

ROSAURO M. MIRANDA, COMPLAINANT, VS. JUDGE CESAR A MANGROBANG, SR., RESPONDENT.

A.M. No. RTJ-01-1665. November 29, 2001

Ponente: MENDOZA, J.

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MENDOZA, J.:

This is a complaint against Judge Cesar A. Mangrobang, Sr., Presiding Judge of the Regional Trial Court, Branch 22, Cavite City, for conduct prejudicial to the best interest of the judiciary.

Complainant Rosauro Miranda was the founder and chairman of the board of the Macamir Realty and Development Corporation (Macamir Realty). On July 31, 1996, Macamir Realty entered into a construction contract with O.B. Jovenir Construction and Development Corporation (O.B. Jovenir Construction). In his complaint, dated May 5, 1997, complainant Rosauro Miranda charged that respondent Judge Cesar A. Mangrobang, Sr. engaged in business and in the private practice of law and used his office as a judge to further his business interests. More specifically, respondent allegedly committed the following:

- By being a Director, Vice President for Administration, and legal counsel of the corporation O.B. Jovenir Construction & Development Corporation [Director and Vice-President], with address at Purok 5, Brgy. Alapan, Imus, Cavite, and impressing on those dealing with said corporation that he has the necessary connections and clout with governmental agencies and judicial offices;
- By reportedly interceding with other judges for cases of O.B. Jovenir Construction & Development Corporation [notably Judge Jose F. Caoibes, Jr. and Judge Bonifacio Sanz Maceda, both of the Regional Trial Court of Las Piñas City, Metro Manila]; and
- By reportedly inducing a Cavite Regional Trial Court Judge [Judge Lucenito N. Tagle, Presiding Judge of Branch 20 of the Cavite Regional Trial Court] to intercede at the Court of Appeals on behalf of O.B. Jovenir Construction & Development Corporation in C.A.-G.R. SP. No. 43957 entitled "Macamir Realty And Development Corporation, et al., petitioner vs. Hon. Jose F. Caoibes, Jr. as Presiding Judge of Branch 253, Regional Trial Court, Las Piñas City, O.B. Jovenir Construction And Development Corporation, et al., respondents." [1]

In support of his first allegation, complainant submitted copies of minutes of meetings between O.B. Jovenir Construction and complainant's corporation, the Macamir Realty, showing that respondent Judge Mangrobang attended the meetings held on August 17, 1996,[2] August 24, 1996,[3] September 27, 1996,[4] October 4, 1996,[5] October 11, 1996,[6] and October 25, 1996[7] and actively participated in the discussions therein. Thus, it appears in the meeting of August 17, 1996 that respondent "brought the matter of transferring to the contractor the title of the 12 units assigned to them as performance bond." On September 27, 1996, he "[gave the assurance] that by January even if there are delays [in the construction project], construction will normalize." And, on October 25, 1996, he said he "will also ask the help of his associates in order to solve the problem on [an] adverse claim." Complainant did not submit evidence supporting the second and third allegations.

In his answer, dated August 18, 1997, respondent denied that he was an officer of O.B. Jovenir Construction and Development Corp. He claimed it was his son, Cesar Mangrobang, Jr., who was a director of the corporation, as evidenced by the articles of incorporation and by-laws of the corporation. He said that not being an officer nor legal counsel of the corporation, he never received any fee, allowance, or remuneration from O.B. Jovenir Construction. He likewise denied having intervened in cases involving his son's corporation. Respondent admitted, however, that he sat in one or two meetings with representatives of Macamir Realty upon the request of his son "as an observer but never as a representative of O.B. Jovenir." [8]

On June 25, 1998, complainant filed a Reply to Answer and Comment to Verified Complaint, [9] and submitted a photocopy of a document entitled "Company's Top Brass," showing respondent to be the Vice-President for Administration of O.B. Jovenir Construction. [10] However, in his Rejoinder to Reply, submitted on August 17, 1998, respondent said he was unaware of the documents [11] and submitted the affidavit of his son, Cesar Mangrobang, Jr., attesting to the fact that the latter, and not his father, was a stockholder, vice-president, and treasurer of O.B. Jovenir. [12]

In its report, the Office of the Court Administrator recommended that -

- the instant case be RE-DOCKETED as an Administrative Matter;
- Judge Cesar A. Mangrobang, Sr. be FINED in the amount of P5,000.00 for violating Canon 2, Rule 2.03 and Canon 5, Rule 5.02 of the Code of Judicial Conduct and that he be DIRECTED to sever all ties he has with O.B. Jovenir Construction and Development Corporation so that he can devote all his time to government service and the administration of justice; and
- the other charges be DISMISSED for being unsubstantiated. [13]

On September 6, 1999, the case was referred to Associate Justice Quirino Abad Santos of the Court of Appeals for investigation, report, and recommendation. [14] Justice Abad Santos set the case for hearing, [15] but, on December 13, 1999, complainant moved for the inhibition of Justice Abad Santos on the ground that the latter and respondent were college fraternity brothers. [16] Justice Abad Santos inhibited himself from the consideration of the case. Accordingly, this Court designated Associate Justice Ruben T. Reyes, also of the Court of Appeals, to investigate the case. [17]

Complainant submitted the case for resolution on the basis of the pleadings earlier submitted. [18] On the other hand, respondent filed a manifestation in this Court on June 30, 2001, asking that he be allowed to present testimonial and documentary evidence. [19] The request was denied by Justice Reyes on the ground that the manifestation, which was filed with this Court, was received in the Court of Appeals only on September 21, 2001 and he (Justice Reyes) had only until October 2, 2001 to submit his report and recommendation. Based on the affidavits and pleadings earlier submitted by the parties, the Investigating Justice submitted his report recommending as follows:

ACCORDINGLY, the undersigned Investigating Justice recommends that respondent judge be sternly warned against such indiscretion and that a repetition of a similar act in the future will be dealt with more severely. [20]

The recommendation of the Investigating Justice is well taken.

From the Articles of Incorporation of O.B. Jovenir Construction, it indeed appears that respondent is not an officer of that corporation. However, the minutes of the meetings held between Macamir Realty and O.B. Jovenir Construction on August 17, 1996, September 27, 1996, and October 25, 1996 tell a different story. These minutes show that respondent was indeed present in the meetings to which they relate and that he took active part in the discussions relating to the contractual negotiations between the two companies. For example, during the meeting

of August 17, 1996, respondent brought up the matter of transferring to O.B. Jovenir Construction the title to 12 units on the 6th floor of the building being constructed. According to respondent, O.B. Jovenir Construction needed them as collaterals to secure a loan needed to purchase construction materials. During the meeting of September 27, 1996, he assured the representatives of Macamir Realty that by January 1997, despite the delays, construction would "normalize." Finally, during the meeting of October 25, 1996, respondent said he would ask the help of his associates to solve the problem on an adverse claim. Although he claimed that he was in those meetings merely as an observer, respondent never disputed the authenticity of the minutes of meetings.[21] It is clear that in taking part in the discussions, respondent intended to bring the influence of his judicial office to bear on the negotiations. He thus compromised the integrity and moral authority of his office, in violation of Canon 2, Rule 2.03 of the Code of Judicial Conduct which provides:

A judge shall not allow family, social, or other relationships to influence judicial conduct or judgment. The prestige of judicial office shall not be used or lent to advance the private interests of others, nor convey or permit others to convey the impression that they are in a special position to influence the judge.

Indeed, a judge's private life cannot be dissociated from his public life and it is thus important that his behavior both on and off the bench be free from any appearance of impropriety.

Respondent likewise violated Canon 5, Rule 5.02 of the Code of Judicial Conduct, which provides:

A judge shall refrain from financial or business dealings that tend to reflect adversely on the court's partiality, interfere with the proper performance of judicial activities, or increase involvement with lawyers or persons likely to come before the court. A judge should so manage investments and other financial interests as to minimize the number of cases giving ground for disqualification.

But the charge that respondent influenced Judge Caoibes, Jr. to deny the motion to dismiss filed by complainant in Civil Case No. 97-0078 against O.B. Jovenir Construction and to cite complainant in contempt and Judge Maceda in the delay of the approval of his bond has not been substantiated. Also unsubstantiated is the allegation that he had asked Judge Lucenito Tagle to intercede in behalf of O.B. Jovenir Construction with members of the Court of Appeals in connection with C.A.-G.R. SP No. 43957. These charges should, therefore, be dismissed.

As already noted, the Investigating Judge recommends that respondent be sternly warned not to commit the same impropriety; otherwise, he would be dealt with more severely. A warning, however, no matter how stern, is not a penalty. Under the circumstances of this case and in accordance with Rule 140, §11-C, reprimand is the proper penalty. Thus, in *Marces, Sr. v. Arcangel*,[22] a judge was reprimanded for having attended barangay conciliation proceedings at the request of one of the parties and introducing himself as the Executive Judge of the Regional Trial Court, in an obvious attempt to lend the prestige of his office to a party in a case. It was held that it was improper for him to intervene in a dispute or controversy. For as Canon 2, Rule 2.03 of the Code of Judicial Conduct states:

The prestige of judicial office shall not be used or lent to advance the private interests of others, nor convey or permit others to convey the impression that they are in a special position to influence the judge.

WHEREFORE, for conduct prejudicial to the best interest of the judiciary, respondent Judge Cesar A. Mangrobang, Sr. is hereby **REPRIMANDED** and **WARNED** that a repetition of the same or similar acts in the future will be dealt with more severely. The other charges against him for interceding with and influencing other judges to further his private interests are **DISMISSED** for lack of evidence.

SO ORDERED.

Bellosillo, (Chairman), Quisumbing, and De Leon, Jr., JJ., concur.
Buena, J., abroad on official business.

- [1] Complaint, pp. 1-6; Rollo, pp. 1-6.
- [2] Rollo, p. 7-8.
- [3] Id., pp. 9-10.
- [4] Id., p. 11.
- [5] Id., p. 12.
- [6] Id., pp. 13-14.
- [7] Id., pp. 15-16.
- [8] Id., pp. 20-24, 26-50; Answer, dated Aug. 17, 1997, pp. 1-5.
- [9] Rollo, pp. 68-70.
- [10] Id., pp. 71-79.
- [11] Id., p. 104.
- [12] Id., p. 129.
- [13] Id., pp. 132-133.
- [14] Id., p. 134.
- [15] Id., p. 136.
- [16] Id., pp. 141-142; Motion to Inhibit from Sitting in this Case, dated December 9, 1999.
- [17] Rollo, p. 148.
- [18] Id., p. 155.
- [19] Id., p. 160.
- [20] Id., p. 158; Investigation Report, pp. 1-9.
- [21] Perez v. Suller, 249 SCRA 665 (1995).

[22] 258 SCRA 503 (1996).

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