

**NATIONAL BUREAU OF INVESTIGATION (NBI), COMPLAINANT, VS.
JUDGE LUISITO T. ADAOAG, MUNICIPAL CIRCUIT TRIAL COURT,
GERONA-RAMOS-PURA, TARLAC, RESPONDENT.***A.M. NO. MTJ-03-1503. November 16, 2006*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/72eb64326611/>**PER CURIAM:**

Respondent Judge Luisito T. Adaoag, Acting Presiding Judge of the Municipal Circuit Trial Court, Gerona-Ramos-Pura, Tarlac, stands charged with (a) serious misconduct for acts constituting direct bribery in relation to violation of the Anti-Graft and Corrupt Practices Act (Republic Act No. 3019), as amended; and (b) violation of the Court's August 4, 2003 resolution for issuing a warrant of arrest while under suspension.

On June 9, 2003, Desiree A. Legario (Legario) filed a Complaint[1] and executed a Sinumpaang Salaysay[2] before the National Bureau of Investigation (NBI) alleging that she was arrested on May 9, 2003 pursuant to a warrant of arrest issued by respondent Judge for violation of Batas Pambansa Blg. 22. PO3 Eddie Galicia (PO3 Galicia), who implemented the warrant, informed Legario that she should prepare money for her release order. On May 12, 2003, she was released on bail after giving P1,500.00 to PO3 Galicia and P2,000.00 to respondent Judge. Thereafter, PO3 Galicia advised Legario to prepare a motion to postpone and a motion to quash, as well as P20,000.00 to be given to respondent Judge in consideration of the dismissal of the case. This was confirmed by respondent Judge in a cellular phone conversation with Legario on May 20, 2003.

Instead of delivering the money, Legario sought the help of a television network and of the NBI. Her Complaint was subscribed before NBI Supervising Agent Atty. Alexander Bautista who took down the statements of Legario in her Sinumpaang Salaysay which was subscribed before Special Agent Rosauro Bautista.[3]

Thereafter, the NBI agents prepared five pieces of P100 bills[4] dusted with fluorescent powder and mixed them with several bundles of money.[5] At around 3:00 p.m. of June 11, 2003, they conducted the entrapment operation.

Atty. Olga I. Angustia (Atty. Angustia), the NBI agent who posed as the aunt of Legario in the entrapment operation, testified that on June 11, 2003, she accompanied the latter to the chambers of respondent Judge where they conversed for about 15 to 20 minutes. Respondent Judge said to Legario: "mahirap ang maraming kaso, bata ka pa, ayusin mo." At this point, Atty. Angustia handed the marked money to respondent Judge who received the same after commenting "baka may marka yan?" Atty. Angustia and Legario immediately left the chambers to give the signal to the other NBI operatives.[6]

Special Investigator III Ocampo Criste (Sp. Investigator Criste), testified that after the lady agent gave the signal, he, together with other NBI agents, entered the chambers of respondent Judge. He identified himself as an NBI agent and asked respondent Judge to bring out the money from his pocket. At first, respondent Judge refused but eventually took out the money from his pocket using a handkerchief. Sp. Investigator Criste added that the entire incident was videotaped.[7]

On the same day, respondent Judge was brought to the NBI where the dorsal and palmar portions of his left and right hands were examined and all were found positive for fluorescent powder.[8]

On June 18, 2003, the NBI forwarded a copy of the investigation records to the Office of the Court Administrator and informed the Court that on June 12, 2003, respondent Judge was brought to the Office of the Ombudsman for inquest proceedings docketed as OMB-C-C-03-0346-F.[9]

On August 4, 2003, respondent Judge was suspended pending final outcome of the criminal proceedings against him.

In a resolution dated September 17, 2003, the Court noted the letter of the Office of the Ombudsman referring the case of respondent Judge to the Office of the Court Administrator with attached copy of the June 17, 2003 Order provisionally dismissing the case against respondent Judge to give way to the Court's determination of his administrative liability.[10]

On October 14, 2003, respondent Judge sought clarification whether his suspension is now deemed lifted in view of the dismissal of his case by the Office of the Ombudsman.[11]

Meanwhile, the Court received a letter from a certain Ms. Dominga Salazar stating that despite the August 4, 2003 resolution placing respondent Judge under suspension, the latter issued a warrant of arrest against her on October 22, 2003 in Criminal Case No. 0118-03.[12] Respondent Judge was thus directed to show cause why he should not be dismissed from service for violating the resolution suspending him from service.[13]

On November 22, 2004, the Court referred the matter to Justice Narciso T. Atienza, a Consultant of the Office of the Court Administrator for investigation, report, and recommendation.[14]

In his Comment[15] to the administrative charge for bribery, respondent Judge denied receiving money from Legario on May 12, 2003, or extorting any amount or talking to her on the phone on May 20, 2003. As to the June 11, 2003 incident, respondent Judge claimed that on said date, Legario and a lady companion talked to him inside his chambers regarding her (Legario) pending case. He told the latter "Areglohin mo yong complainant. Bata ka pa. Sayang ka." Addressing Legario, the lady companion said, "Ibigay mo na yong apat." Legario brought out an envelope from her bag prompting him to say "Para ano yan? "Bawal yan! Baka marked money pa yan!" Legario and her lady companion replied "Hindi," "Pangsigarilyo-Pangmerienda" and hastily went out of the office. He wanted to return the money, but since he was carrying several records which he intended to take home, he placed the money inside his pocket hoping that he would be able to catch up with them outside the building. However, he failed to return the money because the NBI operatives got the same from him on his way out of office.

At the hearing, respondent Judge testified that Legario left an envelope on his table. Out of curiosity, he peeked at the envelope and saw P500.00 peso bills which he suspected to have been dusted with ultra violet powder. He then wrapped said envelope containing the money with a handkerchief and placed the same in his pocket for the purpose of returning it to Legario.[16] He added that after the latter and her lady companion left, it took about two minutes before the NBI agents entered his chambers.[17]

Commenting on the issuance of the arrest warrant in Criminal Case No. 0118-03, respondent Judge stated that he acted in good faith on the belief that his suspension was deemed lifted considering that his case before the Office of the Ombudsman had been dismissed.[18] At the hearing, respondent Judge testified that he belatedly noticed the notation in the Order of the Ombudsman that the dismissal of the criminal case was only provisional.[19]

On February 22, 2006, Justice Atienza recommended that respondent Judge be (1) dismissed from service for violation of R.A. No. 3019, as amended, with forfeiture of all benefits except accrued leave credits and be

disqualified for appointment to any public office, including government-owned or controlled corporations; and (2) fined in the amount of P2,000.00, to be deducted from his accrued leave credits, for issuing a warrant of arrest in Criminal Case No. 0118-03 while under suspension.

The Court agrees with the recommendations of Justice Atienza. There is substantial evidence showing that respondent Judge is guilty of serious misconduct for committing acts constituting direct bribery[20] in soliciting and receiving money from Legario in consideration of dismissal of the case filed against her. Although Legario failed to testify at the hearing, her Complaint and Sinumpaang Salaysay which were admitted as part of the testimony of NBI Supervising Agent Atty. Alexander Bautista, constitute evidence to support the conclusion that respondent Judge agreed to dismiss the case against her for material consideration. Verily, in administrative proceedings, as in the instant case, it is not legally objectionable to resolve a case based solely on position papers, affidavits or documentary evidence submitted by the parties considering that affidavits of witnesses may take the place of their direct testimony.[21]

In the instant case, the intention of respondent Judge to accept the money was clearly established by his act of pocketing the same. That he touched the marked bills, contrary to his testimony that he merely peeked at the envelope, is proven by the results of the laboratory examination that the palmar and dorsal aspects of his left and right hands were positive for fluorescent powder. It is hard to believe that he intended to return the money to Legario because, instead of immediately rushing towards the door to catch up with Legario and return the money, respondent Judge pocketed it. Indeed, such act shows a resolve to take the money as his own and not to return the same.

Respondent Judge tainted the image of the judiciary to which he owes fealty and the obligation to keep it all times unsullied and worthy of the people's trust.[22] The Court has time and again admonished judges to conduct themselves in a manner that is free even from the appearance of impropriety. For judicial officers to enjoy the trust and respect of the people, it is necessary that they live up to the exacting standards of conduct demanded by the profession and by the Code of Judicial Conduct. This is especially true in the case of judges who, on a daily basis, interact with the public. Their official conduct, as well as personal behavior should always be beyond reproach.[23]

Under Rule 140 of the Rules of Court, as amended, this administrative offense is considered serious and punishable under Section 11, thus:

Sec. 8. Serious charges. – Serious charges include:

1. Bribery, direct or indirect;

x x x x

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

- Dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations. Provided, however, That the forfeiture of benefits shall in no case include accrued leave credits;
- Suspension from office without salary and other benefits for more than three (3) but not exceeding six (6) months; or
- A fine of more than P20,000.00 but not exceeding P40,000.00.

We have consistently imposed the penalty of dismissal on judges found guilty of bribery. In *Rafols, Jr. v. Dizon, Jr.*,^[24] the Court stated the rationale for imposing the severest penalty in such cases, as follows:

Bribery is classified as a serious charge punishable by, inter alia, dismissal from the service with forfeiture of benefits and disqualification from re-employment or appointment in any public office including government-owned or controlled corporations. (*NBI v. Reyes*, 326 SCRA 109 [2000]). It constitutes a serious misconduct in office, which this Court condemns in the strongest possible terms. It is this kind of gross and flaunting misconduct on the part of those who are charged with the responsibility of administering the law and rendering justice that so quickly and surely erodes the respect for the law and the courts without which government cannot continue and that tears apart the very bonds of our polity. (*Calilung v. Suriaga*, 339 SCRA 340 [2000] citing *Haw Tay v. Singayao*, 154 SCRA 107 [1987]).

Respondent Judge should also be fined in the amount of P2,000.00 for issuing a warrant of arrest while under suspension. Said act is a clear violation of the August 4, 2003 resolution placing him under suspension "pending final outcome of the criminal proceedings against him considering the evidence is prima facie strong or until further orders from this Court." The dismissal of his case before the Office of the Ombudsman is only provisional, and cannot be considered to be the "final outcome" contemplated in the August 4, 2003 resolution.

WHEREFORE, respondent Judge Luisito T. Adaoag, Acting Presiding Judge of Municipal Circuit Trial Court, Gerona-Ramos-Pura, Tarlac, is found guilty of serious misconduct and is **DISMISSED** from service with **FORFEITURE** of all benefits, except accrued leave credits, with prejudice to his reemployment in any branch or service of the government including government-owned or controlled corporations. He is further ordered to pay a fine of P2,000.00, to be deducted from his leave credits, for issuing a warrant of arrest while under suspension.

SO ORDERED.

Panganiban, C.J., Puno, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., Azcuna, Tinga, Chico-Nazario, Garcia, and Velasco, Jr., JJ., concur.

[1] Rollo, pp. 13-14.

[2] *Id.* at 16-19.

[3] TSN, April 14, 2005, pp. 7-9. (Rollo, unpagged)

[4] Exhibit "B" to "B-4, rollo, p. 32.

[5] TSN, March 18, 2005, pp. 8-9. (Rollo, unpagged)

[6] TSN, March 3, 2005, pp. 20-24. (Rollo, unpagged)

[7] *Id.* at 10-12. (Rollo, unpagged)

[8] Rollo, p. 194.

[9] *Id.* at 9.

[10] *Id.* at 104-105.

[11] *Id.* at 139-140.

[12] *Id.* at 164.

[13] *Id.* at 179.

[14] Id. at 193.

[15] Id. at 118-124.

[16] TSN, August 25, 2005, pp. 30-32. (Rollo, unpagged)

[17] TSN, September 15, 2005, p. 37. (Rollo, unpagged)

[18] Rollo, pp. 182-184.

[19] TSN, September 15, 2005, pp. 38-39. (Rollo, unpagged)

[20] The crime of direct bribery as defined in Article 210 of the Revised Penal Code consists of the following elements: (1) that the accused is a public officer; (2) that he received directly or through another some gift or present, offer or promise; (3) that such gift, present or promise has been given in consideration of his commission of some crime, or any act not constituting a crime, or to refrain from doing something which it is his official duty to do; and (4) that the crime or act relates to the exercise of his functions as a public officer. (Marifosque v. People, G.R. No. 156685, July 27, 2004, 435 SCRA 332, 340.)

[21] *Liquid v. Camano, Jr.*, 435 Phil. 695, 705 (2002).

[22] *Calilung v. Suriaga*, 393 Phil. 739, 765 (2000).

[23] Id. at 768.

[24] A.M. No. RTJ-98-1426, January 31, 2006, 481 SCRA 92, 107-108, citing *Office of the Court Administrator v. Bautista*, A.M. No. RTJ-01-1631, August 14, 2003, 409 SCRA 17, 31.

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