

ADARLINA G. MATAGA, COMPLAINANT, VS. JUDGE MAXWELL S. ROSETE, MUNICIPAL TRIAL COURT IN CITIES OF SANTIAGO CITY AND PROCESS SERVER GASAT M. PAYOYO, MUNICIPAL TRIAL COURT, CORDON,...

A.M. No. MTJ-03-1488. October 13, 2004

Ponente: YNARES-SATIAGO, J.

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YNARES-SATIAGO, J.:

The imperative and sacred duty of each and everyone in the court is to maintain its good name and standing as a temple of justice.[1] The Court condemns and would never countenance any conduct, act or omission on the part of all those involved in the administration of justice which would violate the norm of public accountability or tend to diminish the faith of the people in the judiciary.[2]

In a verified complaint dated June 12, 2002, Adarlina G. Mataga, a retired Court Stenographer 1 of the Municipal Trial Court of Santiago City, Isabela, charged Judge Maxwell S. Rosete and Process Server Gasat M. Payoyo with Dishonesty and Misconduct in connection with the encashing of the check representing her terminal pay.[3]

Complainant alleged that she applied for disability retirement because she was suffering from Organic Brain Syndrome Moderate to Severe Secondary to Cerebro-Vascular Accident (Thrombosis). Complainant's application was approved on January 30, 1996,[4] and consequently, Disbursement Voucher No. 101-96-03-8924[5] for One Hundred Sixty Five Thousand Five Hundred Thirty and 8/100 Pesos (P165,530.08) and the corresponding Land Bank Check No. 37021[6] were prepared in the name of complainant. The check was released to respondent Payoyo who turned it over to Judge Rosete.[7]

Sometime in March 1996, respondent Payoyo brought complainant to the house of respondent Judge Rosete, where she was given the amount of P44,000.00 as her terminal pay. It was only subsequently that complainant came to know that the disability retirement benefit granted to her was in the amount of P165,530.08, which respondents did not deliver to her.

When asked to comment,[8] respondent judge denied the complainant's allegations. He stated that complainant has not been to his house in Quezon City, nor has he given the complainant the sum of P44,000.00 as her terminal pay. Respondent judge, however, admitted that the check representing the retirement benefits of the complainant was indeed turned over to him by the Supreme Court security guard after it was misplaced by his co-respondent, Payoyo. Upon his receipt of complainant's check, respondent judge immediately handed the same to Payoyo because he knew that complainant had requested the latter to follow up her check.

For his part, respondent process server Payoyo denied the accusations against him. He claimed that he did not know complainant personally. Respondent judge instructed him to claim complainant's disability check, which he did. Respondent judge then told him to encash the check at the Land Bank of the Philippines, Taft Avenue Branch and to proceed to the former's house to meet complainant and her son. There, he turned over the full amount of

complainant's disability benefit.

The case was referred to Judge Fe Albano Madrid, the Executive Judge of the Regional Trial Court of Santiago City, Isabela, for investigation, report and recommendation.[9] On July 9, 2003, Judge Madrid submitted her report,[10] wherein she recommended that the complaint be dismissed in view of the admission of the complainant that she has received the full amount of her benefits as early as March 17, 1996, as evidenced by a receipt which bore her signature.[11]

After noting the report of Judge Albano Madrid, we resolved to refer the case to the Office of the Court Administrator (OCA) for evaluation, report and recommendation.[12] The OCA recommended that, in view of the failure to thresh out the material contradictions between the allegations of the complainant and the assertions of the respondent, the case be returned to the investigating judge for further investigation, report and recommendation.[13] On December 10, 2003, we resolved to return the case to Judge Albano Madrid.[14]

After conducting another investigation of the case, Judge Albano Madrid submitted her report, stating that during the second investigation, complainant made it clear that she had no more complaint against respondent judge provided that the latter will give her the money. Rather, the complaint was directed at the dishonesty of respondent Payoyo in his dealings with the complainant.

After reviewing the records of this case, we hold that the complaint against respondent judge should be dismissed.

Any administrative complaint leveled against a judge must always be examined with a discriminating eye, for its consequential effect are by their nature highly penal, such that the respondent judge stands to face the sanction of dismissal or disbarment.[15] Mere imputation of judicial misconduct in the absence of sufficient proof to sustain the same will never be countenanced. If a judge should be disciplined for misconduct, the evidence against him should be competent.

When an administrative charge against a judge is determined to have no basis whatsoever, we will not hesitate to protect him against any groundless accusation that trifles with judicial process. We will not shirk from our responsibility of imposing discipline upon employees of the Judiciary but neither shall we hesitate to shield the same employees from unfounded suits that only serve to disrupt rather than promote the orderly administration of justice.[16]

On the other hand, respondent Payoyo should be held administratively liable. As correctly pointed out by the investigating judge:

x x x x x x x x

From the conduct and actuations of Mr. Gasat Payoyo, together with his confusing testimony, it is clear that he was not honest enough when he gave the proceeds of the terminal leave benefits of the complainant. He was able to collect P165,530.00. He lost the check. It was found and given to the security guard of the Supreme Court who in turn gave it to Judge Rosete who gave it back to Gasat Payoyo who he knew was the one authorized by Ms. Mataga to release it from the Supreme Court. By virtue of his special power-of-attorney Mr. Payoyo encashed the check but he did not give all of it to the complainant. But the complainant must have accepted the amount given to her pursuant to an agreement she had with Mr. Payoyo. It is hard to imagine that Ms. Mataga authorized Mr. Payoyo to follow-up her retirement benefits without any consideration whatsoever.

Six years later the complainant's daughter complained why her mother accepted a lesser amount than what was indicated in the check. She urged her mother to file a complaint with the Supreme Court against both Gasat Payoyo and Judge Rosete. The daughter must have suspected that Judge Rosete had something to do with the lesser amount delivered to her mother because she found out that the lost check had been given to Judge Rosete and yet the latter did not give the check to her mother but instead returned it to Payoyo for

encashment.

When Gasat Payoyo was apprised that the complaint was scheduled for investigation, he got scared. Before the scheduled date of hearing on June 11, 2003 he went to talk to the complainant and agreed to give her P100,000.00 provided she will sign a receipt antedated March 17, 1996 to show that he actually delivered the full amount of the check to her. He presented this as evidence during the investigation. Because of their agreement about the receipt, the complainant gave a vague and confusing testimony regarding it.

It is clear that the complainant did not receive the full amount of her terminal leave benefits. As to how much she received, the complainant said she only received P40,000.00. But Gasat Payoyo said he gave it all. Nevertheless there was an agreement between the complainant and Payoyo regarding the amount received by the complainant which was satisfactory to both of them. Thus Ms. Mataga should not have any cause to complain. But her daughter believed that her mother was taken advantage of because of her illness.

Judge Maxwell Rosete denied any participation in the follow-up and encashment of the check representing the terminal leave benefits of the complainant. There is no reason to doubt this inspite of the statements given by Gasat Payoyo in his supplemental affidavit which he admitted were not true. To absolve himself, the respondent Payoyo by himself or upon the advice of others, tried to put the blame on Judge Rosete. x x x

Subsequently M. Payoyo became more worried and became more scared of what he did. He could not face Judge Rosete. So he refused to appear in the scheduled investigation. But finally he appeared and admitted that the contents of his supplemental affidavit are not true.

The Investigating Judge believes that it was the initial dishonesty of the respondent Mr. Gasat Payoyo in not delivering to the complainant the full amount of her terminal leave benefits minus only a reasonable amount for his efforts in following it up, that led to the filing of the complaint. His efforts to cover up what he did by paying the complainant and falsifying the date of a receipt compounded his fault. He aggravated it more when he attempted to maliciously implicate his co-respondent in the commission of his dishonesty. x x x.[17]

The behavior of everyone connected with an office charged with the dispensation of justice, from the presiding judge to the clerk of lowest rank, should be circumscribed with a high degree of responsibility.[18] The image of a court, as a true temple of justice, is mirrored in the conduct, official or otherwise, of the men and women who work thereat. Judicial personnel are expected to be living examples of uprightness in the performance of official duties to preserve at all times the good name and standing of the courts in the community.[19]

The acts of the respondent Payoyo in not giving to the complainant the full amount of her terminal leave benefits minus reasonable expenses that he incurred in making a follow-up of its release; his efforts at covering the same by paying the complainant and by falsifying the date of the receipt for such payment and his aborted attempt to maliciously implicate his co-respondent judge, all fall short of the measure of uprightness expected of judicial personnel. For respondent Payoyo's dishonesty, he should be suspended for a period of six months.

WHEREFORE, the complaint filed against respondent Judge Maxwell S. Rosete is DISMISSED for lack of merit. Respondent Process Server, Gasat M. Payoyo, is found GUILTY of Dishonesty and is SUSPENDED for a period of SIX MONTHS. Respondent Payoyo is WARNED that a repetition of this or any similar act will be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J. (Chairman), Quisumbing, and Carpio, JJ., concur.
Azcuna, J., on leave.

- [1] Ma. Corazon M. Andal v. Nicolas A. Tonga, A.M. No. P-02-1581, 28 October 2003, 414 SCRA 524.
- [2] Renato M. Daguman v. Melvin Bagabaldo, A.M. No. P-04-1799, 31 March 2004.
- [3] “Malayang Sumbong Sinumpaang Salaysay”, Rollo, pp. 1-3.
- [4] Supreme Court En Banc Resolution dated January 30, 1996, Rollo p. 4.
- [5] Rollo, p. 5.
- [6] No copy of the check was included in the records of this case but reference to it were made not only in page 1 of the complaint but also in the disbursement voucher.
- [7] Rollo, p. 7.
- [8] First Indorsement dated June 25, 2002 and addressed to Judge Rosete by Court Administrator Presbitero J. Velasco, Jr., Rollo, p. 8.
- [9] Supreme Court First Division Resolution, Rollo, p. 27.
- [10] Rollo, pp. 30-32.
- [11] Id., p. 38.
- [12] Resolution of the Supreme Court First Division dated July 28, 2003, Rollo, p. 76.
- [13] Rollo, pp. 78-84.
- [14] Id., p. 86.
- [15] Atty. Cea v. Judge Paguio, A.M. No. MTJ-03-1479, 17 February 2003, 397 SCRA 494.
- [16] Felicidad B. Dadizon v. Judge Enrique C. Asis, A.M. No. RTJ-03-1760, 15 January 2004, citing Francisco v. Leyva, 364 Phil. 1 (1999).
- [17] Rollo, pp. 91-92.
- [18] Luzita Alpeche v. Expedito B. Bato, A.M. No. P-02-1592, 15 October 2003, 413 SCRA 530.
- [19] Baldomero de Vera Soliman, Jr. v. Princesito D. Soriano, A.M. No. P-03-1705, 2 September 2003, 410 SCRA 225.

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