

JUDGE DOLORES L. ESPAÑOL AND OPHELIA G. SULUEN, COMPLAINANTS, VS. JUDGE LORINDA T. MUPAS, RESPONDENT.

A.M. No. MTJ-01-1348. November 11, 2004

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

Before the Court are four consolidated administrative cases: three involving Judge Lorinda T. Mupas, Municipal Trial Court (MTC), Dasmariñas, Cavite, docketed as A.M. Nos. MTJ-01-1348, MTJ-01-1352 and MTJ-01-1358; and one relating to the Report on the Judicial Audit on Search Warrants at the Regional Trial Court (RTC) of Dasmariñas, Cavite, presided by Judge Dolores L. Español, docketed as A.M. No. 01-2-100-RTC.

The charges are summarized as follows:

1) MTJ-01-1348

– alleged irregularities in the processing and approval of bailbonds (sic) in the Municipal Trial Court of Dasmariñas, Cavite with the knowledge and tacit consent of the respondent Judge Lorinda T. Mupas.

2) MTJ-01-1352

– utilizing employees in respondent Judge’s court to perform domestic chores in her household whenever she has no house helps; corruption by demanding bribe money before rendering her decisions, citing the case of one Atty. Estrella Laysa to whom respondent Judge sent her sheriff to ask for “lagay” in connection with a simple case for ejectment in her sala; dismissing a drug case against Melvin Lasangue after receiving a sizeable amount for the accused which was later reviewed by Assistant Provincial Prosecutor who did not succumb to respondent Judge’s offer of money and free plane ticket for abroad.

3) MTJ-01-1358

– irregular dismissal by respondent Judge of Criminal Case No. 97-0038 against Marcelino Diana for violation of Republic Act No. 6425, despite the fact that shabu and drugs paraphernalia were seized from the accused’s residence pursuant to a Search Warrant issued by Honorable Judge Dolores L. Español, on the flimsy pretext that glaring irregularities in the conduct of the search rendered the prohibited drugs confiscated totally inadmissible as evidence, the amount of P500,000.00 in cash and a jeep valued at P200,000.00 allegedly having changed hands in consideration of the dismissal of the case; allowing her clerk of court to conduct preliminary investigations of cases filed in her court; and unjustified refusal to approve the surety bond of an applicant for release from detention upon complaint of Wilma Go Amposta and Medy Patricio.

4) 01-2-100-RTC

– irregular issuance by Honorable Judge Dolores L. Español of search warrants without attaching to the records of the cases written depositions in the form of searching questions and answers of the complainants and their witnesses.[1]

The cases were initially assigned to Retired Justice Romulo S. Quimbo, Consultant in the Office of the Court Administrator for investigation. Justice Quimbo, however, later voluntarily inhibited himself. Retired Justice Conrado M. Molina, Consultant, Office of the Court Administrator (OCA), was designated in his stead in the Resolution[2] of September 26, 2001.

A.M. No. MTJ-01-1348
Judge Dolores L. Español
and Ophelia G. Suluen v.
Judge Lorinda T. Mupas

In her Letter[3] dated May 24, 1999, Judge Español updated a “confidential report” dated May 15, 1997 complaining of certain irregularities allegedly committed by the respondent judge. The antecedents are summarized by the Court Administrator as follows:

The complaint of Judge Español stemmed from the dismissal by Judge Mupas of Criminal Case No. 97-0038 entitled “People of the Philippines v. Marcelino Diana” for Violation of Section 16, Article II, Republic Act No. 6425. Diana was apprehended on 16 January 1997 by virtue of Search Warrant No. 334 issued by Judge Español where the search yielded, among others, 249.2 grams of shabu wrapped in twenty-seven (27) plastic sachets, and two (2) decks of shabu wrapped in aluminum foil weighing 1.5 grams.

On 17 January 1997 a criminal complaint against Diana was filed before the MTC of Dasmariñas. A preliminary investigation was conducted by Judge Mupas on 22 and 30 January 1997 involving prosecution witnesses PO2 Enrico Set, a member of the searching party from the PNP Dasmariñas, Cavite, and Barangay Kagawad Joey Carungcong who was invited to witness the search in the house of Diana.

On 7 February 1997 Judge Mupas issued a Resolution recommending the dismissal of the case for lack of probable cause. She ruled that there was a clear violation of the constitutional right of the accused against unreasonable searches and seizure; moreover, “glaring irregularities” in the search rendered the prohibited drugs confiscated from the house of Diana totally inadmissible as evidence. The judge pointed out that during the preliminary investigation, Kagawad Joey Carungcong testified that he never actually witnessed the search; as a matter of fact, nobody witnessed it. Carungcong narrated that on 16 January 1997 at about 4:45 in the afternoon, he was fetched from his office by two policemen to assist them in searching the house of Diana. Carungcong said that no illegal drugs were recovered therefrom. He was nevertheless informed that several plastic sachets containing shabu were found in one of the rooms of the house. Carungcong also revealed that he was informed that when he arrived at the place, the police had already conducted the search of the house without witnesses and that he saw Diana outside his house already handcuffed.[4]

In a verified Affidavit-Complaint[5] dated May 27, 1999, Judge Español alleged that the respondent was involved in collecting “premiums” from detention prisoners who apply for bail bonds in her sala. It was also alleged that the respondent judge “readily acted on bailable offenses but would leave out cases where the detention prisoners could not afford to post bail or are charged with non-bailable offenses.” The complainant judge continued, thus:

... [I]n her own terms, she [Judge Mupas] claimed that detention prisoners left in the cell are those who are already “pigang-piga na” and one way of doing this is to threaten to transfer them to the Provincial Jail in Trece Martires, Cavite. This matter is corroborated when Judge Mupas raised this issue in her letter to me

dated April 30, 1999, stating that “In one case, in *People vs. Marcel Morales*, docketed as Criminal Case No. 98-0726, I ordered his commitment from the Municipal Jail of Dasmariñas, Cavite to the Provincial Jail of Trece Martirez City only to find out later that you have already approved his application for bail and ordered his release from custody;”

- Furthermore, while the above matters were looked into personally by the undersigned and in the presence of Mrs. Ophelia Suluen, Warden Alejandra dela Cruz and JO1 Pabillar begged to be excused from signing their sworn statements for fear of retribution from Judge Mupas, hence, efforts exerted by the undersigned to present their sworn statements failed;

- Likewise, JO1 Pabillar alleged that they were called by Judge Mupas last Friday, May 21, 1999, and emphasized to them that thenceforth the money for the bailbond (sic) premiums should not be given to Belen [Seperedad Robles], but to one Erlinda Carreon, a civilian employee of the Philippine National Police of Dasmariñas. This is a subtle admission that, indeed, some of her staff were involved in this nefarious activity prohibited under Administrative Circular No. 5, dated October 4, 1998. This could be the reason why Judge Mupas is emboldened to challenge that the undersigned name names because she has already prevailed upon these people not to meddle in this matter and, with her clout and even threats, she may have succeeded; ...[6]

Attached to the complaint was an Affidavit[7] executed by Ophelia G. Suluen, Legal Researcher, Regional Trial Court, Dasmariñas, Cavite, Branch 90, where she alleged that the respondent judge gave her a call and told her “Pakisabi mo kay Judge Español na magkakaproblema siya sa mga nirelease nya, kasi reject sa akin dahil yung iba, maraming pending na kaso,” and “Malaki kasi ang kita sa piyansa.”[8]

According to Suluen, between 10:00 to 10:30 a.m. of April 27, 1999, Ricardo Pabillar, a jail guard at the municipal jail of Dasmariñas, Cavite, came to their court to inquire about the bail bond of one Rogelio Drio, which she had received the day before. Drio was detained for a case pending in the MTC, Dasmariñas, Cavite, in the sala of the respondent judge. She then referred the matter of Drio’s bail bond to Judge Español, who, in turn, called jail guard Pabillar to her chambers. Pabillar then told Judge Español that detention prisoners applying for bail preferred the jailers to process their bail bond papers as the latter charged only 15% of the prescribed bail, whereas the staff of the respondent judge would ask for “processing fees” equivalent to 20% of the recommended bail. Only 10%-11% would go to the bonding company while the rest was pocketed by the respondent’s staff. Judge Español, thereafter, approved the bailbond of Drio in an Order[9] dated April 27, 1999.

During the hearing of the case, Suluen testified that Judge Español acted on bail bond applications for cases pending in other courts in Cavite, such as Criminal Cases Nos. 99-0435, 01-2020 and 01-2022, all pending in the respondent judge’s sala. Suluen also admitted in open court that persons following up bail bonds used to give them P100 to P200 for snacks for the staff, which included Judge Español. She explained on redirect examination that although Judge Español was also given snacks bought with the money in question, the latter had not known the source of the money.

Ma. Lourdes M. Sapinoso, Court Clerk III, RTC, Branch 90, in her Affidavit[10] dated November 20, 2001, stated that people who come to their court for approval of bail bond applications often complained about employees of other courts, particularly those from the sala of the respondent judge, who asked for amounts equivalent to 30% of the required bond. This was apparently the consideration for the approval of the bond and the issuance of the order of release of the accused. There were also instances when requests for copies of the complaint were denied, allegedly for the purpose of compelling people to post their bail bond before the municipal trial court. Because of this and for “humanitarian considerations,” Judge Español approved bailbond applications of cases pending before the sala of the respondent judge.

Pilarica Baldejera also testified for the complainant judge. In her Affidavit[11] dated April 15, 2002, she deposed

that the accused in Criminal Cases Nos. 99-0892, 99-1129 and 02-0609, Rodel Baldejera y Villo, was her son, and that the said cases were pending before the sala of the respondent judge. She testified that on April 14, 2002, she went to the office of Judge Español with a certain Eric from the Governor's Office. She returned to the complainant judge the next day at about 1:00 to 1:30 p.m. and told her about her son's bail problem. She was advised to see the respondent judge at her office in Dasmariñas. Baldejera arrived there at about 3:00 p.m., and personally requested the respondent judge to allow her son to post bail. The respondent told her to raise a cash bond of P30,000 and to deliver the money to her (the respondent's) office. The latter subsequently told her to see one Inday Carreon at the PNP station. The witness waited for two hours but no one came.

In her Comment,[12] the respondent judge denied the charges against her, contending that they were malicious imputations, hearsay and without factual and legal basis. She stated that she received two letters from Judge Español dated April 28, 1999 and May 5, 1999, respectively. She then sent her respective replies thereto on April 30, 1999 and on May 12, 1999. The respondent judge stated that she forwarded a query to the Court in a Letter[13] dated April 28, 1999, where she questioned the legality and propriety of the acts of Judge Español in approving bail bonds and releasing the accused under detention whose cases were filed before her (respondent judge's) sala for preliminary investigation. The respondent claimed that Judge Español did so despite the fact that there was no showing that she (the respondent) was absent or on leave when the applications for bail were approved. The respondent judge listed the cases adverted to, to wit:

For your reference, hereunder are (sic) the lists (sic) of cases filed before my sala for preliminary investigation whose applications for bail were approved by Judge Español and thereafter, upon her orders, the accused were released from custody.

- Crim. Case No. 98-0089
PP-vs-ORLANDO SANTIAGO
For: Viol. of Sec. 16, Art. III, R.A. 6425

- Crim. Case No. 98-0725
PP-vs-MARCEL MORALES
For: Viol. of Sec. 15, Art. III, R.A. 6425

- Crim. Case No. 98-1311
PP-vs-ALEXANDER PAJAROJA
For: Viol. of Sec. 15, Art. III, R.A. 6425

- Crim. Case No. 98-1488
PP-vs-JULIETA EMPARWA
For: Viol. of Sec. 15, Art. III, R.A. 6425

- Crim. Case No. 98-0844
PP-vs-EMMANUEL ENCOY, ET AL.
For: Viol. of Sec. 15, Art. III, R.A. 6425

- Crim. Case No. 99-0289
PP-vs-FERDINAND NAVIDA
For: Viol. of Sec. 15, Art. III, R.A. 6425

- Crim. Case No. 99-0435
PP vs. ALFREDO CASTILLO
For: Viol. of Sec. 15, Art. III, R.A. 6425

Hereunder are (sic) the lists (sic) of cases under my exclusive jurisdiction whose bail and release from custody

were also approved and ordered by Judge Español.

- Crim. Cases Nos. 98-1068,
98-1069 and 98-1071

PP-vs-ESPERANZA AYOS

For: Estafa

- Crim. Case No. 98-1715

PP-vs-WILFREDO ABANCIA, ET AL.

For: Viol. of P.D. 1619

- Crim. Case No. 98-0893

PP-vs-LIWAYWAY CASTILLO

For: Estafa

- Crim. Cases Nos. 99-0309 & 99-0324

PP-vs-DANILO ATANANTE, JR.

For: Theft

- Crim. Case No. 98-0892

PP-vs-PAULA PETELO

For: Estafa[14]

The respondent judge went on to say that the instant complaint was an apparent desperate move to support Judge Español's firm stand that she had the power and authority, as Executive Judge, to act on the application of bail bonds of detention prisoners whose cases were pending before the MTC, Dasmariñas, Cavite and to continue her personal crusade to embarrass and humiliate the respondent before the Supreme Court. Furthermore, a perusal of the complaint would readily show that it was but a reiteration of the April 28, 1999 and May 5, 1999 Letters of Judge Español.

According to the respondent, as judge of the MTC, Dasmariñas, she is authorized under the Rules of Court to conduct a preliminary investigation of any offense committed within her territorial jurisdiction, and to release, commit or bind any person charged with any offense. She alleged that it was Judge Español who erred whenever she acted on application for bail on criminal complaints still pending preliminary investigation in her (the respondent's) court, and every time she imposed bail for offenses which did not require it, such as violation of municipal ordinances. Moreover, when Judge Español approved Drio's application for bail, she acted in excess of jurisdiction in the guise that she had administrative supervision over the MTC of the same municipality.

The Findings of Justice Molina,
Hearing Officer-Designate of the OCA

In his Joint Report and Recommendation dated February 21, 2003, Justice Molina found that the testimonies of the complainant and her three (3) witnesses on the alleged irregularities in the respondent's approval of bail bonds were pure hearsay. Not one of the affiants who executed sworn statements against the respondent judge complaining about alleged irregularities in her sala was presented as witness during the investigation. As far as Ms. Baldejera was concerned, Justice Molina opined that she was "an eleventh-hour, perjured and rewarded witness," and that her testimony was devoid of any value. Thus, the charges in this case were not substantiated. The only fact that was established was Mrs. Suluen's admission that they used to receive P100 to P200 from persons following up bail bonds.[15]

A.M. No. MTJ-01-1352

Employees of MTC,

Dasmariñas, Cavite v. Judge
Lorinda B. Toledo-Mupas

On March 2, 1999, the Court, through the Court Administrator, received an undated anonymous letter[16] written in the vernacular charging the respondent with gross misconduct, conduct unbecoming a judge and violation of Republic Act No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act. The allegations were summarized by the OCA in its Report[17] dated December 26, 2000:

a)

Whenever respondent Judge does not have a maid, which happens most of the time, court employees were ordered to report to her house in Cavite City in order to do the laundry, to cook and to watch over her children;

b)

Whenever she is in the presence of lawyers, respondent, in order to cover up her incompetence (kahinaan ng ulo), would shout at the Court employees pretending to be angry;

c)

Respondent is very corrupt. She wants to make money out of every case and she does not decide cases without “grease money.” On one occasion she asked the sheriff of the court to approach one practitioner, Atty. Estrella Laysa of Cavite City to ask for grease money in an ejectment case;

d)

Respondent is branded the “Shabu Queen” of Cavite for fixing/selling drug cases. In order to prevent discovery of illegally disposed cases, the records are not forwarded to the Provincial Prosecutor’s Office. For instance, the drug case against Melvin Lasangue was dismissed by the respondent in exchange for a considerable amount of money. On review, she was reversed by Prosecutor Rosemarie Duque. Respondent offered the said Prosecutor grease money and a plane ticket for abroad in exchange for the case but the offer was not accepted; and

e)

Before, respondent uses only an old Mercedes Benz for her transportation, but now, she has four (4) brand new cars. She also has a newly built house in Tagaytay City worth ten million pesos.[18]

The letter was signed, “Naghihirap na mga MTC Dasmariñas employees.”[19]

In a 1[st] Indorsement[20] dated August 17, 1999, the OCA referred the Letter to Judge Español as Executive Judge for discreet investigation and report. In compliance thereto, Judge Español made the following report:

- The subscribed Letter of Atty. Estrella O. Laysa of Laysa Law Office, dated September 10, 1999, together with attachments, which is self-explanatory.

- Letter of one, Rosemarie Carmen Perey-Duque, dated 14 September 1999, also with pertinent attachment. On the side, Atty. Perey-Duque admitted that a round trip ticket was offered to her by Judge Mupas plus P30,000.00 as pocket money which according to the latter is just the downpayment of the whole deal. These offers were declined by Atty. Perey-Duque who is an Assistant Provincial Prosecutor in Cavite.

- Pictures taken of two (2) of the three (3) residential places of Judge Mupas. One is located at Brgy. Mataas na Burol, Silang, Cavite and the other, which is very recently completed, is at Brgy. San Jose, Tagaytay City.

The person who took the pictures promised to complete his research and investigation including the

verification of titles and the cars being used by the couple. Should additional documents be submitted, they will likewise be forwarded to your office.

- Discreet investigation conducted of people who may have some information regarding the subject, indicated that some of the records of some drug cases are indeed discarded in order to hide the irregular dispositions thereof, meaning they were never forwarded to the Provincial Prosecutor's Office, nor the courts.

In this regard, it would be appropriate if a management audit of the cases filed thereat could be conducted by your office.

- The allegations in the anonymous letter were 90% verified in the affirmative.[21]

However, in a Verified Letter[22] dated April 4, 2001, the employees[23] of the MTC of Dasmariñas, Cavite disowned the "poison letter" against the respondent judge, and alleged that they had never authorized any person to file such a complaint. According to them, the respondent judge was very competent and honest. As such, the contents of the said letter were baseless and malicious, intended for harassment purposes.

The respondent judge denied the allegations against her. She explained that her father owns various tracts of land in Silang, Cavite, while her mother has a three-hectare property in Tagaytay City. She, however, admitted that she owns a 1,500-square meter lot in Tagaytay City, but pointed out that the said property was donated to her by an aunt who died without any children. She also explained that the properties alleged to be hers were in fact owned by her father and aunt, thus:

- Contrary to the discreet and unverified findings made by Special Police Officer 4 Rommel G. Macatlang, the houses that he took photographs of are owned by my parents and aunt. The house that SPO4 Macatlang saw in Silang, Cavite is owned by my father who acquired it through an exchange he made with one of his sisters, the late Guadalupe Toledo. The other house located in Tagaytay City is owned and registered in the name of my aunt, Ms. Corazon Bayas, as evidenced by Free Patent No. (IV-2) 16747. The house located in Cavite City where my family and I reside was built in 1993 before I was appointed Judge of the Municipal Trial Court, Dasmariñas, Cavite on a land that my husband and I purchased in 1988.

Attached as Annexes D and E are copies of Tax Declaration No. 20942 consisting of 3,667 square meters and Free Patent No. (IV-2) 16747, respectively, and made as integral parts hereof.

- I never had the fortune of owning a Mercedes Benz. It was my father who did along (sic) time ago. The first car that I had was a 1977 Toyota Corolla that my father allowed me to use until that old car was sold. Thereafter, my father again gifted my husband and I in 1995 with a second-hand 1993 Nissan Vanette that my family continue[s] to use. The only car that my husband and I purchased was [a] 1997 Nissan Sentra.

- Modesty aside, my father owns and operates a coffee mill in Silang, Cavite that enables him to be generous with his children which includes me. He is presently one of the major suppliers of coffee beans of Nestle Philippines. My father shares with his children the income of the coffee mill. In addition to my share from the coffee mill, I also earn a modest income from the sale of coffee beans, banana, pineapple and coconut that my husband and I harvest from an agricultural land that my father gave us.[24]

On the allegations made by Atty. Miriam S. Clorina-Rentoy in her Affidavit[25] dated September 5, 2002 enumerating certain "practices"[26] of the respondent judge, the latter claimed that the charges were completely false. She insisted that she could not remember asking Atty. Clorina-Rentoy to submit a draft decision in Criminal Case No. 99-0840, and that there was no indication that she had any hand in its preparation, or that she made such a request.

The Findings of Justice Molina

According to Justice Molina, none of the employees came forward during the investigation to affirm that the respondent judge had required them to perform domestic chores in her household. The charges of alleged illegal and corrupt practices of the respondent judge, particularly the alleged proclivity to ask for bribe money before deciding cases, were based wholly on incompetent and hearsay evidence. Furthermore, the alleged ownership of the respondent judge of two houses in Silang, Cavite, was not established. Thus:

Judge Español cited Atty. Estrella O. Laysa as her source of information regarding the alleged proclivity of respondent Judge to ask for “lagay” before deciding her cases. Replying to Judge Español’s letter Atty. Laysa wrote back (Exh. “F,” pp. 116-118, Id.) that as counsel for the plaintiff in an ejectment suit she prepared a decision in favor of her client at the bidding of the respondent Judge but the decision would not come out because, as an employee of the court told her, she has not given something to the judge. Because her client would not agree to bribing or entrapping the respondent she just filed a motion to decide, and within fifteen days the decision was promulgated which was an adoption of the draft that she had prepared.

Obviously, the foregoing account of Judge Español of the alleged illegal and corrupt practices of the respondent judge is based wholly on incompetent hearsay and double hearsay evidence. It is on record that upon application of the complainant two subpoenas were issued and served on Atty. Laysa but the lawyer shunned the investigation.

The ownership of Judge Mupas of the two houses in Silang, Cavite, and another in Tagaytay City photographed by SPO4 Rommel G. Macatlang (Exhs. “I-1” to “J-3”) has not been established. Mr. Macatlang did not state his basis for concluding that the houses in Silang are owned by this respondent Judge; as to the Tagaytay City residence, he merely mentioned his interview of people in the vicinity who told him the house belonged to the judge because they used to see her and her husband oversee its construction.[27]

Justice Molina found that Asst. Provincial Prosecutor Duque was not a totally impartial witness, considering that she and Judge Español had previously worked together and was the latter’s clerk of court for two years.[28] However, Justice Molina found that the respondent judge had, indeed, attempted to influence Assistant Provincial Prosecutor Duque to resolve Criminal Case No. 98-0681 in favor of the accused, albeit without a direct offer of bribe money. As such, according to Justice Molina, the respondent judge violated Canon 2.04 and Canon 3 of the Canons of Judicial Ethics.[29]

Justice Molina also made a finding that Atty. Clorina-Rentoy was, likewise, less than an impartial witness, considering that she decided to testify against the respondent and executed her affidavit only after the administrative case she filed against the latter was dismissed by this Court. Relying on the Order[30] dated August 13, 2002 issued by Executive Judge Lucenito N. Tagle, RTC Branch 20, Imus, Cavite, in SP. Proc. No. 982-02, a petition[31] for habeas corpus, Justice Molina also found that the respondent judge grievously erred in ordering the arrest and detention of the accused in six criminal cases filed in her court.

Justice Molina concluded that the respondent judge was liable for gross ignorance of the law.

A.M. No. MTJ-01-1358

Re: Report on the Complaint of

Judge Dolores L. Español,

RTC, Branch 90, Dasmariñas,

Cavite; Wilma Go Amposta;

and Medy M. Patricio against

Judge Lorinda T. Mupas, MTC,

Dasmariñas, Cavite

The charges of Wilma Go Amposta and Medy Patricio relate to an incident where Amposta claims to have tried to

seek the approval of a surety bond for the release of a relative from the sala of the respondent judge. The respondent and her staff allegedly berated Amposta, saying that the judge did not approve bonds not issued through her court. She was instructed to retrieve the surety bond that was earlier filed and to apply for a new bond through her (the respondent's) court instead.

Justice Molina reported that the complainants in this case did not adduce evidence to prove their charge and instead opted to adopt the evidence presented in A.M. No. MTJ-01-1348 and A.M. No. MTJ-01-1352 as their evidence. Justice Molina concluded that since the evidence in the aforementioned cases failed to substantiate the alleged anomalous practices of the respondent judge in the processing and approval of bail bonds in her court, the instant administrative matter must, likewise, fail.[32]

Justice Molina concluded that the charges in the instant complaint were not substantiated.

A.M. No. 01-2-100-RTC

Report on the Judicial Audit

On Search Warrants at RTC,

Branch 90, Dasmariñas, Cavite

In the judicial audit on search warrants issued by Judge Español, Presiding Judge of the RTC, Dasmariñas, Cavite, Branch 90, conducted by the OCA from February 16, 2000 to February 19, 2000, the OCA made the following observation:

One of the requisites for a valid search warrant is that the judge issuing the warrant must have personally examined in the form of searching questions and answers, the applicant and his witness and take down their written depositions.

Obviously, Judge Español failed to observe this Rule when she issued Search Warrants Nos. 622, 607, 608, 609, 610, 612, 614, 580, and 582 but did not attach to the respective records thereof the written depositions in the form of searching questions and answers of the complainants and their witnesses.[33]

Pursuant to the recommendation of the OCA, the Court directed Judge Español to explain why she did not attach the written depositions of the complainants to the records of the search warrants issued by her in a Resolution[34] dated March 14, 2001. Judge Español, thereafter, submitted her Explanation[35] which the Court resolved to note and accept on August 8, 2001.[36]

The Recommendation of Justice Molina

Thus, Justice Molina made the following recommendation in his Joint Report and Recommendation dated February 21, 2003:

- MTJ-01-1348 be dismissed for lack of merit.

- In MTJ-01-1352:

a)

For violating Canon 2.04 of the Code of Judicial Conduct and Canon 3 of the Canons of Judicial Ethics by attempting to influence Assistant Provincial Prosecutor Rosemarie Carmen Perey-Duque to resolve Criminal Case No. 98-0681 MTC, Dasmariñas, Cavite, against Melvin Lesangue, in favor of the accused, although without direct offer of bribery, the respondent Judge Lorinda T. Mupas be fined in the amount of P30,000.00;

b)

For gross ignorance of the law by ordering the arrest of the accused in criminal cases before the expiration of the ten-day period she gave them to file their counter-affidavits, before the preliminary investigation was concluded, and without any finding of probable cause, as found by the RTC, Branch 20, Imus, Cavite, in Special Proceedings No. 982-02, Petition for Habeas Corpus, the respondent Judge Lorinda T. Mupas be fined in the amount of P5,000.00.

- MTJ-01-1358 be dismissed for lack of merit.[37]

The Court's Ruling

The charges against
the respondent judge constituting
alleged corrupt practices were
unsubstantiated

We agree with the finding of Justice Molina that the charges against the respondent judge were not supported by substantial proof. While the Court will never tolerate or condone any conduct, act or omission that would violate the norm of public accountability or diminish the people's faith in the judiciary, nonetheless, we have repeatedly stated that the quantum of proof necessary for a finding of guilt in administrative cases is substantial evidence or such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. In the absence of contrary evidence, what will prevail is the presumption that the respondent has regularly performed his or her official duties.[38] In administrative proceedings, complainants have the burden of proving by substantial evidence the allegations in their complaints.[39] 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.[40] The Court cannot give credence to charges based on mere credence or speculation.[41] As we held in a recent case:[42]

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. Mere imputation of judicial misconduct in the absence of sufficient proof to sustain the same will never be countenanced. If a judge should be disciplined for misconduct, the evidence against him should be competent.[43]

As with factual findings of trial courts, credence should be given to those of the investigating judge who had the opportunity to hear witnesses and observe their demeanor.[44]

In this case, Justice Molina found that the accusations of Judge Español against the respondent were not substantiated. While Judge Español claimed to have "verified" the contents of the anonymous complaint against the respondent, she admitted that she did not talk to any of the MTC, Dasmariñas court employees, the supposed complainants therein.[45] Aside from the fact that the said employees executed an affidavit denouncing authorship of the said complaint, not one of them came forward to testify on the veracity of the contents of the said complaint.

Anent Judge Español's Letter dated May 24, 1999 where she reported the rather "hasty and suspicious dismissal" by the respondent judge of Criminal Case No. 97-0038 for violation of Rep. Act No. 6425 against one Marcelino Diana, Justice Molina echoed the findings of the Court Administrator on this matter, to wit:

- Judge Mupas issued a Resolution recommending the dismissal of Criminal Case No. 97-0038, against Marcelino Diana, for lack of probable cause, the judge ruling that there was a clear violation of the constitutional right of the accused against unreasonable search and seizure, and that the glaring irregularities in the search rendered the prohibited drugs confiscated from the house of the accused inadmissible as evidence.

- The Resolution of Judge Mupas was reviewed by the Assistant Provincial Prosecutor Elmer C. Madriaga who affirmed the recommendation of Judge Mupas to dismiss the case for lack of probable cause.

...

- The letter-complaint of Judge Español was forwarded on July 8, 1999 to the National Bureau of Investigation for discreet investigation on the alleged irregularities of Judge Mupas. In its Report submitted to the Office of the Court Administrator, the NBI stated inter alia, that the result of the investigation conducted by the NBI investigators on the alleged P500,000.00 cash and jeep valued at P200,000.00 was negative. (pp. 1-3, 5, Rollo, Id.)[46]

...

In his Review of the Resolution of the investigating court, Assistant Provincial Prosecutor Elmer C. Madriaga affirmed the recommendation of Judge Mupas to dismiss the case for lack of probable cause. He noted that the search conducted by the PNP did not conform to and was in flagrant violation of the legal requirements of Section 7, Rule 126 of the Rules of Court providing that the search must be conducted in the presence of the lawful occupant thereof or any member of his family or in the absence of the latter, in the presence of two witnesses. Prosecutor Madriaga noted that Kagawad Carungcong was merely asked to sign the receipt of the property seized from the house although he was not around when the seized articles were found. This clearly reduced the requirement into a mere token compliance with the rules.[47]

Judge Español ought to have known that the best way to verify the ownership of the houses in question was to refer to the certificates of title in the Register of Deeds. There was no need to resort to taking photographs of the properties alleged to be owned by the respondent, if, in the first place, the ownership thereof had not yet been satisfactorily established.

Indeed, instead of substantiating the countless charges against the respondent, Judge Español made further allegations in a Supplemental Affidavit dated December 28, 2001, relying on mere affidavits of supposed witnesses who did not, however, appear to support the new charges:

- Since the filing of the aforesaid Complaint and the subsequent complaint filed earlier by the "Employees of MTC-Dasmariñas, Cavite against the same Respondent Judge, under Adm. Matter No. MTJ-01-1352, there were additional instances of "gross misconduct, conduct unbecoming a judge and violation of R.A. 3019," showing the propensity of said respondent thereby placing the judiciary and the public interest in jeopardy. Considering that the nature of the acts complained of are similar but cumulative in nature, this Supplemental affidavit is being submitted as evidence of the unabated practices of the respondent.

- To show that the respondent has demonstrated without compunction, unlawful practices, some of the Sworn Statements of the complaining witnesses are enumerated chronologically hereunder and copies thereof are attached for the consideration of this Honorable Tribunal.

a) Certified Photo Copy of the Original letter of Perlita Auditor, Accused in Criminal Case No. 4856-97, dated August 20 1996, alleging that she was only able to put together P6,000.00 for her temporary liberty, while under detention for preliminary investigation in the Municipal Trial Court of Dasmariñas, and praying that Judge Lorinda T. Mupaz (sic) accept the said amount, copy of which is attached as Annex "A;"

b) A letter dated July 20, 2001, addressed to the undersigned, enumerating the irregularities being committed by the respondent and even calling the same as "racket," copy of which is attached as Annex "B;"

c) A Sinumpaang Salaysay of one, Berlin Alberto, detailing the participation of the respondent in fixing bail bond and imposing unnecessary requirements in order to force the applicant in coughing up cash amount for the "premium of the bail bond," alleged on page two thereof.

This document together with that of Perlita Auditor, par a) above, were submitted in the Comment to the answer of the respondent on or about August 17, 2001, and copies of both are likewise attached for ready reference, as Annex “C” and Annex “C-1,” respectively;

d) Affidavit of one, Rolando Gadia, dated August 3, 2001, showing that the respondent has personal interest in the processing of bail bond applications, copy of which is attached as Annex “D;”

e) Hand-written letter of one, Jennifer D. Azala, helping a relative in posting bail bond, alleged that the respondent was asking for 30% of P30,000.00 or P9,000.00 from the representative of the accused (Annex “E”);

f) Affidavit of Rosalinda B. Thompson, executed on September 5, 2001, attesting to the practice in the respondent’s court and pointing to one, “Belen” who made it clear that they will not accept surety bond but only cash bond. Respondent also made the remark to said Affiant, that “Ganyan naman kayo talaga, siguro mga tamad kayo kaya and pagbebenta ng shabu and magaang na trabaho... kahit dalhin nyo pa lahat ng anak ninyo, hindi bababa and piyansa ng asawa mo... kaya kami nandito ay para makinig sa mga kasinungalingan ninyo...” (Annex “F”)

g) Sinumpaang Salaysay of Zenaida Legaspi executed on 22 November 2001, attesting to the fact that when she was working on the bail bond for her husband, Rodel Legaspi y Reyes, under Criminal Case No. 01-1138 before the respondent’s court, she was referred to a fixer named “Inday” who was asking her for P8,500.00, but on further inquiry she was advised by some people that she should file a Motion for the Reduction of Bail from P60,000.00 to P40,000.00. She went to the respondent’s court and waited for the respondent and as she was showing the Motion, respondent asked “MAGKANO BA AT PARA SAAN IYAN,” and after reading it, she remarked: “AYON SI INDAY. MAGKANO BA ANG SINABI NI INDAY.” When affiant mentioned “EIGHT FIVE,” respondent accordingly answered, “EIGHT FIVE PALA, MAGKANO BA ANG PERA MO,” and when affiant replied “FIVE LANG,” respondent averred, “DUON NA LAMANG SA IMUS AYUSIN AT ALAM NILA IYON” (Annex “G”);

h) Magkasamang Sinumpaang Salaysay of Celia Gervacio and Narlyn Reyes, attesting to the fact that they went to the respondent court to inquire as to how much is the bond of Joel Gervacio and Orly Reyes for alleged “Carnapping” and they were told that it was P180,000.00 while, for Robbery it was P100,000.00. Since they could not afford the quoted amounts, they decided to see a friend who advised them to secure the services of a lawyer. They were advised to get a copy of the complaint which was not signed by the respondent, hence, they went back and the copy was stamped “Original Signed,” by one of the employees in said Court, but who refused to indicate the amount of bail (Annex “H”);

i) Subsequently, on November 19, 2001, based on the surety bond presented to the Court for both accused were approved under Criminal Complaints Nos. 01-2020, 01-2021 and 01-2022 with the Complaints filed with the respondent court on November 8, 2001, and the space below the jurat was merely stamped with “Original Signed” attached as Annex “H-1” and Annex “H-2.” The space “Noted by” for the Prosecutor is unsigned and no amount of bail recommended appears on the copy of the Complaint, showing that the detention of the respondent for preliminary investigation is unlawful.

j) Order dated 13 December 2001 was issued by the undersigned directing the release of the accused, Ferdinand Sarreal y Magdangal, under Criminal Complaint Nos. 01-1893 and 01-1894, considering that the said accused had been under detention for almost three (3) months without preliminary examination nor preliminary investigation having been conducted by the respondent of the cases filed before it (sic) on October 22, 2001, while the arrest of the alleged respondent was on October 19, 2001. While the Complaint is not signed by the subscribing respondent judge, the upper right hand corner bears a rubber stamp of the respondent judge, dated October 22, 2001, copy of which Order is attached as Annex “I,” Criminal and the Complaint as Annex “I-A,” respectively;

k) Mrs. Ilaya who followed up the posting of surety bond for her son, Michael Ilaya y Castro, failed to come back for her Sworn Statement which she promised to present on December 18, 2001, is attached as Annex "J." The Order alleges the circumstances on how the accused has been kept under detention without the preliminary investigation conducted since he was apprehended on June 18, 2001, while the Criminal Complaint No. 01-1045 was filed with the Municipal Trial Court of Dasmariñas on June 19, 2001.

Mrs. Ilaya, a widow, hails from Cebu City and came all the way to secure the release of her son for the holidays. She alleged that she could not immediately come to Manila, since she is a single parent. However, she was made to go back and forth in order to secure a copy of the Criminal Complaint as a requirement for the posting of the surety bond, which was finally traced at respondent's residence. Copy of the Order is attached as Annex "J."

- Some of the statements above have already been submitted and formed part of the cases under investigation by the Hearing Officer-Designate, but, due to the growing seriousness of the unlawful practices committed by the respondent judge, the Honorable Magistrates' attention are (sic) invited to address the depredation of the public in the judicial processes.[48]

Patently then, the charges of irregularities in the processing of approval of bail bonds, corruption, utilizing employees as household help against the respondent judge and attempting to influence the resolution of a criminal case should be dismissed for lack of merit.

In ordering the arrest of the
accused without any finding of
probable cause, the respondent
judge displayed gross
ignorance of the law

However, Justice Molina found that the respondent judge erred in ordering the arrest of the accused in Criminal Cases Nos. 02-1123, 02-1125, 02-1127, 02-1124, 02-1126 and 02-1128 without conducting the requisite preliminary investigation to determine probable cause. The Order dated August 13, 2002 issued by Executive Judge Tagle in SP. Proc. No. 982-02, as relied upon by Justice Molina, reads in part:

From the facts of the case, it is crystal clear that detainees were given ten (10) days by respondent Judge to file their counter-affidavits from receipt of her Orders dated July 23, 2002. But even before the expiration of the ten-day period, another Order was issued by respondent Judge ordering their arrest. Evidently, the issuance of the warrants of arrest was highly irregular and unwarranted. As shown by the evidence, the preliminary investigation of the cases against them has not yet been concluded. Moreover, there is no finding yet of "probable cause" against the detainees.

WHEREFORE, premises considered, the instant petition is hereby GRANTED. Accordingly, the Jail Warden of the Dasmariñas PNP, Dasmariñas, Cavite, is directed to release Eden Esplago and Rowena Esplago from detention.

Furnish copies hereof to respondent Judge Lorinda T. Mupas and to petitioner's counsel.

SO ORDERED.[49]

A judge owes it to himself and his office to know by heart basic legal principles and to harness his legal know-how correctly and justly. When a judge displays an utter unfamiliarity with the law and the rules, he erodes the confidence of the public in the courts. Ignorance of the law by a judge can easily be the mainspring of injustice.[50] As an advocate of justice and a visible representation of the law, a judge is expected to be proficient in the interpretation of our laws. When the law is so elementary, not to know it constitutes gross ignorance of the

law.[51] Ignorance of the law, which everyone is bound to know, excuses no one – not even judges. Ignorantia juris quod quisque scire tenetur non excusat.[52] As we held in *Monterola v. Caoibes, Jr.*:[53]

Observance of the law, which respondent ought to know, is required of every judge. When the law is sufficiently basic, a judge owes it to his office to simply apply it; anything less than that is either deliberate disregard thereof or gross ignorance of the law. It is a continuing pressing responsibility of judges to keep abreast with the law and changes therein. Ignorance of the law, which everyone is bound to know, excuses no one – not even judges – from compliance therewith. ... Canon 4 of the Canons of Judicial Ethics requires that the judge should be studious in the principles of law. Canon 18 mandates that he should administer his office with due regard to the integrity of the system of the law itself, remembering that he is not a depository of arbitrary power, but a judge under sanction of law. Indeed, it has been said that when the inefficiency springs from a failure to consider a basic and elementary rule, a law or principle in the discharge of his duties, a judge is either too incompetent and undeserving of the position and the title he holds or is too vicious that the oversight or omission was deliberately done in bad faith and in grave abuse of judicial authority.[54]

Indeed, a judge should so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary.[55] Furthermore, a judge should be the embodiment of competence, integrity, and independence,[56] and should uphold the integrity and independence of the judiciary.[57]

Clearly then, the respondent judge displayed gross ignorance of the law in failing to observe the requirement of a finding of probable cause before ordering the arrest of the accused in a criminal case. Section 8, Rule 140 of the Revised Rules of Court, as amended, classifies administrative charges as serious, less serious, or light. Gross ignorance of the law or procedure and gross misconduct constituting violation of the Code of Judicial Conduct are classified as serious charges.

On the issue of approval
of bail bonds

It is apparent from a perusal of the letters, complaints, and the pleadings filed by Judge Español and the respondent judge that the two have had some brewing “personal differences” between them. As observed by the OCA in its Report:

In her letters to Judge Español dated 30 April 1999 and 12 May 1999 (annexes “H” and “H-I”) Judge Mupas expressed her view on Mupas regarding where the application for bail should be made. According to the judge, the provision of the rules on bail are clear in that the accused can only file bail in a court where the case concerned is pending. The Regional Trial Court is prohibited from acting on applications for bail of detention prisoners whose cases are filed and pending before another court unless the judge thereof is absent or unavailable. Judge Mupas cited as her basis Section 17(a) of Rule 114 of the Rules on Criminal Procedure...

Judge Mupas counter-charged that Judge Español herself acted on applications for bail and ordered the release of the accused in some cases pending before the sala of Mupas for preliminary investigation although the latter was not on leave of absence.

...

On the matter of where applications for bail should be filed, Judge Español argued that there is no law or rule prohibiting her from approving bail even if the case is already pending in other courts. She cited Section 17(c), Rule 114 of the Rules of Court, which states that “any person in custody who is not yet charged in court may apply for bail with any court in the province, city or municipality where he is held.”

Judge Español mentioned in the case of *People v. Marcel Morales* (Criminal Case No. 98-0726) where Judge Mupas was upset when she ordered the release of the accused despite the fact that this case is for violation of anti-drug law, well within the jurisdiction of the Regional Trial Court. Besides, the Regional Trial Courts are

not precluded from acting on applications for bonds filed before them; neither are the RTC judges required to check on the availability of lower court judges for this is the essence of the preference given to them.[58]

Justice Molina further found that –

There appears a need for the Court to clarify and settle the issue that has become an irritant in the official relations between the complainant and the respondent. Judge Mupas questions the legality or propriety of Judge Español's propensity in acting on applications for bail and ordering the release of detention prisoners whose cases are pending in and falling under the original and exclusive jurisdiction of her court, the MTC of Dasmariñas, Cavite, even if she (Judge Mupas) is present in her court. She further asserts that Judge Español requires and approves bail even for violations of municipal ordinances.

Judge Español, on the other hand, cites par. c, Section 17, Rule 114 of the Rules on Criminal Procedure which provides that "Any person who is not yet charged in court may apply for bail with any court in the province, city or municipality where he is held" as her authority to grant and approve bail to persons detained in cases still pending preliminary investigation in the municipal trial court. She maintains that when a municipal judge conducts a preliminary investigation he performs a non-judicial but executive function; and that during the preliminary investigation stage, although a municipal judge may issue a warrant of arrest, the case is not considered pending before him. This apparently, is her justification for considering the inapplicability of par. (a) of said Section 17 of Rule 114.[59]

The Court shall thus settle the matter of the issuance of bail bonds.

It is settled that a judge who conducted the preliminary investigation, who has jurisdiction over the place where the accused was arrested, has authority to grant bail and to order the release of the accused even if the records of the case had been transmitted for review to the Office of the Provincial Prosecutor.[60] A municipal judge conducting a preliminary examination and for admission of the accused to bail is tasked to determine whether there is probable cause against the accused and, if so, whether the evidence of guilt is strong.[61] This can, likewise, be gleaned from Section 5, Rule 114 of the Rules of Criminal Procedure, which provides as follows:

SEC. 5. Duty of investigating judge. – Within ten (10) days after the conclusion of the preliminary investigation, the investigating judge shall transmit to the provincial or city fiscal, for appropriate action, the resolution of the case stating briefly the findings of facts and the law supporting his action, together with the entire records of the case, which shall include: (a) the warrant, if the arrest is by virtue of a warrant; (b) the affidavits and the other supporting evidence of the parties; (c) the undertaking or bail of the accused; (d) the order of release of the accused and cancellation of his bailbond (sic), if the resolution is for the dismissal of the complaint.

Should the provincial or city fiscal disagree with the findings of the investigating judge on the existence of probable cause, the fiscal's ruling shall prevail, but he must explain his action in writing furnishing the parties with copies of his resolution, not later than thirty (30) days from receipt of the records from the judge. If the accused is detained, the fiscal shall order his release.

Furthermore, according to Section 17(a), Rule 114 –

Sec. 17. Bail where filed.- (a) Bail in the amount fixed may be filed with the court where the case is pending, or, in the absence or unavailability of the judge thereof, with another branch of the same court within the province or city. If the accused is arrested in a province, city or municipality other than where the case is pending, bail may be filed also with any other regional trial court of said place, or, if no judge thereof is available, with any metropolitan trial judge, municipal trial judge or municipal circuit trial judge therein.

The scenarios envisioned in this provision were enunciated in *De los Santos v. Mangino*: [62]

The foregoing provision anticipates two (2) situations. First, the accused is arrested in the same province, city

or municipality where his case is pending. Second, the accused is arrested in the province, city or municipality other than where his case is pending. In the first situation, the accused may file bail in the court where his case is pending or, in the absence or unavailability of the judge thereof, with another branch of the same court within the province or city. In the second situation, the accused has two options. First, he may file bail in the court where his case is pending or, second, he may file bail with any regional trial court in the province, city or municipality where he was arrested. When no regional trial court judge is available, he may file bail with any municipal trial judge, or municipal circuit trial judge therein.[63]

If it happens for instance, that the accused was in detention during the preliminary investigation conducted by the municipal trial court but wished to put up bail after the records of the investigation had been forwarded to the fiscal, bail may be filed not in the municipal trial court which fixed the amount of his bail but with the Regional Trial Court of the place where he is being held. Also, if no charge has as yet been filed but the person under arrest would wish to go on temporary liberty, he may apply for bail with any court in the province, city or municipality where he is held.[64] However, when the preliminary investigation has been concluded and the judge has recommended the filing of the corresponding information against the accused and had forwarded the records of the case to the Provincial Prosecutor, the court loses its preliminary jurisdiction over the said case. Having been divested of jurisdiction over the case, the municipal trial court no longer has any authority to issue any order or directive in connection therewith, especially such as would involve the liberty of the accused.[65]

Thus, a judge who approves applications for bail of accused whose cases were not only pending in other courts but who were, likewise, arrested and detained outside his territorial jurisdiction is guilty of gross ignorance of the law and violates Rule 3.01 of the Code of Judicial Conduct.[66] It must be emphasized that rules of procedure have been formulated and promulgated by this Court to ensure the speedy and efficient administration of justice. Failure to abide by these rules undermines the wisdom behind them and diminishes respect for the law. Judges should ensure strict compliance therewith at all times in their respective jurisdictions.[67]

By her own admission, Judge Español acted on bail bond applications of several accused whose cases were pending before the respondent judge, and issued orders of release thereon. The records are unclear, however, as to whether the said accused were arrested within her territorial jurisdiction. We note that in A.M. No. RTJ-04-1850,[68] Judge Español was found guilty of gross ignorance of the law for granting a hold-departure order in a case not assigned to her sala, and was fined P5,000 therefor. We stated thus:

The powers of an executive judge relate only to those necessary or incidental to the performance of his/her functions in relation to court administration.

Time and again the Court has adverted to the solemn obligation of judges to be very zealous in the discharge of their bounden duties. Nonetheless, the earnest efforts of judges to promote a speedy administration of justice must at all times be exercised with due recognition of the boundaries and limits of their jurisdiction or authority. Respondent's ardent determination to expedite the case and render prompt justice may be a noble objective but she did so in a manner which took away from the complainant MTC judge the initiative which by constitutional and legal mandates properly belongs to her.[69]

However, considering that Judge Español compulsorily retired from the service on January 9, 2004 after fourteen (14) years of service in the judiciary, she can no longer be charged for the aforesaid acts.

Let this be a reminder to judges and executive judges alike not to arrogate upon themselves the authority of issuing orders which do not properly belong to their respective jurisdictions. Such conflicts and hostilities between judges serve no purpose but to put the Court in a bad light, a situation we can ill afford during these difficult and trying times.

WHEREFORE, conformably to Section 11(A) of Rule 140[70] of the Revised Rules of Court, as amended, for

gross ignorance of the law and violation of the Code of Judicial Conduct, respondent Judge Lorinda Mupas is meted a FINE of Twenty-One Thousand Pesos (P21,000).

SO ORDERED.

Austria-Martinez, (Acting Chairman), and Chico-Nazario, JJ., concur.

Puno, J., (Chairman), on official leave.

Tinga, J., on leave.

[1] Joint Report and Recommendation, pp. 2-3.

[2] Rollo, p. 168. (A.M. No. MTJ-01-1358)

[3] Id. at 11-15.

[4] Id. at 1-2.

[5] Rollo, pp. 1-4. (A.M. No. MTJ-01-1348)

[6] Id. at 3.

[7] Exhibit "A."

[8] Rollo, p. 7. (A.M. No. MTJ-01-1348)

[9] Id. at 5. (Annex "A")

[10] Exhibit "B."

[11] Exhibit "J."

[12] Rollo, pp. 111-119. (A.M. No. MTJ-01-1348)

[13] Id. at 11-13.

[14] Id.

[15] Id. at 16-20.

[16] Rollo, pp. 3-4. (A.M. No. MTJ-01-1352)

[17] Id. at 33-35

[18] Id. at 33.

[19] Id. at 4.

[20] Id. at 2.

[21] Id. at 1.

[22] Id. at 39-40.

[23] The following employees signed the said letter:

Amelia G. Rivor, Clerk of Court II; Adelina B. Olaes, Court Interpreter I; Belen S. Guanco, Court Stenographer I; Marivic C. Francisco, Court Stenographer I; Susana B. Villena, Court Stenographer I; Ma. Rowena V. Jarin,

Clerk II; Giovanni R. Reintegrado, Process Server; and Edgardo B. Bisente, Utility I.

[24] Rollo, pp. 169 and 171. (A.M. No. MTJ-01-1352)

[25] Exhibit “K.”

[26] According to the affiant, she was privy to the following practices of the respondent judge:

5.1 In quite a number of instances, in hearings for arraignment of criminal cases before her, she would call the parties in front of her in open court and ask – in an audible voice for everyone to hear – them to settle their cases and if the accused refused, she would say “sige pakulong ka na lang,” and if it is the complainant who refused to settle she would say, “bahala ka, kung gusto mong ituloy, hindi naman makukulong ito, ang liit-liit na kaso!” effectively prejudging the cases. Even lawyers are not exempted from her sharp tongue, as she would on occasion utter unsavory words against the lawyers and litigants.

5.2 In one case (People of the Philippines versus Bienvenido Dimailig, Criminal Case No. 99-0840, For: Violation of BP 22), Judge Mupas sent a note through my client, which reads “draft decision” (A copy of the said note is hereto attached marked as Annex “A” and made an integral part hereof). Since this is unethical, I did not draft the decision.

5.3 She has referred to me for handling a few cases for annulment. While the said cases were not before her sala, I found out that she was actually charging fees for the said cases, despite having referred them to me, as the client blurted out that the handling of her case was very expensive, when I had not even billed anything for my services! Moreover, she would even remind me to do things for these cases, such as draft, prepare and file pleadings or motions (as shown by a copy of her note dated 30 October 1997 hereto attached marked as Annex “B” and made an integral part hereof), which she referred to me, indicating that she was actually monitoring their development, as if she was supervising the conduct and the handling of the cases.

In one instance, particularly in the case of “Marissa A. Cabrido-Angeles vs. Ramil M. Angeles,” Civil Case No. 1831-99, unbeknownst to me, she even prepared a motion and signed it for me (a copy of which is hereto attached marked Annex “C” and made an integral part hereof), which I discovered as she had sent it to and was received [by] my office. In other words, if I were the movant, and I had actually made the motion, why would I send a copy and have it received at my office?

5.4 In a criminal case entitled “People of the Philippine[s] versus Eva Malihan, et al.,” she granted bail to the accused Eva Malihan who is accused of a capital offense of Syndicated Estafa without conducting any hearing. She did this by issuing a resolution downgrading the charge to simple estafa, but which upon review by the Provincial Prosecutor was reversed (A copy of said review resolution dated 10 January 2002 is hereto attached marked as Annex “D” and made an integral part hereof), but unfortunately the respondents were by then able to hide and escape the charges. An administrative case has been filed with the Supreme Court docketed as Administrative Case No. 01-1116-MTJ (Rollo, pp. 126-127).

[27] Joint Report and Recommendation, pp. 33-34; TSN, 9 August 2002, p. 47.

[28] Id. at 37.

[29] Id.

[30] Exhibit “K-10.”

[31] Entitled “In Re: Petition for Habeas Corpus of Detention Prisoners Eden Esplago and Rowena Esplago, Cherry Esplago v. The Municipal Jail Warden of Damariñas PNP or the Officer-in-Charge of the Detainees and

Hon. Judge Lorinda T. Mupas of the Municipal Trial Court, Dasmariñas, Cavite.”

[32] Joint Report and Recommendation, p. 42.

[33] Rollo, p. 2. (A.M. No. 01-2-100-RTC and MTJ-01-1358)

[34] Id. at 232-233.

[35] Id. at 234.

[36] Id. at 285-286.

[37] Joint Report and Recommendation, p. 44.

[38] Abraham S. Pua v. Judge Julio R. Logarta, A.M. No. RTJ-92-867, August 31, 2004.

[39] Araos v. Luna-Pison, 378 SCRA 247 (2002).

[40] Ang v. Asis, 373 SCRA 91 (2002).

[41] Lambino v. De Vera, 275 SCRA 60 (1997).

[42] Adarlina G. Mataga v. Judge Maxwell Rosete, et al., A. M. No. MTJ-03-1488, October 13, 2004.

[43] Id. at 4.

[44] Judge Roberto Navidad v. Jose B. Lagado, Clerk of Court, Regional Trial Court, Branch 9, Tacloban City, A.M. No. P-03-1682, September 30, 2004.

[45] TSN, 9 August 2002, p. 7.

[46] Joint Report and Recommendation, p. 43.

[47] Rollo, p. 2.

[48] Supplemental Affidavit, pp. 2-4.

[49] Rollo, p. 143. (A.M. No. MTJ-01-1352)

[50] Emelie Taguba Lucera v. Judge Felino U. Bangalan, A.M. No. MTJ-04-1534, September 7, 2004.

[51] Victor D. Ricafort v. Judge Rogelio C. Gonzales, A. M. No. RTJ-03-1798, September 7, 2004.

[52] Carpio v. De Guzman, 262 SCRA 615 (1996).

[53] 379 SCRA 334 (2002).

[54] Id. at 341.

[55] Rule 2.01, Code of Judicial Conduct.

[56] Rule 1.01, Code of Judicial Conduct.

[57] Canon 1, Code of Judicial Conduct.

[58] Rollo, pp. 3-5. (A.M. No. MTJ-01-1358)

[59] Joint Report and Recommendation, pp. 19-20.

[60] See Cabatingan, Sr. v. Arcueno, 387 SCRA 532 (2002).

[61] *Depamaylo v. Brotarlo*, 265 SCRA 151 (1996).

[62] 405 SCRA 521 (2003), citing *Cruz v. Yaneza*, 304 SCRA 285 (1999).

[63] *Id.* at 525.

[64] Pamaran, *The 1985 Rules on Criminal Procedure*, Annotated, 1995 ed., p. 237.

[65] *Panganiban v. Cupin-Tesorero*, 388 SCRA 44 (2002).

[66] *Santiago v. Javellanos*, 337 SCRA 21 (2000).

[67] *Atty. Hilario v. Hon. Ocampo III*, 371 SCRA 260 (2001).

[68] Judge Lorinda T. Mupas v. Judge Dolores L. Español, Regional Trial Court, Dasmariñas, Cavite, Branch 90, July 14, 2004.

[69] *Id.* at 12.

[70] Sec. 11. Sanctions. – A. If the respondent is guilty of a serious charge, any of the following sanctions may be penalized as follows:

- 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 all 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 but not exceeding P40,000.

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