

AIDA R. CAMPOS, ALISTAIR R. CAMPOS, AND CHARMAINE R. CAMPOS, COMPLAINANTS, VS. JUDGE ELISEO M. CAMPOS, MUNICIPAL TRIAL COURT, BAYUGAN, AGUSAN DEL SUR, RESPONDENT.

A.M. No. MTJ-10-1761. February 08, 2012

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

Before the Court is a complaint for serious misconduct, immorality and dishonesty filed by Aida R. Campos, Alistair R. Campos, and Charmaine R. Campos (complainants) against Eliseo M. Campos (respondent), former Presiding Judge of the Municipal Trial Court of Bayugan, Agusan del Sur.

The Antecedent Facts

Complainant Aida and respondent were married on 9 September 1981. They had two children, complainants Alistair and Charmaine. On 16 July 2008, respondent filed a petition for Declaration of Nullity of Marriage, docketed as Civil Case No. 1118, raffled before the Regional Trial Court of Bayugan, Agusan del Sur, Branch 7. Respondent alleged that he and Aida were both psychologically incapacitated to comply with the essential marital obligations. For his part, respondent alleged that he is a homosexual who could not be intimate with his wife unless he imagined he was with another man. Respondent alleged that as a result of his homosexuality, his wife had affairs with other men which he did not bother to stop or question.

Aida denied the allegations in respondent's petition for declaration of nullity of their marriage and alleged that respondent wanted their marriage annulled so that he could marry another woman with whom he was having a relationship. Aida opposed the petition for declaration of nullity of marriage and filed instead a petition for legal separation.

Aida further alleged that soon after filing the petition for declaration of nullity of their marriage, respondent executed an affidavit of loss claiming that the title covering Lot No. 4747-A, Csd-13-002130-D, a parcel of registered land evidenced by OCT No. P-28258 under the name of Alistair, was lost in his possession. Respondent requested the Register of Deeds of the Province of Agusan del Sur to annotate the affidavit of loss on the title. Aida alleged that at the time of respondent's execution of the affidavit of loss, the title was in Alistair's possession. Aida alleged that respondent wanted the property back in the event his petition for declaration of nullity of marriage would be granted by the court. Aida alleged that respondent claimed before the Register of Deeds that he was the real owner of the property and it was only wrongly registered in the name of Alistair.

Respondent denied the allegations of Aida and alleged that he admitted to his children that the cause of the filing of the petition for declaration of nullity of marriage was his homosexuality and Aida's infidelity. Respondent further alleged that his children already abandoned him and he had to transfer to the basement of their house to

avoid them. Respondent admitted executing the affidavit of loss of the title of OCT No. P-28258 but only to protect his interest. Respondent alleged that right after the filing of the petition for declaration of nullity of marriage, he learned that Aida and Alistair wanted to use the property as a collateral for a loan.

In its 2 July 2010 Resolution, the Court referred the case to the Executive Judge of the Regional Trial Court of Agusan del Sur for investigation, report and recommendation.

The Report of the Investigating Judge

In his report dated 16 February 2011, Executive Judge Hector B. Salise stated that respondent's admission of homosexuality does not make him automatically immoral. The investigating judge also found no evidence of respondent having a relationship with another woman as claimed by Aida.

The investigating judge also found that respondent was not guilty of dishonesty. The investigating judge stated that the fact that respondent had children with Aida was not a proof that he was not a homosexual and thus he was lying in his petition for declaration of nullity of marriage. The investigating judge also stated that as far as respondent was concerned, the title to the property was lost and that he was only trying to protect his right as the true owner of the land. The investigating judge further stated that the complainants did not controvert respondent's allegation that while the property was in the name of Alistair, respondent was the real owner of the property.

However, the investigating judge found respondent guilty of misconduct in causing the registration of the land in the name of Alistair despite the fact that Alistair was still a minor at the time of the registration. According to the investigating judge, respondent manipulated the transaction in such a way that the title ended up with Alistair despite his lack of legal capacity to enter into the transaction. The investigating judge noted that Aida conspired with respondent in causing the registration of the title in the name of Alistair because at that time, there was a pending case against respondent. Respondent and Aida were afraid that if respondent lose the case, the property would be taken from them. The investigating judge stated that the action was clearly intended to defraud a possible judgment-obligee.

The investigating judge did not submit a recommendation and left it to the discretion of this Court to impose the proper penalty on respondent.

In its 8 June 2011 Resolution, this Court referred the report of the investigating judge to the Office of the Court Administrator (OCA) for evaluation, report and recommendation.

The Report and Recommendation of the OCA

In a Memorandum dated 12 October 2011, the OCA agreed with the report of the investigating judge. The OCA stated that the burden of proving the charge of immorality rests with the complainants. Complainants failed to prove their allegation that respondent had a relationship with another woman. Neither was the charge of respondent's immorality on account of his being a homosexual proven by complainants.

The OCA likewise found that respondent was not guilty of dishonesty. According to the OCA, respondent's allegation of homosexuality in his petition for declaration of nullity of marriage could only be proven in the proceeding before the trial court. Thus, the OCA cannot rule on whether respondent is falsely claiming that he is a homosexual. As regards the affidavit of loss, the OCA noted that even Alistair admitted that respondent is the real owner of the property although it was registered in his name. The OCA further noted that the perjury case filed against respondent because of his execution of the affidavit of loss was dismissed because the prosecutor found that respondent was acting in good faith to protect his right.

However, the OCA found respondent guilty of simple misconduct in allowing the title of the property to be

registered in the name of then minor Alistair. The OCA agreed with the investigating judge that respondent manipulated the transaction to avoid losing the property should he lose in the case filed against him.

The OCA recommended the dismissal of the complaints for immorality and dishonesty. The OCA further recommended that respondent should be held administratively liable for misconduct and should be imposed a fine equivalent to three months salary at the time of his resignation from service on 1 July 2009.

The Issue

The only issue in this case is whether respondent is guilty of simple misconduct.

The Ruling of this Court

Complainants failed to present any proof of respondent's alleged relationship with another woman, so as to justify a charge for immorality. There was no evidence that respondent engaged in scandalous conduct that would warrant the imposition of disciplinary action against him. We take this occasion to remind respondent, however, that the New Code of Conduct for the Philippine Judiciary[1] provides that, as a subject of constant public scrutiny, judges must accept personal restrictions that might be viewed as burdensome by the ordinary citizen. In particular, judges must conduct themselves in a way that is consistent with the dignity of the judicial office.[2] Occupying as he does an exalted position in the administration of justice, a judge must pay a high price for the honor bestowed upon him. Thus, the judge must comport himself at all times in such a manner that his conduct, official or otherwise, can bear the most searching scrutiny of the public that looks up to him as the epitome of integrity and justice.[3]

With respect to respondent's alleged homosexuality, such issue is for the determination of the trial court wherein the petition for declaration of nullity is pending. Thus, we also agree with the investigating judge and the OCA in absolving respondent from the charge of dishonesty. The fact that respondent got married and had children is not proof against his claim of homosexuality. As pointed out by the investigating judge, it is possible that respondent was only suppressing or hiding his true sexuality.

We also agree with the investigating judge and the OCA's findings that respondent was not guilty of dishonesty as regards the declaration of loss of title covered by OCT No. P-28258. As found by the investigating judge, the title was kept by respondent in his drawer. When respondent could not find the title in his usual place for safekeeping, he sought the advice of the Register of Deeds who told him to execute the affidavit of loss. In addition, while the property was registered in Alistair's name, he did not controvert his father's claim that he was the real owner of the land and that his father kept the title in his possession. Thus, respondent did not appear to have acted in bad faith or committed dishonesty in executing the affidavit of loss of the title to the property.

We agree with the investigating judge and the OCA in finding respondent guilty of simple misconduct in causing the registration of the title over OCT No. P-28258 in his son's name with the intention of defrauding a possible judgment-obligee.

The Court defined simple misconduct as follows:

Simple misconduct has been defined as an unacceptable behavior that transgresses the established rules of conduct for public officers. It is an unlawful behavior. "Misconduct in office is any unlawful behavior by a public officer in relation to the duties of his office, willful in character. It generally means wrongful, improper, unlawful conduct motivated by a premeditated, obstinate, or intentional purpose although it may not necessarily imply corruption or criminal intent."[4]

Simple misconduct is a transgression of some established rule of action, an unlawful behavior, or negligence

committed by a public officer.[5] In this case, respondent knew at that time of the registration of the property that he had a pending case and that he could possibly lose the case. In order to manipulate the situation and taking advantage of his knowledge of the law, respondent caused the registration of the property in Alistair's name with the intention of defrauding a possible judgment-obligee. Clearly, it was an improper behavior which warrants a disciplinary sanction by this Court.

Under Section 9 in relation to Section 11(B), Rule 140 of the Rules of Court, simple misconduct is a less serious offense punishable by suspension from office without salary and other benefits for not less than one month nor more than three months or a fine of more than P10,000 but not exceeding P20,000.[6] Since respondent has already tendered his resignation from the judiciary effective 1 July 2009, his suspension is no longer possible. However, we modify the recommendation of the OCA that in lieu of suspension, a fine equivalent to three months salary at the time of his resignation should be imposed on respondent. Pursuant to the impossible penalty in accordance with the Rules of Court, a fine of P20,000 is in order.

WHEREFORE, we find respondent Eliseo M. Campos GUILTY of simple misconduct and FINE him Twenty Thousand Pesos (P20,000) to be deducted from whatever benefits, if any, that he is still entitled to after his resignation from the judiciary. If there is none, respondent is ORDERED to pay directly the fine of P20,000.

SO ORDERED.

Brion, Perez, Sereno, and Reyes, JJ., concur.

[1] A.M. No. 03-05-01-SC, promulgated on 27 April 2004 and made effective on 1 June 2004.

[2] Section 2, Canon 4, New Code of Conduct for Philippine Judiciary.

[3] Vedaña v. Judge Valencia, A.M. No. RTJ-96-1351, 3 September 1998, 295 SCRA 1.

[4] Bautista v. Sula, A.M. No. P-04-1920, 17 August 2007, 530 SCRA 406, 418.

[5] China Banking Corporation v. Janolo, Jr., A.M. No. RTJ-07-2035, 12 June 2008, 554 SCRA 295.

[6] Id.

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