

RE: COMPLAINT OF DR. CORA J. VIRATA AGAINST JUDGE FRANCISCO G. SUPNET, PRESIDING JUDGE, METROPOLITAN TRIAL COURT, BRANCH 47, PASAY CITY FOR “UNETHICAL, IMMORAL, ILLEGAL ACTUATIO...*A.M. No. 02-2-12-SC. November 27, 2002*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-02-2-12/>**PER CURIAM:**

On January 31, 2002, the Oversight Committee of the Supreme Court received two (2) letters from one Dr. Cora J. Virata, a 79-year old doctor, charging respondent Francisco G. Supnet, Presiding Judge of the Metropolitan Trial Court of Pasay City, Branch 47, with “Unethical, Immoral, Illegal Actuations.” Dr. Virata alleges that she is the complainant in Criminal Cases Nos. 99-3586 to 88 against Editha S. Bailon, for violation of Batas Pambansa Blg. 22.

In sum, Dr. Virata claimed that at 11:30 a.m. of January 31, 2002, respondent judge called her up to say that the above criminal cases were scheduled for promulgation on February 13, 2002, and that the same will be dismissed based on a technicality. Respondent judge went on to talk about the huge amount involved in the case including the condominium unit subject of the writ of attachment. Dr. Virata further alleged that two years ago, respondent judge called her up on the telephone to ask for P20,000.00 for the graduation expenses of his children, but that she was only able to send him the amount of P 10,000.00. Thereafter, on two other occasions, respondent judge called up Dr. Virata and asked for P5,000.00 as Christmas gift. Thus, when respondent judge asked Dr. Virata to meet him before the promulgation of the decision in the criminal cases, she became scared that he will ask for money again, so she sought the help of the Oversight Committee.

On February 4, 2002, Dr. Virata personally appeared before the Committee to discuss her complaint. The following day, she executed an affidavit detailing her charges against respondent judge. She added that respondent judge again called her up at 1:30 in the afternoon of February 4, 2002. Her secretary, Rose Sy, listened on the extension. Respondent judge told her that after reviewing the criminal cases, he realized that Dr. Virata can receive as much as P1,000,000.00 in interest if she wins. So he asked Dr. Virata to give him the amount of P1,000,000.00. Dr. Virata replied that she did not have that kind of money, and that she was already too old and sickly. Respondent judge sounded exasperated and reduced his demand to P250,000.00, saying, “Take it or leave it!” When Dr. Virata insisted that she did not have the money, respondent judge shouted at her and banged the telephone.

On February 8, 2002 the Committee received another letter from Dr. Virata requesting for the immediate inhibition of respondent judge as she was afraid he might make good his threat to dismiss her cases for her failure to meet his demands.

In view of the seriousness of the charge against respondent Judge Francisco G. Supnet, the Oversight Committee recommended to the Court that respondent be directed to hold in abeyance the reported promulgation of the decision in Criminal Cases Nos. 99-3586 to 88 on February 13, 2002, and to suspend further proceedings thereon

until further notice. The Court, in a Resolution dated February 12, 2002, approved and adopted the recommendation of the Oversight Committee and required respondent judge to comment on the complaint within ten (10) days from notice thereof.

In his comment, respondent Judge denied all the charges imputed to him. In support thereof, he submitted a copy of his Decision in Criminal Cases Nos. 99-3586-88, wherein he ruled in favor of complainant.

On February 19, 2002, the Court referred the matter to Assistant Court Administrator (ACA) Carlos L. de Leon for investigation, report and recommendation within sixty (60) days from receipt of the records of the case.

A total of five hearings[1] were conducted by ACA de Leon with complainant Dr. Virata, respondent Judge Supnet and their respective witnesses present.

On September 16, 2002, ACA de Leon submitted his Report and Recommendation finding respondent Judge Supnet guilty of “Unethical, Immoral and Illegal Actuations” in relation to Criminal Cases Nos. 99-3586 to 99-3588 amounting to Gross Misconduct.

The Report disclosed the candid accounts of complainant Dr. Virata as to her five (5) telephone conversations with respondent Judge Supnet, wherein the latter made direct monetary demands from her. According to complainant, she acceded to the first three (3) requests without suspicion of extortion considering that she had on previous occasion even extended a loan to the Philippine Government.[2] Pertinent excerpts of her testimony run as follows:

DR. VIRATA:

As I said before, I am a very kind-hearted woman. I even gave you this (the money, on the first three occasions respondent Judge Supnet allegedly demanded for it) because you are in need of money. I even gave a loan of \$75,000.00 to the Cory (Aquino) Government because they have no money to pay the filing fee of \$75,000.00. It is different from the time you called on February 4, 2002 demanding/extorting money from me. That is a very different thing. This is extortion and we have to stop this extortion. I will never tolerate this extortion.[3]

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DR. VIRATA:

During the early part of March 22, 2000, Judge Supnet called my clinic, and it was my secretary who (first) answered him. He was asking me for P20,000.00 to help him for the graduation of his children. Sabi niya: “Kailangan ko ang tulong ninyo, ipadala ninyo dito agad sa inyong secretary ang pera.” So I was in a hurry to secure all the money that we have in the clinic, and I was able to raise P 10,000.00. So, I sent the money to my secretary and I told her to deliver it to the office of Judge Supnet.[4]

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DR. VIRATA:

Judge Supnet called again my clinic around Christmas time of 2000, asking for P5,000.00. So, I got all the money at the clinic and asked my secretary to bring the money to the office of Judge Supnet. Then came another Christmas time of 2001, Judge Supnet called again my clinic and asked for me - and my secretary gave me the telephone. He said: “Dra., ito po si Judge Supnet, kailangan ko po ang P5,000.00 ngayong Christmas.” So, I got all the money that we have in my clinic, wala naman akong nakuha kundi P2,000.00, pinabigay ko doon sa aking secretary. Those are the three calls that he made to my clinic.[5]

Complainant bared that her last two (2) telephone conversations with respondent Judge Supnet on January 31, 2002 and February 4, 2002 took a different and more serious tone, giving her reason for alarm and fear.

DR. VIRATA:

The fourth call was already at my house on January 31, 2002 at around 11:30 a.m. I got scared and I was crying because I know that we have a meritorious case. Why will this judge call me and tell me that my case will be dismissed, and the amount that I will lose - if I lose this case? He asked me if I can go to his office and we will talk about the matter. I said: "Judge, maawa po kayo sa akin, hindi na 'ko puwedeng pumunta sa inyo, hindi na ako makaakyat diyan at ako ay mahina na." So, I got scared when he notified me about this and I immediately reported this case to the Oversight Committee of the Supreme Court because here is a judge who is calling a litigant to tell me that my case will be dismissed due to a technicality and it will be promulgated on February 13, 2002.

The next call was on February 4, 2002, the call came around 1:50 p.m. while I was sick in bed and I was having lunch with my secretary in my bedroom. The phone rung and the number 831-11-09 registered on my Caller I.D. The caller said: "Dra., si Judge Supnet ho ito, ni-review ko iyang kaso ninyo sa transcripts and documents and it is okay. Alam ninyo ba ho kung magkano ang makikita na interest ng inyong pera sa P2,020,000.00? Kikita ang pera ninyo na may P1 milyon." Sabi ko po: "Hindi ko po alam iyon." Sabi niya: "Ibigay ninyo na lang sa akin ang 1 milyon." Sabi ko: "Naku po, judge, maawa po kayo sa akin, ako ay na-swindle na ng P2,020,000.00 - kaya ako lumapit sa inyo para makakuha ng justice. Eh, ngayon kayong judge pa ho ang mag-e-extort ng money sa akin. Maawa po kayo sa akin, wala po akong ganyang kalaking pera at ako ay may sakit na."

Sabi niya: "Magkano ang kaya mo?" Sabi ko: "Judge, wala po akong pera." Sabi niya: "O, sige, hanggang P250,000.00 na lang, kung hindi take it or leave it. Ipadala ninyo dito sa secretary ninyo at kung hindi, kalimutan ninyo na tayo ay nagkausap."

The more I got scared, and my secretary was there listening because when we were eating she heard that I was talking with Judge Supnet. She grabbed the extension line - I have two (2) lines in my room - and she listened to every word that we talked about.

Rose Sy, the secretary of complainant Dr. Virata, confirmed these in her direct testimony before the Investigating Officer, thus –

ROSE SY:

That on March 22, 2000, at around 1:00 p.m., Judge Supnet called up Dra. Virata and they talked and after talking Dra. Virata called me up, that Judge Supnet is asking P20,000.00 but she was able to raise P 10,000.00 and I immediately went to the office of Judge Supnet riding in a taxi, upon arriving at the office I went to the chamber of Judge Supnet and handed the money in an envelope. And again, in December 2000, Judge Supnet again called up, asking P 10,000.00 and again, I immediately went to the office of Judge Supnet and gave the money again.

That in December 2001, again, Judge Supnet called up asking money for P5,000.00 but we were able to raise P2,000.00 - I handed again the money to Judge Supnet. That on January 31, 2002, at around 11:00 a.m., Judge Supnet called the clinic looking for Dra. Virata but Dra. Virata was not in the clinic at that time. So, I gave the telephone number of Dra. Virata to her residence. Then Dra. Virata told me that Judge Supnet called her and they talked about the promulgation of the case, that the case will be dismissed due to technicality, and she felt nervous and scared of what Judge Supnet told.[6]

ROSE SY:

Then, again on February 4, 2002, at around 1:50 p.m., while we were eating lunch at the house of Dr. Virata, the phone rang and when Dr. Virata answered the phone and said: "Who is this?" and she told "Judge Supnet" and I immediately got the extension line, I listened to their conversation. Narinig ko pong lahat iyong pinag-usapan nila. Sinabi po ni Judge: "Alam po ninyo doctora kung magkano ang mawawala sa inyo? 1

million plus the attachment bond ng condominium.”

The last conversation between complainant and respondent, as revealed by complainant and corroborated by Ms. Sy, was substantiated by the testimony of PLDT employee Gregorio Sanchez and the Head of Security of San Lorenzo Village, Lt. Faustino Malate. According to them, on February 4, 2002, the caller identification device attached to the telephone unit of complainant showed the number 831-1 1-09 as the twenty-first call received by complainant. The number was established to be the one assigned to MTC-Br. 47, Pasay City, the sala of respondent judge.

For his part, respondent Judge Supnet denied having made the alleged calls to complainant Dr. Virata. He presented as witnesses: (a) his legal researcher, Marie Joy P. Lagman, who testified that she never saw Ms. Sy deliver money to respondent judge on the dates alleged in the charges made by complainant; (b) his sheriff, Nicolas de Guzman, who testified on a futile attempt of a different litigant to bribe respondent for a favorable decision; and (3) his records officer, Emelita San Miguel, who testified that she typed the decision of respondent in Criminal Cases Nos. 99-3586 to 99-3588.

ACA de Leon struck down the testimony of Sheriff de Guzman as irrelevant for referring to a totally different case from the criminal cases under investigation. The testimony of legal researcher Lagman also failed to refute the allegation of complainant and her secretary on the delivery of the money demanded by respondent as it was established that (a) it is not her primary duty to check on every person who reports to their office; and (b) visitors of respondent judge do not accomplish visitor's slip before seeing him.

The testimony of Emelita San Miguel sought to establish that aside from respondent, she was the only person who knew about the decision on subject cases and that she never talked to anyone about it. Thus, she could not have been the one who called up complainant and demanded money from the latter. Her testimony does not refute the claim of complainant and Ms. Sy that it was respondent who made the call on February 4, 2002 as the details of the conversation referred to specific contents of the decision supposedly known to only San Miguel and respondent. Moreover, complainant and Ms. Sy firmly maintained that it was the male voice of respondent which they heard on the other end of the telephone line. Both claimed to be familiar with respondent's voice considering their several appearances before him during the trial of subject cases.

We agree in full with the findings of ACA de Leon. The examination of complainant's testimony, given in the presence of respondent judge, disclosed the events that led to her filing of the complaint. She was positive and categorical in her narration which was corroborated by her secretary, Ms. Rose Sy. More importantly, there was confirmation of the alleged calls from a PLDT employee and the Head of Security of the village where complainant resides.

Also worth noting is complainant's knowledge of details in the decision of respondent judge even before it was promulgated - (1) that the interest on the money subject of the cases is P1 million pesos; and (2) that the decision will be promulgated on 13 February 2002. A scrutiny of a copy of the decision submitted by respondent together with his Comment confirms these details. Respondent, in his attempt to refute the charge against him, presented as witness his records officer Emelita San Miguel, who typed the decision. Instead of helping his defense, however, her testimony even buttressed complainant's case as it revealed that only two (2) persons knew of the contents of the decision - respondent and San Miguel. Thus, it could only have been one of them who gave complainant a call on February 4, 2002. Complainant and her secretary, who listened to the telephone conversation through the extension line, were positive that it was a male voice, that of respondent judge, on the other end of the line.

In the face of the positive declarations of complainant and her witnesses, all respondent judge could offer in his defense is denial.

The acts of respondent Judge in demanding and receiving money from a party-litigant before his court constitute serious misconduct in office. Serious misconduct is such conduct which affects a public officer's performance of his duties as such officer and not only that which affects his character as a private individual.[7] For serious misconduct to warrant a dismissal from the service, there must be reliable evidence showing that the judicial acts complained of were corrupt or inspired by an intention to violate the law.[8] It must (1) be serious, important, weighty, momentary, and not trifling; (2) imply wrongful intention and not mere error of judgment; and (3) have a direct relation to and be connected with the performance of his duties.[9] All these elements are present in the case at bar.

A judge is the visible representation of the law and, more importantly, of justice.[10] He must be first in observing the law scrupulously.[11] Any appearance of criminal violation of the law, in any way or capacity, directly or indirectly, principal or accessing, will warrant the judge to be divested of his judicial authority.[12] We cannot tolerate a discordant robe in the judiciary.[13]

This Court condemns in the strongest possible terms the misconduct of respondent judge. It is this kind of gross and flaunting misconduct on the part of those who are charged with the responsibility of administering the law and rendering justice that so quickly and surely corrodes the respect for law and the courts. Corruption operates to make him a deceased member, which must be decisively severed from the body of the judiciary and cast aside.

WHEREFORE, the Court finds respondent Judge Francisco G. Supnet, Presiding Judge, Metropolitan Trial Court of Pasay City, Branch 47, GUILTY of serious misconduct and accordingly orders his DISMISSAL from the service and the forfeiture of retirement benefits, except accrued leave credits, with prejudice to reemployment in any branch of the government or any of its agencies or instrumentalities, including government-owned and controlled corporations.

Respondent Judge Supnet shall immediately vacate his position as Presiding Judge, Metropolitan Trial Court, Branch 47, Pasay City, as well as any position in the judiciary to which he may be presently assigned, and desist from deciding or resolving any case or incidents therein upon receipt of the notice, except to promulgate the decision in Criminal Cases Nos. 99-3586 to 3588, attached to his Comment.

SO ORDERED.

Bellosillo, Vitug, Mendoza, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., and Azcuna, JJ., concur.
Davide, Jr., C.J., and Puno, J., on official leave.

[1] March 11 and 20, 2002, May 9 and 29, 2002 and June 13, 2002.

[2] Exhibits "O," "O-1," "O-2," "O-3," "O-4," and "O-5."

[3] TSN, 11 March 2002, pp. 39-40.

[4] Ibid., pp. 12-13.

[5] Id., pp. 13-14.

[6] TSN, 11 March 2002, p. 51.

[7] Cong. Manuel N. Mamba, et al. v. Judge Dominador L. Garcia, MTC, Tuao, Cagayan, A.M. NO. MTJ-96-1110, 25 June 2001.

[8] Ibid.

[9] Id.

[10] Office of the Court Administrator v. Judge Ismael Sanchez y Balais, RTC, Lucena City, A.M. No. RTJ-99-1486, 26 June 2001.

[11] Ibid.

[12] Id.

[13] Id.

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