MARISSA M. GORDON AND JOSE B. NAVARRO, COMPLAINANTS, VS. JUDGE FRISCO T. LILAGAN, REGIONAL TRIAL COURT, BRANCH 34, TACLOBAN CITY, RESPONDENT.

A.M. No. RTJ-00-1564. July 26, 2001

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

Two administrative complaints, one by Marissa M. Gordon, Legal Researcher II and the second by Jose B. Navarro, were filed against Judge Frisco T. Lilagan, Presiding Judge of the Regional Trial Court of Tacloban City, Branch 34.

In a letter-complaint filed with the Office of the Court Administrator on December 14, 1999,[1] complainant Jose B. Navarro alleged that respondent judge falsified his certificate of service from December 1996 and was able to receive his salary. Navarro also alleged that the wife of respondent judge presides over the meetings of the clerks of court when respondent was still the Executive Judge. Complainant further averred that Mrs. Lilagan is engaged in selling shoes, bags and "symmetry products" at the Bulwagan ng Katarungan of Tacloban City. Respondent judge was also charged with using the money of the Province of Leyte in his personal trips to Manila.

In the second letter-complaint filed with the OCA on December 27, 1999,[2] Marissa M. Gordon, Legal Researcher II of the RTC of Tacloban City, Branch 34, alleged that on December 16, 1999, Mrs. Lilagan maltreated her inside the chambers of respondent judge without any provocation. As proof of the injuries she sustained, complainant submitted a medical certificate that she was examined and treated on December 17, 1999 at the Tacloban City Hospital which showed that she suffered from hematoma.[3] In the complaint, Gordon narrated that upon being summoned to his chambers by respondent judge on December 16, 1999, she was followed by Mrs. Lilagan inside who, upon closing the door and without any provocation, gripped her upper arms tightly from behind and violently shook her from side to side causing intense pain and multiple hematoma in her upper arms.

Gordon further alleged that Mrs. Lilagan, who was not a court employee, was always at the office of respondent judge and was engaged in the business of selling "Newport" bags, shoes and "Symmetry" (food supplements) products to lawyers and court personnel. Complainant also stated that Mrs. Lilagan acted as an "alter ego" of respondent judge and practically ran and managed the court since she calls and presides over court staff meetings, assigns staff workloads and discusses the merits of decisions and resolutions, sometimes even with the lawyers and parties-litigants. According to complainant, all these acts of Mrs. Lilagan were "being allowed and tolerated with pride" by respondent judge.

In response to Navarro's complaint, respondent judge commented,[4] among others, that when he received the First Indorsement from the OCA to comment on the complaint, he immediately went to the address of the complainant and discovered that Jose B. Navarro is a fictitious name and that no such person resided in the address stated in the complaint. Respondent judge admitted that his wife stays in his office but argued that this act

does not violate any Supreme Court Circular. With regard to the charge of falsification of his certificate of service, respondent judge alleged that no evidence was presented by complainant to prove the same and that the contents of the letter-complaint of Jose B. Navarro were mere fabrications.

As to Gordon's letter complaint, respondent judge denied the allegations of the complaint with regard to the December 16, 1999 incident, contending that the same were designed to seek vengeance because he disapproved Gordon's request to go on leave to take the Bar Examinations. He further stated that he recalled the voucher of the complainant for the Legal Researcher's Conference when he discovered that the amount requested by complainant was "too much and without his imprimatur," as a result of which, complainant was not able to attend said conference. Respondent judge vehemently denied the allegations that his wife was engaged in selling shoes, bags and "Symmetry" products. However, he admitted that his wife assisted him in his caseload considering that she was previously employed in the judiciary as a Legal Researcher of the Regional Trial Court of Pangasinan, Branch 51 for almost four years until she resigned to run for public office in Dolores, Eastern Samar. He averred that he requested his wife to go over the records to pinpoint problem areas and to suggest measures to rectify the same and to improve the system of case monitoring.

The OCA, upon evaluation, recommended that: 1) the case be docketed as a regular administrative matter; and 2) the case be referred to a consultant of the OCA for investigation, report and recommendation.

In a Resolution dated July 3, 2000,[5] the Court resolved to: a) docket the case as a regular administrative proceeding; and b) refer the case to Associate Justice Godardo A. Jacinto of the Court of Appeals for investigation, report and recommendation.

At the hearing called by the Investigating Justice, the parties stipulated on the following issues:

> - Whether respondent allows his wife to interfere in his judicial functions or in the activities of the court;
>
> - Whether respondent judge allows his wife to have access to court records;
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> - Whether respondent judge allows his wife to conduct business within the court premises; and
>
> - Whether on December 16, 1999 at 9:00 a.m., complainant was manhandled by respondent's wife in his chambers in the presence of respondent, and whether or not respondent Judge had something to do with this incident, or may be blamed for this incident.

In resolving the foregoing issues, Justice Jacinto made the following factual findings:

> On December 16, 1999 at about 9:00 o'clock in the morning Gordon was called by Judge Lilagan to the chambers through a buzzer. At that time the court personnel present were Edissa Cui-Sampo, Rachel Ramos and Ma. Luz P. Ramones. Aside from them Mrs. Lilagan and some other employees were also present. When she went inside the chamber Mrs. Lilagan followed and closed the door. Without any provocation and with no apparent reason, she started manhandling her by gripping her upper arms from behind using both hands with a strong force causing pain, shaking her from side to side and pushing her down. What Mrs. Lilagan did caused her intense pain producing multiple hematoma to her upper arms considering that she is taller, stronger and much bigger than her body built.[6]

To support her claim that she suffered hematoma, complainant submitted a Medical Certificate issued by Dr. Leo B. Lagado of the Tacloban City Hospital,[7] pursuant to a request for its issuance sent by the Chief of Police of Tacloban City.[8]

Respondent denied complainant's allegation and claims that the manhandling incident did not take place. Corroborating respondent's denial, witness Sherwin Roncal, RTC-Branch 34 Utility Worker, stated in his

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affidavit[9] that the door of the chambers was half-open when complainant was inside the chambers; that through the said opening, he did not see Mrs. Lilagan hold complainant; that what he observed inside the chambers was that Mrs. Lilagan told complainant "Why are you spreading bad things against me outside? I am trying to respect you, you are not harmed and yet you are doing that," after which complainant stood up, pointed a finger at Mrs. Lilagan while uttering some words and then went out.

Respondent's witness, Ma. Luz Ramones, also stated in her affidavit[10] that she did not hear any commotion inside the chambers when complainant was there with respondent and Mrs. Lilagan in the morning of December 16, 1999; that when complainant emerged from the chambers she did not notice anything unnatural or unusual in her actions; that complainant did not act like she was in pain or suffered injuries in her arms.

Another witness, Rosemarie Macaya, stated in her affidavit[11] that in the morning of December 16, 1999 she also did not notice anything unusual in complainant's actions; that neither did complainant complain during all the time she was in the office that she suffered pain or injury.

Finally, testifying for respondent, Mrs. Lilagan, in her affidavit,[12] stated that in the morning of December 16, 1999 she went with respondent to his office at the Bulwagan Ng Katarungan; that she went inside respondent's chambers but later went out and talked with utility worker Sherwin Roncal; that when she saw complainant enter the chambers, she followed complainant inside in order to talk to her about "certain things she was spreading around" against her and respondent; that once inside the chambers, she asked complainant who was standing in front of respondent's table to sit down, which she did; that she then asked complainant in a tempered voice "Why are you spreading bad things about me. I am trying to respect you even if other people in the Bulwagan do not respect you;" that complainant suddenly stood up and angrily pointed a finger at her, saying at the same time "You are looking for trouble," after which complainant arrogantly left the chambers; that she never manhandled complainant or gripped her upper arms or any part of her body.[13]

In a Report dated January 5, 2001, Justice Jacinto recommended the following:

> - The complaint filed by Jose B. Navarro be dismissed;
>
> - Respondent be admonished for allowing his wife, Mrs. Lilagan, to have access to records of cases in his court;
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> - Respondent be advised to take some positive steps to settle whatever misunderstanding he and Mrs. Lilagan may have with complainant Marissa Gordon to the end that a better and more harmonious working relationship between respondent and his legal researcher and the rest of his staff may prevail;
>
> - Respondent be advised to minimize Mrs. Lilagan's presence in his court in order to prevent people from entertaining the idea or from having the impression that she is somehow interfering with or influencing respondent in the discharge of his judicial functions.

We find Justice Jacinto's recommendations vis-à-vis his exhaustive factual findings well-taken.

The charges of Jose B. Navarro should be dismissed for failure to adduce evidence in support of his complaint. Indeed, his non-appearance validates respondent's claim that said complainant is a fictitious person.

We agree with the Investigating Justice that there is ample evidence on record to support complainant Marissa M. Gordon's charge that Mrs. Lilagan laid hands on her in the morning of December 16, 1999. While the incident occurred in respondent's presence, we, however, do not see how respondent could be held accountable for what transpired. Other than his mere presence, there is absolutely no evidence to show respondent's complicity in Mrs. Lilagan's acts. The accusation of complainant Gordon that she was purposely called by respondent to his chambers so Mrs. Lilagan could lay hands on her is at best speculative. If at all, what transpired was apparently a

quarrel between two women and since it happened so fast, there was no way by which respondent judge could have anticipated or prevented it. It may be conceded, however, that respondent judge's allowing Mrs. Lilagan to stay in his office everyday has provided the occasion for the incident to happen.

As pointed out by the Investigating Justice in his factual findings, there is enough evidence on record to show that respondent permitted Mrs. Lilagan to have access to court records in order to monitor the dates when cases are submitted for decision. There is impropriety in this. Records of cases are necessarily confidential, and to preserve their integrity and confidentiality, access thereto ought to be limited only to the judge, the parties or their counsel and the appropriate court personnel in charge of the custody thereof. Since Mrs. Lilagan is not a court employee, much less the employee specifically in charge of the custody of said records, it was improper for respondent to allow her to have access thereto.

In this regard, the Code of Judicial Conduct states in no uncertain terms that -

> Rule 3.08. A judge should diligently discharge administrative responsibilities, maintain professional competence in court management and facilitate the performance of the administrative functions of other judges and court personnel.
>
> Rule 3.09. A judge should organize and supervise the court personnel to ensure the prompt and efficient dispatch of business and require at all times the observance of high standards of public service and fidelity.

The foregoing rules should be observed by respondent judge with the help of his staff and without the intervention of his wife who is not a court employee. It needs be stressed in this regard that respondent judge is not wanting in help from his staff to warrant the assistance of one who, while closely related by affinity to respondent judge, is actually an outsider in his sala insofar as official business and court functions are concerned.

The physical inventory of cases is instrumental to the expeditious dispensation of justice. Although this responsibility primarily rests in the presiding judge, it is shared with the court staff.[14] This Court has consistently required Judges for a "continuous inventory of cases on a monthly basis so that a trial judge is aware of the status of each case. With the assistance of the branch clerk of court, a checklist should be prepared indicating the steps to be taken to keep the cases moving"[15] In Juan v. Arias,[16] the Court underscored the importance of this physical inventory stressing "it is only by this that the judge can keep himself abreast of the status of the pending cases and informed that everything is in order in his court."

It is the duty of Judges to devise an efficient recording and filing system in their courts to enable them to monitor the flow of cases and to manage their speedy and timely disposition.[17] In Bernardo v. Fabros[18] -

> . . . This Court reiterates that judges must adopt a system of record management and organize their dockets in order to bolster the prompt and efficient dispatch of business.[19] In Office of the Court Administrator v. Villanueva,[20] we ruled as follows:
>
> A judge x x x is expected to keep his own record of cases so that he may act on them promptly without undue delay. It is incumbent upon him to devise an efficient recording and filing system in his court so that no disorderliness can affect the flow of cases and their speedy disposition. x x x Proper and efficient court management is as much his responsibility. He is the one directly responsible for the proper discharge of his official functions.

Apropos to Mrs. Lilagan's ubiquitous presence and intervention in court business and functions is Rule 2.03 of the Code of Judicial Conduct which explicitly provides that "[A] judge shall not allow family, social or other relationships to influence judicial conduct or judgment. The prestige of judicial office shall not be used or lent to advance the private interests of others, nor convey or permit others to convey the impression that they are in a

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special position to influence the judge." (Italics supplied)

Respondent judge's practice of allowing his wife to go over the records of cases in his sala may indeed convey the impression that she is the one who can probably influence respondent's official functions. If complainant Gordon, who is an employee of the court, has perceived Mrs. Lilagan as having meddled or interfered in respondent's official functions as well as the activities of the court, it is highly probable that such an impression is shared by other people in the locality. Needless to state, this will definitely not promote or enhance the people's faith in the judiciary.

This Court hereby reprimands respondent judge for allowing his wife to have access to case records. He is further directed to minimize her presence in court to avoid the impression she is unduly interfering with respondent in the discharge of his judicial functions.

WHEREFORE, in view of all the foregoing, judgment is hereby rendered:

1.] DISMISSING the complaint against respondent judge filed by Jose B. Navarro;

2.] Respondent judge is severely REPRIMANDED for allowing his wife to have access to the records of cases in his court;

3.] Respondent judge is DIRECTED to minimize his wife's presence in his court in order to prevent people from having the impression that she is interfering with or influencing him in the discharge of his judicial functions.

SO ORDERED.

Puno, Kapunan, and Pardo, JJ., concur.
Davide Jr., C.J. (Chairman), on official leave.

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[1] Rollo, p. 27.

[2] Ibid., p. 5.

[3] Id., p. 8.

[4] Id., pp.16-22.

[5] Id., p. 65.

[6] Record, p. 5; Exhibit A, par. 5.

[7] Ibid., p. 7; Exhibit D.

[8] Id., p. 8; Exhibit D-7.

[9] Id., pp. 90-91; Exhibit 5.

[10] Id., pp. 83-84; Exhibit 2.

[11] Id., pp. 86-88; Exhibit 3.

[12] Id., p. 102; Exhibit 13.

[13] Id., p. 103.

[14] Re: Report on the Judicial Audit Conducted in the Regional Trial Court Branches.

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[15] OCA v. Quinanola, 317 SCRA 37 [1999], citing SC Circular No. 1, 31 July 1987, par. 6, italics supplied; cf. Administrative Circular No. 1, 28 January 1988 and Administrative Circular No. 10-94, 29 June 1994.

[16] 72 SCRA 404 [1976].

[17] Re: Request of Judge Irma Zita V. Masamayor, RTC-Br. 52, Talibon, Bohol, 316 SCRA 219 [1999], citing OCA v. Judge Villanueva, 279 SCRA 267 [1997].

[18] 307 SCRA 28 [1999].

[19] Cf. paragraph 8 of Canons of Judicial Ethics.

[20] 279 SCRA 267 [1997], citing Agcaoili v. Ramos, 229 SCRA 705 [1994]; see also OCA v. Judge Amelia DR Benedicto, 296 SCRA 62 [1998]; Mamamayan ng Zapote I, Bacoor, Cavite v. Balderian, 265 SCRA 360 [1996]; Celino v. Abrogar, 245 SCRA 304 [1995].

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