CARINA AGARAO, COMPLAINANT, VS. JUDGE JOSE J. PARENTELA, JR. AND CLERK OF COURT GLORIA LORENZO, RESPONDENTS.

A.M. No. RTJ-00-1561 (Formerly AM OCA IPI No. 00-943-RTJ). November 21, 2001

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PER CURIAM:

Before the Court are two complaints against Judge Jose J. Parentela, Regional Trial Court, Branch 23, Trece Martires, Cavite, Clerk of Court Gloria Lorenzo, Municipal Trial Court, Sariaya, Quezon, and Court Stenographer Teresita Maraan.

On June 17, 1999, the Office of the Chief Justice received an anonymous letter charging respondent Judge with corruption, abuse of power and immorality. The letter alleged that respondent judge is known for accepting bribe from litigants in exchange for a favorable decision on their cases, especially when real properties amounting to millions of pesos are at stake. The litigants approach him through respondent Maraan who talks to respondent Lorenzo who, in turn, talks to respondent judge. The litigant, however, may directly deal with respondent judge if it involves a large sum of money or property of high value. Also, no petition for bail is granted by respondent judge without the prior approval of respondent Maraan who obtains and shares a commission with respondent Lorenzo for every bail granted. It is claimed that respondent judge was able to buy in cash a townhouse unit worth millions of pesos and acquired a brand new car which was allegedly a gift from an accused in a murder case. The complaint further alleged that respondent judge has the habit of shouting at lawyers appearing before his sala and berating his staff in open court. Complainants also rebuked the immoral and scandalous acts of respondent judge and respondent Lorenzo. They claimed that respondent judge and respondent Lorenzo openly carry an extra-marital affair and respondent Lorenzo meddles in the management of respondent judge's chambers despite the fact that she is assigned at the Municipal Trial Court in Sariaya, Quezon. The couple also allow their daughter to run around the office and shout at the top of her voice, disrupting the work of the staff. The complaint also charged respondent judge with serious mismanagement of his office. The process server allegedly acts as court interpreter; the stenographer acts as clerk of court and conducts ex parte hearing as commissioner; the legal researcher takes charge of the issuance of warrants of arrest; and the stenographers, aside from taking down and transcribing stenographic notes, also perform various clerical jobs.

On September 1, 1999, the Office of the Court Administrator (OCA) referred the anonymous complaint to the National Bureau of Investigation (NBI) for the conduct of a discreet investigation relative to the charges against respondents.

On December 16, 1999, the NBI furnished the OCA with a copy of the report regarding the alleged corruption, abuse of power and immorality of respondents. The report contained the following findings:

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2. The result of the discreet investigation were as follows:

I. JOSE J. PARENTELA, JR.

a. Alleged CORRUPTION and ABUSE OF POWER

We verified the allegation that Judge PARENTELA received a brand new Honda car as a gift from an accused in a Murder case. We talked to Atty. ONOFRE M. MARANAN, Asst. Provincial Prosecutor, Province of Cavite, about the case. According to him, his office filed an information for Murder against all the accused entitled Pp. vs. IGMIDIO STA. RITA, et al. docketed as TM-12844. However, he was surprised to know when the two (2) accused, who were arrested and allowed to post bail, were convicted only of slight physical injuries instead of the crime of Murder. The other two (2) accused are still at-large. He did not anymore take any remedial action on the case because he might be accused of taking personally the verdict. He advised the heirs and relatives of the victim of their right to go against Judge PARENTELA.

We were able to talk to the family of victim RONALDO COLOCADO and requested them to submit certified true copy of the decision and other important pleading of the case. (Annexes F, F-1 to F-). According to the father of the victim, he believes that Judge PARENTELA received bribe money from the accused GUYAMIN brothers because they (GUYAMIN family) have sold their residence located just a stone-throw away from his house. He hinted that the proceeds was (sic) given to the Judge in exchange for the questionable verdict. When asked if he could substantiate his accusation, Mr. COLOCADO answered in the negative and added that he and his family already accepted the fate of his son RONALDO.

A careful perusal of the case record disclosed that on July 5, 1994, Atty. TITO S. CARPINA, Asst. Provincial Prosecutor, filed an information against IGMIDIO STA. RITA, CRISPULO GUYAMIN, AUGUSTO PALUMPON and NESTOR GUYAMIN for the crime of Murder docketed as TM- 1284. He recommended no bail for the principal accused IGMIDIO STA. RITA while the three (3) other accused NESTOR and CRISPULO both surnamed GUYAMIN and AUGOSTO PALOMPON were allowed to post bail in the amount of P20,000.00 each. With these recommendations, we can safely surmise that the last three (3) accused were indicted only as accomplice in the crime of murder and the possibility of being convicted of a much lesser offense is not remote. Moreover, we have no evidence that could establish that Judge PARENTELA demanded or has received money, favor or benefits in exchange for the alleged questionable verdict.

We did not anymore push through with the investigation of the other accusations that Judge PARENTELA received bribe money in other cases being heard in his Sala because our informants could not also recount or give investigative lead on the other cases mentioned in the letter-complaint. In fact, except for the abovementioned case, Prosecutor MARANAN could no longer recall the details of the other alleged questionable verdict rendered by Judge PARENTELA.

To determine if indeed Judge PARENTELA amassed wealth while in office, we tried to develop other or concealed assets or properties of subject but the result is negative. In the 1998 statement of assets and liabilities (previously marked Annex C-12) of Judge PARENTELA, the house and lot located at Tierra Verde Subdivision, Bacoor, Cavite and the Honda car are among his declared properties. These properties/assets were allegedly acquired illegally using his position and power as Judge. Verification made with the Provincial Assessor disclosed that the house and lot is still registered in the name of Sta. Lucia Realty & Dev't. Inc. (Annexes G, G-1 to G-3). Efforts were exerted to obtain documents from Sta. Lucia Realty in order to establish the new owner or the mode of acquiring said property by the new owner but their representative called up through telephone on the scheduled hearing informing us that they are still looking for the documents. With regard to the Maroon Honda Accord with plate number 16*D23, we could not confirm or deny the veracity of the ownership of the same because our letter dated November 11, 1999 sent to BENJAMIN CALIMA, Assistant Secretary, Land Transportation Office, remained unheeded until now. (Annex H)

Considering that we could not determine in the meantime the exact valuation or the mode or acquisition of the aforesaid properties/assets, it would be very difficult for us to prepare an accurate comparative statement of the net worth of Judge PARENTELA.

RECOMMENDATION:

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The accusations against Judge PARENTELA are very serious that should not be taken lightly. However, we do not have sufficient evidence to establish prima facie case against Judge PARENTELA for violation of Republic Act No. 3019 (Anti-Graft and Corrupt Practices Act). Unless we receive information on his participation in a particular and verifiable transaction, all our efforts and resources will be put to naught. Hence, we recommend the temporary closure with respect to this accusation only.

b. Alleged IMMORALITY and SCANDALOUS ACTS

The pieces of evidence we gathered clearly establish that Judge PARENTELA who is validly and legally married to DELECIA MALUBAY on March 6, 1960, had been involved in an illicit relationship under scandalous circumstances with GLORIA LORENZO, his former Clerk of Court in the Municipal Trial Court, Sariaya, Quezon. Their relationship flourished and continued up to present and in fact a child named EUNICE MAE L. PARENTELA was conceived and born on March 9, 1993. The birth of EUNICE MAE was registered only in 1997 in the Civil Registry of Trece Martires City. (Annex I) Their daughter EUNICE MAE is presently enrolled as Grade I pupil at Saint Jude School, Trece Martires City. (Annexes I-1 to I-4)

Verification was conducted to determine the information contained in the birth certificate of EUNICE MAE that Judge PARENTELA and GLORIA LORENZO were married last November 13, 1991 in Manila but the result is negative as certified by the City Civil Registrar of Manila. (Annex J)

In the middle or last week of October 1999, Judge PARENTELA allegedly suffered a stroke and was admitted in an undisclosed hospital in Metro Manila. Our informant who does not want to be identified further told us that Judge PARENTELA is very much ill and that GLORIA LORENZO is personally taking care of the ailing Judge. He also confirmed that two (2) years ago, Mrs. PARENTELA went to the office of Judge PARENTELA. When she saw GLORIA LORENZO inside the office of Judge PARENTELA, she hurled invective words against GLORIA LORENZO that caused scandal in the Capitol.

Moreover, our findings only confirm the Report (Annex K) in NBI Case No. 81-895-407 dated August 6, 1982 that Judge PARENTELA had an illicit relationship with his then clerk of court when he was assigned as Municipal Judge in Sariaya, Quezon. The service record of GLORIA LORENZO shows that she was the Clerk of Court of the Municipal Court, Sariaya Quezon, from August 1, 1977 up to the present. We tried to retrieve the folder of this case but the same is not yet available.

RECOMMENDATION:

IN VIEW OF THE FOREGOING, we respectfully recommend the filing of appropriate criminal and administrative charges against Judge JOSE PARENTELA for falsely stating in the birth certificate of her (sic) daughter EUNICE MAE that he is legally married to GLORIA LORENZO on November 13, 1991 in Manila. Also, for having an illicit affair under scandalous circumstances with his former clerk of court GLORIA LORENZO. Moreover, to inform the Honorable Justice ALFREDO L. BENIPAYO, Supreme Court, of the result of our discreet investigation.

II. GLORIA LORENZO Y GLORIOSO

The pieces of evidence we gathered clearly show that subject LORENZO had knowingly and voluntarily indulged in an illicit relationship with her former superior officer Judge JOSE PARENTELA, JR., who is legally married to DELECIA MALUBAY. Their relationship flourished and begotten a child later named EUNICE MAE PARENTELA, as evidenced by the birth certificate of EUNICE MAE PARENTELA previously marked as Annex I hereof. Said birth certificate was verified and found duly registered with the Civil Registry of Trece Martires City.

We receive some information that she seldom reports to her office in Sariaya , Quezon, and could be seen always in the office of Judge Parentela. Also, despite her absence in the office, she receives nevertheless her complete salary. Considering the delicateness of this case and the fact that it could further delay the result of

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> our investigation, undersigned decided to hold in the meantime any investigative action.
>
> The certification issued by BELEN G. SAMAR, OIC Task Force Administrative Services, Supreme Court, disclosed that she failed to file her statement of assets and liabilities for the year 1998. (Previously marked Annex D-5)
>
> RECOMMENDATION:
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> IN VIEW OF THE FOREGOING, we would like to recommend the filing of appropriate criminal and administrative charges against GLORIA LORENZO for knowingly and voluntarily having an illicit affair under scandalous circumstances with Judge PARENTELA and for failure to file her statement of assets and liabilities for the year 1998. Further, to inform the Supreme Court of the result of our investigation.
>
> II. TERESITA MARAAN Y ALEGRE
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> After our discreet investigation, we received no derogatory remark against subject MARAAN except that she is close to Judge PARENTELA and GLORIA LORENZO.
>
> The certification issued by BELEN G. SAMAR, OIC, Task Force Administrative Services, Supreme Court, shows that she failed to file her statement of assets and liabilities for the years 1996, 1997 & 1998. (Previously marked Annex E-3)
>
> RECOMMENDATION:
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> CONSIDERING THE FOREGOING, we would like to recommend the temporary closure of this case unless and until we receive additional information of her participation in any illegal transaction that would warrant the opening of this case. However, appropriate criminal and administrative charges should be filed against her for failure to file her statement of assets and liabilities for the years 1996, 1997 & 1998, as required by law."

On June 21, 2001, the Court required the respondents to file a comment on the anonymous complaint.

Meanwhile, on August 19, 1999, the Office of the Chief Justice received a similar letter from Carina Agarao, President, Crusade Against Violence, reporting that respondent Lorenzo is often seen in the sala of respondent judge in Cavite, although she continues to receive her salary from the Municipal Trial Court of Sariaya, Quezon. The letter also alleged that respondent Lorenzo is the live-in partner of respondent judge and openly negotiates with litigants regarding cases pending before the court.

On September 2, 1999, Chief Justice Hilario G. Davide, Jr. referred the letter to Deputy Court Administrator Zenaida N. Elepaño, DCA-in-charge for Region IV, for discreet inquiry/investigation and recommendation.

DCA Elepaño submitted her report dated May 2, 2000 with the following findings:

> "Judge Parentela was first appointed to the bench on 19 October 1962 as Justice of the Peace in Sariaya, Quezon. He resigned from the Municipal Trial Court on 30 January 1987 and was appointed Tanodbayan Special Prosecutor on 17 March 1987. On 30 May 1994, he was appointed Regional Trial Court Judge (Branch 23) with station at Trece Martires City, Cavite. Judge Parentela is a native of Quezon Province and is married to Delicia Malubay. They established residence at 87 Hasmin Street, Zaballero Subdivision in Lucena City. Their Metro Manila address is at 130 San Francisco Street (b-513), Mandaluyong City.
>
> On the other hand, Gloria Lorenzo was first appointed to the judiciary on a temporary basis as a court-clerk of the municipal court of Sariaya on 1 August 1977. Promoted to the position of MTC Steno-reporter on 1 July 1984 upon the recommendation of Judge Parentela, she was thereafter appointed as MTC Clerk of Court I on 4 November 1985, also on the very favorable recommendation of the judge. Her personnel files place her residence at Marichi Subdivision in Sariaya, Quezon. She is unmarried but has allegedly adopted a child named Eunice Mae who now lives with her and Judge Parentela in Bacoor, Cavite.

Records at hand show that as judge in Sariaya, Judge Parentela had been the object of complaints from litigants and non-litigants as well, for bribery and/or extortion. One complainant described him as “corrupt,” “evil,” and “despicable.” The complaints however were dismissed by the Office of the Court Administrator either because these were not notarized and therefore could not be entertained, or because the complainants desisted or were not able to present sufficient proof of their charges.

According to the MTC-Sariaya court personnel, it was while Judge Parentela was presiding judge of their court and Lorenzo appointed as court-clerk that the illicit relationship between the two began. They noticed that their judge and his branch clerk became very intimate, but they chose to ignore the existing relationship as it concerned a very personal matter. It is worthy to mention though that on 31 May 1988, several concerned citizens of Sariaya sent letters to Tanodbayan Raul Gonzales and to the Supreme Court complaining about the “immorality of Judge Parentela and Gloria Lorenzo,” expressing their disgust at the open illicit relationship between the two. At this time Judge Parentela had already resigned from the judiciary and was with the Tanodbayan. But as far as the charge against Lorenzo was concerned, then Court Administrator Maximo Maceren returned the letter-complaint because it was not sworn to. It is not shown that the complainants pursued their charge by submitting a notarized complaint.

Concerning the charge of absenteeism against Gloria Lorenzo, the records show that on 13 August 1998 Gloria Lorenzo underwent a “modified Radical Masectomy of the right breast because of cancer” together with “Dilatation with Curettage.” Six (6) days after the masectomy and D and C, she again went under the surgical knife, this time for a Total Abdominal Hysterectomy, since the D and C showed malignancy. (Annex “A”)

Personnel Records of Ms. Lorenzo show that she applied for and was granted by OCA a long vacation leave of from 1 June to 31 December 1998. She again applied for leave of absence up to 30 June 1999. Re-applying, she was again granted a leave of absence by OCA-Administrative Services as follows:

Fourteen (14) days sick leave with pay from 1-20 July 1999; seventy-two (72) days vacation leave with pay from 21 July to 28 October 1999; sixty-two (62) days sick leave without pay from 29 October to 29 December 1999.

On 14 January 2000, Ms. Lorenzo filed with Judge Bienvenido Mapaye, presiding judge of MTC-Sariaya, an application for sick leave without pay for the period of from January to October 2000. She cited pertinent provisions of the Omnibus Civil Service Rules Implementing Book V of the Administrative Code of 1987 which allows leave of absence without pay for a period not exceeding one (1) year in addition to the vacation and/or sick leave earned. The application was recommended for approval by Judge Mapaye.

Meanwhile, court personnel of RTC-Trece Martires have affirmed that Ms. Lorenzo goes to court daily together with Judge Parentela together with Eunice Mae. Allegedly, Lorenzo acted as “de facto” judge and/or clerk of court, since Judge Parentela had virtually given her a full run of the place. Her scandalous presence thereat has caused tremendous discomfort, chagrin and demoralization among the personnel of the said court such that one of them, Luzviminda Poblete, a clerk, even asked and was allowed to transfer to the Cavite City courts. In my interview with her, she disclosed that she learned that Judge Parentela and Lorenzo are living together as husband and wife despite the fact that he is still legally married to another. The judge and Gloria Lorenzo have taken up residence in Bacoor, Cavite at the Tierra Verde Subdivision together with the 7-year old Eunice Mae, bruited to be the couple’s daughter as she bears the surname Parentela. This child played in and roamed around the court premises freely and with impunity, disturbing and distracting the court personnel at work.

Our Sariaya court personnel however doubts that the child Eunice May is an issue of Parentela and Lorenzo. For one, the latter was never pregnant for the entire period she reported for duty in Sariaya. Then too, what the court personnel know is that the child is that of a former co-employee, a court utility worker who gave the infant to Lorenzo two weeks after delivery at a Sariaya hospital. They however do not know if Lorenzo legally adopted the baby (In her personnel files, specifically her Statement of Assets and Liabilities, Lorenzo describes

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> Eunice Mae as adopted). Initially, the baby bore the surname Lorenzo, but in Cavite she began using Parentela as surname which is what allegedly, the birth certificate of the little girl shows.

Our Sariaya informants also relayed to me that the legal wife of Judge Parentela who left for the United States sometime ago is now back in the Philippines and has been calling the MTC staff apparently to elicit from them an admission that the little girl is the illegitimate child of her husband. They all insist however that it is not so. Asked when was the last time they saw Gloria Lorenzo in Sariaya, they informed me that it was on 16 March 2000 when she visited them to tell them that she may be reporting for work on 2 November 2000, although it would all depend on her state of health at that time. Gloria Lorenzo used to reside with her sister in Sariaya but does not do so anymore as she has transferred residence to Bacoor, Cavite."

On June 27, 2000, the Court directed Judge Parentela and Ms. Lorenzo to comment on the charges contained in the letter of complainant Agarao.

On July 31, 2000, the Court received a letter from Mrs. Delicia M. Parentela requesting that all cases filed against Judge Parentela be dropped as he had passed away on June 3, 2000. As the administrative cases were filed against respondent judge before his demise and all the benefits due him were witheld by the Court pending the resolution of said cases, the Court denied the request of Mrs. Parentela.

On August 18, 2000, respondent Maraan filed her comment denying the charge against her in the anonymous complaint. She admitted having dealt with individuals who have problems procuring provisional liberty for an accused. However, she stated that it was only because she was instructed by respondent judge to take charge of said cases and make sure that all documentary requirements are complete.

Respondent Lorenzo, on the other hand, was required to show cause why no disciplinary action should be taken against her for failure to file her comment to both complaints within the given period.

As respondent Lorenzo still failed to file her comment despite the lapse of the extended period, the Court, on June 26, 2001, resolved to dispense with the filing of said comment and referred the case to the OCA for evaluation, report and recommendation.

Both complaints were consolidated on October 1, 2001.

The OCA, through DCA Elepaño, submitted a report dated August 31, 2001 stating, among others:

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> After considering the report of the NBI and the result of the investigation the undersigned personally conducted on the letter-complaint against Judge Jose Parentela and Ms. Gloria Lorenzo, it appears that only the charge of immorality was sufficiently established.
>
> As to respondent Gloria Lorenzo, since the resolution requiring her to comment is deemed served on her, her failure to deny the charges up to this very late date despite due notice is deemed an implied admission of the charges hurled against her. She is likewise guilty of refusal to abide by the lawful order of this Court. Time and again, the Court has held that respondents in administrative complaints should comment on all accusations or allegations against them in the administrative complaints because it is their duty to preserve the integrity of the Judiciary. Moreover, the Court should not and will not tolerate future indifference of respondents to administrative complaints and to resolutions requiring comment on such administrative complaints.
>
> Anent respondent Teresita Maraan, the complainant failed to adduce any evidence to support her charge of corruption which up to this date has remained a bare allegation. Hence, the charge against said employee must be dismissed for being unsubstantiated."

The OCA made the following recommendations:

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2. respondent Judge Jose J. Parentela be FOUND GUILTY of the charge of immorality and all his retirement benefits be FORFEITED in favor of the Judiciary;

3. respondent Lorenzo be DISMISSED from the service with forfeiture of all the benefits due her, with prejudice to reemployment in the government or any government-owned or controlled corporation for Immorality and Gross Insubordination; and

4. the complaint against respondent Teresita Maraan be dismissed for being unsubstantiated."

We agree with the factual findings of the OCA.

The result of the discreet investigation conducted by the NBI and DCA Elepaño are not sufficient to support the charge of corruption against respondents. They, however, confirm the existence of an illicit amorous relationship between respondent judge and respondent Lorenzo, which is a ground for the imposition of disciplinary sanction against them. Canon 2 of the Code of Judicial Conduct provides that "a judge should avoid impropriety and the appearance of impropriety in all activities." The Code thus mandates that the conduct of a judge must be free of a whiff of impropriety not only with respect to his performance of his official duties, but also to his behavior outside his sala and as private individual. There is no dichotomy of morality: a public official is also judged by his private morals.[1] In Naval vs. Panday,[2] the Court reminded all judges to "maintain good moral character and at all times observe irreproachable behavior so as not to outrage public decency." Such standard of moral uprightness extends not only to members of the Bench but to all court personnel as well. It has been held that the image of a court of justice is mirrored in the conduct, official or otherwise, of the personnel who work thereat, from the judge to the lowest of its personnel. Court employees have been enjoined to adhere to the exacting standards of morality and decency in their professional and private conduct in order to preserve the good name and integrity of the courts of justice.[3] Those who work in the judiciary must adhere to high ethical standards to preserve the courts' good name and standing, and an offense involving moral turpitude makes one unfit as court employee.[4] Thus, the conduct of respondent judge and respondent Lorenzo of flaunting their amorous relationship throughout the court despite respondent judge's marital status make them unsuited to their positions in the Judiciary.

Under Rule 140 of the Revised Rules of Court[5] immorality is considered a serious offense[6] which is penalized with dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and the disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations, provided that the forfeiture of benefits shall in no case include accrued leave credits.[7]

IN VIEW WHEREOF, respondents Judge Jose J. Parentela, Jr. and Gloria Lorenzo are found GUILTY of the charge of immorality. One half of all the retirement benefits of respondent judge excluding the monetary equivalent of his accrued leave credits are FORFEITED in favor of the Judiciary. Respondent Lorenzo is DISMISSED from the service with forfeiture of all the benefits due her, except the monetary equivalent of her accrued leave credits, with prejudice to re-employment in the government or any government-owned or controlled corporation. The complaint against respondent Teresita Maraan is DISMISSED for being unsubstantiated.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Pardo, Buena, Ynares-Santiago, De Leon, Jr., Sandoval-Gutierrez, and Carpio, JJ., concur.

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[1] Castillo vs. Calanog, Jr., 199 SCRA 75 (1991).

[2] 321 SCRA 290 (1999).

[3] Dicdican vs. Fernan, Jr., 268 SCRA 69 (1997).

[4] Court Employees of the RTC, Br. 27, Gingoog City vs. Galon, 265 SCRA 770 (1996).

[5] As amended by A.M. No. 01-8-10-SC which took effect on October 1,2001.

[6] Section 8.

[7] Section 11.

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