

CELFREDD P. FLORES, PETITIONER, VS. JUDGE RODOLFO B. GARCIA, RESPONDENT.*A.M. No. MTJ-03-1499 (Formerly A.M. OCA IPI No. 02-1310-MTJ). October 06, 2008*

Ponente: PUNO, CJ.

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The case at bar consolidates two administrative cases filed by Judge Rodolfo B. Garcia and Utility Worker Celfred P. Flores, both of the Municipal Circuit Trial Court of Calatrava-Toboso, Negros Occidental, against each other.

The first case, Administrative Matter No. MTJ-03-1499, is a verified Letter-Complaint[1] filed on 30 September 2002 by Flores against Judge Garcia for oppression, grave misconduct, and violations of the Code of Judicial Conduct and the Code of Judicial Ethics. The second case, Administrative Matter No. P-03-1752, is a counter-charge for falsification[2] filed by Judge Garcia against Flores on 12 March 2003.

Flores complained of two incidents in the first case. The first incident took place in the afternoon of 22 July 2002 in front of the Rizal Commercial Banking Corporation (RCBC) in San Carlos City, Negros Occidental. Flores alleged that Judge Garcia boxed and hit him on the face and threatened to shoot him. The second incident took place on 24 July 2002 inside the courtroom of Judge Garcia. Respondent judge allegedly pointed a finger at Flores, ordered him to get out of the courtroom and hit him at the back part of his head as he was about to leave the courtroom in the presence of court personnel and litigants. Flores also alleged that Judge Garcia shouted saying that he could have shot him had he brought his revolver with him that day.

Flores attached to his Letter-Complaint the affidavits of Reynaldo A. Abunda, Jr., a security guard of RCBC, and Reynaldo Barren, Clerk of Court of the Municipal Circuit Trial Court of Calatrava-Toboso, Negros Occidental. Abunda corroborated the statements of Flores regarding the incident of 22 July 2002[3] while Barren corroborated the claims of Flores on the incident of 24 July 2002. Flores also attached the Extract Police Report[4] dated 31 July 2002 from the Police Blotter of the San Carlos City Police Station which recorded the physical injuries he sustained on 22 July 2002. He likewise attached the Extract Copy of Police Blotter[5] from the Calatrava Municipal Police Station which recorded the 24 July 2002 incident.

In his Comment[6] dated 30 November 2002, Judge Garcia denied having boxed Flores. He alleged that he merely lifted his fist against Flores to express his anger over the latter's alleged immoral advances on his then already senile 78-year old wife. He averred that Flores filed the Letter-Complaint in order to cover up the latter's lewd designs on his wife and to pre-empt his filing of a falsification case. Judge Garcia also submitted an Affidavit of Retraction[7] of Abunda, one of Flores' witnesses, and assailed the credibility of Barren, Flores' other witness. Barren is allegedly a liar and a falsifier who, in the past, had misappropriated the court's fiduciary bank deposit "due to extreme necessity and several downfalls in life." [8] Barren was allegedly on Absence Without Leave and had not cleared his monetary liabilities despite several directives from the office. Judge Garcia also presented a Joint Affidavit[9] executed by five members of his staff stating that the allegation of Flores that Judge

Garcia boxed him was false and exaggerated. Finally, Judge Garcia argued that Flores should have attached a medical certificate to prove that he was indeed injured or hurt by him.

On the counter-charge for falsification, Judge Garcia alleged that Flores falsified his Affidavit in his Letter-Complaint when he alleged that Judge Garcia boxed him in San Carlos City, Negros Occidental on 22 July 2002. Judge Garcia pointed out that the Daily Time Record[10] of Flores on 22 July 2002 shows that he was in the court from 12:40 p.m. to 5:30 p.m. of that day. Judge Garcia also accused Flores of falsifying the Affidavit of Abunda who later on executed an Affidavit of Retraction. Abunda allegedly signed the Affidavit without knowing that there was a statement to the effect that Judge Garcia boxed Flores.

Flores, in his Answer,[11] accused Judge Garcia of forum shopping since the latter had already filed a similar complaint[12] on 13 February 2003 against him before the Office of the Ombudsman for the Visayas. He further pointed out that Judge Garcia himself had admitted in his Comment that the first incident took place in the afternoon of 22 July 2002 near the LBC office in San Carlos City. Flores also downplays Abunda's Affidavit of Retraction and stresses that the original Affidavit was sworn to before the Assistant Provincial Prosecutor and thus enjoys the presumption of regularity. With regard to the Joint Affidavit executed by five staff members from the same court, Flores questioned the truthfulness of their statements as they were then under the supervision of Judge Garcia. Lastly, Flores considered the issue on his failure to present a medical certificate to substantiate his claim of having suffered physical injuries as hollow and argumentative.

The Court, in a Resolution[13] dated 20 October 2003, consolidated both cases and referred them to then Executive Judge Roberto S. Javellana of the Regional Trial Court of San Carlos City for investigation, report and recommendation. Judge Javellana, however, inhibited himself from hearing the cases upon the Motion for Inhibition[14] filed by Judge Garcia on the ground of impartiality. Thus, in another Resolution[15] of the Court dated 14 June 2004, the cases were referred to Executive Judge Pepito B. Gellada of the Regional Trial Court of Bacolod City who later requested the recall of his designation. On 22 August 2005, the Court issued another Resolution[16] referring the cases to Executive Judge Roberto S. Chiongson of the Regional Trial Court of Bacolod City.

Judge Chiongson, in his Report and Recommendation[17] dated 1 December 2005, recommended that both cases be dismissed. He found that the complaint for falsification against Flores was not well-founded. He stated that part of the job of Flores as a utility worker is to do official errands for Judge Garcia. Thus, if he was in San Carlos City on 22 July 2002 and wrote in his Daily Time Record that he reported for work on the same day, such did not constitute falsification as he accompanied Judge Garcia on official business. With regard to the case filed against Judge Garcia, Judge Chiongson did not find the complaint to be serious as it did not involve graft and corruption. The investigating judge also recommended the dismissal of the case against Judge Garcia in view of the Affidavit of Retraction executed by Flores and the retirement of Judge Garcia from the service.

The Court, through its Second Division, noted the receipt of Judge Chiongson's Report and Recommendation in a Resolution[18] dated 5 April 2006 and referred the consolidated cases to the Office of the Court Administrator for evaluation, report and recommendation.

On 12 October 2006, the Office of the Court Administrator submitted the following recommendations in its Memorandum, viz.:

- That Judge Rodolfo B. Garcia (Retired), Municipal Circuit Trial Court, Calatrava-Toboso, Negros Occidental, be found GUILTY of gross misconduct constituting violations of the Code of Judicial Conduct [Sec. 8(3), Rule 140 of the Rules of Court];
- That Judge Garcia be FINED in the amount of [P]20,500, the amount of which shall be taken from the

[P]80,000 withheld by the Court in its Resolution dated June 8, 2004 in A.M. OCA IPI No. 03-1403-MTJ; and[,]

- That the administrative case, docketed as A.M. No. P-03-1752, against Celfred P. Flores, Utility Worker, same court, for falsification of his daily time records (sic), be DISMISSED.[19]

On 23 July 2007, the Court required the parties to manifest if they are willing to submit the case for decision on the basis of the pleadings filed. The parties submitted a Joint Manifestation[20] on 11 October 2007 praying that the Court dismiss both cases and consider them closed and terminated in view of their subsequent reconciliation.

The Court issued a Resolution[21] on 28 November 2007 referring the Joint Manifestation to the Office of the Court Administrator for evaluation, report and recommendation. In a Memorandum dated 16 June 2008, the Office of the Court Administrator submitted the following recommendations, viz.:

- the Joint Manifestation dated 11 October 2007 of Ret. Judge Rodolfo B. Garcia and Mr. Celfred P. Flores, filed in compliance with the Resolution dated 23 July 2007, praying for the dismissal of their respective cases against each other and/or for the Court to consider the same as closed and terminated, be DENIED for utter lack of merit; [and,]

- the recommendations in our October 12, 2006 Memorandum be taken into consideration in resolving the instant consolidated cases.[22]

The subsequent reconciliation of the parties to an administrative proceeding does not strip the court of its jurisdiction to hear the administrative case until its resolution. Atonement, in administrative cases, merely obliterates the personal injury of the parties and does not extend to erase the offense that may have been committed against the public service. As succinctly put by the Memorandum of the Office of the Court Administrator:

xxx [T]he withdrawal of an administrative complaint or subsequent desistance by the complainant does not free the respondent from liability as the purpose of an administrative proceeding is to protect the public service, based on the time-honored principle that a public office i[s] a public trust. The withdrawal of the complaint or the execution of an affidavit of desistance does not automatically result in the dismissal of the administrative case. It will not divest the Supreme Court of its jurisdiction to investigate the matters alleged in the complaint. Thus, the joint manifestation filed by the parties praying that the charges and counter-charges be dismissed should be denied. xxx To condition administrative actions upon the will of every complainant who may, for one reason or another, condone a detestable act is to strip the Court of its supervisory power to discipline erring members of the judiciary. Disciplinary proceedings of this nature involve no private interest and afford no redress for private grievance. They are undertaken and prosecuted solely for public welfare, i.e.,[] to maintain the faith and confidence of the people in the government and its agencies and instrumentalities.[23]

As gleaned from the Pre-Trial Order,[24] Judge Garcia admitted at the pre-trial conference to having confronted Flores on his alleged immoral advances on Mrs. Garcia. He admitted uttering the following to Flores: "Fred, you're only here, what are you doing here? If only I have a gun I will shoot you. It's better for you to elope." He also admitted pointing a finger at Flores as he ordered him to get out of the office and told him in the presence of the court personnel: "If only I have brought with me my revolver, I should have shot him."

Judge Garcia had acted in wanton disregard of the exacting standards of conduct attached to his position as a magistrate. Judicial office circumscribes the personal conduct of a judge and imposes a number of restrictions thereon which he must pay for accepting and occupying an exalted position in the administration of justice.[25] His personal behavior, not only upon the bench but also in everyday life, should be above reproach and free from the appearance of impropriety. The Code of Judicial Ethics dictates that a judge, in order to promote public

confidence in the integrity and impartiality of the judiciary, must behave with propriety at all times. Being the subject of constant public scrutiny, a judge should freely and willingly accept restrictions on conduct that might be viewed as burdensome by the ordinary citizen. He should personify judicial integrity and exemplify honest public service.[26] Thus, when Judge Garcia acted without exercising civility, self-restraint, prudence and sobriety even - if at all - he was indeed provoked, he did so in violation of Canon 4 of the New Code of Judicial Conduct, [27] viz.:

CANON 4
PROPRIETY

Propriety and the appearance of propriety are essential to the performance of all the activities of a judge.

SECTION 1. Judges shall avoid impropriety and the appearance of impropriety in all of their activities.

SEC. 2. As a subject of constant public scrutiny, judges must accept personal restrictions that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly. In particular, judges shall conduct themselves in a way that is consistent with the dignity of the judicial office.

An act that violates the Code of Judicial Conduct constitutes gross misconduct which is considered a serious charge under Section 8(3) of Rule 140 of the Rules of Court, viz.:

SEC. 8. Serious charges. - Serious charges include:

- Bribery, direct or indirect;
- Dishonesty and violations of the Anti-Graft and Corrupt Practices Law (R.A. No. 3019);
- Gross misconduct constituting violations of the Code of Judicial Conduct;[28]
- Knowingly rendering an unjust judgment or order as determined by a competent court in an appropriate proceeding;
- Conviction of a crime involving moral turpitude;
- Willful failure to pay a just debt;
- Borrowing money or property from lawyers and litigants in a case pending before the court;
- Immorality;
- Gross ignorance of the law or procedure;
- Partisan political activities; and
- Alcoholism and/or vicious habits.

Under Section 11 of the same Rule, a serious charge metes out either of the following penalties, viz.:

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.

The Office of the Court Administrator has correctly noted that there are attendant mitigating circumstances in the case at bar. These include Judge Garcia's retirement, twenty years of service in the judiciary, old age, subsequent reconciliation with Flores and that the cases do not involve graft and corruption. However, these mitigating circumstances are offset by previous administrative sanctions of a fine of P5,000.00 in MTJ-00-1282 for misconduct, oppression and abuse of authority, and reprimand in MTJ-88-208 for gross ignorance of the law and grave abuse of authority.

Prescinding from the foregoing, we uphold the imposition of a fine of P20,500.00 as recommended by the Office of the Court Administrator. The amount shall be deducted from the P80,000.00 which has been previously withheld from Judge Garcia's retirement benefits pursuant to the Court's Resolution dated 8 June 2004 in A.M. OCA IPI No. 03-1403-MTJ.[29]

The case for falsification against Flores is dismissed for lack of merit. Flores' statement in his Daily Time Record that he reported for work on 22 July 2002 did not constitute falsification. If he was not within the office premises from 12:40 p.m. to 5:30 p.m. as alleged by Judge Garcia, it was because he was on official business in San Carlos City, Negros Occidental as he was acting as Judge Garcia's driver. The other charge against Flores regarding the falsification of the Affidavit of Abunda is likewise dismissed for lack of evidence to prove the same.

IN VIEW WHEREOF, retired Judge Rodolfo B. Garcia of the Municipal Circuit Trial Court of Calatrava-Toboso, Negros Occidental is found GUILTY of gross misconduct constituting a violation of the Code of Judicial Conduct under Section 8(3) of Rule 140 of the Rules of Court. The Court hereby imposes upon Judge Garcia a FINE of Twenty Thousand Five Hundred Pesos (P20,500.00) to be deducted from the amount of P80,000.00 which was previously withheld by the Court from his retirement benefits pursuant to the Court's Resolution dated 8 June 2004 in A.M. OCA IPI No. 03-1403-MTJ. The administrative charge for falsification filed against Celfred P. Flores, also of the same court, is DISMISSED for lack of merit.

SO ORDERED.

Quisumbing, Ynares-Santiago, Carpio, Austria-Martinez, Carpio-Morales, Azcuna, Tinga, Chico-Nazario, Velasco, Jr., Nachura, Reyes, Leonardo-De Castro, and Brion, JJ., concur.
Corona, J., on leave.

[1]Rollo I, 5.

[2]Dated 26 January 2003; Rollo II, 3.

[3]Rollo II, 8.

[4]Rollo I, 14.

[5]Rollo I, 15.

[6]Rollo I, 22-30.

[7]Rollo II, 9.

[8] Rollo I, 35-38.

- [9] Rollo I, 31.
- [10] Rollo II, 7.
- [11] Rollo II, 16-18.
- [12] Rollo II, 19-20.
- [13] Rollo II, 48.
- [14] Rollo I, 97-100.
- [15] Rollo II, 83.
- [16] Rollo I, 245.
- [17] Rollo II, 107-108.
- [18] Rollo II, 113.
- [19] Memorandum, 6; Rollo II, 119. Emphases in the original.
- [20] Rollo II, 122-123.
- [21] Rollo II, 129.
- [22] Memorandum dated 16 June 2008, 3-4; Rollo II, 133-134. Emphasis in the original.
- [23] Memorandum dated 12 October 2006, 4; Rollo II, 117. Citations omitted.
- [24] Rollo I, 117-120.
- [25] *Torcende v. Sardido*, A.M. No. MTJ-99-1238, 24 January 2003, 396 SCRA 11; *Rosales v. Villanueva*, A.M. No. RTJ-03-1784, 17 June 2003, 404 SCRA 98.
- [26] *Cacatian v. Liwanag*, AM No. MTJ-02-1418, 10 December 2003, 417 SCRA 350.
- [27] A.M. No. 03-05-01-SC: *Adopting the New Code of Judicial Conduct for the Philippine Judiciary*. Manila: Supreme Court of the Philippines, 2004.
- [28] Emphasis supplied.
- [29] *Julieta F. Ortega v. Judge Rodolfo B. Garcia*.

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