

**ASUNCION S. LIGUID, COMPLAINANT, VS. JUDGE POLICARPIO S. CAMANO, JR., REGIONAL TRIAL COURT, BRANCH 58, TIGAON, CAMARINES SUR, RESPONDENT.**

*A.M. No. RTJ-99-1509. August 08, 2002*

Ponente: YNARES-SANTIAGO, J.

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**YNARES-SANTIAGO, J.:**

Complainant owned a furniture shop in San Antonio, Cavite City. Sometime in 1975, she met respondent, who was then a First Lieutenant at the Judge Advocate General's Office in Sangley Naval Base, Cavite. As a lawyer, respondent represented complainant in some legal matters affecting her business. Their close association and constant communication led to a romantic relationship between the two. They lived together as husband and wife and begot a child, whom they christened Joanne L. Camano.[1]

After several years of cohabitation, complainant and respondent eventually separated. Complainant went to the United States and married an American, Frank Pecot of Incinitas, California. Meanwhile, respondent was appointed municipal judge of Baao, Camarines Sur in 1983, and later as presiding judge of the Regional Trial Court of Tigaon, Camarines Sur in 1995.

On November 7, 1997, complainant filed a complaint against respondent judge for abandonment, dishonesty, oppression, deceit, immorality and misconduct in office. She prayed that respondent be held administratively liable and that he be ordered to give regular support to their child, Joanne.[2]

Complainant averred that respondent reneged on his promise to marry her and support his child. Although he executed two special powers of attorney empowering Joanne to collect his salaries,[3] she never received any support from respondent except for one instance. Complainant alleged that respondent frequently took unauthorized leaves of absence from work, which resulted in the postponement of several cases pending in his sala; that respondent was maintaining illicit relations and cohabiting with another woman; that complainant redeemed his mortgaged house and lot, helped him acquire a passenger jeep, subsidized the studies of his children, and bought him a Mitsubishi Lancer for his official use. She also claimed that respondent withdrew her savings deposit in the Tigaon Rural Bank because her passbook was in his possession.

Complainant further alleged that whenever she visited him in Bicol, he always got mad and threw hollow blocks, footstools and rice at her. She also asserts that respondent is widely referred to in Tigaon as a maniakis (lecher); that women who went to him for assistance become his kabit (mistress); and that he had sexual relations with a certain widow. Respondent's secretary was even mistaken for his wife because she was the one paying for the school fees of his daughter.

Respondent vehemently denied the charges. According to him, complainant knew from the beginning that he was married; hence, it is not true that he promised to marry her. Respondent claimed that he provided for Joanne's basic necessities and even executed two special powers of attorney empowering her to collect portions of his salaries for her educational expenses, which powers of attorney he has not revoked. Respondent narrates that

when he was appointed judge in 1983, he started to distance himself from complainant in view of the moral and ethical obligations that came with the position. Thus, he decided to put an end to the relationship. After complainant left for the United States and married Frank Pecot, respondent took custody of Joanne.

After a little less than a year, complainant returned to the Philippines to work on her petition for permanent residency in the U.S.A. She took Joanne with her back to Cavite. With a heavy heart, respondent relinquished custody of his daughter because of her minority. Despite this, he regularly took time out to visit his daughter and provided financial support, which was deposited in different banks in Cavite City.

Respondent refutes the charges of abandonment of office. He claims that when he was appointed municipal judge of Baao, Iriga City, Lagonoy, San Jose Presentacion and Tigaon-Sangay, he unclogged the court's dockets and put it under manageable levels. As RTC Judge of Tigaon, respondent was able to dispose of a substantial number of cases, as shown by the monthly reports he submitted to this Court. For his accomplishments, respondent was rated topnotcher MTC Judge of Camarines Sur in 1985. In 1993, he was awarded a Plaque of Appreciation by the Municipality of Tigaon, and in 1997, he received a Certificate of Recognition from the PNP Provincial Office. Respondent clarified that he filed the requisite applications for leave whenever he was absent.

On the charges of deceit and dishonesty, respondent claims that he lives a simple life within his means and income; that the money used in building his house and paying off its mortgage came from his earnings and loans obtained from the GSIS and the SCSLA; and that he supported his children out of his earnings. He denied that complainant bought him a Mitsubishi Lancer, claiming that he drove a Wrangler Jeep to work. He also denied having withdrawn complainant's savings deposits. Respondent disclosed that complainant had a propensity to make false statements. In fact, she was charged sometime in 1992 with two counts of perjury and false testimony before the City Fiscal of Cavite.

Respondent likewise vehemently denied that he was a maniac. He maintains that he enjoys "a good and respected image in the community untainted by any circumstance that might cast cloud[s] or aspersions to it." [4] Reputable persons in his place of residence attest to his being "well respected, admired and a person of unquestionable integrity." [5] His female staff likewise attested to his competence, integrity, honesty and dedication to duty. [6] Indeed, when the National Bureau of Investigation (NBI) did a background investigation in connection with charges of abandonment of office, playing "tong-its", cockfighting and womanizing against him, it found no basis for the charges. [7] In a survey conducted by the IBP, Camarines Sur Chapter, he garnered a "very satisfactory" personality and performance rating. [8]

Respondent judge further denied that he threw hollow blocks or a wooden stool at complainant. Finally, respondent alleges that complainant filed this complaint in her desperation to maintain her relationship with him despite the legal and moral proscriptions thereon.

In her "Reply to Comments of Respondent," [9] complainant declared that respondent's claim that they had not cohabited for around twenty years was a lie, the truth being that they started living together as man and wife on June 4, 1976. Respondent stopped coming home on July 14, 1996, prompting her to file a complaint on November 7, 1996. Complainant reiterated that she helped respondent's brother earn a living by operating a passenger jeep; [10] that she purchased a Mitsubishi Lancer under the name Asuncion L. Camano; [11] and that respondent requested her to repair the chapel beside his house in Sangay, Camarines Sur. [12]

Complainant laments that she was not treated well when she went to live with respondent in Bicol. She was subjected to physical violence and had to seek medical treatment for chest pains when respondent hurled hollow blocks at her. [13] She further alleged that when she attempted to retrieve her belongings from respondent's house on October 16, 1996, she was refused entry and was forced to seek the intercession of the Mayor of Sangay,

Camarines Sur.[14] Later, she discovered that respondent was living with another woman in the house.

Complainant alleged that respondent deviously coaxed her into transferring to him all the properties she acquired with her husband consisting of real properties covered by eight transfer certificates of title, a two-storey building and a Ford Pick-up Van. This was done by respondent by means of a “Transfer of Administration of Conjugal Property with Special Power of Attorney,”[15] which he himself notarized, granting complainant the absolute authority to dispose of the conjugal assets. While it appears that respondent was able to secure the consent of her husband, complainant refused to sign the instrument because she wanted to preserve the properties for her other children. It was after her refusal that respondent started to maltreat her.

Complainant further averred that she accepted respondent’s proposition because he confided to her that his wife committed adultery and that they were already separated. When respondent became a judge, he began womanizing. At one time, complainant caught respondent with one Salvacion Bien at home. Presently, respondent is living with a certain Mabel or Maria Mercedes at NATO Beach, Sangay, Camarines Sur. Complainant asserts it was respondent who convinced her to go to the United States and marry an American so that she can petition for him and their daughter. On the alleged criminal charges of false testimony, complainant explained that the complaints against her were dismissed.[16] Lastly, complainant declared that respondent wielded great influence, enabling him to procure the favorable testimonials of his court personnel.

Subsequently, complainant filed a “Rejoinder and Counter-Comment,”[17] wherein she denied that she went to the U.S. and married an American on her own volition; that it was respondent, who was the lawyer of a travel agency, who devised ways and means for her husband, Clorando C. Bonus, to go to the U.S.A. so there would be no more impediment to his relationship with her; and that when her petition to bring respondent and Joanne to the U.S. was denied, he began treating her cruelly and continued his womanizing. She also averred that the money deposited in the Royal Bank, Prudential Bank and the PNB allegedly for Joanne’s support were actually her personal deposits. With regard to the Wrangler Jeep supposedly owned by respondent, complainant asserts that the same is actually jointly owned by them as shown by a Certification dated June 3, 1998 by Ogie S.A. Motor Works.[18]

It appears that during the pendency of the instant proceedings, respondent judge filed an application for optional retirement, which was granted by the Court on June 10, 1997, without specifying the effectivity date thereof. Subsequently, the Court fixed the date of respondent’s retirement at the close of office hours of May 31, 1998, and directed the OCA-Fiscal Management Office (OCA-FMO) to withhold his retirement benefits pending the resolution of two (2) administrative complaints filed against him docketed as OCA-IPI No. 96-228-RTJ[19] and OCA-IPI No. 96-250-RTJ.[20]

On November 17, 1999, respondent’s request for the release of his retirement benefits was granted, but the amount of Fifty Thousand Pesos was withheld pending the resolution of the administrative complaints filed against him.

On November 24, 1999, the Court resolved to docket the case as a regular administrative proceeding and required the parties to manifest if they are willing to submit the case for resolution on the basis of the pleadings already filed therein.

Complainant filed a Comment on January 11, 2000, wherein she questioned respondent’s retirement despite the pendency of the administrative charges against him. On the other hand, respondent filed an Ex Parte Manifestation on January 27, 2000, expressing his willingness to have the case submitted for resolution on the basis of the pleadings already filed.

Complainant thereafter filed an “Urgent Request” to be permitted to testify and support her charges.

It must be stressed in this regard that complainant has already been given more than adequate opportunity to explain her side. It would not only be superfluous to allow her to further testify to support her charges, it would also further prolong an already protracted proceeding. It must be remembered that the essence of due process does not necessarily require a hearing, but simply a reasonable opportunity or right to be heard or, as applied to administrative proceedings, an opportunity to explain one’s side.[21]

Due process in an administrative context does not require trial-type proceedings similar to those in the courts of justice.[22] A formal trial-type hearing is not at all times and in all instances essential to due process. What is simply required is that the party concerned is given due notice and is afforded an opportunity or right to be heard.[23] It is enough that the parties are given a fair and reasonable opportunity to explain their respective sides of the controversy and to present evidence on which a fair decision can be made.[24] “To be heard” does not only mean verbal arguments in court; one may also be heard through pleadings. Where opportunity to be heard, either through oral arguments or through pleadings, is accorded, there is no denial of procedural due process.[25]

The standard of due process that must be met in administrative tribunals allows a certain degree of latitude as long as fairness is not ignored.[26] In other words, it is not legally objectionable for being violative of due process for an administrative agency to resolve a case based solely on position papers, affidavits or documentary evidence submitted by the parties as affidavits of witnesses may take the place of their direct testimony.[27] Considering that complainant was afforded an opportunity to be heard through her pleadings, her right to due process was not impaired.[28]

Cases involving serious charges as those leveled against respondent Judge are, as a matter of procedure, referred to the Court of Appeals for investigation, report and recommendation. Considering that this is no longer possible with the optional retirement of respondent from the service, the case will have to be resolved on the basis of the evidence on record.

Cessation from office of a respondent because of death[29] or retirement neither warrants the dismissal of the administrative complaint filed against him while he was still in the service[30] nor does it render said administrative case moot and academic.[31] In other words, the jurisdiction that was this Court’s at the time of the filing of the administrative complaint is not lost by the mere fact that the respondent public official had ceased in office during the pendency of his case.[32] Indeed, the retirement of a judge or any judicial officer from the service does not preclude the finding of any administrative liability to which he shall still be answerable.[33]

After evaluating the complaint, the OCA recommends the dismissal of the charge of immorality against respondent judge on the ground that the same was committed while he was still a lawyer and ceased when he was appointed judge. The dismissal of the other charges for lack of substantial evidence was likewise recommended. However, the OCA recommends that: (1) a fine of P10,000.00 be imposed on respondent for misconduct and violation of the Code of Judicial Conduct; and (2) respondent be ordered to support his daughter Joanne L. Camano in the amount of P3,000.00 to be deducted from his monthly pension without prejudice to recovery of support in arrears and the filing of an appropriate administrative action against him as a member of the Bar.

We take exception to the OCA’s finding that there was insufficient evidence to support the charge for immorality against respondent. Substantial evidence is that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.[34] The standard of substantial evidence is satisfied when there is reasonable ground to believe that respondent is responsible for the misconduct complained of,[35] even if such evidence might not be overwhelming or even preponderant.[36]

In the case at bar, we find overwhelming documentary proof of respondent judge's perfidy. The competence and substantiality of the pictures, letters, affidavits and other documents submitted by complainant, while not sufficient to satisfy the quantum of preponderance required in ordinary civil actions, assumes greater and even decisive weight in administrative proceedings where affidavits may take the place of a witness' direct testimony.[37]

The OCA points out that the relationship between complainant and respondent "fizzled out" in 1983 when the latter was appointed to the judiciary and the former went to the U.S. The evidence on record, however, proves otherwise. It appears that complainant and respondent cohabited and held themselves out as husband and wife for over twenty years, from 1976 to July 14, 1996, when respondent stopped coming home.[38] Particularly damaging for respondent is the following sworn statement of then Cavite City Mayor Timoteo O. Encarnacion,[39] to wit:

x x x x x x x x

2. That I personally know the couple Judge Policarpio Camano, Jr. and Mrs. Asuncion Ligid having been long time acquaintances;
3. That in fact, I became one of the wedding sponsor[s] of Mrs. Asuncion Ligid's son Clorando Bonus;
4. That I further know for a fact that said couple have been living together as husband and wife for many years;

x x x x x x x x

(Emphasis and italics supplied)

Even more damning is the following sworn statement of Atty. Antonia Cabuco,[40] the Register of Deeds of Cavite, who stated:

- That, I am a lawyer by profession and have been the Register of Deeds of Cavite City for along time; It was during my term of office I [be]came acquainted with Judge Policarpio Camano, Jr. and Ms. Asuncion Ligid as well as when they were my neighbors in Mascardo St., San Antonio, Cavite City;
- That, due to such acquaintance and also because he is a brother in the profession, I became godmother of their daughter, Joanne L. Camano, sometime in December 1980; in view of all this, I certify that they have been cohabiting together as husband and wife;
- That, during that time the said couple have [a] furniture shop in Dra. Salamanca St., San Antonio, Cavite City;
- That, in Cavite City the said couple are widely known as husband and wife and this relationship I came to know clearly because the two (2) of them have been staying together and operating the said furniture shop. (Emphasis and italics supplied).

The foregoing documents, together with an assortment of billing statements up to July 1, 1997,[41] as well as letters[42] and telegrams[43] addressed to complainant and her daughter, the last of which was dated June 25, 1992, belie respondent's claim that he started to distance himself from complainant when he was appointed to the judiciary in 1983. In fact, other evidence[44] tends to show that respondent actually cultivated the relationship in order that the educational needs of his other children would be subsidized by complainant,[45] a successful businesswoman in her own right.

The testimonials submitted by respondent attesting to his allegedly unblemished reputation and his propriety of behavior towards the opposite sex are, at best, self-serving. Moreover, they could have been easily procured considering respondent's moral ascendancy over the affiants. It can not be denied that judges, especially those in

the provinces and remote municipalities, are looked upon with awe by the citizenry and such could be conveniently exploited.

By the very nature of the bench, judges, more than the average man, are required to observe an exacting standard of morality and decency. The character of a judge is perceived by the people not only through his official acts but also through his private morals as reflected in his external behavior. It is therefore paramount that a judge's personal behavior, both in the performance of his duties and his daily life, be free from the appearance of impropriety.[46]

Judges must adhere to the highest tenets of judicial conduct. They must be the embodiment of competence, integrity and independence.[47] A judge's private as well as official conduct must at all times be free from all appearances of impropriety, and be beyond reproach.[48] Succinctly stated, the people's confidence in the judicial system is founded not only on the magnitude of legal knowledge and the diligence of the members of the bench, but also on the highest standard of integrity and moral uprightness they are expected to possess.[49] In this connection, the Code of Judicial Conduct mandates the following:

CANON 2 – A JUDGE SHOULD AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL ACTIVITIES.

RULE 2.01 – A judge should so behave at all times to promote public confidence in the integrity and impartiality of the judiciary.

Surely, respondent's behavior of living openly and scandalously for over two decades with a woman not his wife and siring a child by her constitutes gross and serious misconduct, penalized by the ultimate penalty of dismissal under Section 22 (c), Rule XIV of the Omnibus Rules Implementing Book IV of Executive Order No. 292, otherwise known as the Revised Administrative Code of 1987. In the case at bar, respondent judge's acts would have warranted the penalty of dismissal had he not optionally retired.

Respondent's optional retirement from the service will not prevent the Court from wielding its disciplinary authority and penalizing respondent for his deplorable conduct as an erstwhile member of the bench.[50] Neither can he escape administrative liability as a member of the Bar because even as an ordinary lawyer, respondent has to conform to the strict standard of conduct demanded of members of the profession. Certainly, fathering children by a woman other than his lawful wife fails to meet these standards.[51]

ACCORDINGLY, in view of the foregoing, judgment is rendered finding respondent GUILTY of Serious Misconduct and Violation of the Code of Judicial Conduct and imposing on him a FINE of Twenty Thousand Pesos (P20,000.00).

### **SO ORDERED.**

Davide, Jr., C.J., (Chairman), Vitug, Kapunan, and Austria-Martinez, JJ., concur.

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[1] Exh. A; Rollo, p. 5.

[2] Ibid., pp. 1-4.

[3] Exhs. B and B-1; Rollo, pp. 6-7.

[4] Comment, p. 11.

[5] Ibid.

[6] Exhs. 5 and 6; Rollo, pp. 58-60.

[7] Exh. 2; Rollo, pp. 51-52.

- [8] Exh. 1; Rollo, pp. 49-50.
- [9] Rollo, pp. 88-97.
- [10] Annexes I, I-1 to I-4; Rollo, pp. 152-156.
- [11] Annexes J, J-1, J-2; Rollo, pp. 157-159.
- [12] Annexes K, K-1 to K-7; Rollo, pp. 160-161.
- [13] Annexes L, L-1 to L-6; id., pp. 162-168.
- [14] Annex M; Rollo, p. 169.
- [15] Annex N; Rollo, pp. 172-175.
- [16] Annex O; Rollo, pp. 176-182.
- [17] Rollo, pp. 196-199.
- [18] Ibid., p. 204.
- [19] Subsequently re-docketed as A.M. No. RTJ-00-1522, entitled *Romulo SJ Tolentino v. Judge Policarpio S. Camano, Jr.*
- [20] Subsequently re-docketed as A.M. No. RTJ-99-1509, entitled *Asuncion S. Liguin v. Judge Policarpio S. Camano, Jr.*, the instant case.
- [21] *Aparente v. NLRC*, 331 SCRA 82, 89-90 2000.
- [22] *University of the Philippines Board of Regents v. CA*, 313 SCRA 404, 422 1999.
- [23] *Ramoran v. Jardine CMG Life Insurance co., Inc.*, 326 SCRA 208 2000.
- [24] *Melendres, Jr. v. Comelec*, 262, 281 1999.
- [25] *Zaldivar v. Gonzales*, 166 SCRA 313, 337-338 1988; *Domingo v. Comelec*, 313 SCRA 311 1999; *Gacutana-Fraile v. Domingo*, 348 SCRA 414, 423 2000.
- [26] *Adamson & Adamson, Inc. v. Amores*, 152 SCRA 237, 250 1987.
- [27] *CMP Federal Security Agency, Inc. v. NLRC*, 303 SCRA 99, 110 1999.
- [28] *Trinidad v. Comelec*, 315 SCRA 175, 184 1999.
- [29] *Mañozca v. Domagas*, 248 SCRA 625 1995; *Apiag v. Cantero*, 268 SCRA 47 1997 .
- [30] *Tuliao v. Ramos*, 284 SCRA 378, 388 1998; *Secretary of Justice v. Marcos*, 76 SCRA 301 1977.
- [31] *Sy Bang v. Mendez*, 287 SCRA 84, 92 1998.
- [32] *Flores v. Sumaljing*, 290 SCRA 568, 569 1998.
- [33] *Lilia v. Judge Bartolome M. Fanuñal*, A.M. No. RTJ-99-1503, 13 December 2001; *Cabarloc v. Cabusora*, 348 SCRA 217, 226 2000; *Cadauan v. Alivia*, 344 SCRA 174 2000.
- [34] *Audion Electric Co., Inc. v. NLRC*, 308 SCRA 340, 351 1999; *Association of Independent Labor Unions v. NLRC*, 305 SCRA 219, 231 1999; *Gonzales v. NLRC*, 313 SCRA 169, 174 1999.
- [35] See *Consolidated Food Corporation v. NLRC*, 315 SCRA 129 1999.
- [36] *Villaflor v. CA*, 280 SCRA 297, 330 1997.
- [37] *CMP Federal Security Agency v. NLRC*, supra, citing *Coca Cola Bottlers Philippines, Inc. v. NLRC*, 180 SCRA 195 1989 1989.
- [38] Exhibits, A, B, B-1, C, C-1, C-2, D, D-1, E to E-11, F to F-11 and G to G-7; Rollo, pp. 98-140.
- [39] Exhibit D; ibid., p. 104.
- [40] Exhibit D-1; id., p. 105.
- [41] Exhibits E to E-11; id., pp. 106-117.
- [42] Exhibits F to F-11; id., pp. 118-133.
- [43] Exhibits G to G-7; id., pp. 134-140.
- [44] Exhibits H to H-10; id., pp. 141-151.
- [45] Exhibits H-8; H-9; H-10; id., pp. 149-150.
- [46] Citing *Dawa v. De Asa*, 292 SCRA 703 1998, citing *Yulo-Tuvilla v. Balgos*, 288 SCRA 358 1998.

[47] Rule. 1.01, Code of Judicial Conduct.

[48] Magarang v. Jardin, Sr., 330 SCRA 79 2000.

[49] Talens-Dabon v. Arceo, 259 SCRA 354 1996.

[50] See Yu v. Leanda, A.M. No. RTJ-99-1463, 16 January 2001, 349 SCRA 58, 66.

[51] Zamudio v. Peñas, 286 SCRA 367, 375 1998, citing Nicolas v. Judge Yuzon, A.M. No. RTJ-89-303, 15 August 1990.

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