ALBERTO GUINTO, COMPLAINANT, VS. JUDGE RODRIGO R. FLORES AND COURT INTERPRETER, CANDELARIA MANGULABNAN, MTCC, BRANCH 2, CITY OF SAN FERNANDO, PAMPANGA, RESPONDENTS.

A.M. NO. MTJ-02-1399 (FORMERLY OCA IPI NO. 99-813-MTJ). August 10, 2006

Ponente: CORONA, J.

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CORONA, J.:

In a sworn complaint dated October 7, 1999, complainant Alberto Guinto charged Candelaria Mangulabnan, Court Interpreter of the Municipal Trial Court (MTC),[1] Branch 2, of San Fernando, Pampanga, of grave misconduct and violation of RA 3019 (Anti-Graft and Corrupt Practices Act),[2] in connection with an election protest case, docketed as Election Protest No. 97-04, entitled Alberto Guinto v. Dario Manalastas.

In another sworn complaint dated October 14, 1999, Guinto accused Judge Rodrigo R. Flores of the same court of failure to render a decision[3] within the 90-day required period in an election protest case and for violation of RA 3019.

In both complaints, Guinto alleged that he was a party to an election case raffled to respondent judge. He was a candidate for barangay chairperson in the 1997 barangay elections in which he lost to Manalastas. He averred that Judge Flores and Manalastas connived to delay the resolution of the case for monetary consideration. He claimed that the election case was filed in May 1997 and, until the filing of the present complaint, respondent judge had yet to officially promulgate his decision on the matter.

Complainant likewise contended that while the case was pending, respondent judge went to his office and borrowed P5,000. Complainant was, at the time, the chief of security of Pampanga Sugar Development Co. After he gave the money to respondent judge, the latter promised to resolve the election protest case immediately.

Complainant further alleged that respondent judge, with a female companion, again went to his office and asked him out to lunch. Complainant paid for their lunch, including the food that respondent judge ordered for "take-out."

Sometime during the first week of December 1998, respondent judge once more went to his office and asked for a sack of sugar and, just a few days before Christmas, for two more sacks.

In August 1999, respondent judge released a decision adverse to complainant. Guinto confronted Judge Flores who told him it was released without his knowledge. Respondent judge claimed that respondent Candelaria Mangulabnan inserted the decision among the piles of documents that he signed. He claimed he did not notice that it was one of those documents.

On the issue of delay in the resolution of the election protest case, respondent judge averred that he constituted a revision committee soon after the issues were joined to hasten the recount of the ballots. The committee, however, failed to convene due to recurring floods in their area. The ballots were also soaked wet by the flood and the committee had to wait for them to dry before it could resume its meetings. Respondent judge added that a

mandamus case filed against him by Manalastas also took much of his time so he failed to resolve the case within the reglementary period.[4]

Respondent Mangulabnan, on the other hand, denied that she surreptitiously inserted the decision among the documents Judge Flores signed. According to her, Judge Flores voluntarily and knowingly signed the decision and in fact instructed her to release a photocopy of the decision to protestee Manalastas' counsel.[5]

The complaints were referred to the Office of the Court Administrator (OCA) for investigation, report and recommendation. On November 28, 2001, the OCA submitted its report and recommendation.[6] This Court, in a resolution[7] dated February 13, 2002, adopted the recommendation of OCA to consolidate the complaints and refer them to the executive judge of the Regional Trial Court of San Fernando, Pampanga, for proper investigation, report and recommendation.

After several hearings, Judge Adelaida Ala-Medina, the investigating officer, submitted her report to the Court on May 20, 2003.[8] In the report, she stated that during her investigation, respondent judge never once refuted the charges against him. Neither did he deny or attempt to offer any explanation. Surprisingly, complainant also submitted an affidavit[9] recalling his accusations against respondents. He allegedly "committed a mistake" in filing the administrative cases against them. At this instance, respondent judge then sought the dismissal of the complaint against him.

The investigating officer, however, found evidence that respondent Mangulabnan acted as Judge Flores' conduit in soliciting money from the litigants. She maintained though that she was only tasked by Judge Flores to pick up the P20,000 he "borrowed" from protestee Manalastas. In the same investigation, Manalastas' counsel confirmed that his client gave Judge Flores that amount through Mangulabnan.

The investigating officer stated in her report:

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> Mangulabnan should have been aware that respondent judge, in asking money from litigants, was engaging in an illicit activity and she was being made a party thereto. She facilitated the transfer of the money between the parties by acting as conduit, thereby protecting the parties from suspicion and concealing the misdeed. She is well aware that the mission assigned to her by Judge Flores was unlawful but she still undertook the task willingly. That she did not desist from taking part therein, or report the matter promptly to the authorities, constitutes grave misconduct. xxx It is thus recommended that, for her part, in respondent judge's corrupt scheme, respondent Mangulabnan be dismissed from service, with forfeiture of all her benefits except leave credits.
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> In the light of all the circumstances surrounding this case, notwithstanding the recantation of the complaint, the undersigned is convinced that Judge Flores is guilty of serious misconduct, which are corrupt acts inspired by an intent to violate the law or persistent disregard of well-known legal rules. Extorting money from a party litigant, whose case is pending before one's court is serious misconduct by a judge. This is what Judge Flores did in this case. He took Php20,000.00 from party-litigant Manalastas [prostestee] and Php5,000.00 from complainant. Though Judge Flores insists that the money he received from Manalastas was only a loan, as if this would make a difference. Receiving a loan from a litigant that a judge has no intention of paying is still serious misconduct by the judge.
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> xxx. Inasmuch as respondent judge had already been dismissed from the service in the case of Velez vs. Judge Flores, A.M. No. OCA-IPI-00-901-MTJ, it is recommended that he instead be fined in the amount of

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Php40,000, in accordance with said Rule 140.[10] (emphasis supplied)

We agree with the foregoing findings. Respondent judge's conduct of "borrowing" money from litigants in his sala was highly improper and warrants extreme sanction from this Court. His insistence that the money he got from Manalastas was merely a "loan" taxes our credulity. In a recent case,[11] we ruled that receiving money from litigants unavoidably creates the impression that litigants can facilitate the favorable resolution of cases pending before the courts.

A judge should impress upon the public that legal issues are resolved based solely on the facts and the laws applicable. Being at the forefront of the judicial system, respondent judge should have avoided impropriety and the appearance of impropriety in his behavior[12] so as not to corrode the people's respect for the law and judicial institutions.

Respondent judge degraded his office when he took freebies from complainant. The public holds judges in high esteem due to the integrity and probity that qualify them for the job. It was thus highly improper for respondent judge to take free meals and goods from complainant. By his conduct, he put the whole bench in disrepute.

Under the amendments to Rule 140 of the Rules of Court,[13] the actuation of respondent judge qualified as serious misconduct punishable by a fine of P20,000 to P40,000 to dismissal from the service, forfeiture of all or part of one's benefits and disqualification from appointment to any public office.

On the issue of delay, we rule respondent judge to be guilty as charged. When the complaint against him was filed on October 14, 1999, he had yet to resolve the election protest case. That was more than two years from the time the election case was raffled to his sala.

Under the same amendment,[14] failure to resolve a case within the reglementary period provided by law is classified as a less serious charge. The penalty is suspension from office without salary and other benefits for not less than one or more than three months, or a fine of more than P10,000 but not exceeding P20,000.

Judge Flores was already dismissed from the service in Velez v. Judge Flores.[15] We therefore impose on him a fine of P40,000 for serious misconduct and another P10,000 for delay in the resolution of Election Protest No. 97-04.

With respect to respondent Mangulabnan, we find that she, indeed, acted as a conduit in the solicitation of money from the litigants. While she claimed that she did so only under the instruction of respondent judge, we believe, however, that respondent Mangulabnan was not at all ignorant of what respondent judge had asked her to do. She knew it was illegal for Judge Flores to "borrow" money from litigants who had pending cases in his sala. She was aware that it was wrong yet she still allowed herself to be a part of respondent judge's immoral activities.

Her complicity notwithstanding, the penalty of dismissal from the service is too harsh considering that this appears to be her first offense.

It is the sacred duty of everyone charged with the dispensation of justice, from the judge to the lowliest clerk, to maintain the court's good name and standing as true temples of justice. Circumscribed with the heavy burden of responsibility, their conduct must not only be characterized with propriety and decorum but, above all else, beyond suspicion.[16]

WHEREFORE, respondent Judge Rodrigo Flores is hereby found GUILTY of serious misconduct and delay in the resolution of Election Protest No. 97-04, and is ordered to pay a total of P50,000 as FINE. Respondent Candelaria Mangulabnan is likewise found GUILTY of serious misconduct and is hereby suspended for a period of one (1) year, with a stern warning that the commission of the same or similar acts will be dealt with more

severely.

Let copies of this resolution be furnished the Office of the Ombudsman and the Department of Justice for the investigation of respondents, Judge Rodrigo Flores and Candelaria Mangulabnan, for violation of RA 3019.

SO ORDERED.

Puno, (Chairperson), Sandoval-Gutierrez, Azcuna and Garcia, JJ., concur.

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[1] Presently the Municipal Trial Court in Cities.

[2] OCA IPI No. 01-0138-P.

[3] OCA IPI No. 99-813-MTJ.

[4] Dario Manalastas, the protestee in the election protest case, filed a petition for prohibition and mandamus against respondent Judge Flores following the alleged unauthorized release of the decision in said election case.

[5] Comment dated December 15, 1999, rollo, pp. 379-380.

[6] Id., p. 345.

[7] Id., p. 349.

[8] Id., pp. 487-492.

[9] Id., pp. 443-444.

[10] Id., pp. 490-492. (Citations omitted)

[11] Saraza v. Tam, A.M. No. P-04-1896, 12 January 2005, 448 SCRA 57.

[12] Canon 4, Section 1, New Code of Judicial Conduct for the Philippine Judiciary.

[13] A.M. No. 01-8-10-SC (Re: Amendment of the Rules of Court on the Discipline of Judges and Justices).

[14] Id.

[15] 445 Phil. 54 (2003).

[16] Basco v. Gregorio, 315 Phil. 681 (1995).

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