CAVITE CRUSADE FOR GOOD GOVERNMENT, COMPLAINANT, VS. JUDGE NOVATO T. CAJIGAL, RESPONDENT.

A.M. No. RTJ-00-1562 (Formerly A.M. OCA IPI 97-364-RTJ). November 23, 2001

Ponente: PARDO, J.

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PARDO, J.:

On May 21, 1997, a group composed of businessmen, industrialists, lawyers and well-meaning citizens of Cavite bandied together to form the Cavite Crusade for Good Government (hereafter, CCGG) filed[1] a letter informing the Court of alleged illegal and grossly immoral activities of Judge Novato T. Cajigal, Regional Trial Court, Branch 19, Bacoor, Cavite.

CCGG pooled their resources to gather information on the activities of Judge Cajigal and detailed the result of the investigation.

According to CCGG, the modus operandi of the respondent judge was to consistently refuse to decide pending cases or resolve pending motions until a party gives an offer. Once the offer was accepted, the deal was executed in a scheme commonly known as “kaliwaan,” where the decision or order was released upon delivery of the consideration either in the form of cash, real estate or motor vehicle.

Considering the real estate boom in the municipalities of Bacoor, Carmona, and General Mariano Alvarez, in Cavite during the last eight (8) years, controversial cases involving real estate reached the sala of respondent judge. With the alleged scheme of “kaliwaan,” innocent persons may be convicted while the guilty ones may be acquitted of criminal charges. Respondent judge was also allegedly frequently absent in his sala, without notice to the litigants.

Respondent judge also travels yearly to the United States without securing the necessary authority from the Supreme Court. In 1996, he allegedly traveled twice to the United States, also without the permission of this Court.

When respondent judge left his previous assignment in Nueva Vizcaya, he only had an Isuzu Gemini for a car. Thereafter, respondent judge and his family had the following acquisitions:

a) cream colored Mercedes Benz with plate number 16-D-19

b) Mitsubishi Pajero with plate number TMY-555

c) black Honda Civic with special plate 888

d) blue Toyota Tamaraw

e) dark green Isuzu Hi-lander without a license plate

f) Isuzu Gemini with plate number BAV-830

g) navy gray Willy's Owner-Type jeep with plate number ABG-302

h) navy blue Isuzu Pick-up with plate number UNL-623

Respondent also acquired a condominium unit in Coastal Road Toll Plaza and a commercial lot in Carmona, Cavite. The following other real estate properties he acquired were registered in the names of his family members, such as:

a) a residential house at No. 63 Pall Mall, Fairview, Quezon City; and

b) a residential house, resort, and farm (for agriculture and cattle-raising at Badoc, Ilocos Norte).

Respondent was likewise frequently seen at Manila Bay KTV Night Club at Roxas Boulevard in the company of a tall, young mestiza.

Sometime in 1992, respondent allegedly solicited funds from big establishments in Bacoor, Cavite and EPZA (Export Processing Zone Authority) at Rosario, Cavite to defray the expenses for the Regional Trial Court Judges Convention held at Imus Sports Center, Imus, Cavite.

Parenthetically, the Office of the Court Administrator found respondent judge guilty of failure to decide a case within the prescribed period. On March 12, 1993, the Court dismissed respondent judge from the service for gross inefficiency and grave and serious misconduct in the discharge of his functions.[2]

However, on September 2, 1993, the Court reconsidered its Resolution and instead resolved to suspend him from the service for a period of six (6) months and to pay a fine of ten thousand pesos (P 10,000.00).

Upon verification, it was found that respondent had not been submitting his Statement of Assets and Liabilities[3] as required in Section 8, Republic Act No. 6713, otherwise known as the Code of Conduct and Ethical Standards for Public Officials and Employees, and Section 7, Republic Act No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act.

On July 1, 1997, the Office of the Court Administrator submitted to the Court its report and recommendation.

> "Respectfully submitted for the consideration of the Honorable Court is our recommendation that respondent Judge Novato T. Cajigal be required to ANSWER the letter-complaint and to EXPLAIN to this Court why he has not filed his Statement of Assets and Liabilities since 1994, both within ten (10) days from receipt of notice."[4]

On September 22, 1997, respondent filed his comment.[5]

On July 7, 1997, the National Bureau of Investigation (Anti-Graft Division) issued a subpoena duces tecum[6] requiring the Chief, Records Division, OAS, Office of the Court Administrator to submit certified true copies of certain documents found in the 201 files of respondent judge. On July 10, 1997, Mr. Vicente T. de Lacuesta, Officer-in-Charge of the Records Division, complied with the subpoena.

On October 19, 1998, we issued a Resolution:[7]

> "(a) to REFER this case to retired Sandiganbayan Justice Conrado Molina, now a consultant in the Office of the Court Administrator, for investigation, report and recommendation, within sixty (60) days from notice; and
>
> "(b) to DIRECT Director Santiago Y. Toledo of the National Bureau of Investigation to FURNISH the Office of the Court Administrator with a copy of the result of the investigation conducted by the Anti-Graft Division of the National Bureau of Investigation, within ten (10) days from notice."

On January 5, 1999, the National Bureau of Investigation (NBI) furnished the Office of the Court Administrator

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with a copy of the NBI Evaluation Report on Judge Novato T. Cajigal for violation of Republic Act No. 3019.

The report reads:

> "All evidence and counter evidence/explanation considered the facts remains that subject NOVATO CAJIGAL violated Sec. 7 in relation to Sec. 9, par. (b) of R. A. 3019 and Sec. 8, par. (a) of R. A. 6713 (Code of Conduct and Ethical Standards of Public Officials and Employees) for his failure to file his Statement of Assets and Liabilities since 1984 to the present (Annex "C-2").
>
> "Wherefore, it is respectfully recommended that copies of the case records be furnished the Office of the Honorable Ombudsman, MWSS Bldg., A. Villegas St., Manila, for their information and appropriate action."[8]

Meantime, CCGG filed a separate complaint against respondent judge with the Ombudsman. On September 8, 1997, the Office of the Deputy Ombudsman for Luzon issued a Resolution:[9]

> "Accordingly, the undersigned on 4 September 1997 indorsed the matter to Hon. ALFREDO L. BENIPAYO, Court Administrator, Supreme Court, Manila for whatever action his good office may take under the premises.
>
> "Inasmuch as Judge CAJIGAL is an incumbent member of the judiciary, the undersigned maintains that his case is beyond the ambit of our jurisdiction, the proper forum therefor is the Supreme Court who has direct supervision and control over the conduct of members of the judiciary as well as its employees.
>
> "In the light of the foregoing, the undersigned respectfully recommends that this case be considered closed and terminated."[10]

Thus, on June 28, 1999, the Office of the Court Administrator, after investigation, reported that:

> "On the whole, except the charge that the respondent Judge did not submit on time and not at all in some years, his Sworn Statement of Assets and Liabilities, the rest of the imputations of illegal and immoral activities in the anonymous complaint were either not proven or satisfactorily explained by the respondent.
>
> "Until the effectivity of Republic Act No. 6713 in May 1989, the filing of Sworn Statement of Assets and Liabilities, etc. by all public officers during their incumbency was mandated by Republic Act No. 3019, as amended, otherwise known as the Anti Graft and Corrupt Practices Act, 'before the fifteenth day of April following the close of every calendar year (Section 7). Under Republic Act No. 6713, the Code of Conduct and Ethical Standards for Public Officials and Employees, the same statement of Assets, Liabilities and Networth and a Disclosure of Business Interests and Financial Connections, after the first statement filed within 30 days after assumption of office, must be filed "on or before April 30 of every year thereafter." (Section 8 [A] [B]). Such filing of the statement is mandatory.
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> "The certification dated June 30, 1997 by the Assistant Officer-In-Charge of the Records Division, Office of Administrative Services, Office of the Court Administrator states that:
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> "The 201 File of the Hon. Novato Cajigal xxx does not contain his sworn Statement of Assets and Liabilities from 1984 up to the present. xxx his last sworn Statement of Assets and Liabilities on file in the Records Division is dated January 25, 1983.
>
> "In his EXPLANATION dated October 1, 1997 (pp. 58-60. Rollo), the respondent claims that he "has on October 2, 1997 filed his Statement of Assets of the years 1984-1997" (par. 2.1); "ADMITS being negligent in not filing the Statement of Assets and Liabilities for the years 1984-1997, but most respectfully states that the non-filing was occasioned by his unintentional inadvertence rather than malice in seeking to hide unexplained assets" (par. 3); and "most respectfully begs leave to be excused from this negligence x x x and pleads for the kindness and mercy of this Honorable Court and most humbly offers his most sincere apologies to this Honorable Court" (par. 3.1).

> "But during the investigation what the respondent presented and marked in evidence were copies of his Statement of Assets and Liabilities for 1985 (Exh. 10), 1987 (Exh. 11), and 1989 to 1996 (Exhs. 12 to 19, pp. 141-150, Folder). All of them were received in the Office of the Court Administrator on the same day, October 2, 1997. Actually, therefore, the respondent Judge did not file any Statement of Assets and Liabilities for 1984, 1986 and 1988, and filed the required statements for the years 1985, 1987 and 1989 to 1996 long after each of them was due. That late filing did not extinguish the liabilities, criminal and administrative, that had been incurred under the law.
>
> "The respondent Judge, the undersigned must submit, violated Section 7 of Republic Act No. 3019, as amended, and Section 8 of Republic Act No. 6713. Violation of said section is punishable by imprisonment or fine, or both, and if "proven in (a) proper administrative proceedings shall be sufficient cause for removal or dismissal of a public officer, even if no criminal prosecution is instituted against him." (Section 9, last paragraph, Republic Act No. 3019). Violation of Section 8 of Republic Act No. 6713 for non-filing of Statement of Assets and Liabilities and disclosure of Business Interests and Financial Conditions is similarly punishable by imprisonment or fine, or by both, and "shall be sufficient cause for removal or dismissal of a public officer or employee, even if no criminal prosecution is instituted against him." (Section 11 [b], Rep. Act 6713).
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> "With these stringent sanction imposed by the statutes (Rep. Acts. Nos. 3019 and 6713) for violation of their provisions mandating the filing of Statement of Assets and Liabilities, etc. and considering that the violations committed in this case are multiple, the undersigned is left with no alternative but to recommend that the respondent Judge be dismissed from the service."

Nothing can be clearer than that the Anti-Graft and Corrupt Practices Act,[11] like the earlier statute,[12] was precisely aimed at curtailing and minimizing the opportunities for official corruption and maintaining a standard of honesty in the public service. In Morfe v. Mutuc,[13] we said that the law intended to promote morality in public administration. A public office must be a public trust.

In Magarang v. Judge Galdino B. Jardin, Sr.,[14] we said that while every public office in the government is a public trust, no position exacts a greater demand on moral righteousness and uprightness of an individual than a seat in the judiciary. Hence, judges are strictly mandated to abide by the law, the Code of Judicial Conduct and other existing administrative policies in order to maintain the faith of the people in the administration of justice.[15]

In fact, the Anti-Graft and Corrupt Practices Act was framed with that end in view. The law is comprehensive in character, sufficiently detailed and explicit to make clear as to what practices were prohibited and penalized. More than that, an effort was made, so evident from even a cursory perusal thereof, to avoid evasions and loopholes. Thereby, it becomes much more difficult for those who are disposed to take advantage of their positions to commit acts of graft and corruption. In case of violation, the Anti-Graft and Corrupt Practices Act is also clear in terms of its punitive thrust.

IN VIEW WHEREOF, we find respondent Judge Novato T. Cajigal guilty of violation of Section 7, R. A. No. 3019, and Section 8, R. A. No. 6713 and considering his record in the judiciary and the fact that the Statements of Assets and Liabilities were later filed, we hereby SUSPEND him from office for a period of six (6) months, without pay, effective upon his receipt of this Resolution and order him to pay a fine in the amount of Twenty Thousand Pesos (P20,000.00), with a STERN WARNING that a repetition of the same or similar acts will be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Kapunan, and Ynares-Santiago, JJ., concur.

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[1] With the Office of the Court Administrator, Supreme Court.

[2] Sabado v. Cajigal, 219 SCRA 800, 805 [1993].

[3] Certification by Mrs. Anicia P. Buco, Assistant Officer-In-Charge, Records Division, Office of AdministraOtive Services, Office of the Court Administrator.

[4] Rollo, pp. 35-37.

[5] Ibid., pp. 45-61.

[6] Ibid., p. 66.

[7] Ibid., p. 111.

[8] Rollo, pp. 113-114.

[9] In CPL-97-1471

[10] Rollo, pp. 100-101.

[11] Republic Act No. 3019.

[12] Republic Act No. 1379.

[13] 130 Phil. 415, 426 [1968].

[14] 330 SCRA 79, 88 [2000].

[15] De la Cruz v. Bersamira, A. M. No. RTJ 00-1567, January 19, 2001, citing Garciano v. Sebastian, 231 SCRA 588 [1994].

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