

JUDGE ARTURO JULIANO, PETITIONER, VS. THE SANDIGANBAYAN AND THE PEOPLE OF THE PHILIPPINES, RESPONDENTS.

G.R. No. 100487. March 03, 1997

Ponente: TORRES, JR., J.

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TORRES, JR., J.:

These petitions for review on certiorari, although filed separately by petitioners Judge Arturo Juliano and Renato Vera Cruz, arose from the same decision of the Sandiganbayan in Criminal Case No. 14288 dated April 5, 1991, the dispositive portion of which reads:

“WHEREFORE, on the first count alleged in the Information, the Court finds Judge Arturo Juliano y Llacar and Renato Vera Cruz y Legasta guilty beyond reasonable doubt, as co-principals, of the crime defined in Section 3, paragraph (f), Republic Act No. 3019, as amended, and pursuant to Section 9 (a) of the same Act in conjunction with the Indeterminate Sentence law, imposes upon each of them the penalties of imprisonment ranging from SIX (6) YEARS and ONE (1) MONTH as minimum, to NINE (9) YEARS and TWENTY ONE (21) DAYS as maximum, and perpetual disqualification from public office, and further orders them to pay jointly and severally the amount of NINE THOUSAND FIVE HUNDRED PESOS (P9,500.00) Philippine Currency, to Romeo de la Cruz y Ediza and the costs.

IT IS SO ORDERED.”[1]

The cases had the same antecedent facts:

Spouses Romeo de la Cruz and Salvacion Erese were the lessees of a portion of Lot 11-B, Subdivision Plan Pls-2-78-D G.L.R.O. Record No. 8374, with an area of 25 by 36 feet plus 6 meters, located at Biñan, Laguna. They were the owners of the two-storey commercial building constructed on the said land and which was being leased to Carlito Morales and Felisa Ong with a monthly rental of One Thousand Pesos. When the lessees failed to pay the monthly rentals for August, September and October 1983, the spouses de la Cruz filed an ejectment case on January 13, 1984 with the Municipal Trial Court of Biñan, Laguna where Judge Arturo Juliano was the presiding judge and Renato Vera Cruz was the Clerk of Court.

On August 2, 1984, de la Cruz filed an ex-parte Motion to Withdraw Consigned Rentals amounting to P10,000.00 previously deposited by defendant Morales representing rentals from September 1983 to June 1984. The motion was not immediately acted upon and it was only on December 26, 1984 that an order was issued by Judge Juliano allowing de la Cruz to withdraw the consigned rentals. Then on February 5, 1985, the trial court rendered its decision ordering defendant Morales to vacate the premises and to pay back rentals starting October 27, 1983 up to the time they leave the premises.

On January 2, 1986, Romeo de la Cruz filed before the Office of the Tanodbayan a complaint against Judge Arturo Juliano and Renato Vera Cruz with the following charges:

“1. For refusing, after due demand and without justification, to act within a reasonable time to resolve a motion filed with the court in Civil Case No. 2217 pending before said court for the withdrawal of deposited rentals and that said refusal was for the purpose of obtaining material benefit because when the complainant agreed to the

demands of the respondents that the deposited rentals be given to them, respondent Judge Arturo Juliano issued an order allowing complainant to withdraw the rentals deposited with the Treasurer of Biñan, Laguna, in the amount of P10,000.00; and

2. By causing undue injury to herein complainant thru evident bad faith, manifest partiality, inexcusable negligence or ignorance of the law in the discharge of judicial function.”[2]

Complainant de la Cruz alleged that Judge Juliano and his Clerk of Court Renato Vera Cruz had conspired against him. The motion to withdraw the deposited rentals remained unresolved for several weeks because the accused had made known to the complainant that a big portion of the amount be given to them before the withdrawal would be granted. Complainant sought assistance from Barangay Captain Alberto Almeda and even asked help from Doña Josefa Marcos, mother of then President Ferdinand Marcos. Mrs. Marcos wrote the accused Judge requesting the resolution of the motion. Complainant then learned from alleged reliable source that he might even lose the case if he would not agree to give the money to the accused. When he agreed to give, accused Judge issued the order allowing the withdrawal of the deposited rentals.

Complainant alleged that he met respondent Vera Cruz about the withdrawal of deposit twice. When complainant agreed to the proposal, he met Vera Cruz at the Municipal Building on December 26 or 27, 1984. Complainant was accompanied by his friend Vicente Cea. Accused Vera Cruz was already holding the order allowing the withdrawal of deposit so they proceeded to the Treasurer to get the money. Thereafter, they went to the office of the accused Judge and handed him the money. P9,500.00 was the share of the accused Judge while the P500.00 was given to accused Vera Cruz and Alberto Almeda for their snacks. Complainant also inquired when the case would be decided and the accused judge assured him of a decision by the first week of January 1985.

Despite regular follow-ups, the case was only decided on February 5, 1985. A copy was given to the complainant by accused Vera Cruz the day after the case was promulgated. Complainant allegedly felt cheated after reading the decision because there was no award of back rentals. Consequently, he returned to accused Vera Cruz but the latter denied having read the decision. Accused Vera Cruz however, assured the complainant that he would talk to the accused judge. Thus, on February 13, 1985, complainant received by mail another decision also dated February 5, 1985 but with award for back rentals.

Witness for the complainant Alberto Almeda stated during the preliminary conference that he was with the complainant at the Office of the Municipal Treasurer and he saw the latter counting the money. He also stated that he was given P500.00 for their lunch. During the trial, however, Almeda apparently became forgetful and started denying his previous statements. He alleged that he had a poor memory because he got sick with diabetes.

Another prosecution witness was Mario Faraon who testified that he saw accused Vera Cruz handing a document to the treasurer, Bienvenido Vierende. Then he saw the complainant counting the money and later wrapping it with a piece of paper.

Judge Arturo Juliano testified that he allowed the withdrawal of the money after the complainant told him that he was in dire need of money. The reason why the order was not immediately issued was that only one copy of the motion to withdraw was filed. So he waited for the other copies which were probably never filed. Another reason for the delay was that he had other duties attending to two additional courts. Accused judge denied receiving money from the complainant. He also alleged that the decision dated February 5, 1984 was not immediately released because when accused Vera Cruz was about to affix the dry seal, he noticed that there was no provision as to the back rentals. He prepared another decision which was also released the same day.

Both accused Judge Juliano and Vera Cruz were prosecuted before the Sandiganbayan for violation of Section 3 (f) of the Anti-Graft and Corrupt Practices Act, which reads:

“In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

(f) Neglecting or refusing, after due demand or request without sufficient justification, to act within a reasonable time on any matter pending before him for the purpose of obtaining, directly or indirectly, from any person interested in the matter some pecuniary or material benefit or advantage, or for the purpose of favoring his own interest or giving undue advantage in favor of or discriminating against any other interested party.”

The Sandiganbayan found accused Judge Juliano and Vera Cruz guilty beyond reasonable doubt as co-principals of the crime charged and imposed upon them the penalties of imprisonment and perpetual disqualification from public office. In convicting the accused, the Sandiganbayan relied mainly on the testimony of the complainant who alleged that he gave money to the accused judge. There was no sufficient explanation presented by the accused as to the delay in the issuance of the order allowing the withdrawal of the deposit. Thus, the court found the testimony of the complainant worthy of credence as against the denials of the accused.

Both Judge Arturo Juliano and Renato Vera Cruz filed their respective petitions for review on certiorari with the principal assignment of error of whether or not the respondent Sandiganbayan erred in finding the petitioners guilty beyond reasonable doubt.

On January 18, 1995, Flora Vera Cruz, wife of petitioner Renato Vera Cruz filed a motion to quash stating that her husband died on January 13, 1995 and consequently, the proceedings against the latter be terminated.

The petitions must fail.

The petitions raise mainly factual questions which have already been extensively stated by the court below. Petitioner Juliano assails the credibility of the complainant, whose sole testimony the Sandiganbayan had relied upon in convicting him. There was no other corroborating testimony and that, as alleged by petitioner, there was no adequate basis to establish any conspiracy between him and his co-accused. Petitioner also posits that the 116 day delay in acting on complainant's motion could not be a sufficient proof that he extorted money from the latter and that would be enough to convict him of violation of the Anti-Graft and Corrupt Practices Act. Hence, the prosecution can not rely on complainant's testimony which was allegedly bereft of credibility.

Complainant de la Cruz had positively testified that petitioner Juliano had exacted money from him so that his motion for the withdrawal of rentals, which was already pending for weeks, would be acted upon. De la Cruz continued to follow up the motion but petitioner judge was always away. It was Vera Cruz who acted as the go-between or intermediary and had assured to relay the matter to the judge. Later, complainant was able to talk to the petitioner. As testified to by de la Cruz:

“ A.-I returned to him many times and requested him to release to me the ten thousand pesos because I was in dire need of money.

Q.- Who is that “him” you are referring to?

A.- I am referring to Judge Juliano

JUSTICE ESCAREAL:

Q. Why, you went personally to Judge Juliano?

A. Yes, Your Honor, I could see him.

PROS. BERBANO:

Q.- How many times have you been able to get in touch in connection with this Motion to Withdraw rentals to Judge Juliano after the filing of the motion?

A.- Many times, sir. I have returned to the Judge many times and I have pleaded to him and Mr. Vera Cruz to help me so that the money could be released to me.”[3]

Petitioner Juliano failed to justify his inaction on the motion for 116 days. His first reason was that there was only one copy of the motion. The motion was, however, resolved without the additional copies. Another reason posited by petitioner was that the counsel for the complainant did not set the incident for hearing. Yet, as observed by the court a quo:

“Firstly, as its title expressly states, the motion was ex parte. Secondly, the matter involved in the motion was not contentious. The P10,000.00 was deposited in court by Morales as rentals for the premises in dispute in Civil Case No. 2217 from September 1983 to June 1984, because de la Cruz allegedly refused to accept payment. And the latter was precisely praying in his Complaint for payment of back rentals from August 1983 until Morales vacated the premises. In fact, at no time did Morales contest the motion or the grant thereof. Thirdly, Judge Juliano resolved the motion even if de la Cruz’s counsel did not set the incident for hearing.”[4]

Admittedly, there was indeed no valid reason for the delay in the disposition of the motion and the complainant’s testimony that petitioner, through Vera Cruz, had extorted money from him. De la Cruz further stated that on the day he was able to withdraw the money, he handed P9,500.00 thereof to Vera Cruz, who turned it over to petitioner Judge Juliano in the latter’s office. To this accusation, petitioner merely offered bare denials. Petitioner’s defense was weak. His denial, not supported by clear and convincing evidence, is at most self-serving and therefore, can not be given weight and greater value over the positive testimony of the complainant. While there may be some inconsistencies in complainant’s testimony, as pointed out by the petitioner, the same did not suffer from any major discrepancies and did not affect his credibility. Moreover, there was no showing that de la Cruz, who only finished fourth grade, had been moved by improper motive to prosecute the petitioner. Well-established is the rule that where there is no evidence to indicate that the prosecution witness was actuated by improper motive, the presumption is that he was not so actuated and that he would not prevaricate and cause damnation to one who brought him no harm or injury.[5]

A further review of the records of the instant case would reveal the thoroughness by which the Court a quo arrived at its decision, thus:

“At bottom, the issues posed in the Motions for Reconsideration is credibility of witnesses, particularly de la Cruz, Judge Juliano, and Vera Cruz. The Court addressed itself to that question before handing down the Decision sought to be reconsidered. It took into account all the facts and circumstances bearing on the matter, including the complaint against Judge Lucila Violago Isnani and several letters to various officials of de la Cruz (Exhibits 26-33). In the process, most of the matters raised in the Motions for Reconsideration occurred to the Court and were thoroughly considered by it.[6]

In fine, it bears repeating the settled rule that the “findings of the trial court on the credibility of witnesses are entitled to the highest degree of respect and will not be disturbed on appeal in the absence of any clear showing that it had overlooked, misunderstood, or misapplied some facts or circumstances of weight and substance which could have altered the conviction of the appellants.[7]

In *Precloro vs. Sandiganbayan*,[8] We restate the rule that-

“Proof beyond reasonable doubt does not mean that which produces absolute certainty. Only moral certainty is

required or ‘that degree of proof which produces conviction in an unprejudiced mind.’ We have extensively reviewed the records of this case and we find no reason to overturn the findings of the Sandiganbayan.”

Considering the foregoing, we find no error of fact or law which would change the decision of the Court a quo declaring accused-appellant guilty beyond reasonable doubt of the crime charged.

IN VIEW WHEREOF, finding merit in the appealed decision dated April 5, 1991, the same is hereby AFFIRMED.

SO ORDERED.

Narvasa, C.J., Padilla, Regalado, Davide, Jr., Romero, Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Francisco, Hermosisma, Jr., and Panganiban, JJ., concur.

[1] Decision, Annex “A”, Rollo, p. 68.

[2] Complaint, Exhibit “A”, Records, p. 0001.

[3] TSN, June 28, 1990, p. 14.

[4] Decision, Rollo (Juliano), pp.63-64.

[5] People vs. Ang Chan Kit, 251 SCRA 660.

[6] Motions for Reconsideration dated April 16, 1991 and April 19, 1991.

[7] People vs. Acob and Silao, G.R. No. 114382, July 20, 1995.

[8] G.R. No. 111091. August 21, 1995; 247 SCRA 454.

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