

RE: ANONYMOUS LETTER--COMPLAINT AGAINST JUDGE IRIN ZENAIDA BUAN, BRANCH 56, REGIONAL TRIAL COURT, ANGELES CITY, PAMPANGA FOR ALLEGED DELAY OF DRUG CASES, BAD ATTITUDE, AND INSEN...

A.M. No. 20-01-38-RTC. June 16, 2020

Ponente: DELOS SANTOS, J.

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DELOS SANTOS, J.:

This treats the Motion for Reconsideration[1] jointly filed by Presiding Judge Irin Zenaida S. Buan (Judge Buan) and Branch Clerk of Court Nida E. Gonzales (Ms. Gonzales) both from the Regional Trial Court (RTC) of Angeles City, Pampanga, Branch 56.

The instant administrative complaint stemmed from an undated anonymous letter[2] filed by a concerned citizen of Mabalacat City against Judge Buan for conduct unbecoming of a judge. The anonymous complainant alleged the following violations of Judge Buan: (a) undue delay in the court processes, e.g. release of accused in drug cases despite entering into a plea bargaining agreement; (b) habitual absences; (c) humiliating party-litigants while in court, and claims that she and President Duterte went to the same school; (d) imposing a fine of P15,000.00 with no legal basis in some drug cases where the accused has entered into a plea bargaining agreement; and (e) insensitivity to an accused who is afflicted with HIV--AIDS.

Acting on the said anonymous letter, the Office of the Court Administrator (OCA), created a team to verify the authenticity of the aforementioned allegations against Judge Buan. After conducting the initial investigation, the team reported its findings to Court Administrator Jose Midas P. Marquez (Court Administrator Marquez), who then submitted his own Memorandum[3] to Chief Justice Diosdado M. Peralta dated January 17, 2020, with the following findings and observations:

- Judge Buan and Ms. Nida E. Gonzales, Officer-in--Charge, Branch Clerk of Court, Branch 56, RTC, Angeles City, Pampanga, appeared a little uncooperative and hesitant in bringing out all the records of the cases pending before their court.
- From the sample cases: (a) there are cases that Judge Buan decided beyond the reglementary period, without any request for extension of time to decide the said cases; (b) cases that were already submitted for decision but remained undecided; and (c) cases with unresolved/pending incidents.
- The court's case records were mismanaged and unorganized and Ms. Gonzales failed to provide the team of the number of their current caseload. Aside from the delays in the submission of the monthly reports and the required Docket Inventory Report, the team discovered discrepancies in their monthly reports.
- From the interviews conducted, there are allegations of corruption against Judge Buan, Ms. Gonzales, and Prosecutor Mark Sison in exchange of favorable rulings/decisions.
- Ms. Gonzales allegedly forged the signature of Executive Judge Omar T. Viola, RTC, Angeles City,

Pampanga, relative to the monthly reports submitted to the Court, specifically for the months January, February, April, and May of 2019.

- The team was able to secure a copy of a letter[4] allegedly issued by Court Administrator Marquez addressed to Judge Buan, imposing a penalty of one (1) month suspension against one Atty. Edmond V. Dantes.

In the said Memorandum, Court Administrator Marquez recommended, among others, that his report be considered as an administrative complaint against Judge Buan and Ms. Gonzales and to conduct a judicial audit in her court. Court Administrator Marquez likewise recommended that Judge Buan and Ms. Gonzales be preventively suspended for six (6) months pending the resolution of the matter, to prevent them from intimidating or influencing witnesses who would like to testify against them.

In a Resolution[5] dated February 4, 2020, the Court En Banc placed Judge Buan and Ms. Gonzales under preventive suspension effective immediately and until further orders from the Court. The Court also took note of the Memorandum dated January 17, 2020 of Court Administrator Marquez.

Hence, this motion for reconsideration.

In their verified joint Motion for Reconsideration,[6] Judge Buan and Ms. Gonzales deny the allegations hurled against them and pray for the reconsideration of this Court's resolution placing them under preventive suspension pending investigation, for humanitarian consideration. They assert that the charges in the anonymous complaint are not classified as serious offenses which reasonably merits the severe preemptive disciplinary measure of preventive suspension.[7] They also claim that withholding their salary, allowances, and other monetary benefits have brought havoc to their economic and family life, specifically during this COVID-19 pandemic.

Judge Buan denies the allegations against her and raises the following defenses: (a) that her strict, stern, and firm attitude should not be mistaken as bad attitude because part of her duties as a judge is to implement and enforce the policies laid down by this Court, and to maintain order in her court; (b) that she had not been insensitive to an accused who is inflicted with HIV--AIDS but instead mindful of the latter's needs by granting the request for a medical furlough; and (c) that the delays incurred in some of the drug cases before her court are beyond her control, thus, should not be attributed to her. While Ms. Gonzales asserts that she has performed her duties and obligations in a regular and professional manner. Thus, they prayed for the lifting of their preventive suspension.

The Court partially grants the motion for reconsideration of Judge Buan and Ms. Gonzales.

Firstly, Judge Buan and Ms. Gonzales argue that the allegations in the anonymous complaint do not pertain to offenses classified as serious which would merit the penalty of preventive suspension.

The Court disagrees.

The allegations against Judge Buan and Ms. Gonzales are serious charges, as it includes corruption and forgery, and are prejudicial to the image of the judiciary.[8] Hence, it is proper for Judge Buan's court to be subjected to judicial audit in order to verify the veracity and truthfulness of the anonymous complaint's claims.

Secondly, Judge Buan and Ms. Gonzales plead humanitarian consideration as a ground to lift their preventive suspension so that they may receive their respective salaries and other monetary benefits in this time of the COVID-19 pandemic.

The Court partially reconsiders its position in light of the COVID-19 pandemic and partially grants the plea of Judge Buan and Ms. Gonzales.

In cases concerning this Court's constitutional power of administrative supervision, there have been several

occasions where the doctrine of compassionate justice or judicial clemency had been applied to accord monetary benefits such as accrued leave credits and retirement benefits to erring judges and court personnel for humanitarian reasons.[9] Although judges and court personnel are not "laborers" in a technical sense who get to benefit from the constitutional policy of social justice, such policy mandates a compassionate attitude toward the working class in its relation to management.[10] However, this should not be considered as a form of condonation because judicial clemency is not a privilege or a right that can be availed of at any time, as the Court will grant it only if there is a showing that it is merited.[11]

Here, the following factors constrain this Court to consider the peculiar circumstances of Judge Buan and Ms. Gonzales vis-à-vis their plea for humanitarian considerations:

- Judge Buan and Ms. Gonzales have not yet been penalized as they still have to face the charges levelled against them; and
- Withholding Judge Buan and Ms. Gonzales' salaries and other monetary benefits during the COVID-19 pandemic severely affects their economic and family life.

As a matter of compassionate justice, the Court deems it proper to modify the preventive suspension imposed against Judge Buan and Ms. Gonzales, taking into account the hardships brought about by the COVID-19 pandemic that is currently crippling the economic lives of everyone. Withholding the release of Judge Buan and Ms. Gonzales' respective salaries and monetary benefits until further orders from this Court will bring more personal and economic hardship on them and their families.

Besides, should the anonymous complaint of Judge Buan and Ms. Gonzales be dismissed, the Court would no longer need to order the payment of back salaries and other accrued monetary benefits to the former. Conversely, should Judge Buan and Ms. Gonzales be found liable, salaries and other monetary benefits received and to be received by them may be deducted from the accrued benefits that they will be entitled to by reason of their years of service.

WHEREFORE, the Court RESOLVES to:

- PARTIALLY GRANT the joint Motion for Reconsideration of Judge Irin Zenaida S. Buan and Branch Clerk of Court Nida E. Gonzales;
- ORDER the Financial Management Office to RELEASE the withheld salaries and other monetary benefits due to both respondents; and
- DIRECT the Office of the Court Administrator to COMMENT on the prayer of the respondents to lift the order of preventive suspension within five (5) days from receipt of this Resolution.

SO ORDERED.

Peralta, C.J., Perlas-Bernabe, Leonen, Caguioa, Gesmundo, J. Reyes, Jr., Hernando, Carandang, Lazaro-Javier, Inting, Zalameda, Lopez, and Gaerlan, JJ., concur.

[1] Rollo, pp. 37-44.

[2] Id. at 16.

[3] Id. at 1-15.

[4] Id. at 33.

[5] Id. at 34-36.

[6] Id. at 37-44.

[7] Id. at 38.

[8] See: Committee on Security and Safety, Court of Appeals v. Dianco, 760 Phil. 169 (2015).

[9] See: Engr. Garcia v. Jude dela Peña, 593 Phil. 569 (2008); see also: Junia v. Judge Rivera, 509 Phil. 65 (2005).

[10] Gandara Mill Supply v. National Labor Relations Commission, 360 Phil. 871, 879 (1998).

[11] Concerned Lawyers of Bulacan v. Judge Villalon-Pornillos, 805 Phil. 688, 693 (2017).

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