knows no bounds. Prosecutor Nofuente had on several occasions asked from the undersigned for the dismissal of certain criminal cases but which request were all refused on the ground that the evidence of guilt was strong. The prosecutor was also criticized severely by the Presiding Judge in several court decisions for filing about twenty (20) faulty informations in incestuous rape cases which absolved the accused from the death penalty.

Lately, the group has been disrupting proceedings in Branch 24 by creating noise through boisterous conversations punctuated by laughs inside the court premises.

In the hearing of Special Proceedings No. B-2433, on July 14, 1998, at about 10:00 o'clock a.m., the session was disrupted lengthily because Prosecutor Nofuente engaged in a monologue at the top of his voice so near the place where the proceedings are going on and drowning out in the process the examination being conducted by the Presiding Judge on William Martinez.

When the Presiding Judge was about to confront him, Prosecutor Nofuente hastily entered his nearby office. At lunch time, the group of Prosecutor Nofuente was heard by the Presiding Judge laughing heartily over the incident.

The Court expected Prosecutor Nofuente to explain at least why he committed those acts which disrupted the proceedings in Special Proceedings No. B-2433, but up to now he has not done so, which arrogance led the Court to conclude that he did disrupt said session deliberately.[9]

Judge Francisco presented as evidence the transcript of stenographic notes (TSN) of the hearing of Sp. Proc. No. B-2433 on July 14, 1998, taken down by Lopez, to prove what actually transpired during the proceedings:

TRANSCRIPT

Of stenographic notes taken down by the undersigned Court Stenographer during the hearing of the above-entitled case on July 14, 1998 at 10:30 o'clock in the morning. Presided over by the Hon. PABLO B. FRANCISCO, Presiding Judge.

x x x x

COURT

What kind of drug or drugs are you taking in?

W. MARTINEZ

Shabu, Your Honor.

COURT

Since when have you been taking shabu? (At this juncture, the presiding judge appears to be irritated by the

loud voice of Fiscal Nofuente).

W. MARTINEZ

For a year, Your Honor.

COURT

Were you examined by Dr. Melinda Fernando?

W. MARTINEZ

Yes, Your Honor.

COURT

And what was the result of the examination. Is this the record? (Examining the record) (At this juncture, the Presiding Judge stood up to confront the person creating noise.)

W. MARTINEZ

Yes, Your Honor.

COURT

Your father wants you to be rehabilitated, are you willing to be sent to a rehabilitation center?

W. MARTINEZ

Yes, Your Honor.

COURT

Are you willing to comply with the rules and regulations set by any of the rehabilitation centers of your choice?

W. MARTINEZ

Yes, Your Honor

(At this juncture, the Presiding Judge was advised by the stenographer to rest because his face was becoming reddish.)

COURT

Please place on record that the proceedings was disturbed because of the loud voice coming from Provincial Prosecutor Alberto Nofuente who was laughing and discussing in a very loud voice a certain matter with the employees of Branch 25 and the Presiding Judge has called the attention of those concerned, especially employees of Branch 25 about disturbing the hearing of this case. Let it be recorded further that this is not the first time that Provincial Prosecutor Alberto Nofuente has caused such disturbance while proceedings at Branch 24 is going on. (Emphasis ours).[10]

Judge Francisco further explained that it took him almost three days to release the Direct Contempt Order because he first had to confer with Executive Judge Corcuera as two of the respondents, Laurel and Ramos, were the Executive Judge's subordinates and their work might be disrupted. Judge Francisco also brought up the matter with Emilina Santos, Javier's mother, who was also an employee at the RTC-Branch 25 of Biñan, Laguna. He also relayed the controversy to Atty. Julita Escueta-Gonzales, a close friend of Laurel, Ramos and Javier, who promised to work out a peaceful settlement among the parties but Judge Francisco never received any apology or

expression of regret from Javier, Laurel, Ramos, or Pros. Nofuente. Judge Francisco also averred that after the Court of Appeals issued a TRO in CA-G.R. SP. No. 48356, enjoining the implementation of the Direct Contempt Order, Pros. Nofuente roamed around the court premises during office hours, and the loud conversations and raucous laughter of the prosecutor and his group could be heard all the way inside the judge's chamber. As a result, Judge Francisco sent a letter to Executive Judge Corcuera stating that if such disrespectful attitude would continue then he would issue another contempt citation.[11]

Judge Francisco added that Pros. Nofuente's story that he was simply requesting for the issuance of subpoena from Process Server Sevilla was hypocritical since a process server has no authority to issue a subpoena, a request for subpoena cannot be made orally, and RTC-Branch 25 of Biñan, Laguna was not in session at that time.

A.M. No. P-10-2745

Judge Francisco's Answer in A.M. No. RTJ-06-1992 served as his Complaint for Grave Misconduct against Javier, Laurel, and Ramos, and was docketed as A.M. No. P-10-2745.

Investigating Officer Justice Barrios summed up Judge Francisco's charges against Javier, Laurel, and Ramos as follows:

In charging Laurel, Judge Francisco stated that her performance as OIC Branch Clerk of Court was initially commendable, but her friendship with Ramos and other court employees spoiled it.

Regarding his complaint against Ramos, Judge Francisco averred that she glorifies herself as a clerk in charge of civil cases when in truth is she is but a utility worker who moonlights as caterer, and which is why she is absent most of the time. In the month of December 1996 alone, Ramos reported to work for only 2 days. She did not file her leave of absence but she was able to draw her full month's salary because Laurel approved her falsified daily time record.

As to Judge Francisco's complaint against Javier, it was alleged that she is a close relative of a certain Alfredo Artecn. Sometime in August 1997, CIS operatives stationed in Pacita Complex, San Pedro, Laguna, applied for a search warrant. Due to the irregular service of said search warrant, the Court asked the CIS Operatives and the wife of Alfredo Artecn to explain why they should not be held for contempt. Javier expressed her displeasure to the show cause order, and told Judge Francisco that she would not testify for the arrest of Alfredo Artecn. Apart from this, Laurel, Javier and Ramos converged most of the time during office hours near the table of Laurel which is just about two (2) meters from the sala of Branch 24. This with their boorish behavior, showed a concerted design to malign and harass Judge Francisco.[12]

In their Joint Comment, Javier, Laurel, and Ramos claimed that Judge Francisco's accusations against them were malicious and made to satisfy the judge's personal grudge against them. Justice Barrios, in his Report, provided the following summary of Javier's, Laurel's, and Ramos's comments:

Laurel denied having signed any falsified daily time record of Ramos when she was the [Officer in Charge (OIC)] Branch Clerk of Court as Ramos honestly indicated her absences for the month of December 1996. She also declared that she never felt bad when she was ousted as the OIC Branch Clerk of Court because she knew for a fact that she is not a lawyer and that the position will be filled up anytime by one who is qualified. Besides the one who was later on appointed as the Branch Clerk of Court was Atty. Melvin Mane, her cousin, hence there was no reason for her to feel bad.

Ramos for her part declared that aside from being a utility worker she also works as a record custodian of civil cases, but strangely this is not known to Judge Francisco. Ramos stated that she acted as the maid of Judge Francisco for a long time. She was tasked with the cleaning of his chamber and the court premises, including serving him free snacks, shining his shoes, preparing his bench, stitching his pants, and other errands she never could say no to, and a dance instructor in his ballroom practices which sometimes starts at 3:00 o'clock p.m.

and lasts until midnight. Ramos denied that she moonlights as caterer, although she admitted having cooked food but then only for a few relatives and mostly during Christmas season and for free. She stated however that she cooked on the request of Judge Francisco every time he arranged ballroom parties.

Javier also denied the allegations against her and averred that there was no instance that she showed her displeasure over the actions taken by Judge Francisco in the case of Alfredo Artecen. She could have easily warned Alfredo Artecen who happened to be his neighbor about the search warrant, but she did not. [13]

In addition, Javier, Laurel, and Ramos accused Judge Francisco of falsifying the TSN of the proceedings in Sp. Proc. No. B-2433 on July 14, 1998. They alleged that Judge Francisco coerced and threatened Stenographic Reporter Lopez to insert and add words, phrases, and situations in the said transcript to make it appear that Pros. Nofuente disrupted court proceedings. Lopez even executed an Affidavit attesting that she was pressured by Judge Francisco into entering the said falsities into the TSN, to wit:

1. I am one of the court stenographer assigned at the Regional Trial Court, Branch 24, Biñan, Laguna.

2. On July 14, 1998, at about 10:30 o'clock in the morning, a proceedings for confinement, docketed as SP PROC NO. B-2433 entitled "William I. Martinez vs. Jose Martinez" was made by the Regional Trial Court presided by the Honorable Pablo B. Francisco and in such proceedings I was the court stenographer assigned to take the stenographic notes of the proceedings which I did, copy of the original stenographic notes is hereto attached and made integral part hereof, as Annex A;

3. A few days after the Honorable Judge Pablo B. Francisco was served a copy of the petition for certiorari in CA-G.R. SP No. 48356 entitled "Public Prosecutor Alberto R. Nofuente, Olivia M. Laurel, Diana A. Ramos and Herminia Javier -versus- Hon. Judge Pablo B. Francisco," I was called in the afternoon by the Honorable Judge Pablo B. Francisco to transcribe the stenographic notes taken on July 14, 1998 at SP PROC No. B-2433 entitled "William I. Martinez vs. Jose Martinez" which I complied with;

4. After I have transcribed the stenographic notes before a computer, the Honorable Judge Pablo B. Francisco went to my place and instructed me to add and insert into the transcript of the stenographic notes the following words and phrases.

x x x x

a. appears to be irritated by the loud voice of Fiscal Nofuente - line 18, 19 and 20, page 2, T.S.N. July 14, 1998.

x x x x

b. stood up to confront the person creating noise - line 9 and 10, page 3, T.S.N. July 14, 1998.

c. (At this juncture, the Presiding Judge was advised by the stenographer to rest because his face was becoming reddish) line 3, 4 and 5, page 4, T.S.N. July 14, 1998.

x x x x

5. The truth of the matter is that the aforequoted portions which were required by the Honorable Judge Pablo B. Francisco to be added and inserted into the transcript do not appear in the original stenographic notes, Annex A hereto and I complied because of fear that if I would not comply, I might be subjected to some actions against me similar to those members of the staff of the Clerk of Court of the Regional Trial Court, Biñan, Laguna who are being charged administratively, for one reason or the other, by the Honorable Judge Pablo B. Francisco, aside from the fact that he was my superior being the Presiding Judge of the Regional Trial Court, Branch 24, Biñan, Laguna.

6. I am executing this affidavit for the purpose of setting the records straight and to attest to the truth of the

foregoing.[14]

Javier, Laurel, and Ramos further stated that almost all of the court personnel of the RTC of Biñan, Laguna had fallen victim to Judge Francisco's vindictiveness. Judge Francisco became hostile to everybody. He branded the court personnel as disrespectful, misinterpreting the latter's smiles and glances as making faces or laughter as insult. It was for this reason that some personnel filed a petition with the Supreme Court requesting for Judge Francisco's return to his original station at the RTC of Sta. Cruz, Laguna.

A.M. No. RTJ-00-1992

A.M. No. RTJ-00-1992 involves Judge Francisco's Complaint for Falsification of Public Documents against Laurel and Ramos. He averred that Laurel, as Officer-in-Charge (OIC) Branch Clerk of Court, approved Ramos's allegedly falsified DTR. A similar case was also filed by Judge Francisco before the Office of the Ombudsman but it was ordered closed and terminated in a Joint Resolution dated July 28, 2000.

Justice Barrios culled the following antecedent facts in A.M. No. RTJ-00-1992 from the pleadings submitted by the parties:

Judge Francisco averred that when he was still the detailed presiding judge of Branch 25, he noticed that Ramos did not report to work everyday and that she did not perform her duties of cleaning the courtroom and surrounding areas. He confronted Ramos about this but she reasoned out that she was always tasked by the then Branch Clerk of Court to bring certain documents to the Supreme Court and that whenever she is absent, she filed her leave of absence. When the Branch Clerk of Court resigned, Laurel was designated as the OIC Branch Clerk of Court and Ramos' absences continued. A person named "Kulot" was seen cleaning the court room and adjoining areas and later it came to his knowledge that Ramos was engaged in the food catering business and "Kulot" was one of her waiters. Judge Francisco stated that Ramos never actually performed her tasks as utility worker and on the days that she was present in the office, she positioned herself in one of the office tables and gloried herself as clerk in charge of civil cases. Apart from this Ramos also engaged in the processing of EASCO surety bonds and typing marriage contracts officiated by him or that of Judge Rodrigo Cosico, now Justice of the Court of Appeals. It was because of his heavy work load that Judge Francisco failed to check Ramos' application for leave of absence until December 1997 when he found out that her approved leave of absence were far less than her actual absences. Despite her absences Ramos was able to draw her salary because she made it appear in her daily time record that she reported for work every working day from 8:00 a.m. to 5:00 o'clock p.m. and Laurel knowing fully well of her absences approved the daily time record. It was from March 1996 to January 1998 when Ramos did not report to work everyday.

Ramos in addition to her refutations and assertions in [A.M No. P-10-2745], declared that "Kulot" never cleaned the courtroom in her sake but he frequented their office because she recommended him to Judge Francisco upon the judge's request to be taught of other variations in ballroom dancing. It was "Kulot" who helped her clear the area of the courtroom before ballroom practices thus they pulled and pushed tables and chairs and sometimes it was he who swept the floor and put back the tables and chairs for the next day's hearing. Ramos denied too that she had some participation in the processing of EASCO surety bonds and typing marriage licenses.

Laurel on the other hand admitted that she signed and approved the daily time records of Ramos when she was still the Acting Branch Clerk of Court, but denied that they were falsified.

According to Ramos and Laurel, this case is only one of the several cases filed by Judge Francisco against all the court personnel of Branches 24 and 25 who petitioned for his ouster from the said courts and he filed administrative and criminal cases though unfounded and baseless just to get even with them.

In his Reply-Affidavit, Judge Francisco averred that contrary to the assertions that Ramos was her dance

instructor, he stated that he received his dancing lessons from one Vinia Bulfaney of Jun Encarnacion Dance Studio from September to December 1996 and that he took dance lessons at home from one Jennifer Monte. In his attack against Ramos, Judge Francisco stated that speaking of intestinal fortitude, respondent Diana Ramos indeed possesses an abundance of this debasing quality as she now reports for work heavy with a child, without any qualm as to how the public might react to this "interesting stage" of her life, considering that her marriage to her husband, has been recently annulled and she is not known to have contracted a second marriage or reconciled with her husband; that [Judge Francisco] is quite thankful that he has been away from Biñan for the past one year and a half otherwise, given the moral depravity of [Ramos] in claiming abuse of respondent Diana Ramos by [Judge Francisco], a claim by [Laurel and Ramos] of filial relation between [Judge Francisco] and the baby within respondent Diana Ramos' womb might not have been a distinct possibility.[15]

A.M. No. P-10-2746

A.M. No. P-10-2746 is another Complaint for Falsification of Public Documents filed by Judge Francisco against Branch Clerk of Court Atty. Hernandez, Legal Researcher Orfiano, and Stenographers Chaves, Lopez, and Perez, all of RTC-Branch 24 of Biñan, Laguna. Judge Francisco instituted a similar case against the same court personnel before the Office of the Ombudsman but it was ordered closed and terminated by the said office. Justice Barrios's Report presented a gist of Judge Francisco's Complaint:

Judge Francisco averred in his affidavit that when he was detailed as the Presiding Judge of Branch 25 he noticed that some personnel of Branch 24, particularly the stenographers Perez, Lopez, Dilay (deceased) and Chaves were not reporting for work everyday. Since he frequented the library which is near the working tables of the stenographers, he noticed that only the stenographer on duty reported to work. Branch 24 was still then being presided by Justice Rodrigo Cosico. Chaves disappeared sometime in July 1997 and surfaced only in November or December of the same year and that according to her she went on vacation to the United States. When Justice Cosico was promoted to the Court of Appeals, Judge Francisco then presided over the hearing of motions in cases pending in Branch 24. That was when he was able to observe closely the work attitude of the employees therein. On the thought that these stenographers were not filing their leaves of absence Judge Francisco went to the Office of the Court Administrator and he was surprised to learn that the approved leaves of absence were too minimal to cover their actual absences from work. Also upon his verification from the Finance Division, he learned that these stenographers were receiving their full salary every month despite their unauthorized absences. In order to correct the alleged rampant practice of falsifying the daily time records, Judge Francisco issued Memorandum Circulars x x x but the stenographers paid no attention to these and continued to absent themselves from work and to falsify their daily time records. Judge Francisco sent a letter to the Court Administrator Alfredo Benipayo regarding these alleged absences x x x. Responding to this complaint Justice Benipayo informed him x x x that though authorized to act on this but then court operations would be paralyzed if he were to impose disciplinary action against them. Hence through the intercession of Judge Corcuera, he compromised with these stenographers that they will not be meted out preventive suspension provided they mend their work behavior. Judge Francisco alleged that their promise was however just to trick him for later these stenographers joined in the petition that he be returned to Branch 26 of Sta. Cruz, Laguna. Again on July 1998, he caught Lopez and Perez making false attendance entries in their daily time records and in the logbook. These stenographers falsified their daily time records from April 1996 to July 1998 and the then OIC Branch Clerk of Court Orfiano as well as the Branch Clerk of Court Hernandez approved their daily time records knowing fully well that these were falsified.[16]

The concerned court personnel all denied Justice Francisco's allegations that they were involved in the falsification of DTRs, arguing that these were merely uncorroborated and false accusations which should be dismissed.

Chaves contradicted Justice Francisco's claim that she disappeared in July 1997 and resurfaced only in November

or December of the same year. She averred that for the days she was absent from work, she had filed the corresponding leave of absence. She admitted being on leave from July 21 to September 15, 1997 but it was a vacation leave with pay. She went to the United States of America, and she secured the proper clearance and travel authority from Court Administrator Benipayo before the trip. She reported back to work on September 15, 1997 and was present since then. Chaves asserted that Judge Francisco filed the complaint against her out of personal revenge because Chaves's husband was among the IBP members who signed a petition seeking the judge's return to his permanent station at the RTC of Sta. Cruz, Laguna.

Lopez and Perez pointed out that Judge Francisco only made a general allegation that they falsified their DTRs from April 1996 to July 1998, without specifying the particular dates when they were purportedly absent without leave. They countered that it was Judge Francisco who was not filing his leave of absence and falsified his monthly certificates of service because he did not conduct hearings on Wednesdays during the same time period. They also contested Judge Francisco's claim that he went to the library to research almost everyday because said judge was only sending somebody else to borrow books or reading materials for him. Perez explained that it was impossible for her to have reported for work only twice a week because she was rendering services as stenographer to Branches 24 and 25 of the RTC of Biñan, Laguna. Lopez asserted that she dutifully reflected in the attendance logbook the exact time of her arrival and departure, and she filed the corresponding leave of absence whenever she was unable to report to work. However, at one instance, Judge Francisco called her, Moreno, and Perez, together with the late Dilay, to the judge's chamber where he told them to change some entries in their DTRs. Although the four of them were reluctant, they complied in fear because Judge Francisco was very angry and persistent at that time.

Orfiano could not recall having signed the allegedly falsified DTRs of the stenographers Chaves, Lopez, and Perez for April 1996 to July 1998. Orfiano further explicated that it was not only he who approved the DTRs, but also the two Branch Clerks of Court, who have since resigned, and even Judge Francisco himself from the months of May to July 1998, when he (Orfiano) was the OIC Branch Clerk of Court.

Atty. Hernandez, in his Comment, stated that he served as the Branch Clerk of Court of RTC-Branch 24 of Biñan, Laguna from July 17, 1997 until his resignation on June 30, 1998. At the time he assumed his position, no bundy clock was available for the employees of RTC-Branch 24. As there was no way to verify the employees' actual time of arrival and departure, Atty. Hernandez, in signing the DTRs, just relied on the employees' representation that the entries therein were true and correct. Use of an attendance logbook was implemented beginning only on February 20, 1998, pursuant to Judge Francisco's Memorandum Circular No. 08-98. Judge Francisco subsequently issued Memorandum No. 01 on May 20, 1998 transferring the authority to sign the employees' DTRs from Atty. Hernandez to himself. From February 20 to May 28, 1998, when Atty. Hernandez was still allowed to sign the DTRs, he made sure that his co-employees faithfully reflected therein their absences by comparing the entries in their respective DTRs with those in the attendance logbook.

A.M. No. P-10-2747

Judge Francisco was not yet through with filing administrative charges against the personnel of the RTC of Biñan, Laguna. In his Letter-Complaint dated August 21, 1998, docketed as A.M. No. P-10-2747, he accused several court personnel with different administrative offenses, viz:

- a. NICANOR B. ALFONSO is a process server in the Office of the Clerk of Court. But I came to know that he is a court employee only in December 1997 because, in the almost two (2) years then of my detail in Biñan, I seldom saw him in the court premises. I knew him more as the driver-bodyguard of Mayor Bayani "Arthur" Alonte of Biñan.

When I interviewed Mr. Alfonso, he told me that he was already rendering service exclusively for Mayor Alonte and his family for about five (5) years. He admitted though that all the while he was drawing his salary from the Supreme Court. I then directed him to return to work, but he refused reasoning out that his stint with Mayor Alonte "had been the arrangement" with the other executive judges of the RTC before me.

x x x x

b. BENEDICTO B. PASCUAL is the Court Interpreter in Branch 25. He manages to hold on to his position despite his lack of civil service eligibility. A perennial bar candidate, Mr. Pascual took his last examination in October 1996.

To prepare for the bar exams, Mr. Pascual managed to obtain leave with pay on the following dates:

"81 days sick leave with pay from April 1 to July 31, 1996, and 43 days vacation leave with pay from August 1 to September 30, 1996."

x x x. There was almost no leave credits left for Mr. Pascual as he began attending his review classes.

The bar examination was given in October 1996 and, understandably, Mr. Pascual was absent the whole month. He reported for work only in the middle of November 1996 as a matter of fact. So that his absence for one and a half (1 ½) months from October 1, 1996 was no longer covered by the leave granted to him. But he was still able to draw his salaries in full for the months of October and November as he even earned leave credits during his unauthorized absence.

c. ANGELITO BATI is a Utility Worker in the Office of the Clerk of Court. Sometime in May 1998, I came to know that he was the person serving summons upon the defendants in civil cases assigned in Branch 24. When confronted by the undersigned, Mr. Bati admitted doing so supposedly with "proper authorization" from Sheriff IV Arnel Magat. On October July (sic) 28, 1998, I issued a memorandum, x x x, calling for an investigation of the anomaly. So far, at least two (2) defendants in those civil cases have come up and identified Mr. Bati as the person who served the summons upon them.

d. ARNEL G. MAGAT is Sheriff IV under the Office of the Clerk of Court. He was the one who "deputized" Angelito Bati to do the service of summons aforesaid. Yet, he prepared and signed the Sheriff's Return certifying that said service of summons were done by him personally on the dates given.

Mr. Magat also has a pending administrative case wherein Elizabeth Tiongco, a plaintiff in an unlawful detainer case, accuses him of diverting to his personal use the amount of about P40,000.00 collected by him from the defendant. When I called the parties to a conference to settle the dispute, Mr. Magat promised to turn over said sum of P40,000.00 to Ms. Tiongco in installments. Ms. Tiongco has been complaining to me that Mr. Magat has not remitted to her any installment payment under his promise.

e. JULIAN ORFIANO, JR. is the Legal Researcher and former OIC Branch Clerk of Court in Branch 24. While conducting an inventory of the cases in Branch 24, soon after my detail therein, I noticed that the number of the expediente of active cases far exceeded by more than a hundred number pending cases reported to the Supreme Court monthly.

Mr. Orfiano was the first court personnel to raise his voice in protest when apprised of my move to request the OCAD for a physical audit of said cases. Later on, I came to know that Mr. Orfiano was the one personally responsible for the preparation of said monthly reports.

In April 1998, certain OCAD personnel, accompanied by Justice Molina, did conduct said physical audit, the result of which despite my follow-up, has not yet been released. x x x.

Mr. Orfiano was also the OIC Branch Clerk of Court who during his tenure of office approved the falsified Daily Time Records (DTR) of Branch 24 court personnel.

f. CARIDAD CUEVILLAS AND LITA MORENO are the clerks in charge of criminal and civil cases, respectively, in Branch 24. Both of them detested being required to report for work everyday and being reprimanded for not doing their work properly. So many hearings of cases have been postponed due to their failure to prepare either the notices to the parties or the subpoena to witness.

Lately, Ms. Moreno concealed from me certain motions which required my immediate attention. x x x.

g. MARIA FE LOPEZ AND [DIOSALYN] PEREZ are Stenographers in Branch 24. During the time that Judge (now Justice) Cosico was presiding in Branch 24, all four (4) stenographers in the branch reported for work, at most, two (2) times a week. Yet, they were drawing their full monthly salary by falsifying their DTRs which were approved by Mr. Julian Orfiano and later by Atty. Gerardo Hernandez, resigned Branch Clerk of Court.

x x x x

h. DIANA RAMOS, OLIVIA LAUREL, ANDREW SANTOS, [RAMON] LUIS SEVILLA AND HERMINIA JAVIER are court employees closely identified with a group headed by Third Public Prosecutor Alberto R. Nofuente, the prosecutor who filed about twenty (20) Informations for simple rapes before Branch 25, notwithstanding the private complainants' statements that those who ravished them were either their fathers, step fathers, uncles etc., thus allowing all the accused to escape from the death penalty. For severely criticizing Prosecutor Nofuente for his ignorance of criminal procedure, I was subjected by this group to spite and ridicule for several months until I finally cited them, except Luis Sevilla and Andrew Santos, for direct contempt. x x x.

Some members of this group are also known as brokers for EASCO bail bonds and for fast tracked wedding ceremonies in court. They felt bad when I worked for the banning of EASCO as surety due to unpaid liabilities under its bonds x x x.

Of course, some members of this group do not report for work everyday and yet are able to draw their full months salary, especially DIANA RAMOS who moonlights as a food caterer.

i. ATTY. MELVIN D.C. MANE resigned recently as Deputy Clerk of Court in Branch 25. He dreams of becoming a judge so he acted like one during his tenure. He asked me to assign to him several cases for drafting of the decisions. He failed to accomplish his task before my imposed limit of sixty (60) days, so I was constrained to work on these cases double time to catch the deadline. I chastised him severely for his indolence.[17]

In a letter[18] dated March 9, 1999, addressed to the then Chief Justice Hilario G. Davide, Jr., Judge Francisco requested immediate action on A.M. No. P-10-2747.

In their Joint Comment[19] dated January 6, 2000, all the charged court personnel contended that Judge Francisco's Letter-Complaint should be considered a mere scrap of paper because it was not verified nor corroborated. Nevertheless, they also voiced their denial of the charges against them. They accused Judge Francisco of falsifying his certificates of service by not reflecting therein that he was not holding session every Wednesday from December 4, 1995 to January 5, 1997. In fact, there was one Wednesday when then Deputy Court Administrator Zenaida N. Elepaño (DCA Elepaño) called by long distance to inquire about a case handled by Judge Francisco, but the judge was not around. Judge Francisco did not file his leave of absence yet still received in full his monthly salary for the period.

Judge Francisco filed a Reply[20] dated January 25, 2000, in which he insisted on the validity of his unverified Letter-Complaint against the court employees, reasoning that the Rules of Court does not require that such a complaint be under oath since he, the complainant, is a judge. Judge Francisco also denied that he was not conducting trials on Wednesdays and, as proof, he attached photocopies of the calendar of cases falling on

Wednesdays.

A.M. No. P-10-2748

In A.M. No. P-10-2748, Judge Francisco filed a Complaint for Grave Misconduct against Cuevillas.

Judge Francisco's Complaint stemmed from Civil Case No. B-5217, entitled Edward Potenciano v. Rogelio "Ogie" Almoró, an ejectment case which originated from the Municipal Trial Court (MTC) of Biñan, Laguna. As soon as the complete records of said case were elevated to the RTC on appeal, Judge Francisco issued an order directing the counsels of both parties to submit their respective memoranda, after which, the case would be deemed submitted for decision. However, Cuevillas never informed Judge Francisco that the parties have already submitted their memoranda and, as a result, Judge Francisco was not able to render a decision within the prescribed period. Judge Francisco asserted that this was not the first time such an incident happened. On previous occasions, Cuevillas hid pleadings and other important documents from Judge Francisco, thus, the latter was not able to act promptly on said communications.

Cuevillas admitted in her Comment[21] that she received the memoranda of the parties in Civil Case No. B-5217 but she did not hide said pleadings from Judge Francisco. Cuevillas clarified that she was in charge of the records in criminal cases. She only received the memoranda of the parties in Civil Case No. B-5217 because Moreno, the one in charge of the records in civil cases, was not around at that time. Cuevillas averred that she turned over the memoranda to Moreno for processing as soon as the latter arrived.

In his Reply,[22] Judge Francisco reiterated that Cuevillas intentionally concealed the memoranda. Cuevillas's story was unlikely as the parties filed their memoranda on separate dates in April 1998 and Moreno was present for the whole month.

Cuevillas, in her Rejoinder, laid the blame for the delay in the resolution of Civil Case No. B-5217 on Judge Francisco. Judge Francisco was aware that the case would be deemed submitted for decision in April 1998 whether or not the parties filed their memoranda, and the judge should have already demanded the case records from Moreno by that time. Cuevillas further denied that she intentionally failed to bring to Judge Francisco's attention several urgent matters.

A.M. No. P-10-2749

Judge Francisco filed a Letter-Complaint for Dishonesty and Misconduct against Alfonso, Bati, Cuevillas, Javier, Laurel, Lopez, Magat, Moreno, Orfiano, Pascual, Perez, Santos, and Sevilla, who accused the judge of falsifying his certificates of service because he was not reporting for work on Wednesdays, and yet was receiving his full monthly salary. The Complaint was docketed as A.M. No. P-10-2749.

In his Letter-Complaint, Judge Francisco denied the court personnel's accusation against him, averring that he always conducted hearings on Wednesdays during his detail at the RTC of Biñan, Laguna. As evidence, he presented some of the court calendar that fell on Wednesdays between January 17 to December 18, 1996.[23] Aside from conducting hearings in Biñan, Judge Francisco was also tasked to preside over Election Contest Nos. SC-10 and SC-11 in Sta. Cruz, which were heard every Wednesday afternoon from March 1996 until September 1997. On such days, Judge Francisco had to travel from Biñan to Sta. Cruz, with a distance of about 50 kilometers, to fulfill his assignments. Judge Francisco likewise contradicted the allegation that he was absent the day DCA Elepaño called his office, and he was actually able to talk to DCA Elepaño. Lastly, Judge Francisco claimed that Laurel was even one of the stenographers in one of the Wednesday hearings and Santos sometimes participated in the preparation of the calendar of cases for Wednesday.

In their Comment,[24] the concerned court personnel pointed out that Judge Francisco's charges against them were not corroborated by material witnesses and that the purported court calendar of cases presented by the judge were uncertified photocopies, hence, inadmissible as evidence. They insisted that Judge Francisco did not talk to DCA Elepaño when the latter called the judge's office. The truth was DCA Elepaño was able to talk to Justice Cosico who politely suggested to her that she talk personally with Judge Francisco. The court personnel reiterated their charge against Judge Francisco for falsification of his certificates of service, based on the certifications issued by Branch Clerk of Court Atty. Galeon. According to Atty. Galeon's certifications: (1) except for December 14, 1995, no other session was held every Wednesday between December 4, 1995 and January 5, 1996; and (2) no setting of cases was made between February 7, 1996 and August 27, 1997. During these periods, Judge Francisco was still detailed at the RTC of Biñan, Laguna. When the court personnel verified with the OCA, they found that no application for leave was filed by Judge Francisco for the above stated periods except for October 16, November 20 and 27, 1996. They additionally alleged that Judge Francisco made a trip abroad without approval from the Supreme Court. Finally, they accused Judge Francisco of extortion and corruption in relation to an election case he was handling in Biñan, Laguna.

Judge Francisco maintained in his Reply[25] that he was present and conducting hearings from January to November 1996, except April 8, 1996. According to Judge Francisco, he had already discussed his trip abroad with Chancellor Ameurfina Melencio-Herrera of the Philippine Judicial Academy and then Court Administrator Benipayo, who were both satisfied with his explanation. Judge Francisco also asserted that the evidence introduced by the court personnel in their Comment, specifically, Atty. Galeon's certifications, were falsified documents. Consequently, Judge Francisco expressed his intention to file another administrative complaint against Atty. Galeon, Laurel, and Pascual.

A.M. No. P-10-2750

A.M. No. P-10-2751

A.M. No. P-03-1706

True enough, Judge Francisco filed three more administrative cases for Falsification of Public Documents docketed as: (1) A.M. No. P-10-2750, against Atty. Galeon and Pascual; (2) A.M. No. P-10-2751, against Atty. Galeon alone; and (3) A.M. No. P-03-1706 against Atty. Galeon and Laurel.

Judge Francisco charged Atty. Galeon and Pascual in A.M. No. P-10-2750 with Falsification of Public Documents in relation to the photocopies of two supposed pages of the court calendar book of RTC-Branch 25 of Biñan, Laguna, which were in the handwriting of Pascual and certified by Atty. Galeon, showing that no case was set for hearing on June 11 and 18, 1997. Judge Francisco alleged that the certified photocopies in question contained untruthful narration of facts because so many cases were set for hearing and actually tried on June 11 and 18, 1997, and these could be corroborated by the minutes and TSNs of the proceedings.[26]

Judge Francisco again accused Atty. Galeon in A.M. No. P-10-2751 of Falsification of Public Document for issuing a certification stating that per the court calendar book, no court session was held under Presiding Judge Francisco every Wednesday for the period of December 4, 1995 to January 5, 1996, except December 14, 1995.[27]

In A.M. No. P-03-1706, Judge Francisco took Atty. Galeon and Laurel to task for conspiring with each other and making untruthful narration of facts in the certified photocopies of ten alleged pages of the court calendar book which showed that no case was set for hearing on August 1, 4-8, 11-15, 18-22, and 25-28 of the year 1997. The false entries in the court calendar book were written by Laurel and the photocopies of the book pages bearing said false entries were certified by Atty. Galeon. Judge Francisco insisted there were so many cases set for hearing and

actually tried on the given dates, and it was only on August 22, 1997 that no hearing was conducted because he was then on leave.

The certified photocopies of the court calendar book were presented as evidence against Judge Francisco in A.M. No. P-10-2749. The said documents caused Judge Francisco damage and prejudice for they made it appear that the judge falsified his certificates of service. Judge Francisco attributed malice on the parts of Laurel and Pascual, for making false entries into the court calendar book; and on the part of Atty. Galeon, for certifying the photocopies of the falsified book pages. Pascual, as Court Interpreter, was present during the hearings held on June 11 and 18, 1997, and even prepared the minutes of the proceedings. Laurel likewise knew of the hearings held in August 1997 as she was the one who took stenographic notes in some of these proceedings. Atty. Galeon, having no personal knowledge of the schedule of hearing of cases, could not have issued certifications thereon. She was not yet even the Branch Clerk of Court in June 1997.

Expectedly, Atty. Galeon, Laurel, and Pascual denied the charges against them.

Atty. Galeon pointed out that it was her ministerial duty to issue the certifications. Moreover, she did not make any false narration of facts in her certifications. She merely certified that the photocopies were the faithful reproduction of the original pages of the court calendar book after careful comparison. Her certifications also did not contain any derogatory or malicious remarks against Judge Francisco. Atty. Galeon maintained that there was no malice or ill will on her part when she issued the certifications and she was not aware that these would be used by her co-employees in support of their accusations against Judge Francisco.

Laurel asserted that the charge against her is but another retaliatory act of Judge Francisco against those who petitioned his ouster from RTC- Branch 24 of Biñan, Laguna. Laurel admitted that she was the OIC Clerk of Court from June 25, 1996 to August 1997. She detailed that the court calendar book was prepared during the last quarter of 1996 because, as a matter of practice, the schedule of hearing of cases were prepared in advance and Judge Francisco was aware of such practice. Hence, Judge Francisco cannot claim that the court calendar book was manufactured and the entries therein were falsified.

Pascual acknowledged that the entries in the court calendar book were in his handwriting, but this was easily done because it was his duty to maintain and keep custody of the court calendar books.

On March 26, 2003, we issued a Resolution adopting the Report and Recommendation of the OCA and dismissing A.M. No. P-10-2750 for lack of merit. Said Resolution reads:

Considering the Office of the Court Administrator's Report dated March 3, 2003, on the sworn complaint charging respondents with falsification of public documents, reporting as follows:

In the instant case, respondents did not make any statement in a narration of facts. What respondent Galeon did was just to certify that Annexes "A" and "B" are certified Xerox copies. Respondent can not also be held liable for falsification of public documents under paragraph 7 of Article 171 of the Revised Penal Code because what she certified were Xerox copies of pages of the calendar book in the Office of the Branch Clerk of Court. Complainant was not able to prove that the originals from where the certified Xerox copies were taken did not exist, or that RTC, Branch 25 of Biñan, Laguna had no calendar book when the certifications were issued.

the Court Resolved to ADOPT the recommendation to DISMISS the case for lack of merit. [28]

Not long thereafter, we issued another Resolution on April 9, 2003 dismissing A.M. No. P-10-2751 for lack of merit, to wit:

Considering the complaint dated May 24, 2002 filed by Judge Pablo B. Francisco charging Atty. Rowena A. Malabanan-Galeon with falsification of public documents for issuing a certification dated July 2, 2001 which

has relevance to [A.M. No. P-10-2749], the Court Resolves to:

- (a) NOTE the said complaint; and
- (b) DISMISS the case for lack of merit. [29]

We subsequently denied Judge Francisco's Motions for Reconsideration of the dismissal of A.M. No. P-10-2750 and A.M. No. P-10-2751 on the ground that the motions merely reiterated the same arguments earlier raised and did not present any substantial reason not previously invoked or any matter not considered and passed upon by the Court.[30]

A.M. No. RTJ-10-2214

During the investigation of A.M. No. RTJ-06-1992 and A.M. No. P-10-2745 by Justice Barrios, Arellano and Magat, both Deputy Sheriffs of the of the RTC of Biñan, Laguna, testified that Judge Francisco exerted undue influence upon them to shell out P1,000.00 and P3,000.00, respectively, to defray the salary of the judge's bodyguard Joselito Nuestro (Nuestro). Because of the said testimonies, Judge Francisco filed before the OCA an administrative complaint for Gross Misconduct against Arellano and Magat, docketed as OCA I.P.I. No. 02-3331-P. This case, however, was not among those assigned to Justice Barrios for investigation.

Arellano and Magat countered with a Complaint for Grave Misconduct against Judge Francisco, docketed as A.M. No. RTJ-10-2214. Justice Barrios presented the allegations of the opposing parties in his Report, thus:

Arellano and Magat averred that Judge Francisco personally handpicked Joselito Nuestro from Indang, Cavite to act and perform as his own security officer against the threats he was then receiving from friends and supporters of Mayor Dennis Panganiban whose electoral case was pending before him. They alleged that Judge Francisco extorted from them P4,000.00 for Joselito Nuestro's monthly compensation. Because he was their superior, they were obliged to accede with Arellano contributing P1,500.00 and Magat P2,000.00. This matter has been brought to the attention of the Biñan police where they both gave their statements on July 17, 1998 x x x but these were not subscribed because at that time the Prosecutors and Clerks of Court refused to take part for fear of the wrath of Judge Francisco. These were only subscribed on December 16, 2002 when Arellano and Magat were called to testify.

In his Comment x x x, Judge Francisco denied that Joselito Nuestro became his bodyguard. Rather he was his personal utility worker from September 1997 to February 8, 1998, and he was constrained to hire him because Ramos was not doing the chores assigned to her. He added that he employed him also because the man needed money for his ailing father. It was PO3 Melchor Dionisio who was assigned by the Philippine National Police as his security from October 1995 to May 1999. Judge Francisco claimed that their statements were not only unsubscribed but were also inconsistent. These two sheriffs allowed themselves to become the tools of Justice Rodrigo Cosico who harbored a grudge against him because he initiated the judicial audit for Branch 24 of which he was the Presiding Judge before his promotion to the Court of Appeals. Arellano was Justice Cosico's full time driver while drawing salary from the government. As for Magat, he was the subject of a complaint filed by a certain Elizabeth Tiongco who reported to him that Magat asked for P2,500.00 in exchange for the implementation of the writ of execution in an ejectment case. Nothing happened to the writ but Magat failed to return the check issued to him which prompted Judge Francisco to advise Elizabeth Tiongco to file the necessary administrative complaint.

In their reply, Arellano admitted that he served as driver of Justice Rodrigo Cosico when he was still the utility worker of Branch 24, but he did not let this interfere with his duties. He drove for Justice Cosico only early in the morning in going to the court and then back to his residence in the afternoon. Magat and Arellano argued that if there were inconsistencies in the sworn statements executed in 1998 these were minor only and should not negate the fact that Judge Francisco extorted money from them.[31]

As a result of his investigation of the 11 administrative cases, Justice Barrios made the following recommendations:

WHEREFORE, it is respectfully recommended that (a) the charges/complaints docketed as OCA-I.P.I. No. 98-511-P [A.M. No. P-10-2745], OCA-I.P.I. No. 00-974-P [A.M. No. RTJ-00-1992], OCA-I.P.I. No. 00-963-P [A.M. No. P-10-2746], OCA-I.P.I. No. 99-740-P [A.M. No. P-10-2747], OCA-I.P.I. No. 02-1338-P [A.M. No. P-10-2749], OCA-I.P.I. No. 99-573-P [A.M. No. P-10-2748], OCA-I.P.I. No. 02-1410-P [A.M. No. P-10-2750], OCA-I.P.I. No. 02-1411-P [A.M. No. P-10-2751], OCA-I.P.I. No. P-03-1706 (formerly OCA I.P.I. No. 02-1409-P) [A.M. No. P-03-1706], and OCA-I.P.I. No. 02-1592-RTJ [A.M. No. RTJ-10-2214], be DISMISSED, and that (b) in OCA-I.P.I. No. 98-603-RTJ [A.M. No. RTJ-06-1992] Judge Pablo Francisco be found GUILTY of Gross Ignorance of the Law and FINED the amount of P30,000.00, taking into account that he has since resigned.[32]

II

DISCUSSION AND RESOLUTION

After a careful review of Justice Barrios's Recommendation and Report, we now render judgment on the 11 administrative cases.

At the outset, we take note of the previous dismissal for lack of merit of Judge Francisco's Complaints for Falsification of Public Document in A.M. No. P-10-2750 (against Atty. Galeon and Pascual) and A.M. No. P-10-2751 (against Atty. Galeon), through our Resolutions dated March 26, 2003 and April 9, 2003, respectively. With the denial of Judge Francisco's Motion for Reconsideration, the dismissal of A.M. No. P-10-2750 and A.M. No. P-10-2751 had already become final and executory, and already beyond our power to review, modify, or set aside.

Given also that Atty. Hernandez[33] and Atty. Mane[34] had already resigned from their posts as Branch Clerks of Court long before Justice Francisco filed his complaints against them, then we deem the charges against Atty. Hernandez in A.M. No. P-10-2746 and Atty. Mane in A.M. No. P-10-2747 dismissed.

We further dismiss Judge Francisco's complaints against Santos in A.M. No. P-10-2747 and A.M. No. P-10-2749, since Judge Francisco himself denied having charged Santos:

Judge Francisco

Your Honor please, I regret to say that he was not charged so, why we need to present him?

x x x x

Justice Barrios

But Judge Francisco is saying now on record that he is not charging Mr. Santos.

x x x x

Justice Barrios

Whatever it is, he is saying that he is not charging Mr. Santos.[35]

Having settled the foregoing, we now turn our attention to the remaining administrative matters.

Judge Francisco's Issuance of the Direct Contempt
Order (A.M. No. RTJ-06-1992)

At the crux of the case is the issuance by Judge Francisco of the Order dated July 14, 1998 finding Javier, Laurel,

Ramos, and Pros. Nofuente guilty of direct contempt of court for allegedly disrupting the proceedings in Sp. Proc. No. B-2433 at the RTC-Branch 24 of Biñan, Laguna, on July 14, 1998, and sentencing them to a penalty of nine days imprisonment.

Contempt of court is defined as "some act or conduct which tends to interfere with the business of the court, by a refusal to obey some lawful order of the court, or some act of disrespect to the dignity of the court which in some way tends to interfere with or hamper the orderly proceedings of the court and thus lessens the general efficiency of the same." It has also been described as "a defiance of the authority, justice or dignity of the court; such conduct as tends to bring the authority and administration of the law into disrespect or to interfere with or prejudice parties litigants or their witnesses during litigation." Simply put, it is despising of the authority, justice, or dignity of the court.[36]

Direct contempt is one done "in the presence of or so near the court or judge as to obstruct the administration of justice." It is a contumacious act done *facie curiae* and may be punished summarily without hearing. In other words, one may be summarily adjudged in direct contempt at the very moment or at the very instance of the commission of the act of contumely.[37] It is governed by Rule 71, Section 1 of the Rules of Court, as amended by Administrative Circular No. 22-95, which reads:

Section 1. Direct contempt punished summarily. - A person guilty of misbehavior in the presence of or so near a court or judge as to obstruct or interrupt the proceedings before the same, including disrespect toward the court or judge, offensive personalities toward others, or refusal to be sworn or to answer as witness, or to subscribe an affidavit or deposition when lawfully required to do so, may be summarily adjudged in contempt by such court or judge and punished by a fine not exceeding two thousand pesos or imprisonment not exceeding ten (10) days, or both, if it be a superior court, or a judge thereof, or by a fine not exceeding two hundred pesos or imprisonment not exceeding one (1) day, or both, if it be an inferior court.

As previously mentioned herein, the Court of Appeals, in CA-G.R. SP No. 48356, granted the Petition for Certiorari of Javier, Laurel, Ramos, and Pros. Nofuente, and set aside Judge Francisco's Direct Contempt Order for having been issued in grave abuse of discretion. The Court of Appeals adjudged that:

Considering that the acts alluded to as the basis by which the Respondent [Judge Francisco] declared the petitioners [Javier, Laurel, Ramos, and Pros. Nofuente] in contempt of court, are neither constitutive of direct or indirect contempt, this Court is of the opinion that the Order of Respondent declaring petitioners in contempt and imposing a penalty of nine (9) days imprisonment is a GRAVE ABUSE OF DISCRETION.

WHEREFORE, the assailed order dated July 14, 1998 is SET ASIDE for having been issued in grave abuse of discretion.[38]

The Court of Appeals already settled in the aforementioned certiorari proceedings that Judge Francisco's issuance of the Direct Contempt Order was in grave abuse of his discretion. We are now called upon to determine in the present administrative proceedings whether the same act constitutes an administrative offense by Judge Francisco. A review of the records of the case leads us to rule affirmatively.

Judge Francisco's issuance of the Direct Contempt Order is completely baseless and unjustified. There is utter lack of evidence that Javier, Laurel, Ramos, and Pros. Nofuente committed any contemptuous act.

Other than his own allegations, Judge Francisco's only evidence to prove that Pros. Nofuente disrupted the hearing of Sp. Proc. No. B-2433 on July 14, 1998 was the TSN for said proceedings, taken down by Lopez. However, serious doubts as to the truthfulness of the said TSN arose after Lopez herself assailed the transcript. According to Lopez, she included the lines alluding to the disruption of the proceedings by Pros. Nofuente into the TSN upon Judge Francisco's order. Lopez explained that she complied out of fear that she might be subjected

to a suit just as the other employees of the RTC of Biñan, Laguna. Lopez stood by her affidavit even when cross-examined by Judge Francisco. She responded to the judge's questions, thus:

Q:

Let me go to Exhibit S. On page 4 of Exhibit S the court stated "please place on record that the proceedings was disturbed because of the loud voice coming from Provincial Prosecutor Alberto Nofuente who was laughing and discussing in a very loud voice certain matters with employees of branch 25 and the presiding judge has called the attention of those concerned especially employees of Branch 25 both disturbing the hearing of this case. Let it be recorded further that this is not the first time that Provincial Prosecutor Alberto Nofuente has caused such disturbance while proceedings in Branch 24 is going on." Is this an insertion?

A:

That is not an insertion, sir, you manifested that.

Q:

The court stated that soon after the Presiding Judge stood up and according to you approach the entrance door of the court, wasn't it?

A:

Yes, sir.

Q:

How long ago did the court made that statement after the Presiding Judge stood up and went to the entrance door, about 2 minutes, 3 minutes?

A:

That was after the proceedings when you made that manifestation.

Q:

What do you mean by after the proceedings?

A:

That was after the proceedings for the drug dependence hearing. That came last.

Q:

You mean to say after the Presiding Judge has finished asking questions to the witness?

A:

Yes, sir. That was already after we have gone to our conference room when you said that.[39]

Lopez's testimony was corroborated by Sevilla who declared during cross-examination and re-direct examination that Judge Francisco went out of the session hall only after the hearing to find out who was making the noise. At such time, Pros. Nofuente was no longer around. Judge Francisco did not mention then that Pros. Nofuente was the one being noisy.

Q:

Isn't it a fact that Judge Francisco came out of the session hall and told the persons there not to make noise in

that morning of July 14, 1998?

A:

No, sir. What happened was that you came out after the session and asked who were those persons making noise.

Q:

At that time Fiscal Nofuente was no longer there?

A:

Yes, sir.

x x x x

Q:

Isn't it a fact that Judge Francisco even talked to that lady who was the companion of Fiscal Nofuente at that time?

A:

Yes, sir.

x x x x

RE-DIRECT BY ATTY. NOE
CANGCO ZARATE

Q:

When Judge Francisco came out, did he tell you as to who was the person who was then noisy?

A:

No, sir.

Q:

He did not mention Fiscal Nofuente?

A:

No, sir.[40]

The testimonies of Lopez and Sevilla prove that although distracted by the outside noise, Judge Francisco was still able to proceed with and finish the hearing of Spec. Proc. No. B-2433 on July 14, 1998. Moreover, during and immediately after said hearing, Judge Francisco was unaware of who made the noise, so he could not have summarily cited anyone for direct contempt.

The lack of basis for the issuance by Judge Francisco of the Direct Contempt Order is even more evident when it comes to Javier, Laurel, and Ramos, who were not mentioned at all in the TSN of the hearing of Spec. Proc. No. B-2433 on July 14, 1988. By Judge Francisco's own allegations in his Complaint, the purportedly contemptuous acts of the three court personnel were not particularly committed on July 14, 1998 nor the cause of the disruption of the proceedings at RTC-Branch 24 of Biñan, Laguna, on said date. Furthermore, Judge Francisco's averments that Pros. Nofuente's group, which included Javier, Laurel, and Ramos, engaged in raucous laughter in the judge's

presence even "with nothing funny to laugh about," threw sharp glances and made faces at Judge Francisco, and engaged in boisterous conversation punctuated by laughter inside the court premises, are insufficient to constitute contumacious behavior. Contempt of court presupposes a contumacious attitude, a flouting or arrogant belligerence, a defiance of the court,[41] something that is not evident in this case. There is absolute lack of proof that the laughter, conversations, and glances of Pros. Nofuente's group were about or directed at Judge Francisco and they disrupted or obstructed proceedings before the judge.

We believe that in issuing this baseless and erroneous contempt order, Judge Francisco was prevailed upon by his personal animosity against Pros. Nofuente and his group. This can be easily fathomed from Judge Francisco's inclusion of Javier, who is Pros. Nofuente's friend, in the Direct Contempt Order when Javier was not even within court premises at the time of the hearing of Spec. Proc. No. B-2433 on July 14, 1998. Clerk of Court Ernesto Luzod, Jr. attested to this fact, thus:

[ATTY. ZARATE]

Q

This Exhibit M pertains (sic) Herminia S. Javier for the month of July 1-31, in the year 1998. Please go over it and confirm this honorable Investigating Court the Daily Time Record of Herminia S. Javier?

[LUZOD, JR.]

A

This is the Daily Time Record for the month of July 1 to 31, 1998. That is our usual form of our Daily Time Record.

Q

Go over with Exhibit M and examine precisely the particular date of July 14, 1998. Will you please tell this Court what did you find out for that date?

A

She's under half day that morning and then she attended in the afternoon 1-5:30, sir.

Q

When you said half day from what time will it commence an end of the half day absence.

A

Eight to Twelve, sir.

ATTY. ZARATE:

Q

Would you be able to know why on July 14, 1998, Herminia S. Javier obtain leave from your former office. If you know?

A

On July 14, 1998, she asked permission from me for her to go to Calamba, Laguna, Land Bank.

Q

Would you be able to tell us why she went to Calamba Laguna?

A

She told me that she's going to refund her tax.

Q

Were she (sic) obtain her leave for half day. Would you be able to tell us what time did he asked you for leave?

A

More or less passed (sic) eight.[42]

It is well-settled that the power to punish a person in contempt of court is inherent in all courts to preserve order in judicial proceedings and to uphold the orderly administration of justice. However, judges are enjoined to exercise the power judiciously and sparingly, with utmost restraint, and with the end in view of utilizing the same for correction and preservation of the dignity of the court, and not for retaliation or vindictiveness. It bears stressing that the power to declare for contempt must be exercised on the preservative, not vindictive principle, and on the corrective and not retaliatory idea of punishment.[43] This was aptly expressed in the case of *Nazareno v. Barnes*[44]:

A judge, as a public servant, should not be so thin-skinned or sensitive as to feel hurt or offended if a citizen expresses an honest opinion about him which may not altogether be flattering to him. After all, what matters is that a judge performs his duties in accordance with the dictates of his conscience and the light that God has given him. A judge should never allow himself to be moved by pride, prejudice, passion, or pettiness in the performance of his duties. He should always bear in mind that the power of the court to punish for contempt should be exercised for purposes that are impersonal, because that power is intended as a safeguard not for the judges as persons but for the functions that they exercise.

Nevertheless, we find that in issuing the Direct Contempt Order without legal basis, Judge Francisco is more appropriately guilty of the administrative offense of grave abuse of authority, rather than gross ignorance of the law and incompetence. In point is the case of *Panaligan v. Ibay*,[45] where Judge Francisco Ibay improperly cited John Panaligan for contempt.[46] We ruled:

The integrity of the judiciary rests not only upon the fact that it is able to administer justice but also upon the perception and confidence of the community that the people who run the system have done justice. The assumption of office by a judge places upon him duties and restrictions peculiar to his exalted position. He is the visible representation of law and justice. He must be perceived, not as a repository of arbitrary power, but as one who dispenses justice under the sanction of the rule of law. The behavior and conduct of judges must reaffirm the people's faith in the integrity of the judiciary. Justice must not merely be done but must also be seen to be done. In the present case, respondent Judge may not have been urged by ulterior motives in citing complainant in contempt and in subsequently sending him to jail for putting off the lights in the 12[th] floor including his sala; nevertheless, his actuation can easily be perceived as being a repository of arbitrary power. His actuation must never serve to fuel suspicion over a misuse of the prestige of his office to enhance his personal interest.

We cannot simply shrug off respondent Judge's failure to exercise that degree of care and temperance required of a judge in the correct and prompt administration of justice; more so in this case where the exercise of the power of contempt resulted in complainant's detention and deprivation of liberty. Respondent Judge's conduct amounts to grave abuse of authority.

We have repeatedly reminded members of the judiciary to be irreproachable in conduct and to be free from any appearance of impropriety in their personal behavior, not only in the discharge of their official duties, but also in their daily life. For no position exacts a greater demand for moral righteousness and uprightness of an

individual than a seat in the judiciary. The imperative and sacred duty of each and everyone in the judiciary is to maintain its good name and standing as a temple of justice. The Court condemns and would never countenance any conduct, act or omission on the part of all those involved in the administration of justice which would violate the norm of public accountability or tend to diminish the faith of the people in the judiciary, like in the case at bar.

Squarely applicable is the case of *Teodora A. Ruiz v. Judge Rolando G. How*. In this case, respondent Judge Rolando G. How cited complainant Ruiz who was an employee of the court, in direct contempt of court for alleged willful display of abusive and disrespectful language hurled by the latter. This Court disagreed with the respondent Judge in finding that the actuations of Ruiz constitute direct contempt inasmuch as when the derogatory words were uttered by complainant no proceedings were being held nor was it shown that respondent Judge was performing judicial function. Thus, respondent Judge was declared guilty of grave abuse of authority for injudiciously ordering the detention of complainant without sufficient legal ground, and was fined in the amount of P5,000.00 with a stern warning that the same or similar act shall be dealt with more severely.

WHEREFORE, for improperly citing complainant Panaligan for contempt and ordering his detention without sufficient legal basis, a fine of P5,000.00 is hereby IMPOSED upon the respondent Judge, with a STERN WARNING that a repetition of the same or similar acts in the future will be dealt with more severely.

In three more succeeding cases, we sanctioned Judge Ibay for repeatedly citing people in contempt of court even without legal basis. In *Macrohon v. Ibay*,^[47] Judge Ibay was again found liable for grave abuse of authority for which he was fined P25,000.00. For committing the same offense once more, he was penalized in *Nuñez v. Ibay*^[48] with a fine of P40,000.00. When we found Judge Ibay guilty of grave abuse of authority for the fourth time in *Inonog v. Ibay*,^[49] we ordered him to pay another fine of P40,000.00.

We note that in the matter before us that Judge Francisco was previously found guilty in *Gragera v. Francisco*^[50] of violating the Code of Judicial Conduct for the unauthorized practice of law, for which he was fined P12,000.00 with a warning that the commission of a similar or other infractions shall be dealt with severely. Despite this warning, we yet again find Judge Francisco committing another administrative offense, i.e., grave abuse of authority.

Disrespectful behavior of Pros. Nofuente's group
(A.M. No. P-10-2745)

Judge Francisco charged Javier, Laurel, and Ramos with grave misconduct. He averred that the three court personnel were close to Pros. Nofuente, and referred to them as Pros. Nofuente's group, who exhibited disrespectful behavior towards him.

We note that Judge Francisco's charge for grave misconduct against the three court employees is essentially based on the same allegation of facts as his Direct Contempt Order. Consequently, for the same reasons we held that Judge Francisco wrongfully issued his Direct Contempt Order against Pros. Nofuente's group, we exculpate Javier, Laurel, and Ramos from the judge's charge for Grave Misconduct.

Misconduct is "a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by a public officer." The misconduct is grave if it involves any of the additional elements of corruption, willful intent to violate the law or to disregard established rules, which must be established by substantial evidence.^[51]

Judge Francisco was unable to present any evidence at all to support his accusations against Javier, Laurel, and Ramos. There is no one to corroborate Judge Francisco's narration of the instances when the three court personnel

purportedly disrespected him or of the supposed motives which prompted said personnel to behave so. It is difficult for us to conclude that Judge Francisco was the subject of the boisterous conversations, raucous laughter, and sharp glances of Javier, Laurel, and Ramos in the absence of substantial evidence. We are hard put to rule that they were guilty of behavior amounting to misconduct, much more, grave misconduct, there being no showing of any established and definite rule of action transgressed or disregarded by the charged court personnel.

Falsification of DTRs by the court personnel

(A.M. Nos. P-10-2745, RTJ-00-1992, P-10-2746, and P-10-2747)

In A.M. Nos. P-10-2745, RTJ-00-1992, P-10-2746, and P-10-2747, Judge Francisco charged several employees[52] of the RTC of Biñan, Laguna, with the falsification of DTRs, among other administrative offenses. We shall jointly discuss these administrative cases in so far as they concern the charges for falsification.

It is well-settled that in administrative proceedings, the complainant has the burden of proving the allegations in the complaint with substantial evidence, i.e., that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion. It must be remembered that while this Court has the duty to ensure that judges and other court personnel perform their duties with utmost efficiency, propriety and fidelity, it is also our obligation to see to it that they are protected from unfounded suits that serve to disrupt rather than promote the orderly administration of justice.[53] Judge Francisco miserably failed in this regard.

Other than Judge Francisco's allegations, the records are bereft of any evidence establishing that the charged court employees did indeed falsify their DTRs. Judge Francisco's very own testimony before Justice Barrios during the investigation exhibits the weakness of his case against the court employees for falsification of their DTRs. Pertinent portions of said testimony are reproduced below:

J. BARRIOS:

Now, these employees charged with falsification of the Daily Time Record, they're employees of which Branch of the RTC of Laguna?

JUDGE FRANCISCO:

Nicanor Alfonso is detailed at the Office of the Clerk of Court, Benedicto Pascual employee of Branch 25, Ma. Fe Lopez Branch 24, [Diosalyn] Perez Branch 25, Julieta Chaves Branch 24, Diana Ramos Branch 25, Olivia Laurel Branch 25, Andrew Santos Branch 25, Luis Sevilla Branch 25 and Herminia Javier Office of the Clerk of Court.

J. BARRIOS:

You were at some points in time the Presiding Judge assigned to Branch 24 and Branch 25?

JUDGE FRANCISCO:

Branch 25 then Branch 24, your honor.

J. BARRIOS:

Not at a single given time?

JUDGE FRANCISCO:

Not at a single given time although when J. Cosico (sic) promoted to the Court of Appeals I was Pairing Judge.

J. BARRIOS:

But only for a short time?

JUDGE FRANCISCO:

Only for a short time, your honor.

J. BARRIOS:

When these cases were filed against these parties for falsification were you then the Presiding Judge of Branch 24 when you filed those cases against the employees assigned to the said Branch?

JUDGE FRANCISCO:

I was still the Presiding Judge of Branch 24.

J. BARRIOS:

And when you filed these cases against the employees assigned to Branch 25 you were the Presiding Judge of Branch 25.

JUDGE FRANCISCO:

No more, your honor please.

J. BARRIOS:

What was your basis in saying that you filed their DTR specifically those assigned to Branch 25 when you were no longer the Presiding Judge of Branch 25?

JUDGE FRANCISCO:

When I became the Executive Judge in Regional Trial Court in Biñan, I was able to obtain photocopies of their leave cards with the Office of the Clerk of Court and I found out firstly, that Benedicto Pascual exhausted all his leave credits when he took the Bar Examinations. I was then surprised why he was receiving his full salary notwithstanding that he was not reporting for work. So, I conducted the investigation.

J. BARRIOS:

So, it was of your personal knowledge that this Benedicto Pascual was not reporting for work but was placing his DTR that he was reporting for work?

JUDGE FRANCISCO:

Yes, your honor.

J. BARRIOS:

What about for the others?

JUDGE FRANCISCO:

Well, with respect to the stenographers, sir, there was a serious dispute between us. They were reporting for work only once and according to them they were transcribing their note at home. Well, I told them that practice should not be tolerated and when I assumed the position of Acting Presiding Judge in Branch 24 there were hearings cancelled because no stenographer was around and so, I found out that they were receiving their full salary for the month.

J. BARRIOS:

And they entered into the Daily Time Records entries that they were present on that date?

JUDGE FRANCISCO:

That's the problem, your honor. That's the reason why I had been requesting the Office of the Court Administrator for copies of their Daily Time Records I was not successful but from the Finance Department I was able to determine that they were receiving their full salaries for the month.

J. BARRIOS:

And they assumed that progression that they have falsified the time records?

JUDGE FRANCISCO:

Yes, your honor please.

J. BARRIOS:

You don't use a bundy clock?

JUDGE FRANCISCO:

There was no bundy clock in RTC, Biñan. Now, I consulted with Atty. Mariane Carpina and he told me that the employee should sign in a logbook and so I issued the memorandum circular for the employees. They would comply but . . . and most of the time they falsified the entries in the logbook by signing their names between or in any available space in the logbook.

J. BARRIOS:

Was that done in your presence and observation?

JUDGE FRANCISCO:

Well, the making of the entries was not done in my presence but then I confronted them about this singit and they readily admitted it and change their DTR to conform with the correct time that became the source of dispute between me and the employees.[54]

(Emphases ours.)

The questioning of Judge Francisco continued:

PROS. NOFUENTE:

You said that you filed a criminal case of falsification of DTR against Diana Ramos, Olivia Laurel and so on and so forth. Now my question to you is, were you able to see these DTRs? When you filed these cases?

WITNESS [JUDGE FRANCISCO]:

I was not able to see them because I was not furnished a copy of the same.

PROS. NOFUENTE:

By that answer of yours, it is now clear that you filed a falsification cases without seeing that document which was falsified. That is a manifestation. That is not a question.

WITNESS:

Let me answer.

PROS. NOFUENTE:

There is no question, your Honor. That is only a manifestation.

J. BARRIOS:

Let me ask you the question. So you are saying that there is DTR that were falsified without seeing the documents supposedly falsified?

WITNESS:

As completed and as submitted to the Office of the Court Administrator, Your Honor. I saw them being prepared wherein every employee states that he was working from 8 to 12 then from 1 to 5 in the afternoon. And I know for a fact then that Olivia Laurel was signing these DTRs in her capacity as OIC Branch Clerk of Court.

J. BARRIOS:

How near were you from her when you saw her preparing those DTR?

WITNESS:

I saw Olivia Laurel signing them.

J. BARRIOS:

The question is, how near were you to Olivia Laurel when you saw her prepare those DTRs.

WITNESS:

About three feet away. Your Honor please.

J. BARRIOS:

She noticed that you were present and watching?

WITNESS:

Yes, Your Honor please.

J. BARRIOS:

And she continued doing it?

WITNESS:

Yes, Your Honor please.

J. BARRIOS:

And could you read the entries that she was making?

WITNESS:

The entries were made by the employee and the DTR is submitted to Olivia Laurel for her approval, Sir.

J. BARRIOS:

So she was not entering or placing therein the entries. She was only signing the DTRs?

WITNESS:

Yes, Your Honor please.

J. BARRIOS:

So you did not see who prepared those DTRs?

WITNESS:

I know that every employee prepare his or her own DTR.

J. BARRIOS:

So it is based on your assumption?

WITNESS:

Based on the policy of the Supreme Court and based from what I sometime saw employees doing.

J. BARRIOS:

Did you actually see the entries? Did you read them? Did you perceive them distinctly?

WITNESS:

What I perceived, Your Honor, is that every employee in Branch 25 made it appear that they were reporting for work regularly from 8 to 12 then from 1 to 5 o'clock in the afternoon. Now, if there are absences they were not reflected in the DTR. So what I perceive was that these absences were supported by applications for leave of absences filed with the OCAD.

J. BARRIOS:

Were these employees absent all the time?

WITNESS:

Diana Ramos was always absent or late, Sir.

J. BARRIOS:

When you say absent you would be saying that for days on end, and for several days she is not present?

WITNESS:

Yes, Your Honor please.

J. BARRIOS:

She is not reporting for duty at all.

WITNESS:

Not reporting for duty.

J. BARRIOS:

In particular, this Diana Ramos her place of work or assigned table [was] within your view?

WITNESS:

Yes, Your Honor. Because the RTC in Biñan occupies about a hundred square meters area of the second floor of the Trojan Building so for Branch 25 about fifty square meters area portion of that second floor is assigned.

J. BARRIOS:

During your stint as Presiding Judge of Branch 25, do you have an assigned chamber?

WITNESS:

Yes, Your Honor please.

J. BARRIOS:

And is that chambers enclosed by walls or partition?

WITNESS:

Yes, Your Honor.

J. BARRIOS:

It has a ceiling?

WITNESS:

It had a ceiling, Your Honor.

J. BARRIOS:

So you would say that this place where you work is isolated from the rest of the court officers or areas occupied by your staff?

WITNESS:

I do not consider my chamber isolated, Your Honor, because I usually go to the library and go to their place. I pass through the working place of my staff.

J. BARRIOS:

What you mean is that it is physically isolated?

WITNESS:

Yes, Your Honor.

J. BARRIOS:

If you close the door you would not be able to see the employees outside?

WITNESS:

Yes, Your Honor.

J. BARRIOS:

And do you close the door during the times when you were working?

WITNESS:

Yes, Your Honor. [55]

From Judge Francisco's testimony alone, his cause of action is bound to fail. His own testimony wrote finis to his administrative cases against the court personnel for falsification of DTRs. Judge Francisco cannot depend on mere assumptions, suspicions, and speculations. His charges must be based on his own personal knowledge of facts, backed up by competent evidence. As correctly observed by Justice Barrios, "Judge Francisco failed to

substantiate by convincing evidence that these employees committed falsification especially so as he has no personal knowledge of such act." Judge Francisco was in no position to have kept tabs on the daily attendance of all the court personnel he charged, especially those who worked at another branch or office and were not under the judge's administrative supervision.

Alfonso, one of the court personnel charged for falsification of DTR by Judge Francisco, was assigned at the Office of the Clerk of Court. We can not imagine how Judge Francisco monitored Alfonso's presence in or absence from said office. While Alfonso admitted that he was on leave for a long time, he duly filed his leave of absence. According to Alfonso:

[CROSS EXAMINATION BY
JUDGE PABLO B. FRANCISCO]

Q

From 1995 up to the date Judge Francisco was detailed in Branches 25 and 24 in Biñan, you were receiving your salary from the Supreme Court, isn't it?

Atty. Zarate:

As approved by Atty. Luzod.

Judge Francisco:

Q

Because you prepared your daily time record and approved by Atty. Luzod, isn't it?

A

Yes, sir.

x x x x

Q

You were confined, according to you in the Lung Center of the Philippines in July 1996?

A

Yes, sir.

x x x x

Q

About how many months were you confined?

A

Two (2) months more or less aside from the complete rest in the house.

Q

And you were able to draw your salary from the Supreme Court based on the same daily time record approved by Atty. Luzod while you were confined in the hospital?

A

Yes, sir, because of the sick leave.[56]

We stress that Judge Francisco did not even have in his possession a single copy, whether original or certified photocopy, of the purportedly falsified DTRs. Without copies of the DTRs in question, there is no reasonable or logical way for us to determine whether they were indeed falsified. Additionally, the lack of details - such as the particular dates the court personnel were supposedly absent but which they declared to have been present at the court in their DTRs - not only prevents us from verifying Judge Francisco's allegations, it also precludes the charged court personnel from preparing their explanation or defense.

Judge Francisco's claim that some of the court personnel charged, specifically, the court stenographers, admitted to falsifying their DTRs so as to correspond to the logbook, was refuted by Lopez in her testimony, to wit:

[CROSS EXAMINATION BY
JUDGE PABLO B. FRANCISCO]

Q

Did not Judge Francisco call you one by one in the court chamber?

A

Yes, you have called us one by one in your court chamber only for us to change some entries in our daily time record of July 1998. That was the time that I could very much recall that you have called the court stenographers inside your chamber.

x x x x

Q

Now, sometime in July 1998, did not Judge Francisco informed you that you falsified your daily time records by making it appear therein that you were reporting for work at 8:00 in the morning when in fact most of the time you were late?

A

That is what I'm referring to earlier, your Honor, when you asked me about the letter addressed to Justice Benipayo. So, I answered you that you have called us, the court stenographers, inside your courtroom particularly because of the daily time records dated July 1998 that you have requested us to change several entries in our daily time records.

Q

To conform with the logbook, isn't it?

A

You requested us to change the entries of our DTR.

Q

And you complied?

A

We complied because you are our superior, your Honor.

x x x x

A

Actually, the entries in the logbook conform but you have designated a person to change what has already been written in the logbook. You have directed or ordered one of our court personnel to change the entry in the logbook and then you asked us to change also the entry in our DTR. That is what happened, your Honor.[57]

Perez recalled the same event, testifying as follows:

[ATTY. ZARATE]:

Q

Can you tell us in details that circumstances when they (sic) forced you to change your Daily Time Record?

[PEREZ]:

A

Tinawag po niya kaming isa-isa Evelyn, Ma. Fe [Lopez], Lita [Chavez] at ako [Perez]. Isa-isa po kaming tinawag tapos po galit na galit siya. Sabi niya palitan namin yung entry lagyan namin ng late tapos inisyalan namin. I was afraid he was very insistent and I was very scared because he was shouting.

Q

What was [he] shouting...?

A

Palitan mo iyan, palitan mo iyan kung hindi di ko pipirmahan iyang Daily Time Record mo.

Q

Is that all that he told you?

A

That is what I can remember, sir because I was so afraid.

Q

How about the other stenographers who were with you did they also comply to the request of Judge Francisco to change to amend their Daily Time Record?

A

Yes, because they were also afraid.[58]

Since it has not been established that the DTRs of the court employees were falsified, then there is also no basis for us to hold administratively liable the immediate supervisors who approved the same. The signing by the supervisors of their subordinates' DTRs enjoys the presumption of regularity,[59] which Judge Francisco failed to contradict and overcome with evidence.

Service of summons
(A.M. No. P-10-2747)

Judge Francisco accused Utility Worker Bati of serving summons upon the defendants in civil cases, with the authorization of Sheriff Magat; then Magat and Bati made it appear that the former personally served the summons. Records, however, reveal that Bati merely accompanied Magat and did not serve summons and other

court processes on his own. Bati explained:

DIRECT EXAMINATION BY
ATTY. NOE CANGCO ZARATE

Q

You said that you are an Aid, will you specify the duties of an Aid in the Office of the Clerk of Court?

A

Performing janitorial job and all other jobs that may be assigned to me from time to time.

Q

Mr. Bati, who is your immediate superior?

A

Atty. Ernesto Luzod, Clerk of Court.

Q

In this proceedings, Mr. Bati, you are accused by Judge Pablo B. Francisco of falsification of public document which according to him you are performing the duties of a provincial Sheriff by serving copies of summons by yourself alone; what can you say about this?

A

That is not true.

Q

What is the truth now?

A

I am just (sic) brought along by our Sheriff in serving the summons because I have a vehicle.

Q:

And who was that person or Sheriff that you are referring to?

A:

Arnel Magat, Sir.

Q:

Why were you asked to accompany him all the time by serving summons?

A

I have a vehicle, Sir.[60]

In the course of his testimony, Bati admitted serving a copy of a decision upon a party unaccompanied by Magat, but Bati was acting upon the instruction of Judge Francisco himself. According to Bati:

Q

Do you know, Judge Pablo B. Francisco?

A

Yes, Sir.

Q

Have you had the opportunity to serve under him?

A

Yes, Sir.

Q

Can you recall as clear as you can if you happen to serve a copy of decision to the parties involved by order of Presiding Judge Francisco?

A

I cannot remember the year.

Q

Would you be able to tell us the case?

A

I think that involved a decision in an election protest in Sta. Cruz.

Q

What did Judge Francisco ask you to do?

A

He asked me to serve the decision in Sta. Cruz.

Q

How were you able to talk to him about that decision?

A

He called me and told me to serve the decision.

Q

Did you follow him?

A

Yes, Sir.

Q

Why?

A

He is the judge and he is our boss.

Q

What is that decision? What is the nature of that decision, if you can recall?

A

That referred to the election case of Panganiban and Bautista.

Q

Where did you serve that decision?

A

Sta. Cruz and Manila, Sir.

Q

Would you be able to tell us the name of that person to whom you serve that decision?

A

I know in court and to the lawyer of either Panganiban or was it Bautista?

Q

In serving the decision, were there any other person that accompany you?

A

Yes, Sir.

Q

Who is that person?

A

Dina Bautista, who is allegedly the niece of Mayor Bautista.[61]

Bati remained steadfast even when cross-examined:

[CROSS EXAMINATION BY
JUDGE PABLO B. FRANCISCO]

Q

You also (sic) according to you, you were also asked by Judge Francisco to serve decision, a decision in this electoral protest case?

A

Yes, Sir.

Q

Where did you serve the decision?

A

In court and with the lawyer of the opponent of Panganiban.

Q

What is the name of the lawyer?

A

I cannot remember anymore because I had a companion who brought that (sic) to the house.

Q

This copy of the decision, you serve upon the lawyer of Panganiban, is that correct?

A

I am not sure whether it was the lawyer of Panganiban or Bautista because I don't know either of them.[62]

Bati testified very candidly, providing details (i.e., the electoral case in which Judge Francisco ordered him to serve a copy of the decision, the parties, where he served the copy of the decision, who was his companion) which Judge Francisco was not able to refute. Bati's testimony certainly deserves more evidentiary weight than that of Judge Francisco's general allegations.

Necessarily, we also absolve Magat from any wrongdoing as there is no evidence that he unlawfully authorized Bati to serve summons and other court processes upon the parties in civil cases, and that Magat falsified the returns to make it appear that he effected personal service. As Bati testified, he did not serve summons and other court processes on party-litigants by himself. Service of summons and court processes were still personally done by Magat who only asked Bati to accompany him since the latter had a vehicle. It even appears that the only time Bati served a copy of a decision on a party by himself, it was not pursuant to Magat's authorization, but upon Judge Francisco's order.

Pleadings in the ejectment case
(A.M. No. P-10-2748)

Judge Francisco asserted that he was unable to decide Civil Case No. B-5217, an ejectment case, within the prescribed period, because Cuevillas hid the fact that the parties in said case had already filed their memoranda. Cuevillas was also allegedly remiss in the performance of her duties, failing to send necessary notices to the parties, consequently, hampering court proceedings. Hence, he charged Cuevillas with Grave Misconduct.

Once more, Judge Francisco made an accusation which he did not substantiate with evidence. There is no dispute that Cuevillas received the memoranda of the parties in Civil Case No. B-5217. But, as Cuevillas clarified, she is in charge of the records for criminal cases, and it is Moreno who is responsible for the records of civil cases. Cuevillas only received the memoranda of the parties in Civil Case No. B-5217, an ejectment case, because Moreno was not around when the said pleadings were filed. It had not been established that it was still up to Cuevillas to attach the said memoranda to the records of the case, which, to emphasize, was a civil case, and to notify Judge Francisco that the said pleading had already been filed. According to Judge Francisco himself, Moreno was present at the court on the days when the memoranda were filed - an allegation which is not necessarily inconsistent with Cuevillas' narration, it being possible that Moreno was only momentarily out of the office when the parties filed their memoranda. We are perplexed as to why Judge Francisco is bent on holding Cuevillas solely liable for the omission, i.e., failure to inform the judge that the parties to Civil Case No. B-5217 already filed their memoranda, and absolving Moreno who is primarily in-charge of the records for civil cases.

Furthermore, the omission, by itself, does not constitute grave misconduct on the part of Cuevillas. The records are bereft of any proof that Cuevillas intentionally hid the fact of the filing of the memoranda by the parties in Civil Case No. B-5217 from Judge Francisco.

Also, Judge Francisco cannot put the entire blame for his failure to render a decision in Civil Case No. B-5217 within the prescribed period on the lack of notice from his staff that the parties had filed their memoranda and the case was already submitted for decision. He must remember that as a trial judge, he was expected to adopt a system of record management and organize his docket in order to bolster the prompt and effective dispatch of business. Proper and efficient court management is the responsibility of the judge. It is incumbent upon judges to devise an efficient recording and filing system in their courts so that no disorderliness can affect the flow of cases and their speedy disposition.[63]

As to her alleged failure to notify the parties in some cases, Cuevillas defended herself, thus:

DIRECT EXAMINATION BY
ATTY. NOE CANGCO ZARATE

Q:

In this letter-complaint against you, you were charged that you have been remiss in the performance of your duties due to the fact that you failed to send notices to the parties and that because you failed to do so your duties, sometimes the court has been hampered for lack of notices, it is supposed to be your duty; what can you say about it?

A:

With so many records that we have, there are times when I have not sent notices. Our terminal number is 400.

Q:

How do you consider such situation that you now describe as your reply to his complaint to you?

A:

With so many, there are times that I miss because I'm the only one handling such a volume.

Q:

Do you consider that as normal in your case?

A:

No, Sir because in the morning, I'm the one who would type it and in the afternoon, I would be the one to mail these.

x x x x

Q:

In your letter-reply to the charges of Judge Pablo B. Francisco, you mentioned that the motive of Judge Francisco in filing this case was you were one of the signatories in the petition to return to Sta. Cruz, is that correct?

A:

Yes, Sir.

Q:

Why did you sign that petition?

A:

Because I felt that there was no longer harmony between the judge and the employees.[64]

During cross-examination and re-cross-examination, Cuevillas further declared:

[CROSS EXAMINATION BY
JUDGE PABLO B. FRANCISCO]

Q:

I have here a list of cases wherein you failed to notify the counsel resulting to the cancellation of the hearing of said case. Let's say the case of People vs. Ernesto Elasegui, Criminal Case No. 9319. The hearing was set on May 12, 1998 but it was cancelled because you failed to notify Atty. Cayetano Santos, is that correct?

A:

Yes, your Honor.

Q:

All right, another case. People vs. Luis Doria, the hearing was also cancelled because you failed to notify Atty. Norberto de Jesus, can you remember?

x x x x

A:

Yes, your Honor, but during that time, you were conducting your inventory, so we were hard put.

Q:

There's another case, People vs. Angelo Maylin, this is Criminal Case No. 9160-B, it was supposed to be heard on May 19, 1998, again the hearing was cancelled because you failed to notify counsel for the accused.

A:

Yes, your Honor, because you requested the Supreme Court to make an inventory for the month of April.[65]

[RE-CROSS EXAMINATION BY
JUDGE PABLO B. FRANCISCO]

Q:

And Judge Francisco summoned you in the sala while there was a hearing and asked you why you failed to notify?

A:

Yes, your Honor, because of so many records that I am handling.

Q:

And you told Judge Francisco that there were so many cases, which were being set for hearing, isn't it?

A:

Yes, your Honor because at that time I was also designated to work on that inventory, how can I work at the same time on the inventory as well as in the sending of notices.[66]

While Cuevillas herself acknowledged being remiss in the performance of her duties for a time, we deem the

same to be excusable given the circumstances. She was obviously overburdened with work. An inventory of cases was being conducted in their sala during the months of February, March, and April of 1998. In addition, she was participating in the revision of ballots in the election case Judge Francisco was handling in the RTC of Sta. Cruz. It is not difficult to understand how Cuevillas could have missed sending notices of hearings for May 1998 to the parties in some cases, thus, resulting in the cancellation of said hearings. Nevertheless, we must remind Cuevillas that she must capably perform her duties despite the heavy workload, and we shall not be as tolerant in the future should she be remiss again. All employees in the judiciary should be examples of responsibility, competence and efficiency. As officers of the court and agents of the law, they must discharge their duties with due care and utmost diligence. Any conduct they exhibit tending to diminish the faith of the people in the judiciary will not be condoned.[67]

Certifications issued by Atty. Galeon
(A.M. Nos. P-10-2749 and P-03-1706)

In A.M. No. P-10-2749 Judge Francisco charged Alfonso, Bati, Cuevillas, Javier, Lopez, Magat, Moreno, Orfiano, Pascual, Perez, Santos, and Sevilla with Dishonesty and Gross Misconduct after said court personnel accused the judge, in their Comment in A. M. No. P-10-2747, of falsifying his certificates of service by making it appear that he was present and conducted hearings on days when he was actually absent.

We dismiss A.M. No. P-10-2749 as there is no basis to hold the concerned court personnel administratively liable for dishonesty and gross misconduct. Although we are not making a categorical finding herein that Judge Francisco falsified his certificates of service as the court personnel merely alleged the same in their Comment to Judge Francisco's Letter-Complaint in A.M. No. P-10-2747, and did not formally charge the judge for the supposed offense, we find that the court personnel's claims against Judge Francisco were not completely fabricated and purely motivated by malice. They did have in their possession Certifications issued by Atty. Galeon stating that: (1) except for December 14, 1995, no other session was held every Wednesday between December 4, 1995 and January 5, 1996; and (2) no setting of cases was made between February 7, 1996 and August 27, 1997.

The charged court personnel uniformly testified:

LOPEZ

Judge Francisco:

Q:

Mrs. Lopez, you were also a signatory to a letter by court employees addressed to the Office of the Court Administrator stating among others that Judge Francisco was not holding sessions during Wednesdays at the time that he was the Presiding Judge in Branch 25, are you aware of that?

A:

Yes, your Honor.

Q:

Do you have personal knowledge of what you stated in that letter?

A:

We only learned that Judge Francisco do not hold hearings during Wednesdays through the Certification issued by the Clerk of Court, Branch 25, Atty. Galleon.

Q:

Is there a certification from Atty. Galleon that Judge Francisco was not holding session every Wednesday?

A:

It is attached to the petition letter.

x x x x

Judge Barrios:

But the witness has answered that she was one of those who made that statement, one of the signatories and that her basis was knowledge she derived from that letter.

Q:

So, that is your only basis for stating that Judge Francisco did not hold office on Wednesday?

Witness:

A:

Yes, your Honor x x x.

JUDGE FRANCISCO:

Q:

Anyway, I have here a certification that I assumed duties on January 2, 1995 as Presiding Judge of Regional Trial Court, Branch 25, Biñan, Laguna. This is signed by Atty. Ernesto Luzod, Jr. and attested by Judge Cosico. How about after January 5, 1996, what was your basis in telling the Court Administrator that I was not holding session every Wednesday?

A:

That is based on that certification.

Q:

No, that certification really states that it was only up to January 5, 1996. Now, after January 5, 1996, what was your basis now?

A:

Your Honor, it's not an individual petition, it's a petition signed by all the court personnel. Of course, we will gather all the documents to be attached to that petition and one of those documents is the certification issued. So, on that point, we agree that you are not holding hearings during Wednesdays based on the documents we have gathered, but we are not very specific.[68]

ORFIANO:

Q:

And you also accused me in this letter in [A.M. No. P-10-2749] of not conducting trial every Wednesday of the week before Branch 25 became special court, isn't it:

A:

Yes, Sir.

Q:

Is your allegation now true?

A:

Yes, sir.

Q:

Do you have evidence to prove that I was not conducting trial every Wednesday?

A:

Per your court calendar, your Honor, because we secured copies of your court calendar and the present Clerk of Court, Atty. Galleon issued a Certification to that effect x x x.

Q:

All right. You also accused me of not reporting for work the whole month of August 1997, did you not?

A:

Per your court calendar, sir.[69]

PEREZ:

Q:

What else did you charge against me . . . You were also a signatory to this letter to another letter (sic) submicious (sic) letter addressed to the Court Administrator accusing me of not reporting or not holding session every Wednesday. Did you not sign this letter?

x x x x

A:

Yes, sir. I signed.

JUDGE FRANCISCO:

Q:

And your statements are true?

A:

Yes, sir.

Q:

Of your own knowledge?

A:

Some of my own knowledge. Some based on Court record.

Q:

Will you produce those records?

A:

This records (sic) certified by Atty. Galleon.[70]

The court personnel merely relied on the Certifications issued by Atty. Galleon, who, as Clerk of Court, is mandated to "prepare, for any person demanding the same, a copy certified under the seal of the court of any paper, record, order, judgment, or entry in his office, proper to be certified xxx." [71] And the reliance by the court personnel on Atty. Galleon's Certifications does not constitute dishonesty or gross misconduct.

In A.M. No. P. 03-1706, Judge Francisco accused Atty. Galleon and Laurel of Falsification of Public Document for making untruthful narration of facts in another Certification which stated that the judge did not hold hearings in August 1997. According to Judge Francisco, Atty. Galleon and Laurel conspired with each other, with the former issuing a Certification based on the false entries in the calendar book made by the latter. A careful review of the records does not yield any reasonable basis for disciplinary action against Atty. Galleon and Laurel.

In falsification by false narration of facts, (1) the offender makes untruthful statements in a narration of facts; (2) he has a legal obligation to disclose the truth of the facts narrated by him; (3) the facts narrated are absolutely false; and (4) it was made with a wrongful intent to injure a third person.[72] None of these elements exists in this case.

When Atty. Galleon certified the photocopies of the 10 pages of the court calendar book, she was not making a narration of facts. She was just certifying that the photocopies were faithful reproductions of the original pages of the court calendar book. As Atty. Galleon pointed out, she affixed her signature on the photocopies only after she had compared them with the original copies and was satisfied that they were exact copies.

Also unsubstantiated is Judge Francisco's assertion of conspiracy between Atty. Galleon and Laurel. As we held in the preceding paragraph, Atty. Galleon only made her Certification based on the court calendar book presented to her. That Laurel tampered with the entries in the court calendar book was not even proven. Enlightening is the following testimony of Laurel on how the court calendar book is prepared, which renders it highly improbable for him to falsify the entries therein:

[DIRECT EXAMINATION BY
ATTY. NOE CANGCO ZARATE]

Q:

In preparing this Exh. "2", Laurel, would you be able to tell us when did you prepare this calendar book?

A:

This logbook, Sir, is usually prepared ahead of time.

Q:

When you said ahead of time, ahead of schedule?

A:

Yes, Sir.

Q:

More or less, what is the month, which you considered to be ahead of time?

A:

This calendar book, Sir, as you can see, was prepared by the former Branch Clerk of Court, so I just continue doing this.

x x x x

Q:

When was this prepared when you said ahead of time?

A:

Fiscal Casano was the Branch Clerk of Court of Branch 25 and she prepared this January 11 of 1996 and she resigned from the service in June of 1996 and her handwriting appears until December of 1996, Sir.

Justice Barrios:

You mean to say that the entirety of that exhibit was prepared by Atty. Casano?

Witness:

Your Honor, this was prepared by Atty. Casano in January of 1996 until December of 1996, but she resigned in June 1996, Sir.

Justice Barrios:

So, she was preparing that during the period of January to June of 1996 but the entries covered [the] schedule up to December of 1996?

Witness:

Yes, Sir, in her handwriting, Sir.

Justice Barrios:

So that even when you were already the Officer-in-Charge, the schedules there referred to were those prepared at the time of Atty. Casano?

Witness:

Yes, Your Honor.

x x x x

Q

Now you are being charged by Atty. Francisco of Falsification of Public Document allegedly you manufacture entries in the month of August 1997 in this calendar book, what can you say about that?

A

That is not true, Sir.

Q

Why?

A

Because as you can see, all the employees in the branch has access to this logbook. I cannot manufacture the entries because as I have explained earlier, even though Fiscal Casano was not the Branch Clerk of Court of

Branch 25, she has still here her handwriting and as you can see, Sir, there are so many handwritings as appearing in this logbook.

Q

Different handwriting?

A

Yes, Sir.[73]

Consequently, we are likewise dismissing A.M. No. P. 03-1706.

The salary of Judge Francisco's personal security (A.M. No. RTJ-10-2214)

In their Complaint in A.M. No. RTJ-10-2214, Magat and Arellano alleged that Judge Francisco committed Grave Misconduct for compelling them to pay for the salary of the judge's personal bodyguard, Nuestro. Similar to most of the administrative charges herein, we are dismissing A.M. No. RTJ-10-2214 for lack of merit.

In Magat's Sinumpaang Salaysay, he disclosed the following:

Na noong Pebrero 1998, ako ay kinausap ni Hukom Francisco at hiniling niya sa akin na kung maari ay kunin ko si Joselito Nuestro, dating alalay ni Judge Francisco bilang katulong ko sa aking nga gawain bilang Sheriff sa bayad na P100.00 bawat araw ng trabaho;

Na ayon kay Judge Francisco, ipinagkakatiwala na niya sa akin si Joselito Nuestro sapagkat wala na siyang pondo para sa suweldo nito;

Na wala akong malinaw na katugunan sa alok ni Judge Francisco ngunit sa paglipas ng araw ay naging katulong ko rin sa aking pagtupad sa tungkulin si Lito Nuestro at siya ay aking naatasan maglagay ng mga "Notices of Sale", magsilbi at magpadala ng aking nga liham at samahan ako sa aking mga lakad sa humigit kumulang na dalawang (2) buwan, at biniyayaan ko naman siya ng P3,000.00, humigit-kumulang.[74]

Magat affirmed his execution of that the aforequoted sworn statement during his cross-examination:

[CONTINUATION OF CROSS-EXAMINATION
BY JUDGE PABLO B. FRANCISCO]

Q:

I'm showing to you another Sinumpaang Salaysay, this is dated July 1998. Below this Sinumpaang Salaysay above the typewritten name Arnel G. Magat, there appears to be a signature, is this your signature?

A:

Yes, Your Honor.

Q:

And the statements here are all correct?

A:

Let me read that. Yes sir.[75]

Again, in their letter to the Supreme Court, Magat and Arellano wrote:

But the charge made to us by Joselito Nuestro that he was made to work with us in three days period is true because at that time, there was no available process server, and, we gave Joselito Nuestro to conduct the posting of notice of extrajudicial foreclosure of real estate mortgage filed in our office by various banks and financial entities.[76]

As admitted by Magat and Arellano, they had actually availed themselves of Nuestro's services several times, for which, apparently, they had to pay Nuestro. While Nuestro should not have been allowed to perform the duties and functions of a court employee, there was no clear showing that Magat and Arellano were allowed or coerced by Judge Francisco to use Nuestro's services and paying Nuestro for the same.

WHEREFORE, premises considered, we DISMISS all charges in A.M. Nos. P-10-2745, RTJ-00-1992, P-10-2746, P-10-2747, P-10-2748, P-10-2749, P-10-2750, P-10-2751, P-03-1706, and RTJ-10-2214; while we DECLARE Judge Pablo B. Francisco GUILTY in A.M. No. RTJ-06-1992 for Abuse of Authority in issuing the Direct Contempt Order dated July 14, 1998 and IMPOSE upon him a FINE in the total amount for P25,000.00, to be deducted from whatever benefits may be due him in view of his resignation[77] as Presiding Judge of Regional Trial Court, Branch 26, Sta. Cruz, Laguna.

SO ORDERED.

Corona, C.J., (Chairperson), Nachura,* Peralta,* and Abad,[*] JJ., concur.

[*] Per Raffle dated June 28, 2010.

[1] Hereinafter referred to individually by their surnames, or collectively as Alfonso, et al.

[2] Now Associate Justice of the Court of Appeals.

[3] Rollo (A.M. No. P-10-2745), pp. 72-77.

[4] Id. at 72-75.

[5] Id. at 78.

[6] Rollo (A.M. No. RTJ-06-1992), pp. 13-16.

[7] Rollo (A.M. No. P-10-2745), pp. 61-70.

[8] Id. at 71.

[9] Rollo (A.M. No. RTJ-06-1992), pp. 24-26.

[10] Rollo (A.M. No. P-10-2745), pp. 16-18.

[11] Id. at 42.

[12] Rollo (A.M. No. RTJ-06-1992), pp. 49-50.

[13] Id at 50-51.

[14] Rollo (A.M. No. P-10-2745), pp. 82-83.

[15] Rollo (A.M. No. P-10-2746), pp. 291-294; Report and Recommendation, pp. 53-56.

[16] Id. at 294-296; id. at 56-58.

[17] Rollo (A.M. No. P-10-2747), pp. 12-19.

[18] Id. at 1.

[19] Id. at 55-58.

[20] Id. at 69-81.

[21] Rollo (A.M. No. P-10-2748), p. 5.

[22] Id. at 6.

[23] Court Calendar falling on a Wednesday: January 17, 1996; February 14, 21, 28, 1996; March 6, 13, 20, 27, 1996; April 10, 17, 1996; May 8, 22, 29, 1996; June 5, 26, 1996; July 3, 17, 24, 31, 1996; August 7, 14, 21, 28, 1996; September 4, 11, 18, 25, 1996; October 2, 23, 1996; December 11, 18, 1996; rollo (A.M. No. P-10-2749), pp. 24-63.

[24] Id. at 65-72.

[25] Id. at 192-194.

[26] Rollo (A.M. No. P-10-2750), pp. 1-2.

[27] Rollo (A.M. No. P-10-2751), pp. 1-3.

[28] Rollo (A.M. No. P-10-2750), p. 36.

[29] Rollo (A.M. No. P-10-2751), p. 49.

[30] Rollo (A.M. No. P-10-2750), p. 42.

[31] Rollo (A.M. No. P-10-2746), pp. 313-314; Report and Recommendation, pp. 75-76.

[32] Id. at 347; id. at 109.

[33] Rollo (A.M. No. P-10-2746), p. 231.

[34] Rollo (A.M. No. P-10-2747), p. 39.

[35] TSN, May 30, 2003, pp. 22-24.

[36] Español v. Formoso, G.R. No. 150949, June 21, 2007, 525 SCRA 216, 223-224.

[37] Id.

[38] Rollo (A.M. No. P-10-2745), p. 70.

[39] TSN, November 7, 2001, pp. 13-15.

[40] TSN, November 14, 2001, pp. 14-15.

[41] Delgra, Jr. v. Gonzales, G.R. No. L-24981, January 30, 1970, 31 SCRA 237, 244.

[42] TSN, February 21, 2002, pp. 5-6.

[43] Tiongco v. Salao, A.M. No. RTJ-06-2009, July 27, 2006, 496 SCRA 575, 586.

[44] 220 Phil. 452, 463 (1985).

[45] A.M. No. RTJ-06-1972, June 21, 2006, 491 SCRA 545, 554-556.

[46] Judge Ibay arrived early in the morning at his court, RTC-Branch 135 of Makati City, only to find out that the electric supply was cut off. Panaligan, the Building Management System Operator, admitted to switching off the power supply the day before after he discovered that the lights at RTC-Branch 134 of Makati City was left on after office hours. Since he did not have a key to get into RTC-Branch 134 to simply turn off the lights, Panaligan had to switch off the circuit breaker which said court shared with RTC-Branch 135. Judge Ibay deemed Panaligan's explanation unsatisfactory, and cited Panaligan for contempt with the penalty of imprisonment for two days.

[47] A.M. No. RTJ-06-1970, November 30, 2006, 509 SCRA 75, 92.

[48] A.M. No. RTJ-06-1984, June 30, 2009, 591 SCRA 229, 243.

[49] A.M. No. RTJ-09-2175, July 28, 2009.

[50] 452 Phil. 957, 963 (2003).

[51] Civil Service Commission v. Ledesma, G.R. No. 154521, September 30, 2005, 471 SCRA 589, 603.

[52] Laurel and Ramos in A.M. Nos. P-10-2745 and RTJ-00-1992; Chaves, Lopez, Orfiano, and Perez in A.M. No. P-10-2746; and Alfonso, Cuevillas, Javier, Laurel, Lopez, Moreno, Orfiano, Pascual, Perez, Ramos, and Sevilla in A.M. No. P-10-2747.

[53] Dulay v. Lelina, Jr., 501 Phil. 559, 565 (2005).

[54] TSN, November 15, 2002, pp. 31-34.

[55] TSN, May 23, 2002, pp. 135-146.

[56] TSN, June 16, 2003, pp 25- 26.

[57] TSN, June 16, 2003, pp. 38-40.

[58] TSN, June 23, 2003, p. 10.

[59] According to Rule 131, Sec. 3(m):

SEC. 3. Disputable presumptions. - The following presumptions are satisfactory if uncontradicted, but may be contradicted and overcome by other evidence:

x x x x

(m) That official duty has been regularly performed.

[60] TSN, May 16, 2003, p. 4.

[61] Id. at 5-6.

[62] Id. at 7-8.

[63] Office of the Court Administrator v. Legaspi, A.M. No. RTJ-05-1893, March 14, 2006, 484 SCRA 584, 608.

[64] TSN. June 16, 2003, pp. 5-6.

[65] Id. at 8-9.

[66] Id. at 12-13.

[67] Aquino v. Lavadia, 417 Phil. 770, 776 (2001).

[68] TSN, June 16, 2003, pp. 42-44.

[69] TSN, June 9, 2003, p. 43.

[70] TSN, June 23, 2003, p. 25.

[71] Revised Rules of Court, Rule 136, Section 11.

[72] Re:Spurious Certificate of Eligibility of Tessie G. Quires, RTC, Office of the Clerk of Court, Quezon City, A.M. No. 05-5-268-RTC, May 4, 2006, 489 SCRA 349, 358.

[73] TSN, April 27, 2004, pp. 6-9.

[74] Folder of Exhibits, Exh. 15 (for Magat and Arellano).

[75] TSN, July 1, 2004, p. 6.

[76] Rollo (A.M. No. RTJ-10-2214), pp. 2-3.

[77] Court En Banc Resolution dated August 19, 2003 in A.M. No. 03-7-420-RTC.

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