

SARAH B. VEDAÑA, COMPLAINANT, VS. JUDGE EUDARLIO B. VALENCIA, RESPONDENT.

A.M. No. RTJ-96-1351. September 03, 1998

Ponente: DAVIDE, JR., J.

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DAVIDE, JR., J.:

Respondent Judge Eudarlo B. Valencia, Presiding Judge of Branch 222 (Quezon City) of the Regional Trial Court, National Capital Judicial Region, was charged with gross misconduct and immoral acts by complainant Sarah B. Vedaña in a sworn letter dated 15 May 1996 addressed to the Chief Justice through then Deputy Court Administrator Bernardo P. Abesamis.

Complainant serves as the court interpreter in respondent's court, and at the same time, is distantly related to respondent as their maternal grandmothers are first cousins.

Complainant narrated the factual basis of her charge thus:

On May 8, 1996 on or about 2:00 p.m. before the start of the scheduled hearing of cases, the undersigned complainant in her capacity as a court employee, being a Court Interpreter knocked at the door of the chamber of the respondent, opened the door to inform the respondent that the cases scheduled for hearing are ready. At this juncture, respondent directed the undersigned to come in said chamber. Being a subordinate and thinking that instructions will be given, I did [sic] complied and went inside the chamber. When I was standing beside his table awaiting for instructions, respondent held my hands. Bearing in mind that the respondent is a relative and the holding of my hand was without malice, I did not make any reaction. It was only when my hand was held for quite sometime and sensing ulterior motive, I pulled my hand. Respondent stood up from his chair, hugged me and tried to kiss me on the lips which I was able to evade and his lips landed on my cheek.

Feeling totally shocked by the actuation of the respondent and considering that he is a relative, I ran out from the chamber and went to my office table to have a relief [sic]. With the dastardly acts committed in the person of the herein complainant that caused mental anguish, a request was made on my co-employee, Mr. Eduard Lorenzo to take my place in the court hearing.

In the resolution of 15 July 1996, we required respondent to comment on the complaint and, upon recommendation of the Office of the Court Administrator, placed him under preventive suspension and referred the case to Associate Justice Delilah V. Magtolis of the Court of Appeals for investigation, report and recommendation.

On 13 August 1996, respondent filed an Urgent Motion for Reconsideration of his preventive suspension and asked to have it lifted as he was entitled to: (a) the "presumption of innocence against a false and fabricated administrative complaint;" and (b) "due process of law." Moreover, "the lifting of [the] suspension order will not affect the impartial investigation of [the] case;" and the suspension order "will create a false impression of guilt."

On 15 August 1996, respondent filed his Comment (cum Motion to Dismiss) wherein, as his defense, he alleged that: (a) the commission of the alleged misconduct "is inherently and highly improbable;" and (b) the complaint

"is motivated by [a] personal grudge." He then prayed once more that the suspension order be lifted.

In the resolution of 2 September 1996, we noted the motion for reconsideration and referred the comment to the designated investigating Justice, Mme. Justice Magtolis, who was directed to conduct the investigation and submit her report and recommendation within ninety (90) days.

On 19 September 1996, complainant filed her reply to respondent's comment. She asserted that the denial of respondent could not prevail over her clear and positive assertion and that she could have never been motivated by a personal grudge; if, indeed, respondent had not committed the imputed acts, he would not have requested immediate common relatives, such as the Mayor of Masbate, together with Fiscal Narciso Resero, Jr., to mediate and seek her forgiveness.

On 7 October 1996, respondent filed an Urgent Second Motion to Lift Indefinite Preventive Suspension.

On 14 October 1996, we granted the inhibition of Mme. Justice Magtolis because her daughter and respondent's son were batchmates in law school and re-assigned the case to Mme. Justice Portia A. Hormachuelos for investigation, report and recommendation. However, the latter requested that she be allowed to inhibit herself to avoid being "misinterpreted" in view of her recommendation in another case involving sexual harassment by a judge which resulted in the latter's dismissal from the service. On 22 January 1997, we granted the request and designated Mr. Justice Romeo A. Brawner of the Court of Appeals the investigating Justice.

On 7 March 1997, we required Mr. Justice Brawner to furnish a report and recommendation on respondent's Urgent Second Motion to Lift Preventive Suspension; and in his Report and Recommendation filed on 2 April 1997, Justice Brawner recommended that the motion be granted.

On 28 April 1997, we approved Justice Brawner's recommendation and lifted respondent's preventive suspension.

Justice Brawner conducted hearings and received the evidence for the parties. Thereafter, on 13 May 1998, he submitted his Report and Recommendation, wherein he disclosed that the "tedious hearing[s] starting on March 5, 1997 and ending on December 10, 1997 piled up 2,432 pages of transcripts of stenographic notes taken during the eleven (11) trial dates" when complainant and her witnesses Marife Opulencia, Joselito Bacolod and Vife Legaspi, and respondent and his witnesses Bernardo Mortel and Neri G. Loi testified; and made the following findings of fact and conclusions:

The complainant is the Court Interpreter while the respondent is the Presiding Judge, of the Regional Trial Court (RTC), Branch 222 at Quezon City.

On May 8, 1996 at around 2:00 o'clock in the afternoon, as was her want to do, the complainant went to the respondent Judge's chamber to inform him that the cases were ready for trial. She knocked on the door and upon being told to enter, she poked her head inside the room and told the respondent that the parties were all present. The respondent however, called her inside the chamber and bidding to the request, she went in and stood beside his table. The respondent then held her right hand and tried to kiss her on the lips. However, she evaded the kiss and it landed on her cheek. The respondent then held her left breast. In her struggle to break free of the respondent's hold, the pen she held in her hand fell to the floor. She was able to free herself, hence she picked up the pen and left the room in a hurry. No one was in the staff room when she went out and she went straight to the courtroom to perform her duties as Court Interpreter. The rest of the staff were already at their respective stations awaiting the Judge's entrance. Feeling shocked at what happened, the complainant approached Eduardo Lorenzo who was then on apprenticeship training in the court and asked him to help her do the interpreting just in case the need would arise. Eduardo Lorenzo acceded to her request. The complainant, however, remained in the courtroom during the entire session except for a few minutes when she went out to the staff room to get a needed record.

During the whole time that she was inside the courtroom, the complainant never revealed what happened. When the court session was over however at around 4:30 o'clock in the afternoon, she approached the court stenographer, Vife Legaspi, and asked her if she was going somewhere. Receiving a negative answer, the complainant requested her to accompany her (complainant) to Shoemart Shopping Mall (SM). They took a cab and while inside and on their way to SM, the complainant could not hold it any longer and the dam broke. The complainant was hysterical, trembling and crying at the same time when she told Vife Legaspi that something terrible happened. She narrated what the respondent Judge did to her inside the chamber. Upon reaching SM, the two ladies stayed at a fast food restaurant where they sat conversing for around 3 hours on what the complainant should do about the incident.

While at SM, the complainant called her best friend and classmate at the Manuel Luis Quezon University College of Law, Marife Opulencia.

Marife Opulencia recalls receiving a call from the complainant at around 6:00 o'clock in the evening of May 8, 1996. She was then in her office working overtime when a distraught complainant who could hardly speak called her up. She then told the complainant to calm down, take a deep breath and relate what happened. Crying over the phone, the complainant narrated what the respondent Judge did to her. Marife Opulencia advised the complainant to go home to her parents and tell them what happened as it was a family matter, the respondent Judge being a distant relative of the complainant.

The complainant then went home to Dagupan City and informed her parents who were both shocked at what happened considering that the respondent Judge was a distant relative on complainant's maternal side and a colleague, complainant's father being a Judge in Dagupan City.

The following day, May 9, 1996, the complainant's mother went with her back to Manila as the former wanted to talk to the respondent Judge about what happened. However, that day was the sports festival of the RTCs in Quezon City and thus it was not a working day. The respondent Judge was not around and hence there was no occasion for complainant's mother to talk to him.

Because of the incident, the complainant could not face going back to work at Branch 222 and hence she went on leave from May 10, to June 10, 1996. She subsequently requested that she be detailed elsewhere, which letter-request, although citing a different cause for the detail, was approved and thus she was detailed in the office of Judge Amelia R. Andrade of the RTC, Branch 5 in Manila.

Wanting the respondent Judge to face sanction[s] for his unbecoming behavior, the complainant instituted the present charges for "Gross Misconduct and Immoral Acts".

In her complaint, complainant stated that the respondent Judge made attempts to try to dissuade her from continuing with her charges. She presented a common relative, Joselito Bacolod, to prove this.

Joselito Bacolod testified that respondent Judge is a grandson of his mother while complainant is his niece, complainant's mother being his older sister. Sometime during the last week of June, 1996, the respondent Judge paid a visit to Joselito Bacolod's mother. His mother then called for him and his elder brother. The respondent Judge then requested all of them to go to Dagupan City and try to persuade the complainant and her parents to drop the case against him as he was retiring from the service in two years time. When asked why he would do such a thing to a relative, the respondent Judge stated that it was only a fatherly kiss and besides, it was complainant's hair that he kissed as her perfume smelled good. The respondent Judge gave Joselito Bacolod P1,000.00 for the use of his taxi to go to Dagupan City.

Respondent Judge absolutely denied all charges against him. He categorically asserted that on that day at 2:00 o'clock in the afternoon, he was inside his chamber waiting to be called if the cases were ready. The complainant then came and knocked on his door and entered informing him that the cases were ready for trial. He then prepared himself and stood up and got his robe which was hanging on the wall and as soon as the

complainant went out of his chamber, he followed, entered the courtroom and heard the cases that day.

He recalls that the complainant applied and was appointed as Court Stenographer in 1995 but she never did any courtroom duty as such causing him to believe that she was not proficient at stenography. She then transferred to the position of Court Interpreter sometime in October, 1995.

The respondent admits that indeed he and the complainant are distant relatives as their maternal grandmothers are first cousins and that they visit each other's families.

The respondent further declares that the complainant came to him and requested that she be detailed somewhere near Manuel Luis Quezon University where she is a law student as she has difficulty commuting from the office to school. However, the respondent did not agree to a detail as the position would not be vacant and his court would be without an Interpreter. He did agree to a transfer so he could fill in the vacancy and not unduly paralyze the operations of his office.

As he denied the request for detail, he surmised that this might have prompted the complainant to file this false and malicious charges [sic] against him.

The complainant did not report for work after May 8, 1996 and he was informed by the Clerk of Court that she was on leave until June 10, 1996. However, after the said date, the complainant did not yet put in an appearance so he recommended that she be declared absent without official leave (AWOL).

He only found out about the case against him on August 9, 1996 when he was required by the Supreme Court to comment on the complaint at the same time putting him on preventive suspension.

Coming to his defense are two of his staff, Bernardo Mortel, the Process Server and Neri G. Loi, the Sheriff IV. Both executed an affidavit stating that "because the Chamber's door remained open, we saw Ms. Sarah Vedana and the Judge conversing and we did not see any untoward incident happening inside the chamber, much less the Judge allegedly hugging and kissing Ms. Sarah Vedana" (Joint Affidavit, Exhibit "23"). Further, both claimed that they voluntarily executed the affidavit without any prodding nor pressure from the respondent.

With these facts presented, the Investigating Justice has thoroughly sifted through the voluminous transcript of records to separate the material from the immaterial facts, the true [sic] from the fiction. Amidst all the complainant's assertions and the respondent's counter-statements, one thing stands out: that the incident did happen the way the complainant said it be [sic].

First, the complainant narrated her story complete with details. She narrated basically the same story without any change to her best friend and to the stenographer as soon as she was able to. Although the respondent questions the time lapse between the actual happening of the incident to the time the complainant narrated her story to the stenographer, this cannot be taken against her. She was aware that she had duties to attend to considering the absence of the Clerk of Court and the Legal Researcher. She could not have left right after the incident nor go blurting it out as there were cases ready for trial. Thus, as soon as it was possible, she revealed it to the stenographer, Vife Legaspi, who claimed that the complainant was hysterical, crying and angry at the time that she relayed the incident. She did not even wait for them to reach their destination as she vent [sic] it out during their taxi ride to SM.

Again when she called her friend Marife Opulencia, the latter manifested that she was crying and was not able to talk such that she (Marife) advised her to take a deep breath and calm down. If it is true that she was just making up the story, then she must have been the consummate actress as she could even fake her emotions and her hysteria.

Second, the respondent claims that the reason for the filing of the charges against him is his refusal to grant complainant's request that she be detailed in some other office nearer her school. There is something wrong

with this reasoning. The complainant lodged her complaint against the respondent on May 15, 1996 with the Office of the Court Administrator of the Supreme Court. Subsequently because of what happened, she could no longer report back to her workplace and hence she made the letter-request asking that she be detailed elsewhere using the difficulty of commuting as her excuse. The respondent Judge recommended the denial of the request in his 2nd Indorsement dated July 18, 1996, which is more than 2 months after the incident on May 8, 1996.

If we follow the reasoning of the respondent that the charges were an offshoot of the denial of complainant's request, how come the denial came long after the incident happened and long after the charges were already filed? It would appear that the complainant is psychic as she knew her request would be denied and so to get even, she filed the complaint way ahead of the yet-to-come denial. The respondent Judge's reasoning defies logic.

Third, both complainant and respondent agree that they are distant relatives who maintain friendly and close relations and who exchange favors with each other. Filipino families are close-knit and would rather keep skeletons in the closet than air dirty linen in public. However, in this instance, complainant disregarded the close family ties, disregarded the relationship and went on to denounce the respondent for his act. Why would she go to the extent of breaking up friendly relations between relatives for no apparent reason? Unless, of course, that her charges against the respondent are true that she feels she has to right a wrong against her committed by the very person who she should look up to as her protector.

Her act of revealing what happened to her despite the tension it may create between their families, despite the break-up of family relations, bespeaks the truth that indeed the respondent Judge committed such a dastardly act upon her person.

Amidst this unfazed accusation hurled against the respondent, he denies it all. But his denial is a feeble attempt to exculpate him from the wrongdoing he is accused of. The clear assertion of the complainant and that of her witnesses prevails over the denial of the respondent.

What must have possessed the respondent Judge to commit such an act against his very own relative is difficult to comprehend. Was his lust too great that he would take it out on his helpless female relative in the hope that being a relative, it would not leak out as some things are better kept within the family? He did not reckon that the complainant would defy family relations and bare all if only to put a stop to respondent's shenanigan [sic], isolated though it may be.

Being a person cloaked with authority to uphold the law, the respondent Judge should be the first to be circumspect in his behavior. As held in *Dy Teban Hardware and Auto Supply Co. V. [sic] Tapucar*, 102 SCRA 494:

"The personal and official actuations of every member of the Bench must be beyond reproach and above suspicion. The faith and confidence of the public in the administration of justice cannot be maintained if a Judge who dispenses it is not equipped with the cardinal judicial virtue of moral integrity, and if he obtusely continues to commit an affront to public decency. In fact, moral integrity is more than a virtue; it is a necessity in the Judiciary. x x x"

This Investigation [sic] Justice believes that based on the facts and the law, the respondent Judge should be meted out a punishment.

Justice Brawner then recommended:

WHEREFORE, finding the respondent GUILTY of the complaint [sic] filed against him, the undersigned respectfully recommends that respondent Judge EUDARLIO B. VALENCIA be suspended from office for sixty (60) days without pay.

The main issue in this case is factual and depends on the assessment of the credibility of the witnesses, a function which is primarily lodged in the investigating Justice. The rule which concedes due respect, and even finality, to the assessment of credibility of witnesses by trial judges in civil and criminal cases where preponderance of evidence^[1] and proof beyond reasonable doubt,^[2] respectively, are required, applies, a fortiori, in administrative cases where the quantum of proof required is only substantial evidence.^[3] The trial judge is in a better position to determine whether the witnesses are telling the truth or lying considering that the latter are in his immediate presence and can thus hear the witnesses themselves and observe their deportment and manner of testifying. Unless it be shown that the judge has plainly overlooked, misunderstood or misapplied certain facts or circumstances of weight and substance which, if otherwise taken into account, would alter the result, or it be clearly shown to be arbitrary, his evaluation of the credibility of a witness should be upheld.^[4] We find no room to accommodate the exception to the rule in the case of Justice Brawner's assessment, which we find to be a meticulous and dispassionate analysis of the testimonies of the complainant, the respondent and their respective witnesses.

While we concur, without reservation, with Justice Brawner's factual findings, we are, however, unable to adopt his recommendation as to the penalty to be imposed, which we find too light in view of the gravity, nature and import of the offense as to complainant and the Judiciary.

It is truly beyond us what possessed respondent Judge to commit acts which may be deemed deplorable, to say the least, against complainant, who, although a distant relative in legal contemplation, was from a family with whom respondent admittedly maintained friendly and close relations. If this were a criminal prosecution and assuming that the procedural and evidentiary requirements had been complied with, respondent would be found guilty of, at least, unjust vexation, as defined by and penalized in Article 287 of the Revised Penal Code.

As it stands, respondent's violation of complainant's personhood, coupled with his being a public official, holding a position in the Judiciary and specifically entrusted with the sacred duty of administering justice, breached Canon 2 of the Code of Judicial Conduct and Canon 3 of the Canons of Judicial Ethics which mandate, respectively, that "a judge should avoid impropriety and appearance of impropriety in all activities," and that "a judge's official conduct should be free from the appearance of impropriety, and his personal behavior, not only upon the bench and in the performance of judicial duties, but also in his everyday life, should be beyond reproach." These most exacting standards of decorum are demanded from magistrates if only, in the language of Rule 2.01 of Canon 2 of the Code of Judicial Conduct, to "promote public confidence in the integrity and impartiality of the judiciary."

The spirit and philosophy underlying these Canons is best expressed in *Castillo v. Calanog*^[5] thus:

The Code of Judicial Ethics mandates that the conduct of a judge must be free of a whiff of impropriety not only with respect to his performance of his judicial duties, but also to his behavior outside his sala and as a private individual. There is no dichotomy of morality: a public official is also judged by his private morals. The Code dictates that a judge, in order to promote public confidence in the integrity and impartiality of the judiciary, must behave with propriety at all times. As we have very recently explained, a judge's official life can not simply be detached or separated from his personal existence: Thus:

Being the subject of constant public scrutiny, a judge should freely and willingly accept restrictions on conduct that might be viewed as burdensome by the ordinary citizen.

A judge should personify judicial integrity and exemplify honest public service. The personal behavior of a judge, both in the performance of official duties and in private life should be above suspicion.^[6]

Verily, no position is more demanding as regards moral righteousness and uprightness of any individual than a

seat on the Bench. Within the hierarchy of courts, trial courts stand as an important and visible symbol of government, especially considering that as opposed to appellate courts, trial court judges are those directly in contact with the parties, their counsel and the communities which the Judiciary is bound to serve. Occupying as he does an exalted position in the administration of justice, a judge must pay a high price for the honor bestowed upon him. Thus, the judge must comport himself at all times in such a manner that his conduct, official or otherwise, can bear the most searching scrutiny of the public that looks up to him as the epitome of integrity and justice.[7] In insulating the Bench from unwarranted criticism, thus preserving our democratic way of life, it is essential that judges, like Caesar's wife, should be above suspicion.

That the acts complained of were committed within respondent's sanctum in his court and without any third party to witness the commission likewise compounded the reprehensible nature of respondent's malfeasance. By daring to violate complainant within the sanctity and secrecy of his chambers, respondent did the utmost violence to complainant within a place which, properly viewed, is an integral part of a temple of justice -- in his court.

Respondent judge likewise violated Canon 22 of the Code of Judicial Ethics which exhorts a judge to be "studiously careful himself to avoid even the slightest infraction of the law, lest it be a demoralizing example to others." In *De la Paz v. Inutan*,[8] we held that the judge is the visible representation of the law and, more importantly, of justice. From him, people draw their will and awareness to obey the law. They see in him an intermediary of justice between two conflicting interests. Thus, for the judge to earn and reciprocate the respect, he must be the first to abide by the law and weave an example for others to follow. As such, he should be studiously careful to avoid even the slightest infraction of the law.

Indeed, when a judge himself becomes a transgressor of any law which he is sworn to apply in appropriate cases before him, or before any court for that matter, as where he commits any crime punished by the Revised Penal Code or special laws, he places his office in disrepute, encourages disrespect for the law and impairs public confidence in the integrity of the Judiciary itself, as well as the legal system.

Before closing, it is apropos to discuss the implications of the enactment of R.A. No. 7877[9] or the Anti-Sexual Harassment Law to the Judiciary. Under our system of governance, the very tenets of our republican democracy presuppose that the will of the people is expressed, in large part, through the statutes passed by the Legislature. Thus, the Court, in instances such as these, may take judicial notice of the heightened sensitivity of the people to gender-related issues as manifested through legislative issuances. It would not be remiss to point out that no less than the Constitution itself has expressly recognized the invaluable contributions of the women's sector to national development,[10] thus the need to provide women with a working environment conducive to productivity and befitting their dignity.[11]

In the community of nations, there was a time when discrimination was institutionalized through the legalization of now prohibited practices. Indeed, even within this century, persons were discriminated against merely because of gender, creed or the color of their skin, to the extent that the validity of human beings being treated as mere chattel was judicially upheld in other jurisdictions. But in humanity's march towards a more refined sense of civilization, the law has stepped in and seen it fit to condemn this type of conduct for, at bottom, history reveals that the moving force of civilization has been to realize and secure a more humane existence. Ultimately, this is what humanity as a whole seeks to attain as we strive for a better quality of life or higher standard of living. Thus, in our nation's very recent history, the people have spoken, through Congress, to deem conduct constitutive of sexual harassment or hazing,[12] acts previously considered harmless by custom, as criminal. In disciplining erring judges and personnel of the Judiciary then, this Court can do no less.

Plainly, respondent's conduct against complainant, a woman young enough to be his daughter or niece, violated

numerous Canons of judicial decorum. Respondent's indiscretions may be deemed, for the lack of more forceful and emphatic words, grave misconduct, conduct unbecoming of an officer of the Judiciary and conduct prejudicial to the best interests of the service. The penalty of suspension from office, without pay, for one (1) year is in order, this being his first offense.

If only to underscore respondent's temerity, he even attempted to insult the intelligence of this Court and its Members by claiming ill motive on the part of complainant in filing this suit, but the folly of his charge was so readily exposed by Justice Brawner.

WHEREFORE, for violations of Canon 2 of the Code of Judicial Conduct and Canons 3 and 22 of the Code of Judicial Ethics which amount to grave misconduct, conduct becoming an officer of the Judiciary and conduct prejudicial to the best interests of the service, respondent Judge EUDARLIO B. VALENCIA, Presiding Judge, Branch 222 (Quezon City), National Capital Judicial Region, is **SUSPENDED** from the office, without pay, for **ONE (1) YEAR**, with the period of preventive suspension he has thus served so far being credited to him in the service of said penalty.

SO ORDERED.

Bellosillo, Vitug, and Panganiban JJ., concur.

Quisumbing, J., no part.

[1] Sec. 1, Rule 133, Rules of Court.

[2] Sec. 2, *id.*, *id.*

[3] Sec. 5, *id.*, *id.*

[4] *People v. Pama*, 216 SCRA 385 [1992]; *People v. Taneo*, 218 SCRA 494 [1993]; *People v. Jumamoy*, 221 SCRA 339 [1993]; *National Power Corporation v. Court of Appeals*, 223 SCRA 649 [1993]; *People v. Quijada*, 223 SCRA 77 [1993].

[5] 199 SCRA 75, 83 [1991].

[6] See also *Junio v. Rivera, Jr.*, 225 SCRA 688, 706 [1993]; *Imbing v. Tiongson*, 229 SCRA 690, 697 [1994].

[7] *Jugueta v. Boncaros*, 60 SCRA 27, 31 [1974]; *Dia-Añonuevo v. Beracio*, 68 SCRA 81, 89 [1975]; *Association of Court Employees of Panabo, Davao v. Tupas*, 175 SCRA 292, 296 [1989]; *National Intelligence and Security Authority v. Tablang*, 199 SCRA 766, 776 [1991]; *Imbing v. Tiongson*, *supra* note 6.

[8] 64 SCRA 540, 548-549 [1975].

[9] An Act Declaring Sexual Harassment Unlawful in the Employment, Education or Training Environment, and for Other Purposes, approved 14 February 1995, 91 O.G. No. 15 2144.

[10] Art. II, Section 14, which reads: "The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men."

[11] Art. XIII, Section 14 provides: "The State shall protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation."

[12] R.A. No. 8049, An Act Regulating Hazing and Other Forms of Initiation Rites in Fraternities, Sororities and Organizations and Providing Penalties Therefor, approved 7 June 1995, 91 O.G. No. 33, 5204.

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