

**COURT EMPLOYEES OF THE REGIONAL TRIAL COURT, BRANCH 27
GINGOOG CITY, COMPLAINANTS, VS. JUDGE VIVENCIO A. GALON,
REGIONAL TRIAL COURT, BRANCH 27, GINGOOG CITY,
RESPONDENTS.**

A.M. No. RTJ-90-372-B. December 23, 1996

Ponente: NARVASA, C.J.

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NARVASA, C.J.:

Judge Vivencio A. Galon was charged with oppression, dishonesty, misconduct, incompetence, and ignorance of the law in a letter-complaint dated December 21, 1989, addressed to then Chief Justice Marcelo B. Fernan by seven (7) employees of Branch 27 of the Regional Trial Court in Gingoog City, namely: Rosita Quicho, Evangeline Alpuerto and Fortunato Rail -- stenographic reporters; Azucena C. Pallugna -- court interpreter; Jesusa Sumaylo -- staff assistant II; Romeo Gaputan -- staff assistant I; and Godofredo Ranis -- court aide. The case was docketed as A.M. RTJ-90-372-B.

At that time, Judge Galon was on temporary detail in Branch 27, his permanent station being in Medina, Misamis Oriental, Branch 27. In the comment required of him by this Court, Judge Galon denied the charges, stating that they were maliciously "maneuvered" by one of the complainants, Pallugna, and her husband, a Judge; and that his unpopularity among complainants stemmed from their resentment at his attempts to control their rampant tardiness and absenteeism.

The Court required the complainants to reply to the judge's comment. Gaputan, Quicho, and Sumaylo, instead of filing a reply, submitted separate manifestations to the effect that they were abandoning their complaint it having become moot and academic (evidently because Judge Galon had since been returned to his permanent assignment as presiding Judge of Branch 26 in Medina, Misamis Oriental). Gaputan and Alpuerto did not submit a reply or other pleading. Only Pallugna and Rail filed individual replies.

The Court thereafter referred the case at bar to Justice Alfredo L. Benipayo of the Court of Appeals for investigation, report and recommendation, and subsequently authorized the Executive Judge of Gingoog City to receive the evidence of the parties for eventual submission to Justice Benipayo.

In the course of the investigation, Judge Galon and five (5) of the complainants -- Quicho, Alpuerto, Sumaylo, Gaputan and Ranis -- filed a motion dated September 7, 1992 praying for dismissal of the complaint and the Judge's counter-complaint (later filed), stating that "the continuation of the case would entail waste of their precious time." A similar motion to dismiss the complaint and counter-complaint was on the same day also filed by Judge Galon and Pallugna.

On November 23, 1993, Judge Galon filed a complaint against Fortunato Rail, who was the only complainant left in the case, charging him with adultery, immorality and twelve (12) counts of perjury. This complaint was docketed as A.M. P-93-992 and, after comment thereon was filed by Rail on March 15, 1994, was consolidated

with A.M. RTJ-90-372-B. The cases were then referred for reception of evidence to another judge, the Executive Judge of Cagayan de Oro City (Hon. Noli Catli).

Presentation of evidence was regrettably delayed for some time, and it was not until September 21, 1995 that the hearing officer's report and the records (consisting of thirteen [13] rollos and thirty-four [34] sets of transcripts of stenographic notes) were transmitted to Justice Benipayo. On March 1, 1996, Justice Benipayo submitted to this Court his sealed report in the consolidated cases of A.M. P-93-992 and A.M. RTJ-90-372-B, together with the records, which report was NOTED in the Resolution of April 30, 1996.

A few months later, the Court, by Resolution dated August 20, 1996, approved Judge Galon's application for retirement on the ground of permanent total disability, duly certified by the Court's physicians, but withheld the sum of P10,000.00 "from his retirement benefits, pending the outcome of the administrative case filed against him

***."

Now, of the several charges against Judge Galon comprehended in A.M. RTJ-90-372-B, only one, in the view of both the Investigating Executive Judge and Justice Benipayo, was adequately established by the evidence. For all their voluminousness, the proofs failed to substantiate the accusation relative to the Judge's berating a carinderia owner; or respecting his supposed solicitation of the endorsement of municipal officials to be permanently appointed in Gingoog City or Medina, Misamis Oriental; or regarding the cancellation of the property bond in Criminal Case No. 357-M-78, he having simply exercised the discretion accorded him by Sections 8, 16 and 17, Rule 117 of the Rules of Court; or concerning the purchase of certain books which, in truth, was pronounced regular and proper by the Gingoog City auditor; or regarding his having allegedly compelled court employees Ranis and Sumaylo to do domestic chores; or relative to the dismissal of a particular criminal action, the public prosecutor concerned having in fact acknowledged the weakness of the government's case against the accused; or respecting the admission of clearer copies of documents earlier formally offered in evidence; or respecting his having adopted the arguments of one party in a decision in a criminal case or in having excluded the mayor of Medina in another criminal case at the instance of the public prosecutor.

A review of the record convinces the Court of the correctness of the Investigating Justice's assessment of the proofs as establishing the charge of reprehensible use by respondent of his chambers, as well as impropriety in language.

***. Respondent judge's behavior, particularly his use of the court chambers as his lodgings, displaying his personal belongings including shoes, socks and bedding in full view of all, well documented by photographs **, betrays a lack of judicial decorum which diminishes the image of the court of justice. The undersigned also must point out that it is with distaste that he read the pleadings filed by Judge Galon. He was appalled by respondent's choice of words, aside from being baseless, vindictive and vile, the intemperate language betrays a lack of equability, restraint and judiciousness. From the standpoint of conduct and demeanor expected of a judge, resort to intemperate language only detracts from the respect due a member of the judiciary and becomes self-destructive. (Royeca vs. Animas, 71 SCRA 1)."

The same review of the record also moves the Court to approve the conclusions drawn from the proofs by the Investigating Justice (and Executive Judge Catli, who received the evidence) concerning the charges against Stenographic Reporter Fortunato Rail in A.M. P-93-992 viz.:

*** (W)hile ** there appears no basis for the charges (against Fortunato Rail) of perjury with respect to the status of his children, and his own marital status in his personal data sheets, the GSIS Information Sheet and his daily time records, respondent perjured when he declared in the voter's registration application dated December 6, 1986 that he and Eufemia (S. Valmoria) were already married (Rollo, Annex E, p. 48) when the marriage contract clearly indicates that they were married only on July 5, 1988. (id., at p. 53)"

The ** respondent committed adultery and immorality by his own admission reflected in the stenographic notes of his responses to his own questions during direct examination. The notes read:

"Q. In Item No. 5 he (Judge Galon) charged you that you lived in adulterous relationship with Eufemia S. Valmoria lived together in one house in No. 11, Purok 1, Bigaan, Gusa, Cagayan de Oro City. What can you say to this charge?

"A. Well, this is admitted that we lived together as husband and wife concept under the common-law marriage sometime in 1970 up to July 4, 1985 because on July 5, 1985 our common-law relationship as husband and wife ended when our marriage was solemnized by Judge Arteo Valdehueza of Tagaloan, thereby completely extinguishing the so-called adulterous relationship cohabiting together in one house as the common-law marriage relationship. As I pointed out the alleged adulterous relationship in living together or cohabiting as husband and wife in one house started in 1970 but on common-law relationship which is recognized by our jurisprudence.

"Q. Complainant judge alleged in paragraph 5 that I applied as court stenographer for the Regional Trial Court, Branch 27, region 10, with station at Gingoog City, and assumed office on August 12, 1985 upon recommendation of RTC Judge Pedro R. Lusco, Sr.

"A. That is admitted that I applied" (TSN, March 3, 1995, pp. 16-17)

The evidence establishes that respondent Rail joined the judiciary as stenographic reporter with station at Branch 27, Regional Trial Court, Gingoog City on August 12, 1985; that prior thereto, or sometime in October, 1963, he had carnal knowledge of Eufemia Valmoria -- the wife of his uncle, who died on April 21, 1987 -- and nine months later, Eufemia gave birth to a girl, Victoria; that sometime in 1970, Rail brought Eufemia and their daughter to Cagayan de Oro where, on August 10, 1984, Eufemia gave birth to their second child, Rosalie; that in his application for voter's registration, Rail declared that he and Eufemia were married, although they were not, because they were recognized as husband and wife in the locality and he wished to avoid scandal and protect his children; and that Rail and Eufemia were married on July 5, 1988, after the demise of Rail's uncle.

Those in the judiciary cannot be reminded often enough that they must adhere to high ethical standards to preserve the courts' good name and standing, and an offense involving moral turpitude makes one unfit as court employee (Paredes vs. Padua, 222 SCRA 82).

"The image of a court of justice is necessarily mirrored in the conduct, official or otherwise, of the men and women who work thereat, from the judge to the least and the lowest of its personnel, hence, it becomes the imperative sacred duty of each and everyone in the court to maintain its good name and standing as a true temple of justice." (Recto vs. Racelis, 70 SCRA 438)

It is therefore THE JUDGMENT OF THIS COURT that:

1) in A.M. No. RTJ-90-372-B, for his improper and scandalous use of the Court's chambers during his incumbency as Presiding Judge of Branch 27 of the Regional Trial Court at Gingoog City, respondent JUDGE VIVENCIO A. GALON be as he is hereby sentenced to pay a fine of FIVE THOUSAND PESOS (P5,000.00), said amount to be deducted from the amount of TEN THOUSAND PESOS (P10,000.00) withheld from his retirement benefits in accordance with the Resolution of August 20, 1996 and the balance of FIVE THOUSAND PESOS (P5,000.00) forthwith paid and delivered to him by the Court's Cashier; and

2) in A.M. P-93-992, for falsification of official document, and immoral and disgraceful conduct prior to entering the service (in violation of Section 22 [f] and [o], respectively, of Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292 and Other Pertinent Civil Service Laws), and for concealment of his personal marital status in his application for a voter's certificate (punishable under paragraph 2 of Article 178 of the

Revised Penal Code), respondent FORTUNATO RAIL be as he is hereby sentenced to pay a fine of TWELVE THOUSAND PESOS (P12,000.00), with the warning that any future misconduct will be dealt with more severely.

SO ORDERED.

Padilla, Regalado, Davide, Jr., Romero, Bellosillo, Melo, Puno, Kapunan, Mendoza, Francisco, Panganiban, Hermosisima, Jr., and Torres, Jr., JJ., concur.
Vitug, J., on leave.

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