

**RTC JUDGE FE ALBANO-MADRID, COMPLAINANT, VS.
STENOGRAPHERS MARIPI A. APOLONIO AND ANDREALYN M.
ANDRES, BRANCH 2, MTCC, SANTIAGO CITY, ISABELA; PROCESS
SERVER EUGENIO TAGUBA AND ...**

A.M. No. P-01-1517. February 07, 2003

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

In a letter-report[1] dated October 8, 2001, the complainant charged respondents Maripi A. Apolonio, Andrealyn M. Andres, Eugenio Taguba, Ronaldo Valdez, Villamor Bautista, and Demetrio Tolentino, Jr., court personnel of the Municipal Trial Court in Cities (MTCC) of Santiago, Isabela, with misconduct for gambling inside the chambers of MTCC Judge Ruben Plata.

On July 25, 2001, the tabloid *Remate* featured an article captioned: “CHAMBER NG JUDGE NI-RAID NG NBI, 6 GAMBLERS NADAKIP.”[2] The article reported that the raid was pursuant to an information received by National Bureau of Investigation (NBI) Agent Virgilio Reganit, Chief of the NBI Satellite Office in Santiago City, that court employees of MTCC, Branch 2 of Santiago, Isabela, were spotted gambling during office hours in the chambers of Judge Ruben Plata, Executive Judge of said court.

The news item stated that at around 3:00 P.M., on July 18, 2001, NBI operatives caught Eugenio Taguba, Demetrio Tolentino, Jr., Villamor Bautista, a certain “M. Apolonio,” one “G. Valdez” and a certain “Reallen,” in the act of playing cards. Further, according to the news story, Judge Plata had, prior to the raid, warned his employees against gambling during office hours because a complaint has reached this Court that the court personnel of MTCC, Branch 2 in Santiago City were frequently unavailable to assist litigants. Despite Judge Plata’s warning, however, the employees persisted in their illegal activity, per the tabloid.

A copy of the news clipping was furnished by a concerned citizen to Chief Justice Hilario G. Davide, Jr., who, on August 9, 2001, immediately ordered Judge Ruben Plata to make a report on the matter.[3]

In a letter[4] dated August 20, 2001 addressed to Chief Justice Hilario G. Davide, Jr., Judge Plata clarified that the judge’s chambers of MTCC, Branch 2 of Santiago, Isabela, was vacant at the time of the raid because the sitting judge thereof was assigned to San Juan, Metro Manila. Judge Plata added that at the time of the raid, he was conducting hearings at the Municipal Trial Court of Cordon, Isabela about ten (10) kilometers away from his station pursuant to the authority granted to him by the Executive Judge of the Regional Trial Court of Santiago City. Finally, Judge Plata maintained that he had not been remiss in his duty and on that particular day, prior to his departure for Cordon, Isabela, he gave specific instructions to the staff of both branches of the MTCC of Santiago City to man their respective posts.

In a memorandum[5] dated September 20, 2001, Chief Justice Hilario G. Davide, Jr., furnished a copy of Judge Plata’s report to Judge Albano-Madrid, Executive Judge of the RTC, Santiago, Isabela, with instructions to make

a status report on the alleged gambling activities.

In a letter-report,[6] Judge Madrid confirmed the occurrence of the raid. In her report, she appended a photo[7] of the court personnel engrossed in a card game, taken by NBI agents during the raid.

Judge Madrid stated that during her investigation, she ordered Mr. Romeo B. Aspiras, Clerk of Court of Branch 2, MTCC of Santiago City to submit his report regarding the raid incident. She also referred the matter to Judge Ruben R. Plata, Presiding Judge of Branch 1 and pairing judge of Branch 2, being the immediate superior of the employees concerned and the executive judge of said court.[8] Respondents submitted a joint affidavit,[9] where they admitted playing cards inside the MTCC judge's chambers during office hours, but they contended that they were not strictly "gambling" because no bets were involved.

From the facts presented during her investigation, Judge Madrid stated there is sufficient basis to hold respondents liable for misconduct. She recommended that the erring employees be suspended for one (1) month for their disgraceful conduct, which according to her, "tarnished not only the image of their court, but the whole of the judiciary as well." [10]

On September 25, 2001, Court Administrator Presbitero J. Velasco, Jr., directed Deputy Court Administrator Jose P. Perez to monitor the case and determine if a complaint should be filed against the employees.[11] Immediately, DCA Perez called up NBI agent Virgilio Reganit at the NBI Satellite Office, Santiago City, Isabela, requesting a copy of his report on the gambling incident.

In a Memorandum dated October 19, 2001, DCA Perez recommended to this Court that, while awaiting the NBI report: (1) the case be docketed as a regular administrative matter; (2) the report of Judge Madrid be noted and treated as a complaint against the erring employees; and (3) the respondents therein be required to manifest to this Court whether or not they are submitting the matter for resolution based on their joint affidavits submitted to Judge Madrid.

DCA Perez's recommendations were adopted by this Court in its resolution dated November 26, 2001.[12] Hence, the complaint against the respondents, who were asked to submit the requisite manifestation. On January 24, 2002, all of the respondents, except Maripi Apolonio, manifested their agreement to submit the case for resolution.[13]

Meanwhile, in a letter[14] dated March 4, 2002 addressed to the Chief Justice, one "Ed Miranda" brought to this Court's attention the alleged anomalous activities committed by members of the staff of Branches I and II, as well as of the Office of the Clerk of Court in the MTCC of Santiago City. Miranda cited certain irregular activities of these court employees such as asking money from lawyers, councilors and litigants for "merienda," for parties, for going out expenses, and even for pocket money. Miranda also made mention of the prevalent gambling activities by these personnel, inside the judge's chambers during office hours. Finally, Miranda urged this Court to monitor the caseload of the MTCC of Santiago City, especially that of Judge Ruben Plata's sala where arraignments reportedly drag on for years, and where hearings were constantly postponed.

On June 3, 2002,[15] NBI Agent Virgilio Reganit urged this Court to immediately act on the present case. Agent Reganit stated that as a consequence of the raid which led to the present case, respondents had been harassing Judge Plata, who was the one who requested the assistance of NBI to curb the gambling activity of certain MTCC personnel.

On July 22, 2002, this Court resolved to refer the October 8, 2001 report of Judge Madrid to the Office of the Court Administrator for evaluation, report and recommendation.

In their joint-affidavit, respondents argued that at the time of the raid, they were just having a “despedida” party for respondent Andrealyn Andres who was transferring to the MTCC of Cauayan City. Although they admitted playing cards, they claimed they were not gambling since no money was involved.[16]

With respect to respondent Maripi A. Apolonio, she submitted an affidavit[17] dated May 9, 2002, retracting the contents of the earlier joint affidavit that she signed with her co-respondents. In her new affidavit, Apolonio disclaimed her participation in the card game incident, saying that at that time, she was busy transcribing stenographic notes. In bold letters, she asserts that she had no time for such mundane pursuits as playing cards because she shuffled her time between the demands of work, her four kids, and her law classes.

In a memorandum dated September 19, 2002,[18] Deputy Court Administrator Jose P. Perez adopted the findings of the investigating judge and recommended a penalty of one (1) month suspension, with a stern warning that a repetition of the same, shall be dealt with more severely.

Respondents’ claim that they were simply having an innocuous card game sans monetary bets does not excuse their misconduct. True, evidence does not show that respondents were betting. Strictly speaking, gambling involves “a game of chance where one wins while the others lose money”.[19] However, the plain fact remains that what respondents claim to be a mere game of cards happened at about three o’clock in the afternoon, during office hours. This fact is not denied by respondents in their joint-affidavit. More telling is the picture[20] of respondents taken by the NBI operatives during the raid. It shows the respondents in their office uniforms, in the act of playing cards, inside the judge’s chambers. Inscribed at the back of the 5R photo is the following information:

DATE TAKEN: 18 JULY 2001

TIME: 3:10 PM

PERSONS:

- EUGENIO TAGUBA
- DEMETRIO “JUN” TOLENTINO, JR.
- VILLAMOR BAUTISTA
- MARIFE APOLONIO
- ANDREALYN ANDRES
- RONALD VALDEZ

THE ABOVE-MENTIONED NAMES WERE GIVEN BY ROMEO B. ASPIRAS, CLERK OF COURT OF BRANCH 2, MCTC, SANTIAGO CITY IN AN INTERVIEW CONDUCTED AFTER THE OPN. [21]

Worth reiterating, although every office in the government service is a public trust, no position exacts a greater demand for moral righteousness and uprightness from an individual than in the judiciary.[22] In *Office of the Court Administrator vs. Diaz*,[23] we emphasized that the conduct required of court personnel, from the presiding judge to the lowliest clerk, must always be beyond reproach and circumscribed with the heavy burden of responsibility so as to be free from any suspicion that may taint the judiciary. In *Marquez vs. Clores-Ramos*,[24] we held that the Code of Judicial Ethics mandates that the conduct of court personnel must be free from any whiff of impropriety, not only with respect to their duties in the judicial branch but also to their behavior outside the court as private individuals. In the recent case of *Agarao vs. Judge Parentela, Jr.*,[25] this Court enjoined court employees to adhere to the exacting standards of morality and decency in their professional as well as private

conduct in order to preserve the good name and integrity of the courts of justice. And, finally, in Cruz vs. Villar,[26] we reiterated our call upon every member of the judicial family to work hand in hand in restoring and upholding, rather than destroying, the integrity of the courts to which they belong.

Given the peculiar facts of this case, the unprofessional conduct of respondents as court employees could bring the court into disrepute. As employees occupying responsible positions in the administration of justice, respondents are expected to adhere to the high standards of conduct in court and exercise circumspection and propriety not only in the performance of their judicial duties, but also in their behavior even outside the courtroom. How could these court personnel expect the public to maintain due respect to the court, if they themselves defile the judge's chambers?

What is more alarming, in our view, is respondents' nonchalance concerning the effect of their misconduct. They have the gall to split hairs and say that they were playing cards, but not gambling. If loafing during office hours could not be countenanced, the more reason playing cards could not be tolerated in the judge's chambers. Such act or conduct that violates the norm of public accountability or diminish the people's faith in the judiciary could never be tolerated or condoned.[27]

As to respondent Maripi A. Apolonio, we note that she signed the joint-affidavit where, together with her co-respondents, she admitted they "played card(s) but no money involved." Her subsequent affidavit disclaiming her involvement in the activity[28] contradicts her previous affidavit without offering any substantial explanation as to the change in her sworn statements. Her later affidavit appears to us as a mere afterthought, a feeble attempt to escape culpability for her misconduct.

In sum, we are in agreement with the OCA's recommendation that respondents be suspended from office. But as to the imposable penalty, however, we have to make a slight modification. CSC Memorandum Circular No. 30, s. of 1989, sets out corresponding penalties for administrative cases pursuant to the Code of Ethical Standards (Republic Act No. 6713). It provides that for simple misconduct, classified as a less grave offense, the penalty should be suspension for one (1) month and one (1) day to six (6) months for the first violation.[29] Inasmuch as this is the first offense committed by respondents, we find the minimum penalty of suspension for one (1) month and one (1) day, without pay, sufficient.

WHEREFORE, respondents MARIPI A. APOLONIO, ANDREALYN M. ANDRES, EUGENIO TAGUBA, RONALDO VALDEZ, VILLAMOR BAUTISTA, and DEMETRIO TOLENTINO, JR., are found GUILTY of simple misconduct. They are hereby SUSPENDED from office for one (1) month and one (1) day, without pay, and with a stern warning that a repetition of the same or similar act of misconduct will be dealt with more severely.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, Austria-Martinez, and Callejo, Sr., JJ., concur.

[1] Rollo, pp. 10-11.

[2] Id. at 20.

[3] Id. at 19.

[4] Id. at 16-17.

[5] Id. at 15.

[6] Supra, note 1.

[7] Id. at 12.

[8] Id. at 10.

[9] Id. at 14.

[10] Id. at 11.

[11] Id. at 3.

[12] Id. at 38.

[13] Id. at 42.

[14] Id. at 71.

[15] Id. at 56.

[16] Id. at 14.

[17] Id. at 52.

[18] Id. at 64-70.

[19] Castillo v. Buencillo, 354 SCRA 641, 648 (2001).

[20] Rollo, p. 12.

[21] Ibid.

[22] Rabe v. Flores, 272 SCRA 415, 423 (1997).

[23] 303 SCRA 243, 253 (1999).

[24] 336 SCRA 122, 132 (2000).

[25] A.M. No. RTJ-00-1561, November 21, 2001, p. 14.

[26] A.M. No. P-00-1441, February 15, 2002, p. 4.

[27] Araos v. Judge Luna-Pison, A.M. No. RTJ-02-1677, February 28, 2002, p. 6.

[28] Rollo, p. 52.

[29] Macalua v. Tiu, Jr., 275 SCRA 320, 327-328 (1997). See also CSC Memorandum Circular No. 19, s. of 1999.

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