

JUANITO L. HAW TAY, COMPLAINANT, VS. HON. EDUARDO SINGAYAO, RESPONDENT.*A.M. No. R-592-RTJ. September 17, 1987*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/ba24980d1dea/>**PER CURIAM:**

In a sworn Administrative Complaint filed with this Court on 4 April 1986, Mr. Juanito L. Haw Tay charged Judge Eduardo Singayao of the Regional Trial Court, Branch 14, Cotabato City, with violation of the Anti-Graft and Corrupt Practices Act (Republic Act No. 3019, as amended) and with gross ignorance of the law.

The respondent Judge filed with his Answer, denying the allegations of the complaint and claiming instead that complainant had subjected him to systematic harassment. By a Resolution dated 20 January 1987, this Court referred this matter to Associate Justice Eduardo R. Bengzon of the Court of Appeals for investigation, report, and recommendations, and at the same time, suspended respondent Judge from office pending the investigation and until further orders from the Court.

The Report dated 29 June 1987, of Mr. Justice Bengzon shows that the hearings held in this administrative matter had in effect to be conducted ex-parte because respondent Judge never appeared at the scheduled hearings to present his defense, if any. At the outset, hearings were scheduled on 25, 26, and 27 March 1987 at 1:30 P.M. However, respondent Judge moved for deferment of the hearings, stating that he was experiencing financial difficulties as a result of the acceptance by the President of his courtesy resignation as Judge of the Regional Trial Court, Branch 14, Cotabato City. Thus, hearings were reset to 22, 23, and 24 April 1987, at 1:30 P.M. Respondent Judge did not appear on 22 April 1987. At the instance of the complainant, hearings were reset once more to 4, 5, and 6 May 1987, again at 1:30 P.M. to afford respondent Judge once more an opportunity to be heard and to cross-examine the witnesses of the complainant.

On 4 May 1987, however, only complainant and his lawyer appeared. In order not to take advantage of respondent's absence, complainant moved that the hearing be reset to 5 May 1987 as previously scheduled. Once more, on 5 May 1987, respondent Judge failed to appear. The Investigating Justice thereupon considered respondent, in his Resolution dated 5 May 1987, to have waived his right to cross-examine complainant's witnesses, without prejudice, however, to his (respondent's) right to present evidence. A copy of the Investigator's Resolution was sent to the respondent by registered mail on 14 May 1987. To date, respondent Judge has not questioned this Resolution nor moved for its reconsideration.

In respect of the charge of violation of the Anti-Graft and Corrupt Practices Act, the Report of the Investigating Justice shows that on several occasions in 1983, respondent Judge, either by himself or through his Court Interpreter, Mr. Benjamin Pascual, asked for and received from complainant differing sums of money and a round trip airplane ticket (Cotabato-Manila-Cotabato). The details of the findings are as follows:

"x x x The evidence presented during the hearings conducted on May 5, 6 and 7, 1987 shows: that Juanito Haw Tay is the complainant in this case (administrative matter no. R-592-RTJ-Exh. A) against respondent Judge Eduardo Singayao for violation of the Anti-Graft Law and for Gross Ignorance of the Law filed on April 11,

1986; that complainant is one of the plaintiffs in Civil Case No. 140, for Certiorari and Prohibition and one of the defendants in Civ. Case No. 411 for Damages. Both cases are assigned to the sala of respondent; that when complainant filed his petition for certiorari and Prohibition with prayer for a restraining order before the Court of respondent on June 16, 1983, he was approached by Mr. Benjamin Pascual, an Interpreter. who has known both the complainant and the respondent for about 15 years. Mr. Pascual informed complainant that the respondent was demanding P1,000.00 for filing fee. So complainant borrowed P1,000.00 and on the following day June 17, 1983 gave it to Pascual who in turn delivered it to respondent Judge;

that on June 17, 1983, in the afternoon, Mr. Pascual informed complainant that the Judge was asking for P3,000.00 so that complainant will no longer be required to post a bond. On June 18, 1983 complainant again gave the money to Mr. Pascual who delivered the same to respondent. On June 22, 1983 respondent issued the restraining order without the filing of a bond;

that on July 22, 1983, while jogging with his son in front of Farmacia Victoria, complainant was approached by respondent who was also jogging with some friends. Respondent told him he needed P1,000.00 very badly on that day. Complainant borrowed P1,000.00 from a friend who issued a check. After encashing the check, complainant gave the P1,000.00 personally to respondent in his chambers where respondent acknowledged having received the P1,000.00 and P3,000.00;

that on August 1, 1983, after the scheduled hearing of his petition for Certiorari was postponed, respondent again asked complainant for a round trip ticket for Cotabato-Manila-Cotabato flight. Complainant raised the amount and bought the ticket from Miss Cecile Domines at the PAL Office at Cotabato City. Complainant delivered the round trip ticket to the respondent on the same day; that the purchase and use of said ticket (coupon) was confirmed by Rolando Corcuera, PAL Records Custodian, who produced the flight/coupon (Cotabato-Manila) of Ticket N. 9120205-3 issued to Judge Eduardo Singayao on August 1, 1983 (Exh., G). Said flight coupon was perforated, which means that it was used. Appearing on said coupon is the name of the agent Cecile Domines;

that on October 20, 1983 before the hearing of the certiorari case, respondent called complainant inside his chambers and told him that he needed P1,500.00. Complainant borrowed the amount from his brother and gave it to respondent in his house at the Vilo Subdivision;

x x x"

In respect of the charge of gross ignorance of the law, the Investigating Justice found that respondent Judge had issued a writ of preliminary injunction in Civil Case No. 411 although the party granted such injunction posted not the bond required under the Rules of Court but rather a check issued by such party and payable to himself. The Report of Justice Bengzon sets out the following details:

"x x x

that in Civil Case No. 411 entitled Eusebio Tanghal, plaintiff versus Spouses Juanito Haw Tay, which case was also filed in the sala of respondent plaintiff Tanghal was ordered to post a bond of P1,000.00 which was done by way of a check payable to plaintiff. Respondent then issued a preliminary injunction (Exh. "D"). Complainant filed a Motion for Reconsideration regarding the improper posting of the bond. On November 27, 1985 respondent issued an order requiring plaintiff to modify, amend, or post another bond in accordance with Sec. 4, Rule 58 of the Rules of Court."

From the foregoing findings, the Investigating Justice reached the following conclusions:

"x x x

From the evidence, it would appear that the complainant was able to substantiate the allegation in his complaint, and to prove beyond reasonable doubt that respondent demanded and received money on several

occasions, ie. on June 17, 1983-P1,000.00; on June 18, 1983-P3,000.00; on July 22, 1983-P1,000.00; on August 1, 1983-plane ticket worth P1,348.00 and on October 20, 1983-P1,500.00 from the defendants who had two pending cases before his sala.

It would also appear that the respondent erred in approving the injunction bond which was posted by way of a check in the name of the plaintiff and not the defendants. To correct this error, respondent issued an order on November 27, 1985 requiring the plaintiff to modify, amend or post another bond strictly in accordance with Sec. 4, Rule 58 of the Rules of Court."

We agree with the conclusions of the Investigating Justice. The acts of respondent Judge in demanding and receiving money from a party-litigant before his court constitute serious misconduct in office. 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 without which government cannot continue and that tears apart the very bonds of our polity. The respondent's ignorance of the requirements of the Rules of Court and of elementary rules of Commercial Law, is equally conspicuous. Respondent Judge combines in himself the twin evils of corruption and ignorance of the law and thus constitutes a diseased member which must be decisively severed from the body of the judiciary and cast aside.

Accordingly, this Court makes clear that had respondent Judge's resignation not been accepted by the President, respondent Judge would be dismissed from the service forthwith. In addition, the Court RESOLVES to declare respondent disqualified from re-employment in any position in any branch, agency, or instrumentality of the government, including government-owned or controlled corporations, and as having forfeited all his accrued retirement benefits and leave and other privileges, if any.

The Court also RESOLVES to require respondent to show cause, within 10 days from notice hereof, why he should not be disbarred for the acts of which he has been found guilty.

Let a copy of this Resolution be furnished the Special Prosecutor, Office of the Tanodbayan, for appropriate action on the probable violations of the Anti-Graft and Corrupt Practices Act by the respondent, with the request that the Court be informed of the action taken.

SO ORDERED.

Teehankee, C.J., Yap, Fernan, Narvasa, Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Feliciano, Padilla, Bidin, Sarmiento, and Cortes, JJ., concur.

Gancayco, J., on leave.

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