GRACE F. MUNSAYAC C. DE VILLA, LILY F. MUNSAYAC- SUNGA, AND ROY PETER F. MUNSAYAC, COMPLAINANTS, VS. JUDGE ANTONIO C. REYES, RESPONDENT.

A.M. NO. RTJ-05-1925 (A.M. OCA IPI NO. 00-989-RTJ). June 26, 2006

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PER CURIAM:

Before the Court are these administrative matters most of which are offshoots of the disapproval by Hon. Antonio C. Reyes, as Executive Judge of the Regional Trial Court (RTC) of Baguio City, of the January 24, 2002 order of inhibition issued by RTC Judge Ruben C. Ayson of the same city, Branch 6, in Civil Case No. 5140-R entitled Sps. Espirita Malecdan, et al., Plaintiffs, versus Mabel Joan Tadoan, et al., Defendants, in which the latter inhibited himself from hearing the case.[1] Obviously resenting the aforementioned disapproval action, Judge Ayson issued, on the same date, another order[2] in which he not only delved on the issue of inhibition, but dwelt on matters alien therefrom and proceeded to ascribe on his colleagues in Baguio City what to him are acts constituting misconduct, corruption and immorality. Named as erring officials were RTC Judges Amado S. Caguioa, Antonio Esteves, Clarence J. Villanueva, Abraham B. Borreta, Edilberto T. Claravall and Antonio C. Reyes of Branch Nos. 4, 5, 7, 59, 60, and 61, respectively.

Judge Ayson's exposé contained in his Order of January 24, 2002 found its way into the pages of The Daily Inquirer, among other dailies, and eventually reached the Court which, thru the Office of the Court Administrator (OCA), then asked the judges mentioned in said order to comment thereon. Thereafter, Judge Ayson, as directed by the Court, formalized his complaint against his colleagues thru an Affidavit dated May 13, 2002.[3] In it, Judge Ayson made specific reference to the separate administrative complaints for serious misconduct initiated by Ramon K. Ilusorio, on one hand, and Dr. Grace Munsayac-de Villa, et al., on the other, against Judge Antonio C. Reyes.

In the ensuing formal investigation conducted, Judge Ayson would adopt his affidavit-complaint, marked as Exhibit "A", as part of his direct testimony in all the cases subject of A.M. OCA IPI No. 02-1435-RTJ.

Subsequent developments saw Atty. Cristeta Caluza-Flores, Clerk of Court of Branch 4, joining the fray by filing an administrative case against the presiding judge (Judge Caguioa) of that branch. And consequent to the filing by Atty. Flores of her complaint and by Judge Ayson of his affidavit-complaint aforestated and the bill of particulars thereto, countercharges were also instituted.

Per an en banc Resolution of October 15, 2002, the Court directed Court of Appeals Associate Justice Godardo A. Jacinto to conduct a formal investigation on the aforementioned charges and counter-charges and to include in the probe the complaints of private parties against Judge Antonio C. Reyes and thereafter to submit his report and recommendation. Following a marathon joint hearings, the Investigating Justice submitted a 72-paged Consolidated Report[4] dated May 27, 2003 on the sworn complaints which, upon the OCA's recommendation, were each redocketed as a regular administrative matter.

I.

A. M. NO. RTJ-05-1925 (A.M. OCA IPI No. 00-989-RTJ): Grace F. Munsayac-De Villa, et al. Complainants, vs. Judge Antonio C. Reyes, Respondent -

Albeit previously ordered dismissed via a Resolution dated April 22, 2002 (Exh. "5"-Reyes),[5] the Court, in an en banc resolution of July 16, 2002, ordered the inclusion of this case in the formal investigation of A.M. OCA IPI No. 02-1435-RTJ (Judge Ruben C. Ayson vs. RTC Judges of Baguio City), with a directive for the Investigating Justice to allow the introduction of evidence thereon.

In their verified complaint filed on July 12, 2000 (Exh. "W"), Grace F. Munsayac-de Villa, et al., charged respondent Judge Reyes with Serious Misconduct and Inefficiency. The grounds for the Munsayac complaint arose from the proceedings in Special Proc. (SP) No. 704-R for the issuance of letters of administration where complainants, Grace M. De Villa, Lily M. Sunga and Roy Peter Munsayac, were petitioners. In sum, the complaint alleges that the respondent judge exhibited extreme hostility against complainants and manifest partiality towards the oppositors in SP No. 704-R, and took unusual interest in the case. Respondent's unreasonable delay in resolving a motion for his inhibition and for gross ignorance of the law form the basis for the charge of serious inefficiency.

Specifically, the complaint asks that respondent Judge Reyes, as the presiding judge in whose sala SP No. 704-R was pending, be adjudged administratively liable for -

(1)
Issuing, without giving herein complainants, as petitioners in said proceedings an opportunity to be heard, unjust and oppressive orders which, among others, (a) directed them to release P3 Million to the oppositors, (b) declared, as part of the estate, properties that complainants claimed to be their own, and (c) directed them and certain third parties to produce documents of accounts;

(2)
Issuing, without hearing, arrest orders against Grace F. M. de Villa and Lily M. Sunga for alleged violation of his orders;

(3)
Refusing to act on complainants' request for inhibition and insisting on hearing SP. No. 704-R even after a Motion for Inhibition was filed;

(4)
Unjustifiably failing to act on a Motion filed by certain corporations which were not parties to the case, to make a limited appearance; and

(5)
Issuing orders against complainants without giving them time to hire another counsel.

After identifying the complaint she and her co-complainants filed against the respondent judge and the perceived unjust and oppressive orders he issued in S.P. No. 704-R, complainant Grace Munsayac M. de Villa testified on the respondent judge's refusal to act on their request for inhibition.

In his Comment,[6] Judge Reyes denied the various charges hurled against him by the Munsayacs, explaining, at the outset, that it was the court's duty to determine the extent and worth of the estate of the deceased spouses Gelacio Munsayac, Sr. and Vicenta F. Munsayac. The respondent judge also alleged that, consequent to his issuance, at the instance of the oppositors, of subpoena to different banks, the following material events transpired:

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- Jewelry items apparently placed by the decedents in a safety deposit box at the Allied Bank were uncovered. This led to the issuance by the court of a freeze order.

- The Branch Manager of the United Coconut Planters Bank (UCPB) testified in court that complainants de Villa and Sunga were able to transfer their mother's P13,506,343.33 deposits -- contained in UCPB Investment Confirmation (IC) No. 0666 of Trust Account No. TA-2966 in the name of "Vicenta Munsayac or Grace M. de Villa or Lily M. Sunga" -- into their own personal accounts immediately after their mother's death and that at its maturity date on May 22, 1995, IC No. 0666 was "rolled-over under three (3) different Investment Confirmations," which appeared to be in the name of only "Grace M. de Villa or Lily Sunga;"

- That upon being summoned by the court to shed light on what happened to the name of Vicenta Munsayac in the 3 ICs, the UCPB Bank Manager testified that Vicenta's name in the 3 original certificates were erased by a bank manager in connivance with and upon order of de Villa and Sunga.

In the light of what appeared to be attempts to deceive other heirs, Judge Reyes issued an order dated May 4, 2000 granting the Motion of the Special Administrator for complainants de Villa and Sunga to turn over the amount of P13,506,343.33, inclusive of accrued interest, in custodia legis for the benefit of the estate of Vicenta F. Munsayac, the heirs and the government. It was, according to the respondent judge, complainant de Villa's and Sunga's refusal to comply with said order, as reiterated in another order of May 24, 2000 with a contempt proviso, followed by de Villa's open court manifestation on June 1, 2000, that she was not ready to comply with the order, that impelled him to order de Villa's arrest. Continuing, the respondent judge related that de Villa was immediately released thereafter when she and her two (2) siblings made an undertaking to comply with the court's order; that when they still failed to comply, he issued another order dated June 22, 2000 for their arrest.

Among other documents, Judge Reyes attached to his Comment machine copies of the Agency Safekeeping Certificate No. 006311 dated April 22, 1995 in the amount of P15,298,835.95 and Agency Safekeeping Certificate No. 006326 dated April 28, 1995 in the amounts of P2,894,705.31 and P116,116.71 of the Philippine Banking Corporation, Baguio City (Annexes "H" and "I" to Comment), which show that the said amounts belonged to the late Vicenta Munsayac and, therefore, formed part of her estate.

In the same Comment, Judge Reyes cites Section 8, Rule 71 of the Rules of Court[7] to justify the arrest order he issued against complainant de Villa who refused to comply with his previous orders, which was within her power to perform. According to the respondent judge, complainant de Villa herself forced his hand to issue the first arrest order when she failed to keep her undertaking to bring to the court certification of bank deposits that were previously in her late mother's name. With respect to his order dated August 17, 1999, granting the plea of Nora and Gelacio Munsayac, Jr. for a P1 Million cash advance each, the respondent judge offered the following explanations for the grant, viz:

a)
Nora, the daughter of the decedents, was a very sick woman needing immediate medical attention;

b)
Gelacio, Jr. manifested having no other means of livelihood, all the family corporations being under the full control of his co-heirs de Villa, Sunga and Roy;

c)
That his order provided that the amounts advanced will be credited to Nora and Gelacio, Jr.'s shares in the estate of their deceased parents; and

d)
That there was enough money for all the children and the cash advances could have been very well provided for

were if not for de Villa and Sunga's surreptitious withdrawals of decedent Vicenta Munsayac's money in the bank.

Anent the issue of his inhibition, the respondent judge submitted, as required, a Comment to the OCA therein stressing that the matter of inhibition and the legality of his orders have been raised by complainants de Villa, et al., before the Court of Appeals (CA) in a petition for certiorari, docketed thereat as CA G.R. SP. No. 55193, which was resolved against the petitioners therein in a decision promulgated on February 23, 2001 (Exhs. "22," "22-a"-Reyes). Judge Reyes thus claims that it was due to the said petition which involved, among others, the issue of inhibition which prompted him to refrain from acting on the corresponding motion for inhibition.

Finally, the respondent judge denied issuing the disputed orders without notice to herein complainants, stating that the records of the case will attest to the fact of sending and the receipt of such notices by every counsel of record.

From the evidence adduced, the Court is unable to make out a case for serious misconduct and inefficiency against respondent Judge Reyes. As it were, the basic Munsayac complaint links the respondent judge's culpability to several orders he issued in SP. No. 704-R, which complainants claim to be unjust, to call for the issuance of warrants of arrest issued against two of them, and to the respondent's refusal to act on a request for inhibition. As above discussed, however, the respondent judge has explained at length and with some measure of plausibility the circumstances under which the various orders complained of were issued by him and the reasons for their issuance.

To begin with, not one of the various orders complained of can, on their face, be rightly tagged as unjust. It cannot be over-emphasized that these orders were issued in a case over which Judge Reyes had jurisdiction. Accordingly, complainants' appropriate recourse therefrom would have been to raise the issue of the validity of such orders to the CA or this Court in a certiorari proceedings and not in an administrative case. For, an administrative complaint is not the appropriate remedy for every judicial act of a judge deemed aberrant or irregular where a judicial remedy exists and is available.[8]

Militating further against the complaint is the fact that there is no competent evidence to show that Judge Reyes issued the orders in question with malice or in bad faith or for some fraudulent, corrupt or dishonest motive. We can allow that some of such orders may have been unjustified or even erroneous, albeit the circumstances leading to their issuance tend to argue against such conclusion. At any event, the respondent judge, or any public officer for that matter, is not amenable to disciplinary action for his orders, even if erroneous, if that be the case, absent proof that malice or bad faith attended the issuance thereof.[9] This is so because, in the absence of a showing that the acts complained of were done with malice or an intention to violate the law or disregard the Rules of Court or for some corrupt motive, they would, at best, constitute errors of judgment which do not amount to serious misconduct.[10]

With respect to the arrest orders issued by the respondent judge against complainant de Villa, the Court notes that some of such orders, inclusive of the warrants of arrest against her and the matter of the respondent judge's inhibition, were challenged before the CA in a Petition for Certiorari, Prohibition and Mandamus, docketed thereat as CA-G.R. SP No. 55193 (Grace F. Munsayac – de Villa, et al., Petitioners, vs. Judge Antonio C. Reyes, et al., Respondents). And as aptly pointed out by the respondent judge, the CA, in its Decision dated February 23, 2001, dismissed the petition for lack of merit.[11]

In all, the Munsayac complaint against Judge Antonio C. Reyes in A.M. No. RTJ-05-1925, which the Court had previously dismissed in its Resolution dated April 22, 2002 (Exh. "5"-Reyes) appears to be really without merit, and should, therefore, be dismissed.

II.

A.M. No. RTJ-05-1926 (A.M. OCA IPI No. 01-1248-RTJ): Ramon K. Ilusorio vs. Judge Antonio C. Reyes, RTC Baguio City, Br. 61 -

Like the Munsayac complaint, the Court, in an en banc Resolution promulgated on July 16, 2002, ordered the inclusion of this administrative complaint of Ramon K. Ilusorio against Judge Antonio C. Reyes in the formal investigation of A.M. OCA IPI No. 02-1435-RTJ (Judge Ruben C. Ayson v. RTC Judges of Baguio City).

In his verified Complaint dated September 20, 2001 (Exh. "F"),[12] which he later identified and adopted as his direct testimony, complainant Ramon K. Ilusorio alleged, in gist, the following:

- That he has a case against the Baguio Country Club Corporation, Inc. (Club), docketed as Civil Case (CC) No. 4537-R of the RTC of Baguio, Branch 61, presided over by the respondent judge;

- That his motion to have respondent inhibit himself, he (respondent) being a classmate of Atty. Federico Agcaoili, the Club's president, was, together with complainant's plea for injunction, denied;

- That during the pendency of CC No. 4537-R, he received information about Judge Reyes's account with the Club being charged to that of Atty. Agcaoili, who had requested the Club's Accounts Receivables Manager, Elizabeth Narciza, "to reverse against representation of the Club" the amount of P26,175.00 which represents "the unpaid chits" racked up with the Club by the respondent judge;

- That pursuant to Atty. Agcaoili's request, Ms. Narciza sought, via a Memo dated December 16, 1999 to the Club's General Manager, Anthony de Leon, and later secured approval of the desired reversal of account; and

- That Judge Reyes's acceptance of freebies constitutes bribery and violation of Section 3 (e) of RA 3019, or the Anti-Graft and Corrupt Practices Act..

During the investigation, complainant Ilusorio presented Elizabeth Narciza who testified knowing Atty. Federico Agcaoili and having once held the position of Accounts Receivables Manager of the Club. She affirmed complainant's allegations respecting the reversal of account and the memo she addressed to Mr. de Leon. On the witness box, Ms. Narciza's testified and/or identified certain documents, as indicated below:

- A copy of the Statement of Account of "member #14 Account #14", and copy of GUEST CHECK NO. 107445 which bears the name Antonio Reyes (Exh. "G-3"), indicating that Judge Reyes, while not a Club member, was accorded special Club privileges.

- Exhibit "G-4," a copy of the January 20, 1999 letter[13] of Dr. Amado Dizon, Jr., a Club member with authority to sponsor a guest, addressed to the Club introducing "Judge Tony Reyes of the RTC Baguio who will be patronizing our Club sports facilities and restaurant" and requesting to the allow the latter as his guest who "may directly pay or charge xxx his chits to my account."

In his Comment dated November 15, 2001,[14] Judge Reyes alleged that, upon his denial of the writ of preliminary injunction applied for by complainant Ilusorio, followed by a denial of the latter's motion for inhibition, the latter went to the CA on a petition for certiorari challenging his denial for the issuance of the injunctive writ, but the CA in its decision promulgated on January 12, 2001, and later this Court, upheld his order (Annexes "A" and "B" to Comment).

In the same Comment, Judge Reyes denied knowledge of Atty. Agcaoili's purported request for reversal of account, noting in this regard that the accounts allegedly reversed were for the months of August, September, and October 1999, while CC No. 4537-R was raffled off to him only on October 20, 1999. He also denied allegations that he used the Club facilities for free and cites Elizabeth Narciza's testimony, in which she identified the official receipt from the Club showing payment of his account with the Club in the amount of P29,069.92 made by him (TSN, Nov. 26, 2002; pp. 25-26). Pressing the point, Judge Reyes states that his use of the Club's facilities was

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extended to him at the behest of Dr. Dizon whose Sponsorship Letter of January 22, 1999 came long before Ilusorio's complaint in Civil Case No. 4537-R against the Club was assigned to him (Reyes) on October 20, 1999.

Similarly, in his Affidavit which was also adopted as part of his direct testimony (Exh. "12"-Reyes), the respondent judge belied Ilusorio's insinuation that his judgment favorable to the Club in CC No. 4537-R was a quid pro quo for his availment for free of the Club's facilities. As the respondent judge alleged, CC No. 4537-R was resolved on the merits by this Court in its resolution promulgated on October 10, 2001 in G.R. No. 148985 (Ramon K. Ilusorio vs. Hon. Antonio C. Reyes and Baguio Country Club Corporation). The respondent judge further alleged in the same Affidavit that he had no dealings whatsoever with the Club's management, except through Dr. Dizon.

While complainant Ilusorio's evidence cannot, in our appreciation, support a finding of guilt for bribery or violation of the Anti-Graft and Corrupt Practices Act, it is certainly not amiss to say that Judge Reyes's conduct under the premises fall short of the exacting standards for prudence expected of members of the bench. Trite as it may sound, a judge's conduct must, at all times, be characterized by propriety and decorum. But beyond proper decorum, such conduct must be above and beyond suspicion.[15]

Judge Reyes's unyielding stance about having no knowledge of Atty. Agcaoili's request to reverse his (respondent's) account with the Club strains credulity. There can be no quibbling about such request having been made. Ms. Narciza testified about it and her Memo dated December 16, 1999 (Exh. "G-1") for the Club's Acting General Manager has, for its subject, the reversal of respondent's account in question. As the Court notes, the said Memo clearly shows that the respondent judge's accounts with the Club for the months of August, September and October 1999 were charged to Atty. Agcaoili's account. While it may be true, as the respondent judge claimed, that the accounts in question were incurred before October 20, 1999, the request for reversal of account was made by Atty. Agcaoili on December 16, 1999, at which date, the case against the Club was already assigned to the respondent's court. It is extremely difficult to believe that Judge Reyes did not know of Atty. Agcaoili's request anytime before or after it was made. To be sure, the respondent judge's evidence of payment of his accounts with the Club, under OR No. 80720 dated February 14, 2000 (Exh. "21-A"-Reyes) in the amount of P29,069.92, does not coincide with his account mentioned in Ms. Narciza's Memo (Exh. "G"), which summed up to only P21,115.00 and therefore obviously refers to a different account.

To be sure, Judge Reyes's acceptance of a favor from Atty. Agcaoili during the pendency of complainant Ilusorio's civil case against the Club is highly censurable; it certainly does not speak well of Judge Reyes's sense of delicadeza. The same may be said of the respondent judge's act of allowing Club member Dr. Dizon to charge to him (Dizon) any account that he (respondent) may incur with the Club. The likelihood that any favor from a club member may somehow influence or affect the respondent judge's judicial functions with respect to the Club's pending case in his court or any case which the said sponsor may later have in the RTC of Baguio is not far-fetched. It may be that mere suspicion that a judge is partial to a party is not enough to sustain a charge of misconduct. It behooves the Court to once again remind the respondent judge, however, and all members of the bench for that matter, that they are expected to so conduct themselves as to be beyond reproach and suspicion;[16] to endeavor to keep at all times the high respect accorded to those who wield the gavel of justice,[17] and, last but not least, to avoid situations likely to erode the faith of the people in the judiciary and bring it to disrepute.[18] Judge Reyes cannot plausibly feign ignorance of this basic but wise counsel which had doubtless guided men in robes throughout the years and in the process evade any form of sanction. To be sure, Rule 2.03 of the Code of Judicial Conduct contains a caveat against allowing the prestige of the judicial office to be used or lent to advance the private interests of others or to convey or permit others to convey the impression that they are in a special position to influence a judge.

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Judge Reyes's acts of impropriety and patent lack of delicadeza verily run counter to the injunction prescribed by the aforecited rule of the Code. Accordingly, as recommended by the Investigating Justice, the imposition of a fine against the respondent judge in the amount of P30,000.00, with a stern warning is deemed very much appropriate in A.M. No. RTJ-05-1926.

III.
A.M. No. RTJ-05-1927 (A.M. OCA IPI NO. 02-1435-RTJ): Judge Ruben C. Ayson vs. RTCJudges of Baguio City -

A. Judge Ruben C. Ayson vs. Judge Clarence J. Villanueva for immorality.

On the charge of immorality against Judge Clarence J. Villanueva, complainant Judge Ruben C. Ayson alleged in his underlying affidavit-complaint that Judge Villanueva –

> - Has with his mistress, Emy Tumaneng, a daughter named Shaira Marjorie Tumaneng, born on March 31, 1996, baptized on October 20, 1996 at the Don Bosco Parish Church, with Pauline Badul, his (Judge Villanueva's) clerk of court, and Abraham de Castro, as godmother and godfather, respectively; and
>
> - Has with the same woman a son named Richard Clarence Tumaneng born March 9, 1999 and acknowledged by Judge Villanueva as his child. The acknowledgment appears in the birth certificate filed with the Office of the Civil Registrar, Baguio City.

To support his charge, Judge Ayson presented documentary evidence consisting, among others, of the Certificate of Baptism (Exh. "A-1") of one Shaira Marjorie Tumaneng (Shaira, hereinafter) in which the names "Clarence Villanueva" and "Emy Tumaneng" (Exh. "A-1-b") appear as her parents; a certification from the Office of the Civil Registrar of Baguio City on certain entries in its Register of Births bearing on the child Shaira (Exh. "A-2"); certified xerox copies of the Certificate of Live Birth (Exh. "A-3") of one Richard Clarence Parangan Tumaneng (Richard, hereinafter) in which the names "EMY PARANGAN TUMANENG" and "CLARENCE JAPSON VILLANUEVA" appear as mother and father, respectively, and at the back of which is an entry that reads "AFFIDAVIT OF ACKNOWLEDGEMENT/ ADMISSION OF PATERNITY" (Exh. "A-3-h"), which bears a signature on top of the typewritten name CLARENCE VILLANUEVA (Exh. "A-3-j"); and the Certificate of Live Birth (Exh. "A-4") of Shaira (Exh. "A-4-c").

Judge Ayson's witness, Sylvia R. Laudencia, OIC of the Baguio City Registrar's Office, produced the original certificates of live birth of both Richard and Shaira, confirming in effect that the certified photo-copies thus presented of the certificates of live birth of both Richard and Shaira are faithful reproduction of the originals thereof in the custody of her office. The witness also testified as to the authenticity of her signature appearing on the certified xerox copies of both documents.

In his Sworn Statement dated December 9, 2002 (Exh. "1"-Villanueva), which he also adopted as his direct testimony, Judge Villanueva denied knowing Emy, Shaira and Richard Tumaneng or signing the certificates of live birth of Shaira and Richard Tumaneng both of whom he disclaimed as his children with Emy Tumaneng.

Juxtaposed with the duly identified documents presented by Judge Ayson, Judge Villanueva's Sworn Statement embodying his defense has little to commend itself. As may be noted, written on the Certificate of Live Birth of Richard vis-à-vis the name and occupation of the child's father are: name - "Clarence Japson Villanueva" (Exh. "A-3-e"); occupation - "lawyer" (Exh. "A-3-f"). Further, at the back of such certificate, the name of the father appears to be Clarence J. Villanueva (Exh. "A-3-h"), which bears the signature of the said father (Exh. "A-3-j").

On the other hand, the name of the putative father does not appear in Shaira's Birth Certificate. However, written on Shaira's Certificate of Baptism issued by the Parish Priest of Don Bosco Parish (Exh. "A-1") are the following

entries: "Shaira Marjorie Villanueva child of Clarence Villanueva and Emy Tumaneng" (Exhs. "A-1-a" and "A-1-b").

Exhibit "A-3," supra, being a public document, is prima facie evidence of the facts therein stated.[19] This document was, as earlier indicated, identified by the Civil Registrar of Baguio as a faithful reproduction of Richard's Certificate of Live Birth in the registry's file and which she produced during her testimony. And while in the nature of a private document, the baptismal certificate of Shaira (Exh. "A-1"), may, for purposes of this administrative complaint, be accorded the same evidentiary weight as a public document, especially when the date of birth of the child indicated therein, i.e., March 31, 1996, coincides with the date of birth appearing in Shaira's Certificate of Live Birth (Exhs. "A-4" and "A-4-b"). In net effect, the onus of refuting or disproving both documents and their contents falls on the respondent judge. Sad to state, however, Judge Villanueva has failed to discharge the burden. As it were, he relied on his uncorroborated denial respecting the filiation of both children and his relationship to Emy Tumaneng who is mentioned in Exhibits "A-1", "A-3" and "A-4" as the mother. Needless to state, Judge Vllanueva's evidence leaves much to be desired. To begin with, the Certificate of Baptism (Exh. "A-1") mentions the name of the officiating priest and the persons who stood as godfather and godmother of Shaira. Judge Villanueva could and should have requested the priest or either of the baptismal sponsors to testify and perhaps clarify that the "Clarence Villanueva" mentioned in the baptismal certificate as father of Shaira refers to a different person. Also, the Certificate of Live Birth of Richard (Exh. "A-3") appears to have been prepared by staff nurse, Maria Theresa B. Fulgencio. Again, Judge Villanueva should have had asked Ms. Fulgencio to testify as to the real identity of the "Clarence Japson Villanueva" entered therein as the child's father. And more importantly, he should have called on the mother, Emy Tumaneng, to at least confirm his protestation over his imputed paternity of both children. Judge Villanueva has offered no explanation why he failed in that regard and, for this reason, thus failed to destroy the probative value of the said documents.

Certainly not on lost on the Court is Judge Villanueva's failure, after having been apprised of Judge Ayson's allegation that he had affixed his signature at the dorsal side of the child's Certificate of Live Birth (Exh. "A-3"), to engage the services of a handwriting expert to shed light on the said signature and perchance confirm his theory of his purported signature being forged.

In all, Judge Villanueva failed to substantiate his defense of not being the father of Shaira and Richard. And lest it be overlooked, Judge Villanueva, a married man, sired Shaira, who was born in March 1996, and Richard, who was born in March 1999, while he was occupying the position of RTC Judge of Baguio. This reality necessarily means that his intimate although illicit relationship with their mother, Emmy Tumaneng, started or at least continued during his incumbency as such judge. As it were, Judge Villanueva's service record on file with the Court yields the information that he was appointed RTC judge of Baguio on March 22, 1991, took his oath of office on April 1, 1991 and assumed office on April 8, 1991.

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 discharge of judicial duties, but also to his behavior outside his sala and as a private individual. As we articulated in Castillo vs. Calanog,[20] there is no dichotomy of morality: a public official, particularly a member of the judiciary, is also judged by his private morals. A judge's official life cannot simply be detached from his personal existence. His public as well as his private life must be above suspicion.

The charge of immorality proven against Judge Villanueva demonstrates his unfitness to remain in office and continue to discharge the functions of a judge.[21] Rule 140 of the Rules of Court classifies immorality as a serious offense. It is punishable by dismissal from the service with accessory penalties. With the view we take of the case, there is no reason for not meting out the severest form of disciplinary sanction, specially since the offense was committed in the very city where the respondent judge holds office. What is more, there seems to be

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little attempt on the part of Judge Villanueva to be discreet about his liaison with a women not his wife. The fact that Judge Ayson knew about Emy Tumaneng and the birth and baptism of Shaira and Richard would suggest as much.

> B. Judge Ruben C. Ayson vs. Judges Abraham B. Borreta, Amado S. Caguioa, Antonio M. Esteves & Clarence J. Villanueva for Gambling and Drinking in the Court Premises During Office Hours.

On the charge of gambling and drinking against Judges Borreta, Caguioa, Esteves and Villanueva, complainant Judge Ayson alleged seeing respondents Judge Borreta et al., playing "pusoy" (a card game) with money bets and drinking liquor "three times in the Court premises during office hours", the first, in Judge Villanueva's sala lasting the whole afternoon of September 26, 2001 or just before the program of the Baguio IBP started; the second, in the morning until 12 noon of September 27, 2001 in Judge Caguioa's sala, and the third, at about 1:30 p.m. of the same date, September 27, in the chambers of Judge Borreta.

In his Comment[22] to this particular charge, respondent Judge Borreta admitted playing, during a despedida party tendered for him on September 27, 2001 in connection with his transfer to Pasig City, what he described as a friendly game of "pusoy" with fellow Judges Caguioa, Villanueva and Esteves when only wine was served. He, however, denied allegations that he and the other respondent judges engaged in drinking and gambling on the other occasions mentioned in the complaint.

For his part, respondent Judge Esteves, in his Comment,[23] practically repeated what Judge Borreta said respecting what transpired during the despedida party adverted to, adding, however, that he recalled the judges agreeing "to use the winnings in the purchase of additional foodstuff for the party." Judge Esteves, therefore, denied Judge Ayson's insinuation that RTC judges in Baguio regularly gambled in public. As to the drinking aspect, Judge Esteves asserts being "under strict medical instructions not to take any form of alcoholic drink." To prove his delicate health condition, Judge Esteves attached to his Comment medical certificates issued by Drs. Tiong and William Occidental (Annexes "A" and "B"), and the medical records from the Capitol Medical Center (Annexes "C" and "C-1").

For his part, respondent Judge Caguioa admitted in his separate Comment[24] that card games were indeed played during the send-off parties for Judge Borreta separately tendered by the IBP and Judge Borreta's staff. He stressed, however, that the games were played for fun, without bets and after office hours. And he dismissed, as without basis, the charge of drinking liquor, claiming that he has been taking medicines daily to control his blood pressure and has been under strict medical orders to avoid alcohol.

Respondent Judge Villanueva, in his Comment[25] dated February 20, 2002, similarly denied Judge Ayson's allegations about gambling and drinking during office hours.

As it were, the parties have chosen not to introduce any further evidence on this particular charge and agreed to submit the same for resolution on the bases of Judge Ayson's affidavit and the respondents' respective comments.

It is noteworthy that Judge Borreta's aforesaid Comment, supra, dated February 2, 2002, contained the following statements:

> xxx The only time that I can remember that I had the occasion to drink and play cards with my fellow Judges was during my despedida on September 27, 2001 in my office. I remember that while I and my fellow Judges, namely Amado Caguioa, Clarence Villanueva and Antonio Esteves were waiting for the food to be served, we decided to while the time away by playing a friendly game of pusoy. Contrary to the claim of Judge Ayson who came in late, our betting was very mild considering that we are all friends. Our bets ranged only from P20.00 to P100.00. Some of the guests brought bottles of liquor and offered to open one for me and the other Judges. But I demurred and told them that I would only take wine knowing very well that hard liquor was bad

> for my health .... It was while we were drinking wine and playing a friendly game of pusoy that Judge Ayson came into my office. xxx" (Exh. 1-Ayson [Perjury])

Similarly, respondent Judges Caguioa, Esteves and Borreta stated in their Joint Affidavit (Exh. "4"-Villanueva) as follows:

> That we played pusoy for fun on the occasion of the despedida of Judge Abraham Borreta on September 27, 2001 at 10:00 A.M. up to 12:00 noon at the courtroom of Judge Amado Caguioa;
>
> That since the game was for fun only to while away the time before the despedida lunch for Judge Abraham Borreta, our betting was minimal and a purely friendly game; (p. 41, Rollo, Vol. V).

The statements made in the Comments and Joint Affidavit immediately referred to above veritably partake of the nature of binding admissions on the part of the declarants or affiants, as the case may be, that they played "pusoy" on the date/s and places mentioned in both documents. Thus, the charge of gambling stands substantiated, except with respect to respondent Judge Villanueva, who has denied participating in the "pusoy" game as well as in the drinking sessions. In effect, respondent Judge Villanueva's alleged participation in said sessions is at least doubtful, more so since respondents Caguioa, Esteves, and Borreta, in their Joint Affidavit, categorically declared that Judge Villanueva declined their invitation to join them in their friendly card game.

We can allow that what the three (3) respondent judges played was no more than just a friendly game of "pusoy" to while away their time. They, however, used the court premises for this past time, thus adding an inappropriate dimension to what would have otherwise been an insignificant isolated event. To borrow from Alumbres vs. Caoibes,[26] misbehavior within the court premises diminishes its sanctity and dignity. Respondents Caguioa, Esteves and Borreta should, therefore, be fined and warned against a repetition of such improper conduct. This particular complaint should, however, be dismissed as against respondent Judge Villanueva for insufficiency of evidence.

The Court need not delve further on the charge of drinking hard liquor in the court premises during office hours. Suffice it to state in regard to this charge that Judge Ayson has not discharged his burden, like any complainant in administrative disciplinary proceedings, of proving by substantial evidence the allegations of his complaint.[27]

> C. Judge Ruben C. Ayson vs. Judge Amado S. Caguioa for gross misconduct, incompetence and for allowing collection of commissioner's fees in ex-parte hearings and allowing ex-parte reception of evidence by non-lawyers/employees of his court.

According to complainant Judge Ayson, respondent "Judge Caguioa allowed ex-parte hearings of his cases to be presided by a clerk or stenographer who is not a lawyer and not his clerk of court contrary to Section 9 of Rule 30 of the Rules of Court, [and that] commissioner's fees were also collected in violation of Supreme Court Circular No. 50-2001 dated August 17, 2001."

Judge Ayson presented as witnesses the following individuals whose affidavits served as their respective direct testimonies:

> - Vida Ramos inter alia stated in her Affidavit (Exh. "D") that she had a petition for correction of birth certificate entry, docketed as Special Proc. No. 1030-R of the RTC of Baguio City, Br. 4, presided over by respondent; that Court Stenographer Carmen Diaz, instead of respondent, presided over an ex-parte hearing of the petition, as shown in the TSNs of the proceedings (Exh. "E"); that before the hearing commenced, Mrs. Diaz reminded her and her lawyer about the 'commissioners' fee"; that when asked how much is such fee and for what it is for, Mrs. Diaz responded "Tig-fifive hundred kami" and that it is intended as a measure of compensation "listening to your case."

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- Atty. Joy Angelica P. Santos-Doctor, in her affidavit/direct testimony (Exh. "H"), declared appearing as counsel in Special Proc. No. 990-R for change of name and correction of entries. Like Ms. Ramos, Atty. Doctor testified about Ms. Carmen Diaz presiding over the ex-parte hearing and about her client being also asked to pay commissioner's fees.

- Atty. Tomas B. Gorospe, in his affidavit/direct testimony (Exh. "K"), declared that, in at least two (2) cases assigned to Judge Caguioa, the ex-parte hearings were presided over by a court personnel other than the branch clerk of court. In the ex-parte hearing in Spec. Proc. No. 1051-R (Exh. "L") for guardianship, Atty. Gorospe adds, Court Interpreter Teodora Paquito presided and in connection with which his client was charged P1,500 as commissioner's fee.

- Atty. Cristeta C. Flores, the clerk of Court of Judge Caguioa, in her Affidavits of February 27, 2002 (Exh. "N") and March 1, 2002 (Exh. "O"), disclosed, among other things, that their court conducts ex-parte hearings over a menu of cases three times a week, with the Tuesday and Wednesday hearings being presided over either by Stenographer Carmen Diaz or Court Interpreter Teodora Paquito, while she presides over hearings on Thursdays. According to Atty. Flores, the practice of Judge Caguioa is to direct reception of ex-parte evidence "before any officer of the Court authorized by the Presiding Judge" or before the Clerk of Court or any officer delegated ... to receive the same". Atty. Flores cited two (2) adoption cases where Ms. Paquito presided over the ex-parte hearings (Exhs. "N-17," "N-19" and "N-20"), the same practice that was followed with respect to Civil Case No. 227-FC, a petition for declaration of nullity of marriage. Pressing the point, Atty Flores accused Judge Caguioa of having some TSNs falsified to reflect his being present in the ex-parte hearings.

In refutation of the aforementioned evidence, Judge Caguioa presented the affidavits of Melita Salinas, and several others, all of which were adopted as their direct testimonies. A summary of the relevant portions of their respective testimonies follows:

- Melita Salinas, Docket Clerk 3, Br.4, RTC, Baguio City, in her affidavit, (Exh. "10-A" & "10-A-1") declared being the custodian of all records of some 169 special proceedings cases being heard ex-parte since April 2000; that of that number, 138 cases were heard by Atty. Cristeta Flores, while Judge Caguioa, assisted by Carmen Diaz and Teodora Paquito, heard the remaining 31. Owing to complaints of some lawyers and party litigants about the slow progress of their cases, Judge Caguioa, per Ms. Salinas, was constrained to help Atty. Flores in disposing her assigned cases.

- Carmen Diaz, now retired, in her affidavit (Exh. "23") and joint affidavit with Mercedes Onato ("Exh. "24"), declared donating part of what she and co-employees received for copies of the transcript of stenographic notes (TSNs) to defray certain office expenses (Exh. "N-24"). She denies ever presiding over any ex-parte hearing, albeit she admits assisting Judge Caguioa in those hearings. Ms. Diaz also denied having asked for commissioner's fees from Ms. Flor-Ramos, noting that it was the latter's lawyer who voluntarily handed her two P500 bills, one of which she gave to Mercedes Onato to cover payment for the TSNs.

Particularly referring to the Fuentes case handled by one Atty. Gorospe, Ms. Diaz asserts that it was Judge Caguioa who presided over the hearings.

- Teodora Paquito, court interpreter, declared that she never acted as commissioner to receive evidence in ex-parte hearings, her role in such hearings being limited to attending to simple court matters like preparing the minutes of the proceedings and summarizing testimonies of witnesses. He denied having received any fee in such ex-parte hearings.

- Prosecutor Romeo Carbonell, in his Affidavit (Exh. "26"), stated that as trial prosecutor once assigned to the sala of Judge Caguioa, he always attended, when the government's interest is involved, all such ex-parte hearings which respondent Judge Caguioa or his Clerk of Court, when so authorized, conducts. Setting his sight on the ex-parte hearings in the Vida Ramos case and the cases cited by Attys. Gorospe and Doctor, Prosecutor Carbonell belies allegations that Judge Caguioa was not present in those hearings, noting that the

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respondent judge always controlled the proceedings even when he leaves the courtroom from time to time to go to his chambers.

- Attys. Lisa P. Calvi, Jaime Pablito and Alan Mazo separately declared in essence that they appeared several times before the sala of Judge Caguioa, who presided over all ex-parte hearings of cases raffled to his court.

Judge Caguioa, in his Comment dated February 26, 2002 (Exh. "29"), denied all the inculpatory allegations against him. More specifically, the respondent judge stated that he had always assigned his Clerk of Court, Atty. Flores, to conduct the tri-weekly ex-parte hearings until he had to preside over them himself, or at least the Tuesday and Wednesday sessions, in response to lawyers' and litigants' complaints about the slow progress of the ex-parte proceedings before his clerk of court. According to him, he always asked either his stenographer, Carmen Diaz, or interpreter, Teodora Paquito, to assist him whenever he presided over an ex-parte hearing, allowing them to make such harmless remarks as "Present your witness," "Proceed," "Anymore witness, sir," and the like, a practice he does not find irregular since he was always present during the proceedings. He admitted that there were instances when he left the hearing to attend to some other matters in his chambers, which is 2 to 3 meters away from the lawyer's table, but he made it a point to return thereto. He denied authorizing non-lawyers to preside over ex-parte hearings and that he also never authorized the collection of commissioner's fees after learning of a Supreme Court circular prohibiting such collection. With respect to the cases in which Attys. Doctor and Gorospe appeared, Jude Caguioa maintained that he was always present when the said cases were heard ex-parte.

Pursuant to Supreme Court (SC) Circular No. 12 dated October 2, 1986, all RTC Judges are to personally hear all adoption cases and not to delegate to the clerk of court the reception of evidence therein. Notwithstanding Judge Caguioa's denial, ample evidence obtain to show that he had indeed delegated the reception of evidence in at least two (2) adoption cases to his court interpreter. We refer to the certified true copies of (a) the TSNs taken on January 31, 2002 in Spec. Proc. No. 28-A, (Re: Petition for adoption, etc., Sps. Danelia Javier & Julio Javier III [Exh. "N-17"]), (b) Order issued in Spec. Proc. No. 63-A (In the Matter of the Petition for Adoption of Eunice C. Balangi, Sps. Francis Aguinaldo & Esther Bahatan-Aguinaldo (Exh. "N-18"), and the TSNs taken on September 12, 2001 in the aforementioned case (Exhs. "N-19-a" to "N-19-b"). To be sure, these pieces of evidence strongly argue against, if not contradict, Judge Caguioa's posture that it was he who personally heard the adoption cases previously mentioned. Like the Investigating Justice, the Court is inclined to give more credence to the TSNs (Exhs. "N-17," "N-19," "N-19-a" to "N-19-b") and the certified true Copy of the Order dated June 21, 2001 (Exh. "N-18") as proof of Judge Caguioa's failure to strictly adhere to SC Circular No. 12, supra.

Unlike, however, with respect to the non-compliance with SC Circular 12, Judge Ayson's evidence, vis-à-vis his charge on alleged collection of commissioner's fees in ex-parte proceedings in violation of another Supreme Court issuance, i.e., SC Circular No. 50-2001,[28] is far from persuasive. As explained by Ms. Diaz, in her Affidavit (Exh. "23"-Caguioa) and in another Affidavit she executed jointly with Mercedes Onato (Exh. "24"-Caguioa), no fees were collected from the parties, although most lawyers voluntarily gave money for the TSNs and for their snacks. Ms. Diaz' declaration find substantial corroboration from Judge Caguioa's other witnesses. But the more important consideration with respect to this particular charge is that there is absolutely no showing whatsoever that any portion of the amounts lawyers voluntarily gave ended up in the respondent judge's own pocket. Similarly, there is no evidence tending to prove that Judge Caguioa acted with malice or with similar base motivation in allowing some court personnel to participate or assist him in the ex-parte hearings. If at all, Judge Ayson's evidence only exposed Judge Caguioa's lack of circumspection in the performance of some of his judicial mandate.

While admonition with warning may be in order for Judge Caguioa's act of allowing his court stenographer and/or

interpreter to participate in ex-parte hearings, absent any showing to vitiate the bona fides of such act, a heavier penalty should be meted him for his failure to strictly adhere to the prescription of Circular No. 12, series of 1986, of this Court. As recommended by the Investigating Justice, a fine of P10,000.00 should be imposed on the respondent judge.

> D. Judge Ruben C. Ayson versus Judge Antonio C. Reyes for assigning to himself a case without benefit of raffle.

The particular suit upon which the charge against respondent Judge Antonio C. Reyes for allegedly assigning to himself a case without the benefit of raffle refers to Civil Case No. 4892-R (Edgar Avila, et al., vs. Jadewell Corporation). Presented to substantiate the charge were the petitioners in that civil case themselves, namely, Attys. Edgar M. Avila, Ma. Nenita Opiana and Ruth P. Bernabe who affirmed the truth of the allegations they made in their April 1, 2002 joint letter to then Chief Justice Hilario G. Davide (Exh. Q),[29] wherein they stated that – "No raffle was ever conducted in this particular case, as we never signed the 'minutes of the raffle' before or after the afternoon proceedings". The afternoon proceedings adverted refer to the 2:00 p.m. February 26, 2001 setting of Civil Case No. 4892-R on the matter of extension of the Temporary Restraining Order (TRO) issued by Judge Abraham Borreta, as then vice-executive judge, when they (Atty. Avila et al.) were informed by court personnel that the case was assigned to Judge Antonio Reyes. Attys. Opiana and Bernabe uniformly declared that in the morning of February 26, 2001, they were already informed by a personnel from the Office of the Clerk of Court that the Jadewell case was assigned to respondent Judge Antonio Reyes.

On the other hand, Atty. Avila affirmed the truth and veracity of another letter he sent to then Chief Justice Hilario Davide, Jr. in reply to the letter of Atty. Emiliano Gayo, Jadewell Corporation's counsel, who earlier wrote the then Chief Justice, through Deputy Court Administrator Christopher O. Lock, on the matter of raffle of the Jadewell case. On cross-examination, however, Atty. Avila testified not having seen the Certification issued by Clerk of Court Delilah Muñoz, to the effect that the Jadewell case was the subject of a special raffle conducted on February 26, 2001 (Exh. "S") or the Minutes of the Special Raffle held on February 26, 2001 (Exhs. "U" and "R"-Reyes).

Judge Reyes, in his Comment (Exh. "13"-Reyes), which he adopted as part of his direct testimony, denied allegations that he acted on the Jadewell case without the benefit of a raffle, stating that the case was raffled off to him on February 26, 2001 at 2:30 pm in open court. In the same comment, the respondent judge made reference to the February 11, 2002 letter, infra, of Jadewell's counsel, Atty. Emiliano Gayo (Exh. "2"-Reyes), who, in response to respondent's query, explained the circumstances surrounding the controversial raffle.

Respondent Judge Reyes further declared that, in his capacity as Executive Judge, he conducts raffles himself in the presence of the parties' lawyers, with some media people in attendance. Continuing, he said that he conducted a hearing on the Jadewell case in the afternoon of February 26, 2001 to determine the propriety of extending the TRO which then Acting Executive Judge Borreta previously issued and where Attys. Avila and Alim appeared for the petitioners, while Attys. Gayo and Fangayen appeared for respondents Jadewell Corporation and the City of Baguio, respectively. Respondent Judge Reyes identified the TSNs taken during the said hearing of February 26, 2001.

In the same Comment, Judge Reyes further stated that in a letter dated February 14, 2002 addressed to Atty. Delilah Muñoz, complainant Judge Ayson requested a certification concerning the raffle of, among others, the Jadewell case (Annex "M", Comment, Exh. "13"-Reyes); that in answer to Judge Ayson's letter, Atty. Muñoz issued a Certification dated February 14, 2002 stating in paragraph 3 thereof that "Civil Case No. 4892-R, a Petition for Prohibition, etc. filed by Edgar M. Avila, et al. against the City Government of Baguio and Jadewell Corporation on February 23, 2001 was raffled to Br. 61 under Judge Antonio C. Reyes on Special Raffle

conducted on February 26, 2001 xxx before him as the Executive Judge."

Testifying for the respondent judge, Atty. Emiliano Gayo confirmed writing the letter (Exh. "1"-Reyes) dated April 27, 2002 to then Chief Justice Davide, in which he stated the fact that Atty. Johnico Alim was one of the lawyers of the petitioners in the Jadewell case and that during the hearing of February 26, 2001, Civil Case No. 4892-R, was set for raffle and preliminary conference at 2:30 p.m. of that day. He further stated that after the raffle, which was done in the presence of the parties and counsels, Judge Reyes returned to his chambers after advising the parties that he would study the records and call the case at 3:00 p.m.

The Court notes that on the charge under consideration, complainant Judge Ayson lined up three (3) witnesses, uniformly stating that no raffle was conducted in the Jadewell case in the afternoon of February 26, 2001. Arrayed against this account of the three (3) individuals was the testimony of the respondent judge who categorically stated that the Jadewell case was raffled off to him on February 26, 2001 at 2:30 p.m. in open court. The respondent judge further stated that, as Executive Judge, he was the one who conducted the said raffle in the presence of the lawyers, which was even attended by some media people. The respondent judge's aforesaid statement found corroboration from Atty. Emiliano Gayo, who stated in his letter dated April 27, 2002 to then Chief Justice Hilario Davide, Jr. (Exh. "1"-Reyes), that the raffle of said case was conducted in the presence of the parties and their counsels. Mention may also be made of Atty. Gayo's February 11, 2002 letter in response to respondent's query about the raffle of said case which, insofar as pertinent, reads:

> The case was raffled on February 26, 2001 at 2:30 p.m., a Monday, in open court in your sala and presided by you as the Executive Judge in the presence of some of the petitioners who are themselves Attorneys, namely: Edgar M. Avila, Ma. Nenita A. Opiana, Ruth P. Bernanbe (sic), Justinian O. Licnachan and Johnico Alim on the one hand, and City government of Baguio and the undersigned and his associate Atty. Maylene D. Gayo as counsel for Jadewell, on the other hand. Several people from the local media where (sic) also present. Representatives from other branches of the Regional trial Court of Baguio where (sic) there. The case was raffled to RTC 61, the branch you preside. After the raffle and the announcement of the result, you asked the parties to wait until 3:00 p.m. because you were going to study the case in your chamber. We immediately filed our COMMENT AND/OR OPPOSITION [Re Application for Preliminary Injunction and Restraining Order] with MOTION TO DISMISS PETITION which was included in the records that where (sic) brought into your chamber. The case was called at 3:00 p.m. and the counsels of the parties took turns in arguing for there (sic) respective clients and answering questions which you asked of them in the process. We adjourned about 5:00 p.m. (Exh. "2-A"-Reyes [p. 115, Record, Vol. V]).

Additionally, the respondent judge submitted in evidence a certified xerox copy of the Minutes of the Special Raffle held on February 26, 2001 which states that Civil Case No. 4892-R was raffled off to Br. 61 (Exh. "4"-Reyes). As shown in said Minutes, a Special Raffle was attended by, among others, Baguio RTC Clerk of Court Remedios B. Reyes, who conducted the raffle in the presence of representatives of the various branches of the RTC of Baguio. The said Minutes appears to have been signed by the members of the Raffle Committee, namely, respondent Judge Reyes as Executive Judge, and Vice-Executive Judge Abraham Borreta and Judge Villanueva, who certified to its correctness. The existence and authenticity of said Minutes of the Special Raffle have not been successfully controverted and since the Certified Xerox Copy presented by the respondent judge bears the signature of the Clerk of Court, Remedios Reyes, who certified that the same is a Xerox copy of the Minutes, the said document must be given credence.[30]

At bottom then, what is before the Court are conflicting evidence presented by complainant Judge Ayson and respondent Judge Reyes on the raffle (or absence thereof) of the Jadewell case, Civil Case No. 4892-R. Given this perspective, and considering the submission of the Minutes of Special Raffle, supra, it is not amiss to say, as did the Investigating Justice, that this particular charge against Judge Antonio C. Reyes has not been satisfactorily

established. Accordingly, its dismissal for insufficiency of evidence is clearly indicated.

> E. Judge Ruben C. Ayson versus Judge Edilberto Claravall for conduct unbecoming a judge.

On Judge Ayson's complaint against Judge Edilberto T. Claravall for misconduct, it is noted that the parties agreed to submit the same for resolution on the basis of Judge Ayson's Affidavit-Complaint and Judge Claravall's February 18, 2002 letter-comment[31] to the OCA and his December 2, 2002 Counter-Affidavit,[32] without need of formally presenting evidence thereon.

This charge against Judge Edilberto T. Claravall stemmed from an incident which occurred during the judges convention held on June 10, 1999 at the Century Park Hotel, Manila, where Judge Claravall's van hit another vehicle.

In his affidavit of complaint, Judge Ayson alleged in esse the following:

> - Judge Claravall and those inside his van named him (Judge Ayson) as the driver of the offending van, albeit he was not on board the vehicle;
>
> - The next day, Domingo Rodenas, the hotel's chief of security, had him paged at the convention floor and was asked to pay the damage caused to the car allegedly hit by his van the night before;
>
> - His (Judge Ayson's) protestation of innocence notwithstanding, Mr. Rodenas gave him his calling card therein indicating the plate number of the offending van, so that if he (Judge Ayson) changed his mind, he could call him to settle the damage;
>
> - It turned out that the offending van belonged to Judge Claravall, who, when confronted, promised to settle the matter with the hotel guest involved; and
>
> - Judge Claravall's act of falsely imputing to him (Judge Ayson) something constitutes conduct unbecoming of a judge.

In his aforesaid letter-comment, respondent Judge Claravall alleged that:

> - In the evening of June 10, 1999, while driving his van out of the Harrison Plaza parking area, he "accidentally cracked [but hardly noticed] the tail light lens of a car that was parked very close to the van;"
>
> - When the parking attendant called his attention to what happened, two of the judges seated behind called out one after the other for the parking attendant not to worry because "Justice Ayson" would take care of any damage to the car; that the remarks were made in levity;
>
> - He identified himself and gave his name to the parking attendant and asked him to just take note of his van's plate number and to tell the owner of the car that he would be back; and
>
> - He was not aware that the Security Officer of Century Park paged Judge Ayson or that the incident was reported to the former until Judge Ayson so informed him in Baguio, where Judge Ayson asked him to call up the hotel's security officer and settle the car damage; and, that, as promised, he immediately attended to and settled the matter.

Respondent Judge Claravall further stated in his Counter-Affidavit dated December 2, 2002, that complainant Judge Ayson knew about his not being the one who gave out Judge Ayson's name to the parking attendant. Attached to the counter-affidavit is another affidavit executed on April 27, 2002 by Antonio Aquino[33] who confirmed Judge Claravall's account as to who among the occupants of the van told the parking attendant that "Justice Ayson" would take care of the damage.

As may be noted, Judge Ayson has charged Judge Claravall with conduct unbecoming of a judge on the postulate

that the latter implicated him to the minor car accident in question by calling out to the parking attendant that "Justice Ayson" would take care of the resulting damage.

However, Judge Claravall, in his aforementioned Comment and Counter-Affidavit, distinctly recalled stating that it was "one of the judges 'seated behind'" (who) called out to the parking attendant not to worry because "Justice Ayson" would take care of any damage to the car and that another judge gave a similar remark. Notably, Judge Ayson's inculpatory allegations stand without corroborative support. On the other hand, Judge Claravall's denial that he implicated Judge Ayson to the incident in question finds full corroboration from Antonio Aquino who, in his Affidavit of April 27, 2002, supra, confirmed Judge Claravall's statement that it was another judge sitting at the back of the van who gave the name of Judge Ayson to the parking attendant.

On balance then, Judge Ayson's evidence, failing as it does to conclusively establish that respondent Judge Claravall implicated him to the incident in question, cannot support a case for conduct unbecoming of a judge. For this reason, the complaint for that offense against Judge Claravall must fail.

IV.
A.M. NO. RTJ-05-1928 (A.M. OCA IPI No. 02-1485-RTJ): Judge Clarence J. Villanueva vs. Judge Ruben C. Ayson -

Judge Clarence J. Villanueva's complaint (Exh. "A" – Villanueva) for perjury under Article 183 of the Revised Penal Code and serious misconduct against Judge Ruben C. Ayson arose from the Bill of Particulars submitted by the latter in A.M. OCA IPI No. 02-1435-RTJ (Exh. "C" – Villanueva). In it, Judge Ayson pertinently stated:

> The second time I saw the gambling was in the morning of September 27, 2001 in the sala of Judge Amado Caguioa. The card game they played was again "pusoy" ... and there was drinking likewise. The quorum was ... composed of Judge Abraham Borreta, Amado Caguioa, Clarence Villanueva and Antonio Esteves. .... It was only 10:00 a.m. and there in the sala of Judge Amado Caguioa I saw Judges Abraham Borreta, Clarence Villanueva, Amado Caguioa and Antonio Esteves playing pusoy with money bets. ..... They played until 12:00 noon. By noontime we all went to the sala of Judge Abraham Borreta to eat lunch;

Complainant Judge Villanueva tags the reference to their having played "pusoy" from "'10:00 a.m. to 12:00 noon' on September 27, 2001 [as] an absolute lie and amounts to a fabrication of facts" the truth, according to him, being that he (Judge Villanueva) had regular civil cases hearings from 8:30 a.m. up to 12:00 noon of September 27, 2001, as evidenced by the orders issued and minutes of proceedings in the said cases (Exhs. "H" to "T," Perjury). Complainant Villanueva, therefore, maintains that respondent Judge Ayson's untruthful statements in his Bill of Particulars (Exh. "C," Perjury) amounted to perjury.

Testifying for complainant Judge Villanueva, Judge Antonio Esteves declared that Judge Villanueva did not play "pusoy" in Judge Caguioa's chambers at 10:00 a.m. of September 27, 2001; that at 10:00 a.m. of the said date, he went to fetch Judge Caguioa at his office to attend a despedida party for Judge Borreta; that Judge Caguioa was then working and he waited for him (Caguioa) so that they could go together; that Judge Borreta then came also to fetch him about past 10:00 a.m.; that when they were informed that the food was still being prepared, they decided to have a friendly game of "pusoy"; and that Judge Villanueva was not with them because he was then conducting trial.

Judges Antonio Esteves, Amado Caguioa and Abraham Borreta all testified to belie respondent Judge Ayson's allegation that they played "pusoy" with complainant Judge Villanueva on September 27, 2001. In their Joint Affidavit (Exh. "G," Perjury), they stated that, on September 27, 2001 at 10:00 a.m., while waiting for the despedida lunch tendered for Judge Borreta, the three of them invited Judge Villanueva to play but the latter did not join them as he was then hearing cases in his courtroom.

Attys. Galo Reyes and Juris Carl Dacaoi likewise testified to corroborate complainant Judge Villanueva's testimony respecting his being in his courtroom hearing cases in the morning of September 27, 2001.

Testifying for respondent Judge Ayson, Atty. Cristeta Flores identified her Affidavit executed on February 12, 2003 (Exh. "5"-Ayson), wherein she stated seeing Judges Borreta, Villanueva, Caguioa and Esteves gambling in the Justice Hall on September 27, 2001 at about 10:30 a.m. in the courtroom of RTC, Branch 4.

In resisting what basically is a countercharge against him for perjury, respondent Judge Ayson submitted in evidence his underlying affidavit-complaint (Exhs. "A" and "8" – Ayson). He further offered in evidence the Joint Affidavit of Judges Borreta, Caguioa and Esteves (Exh. "11" – Ayson, also Exh. "G," Perjury) to prove that affiants themselves had in fact admitted playing "pusoy" on September 27, 2001 from 10:00 a.m. to 12:00 noon in the courtroom of Judge Caguioa.

The Court finds no merit in the complaint of Judge Villanueva which, at bottom, turns on the question of whether or not what Judge Ayson wrote under oath about the former playing the game of "pusoy" on the date in question is false. As may very well be noted, Judge Borreta, in his Comment dated February 20, 2002 (Exh. "1"-Ayson) submitted to Deputy Court Administrator Christopher Lock, categorically admitted in the 6[th] paragraph thereof that during the despedida party tendered for him on September 27, 2001, he and fellow Judges Caguioa, Villanueva and Esteves played a friendly game of "pusoy", while waiting for food to be served. However, in their Joint Affidavit (Exh. "4"-Villanueva), Judges Caguioa, Esteves and Borreta stated that complainant Judge Villanueva, who was invited to join in their game, declined as he was then hearing cases in his courtroom. Also in his Comment dated February 26, 2002 (Exh. "2"-Ayson), Judge Caguioa admitted that on the date in question, they played "pusoy" first in the courtroom of Judge Villanueva and later in the courtroom of Judge Borreta. There is thus an apparent conflict in the aforesaid comments of Judges Borreta and Caguioa (Exhs. "1" and "2,"-Ayson) and the Joint Affidavit executed by Judges Caguioa, Esteves and Borreta (Exh. "4"-Villanueva) on complainant Villanueva's participation in the friendly game "pusoy". Given such discrepancy and considering further Atty. Cristeta Flores' positive statement in her February 12, 2003 Affidavit (Exh. "5"-Ayson) and testimony that, at about 10:30 a.m. of September 27, 2001, she saw Judges Borreta, Caguioa, Villanueva and Esteves playing "pusoy" in Judge Caguioa's chamber, it may be inappropriate to conclude that respondent Ayson had fabricated his allegation of gambling against complainant Judge Villanueva.

Accordingly, Judge Villanueva's complaint against Judge Ayson is, as recommended by the Investigating Justice, should be dismissed for insufficiency of evidence.

V.
A.M. NO. RTJ-05-1929 (A.M. OCA IPI No. 02-1552-RTJ): Judge Ruben C. Ayson vs. Judge Abraham B. Borreta -

In his letter of August 21, 2002,[34] (Exh. "B") with enclosures, to then Chief Justice Hilario G. Davide, Jr., Judge Ayson charged Judge Borreta with serious misconduct arising from the following set facts alleged in said letter:

> - In July 2000, respondent Borreta, while still a RTC judge of Baguio, entered into a contract of agency with one Purita Llorente, for the sale of a tract of land located in Longlong, La Trinidad, Benguet, part of which the Philippine National Bank (PNB) owned. Ms. Llorente has several pending cases in Baguio courts involving said property;
>
> - A week after, respondent (i.e., Judge Borreta) acquired an authorization from the PNB to work out and secure from the Department of Agrarian Reform and other government agencies the exemption of the property from agrarian reform coverage;

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- Respondent subsequently entered into a contract of Intent to Sell with several entities/groups, among them the Green Meadows Homeowners Association (HOA) I and employees of the city government of Baguio.

- A case for damages has been filed by Benguet Green Meadows, Inc. against one Rose Ann Tabora.

According to Judge Ayson, Judge Borreta's act of entering into transactions/deals involving the above-described may constitute engaging in the private practice of law and violate certain provisions of the Code of Judicial Conduct.

During the investigation, complainant Judge Ayson presented one Rose Ann Tabora, who adopted, as her direct testimony, her Affidavit dated November 22, 2002 (Exh. "C-13"). Among other things, she stated that, on July 18, 2002, complainant Judge Ayson showed her certain documents relating to respondent Judge Borreta's land transactions; that she, in turn, also showed Judge Ayson some documents that were annexed to Civil Case No. 5136-R filed by Benguet Green Meadows, represented by its collector, Lovely Ladignon, against her, consisting, among others, of: 1) acknowledgment receipts of certain down payments; and 2) authorization given by Judge Borreta for Ms. Ladignon to collect payments from buyers. Ms. Tabora also declared in the same affidavit that, per Ms. Ladignon, Judge Borreta was the latter's accomplice in the case filed against her (Ms. Tabora).

In his verified Comment dated November 5, 2002 (Exh. "1" – Borreta), which he adopted as part of his direct testimony, Judge Borreta admitted having entered into an agency agreement with Purita Llorente for the sale of her property located in Longlong, La Trinidad, Benguet through the Community Mortgage Program (CMP). He also admitted Judge Ayson's allegation regarding arrangements taken to exempt the property from agrarian law coverage. He stated, however, that such exemption is one of the requirements of the CMP, a housing and payment scheme the mechanics of which the respondent judge explained in some detail in his comment. And addressing apprehension on cases involving the covered lands being filed in Baguio, Judge Borreta averred that the subject property is situated in La Trinidad, Benguet thus outside the territorial jurisdiction of Baguio courts.

Anent the cases involving landowner Llorente, Judge Borreta belabored to explain that none of the cases was assigned to the branch (Branch 59) of which he was previously the presiding judge. The respondent judge hastens to add that the contract of agency he entered into relates only to a single, regular transaction, the CMP Housing Project in Longlong, La Trinidad, Benguet, which did not interfere in or conflict with the discharge of his judicial functions.

Judge Borreta's witness, Victoria Reyes-Ferrer, submitted her Affidavit which was adopted as part of her direct testimony (Exh. "2" – Borreta). For the most part, the affidavit contained a denial of the statements or acts attributed to her by Ms. Rose Ann Tabora.

Another witness, Lovely Ladignon, in her Affidavit (Exh. "3" – Borreta) which was adopted as her direct testimony, denied Ms. Tabora's testimony that Judge Borreta had anything to do with the civil and criminal cases filed against her (Tabora).

Going over the evidence presented, the Court can concede, as Judge Borreta urges, that there is nothing illegal or immoral per se about his having entered into an agreement with Purita Llorente for the sale of her property and the side transactions concluded to bring the same under the CMP scheme. We cannot, however, turn a blind eye on, first, SC Administrative Circular No. 5 issued on October 4, 1988, which enjoins all officials and employees of the Judiciary from being commissioned as agents or from engaging in any such related activities. The rationale for the injunction is that "the entire time of Judiciary officials and employees must be devoted to government service to ensure efficient and speedy administration of justice." It cannot be denied that securing the desired exemption from agrarian law coverage would mean that the respondent judge has to touch base with different government agencies. In the process, he cannot be devoting his entire time to government service, contrary to

what is prescribed by the aforesaid Administrative Circular.

And lest it be overlooked, Rule 5.02 of the Code of Judicial Conduct also prohibits judges from engaging in activities or entering into dealings, particularly financial, likely to interfere with the performance of their functions or present a conflict-of-interest situation. The provision thus provides:

> Rule 5.02.- A judge shall refrain from financial and business dealings that tend to reflect adversely on the court's impartiality, 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 interest as to minimize the number of cases giving grounds for disqualifications.

The Court has to be sure taken stock of the fact that some of the CMP Project beneficiaries are employees of the Baguio City government. Thus, any personal action involving delinquent amortization payments for the lots shall have to be filed in the proper court of Baguio City. In net effect, Judge Borreta's participation in the CMP Project in question would increase the possibility of his disqualifying or inhibiting himself from acting on or hearing any of such case. Else, he opens himself to doubt not only as to his fairness, but also as to his ability to render decisions free from any suspicion of partiality. This scenario certainly is not in accord with the aforequoted rule. Of course, the undesirable situation sought to be avoided may no longer come to pass, inasmuch as Judge Borreta had already been transferred to another judicial district, i.e., NCR-RTC of Pasig City, Br. 154. However, since the acts complained of occurred during his watch as Presiding Judge of Branch 59, RTC, Baguio, Judge Borreta's transfer is really of little moment in this administrative proceedings.

Like the judge in another disciplinary case charged with, and eventually adjudged guilty of, a similar offense,[35] Judge Borreta ought to be penalized with a fine in the amount of P2,000.00 and warned to be more discreet in his private and business activities.

VI.
A.M. NO. RTJ-05-1930 (A.M. OCA IPI No. 02-1559-RTJ): Atty. Cristeta R. Caluza-Flores vs. Judge Amado S. Caguioa -

In an Affidavit-Complaint executed on February 27, 2002, as supplemented by another Affidavit dated March 1, 2002, Atty. Cristeta R. Caluza-Flores, Branch 4 Clerk of Court of the RTC of Baguio City, charges Judge Amado S. Caguioa with incompetence and improper judicial conduct. In it, she attributes to Judge Caguioa certain acts and personal habits and enumerate incidents/events which she perceives to support her complaint. And in a virtual repeat of what she said when she testified as Judge Ayson's witness in A.M. No. RTJ-05-1927 (A.M. OCA IPI No. 02-1435-RTJ), Atty. Flores stated that Judge Caguioa allowed Stenographer Carmen Diaz and Interpreter Teodora Paquito to receive evidence in ex-parte proceedings and that the stenographers had falsify their TSNs to reflect Judge Caguioa's presence in all such proceedings.

In his Comment to Atty. Flores' Affidavit-Complaint, Judge Caguioa virtually answered point-by-point the inculpatory allegations against him, particularly about his not being present during ex-parte hearings of cases assigned to him. He notes in this regard that the TSNs of the corresponding proceedings would show his presence thereat. And just like what he said with respect to Judge Ayson's basic complaint, respondent Judge Caguioa inter alia alleged that there were instances that he had to leave the courtroom and stay in his chamber to answer telephone calls or the call of nature, but in all the proceedings, he was in control.

Judge Caguioa attached to his Comment the affidavit of Branch 4 Clerk III, Melita Salinas executed on February 14, 2002,[36] which the respondent judge earlier submitted in his defense against the complaint of Judge Ayson in A.M. OCA IPI No. 02-1435-RTJ.

At the outset, it is to be stated that no separate reception of evidence in this particular case was held, the parties' evidence thereon having been offered in the formal hearing of the other cases previously discussed.

In this case, Judge Caguioa is charged with incompetence and improper judicial conduct by his Branch Clerk of Court, Atty. Flores. According to complainant Flores, Judge Caguioa is a slave driver who only sees her and her co-workers' mistakes but not their good points; is a judge who, in dealing with his personnel, uses intemperate words; and one who does not dictate orders in open court but merely requires the stenographer on duty to prepare the orders based on what had been manifested by the parties. Atty. Flores also invites attention to the operation in Baguio City by Judge Caguioa of taxicabs where the words "Your Honor" are painted on the individual units. Respondent Judge Caguioa, so Atty. Flores alleges, is not familiar with the Indeterminate Sentence Law and with the duration and graduation of penalties.

With the view we take of this particular case, what the evidence on record has adequately established is that Judge Caguioa had allowed his stenographer/s and interpreter to make, when called to assist during ex-parte proceeding, remarks that should have been properly made by the judge. This is quite clear from the TSNs of some ex-parte proceedings that were presented by complainant Ayson (Exh. "N-17," "N-19," "N-20," "N-21," and "N-22"). While this aberration is not actionable, Judge Caguioa is advised to revise his system to ensure that he alone presides over all proceedings in his court. His practice, as shown by the TSNs presented in evidence, can very well lead to the impression that the stenographer or interpreter also presided over the said proceedings. This certainly does not enhance the dignity of the court or improve its image. While the respondent judge may, during ex-parte hearings, momentarily leave the courtroom, it behooves him to make it a point that he promptly return to ensure that he alone directs the proceedings. At any rate, the same acts of impropriety have been treated in A.M. No. RTJ-05- 1927 (Judge Ayson v. RTC Judges of Baguio City), for which the corresponding sanction has been meted, as recommended by the Investigating Justice.

As to the other acts complained of by Atty. Flores, like Judge Caguioa being a slave driver, who only sees her and her co-workers' bad points, and about what the respondent judge painted on his taxicabs, the Court, like the Investigating Justice, finds them so trivial to require belaboring. Suffice it to state that judges, like any human being, have their own idiosyncrasis and subject to human limitations.[37] Certainly, perceived personality flaws and human frailties, of which everyone is an heir to, cannot, without more, plausibly be the subject of an administrative complaint.

VII.
A.M. NO. P-05-2020 (A.M. OCA IPI No. 02-1358-P): Hon. Amado S. Caguioa vs. Atty. Cristeta R. Caluza-Flores -

In his Complaint dated March 26, 2002 (Exh. "34"), Judge Amado S. Caguioa would have his Branch Clerk of Court, Atty. Cristeta Caluza-Flores, administratively liable for –

1)
the act of her husband, Manolo, buying a portion of a lot that was subject of an LRC case once pending before the RTC of Baguio (BR. 4) in which his wife is the Branch Clerk of Court, is in violation of Article 1491 of the Civil Code;[38]

2)
bringing home an armalite rifle which, before complainant's assumption to office, was submitted in evidence in Criminal Case No. 7872-R for illegal possession of firearms against accused Sixto Raymundo;

3)

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bringing home the records of two (2) cases, one of which she brought back, with her draft order, almost 9 months after the case was submitted for resolution, and, the other, 18 months after the case was submitted for resolution, together with her draft summary of the evidence;

4)
that in answer to complainant's memorandum on the LRC case, respondent Flores admitted that she forwarded the records to the office of the Clerk of Court (OCC) on March 29, 1995; that she retrieved the records on April 20, 1999 when an unnamed person went to her to check on the status of the case; that respondent Flores was negligent in forwarding to the OCC the records of the case which was still pending; and

5)
failing to set, for an unreasonable length of time, the hearing of five cases.

In her Comment dated December 1, 2002 (Exh. "0-29"-Ayson), respondent Flores stated, in gist, that that the LRC case referred to in Judge Caguioa's complaint was dismissed by the Supreme Court in its decision promulgated on November 29, 1984, adding that her husband acquired a portion of the land in question long after the case had been terminated. With respect to the armalite rifle, respondent Flores claimed having been authorized by then Acting Presiding Judge Benito Dacanay to bring it home, as shown by Judge Dacanay's verified certification stating that he "allowed Clerk of Court, Atty. Cristeta C. Flores to safekeep Exhibit "C," a baby armalite rifle in Criminal Case No. 7872-R" for the reason that there were no safekeeping facilities in the court (Exh. "0-28").

With respect to the records of two (2) pending cases, respondent Flores explained that she bought them home during weekends only to enable her to prepare the corresponding decisions. Anent her supposed failure to set cases for hearing for an unreasonable length of time, respondent explained that the fault respecting thereto lies with Judge Caguioa who "stripped" her of the duty to check the status of cases, which he assigned to another personnel.

Complainant Judge Caguioa presented as witness retired Judge Benito Dacanay who, while admitting having signed the certification adverted to above, nonetheless denied so authorizing Atty. Flores to bring the armalite rifle to her house.

In his report, the Investigating Justice recommended the dismissal of the case against respondent Atty. Flores on the strength of the following premised observations:

> - Atty. Flores' explanation bearing on the latter's act of bringing home, for safekeeping, an armalite rifle submitted in evidence in a pending criminal case is satisfactory.
>
> - She cannot be held accountable for the purchase of a piece of land once the subject of a pending case in her court (Br.4). As explained by respondent Flores, the case in question had, at the time her husband acquired a portion of the land in 1994, long been terminated.
>
> - The charge that respondent Flores had brought home records of two (2) cases and keeping the records of one case for almost 9 months after the case was submitted for resolution and that of another case which she returned, together with her draft summary of the evidence, 18 months later, forwarding to the OCC the records of a case that was still pending and failure to set 5 cases for hearing for an unreasonable length of time, would reflect more on Judge Caguioa's court management. A more systematic management and control of the court by complainant judge could have avoided the very acts he has complained of.

The recommendation and the premises holding it together commend themselves for concurrence. Indeed, respondent Flores has adequately addressed and very well acquitted herself against the allegations against her.

> IN VIEW WHEREOF, the Court RULES, as follows:

- In A. M. NO. RTJ-05-1925 - Grace F. Munsayac-De Villa, et al. vs. Judge Antonio C. Reyes:

The complaint of Grace F. Munsayac C. De Villa, et al. against Judge Antonio C. Reyes is, for insufficiency of evidence, DISMISSED.

- In A.M. No. RTJ-05-1926 - Ramon K. Ilusorio vs. Judge Antonio C. Reyes, RTC Baguio City, Br. 61:

Judge Antonio C. Reyes is FINED in the amount of Thirty Thousand Pesos (P30,000.00) and WARNED that a repetition of similar acts complained of shall be dealt with more severely.

- In A.M. No. RTJ 05-1927 - Judge Ruben C. Ayson v. RTC Judges of Baguio City:

- Judge Clarence J. Villanueva is found GUILTY of immorality and is DISMISSED from the service, with prejudice to his reinstatement or appointment to any public office, including government-owned or controlled corporations, and forfeiture of retirement benefits, if any, except accrued leave credits.

- Judge Abraham B. Borreta, Judge Amado S. Caguioa and Judge Antonio M. Esteves are, for engaging in a friendly game of "pusoy" in court premises, each FINED in the amount of Two Thousand Pesos (P2,000.00) and WARNED against a repetition of such improper conduct. The complaint for gambling insofar as Judge Clarence Villanueva is concerned is DISMISSED.

The complaint against all the respondent judges for drinking is DISMISSED.

- Judge Amado S. Caguioa is FINED in the amount of Ten Thousand Pesos (P10,000.00) for not strictly adhering to the prescription of Supreme Court Circular No. 12 dated October 2, 1986 and ADMONISHED and WARNED to stop the practice of allowing court stenographers and/or interpreters to participate in ex-parte hearings.

- The complaint against Judge Antonio C. Reyes insofar as it charges him for assigning to himself a case without benefit of raffle is DISMISSED.

- The complaint insofar as it charges Judge Edilberto Claravall for conduct unbecoming a judge is DISMISSED.

- In A.M. No. RTJ-05-1928 - Judge Clarence J. Villanueva vs. Judge Ruben C. Ayson:

The complaint of Judge Clarence Villanueva against Judge Ruben C. Ayson is DISMISSED for insufficiency of evidence.

- In A.M. No. RTJ-05-1929 - Judge Ruben C. Ayson vs. Judge Abraham B. Borreta:

Judge Abraham B. Borreta is, for violation of the injunction prescribed under Rule 5.02 of the Code of Judicial Conduct, in relation to SC Administrative Circular No. 5, FINED in the amount of Two Thousand Pesos (P2,000.00) and WARNED to be more discreet in his private and business activities.

- In A.M. No. RTJ-05-1930 - Atty. Cristeta R. Caluza-Flores vs. Judge Amado S. Caguioa:

The complaint of Atty. Cristeta R. Caluza-Flores against Judge Amado S. Caguioa is DISMISSED.

- In A.M. No. P-05-2020 - Hon. Amado S. Caguioa vs. Atty. Cristeta R. Caluza-Florez:

The complaint of Judge Caguioa against his clerk of court, Atty. Cristeta R. Caluza–Flores, is DISMISSED.

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SO ORDERED.

Panganiban, C.J., Puno, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Carpio Morales, Callejo, Sr., Azcuna, Tinga, Chico-Nazario, and Garcia, JJ., concur.
Corona, J., no part in the cases involving Judge Antonio C. Reyes.
Velasco, Jr., J., no part due to prior action of OCA.

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[1] CA Rollo, Vol. l, pp. 131-135.

[2] Id. at 11-15.

[3] CA Rollo, Vol. IV, pp. 43-56.

[4] CA Rollo, Vol. 1, pp. 213 et seq.

[5] CA Rollo, Vol. III, p. 451.

[6] CA Record, Vol. I, p. 65.

[7] SEC. 8. Imprisonment until order obeyed.- When the contempt consists in the refusal or omission to do an act which is yet in the power of the respondent to perform, he may be imprisoned by order of the court until he performs it.

[8] Alcaraz v. Lindo, MTJ-04-1539, April 14, 2004, 427 SCRA 142, citing Santos v. Orlino, RTJ-98-1418, September 25, 1998, 296 SCRA 101.

[9] Cortes v. Chico-Nazario, A.M. No. SB-04-11-J, February 13, 2004, 422 SCRA 541.

[10] Cruz v. Alino-Hormachuelos, A.M. No. CA-04-38, March 31, 2004, 426 SCRA 588.

[11] Exh. "22-A"-Reyes.

[12] CA Rollo, Vol. IV, 125 et seq.

[13] CA Rollo, Vol. IV, p. 143.

[14] CA Rollo, Vol. VII, pp. 19 et seq.

[15] Judge Lacurom v. Magbanua, A.M. No. P-02-1646, January 22, 2003, 395 SCRA 589.

[16] Balderama v. Alagar, RTJ-99-1449, January 18, 2002, 374 SCRA 59; Caneda vs. Alaan, MTJ-01-1376, January 23, 2002, 374 SCRA 225.

[17] Malaggan v. Mabazza, A.M. No. P-01-1493, December 27, 2002, 394 SCRA 297.

[18] Bangco v. Gatdula, MTJ-00-1297, March 7, 2002, 378 SCRA 534.

[19] Sec. 23, Rule 132 of the Rules of Court.

[20] Adm. Matter No. RTJ-90-447; July 12, 1991, 199 SCRA 75.

[21] A.M. No. 97-2-53 RTC, July 6, 2001, Re: Complaint of Mrs. Rotilla A. Marcos et al., Against Judge Ferdinand J. Marcos, 360 SCRA 539.

[22] CA Rollo, Vol. VI, p. 68.

[23] Rollo, Vol. I, p. 16.

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[24] CA Rollo, Vol. I, p. 167.

[25] CA Rollo, Vol. I, p 48.

[26] A.M. No. RTJ-99-1431, January 23, 2002, 374 SCRA 255, citing Bedural v. Edroso, A.M. No. 00-1395, October 12, 2000, 342 SCRA 593.

[27] A.M. No. RTJ-02-1677, February 28, 2002, Araos vs. Luna-Pison, 378 SCRA 246.

[28] Prohibits Clerks of Court from collecting compensation for services rendered as commissioners in ex-parte proceedings; CA Rollo, Vol. I, p. 190.

[29] CA Rollo, Vol. IV, pp. 353-355.

[30] SEC. 2 Proceedings to be recorded.- The entire proceedings of a trial or hearings ... shall be recorded by means of shorthand or stenotype or by other means of recording found suitable by the court. A transcript of the record of the proceedings made by the official stenographer, stenotypist or recorder and certified as correct by him shall be deemed prima facie a correct statement of such proceedings. (Rule 132, Rules of Court).

[31] CA Record, Vol. I, pp. 503 et seq.

[32] CA Record, Vol. III, p. 506 et seq.

[33] Id. at 510 .

[34] CA Rollo, Vol. IV, pp. 65-67.

[35] Berin, et al. v. Judge Felix P. Barte, A.M. No. MTJ-02-1443, July 31, 2002, 385 SCRA 527.

[36] CA Rollo, Vo. VII, pp. 222-223.

[37] Misajon v. Feranil, A.M. No. RTJ-04-1872, October 18, 2004, 440 SCRA 332.

[38] which prohibits "Justices, judges, xxx clerks of superior and inferior courts, xxx," from acquiring by purchase, xxx xxx xxx, either in person or through the mediation of another;

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