EMMANUEL YMSON VELASCO, COMPLAINANT, VS. JUDGE ADORACION G. ANGELES, PROMULGATED: PRESIDING JUDGE, REGIONAL TRIAL COURT, CALOOCAN CITY, BRANCH 121, RESPONDENT.

A.M. No. RTJ-05-1908. August 15, 2007

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

This administrative case covers 10 complaints filed by Emmanuel Ymson Velasco (complainant), State Prosecutor of the Department of Justice (DOJ), against Adoracion G. Angeles (respondent), Presiding Judge of the Regional Trial Court (RTC) of Caloocan City, Branch 121.

The Facts

Complainant was the investigating prosecutor in a criminal complaint for multiple counts of child abuse, or violation of Republic Act No. 7610 (R.A. 7610),[1] filed in 1999 against respondent by her grandniece, Ma. Mercedes Vistan (Mercedes). The complaint was docketed as I.S. No. 99-553. On 20 June 1999, complainant issued a Resolution (Resolution) recommending respondent's indictment.

Calling the indictment "highly anomalous," respondent charged complainant with gross ignorance of the law, manifest partiality, and bad faith in an administrative complaint[2] filed before the DOJ on 7 July 2000. Then DOJ Secretary Hernando B. Perez dismissed the complaint in a letter dated 6 June 2001 addressed to respondent.[3] After her motion for reconsideration was denied, respondent filed a Petition for Review (petition for review) before the Office of the President, docketed as O.P. Case No. 02-D-187. Six of the complaints in the present case are based on the contents of the petition for review and respondent's succeeding pleadings in O.P. Case No. 02-D-187. The rest are based on acts respondent allegedly committed either before this case was filed, or during its pendency, but in connection with incidents in I.S. No. 99-553.

On 8 April 2003, we referred the matter to Court of Appeals Associate Justice Noel G. Tijam (Justice Tijam) for investigation, report, and recommendation.[4] Justice Tijam conducted a full-blown investigation and presided over 16 hearings from 9 June 2003 to 4 August 2004. On 15 March 2005, we resolved to treat the matter as a regular administrative complaint.[5]

The Report and Recommendation dated 1 December 2004 (Report) of Justice Tijam outlines the following charges against respondent:

- Misquoting complainant in bad faith and accusing complainant of falsifying a public document;

- Using intemperate language in pleadings filed before the Office of the President and the Office of the Court Administrator (OCA), Supreme Court;

- Committing acts of child abuse against her two housemaids, in violation of R.A. 7610;

- Visiting the Secretary of Justice while her case was pending before the DOJ;

- Visiting the Secretary of Justice during office hours, without filing for official leave of absence;

- Maliciously stating in a pleading that complainant, in his capacity as public prosecutor, deliberately suppressed evidence to weaken the government's case;

- Falsifying a public document and introducing the document as evidence in a judicial proceeding;

- Causing Mercedes to execute a false affidavit, and introducing the affidavit as evidence in a judicial proceeding;

- Using intemperate language and assailing the dignity of a Supreme Court Justice; and

- Utilizing sheriffs of the RTC Caloocan to serve pleadings on her behalf.

For purposes of expediency, we shall discuss jointly charges (1) and (7), and (3) and (8), as they involve intertwined facts. We shall do the same for charges (2) and (9), which are substantially similar, and charges (4) and (5), which arise from a common incident.

1[st] complaint: Respondent quoted the Resolution
incorrectly and accused complainant of falsification;
7[th] complaint: Respondent falsified a
public document and knowingly introduced
it as evidence in a judicial proceeding

Complainant alleged in his Complaint dated 25 July 2002 (first complaint)[6] that respondent's petition for review contained "false and malicious statements" that besmirched his reputation. Complainant specifically assailed the following portion of the petition for review:

> Fourth, the x x x [complainant] employed a double standard in the appreciation of the evidence presented. He gave full credit to the testimony of the thirteen-year-old Maria Mercedes because he considered her still a child, but he did not afford even the slightest consideration to the handwritten notes of the girl's younger brother x x x.
>
> Attempting to disguise his bias for Maria Mercedes, [complainant] pontificated that from the mouths of children, we elicit the truth.
>
> But considering his reaction to Patrick Adrianne (sic) G. Vistan's notes and to Jennilyn Serquina's affidavit, the adage was twisted by [complainant] as follows: "From the mouth of Maria Mercedes, I get the truth, from the mouths of other people, regardless of age, I get falsehood."
>
> The only nomenclature for such attitude is manifest partiality.[7] (Emphasis supplied)

Complainant alleged that his Resolution only stated, "From the mouths of children we get the truth." In her Comment dated 24 October 2002 (initial comment),[8] respondent admitted that she modified the statement as alleged by complainant. However, respondent justified the change as a means of pursuing her argument that complainant "used a double standard" in investigating Mercedes' case. Respondent insisted that complainant had based his Resolution on Mercedes' bare allegations, without requiring Mercedes to present a medical certificate supporting the charges of physical abuse, or her diary allegedly containing a record of incidents of abuse.

Complainant also bewailed respondent's accusation in the petition for review that he "made it appear [in the Resolution]" that on 22 June 1999, Leonila Vistan (Leonila), Mercedes' grandmother and respondent's sister,

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subscribed to her Sinumpaang Salaysay (Salaysay) before him at the DOJ. Respondent suggested that Leonila could not have gone to the DOJ on that date, and that the Salaysay, which complainant cited in the Resolution recommending respondent's indictment, was not Leonila's but was complainant's fabrication.[9]

First, respondent pointed out that complainant's Resolution was dated 20 June 1999, or two days preceding Leonila's supposed appearance on 22 June 1999. Thus, respondent posited that there was no need for Leonila to be at the DOJ on the questioned date to subscribe to her affidavit before complainant, as the investigation was by then already concluded, and in fact she was not notified of any hearing to take place on that date. Second, respondent alleged that long before June 1999, Leonila had been staying at the ground floor of her house as she could not climb up the stairs.[10] Respondent therefore suggested that it was impossible for Leonila to climb up to the third floor of the DOJ building, where complainant's office was located.

On the other hand, Mercedes testified before Justice Tijam that she accompanied Leonila to the DOJ at the 22 June 1999 hearing; that Leonila was able to climb the stairs of the DOJ; and that in her presence and with her assistance, Leonila affixed her thumbmark on the Salaysay.[11] Complainant's witness Percival Abril (Abril)[12] corroborated Mercedes' testimony, saying that he was present when Leonila subscribed to her Salaysay before complainant on 22 June 1999.[13] Abril also testified that although Leonila appeared weak, she was able to sign the certificate of attendance.[14] On cross-examination, Abril admitted that he failed to prepare a subpoena for respondent's attendance on 22 June 1999.[15] Abril stated that the subpoenas he prepared were only for Mercedes and other prosecution witnesses.

Trying to turn the tables against respondent, complainant in his Complaint dated 29 October 2002 (seventh complaint)[16] accused her of falsifying a copy of the Salaysay and knowingly introducing the falsified copy as evidence before the Office of the President and the OCA.

Complainant alleged that respondent obtained a certified true copy of Leonila's Salaysay from the DOJ records. This copy, which was submitted as "Annex 'N'" to respondent's administrative complaint against complainant before the DOJ, contains no signature or stamp mark of a public prosecutor. Complainant claimed that Leonila appeared before him on 22 June 1999 attesting to the contents of a copy of the affidavit, on which complainant affixed his signature and stamp mark. In the copy respondent submitted to the Office of the President as an annex to the petition for review, respondent rewrote over the original word "Annex" and superimposed the letter "D" over the "N." In the copy respondent submitted to the OCA for this administrative case, respondent rewrote over the original word "Annex" and superimposed the number "6" over the "N." Complainant pointed out that respondent, in all her other annexes previously labeled or marked, never superimposed a new marking over the old.

Complainant accused respondent of intending to hide the original marking to be able to claim that the Salaysay was never subscribed before him, especially on the questioned date of 22 June 1999. Complainant contended that respondent submitted the documents to the Office of the President and the OCA in an effort to mislead them deliberately into believing that Leonila did not appear at the DOJ on that date.

In her Comment dated 26 February 2003 (second comment),[17] respondent countered that complainant's accusation was intended as a cover-up for his falsification of a copy of Leonila's Salaysay. Respondent contended that her act of changing the markings on the copy for purposes merely of its attachment to different pleadings did not affect the meaning of its contents to any degree.

2[nd] and 9[th] complaints: Respondent
used intemperate language in her pleadings

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In his Complaint dated 8 October 2002 (second complaint),[18] complainant accused respondent of using intemperate language not befitting a judge. It appeared that in complainant's Manifestation/Comment submitted in O.P. Case No. 02-D-187, he mentioned that his postgraduate degree thesis tackled measures to curb corruption. In her Reply dated 17 September 2002, respondent commented:

> [Complainant] also boasts about his thesis at the National Defense College wherein he allegedly made recommendations to preempt corruption and ineptitude at the [DOJ]. x x x It certainly does not mean that he is incapable of doing the acts imputed against him. Naturally, [complainant] is expected to submit a thesis that is dripping with idealism. Certainly, he cannot submit a thesis on how to do acts of corruption when the bosses are not looking. The genuine concern is not the rhetorics in his thesis but whether or not he has the sincerity to pursue the objectives set forth therein. [Complainant] submits that he does not have the sincerity or the moral fiber to do what his thesis says. x x x[19]

Complainant charged respondent with maliciously besmirching his reputation before the Office of the President and of mocking the "judiciary's efforts to strengthen the integrity of the criminal justice system." Respondent contended, however, that she only intended to emphasize that complainant's thesis was not necessarily a reflection of his track record in public service,[20] particularly of his investigation of the child abuse case. Respondent explained that she perceived complainant's citation of his thesis as an "evasive strategy to avoid the main issue of his culpability."

In his petition for indirect contempt dated 24 February 2003 (ninth complaint),[21] complainant again accused respondent of using intemperate language and assailing the dignity and stature of the Supreme Court and of Justice Josue N. Bellosillo (Justice Bellosillo, now retired) in particular. The controversy arose when respondent stated in a pleading submitted in O.P. Case No. 02-D-187 that the Court had already decided the administrative case filed by Michael Vistan (Michael), Mercedes' brother, on her behalf. Complainant challenged respondent to show proof of the decision. Instead of simply furnishing complainant a copy, respondent in her Rejoinder to the Reply dated 15 October 2002 remarked:

> [Respondent] has no obligation to produce [complainant] proof of the dismissal by the Supreme Court of the administrative aspect of the child abuse case. This is a matter of public record and knowledge. And besides, if [complainant] portrays to know a lot about the undersigned, ironically even on matters which she herself has no knowledge of, then he ought not to be asking anymore about the Supreme Court's decision on the administrative case. No doubt his patron has already told [him] about the minutiae of the deliberations.[22] (Emphasis supplied)

Complainant claimed that the "patron" referred to is Justice Bellosillo. Complainant recounted that he knew nothing about the status of the administrative case until he inquired and obtained from Michael a copy of Justice Bellosillo's letter addressed to Chief Justice Hilario G. Davide, Jr. (now retired). In the letter[23] dated 2 January 2001, Justice Bellosillo used strong language to refute respondent's accusations that he intervened in the fight for Mercedes' custody between respondent and the Department of Social Welfare and Development (DSWD). Respondent had taken issue with the fact that the incumbent DSWD Secretary then was Lina Bellosillo Laigo (Secretary Laigo), a relative of Justice Bellosillo. Respondent had also filed an administrative case against Secretary Laigo and other government personnel involved in the investigation of the child abuse case.[24]

Respondent did not take lightly complainant's extensive quotation of Justice Bellosillo's letter in his pleadings filed before the Office of the President and the OCA. In her Rejoinder dated 29 January 2003, respondent stated:

> The alleged letter of Justice Bellosillo to the Honorable Chief Justice has not even the remotest connection to this case x x x. Relevantly, [respondent] is not even privy to its existence when she is supposed to be the person under fire in said missive. It is very mysterious, however, that [complainant] has a copy of the same. It

> is a serious food for thought to ponder on what [complainant] and Justice Bellosillo have in common.[25] (Emphasis supplied)

Respondent further hinted at a "link" between Justice Bellosillo and complainant in her Rejoinder dated 3 February 2003, where she asked: "x x x What is [complainant's] link to Justice Bellosillo and what do they have in common?"[26] In her Omnibus Reply dated 28 January 2003, respondent stated: "x x x Respondent would like to ponder on what herein complainant and Justice Bellosillo have in common. Perhaps, in the interest of transparency, complainant should disclose his link [to] Justice Bellosillo."[27]

Complainant maintained that he does not know personally Justice Bellosillo. Complainant characterized respondent's malicious insinuations against Justice Bellosillo as a blatant disregard of the trust and respect that should be accorded to justices of the Court.

Respondent denied any intention of assailing the dignity and stature of the Court as a body. She claimed that her "honest expression of sentiment" was directed at only one of its members and spurred by a sincere desire to know the truth.

3[rd] complaint: Respondent violated R.A. 7610;
8[th] complaint: Respondent forced Mercedes
to sign an affidavit, and introduced the
perjured affidavit in evidence

In his Complaint dated 15 October 2002 (third complaint),[28] complainant charged respondent with violation of R.A. 7610 against the persons of Mercedes and her former housemaids Nancy Gaspar (Gaspar) and Proclyn Pacay (Pacay). Gaspar and Pacay had filed a criminal complaint, docketed as I.S. No. 95-224, against respondent in 1995. The DOJ found probable cause to indict respondent, which finding was affirmed by DOJ Undersecretary Ricardo Nepomuceno (Undersecretary Nepomuceno). Criminal cases were filed against respondent for multiple counts of violation of R.A. 7610. On 17 July 2006, the RTC of Quezon City, Branch 100 convicted respondent of two counts of violation of R.A. 7610. The case is still pending before the Court of Appeals.[29] On the other hand, DOJ Undersecretary Regis V. Puno (Undersecretary Puno) reversed on 4 April 2000 complainant's Resolution in I.S. No. 99-553 recommending respondent's indictment.[30] Complainant contended that regardless of the outcome of the criminal investigations, respondent's indictments alone render her administratively liable.

During the course of the investigation, the parties agreed to the exclusion of the charge of violation of R.A. 7610 committed against Mercedes as this Court had already passed upon the issue of respondent's administrative liability in A.M. No. RTJ-02-1672,[31] where the decision was promulgated on 30 January 2002.

Respondent countered that complainant had no personal knowledge of the alleged acts of child abuse, and was only moved by bad faith and malice in filing this complaint after he found himself facing an administrative charge before the Office of the President. Respondent averred that even assuming that complainant had legal personality to file this charge, there is no truth to Gaspar and Pacay's allegations of abuse. Respondent cited an affidavit executed by Mercedes on 11 April 1995 (11 April 1995 affidavit) in her defense, stating that she never witnessed any incident of physical abuse on Gaspar and Pacay and affirming that the two were in fact treated well in respondent's household.

On cross-examination, complainant admitted that his knowledge of the facts surrounding Gaspar and Pacay's complaint against respondent comes solely from his role as investigating prosecutor in I.S. No. 99-553.[32] Complainant's supporting evidences consisted of: (1) the Joint Resolution dated 25 July 1996 (Joint Resolution) issued by DOJ State Prosecutors Richard Anthony Fadullon and Alfredo P. Agcaoili, recommending respondent's indictment for two counts of violation of R.A. 7610;[33] (2) Sinumpaang Salaysay of Gaspar dated 6 March

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1995;[34] (3) Sinumpaang Salaysay of Pacay dated 8 March 1995;[35] and (4) letter-memorandum issued by Undersecretary Nepomuceno dismissing respondent's petition for review assailing the Joint Resolution.[36] Medical certificates of Gaspar and Pacay offered by complainant as documentary evidence were not admitted for lack of proof as to their authenticity.

In I.S. No. 95-224, respondent submitted the 11 April 1995 affidavit as evidence.[37] The affidavit rebutted Gaspar and Pacay's allegation that they suffered abuse from respondent while working for her. On 21 May 1999, Mercedes executed a second affidavit (21 May 1999 affidavit)[38] in support of her own complaint against respondent for child abuse. The 21 May 1999 affidavit affirmed Gaspar and Pacay's allegation that respondent maltreated them. Mercedes claimed that she had signed the 11 April 1995 affidavit out of fear that respondent would otherwise inflict harm upon her person. Thus, complainant argued in his Complaint dated 29 October 2002 (eighth complaint)[39] that respondent must be held liable for forcing Mercedes, then a mere nine-year old, to sign the 11 April 1995 affidavit containing a false narration of facts and to give false testimony against Gaspar and Pacay. The eighth complaint further stated that respondent "likewise submitted the affidavit[40] of Oliva Angeles (Oliva, respondent's sister) to support her defense that there were no acts of child abuse committed on the two maids and that [Pacay] committed the crime of theft." In sum, complainant alleged that respondent "knowingly and willfully forced" Mercedes and Oliva to swear falsely and therefore commit perjury.

Respondent asserted that complainant's allegations are all hearsay. Respondent alleged that Mercedes understood the contents of the 21 May 1999 affidavit, as she expressed a "genuine outrage" against Gaspar and Pacay upon their filing of charges against her and was more than willing to defend her. Respondent pointed out that she could not be accused of coercion or force since it was not she, but Oliva and other prosecution witnesses who were with Mercedes when the latter subscribed to the 11 April 1995 affidavit at the DOJ. Respondent contended that the dismissal of A.M. No. RTJ-02-1672 clearly indicated that the pieces of evidence presented by Michael, among them the 21 May 1999 affidavit, were of doubtful veracity. Respondent further alleged that the night before this affidavit was executed or on 20 May 1999, she cut off the financial support she had been providing Michael due to a family dispute. Thus, respondent claimed that Mercedes executed the second affidavit only after Michael and other relatives induced her to leave respondent's house as a "retaliatory move."

4[th] and 5[th] complaints: Respondent visited
the office of the Secretary of Justice
while her petition for review was pending
before the DOJ, and during office hours

On 21 February 2000, respondent wrote then Secretary of Justice Artemio Tuquero (Secretary Tuquero) to inquire on the status and pray for the early resolution of her pending petition for review.[41] Complainant alleged in his Complaint dated 15 October 2002 (fourth complaint)[42] that also on 21 February 2000, during office hours, respondent personally went to see Secretary Tuquero in his office. One day after respondent's visit, Secretary Tuquero issued a handwritten memorandum to DOJ Undersecretary Antonio Llorente (Undersecretary Llorente) requesting action on respondent's case.[43] On 8 March 2000, Secretary Tuquero sent another memorandum to Undersecretary Llorente with the note: "Please act on this matter, one of the parties being a former colleague for the prosecution service."[44] From this sequence of events, complainant claimed that respondent improperly and deliberately took advantage of her relationship with Secretary Tuquero, who was her former classmate in law school and colleague at the Manila Prosecutors' Office.

In another Complaint dated 16 October 2002 (fifth complaint),[45] complainant accused respondent of visiting Secretary Tuquero on 21 February 2000 during office hours, when respondent should have been in her sala or otherwise on official leave.

Respondent narrated that on 21 February 2000, she was at the Court on official business when she chanced upon two colleagues, RTC Judges Edmundo Acuña (Judge Acuña) and Victorino Alvaro (Judge Alvaro). The three of them sought Secretary Tuquero at his office but failed to meet with him as he abruptly left for a meeting at Malacañang. Respondent emphasized that their meeting was accidental and their visit not arranged.

Judge Alvaro testified that respondent had given "no prior intimation of wanting to visit" Secretary Tuquero.[46] He claimed that he and Judge Acuña saw respondent at the Supreme Court lobby, upon which they told her of their plan to congratulate Secretary Tuquero on his recent appointment. Respondent agreed to join them. Upon arrival at the DOJ, however, they were told to wait for Secretary Tuquero, and then were later informed that he had left for Malacañang. Judge Acuña's testimony corroborated the statements of Judge Alvaro.

6[th] complaint: Respondent maliciously
stated in a pleading that complainant
suppressed evidence in a case
to the government's prejudice

In her Manifestation dated 27 June 2002 and Reply dated 17 September 2002 in O.P. Case No. 02-D-187, respondent accused complainant of suppressing evidence for the prosecution in People of the Philippines v. Lintag,[47] tried before the sala of RTC Caloocan Judge Priscilla Mijares (Judge Mijares). Respondent alleged that complainant had intended to keep a vital witness, a gemologist, from testifying in order to weaken the case for the government. Respondent further alleged that Judge Mijares communicated to Chief State Prosecutor Jovencito Zuño (Zuño) her concern over complainant's failure to present the gemologist, who originally was in the list of prosecution witnesses. Zuño allegedly called complainant's attention to Judge Mijares' observation, so that complainant was constrained to file a Motion to Present Additional Evidence.

In his Complaint dated 18 October 2002 (sixth complaint),[48] complainant charged respondent with besmirching his reputation as a public prosecutor with her malicious accusations. Complainant submitted Zuño's certification attesting that he never "castigated" complainant or "called [his] attention" with regard to the handling of People v. Lintag.[49] According to complainant, he decided to present the gemologist only to further strengthen the government's case and "to thwart the belated strategy of the defense to misrepresent in court the true value" of jewelry subject of the case, which value was already clearly alleged in the information and stipulated in the pre-trial agreement.

During the hearings, respondent presented Judge Mijares' affidavit stating that during the trial of People v. Lintag, she "doubt[ed] the actuation of [complainant]" so that she called up Zuño and requested the latter to look closely into complainant's acts. Judge Mijares admitted that on one occasion, she relayed the matter to respondent, whom she considered her good friend. Judge Mijares testified to affirm the contents of her affidavit. However, Judge Mijares clarified that in her conversation with Zuño, she never used the words "deliberate" and "suppressed," but she communicated to Zuño her concern over the fact that complainant filed a formal offer of evidence when he had yet to present one vital witness.[50]

10[th] complaint: Respondent utilized sheriffs
of the RTC-Caloocan to serve her pleadings

Complainant alleged in his Complaint dated 7 March 2003 (tenth complaint)[51] that several times from 19 April 2002 to 7 March 2003, respondent ordered Sheriffs Armando Mariano (Mariano), Branch 121, and Jovenal Salayon (Salayon), Office of the Clerk of Court, both of the RTC Caloocan, to serve copies of her pleadings upon complainant at the DOJ. These were pleadings in connection with respondent's petition for review. In support of this charge, complainant submitted his Joint Sworn Statement[52] with John Arnel C. Buen and Avelina C.

Vergara, both DOJ employees, attesting that they received from either Mariano or Salayon respondent's pleadings in O.P. Case No. 02-D-187. A list of these pleadings and their dates of service follows:

Pleading

Date Served

1 Comment to the Urgent Petition for Review 6 August 2002

2 Compliance 30 August 2002

3 Reply to the Manifestation/Comment 18 September 2002

4 Motion to Admit Attached Supplement to the Rejoinder 25 October 20025

5 Comment 8 November 2002

6 Reply to the Comment 13 November 2002

7 Comment 14 November 2002

8 Comment 19 November 2002

9 Rejoinder 25 November 2002

10 Reply 9 January 2003

11 Reply 23 January 2003

12 Rejoinder 29 January 2003

13 Reply 4 February 2002

14 Reply 17 February 2002

15 Motion for Reconsideration 7 March 2003

Respondent completely admitted complainant's allegation.[53] Respondent explained that she requested the sheriffs alternately to deliver some pleadings on her behalf, upon shouldering their fare, because they happened to have official business in the vicinity.

Findings and Recommendations of the Investigating Justice

After conducting the investigation, Justice Tijam transmitted to the Court his exhaustive Report recommending that all complaints, except the ninth, be dismissed for lack of substantial evidence. As regards the ninth complaint, Justice Tijam recommended that respondent be held guilty of indirect contempt and fined P25,000, with a stern warning that a repetition of the same infraction shall be dealt with more severely.

The Ruling of the Court

We adopt the findings of Justice Tijam. We hold that respondent is guilty of using intemperate language in her pleadings.

No misquotation and deliberate assertion of
falsehood on the part of respondent

It is obvious from a reading of the assailed portions of the petition for review that respondent did not deliberately

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misquote complainant as having said, "From the mouths of Maria Mercedes, I get the truth, from the mouths of others, regardless of age, I get falsehood." Respondent carefully placed in proper context her interpretation of how complainant weighed the evidence and arrived at his recommendation to indict respondent in I.S. No. 99-553. The statement was relevant to the issue raised by respondent in the petition for review, which was that complainant erred in arriving at his recommendation. The statement, taken together with those preceding it, clearly was not attributed to complainant but rather was respondent's own pronouncement.

We find no malicious assertion of falsehood in respondent's claim that complainant lied about Leonila's visit to the DOJ on 22 June 1999. Complainant failed to prove that respondent knew of the fact of Leonila's appearance and deliberately stated otherwise. Such assertion was respondent's personal conviction based on her knowledge of the events leading to the issuance of the Resolution in I.S. No. 99-553. As correctly noted in the Report, Abril's admission that no subpoena was issued to respondent for her to appear at the DOJ on 22 June 1999 justifies respondent's incredulous stance. Indeed, complainant testified on cross-examination that there was really no hearing on the questioned date, but that Leonila appeared before him merely to subscribe to the Salaysay.[54] Similarly, Mercedes testified that Leonila was made to appear before complainant "para maging valid ang affidavit."[55]

In the same vein, we cannot hold respondent liable for alleging that complainant suppressed evidence as prosecutor in People v. Lintag. Not only was the allegation relevant to the cause of action in her administrative complaint against complainant, but it was also culled from respondent's conversations with Judge Mijares. Indeed, Judge Mijares admitted that she had raised concerns over complainant's presentation of evidence in the case, and had relayed the incident to respondent, a close friend of hers. Therefore, no malice or bad faith may properly be attributed to respondent.

No substantial evidence to support
the 7[th], 3[rd], 8[th], 4[th], and 5[th] complaints

An act unrelated to a judge's discharge of judicial functions may give rise to administrative liability even when such act constitutes a violation of penal law.[56] When the issue is administrative liability, the quantum of proof required is only substantial evidence, or that amount of relevant evidence which a reasonable mind might accept as adequate to support a conclusion.[57] Evidence to support a conviction in a criminal case is not necessary, and the dismissal of the criminal case against the respondent in an administrative case is not a ground for the dismissal of the administrative case.[58] Conversely, conviction in the criminal case will not automatically warrant a finding of guilt in the administrative case. We emphasize the well-settled rule that criminal and civil cases are altogether different from administrative matters, and each must be disposed of according to the facts and the law applicable to it. In other words, the disposition in the first two will not necessarily govern the third, and vice versa.[59]

Falsification of a public document requires that there be an alteration or intercalation made on a genuine document which changes its meaning and causes the document to speak of something false.[60] On this issue, Justice Tijam observed:

> Complainant's allegation that [r]espondent altered the marking on [Leonila's] affidavit by changing the inscription "Annex 'N'" and superimposing "Annex 'D'" and "Annex '6'" is totally bereft of merit. Complainant insists that said act of writing over the original marking of said affidavit is an alteration because the same conceals the history of the document, specifically in what case it was first used in evidence. x x x Article 171 contemplates an alteration which changes the meaning of the document. Undeniably, the changes [r]espondent caused to be made in said attachments have not changed any of the substantial contents of the same nor did such markings make the document state a falsity. This Investigator finds that the new markings were made

> only for the purpose of identifying the affidavit as an attachment to [r]espondent's pleadings.[61]

We agree with Justice Tijam that the charge of falsification seems too far-fetched given the circumstances. Although respondent admitted that she superimposed her writing on the labels, it is not for the Court to inquire as to the motive behind her act when there is no dispute that the document is a faithful reproduction of a copy obtained from the records of the DOJ and does not contain any alteration or intercalation. More importantly, the markings are not an integral part of the allegations in the Salaysay.

Neither do we find substantial evidence on record supporting the charge of violation of R.A. 7610 against Gaspar and Pacay. Complainant admitted that his knowledge of the acts constituting the charges of child abuse is limited to Mercedes' testimony and other documentary evidence forming part of the records of I.S. No. 99-553. We note that the private complainant in I.S. No. 99-553 was solely Mercedes, and not Gaspar and Pacay. Complainant was not involved in the investigation or prosecution of Gaspar and Pacay's case. Thus, the documentary evidence complainant submitted in this case pertaining to the latter two could have come only from the records in I.S. No. 95-224 and its resulting criminal case now pending before the Court of Appeals. None of the affiants in the supporting documents, including Gaspar and Pacay, testified in the investigation hearings.[62] In Español v. Mupas, we held:

> In administrative proceedings, complainants have the burden of proving by substantial evidence the allegations in their complaints. Thus, when the complainant relies mainly on second-hand information to prove the charges against the respondent, the complaint is reduced into a bare indictment or mere speculation The Court cannot give credence to charges based on mere credence or speculation. As we held in a recent case:
> Any administrative complaint leveled against a judge must always be examined with a discriminating eye, for its consequential effects are by their nature highly penal, such that the respondent judge stands to face the sanction of dismissal or disbarment.[63]

Mercedes was admittedly among respondent's defense witnesses in I.S. No. 95-224. For this purpose, Mercedes executed the 11 April 1995 affidavit, attesting that she never witnessed any incident of physical abuse on the housemaids. During this time, respondent financially supported Mercedes as her "ward," sending her to school and providing her with the basic necessities. In her 21 May 1999 affidavit, Mercedes disowned the previous affidavit as having been prepared by respondent for her, to be used in I.S. No. 95-224. In her testimony before Justice Tijam, Mercedes claimed that she signed the first affidavit because she was afraid that respondent would physically abuse her and stop putting her to school.

Justice Tijam found in his Report that:

> There is no conclusive evidence that the affidavits are false. x x x There is no showing that [r]espondent performed an act in order to directly influence or coerce Mercedes to sign the first affidavit. It [was] likewise not shown that when Mercedes affirmed the contents of the [affidavit] before [the prosecutor], she did so under the direction or compulsion of [r]espondent. x x x the execution of the first affidavit enjoys the presumption of regularity absent any concrete proof to the contrary. As to [Oliva's] affidavit, apart from [c]omplainant's bare allegations, there is absolutely no evidence showing that the same was false or that she was prompted by fear in executing the same for the purpose of helping her sister's case.[64]

We find no reason to overturn these findings. Proof that respondent exercised authority or moral ascendancy over Mercedes should not be interpreted outright as evidence that she coerced or forced Mercedes to execute the 11 April 1995 affidavit. Complainant presented no evidence that Mercedes was subjected to force and violence. In fact, Mercedes testified that respondent was not present at the DOJ when she subscribed to the affidavit. Mercedes also testified that even at that young age, she already understood the contents of the affidavit but never voiced an objection to the prosecutor and instead voluntarily executed the affidavit before the latter.[65]

Complainant next finds fault in respondent's visit to Secretary Tuquero on 21 February 2000, alleging that the visit was part of respondent's efforts to influence the outcome of her then pending petition for review. Complainant points out that respondent made the visit during office hours, time which she should have spent attending to her duties in court. On this matter, we agree with Justice Tijam that:

> x x x there is no evidence that [r]espondent is guilty of influencing the outcome of her [complaint]. Respondent's testimonial and documentary evidence sufficiently disprove [c]omplainant's allegation that [r]espondent went to Secretary Tuquero's office to follow-up her case. Judge Alvaro, who was with [r]espondent during the said visit to the DOJ, corroborated [r]espondent's claim that she merely intended to congratulate [Secretary] Tuquero on his appointment. Records are also bereft of evidence to support [c]omplainant's assertion that due to [r]espondent's letter following up [on the status of] her case, her [case] was favorably acted upon. The memorandum issued by Secretary Tuquero to Undersecretary Llorente does not unequivocally show that the latter was prevailed upon by the former to resolve [r]espondent's petition one way or the other. x x x
>
> Moreover, this Investigator finds no violation of the Code of Judicial Conduct or the Canons of Judicial Ethics when the [r]espondent was not in her sala during office hours on the day she visited Secretary Tuquero. Said visit was not shown to have disrupted the dispensation of justice nor was it proven to have caused any injustice to any litigant before [r]espondent's sala. There is no evidence that [r]espondent concealed her visit x x x. There is likewise no evidence that [r]espondent falsely claimed that she was in her sala when in fact she was not, at the time of her visit x x x.
>
> It is not necessary to the proper performance of judicial duty that judges should live in retirement or seclusion; it is desirable that, so far as the reasonable attention to the completion of their work will permit, they continue to mingle in social intercourse, and that they should not discontinue their interests in or appearance at meetings of members of the bar.[66]

To repeat, there is no basis to hold that respondent used her official position or her professional relationship with Secretary Tuquero to influence her pending petition. First, respondent's brief letter to Secretary Tuquero only expressed her desire that the petition be promptly resolved. We certainly cannot penalize respondent for this act, as the filing of such a letter or motion for early resolution is a privilege of every party to a case. Second, there is no evidence that the petition was favorably acted upon by Undersecretary Puno due to respondent's professional relationship with Secretary Tuquero. Neither do we find any impropriety in respondent's attempt to congratulate Secretary Tuquero personally, in the company of two other judges. Judges Acuña and Alvaro testified before Justice Tijam that their meeting with respondent and subsequent visit to the DOJ were spontaneous and only with an intention to convey good wishes to a former colleague. Indeed, the visit was not out of the ordinary and would even be considered in accord with common social practice.

As to the use of office hours, we find uncontroverted respondent's claim that she was at the Supreme Court on official business that day. As respondent explained, the Supreme Court complex is adjacent to the DOJ building. Requiring respondent to confine herself strictly to the Supreme Court, when the visit to the DOJ would have all but taken several minutes, would be unduly restrictive, if not unreasonable.

On causing sheriffs to serve her pleadings

Justice Tijam accepted respondent's explanation that she merely requested Sheriffs Mariano and Salayon to serve pleadings to the DOJ because they had "official business in the area." Justice Tijam considered such request acceptable on respondent's part as "a consequence of her office as an RTC judge," adding that there was no sufficient evidence to show that respondent acted in manifest bad faith and caused undue injury. Respondent also repeatedly emphasizes that the sheriffs were not coerced to serve the pleadings, and that she shouldered their

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transportation expenses.

Respondent's allegation that Sheriffs Mariano and Salayon were actually on official business in the area when she asked them to serve her pleadings to the DOJ was not disputed. As Justice Tijam found, complainant alleged that the sheriffs informed him that they did not have any official business in the area when they served the pleadings. However, complainant did not present any sheriffs during the trial. He did not present any evidence to contradict respondent's allegation. Hence, it was not shown that respondent utilized the services of Sheriffs Mariano and Salayon purely for her personal benefit. When Sheriffs Mariano and Salayon served pleadings for respondent to the DOJ, it was only incidental to their official business in the area.

On respondent's use of intemperate language

We agree with respondent that her comments on complainant's thesis, though irreverent, did not actually suggest that a thesis be made on "how to do acts of corruption when the bosses are not looking." In context, respondent was merely expounding on her argument that complainant's integrity was questionable. Nevertheless, the records are replete with other instances when respondent used intemperate language in her pleadings. We cite them as follows: "high-falutin thesis";[67] "insult to intelligence";[68] "[complainant's] mind has been suddenly transformed into a cheap factory of bogus charges x x x";[69] "a monument to hypocrisy";[70] "the instant complaint x x x can be compared to the last grunting noises of a dying rat that became trapped in its own gullibility";[71] "[i]t is very disgusting that [complainant] is acting like a cry baby begging for attention x x x";[72] and "[e]ven the greatest of crooks can easily make disguises. Even wolves can dress in sheep's clothing."[73] Respondent's use of disrespectful language in her pleadings is certainly below the standard expected of an officer of the court. The esteemed position of a magistrate of the law demands temperance, patience and courtesy both in conduct and in language.[74]

Justice Tijam also found respondent guilty of intemperate language in making statements against Justice Bellosillo in her pleadings before the Office of the President and the Supreme Court. Respondent insinuated an improper relationship between complainant and Justice Bellosillo in her pleadings filed in O.P. Case No. 02-D-187, such as those found in the quoted portions of her 15 October 2002 and 29 January 2003 Rejoinders.[75] Respondent's 3 February 2003 Rejoinder contained the same accusation:

> A perusal of [complainant's] latest pleading reveals that it contains his usual diversionary tactics. The alleged letter of [Justice Bellosillo] to the Honorable Chief Justice has no relevance to the issue in this petition, aside from the fact that [respondent] was never privy to the same. Though the alleged letter is like a stab on her back, she does not like to dignify the same by allowing it to sidetrack the issue in this case. [Respondent] is ready to meet the allegations of Justice Bellosillo before the proper forum. x x x
>
> It is very intriguing, however, that [complainant] had free access to the alleged letter, entire contents of which were not made known to [respondent]. It must be emphasized that [respondent] was never furnished a copy of the alleged letter and she only learned for the first time the alleged entirety of the same when [complainant] made a fuss about it in his pleadings. Even the Honorable Supreme Court En Banc only mentioned a small portion of the same in its Resolution of the administrative case. The fact that the derogatory remarks therein were simply brushed aside by the Honorable Supreme Court means that such negative allegations do not have any importance at all. At any rate, [complainant] needs to answer a very pressing question: What is [complainant's] link to Justice Bellosillo and what do they have in common?[76] (Emphasis supplied)

In an Omnibus Reply dated 28 January 2003 that she filed before the OCA, respondent also stated:

> Anent the alleged letter of Justice Bellosillo to the Honorable Chief Justice, suffice it to state that [respondent] was never privy to the same. Let it also be stated that Justice Bellosillo is not a party to the instant Informal

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> Preliminary Inquiry (IPI). At any rate, Justice Bellosillo or [complainant] are entitled to their respective opinion in much the same way that the undersigned is also entitled to her own opinion of them.
>
> She finds it very mysterious, however, that complainant has in his possession a copy of the alleged letter when he is not the addressee of the same. And now he has the temerity to use it to character-assassinate the undersigned even if the same is totally irrelevant to the issues herein. Respondent would like to ponder on what herein complainant and Justice Bellosillo have in common. Perhaps, in the interest of transparency, complainant should disclose his link with Justice Bellosillo.[77] (Emphasis supplied)

Justice Tijam found respondent's statements unnecessary, as respondent herself admitted that Justice Bellosillo's letter was irrelevant to the issues at hand. Justice Tijam found that "questioning the integrity of an Associate Justice of the Supreme Court unavoidably casts a shadow on the dignity and integrity of the Supreme Court as the highest court of the land."

We agree that respondent should have been more circumspect in her language. We have held in a long line of cases[78] that the judge is the visible representation of the law. Thus, a judge must behave at all times in such a manner that his or her conduct, official or otherwise, can withstand the most searching public scrutiny. The ethical principles and sense of propriety of a judge are essential to the preservation of the people's faith in the judicial system.[79] However, we do not agree that respondent's action merits the finding of indirect contempt against her. Respondent's outburst was due to the fact that the subject letter of Justice Bellosillo was addressed to then Chief Justice Hilario G. Davide, Jr., copy furnished all Associate Justices of the Supreme Court. She had never seen the letter and she must have been surprised when complainant quoted excerpts of the letter in his pleadings. It is expected of her to try to find out how complainant got hold of a copy of the letter.

WHEREFORE, we REPRIMAND respondent Adoracion G. Angeles, Presiding Judge of the Regional Trial Court of Caloocan City, Branch 121, for her use of intemperate language in her pleadings. Respondent is STERNLY WARNED that a repetition of the same or similar act shall merit a more severe sanction. We DISMISS all the other charges against respondent.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Austria-Martinez, Corona, Carpio-Morales, Azcuna, Tinga, Chico-Nazario, Garcia, and Nachura, JJ., concur.
Velasco, Jr., J., no part - close relations to party
Reyes, J., no part. Did not participate in Deliberations.

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[1] Otherwise known as "An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination." Approved on 17 June 1992.

[2] Rollo, Vol. II, p. 26.

[3] Id. at 32-35.

[4] Id., Vol. III, pp. 328-329.

[5] By Court Resolution dated 15 March 2005.

[6] Rollo, Vol. II, pp. 9-14.

[7] Id. at 18-19.

[8] Id. at 353-361.

[9] Id. at 20-21.

[10] TSN, 30 June 2004, p. 8.

[11] TSN, 30 June 2003, pp. 5, 29-31.

[12] Stenographic reporter, DOJ.

[13] TSN, 30 June 2003, pp. 66-69.

[14] Id.

[15] TSN, 11 August 2003, p. 32.

[16] Rollo, Vol. II, pp. 317-349.

[17] Id., Vol. III, pp. 34-58.

[18] Id., Vol. II, pp. 65-81.

[19] Id. at 95-96.

[20] Id., Vol VI, p. 567.

[21] Id., Vol. II, pp. 516-550.

[22] Id. at 556.

[23] Id. at 561-564.

[24] We upheld the dismissal of the case by the Office of the Ombudsman in Angeles v. Desierto, G.R. No. 133077, 8 September 2006, 501 SCRA 202.

[25] Rollo, Vol. II, p. 638.

[26] Id. at 641.

[27] Id. at 649.

[28] Id. at 100-121.

[29] Rollo, p. 349. The criminal case was originally instituted before the RTC Quezon City, Branch 89, and docketed as Criminal Case Nos. Q-97-69655 and Q-97-69656.

[30] Id., Vol. IV, pp. 142-153.

[31] Entitled Michael T. Vistan v. Judge Adoracion Angeles, 425 Phil. 744.

[32] TSN, 12 November 2003, p. 17.

[33] Rollo, Vol. II, pp. 150-181.

[34] Id. at 183-184.

[35] Id. at 185-186.

[36] Id. at 191-196.

[37] Id. at 488-489.

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[38] Id. at 493-497.

[39] Id. at 463-483.

[40] Id. at 490-492.

[41] Id. at 229.

[42] Id. at.198-220.

[43] Id. at 183-184.

[44] Id., Vol. III, p. 279.

[45] Id., Vol. II, pp. 257-273.

[46] TSN, 18 June 2004, pp. 27-31.

[47] Criminal Case No. 99-0129, for violation of the Tariff and Customs Code.

[48] Rollo, Vol. II, pp. 298-314.

[49] Id., Vol. I, p. 145. Certification dated 17 October 2002.

[50] TSN, 18 June 2004, pp. 16-20.

[51] Rollo, Vol. II, pp. 690-705.

[52] Id. at 185-186, .

[53] Id. at 577-578; TSN, 30 June 2004, pp. 57-58.

[54] TSN, 20 October 2003, p. 37.

[55] TSN, 9 July 2003, p. 61.

[56] Sia Lao v. Abelita III, 356 Phil. 575 (1998).

[57] Mabini v. Judge Toledo-Mupas, 457 Phil. 19 (2003).

[58] Office of the Court Administrator v. Judge Sardido, 449 Phil. 619 (2003).

[59] Id.

[60] Republic of the Philippines v. Court of Appeals, 202 Phil. 83 (1982). The Revised Penal Code provides:

> Article 171. Falsification by public officer, employee or notary or ecclesiastic minister. - The penalty of prision mayor and a fine not to exceed 5,000 pesos shall be imposed upon any public officer, employee, or notary who, taking advantage of his official position, shall falsify a document by committing any of the following acts:
>
> x x x x
>
> - Making any alteration or intercalation in a genuine document which changes its meaning;
>
> x x x x

[61] Report, pp. 28-29.

[62] On 12 May 2003, Gaspar and Pacay filed a Motion to Intervene in these proceedings, alleging their legal

interest in the outcome of this case, particularly in the dismissal of respondent from the service. We denied the motion by Resolution dated 25 June 2003 for not being the proper mode.

[63] A.M. No. MTJ-01-1348, 11 November 2004, 442 SCRA 13, 37-38 citing Mataga v. Judge Rosete, A.M. No. MTJ-03-1488, 13 October 2004, 440 SCRA 217.

[64] Report, pp. 27-28.

[65] TSN, 9 July 2003, pp. 26-28.

[66] Report, pp. 34-35, citing Canon 30 of the Canons of Judicial Ethics.

[67] Rollo, p. 567. Counter-Affidavit dated 17 June 2004.

[68] Id., Vol. III, p. 41. Comment dated 26 February 2003.

[69] Id. at 42.

[70] Id. at 46.

[71] Id. at 57.

[72] Id. at. 2.

[73] Id. at 301-302.

[74] Cua Shuk Yin v. Perello, A.M. No. RTJ-05-1961, 11 November 2005, 474 SCRA 472.

[75] Supra note 22, 25.

[76] Rollo, Vol. II, p. 640-641.

[77] Id. at 649.

[78] Obedencio, Jr. v. Judge Murillo, 466 Phil. 592 (2004); Office of the Court Administrator v. Judge Sanchez, 412 Phil. 174 (2001); Chan v. Agcaoili, A.M. No. RTJ-93-1089, 27 June 1994, 233 SCRA 331.

[79] Pascual v. Judge Bonifacio, 447 Phil. 11 (2003).

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