



Republic of the Philippines
Supreme Court
Manila

EN BANC

**ATTY. JESSIE TULDAGUE and
ATTY. ALFREDO BALAJO, JR.,**
Complainants,

A.M. No. RTJ-05-1962

- versus -

**JUDGE MOISES PARDO and
JAIME CALPATURA, Legal
Researcher and Officer-In-Charge,
Regional Trial Court, Branch 32,
Cabarroguis, Quirino,**
Respondents.

X-----X

**ATTY. JESSIE TULDAGUE and
ATTY. ALFREDO BALAJO, JR.,**
Complainants,

A.M. OCA IPI No. 05-2243-P

- versus -

**JAIME CALPATURA, Legal
Researcher and Officer-In-Charge,
Branch Clerk of Court,
Regional Trial Court, Branch 32,
Cabarroguis, Quirino,**
Respondent.

X-----X

u

**RE: REPORT ON THE JUDICIAL
AUDIT AND INVESTIGATION
CONDUCTED IN THE REGIONAL
TRIAL COURT, CABARROGUIS,
QUIRINO.**

A.M. No. 05-10-661-RTC

Present:

SERENO, *C.J.*,
CARPIO,
VELASCO, JR.,
LEONARDO-DE CASTRO,
BRION,
PERALTA,
BERSAMIN,
DEL CASTILLO,*
ABAD,**
VILLARAMA, JR.,
PEREZ,
MENDOZA,
REYES,
PERLAS-BERNABE, and
LEONEN,*** *JJ.*

Promulgated:

OCTOBER 17, 2013

x-----x

DECISION

CARPIO, J.:

The Case

Before this Court are: (1) the Administrative Complaint¹ dated 10 June 2005 filed by Atty. Jessie Tuldague (Tuldague), Clerk of Court VI, Office of the Clerk of Court, Regional Trial Court, Cabarroguis, Quirino (RTC), and Atty. Alfredo Balajo, Jr. (Balajo), 2nd Assistant Provincial Prosecutor, Office of the Provincial Prosecutor, Cabarroguis, Quirino, against now retired Judge Moises Pardo (Judge Pardo), Presiding Judge of RTC, Branch 31, for Corruption and Violation of the New Code of Judicial Conduct; (2) the Administrative Complaint² dated 5 July 2005 filed by Tuldague and Balajo against Jaime Calpatura (Calpatura), Legal Researcher and Officer-In-Charge, Branch Clerk of Court of RTC, Branch 32, for

* On official leave.

** On official leave.

*** On official leave.

¹ *Rollo* (A.M. No. RTJ-05-1962), pp. 16-17.

² *Rollo* (A.M. OCA IPI No. 05-2243-P), pp. 1-4.

Corruption; and (3) the Report on the Judicial Audit and Investigation³ conducted in the same court.

The Facts

The antecedent facts of these cases, as culled from the records, are as follows:

A.M. No. RTJ-05-1962

Tuldague and Balajo allege that Judge Pardo committed corruption and violations of the New Code of Judicial Conduct, to wit:

1. In Criminal Case No. 1427, entitled *People v. Rosendo Discipulo*, Judge Pardo allegedly asked and received ₱6,000.00 from Rosendo Discipulo (Rosendo), in exchange for a favorable decision on his application for probation.

On 28 February 2005, Rosendo was convicted for violation of Republic Act No. 6425. Balajo alleged that after the promulgation of the decision, Rosendo's counsel immediately filed a written application for probation accurately quoting the penalty imposed.⁴ Rosendo testified that Calpatura sent an emissary to ask ₱10,000.00 from him, in order for Judge Pardo to act favorably on his application for probation.

On 28 March 2005, Calpatura and Judge Pardo allegedly sent text messages to Rosendo. Calpatura allegedly instructed him to give ₱3,000.00 to Dominador Pascua (Dominador) while Judge Pardo asked him to go to his house in the evening. Thereafter, Rosendo allegedly gave ₱3,000.00 to Dominador. At 7:30 p.m. of the same day, Rosendo, together with Fr. Teodoro Lazo (Fr. Lazo) and spouses Palmer and Irene Natividad, went to Judge Pardo's house. They had a "drinking congress" until 10:00 p.m. Before leaving, Rosendo allegedly gave ₱6,000.00 to Judge Pardo in the presence of his driver, Ramil S. Alonzo (Alonzo).

2. In Land Registration Case No. 223-2002, Judge Pardo allegedly obtained ₱1,000.00 from petitioner John F. Toribio (Toribio) for a speedy release of a copy of the granted petition, sometime in December 2002.

3. In Criminal Case No. 1581, entitled *People v. Johny Kimayong*, Judge Pardo allegedly asked and received one deer from accused Johny Kimayong (Kimayong) in exchange for a favorable decision. Balajo testified that on 21 February 2003, the jail guard mistakenly gave him a letter, containing the

³ *Rollo* (A.M. No. 05-10-661-RTC), pp. 1-16.

⁴ *Rollo* (A.M. No. RTJ-05-1962), p. 67.

information that “Judge Pardo demanded and was given a live deer in exchange for a court favor to Johny Kimayong.”⁵

4. Judge Pardo allegedly received ₱10,000.00 from Richard Calpito (Calpito), in exchange for endorsing him to the position of Process Server of RTC, Branch 31. Judge Pardo also allegedly received a cow from Michael T. Garingan (Garingan), in exchange for endorsing him as Utility in the Office of the Clerk of Court.

5. On 29 June 2002, Judge Pardo allegedly ordered Lugeorge N. Discipulo (Lugeorge), Electrician II of the Maintenance Section of the RTC, to take out two (2) cans of coat master paint from the Hall of Justice. Lugeorge testified that on 30 June 2002, he brought and used the two cans of paint in Judge Pardo’s house. Judge Pardo allegedly ordered him to get another paint, but he no longer complied. According to him, Tuldague already discovered the missing cans of paint and had it noted in the security guard’s logbook.

In his Comment/Answer dated 9 August 2005,⁶ Judge Pardo vehemently denied the allegations of Tuldague, Balajo, Lugeorge and Rosendo.

Judge Pardo denied that Rosendo gave him money for his probation. Judge Pardo presented Fr. Lazo, who testified that Rosendo went with him to Judge Pardo’s house to thank the judge. Fr. Lazo stated that he did not see Rosendo hand anything to Judge Pardo during their stay. Judge Pardo also narrated that on 4 July 2005, he visited Fr. Lazo in his convent. Fr. Lazo then confronted Rosendo, who admitted that he was forced by his cousin Lugeorge to sign the Affidavit. On Balajo’s accusation, Judge Pardo stated that he immediately called the attention of Rosendo’s counsel in open court when he quoted the penalty imposed.

Judge Pardo denied the charges that he obtained ₱1,000.00 from Toribio and a live deer from Kimayong. He also denied receiving ₱10,000.00 and a cow from Calpito and Garingan in exchange for endorsing them to vacant positions in the RTC. Judge Pardo claimed that these allegations were unsupported by concrete evidence. He further argued that the letter allegedly given to Balajo was obtained illegally and in violation of the privacy of communication.

Judge Pardo likewise denied ordering Lugeorge to take two cans of paint for use in his house. He narrated that during the wake of Lugeorge’s mother-in-law, Lugeorge confessed that he took the cans of paint and gave one to Alonzo.

⁵ Id. at 469-470.

⁶ Id. at 227-235.

Finally, he alleged that Tuldague filed this complaint to get even because: (a) he enjoined Tuldague from signing applications for leave of absence of employees, which he used to do; (b) he recalled Process Servers Calpito and Levi Prestoza (Prestoza), who used to be under Tuldague's disposal; (c) he issued a memorandum prohibiting Tuldague from serving summons before the raffle of cases; (d) he stopped the practice of filing all pleadings with the Office of the Clerk of Court and limited it to initiatory pleadings only; and (e) he stopped sharing the conduct of raffle of foreclosure proceedings with Tuldague. Judge Pardo claimed that Balajo detested him for noticing that Balajo would refuse to submit object evidence when he rested his case.

A.M. OCA IPI No. 05-2243-P

In this case, Tuldague and Balajo accuse Calpatura of corruption, in cahoots with Judge Pardo, to wit:

1. Calpatura allegedly approached litigants and offered them assistance provided they would give him money or animals.

In the same criminal case against Rosendo, Calpatura allegedly sent an emissary to ask for ₱10,000.00 so that Judge Pardo would decide favorably Rosendo's probation. On 28 March 2005, Calpatura allegedly sent Rosendo a text message, stating to give him ₱3,000.00, through Dominador.

In Civil Case No. 292, the plaintiff Alberto Gorospe (Gorospe) testified that his friend Jose Cabañero (Cabañero) introduced him to Calpatura while they were following up this case in the RTC. Sometime in July 2004, Gorospe, together with Cabañero, allegedly met Calpatura in the Cabarroguis public market. Calpatura allegedly urged him to buy hard drinks and *pulutan*. Gorospe agreed because he was seeking help with his case. Then, sometime in November 2004, Calpatura allegedly asked him to prepare a goat for Judge Pardo's birthday. Judge Pardo allegedly instructed Gorospe to give him the goat through Calpatura. Thereafter, Calpatura allegedly asked him again for money.

Juanito Pascua (Juanito) likewise testified that Calpatura visited him in jail to ask for two goats. Judge Pardo allegedly instructed Calpatura to ask for the goats in order to expedite his release from jail. Thus, Juanito gave the two goats for Judge Pardo to Calpatura. Calpatura allegedly asked Juanito again for another goat. After Juanito's acquittal, Calpatura allegedly ordered him to repair a bed without payment.

2. Calpatura allegedly acted as “fixer” and “bagman” for Judge Pardo in cases where the accused deposited cash bonds. Both Calpatura and Judge Pardo allegedly shared with the released cash bonds thereafter.

In Criminal Case No. 1468, Aurelia Diaz (Diaz) testified that Calpatura and Prestoza asked for her released cash bond amounting to ₱16,000.00, so that the estafa case against her would be dismissed. Diaz narrated that on 14 October 2002, Judge Pardo asked her if she would give him the released cash bond amounting to ₱16,000.00. Diaz agreed but asked Judge Pardo to acknowledge its receipt. Then, Judge Pardo allegedly called her lawyer, Atty. Edwin Betguen (Betguen). Betguen came and asked Diaz to go with him to the comfort room. Calpatura and Prestoza thereafter appeared. Then, Betguen allegedly received the ₱16,000.00 from Diaz.

On the other hand, Tuldague and Naty Fernando (Fernando) narrated that in the afternoon of 12 February 2003, Diaz, Cezar Diaz and Procopio Castro approached Tuldague to inquire about their rice thresher, which was executed upon Diaz’s conviction of estafa. Diaz then complained to Tuldague that she was misled into believing that her case would be dismissed if she gave ₱10,000.00, or part of her cash bond, to Betguen and Calpatura. Fernando testified that he heard Diaz complain to Tuldague.

3. Calpatura allegedly bragged to court litigants about drafting decisions and his closeness to Judge Pardo.

4. Finally, Calpatura allegedly projected himself as a lawyer even though he did not pass the bar.

In his Comment/Answer dated 30 August 2005,⁷ Calpatura essentially denied the allegations against him. He denied that he offered assistance to litigants in exchange for money or animals and that he was a “fixer” and “bagman” of Judge Pardo.

Calpatura denied receiving ₱3,000.00 from Rosendo through Dominador. He presented Dominador, who testified that Rosendo did not give him money on 28 March 2005. However, Calpatura admitted that Lugeorge requested him to offer Rosendo’s cash bond to Judge Pardo for his acquittal. He turned down the offer since he knew Judge Pardo’s strictness and non-acceptance of bribes.

Calpatura alleged that Gorospe’s accusations were purely concocted and fabricated. Calpatura presented Cabañero, who testified that he never introduced Gorospe to Calpatura and neither did they meet Calpatura in the Cabarroguis public market. Cabañero instead insisted that it was a certain

⁷ *Rollo* (A.M. OCA IPI No. 05-2243-P), pp. 29-34.

Ramiterre, whom he introduced to Calpatura and who was with them in the Cabarroguis public market.⁸

Calpatura likewise refuted Juanito's accusations and offered the Certification issued by Benjamin Galapon, Provincial Warden, Cabarroguis, Quirino. The Certification states: "Jaime Calpatura did not visit the Provincial Warden Office since he was transferred from PENRE Office to the [RTC], Cabarroguis, Quirino."⁹

Calpatura denied obtaining money from Diaz regarding her estafa case. He alleged that Diaz's Affidavit was self-serving and executed upon the instance of Tuldague and Balajo. He likewise insisted that Fernando's testimony was purely fabricated and concocted.

Finally, he claimed that the allegations against him were products of instigations with ill-motive brought about by complainants' illegitimate and capricious ambitions. He alleged that Tuldague sought to be free from constructive suggestions and corrections on his wrong office actions, i.e. issuance of summons before the raffle of cases. He likewise claimed that Balajo harbored ill-feelings against him since he questioned his issuance of commitment orders.

A.M. No. 05-10-661-RTC

On 15 August to 19 August 2005, a judicial audit was conducted in the RTC of Cabarroguis, Quirino, based on the directive of the Office of the Court Administrator (OCA) and Chief Justice Hilario Davide, Jr. to investigate Judge Pardo. On 19 September 2005, the audit team submitted their initial report providing, among others, that in Branches 31 and 32 of the RTC, Judge Pardo, as presiding and pairing judge, accumulated a total of: (a) forty-four (44) cases without further action or settings for a considerable length of time; (b) seven (7) cases submitted for decision or resolution but already beyond the reglementary period to decide or resolve; and (c) one (1) case not yet set for hearing.¹⁰

⁸ Id. at 35-36.

⁹ *Rollo* (A.M. No. RTJ-05-1962), p. 215.

¹⁰ *Rollo* (A.M. No. 05-10-661-RTC), pp. 25-30.

In a Resolution dated 18 October 2005,¹¹ the Court *En Banc*, upon recommendation by the OCA, resolved to: (a) consolidate the instant judicial audit and investigation report with the complaints against Judge Pardo; (b) include Calpatura as respondent in the charge of corruption; and (c) refer the consolidated cases to Justice Alfredo M. Marigomen (Justice Marigomen), Consultant, OCA, for investigation, report and recommendation within 60 days from the termination of the formal hearing.

In a Resolution dated 4 April 2006,¹² the Court *En Banc*, resolved to redocket the complaint, amend the earlier resolution and limit the charges

¹¹ *Rollo* (A.M. No. RTJ-05-1962), pp. 96-97. The Resolution pertinently states:

x x x x

(a) **OUTRIGHTLY DISMISS**, for lack of merit, the complaints dated 10 June 2005 and 25 July 2005 filed by Atty. Jessie W. Tuldague and Atty. Alfredo Balajo, Jr. against Judge Moises M. Pardo, Executive Judge, RTC, Cabarroguis, Quirino, with respect to the following allegations: (a) immorality; (b) oppression; (c) taking of property subject of litigation; (d) deliberately lowering the penalty imposed so that the accused would be eligible for probation in exchange for money; and (e) hiring of a killer to liquidate the complainants and several court employees;

(b) **REDOCKET** the same complaints as regular administrative cases against Judge Pardo, with respect to the following charges: (a) corruption through, among others, “sharing of cash bonds” (b) demanding money or live animals in exchange for indorsing applicants for vacant positions; (c) taking of court property specifically two (2) big cans of Coat Master Paint allocated for the painting of the Hall of Justice; and (d) deliberate ordering of the release of prisoner Florante Baliuag, Sr. despite prior knowledge of another pending criminal case filed with the other court where he also presides in an acting capacity, thus: A.M. No. RTJ-05-1962 (Atty. Jessie W. Tuldague and Atty. Alfredo A. Balajo, Jr. vs. Judge Moises M. Pardo) and A.M. No. RTJ-05-1963 (Atty. Jessie W. Tuldague and Atty. Alfredo A. Balajo, Jr. vs. Judge Moises M. Pardo);

x x x x

¹² *Id.* at 145-147. The Resolution pertinently states:

x x x x

(a) **OUTRIGHTLY DISMISS**, for lack of merit, the complaint dated 10 June 2005 [*docketed as OCA IPI No. 05-2284-RTJ*] filed by Atty. Jessie W. Tuldague and Atty. Alfredo A. Balajo, Jr. against Judge Moises M. Pardo, Executive Judge, RTC, Cabarroguis, Quirino, with respect to the following allegations: (a) immorality; (b) oppression; (c) taking of property subject of litigation; (d) deliberately lowering the penalty imposed so that the accused would be eligible for probation in exchange for money; and (e) hiring of a killer to liquidate the complainants and several court employees;

(b) **REDOCKET** the same complaint as a regular administrative case against Judge Pardo, with respect to the following charges: (a) corruption through, among others, “sharing of cash bonds”; (b) demanding money or live animals in exchange for indorsing applicants for vacant positions; (c) taking of court property specifically two (2) big cans of Coat Master Paint allocated for the painting of the Hall of Justice, *thus: A.M. No. RTJ-05-1962 (Atty. Jessie W. Tuldague and Atty. Alfredo A. Balajo, Jr. vs. Judge Moises M. Pardo) re: the three (3) above enumerated charges;*

x x x x

against Judge Pardo to: (a) corruption through, among others, sharing of cash bonds; (b) demanding money or live animals in exchange for endorsing applicants for vacant positions; and (c) taking of court property specifically two big cans of coat master paint allocated for the painting of the Hall of Justice.

On 27 April 2006, 25 May 2006, and 29 June 2006, Justice Marigomen conducted an investigation at the Hall of Justice, Cabarroguis, Quirino. Complainants presented eight (8) witnesses, namely: Rosendo, Lugeorge, Gorospe, Diaz, Fernando, Juanito, Tuldague, and Balajo. On the other hand, respondents presented seven (7) witnesses, namely: Fr. Lazo, Dominador, Cabañero, Madarang, Galapon, Calpatura, and Judge Pardo.

Meanwhile, based on the initial report on the judicial audit, which was adopted by the OCA in its Memorandum Report dated 28 April 2006,¹³ this Court issued a Resolution dated 20 June 2006,¹⁴ to wit:

(a) **DIRECT** Judge Moises M. Pardo, RTC, Branch 31, Cabarroguis, Quirino, to **SUBMIT** certified true copies of the following, within five (5) days from notice hereof:

(i) Criminal Case No. 1891 – order showing the latest status of the case;

(ii) Criminal Case No. 1655 – formal offer of exhibits for the prosecution allegedly attached to the case records; court order resolving the same; and court order and/or pleading filed by the parties to show the latest status of the case;

(iii) Criminal Case No. 1395 – Supreme Court Resolution allegedly designating Judge Menrado Corpuz, RTC, Branch 38, Maddela, Quirino, to hear and decide the case;

(iv) Criminal Case No. 1716-2002 – order dismissing the case;

(v) Criminal Case Nos. 1626 and 1376 – decisions (*submit only after the promulgation of the decisions*); and

(vi) Criminal Case No. 1608 and Civil Case No. 332 – decisions;

(b) **DIRECT** Judge Pardo to

(i) **DECIDE WITH DISPATCH** Criminal Case No. 1708 which has already been submitted for decision per his letter of January 16, 2005;

(ii) **COMPLY** with the previous directive of the Office of the Court Administrator to (1) decide with dispatch Criminal Case No. 1609; and (2) immediately take appropriate action on Civil Case No. 292, which remains unacted upon despite the lapse of the period given to the parties to reconstitute the records of the case; and

¹³ *Rollo* (A.M. No. 05-10-661-RTC), pp. 1-16.

¹⁴ *Id.* at 146-150.

(iii) **SUBMIT**, within five (5) days from promulgation, a compliance report relative to the foregoing directives, with certified true copies of the order issued in Civil Case No. 292 and the decisions in Criminal Case Nos. 1609 and 1708;

X X X X

(j) **DIRECT** Judge Pardo, in his capacity as Acting Presiding Judge of RTC, Branch 32, Cabarroguis, Quirino, to:

(i) **EXPLAIN** why no administrative sanction shall be imposed on him for his failure, as of audit date, to (1) take appropriate action on the following cases: Criminal Cases Nos. 1887, 1888, 1889, 1890, 1922, 1903, 1909, 1904, 1915, 1919, 1726 with respect to accused Jose Tubera (*with Warrants of Arrest/ Alias Warrants of Arrest*); Civil Cases Nos. 603 and 609 (*with Summons*); Civil Case No. 537 (*No further setting of trial*); Criminal Case No. 1454 (*No further setting of the hearing on the Motion for Declaration of the Penalty Imposed against the Accused*); Criminal Case Nos. 1414 and 1916-05 and Civil Cases Nos. 384, 522, 535 and 560 (*where the parties and concerned court employees failed to comply with the directives of the court for a considerable length of time*); and (2) resolve, within the reglementary period, the following cases: Criminal Case Nos. 1422, 1509, 1514 and 1615;

(ii) **SUBMIT**, within five (5) days from notice hereof, certified true copies of the decisions/resolutions in the following cases: Criminal Case Nos. 1422, 1509 and 1615;

(iii) **COMPLY** with the previous directive of the OCA to (1) resolve with dispatch Criminal Case No. 1514; and (2) immediately take appropriate action on Criminal Case No. 1916-05, where no further action was taken by the court despite the lapse of the period given to the prosecution to submit the report on the reinvestigation of the case, and Criminal Case No. 1726 which has not yet been archived with respect to accused Jose Tubera, who has not yet been arraigned and who has jumped bail since March 2004;

(iv) **SUBMIT** within ten (10) days from notice hereof a compliance report relative to the foregoing directives, with certified true copies of the orders issued in Criminal Cases Nos. 1916-05 and 1726 and the resolution/order in Criminal Case No. 1514; and

(v) **IMMEDIATELY TAKE APPROPRIATE ACTION** on the following cases: Civil Case Nos. 384, where no further action was taken by the court despite the lapse of the period given to the parties to submit their pleading or addendum to the Compromise Agreement; and Civil Case No. 522 where no further action was taken by the court despite the lapse of the period given to the DENR to comply with its Order of July 8, 2002;¹⁵

X X X X

¹⁵ Id. at 146-149.

In his Letter-Compliance dated 8 August 2006,¹⁶ Judge Pardo submitted the certified true copies of Orders and Decisions he rendered in RTC, Branch 31. In his Letter-Compliance dated 9 August 2006,¹⁷ Judge Pardo likewise attached copies of his Medical Certificate, Orders, Resolutions and Decisions for Branch 32. Judge Pardo explained in his letter that he had been suffering from chronic hypertensive cardio vascular disease with temporary rheumatoid arthritis since 1 March 2005.

In a Resolution dated 18 October 2006,¹⁸ this Court, through the Second Division, resolved to consolidate A.M. OCA IPI No. 05-2243-P with A.M. No. RTJ-05-1962.

In a Resolution dated 14 December 2009, this Court, through the First Division, approved Judge Pardo's application for optional retirement effective 1 July 2009. However, we held in abeyance the payment of his retirement benefits until the final resolution of this case.

The Report and Recommendations of the OCA

In its Report dated 3 June 2010,¹⁹ the OCA found Judge Pardo liable for violating Section 1, Canon 4 of the New Code of Judicial Conduct.²⁰ The OCA found that Judge Pardo did not deny he had a drinking spree with Rosendo, for more than two hours in the evening of 28 March 2005. Thus, the OCA found this act disturbing and improper since Rosendo had a pending application for probation with Judge Pardo at that time.

As for the charges of (1) corruption against both Judge Pardo and Calpatura, (2) taking of court property, and (3) endorsing of applicants in exchange for money or animals against Judge Pardo only, the OCA noted that the complainants failed to substantiate their charges. The complainants did not have direct knowledge of their charges and the witnesses they presented were not credible to substantiate their claims.

Accordingly, the OCA recommended that:

1. the charge of corruption against respondents Judge Moises M. Pardo (now retired), formerly of the Regional Trial Court, Branch 31, Cabaroguis, Quirino, and Jaime B. Calpatura, Legal Researcher of the said court, as well as the charges of demanding money or live animals in exchange for endorsing applicants for vacant positions and taking of court property against respondent Judge Pardo, be DISMISSED for insufficiency of evidence;

¹⁶ Id. at 242-243.

¹⁷ Id. at 163-164.

¹⁸ *Rollo* (A.M. OCA IPI No. 05-2243-P), pp. 60-61.

¹⁹ *Rollo* (A.M. No. RTJ-05-1962), pp. 931-948.

²⁰ Id. at 946.

2. Judge Pardo be FINED in the amount of ₱20,000.00 for violation of the New Code of Judicial Conduct, which shall be deducted from his retirement benefits; and
3. the matter regarding the judicial audit conducted in Branches 31 and 32 of the Regional Trial Court, Cabarroguis, Quirino be now considered CLOSED and TERMINATED, insofar as Judge Pardo is concerned.²¹

The Ruling of the Court

The Court agrees with the recommendations of the OCA but modifies the amount of the recommended fine.

In administrative proceedings, the complainants bear the burden of proving, by substantial evidence, the allegations in the complaint.²² Substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. In the absence of evidence to the contrary, bare allegations of misconduct cannot prevail over the presumption of regularity in the performance of judicial duty.²³

In *A.M. No. RTJ-05-1962*, complainants Tuldague and Balajo bear the burden of proving their allegations against Judge Pardo, which we limited to three acts: (a) corruption through, among others, sharing of cash bonds; (b) demanding money or live animals in exchange for endorsing applicants for vacant positions; and (c) taking of court property specifically two big cans of coat master paint allocated for the painting of the Hall of Justice. Since the charges hurled against Judge Pardo are grave in nature, the evidence against him should be competent and derived from direct knowledge.²⁴

However, as the OCA observed, complainants did not have direct knowledge of their charges and merely relied on their witnesses to testify on the alleged wrongful acts of Judge Pardo.

To determine the credibility and probative weight of the testimony of a witness, such testimony must be considered in its entirety and not in truncated parts.²⁵ To determine which contradicting statements of a witness

²¹ Id. at 948.

²² *Re: Order Dated 21 December 2006 Issued by Judge Maceda*, A.M. No. 07-2-93-RTC, 29 October 2009, 604 SCRA 652; *Lihaylihay v. Canda*, A.M. No. MTJ-06-1659, 18 June 2009, 589 SCRA 363; *Borromeo-Garcia v. Pagayatan*, A.M. No. RTJ-08-2127, 25 September 2008, 566 SCRA 320; *Flores v. Lofranco*, 576 Phil. 25 (2008).

²³ *Borromeo-Garcia v. Pagayatan*, supra note 22, citing *Dayag v. Gonzales*, 526 Phil. 48 (2006).

²⁴ Id., citing *Rondina v. Bello*, 501 Phil. 319 (2005).

²⁵ *Vidallon-Magtolis v. Salud*, 506 Phil. 423 (2005).

are to prevail as to the truth, the other evidence received must be considered.²⁶

On the charge of corruption, complainants only presented Rosendo to testify that he gave ₱6,000.00 to Judge Pardo in the latter's house. He alleged that he likewise gave ₱3,000.00 to Calpatura, through Dominador. However, Rosendo's statements remain uncorroborated as he did not present Alonzo, who allegedly saw him give the money to Judge Pardo. On the other hand, Judge Pardo presented Fr. Lazo, who testified that he did not see Rosendo give money to Judge Pardo in his house. Calpatura likewise presented Dominador, who testified that Rosendo never gave him money.

Rosendo's testimony also contains material inconsistencies, which gravely affected his credibility. Contrary to Rosendo's statement in his Affidavit²⁷ that Calpatura sent an emissary to ask for ₱10,000.00, Rosendo testified on cross-examination that Calpatura sent him a text message, while Judge Pardo called him to ask for the money.²⁸ In his Affidavit, Rosendo claimed that Calpatura only sent a text message on 28 March 2005, but on cross-examination, he stated that Calpatura also sent a text message on 28 February 2005.²⁹ It is well to note that when a serious and inexplicable discrepancy is present between a previously executed sworn statement of a witness and his testimonial declarations with respect to one's participation in a serious imputation such as bribery, such discrepancy raises grave doubt on the veracity of the witness' account.³⁰

On the charge that Judge Pardo demanded money or live animals to endorse applicants for vacant positions, Tuldague's allegation remains unsubstantiated. Toribio, Kimayong, Calpito, and Garingan, from whom Judge Pardo allegedly asked for money and animals, were not presented. In *Aldecoa-Delorino v. Abellanosa*,³¹ the charges of abuse of authority, harassment and oppression were dismissed by the Court when the concerned employees did not submit their Affidavits or appear during the investigation of the administrative case. The Court cannot give credence to charges based on mere suspicion and speculation.³²

Finally, on the charge that Judge Pardo ordered Lugeorge to bring court property, specifically two cans of paints, to his house, we likewise find the evidence presented to be insufficient. Only Lugeorge's testimony was presented. The security guards who allegedly saw the taking were not presented. On the other hand, the veracity of Lugeorge's testimony is

²⁶ Id., citing *Office of the Court Administrator v. Morante*, 471 Phil. 837 (2004)

²⁷ *Rollo* (A.M. No. RTJ-05-1962), p. 311.

²⁸ TSN, 27 April 2006, p. 10.

²⁹ Id. at 14.

³⁰ *Castaños v. Escaño*, 321 Phil. 527 (1995).

³¹ A.M. No. P-08-2472, 19 October 2010, 633 SCRA 448.

³² *Borromeo-Garcia v. Pagayatan*, supra note 22.

doubtful due to these circumstances: (1) Lugeorge only mentioned the alleged order of Judge Pardo to deliver the cans of paint to his house when Tuldague confronted him about the missing cans of paint;³³ (2) Tuldague thereafter ordered that “NOTE: TWO (2) BIG CAN (sic) OF COAT MASTER TAKEN OUT BY L. N. DISCIPULO”³⁴ be entered in the security logbook, but did not mention Judge Pardo in the entry; (3) Tuldague prepared Lugeorge’s affidavit on 6 June 2006, or four years from the alleged order of Judge Pardo to Lugeorge in 2002; and (4) during his cross-examination, Tuldague admitted that Lugeorge had been his subordinate since he was appointed as Clerk of Court.³⁵

A material inconsistency is likewise present in Lugeorge’s testimony when in his Affidavit, he stated that Judge Pardo ordered him to bring out two cans of paint from the RTC on 29 June 2002.³⁶ On his cross-examination, however, Lugeorge testified that Judge Pardo’s order happened “before 29 June 2002.”³⁷ In *Jabon v. Judge Usman*,³⁸ we held that the complainant’s glaring discrepancy in the date of the commission of the alleged corrupt act and his failure to correct the discrepancy despite given a chance, negatively affected his credibility.

With the failure of complainants to substantiate their charges, the complaint against Judge Pardo should be dismissed for lack of merit. However, we find Judge Pardo liable for gross misconduct constituting violations of the Code of Judicial Conduct.

Rosendo testified that he went to Judge Pardo’s house to give him ₱6,000.00. Although the alleged giving of money was not proved, Judge Pardo did not deny that Rosendo, a litigant who had a pending application for probation in his *sala*, went to his house, had a “drinking spree” with him and stayed there for more than two hours.

Section 1, Canon 2 of the New Code of Judicial Conduct for the Philippine Judiciary states that “**Judges shall ensure that not only is their conduct above reproach, but that it is perceived to be so in the view of a reasonable observer.**” Section 2, Canon 2 of the Code states that “**The behavior and conduct of judges must reaffirm the people’s faith in the integrity of the judiciary.**” Section 1, Canon 4 of the Code states that “**Judges shall avoid impropriety and the appearance of impropriety in all of their activities.**”

³³ TSN, 27 April 2006, p. 44.

³⁴ *Rollo* (A.M. No. RTJ-05-1962), p. 447.

³⁵ TSN, 25 May 2006, p. 50.

³⁶ *Rollo* (A.M. No. RTJ-05-1962), pp. 312-313.

³⁷ TSN, 27 April 2006, p. 37.

³⁸ 510 Phil. 513 (2005).

In *Tan v. Rosete*,³⁹ we ruled that the respondent judge's acts of meeting with litigants outside the office premises beyond office hours and sending a member of his staff to talk with complainant constitute gross misconduct. In *J. King & Sons Company v. Hontanosas*,⁴⁰ we likewise held respondent judge liable for misconduct when he entertained a litigant in his home and received benefits given by the litigant.

Section 8, Rule 140 of the Rules of Court classifies gross misconduct constituting violations of the Code of Judicial Conduct as a serious offense. It is punishable by: (1) dismissal from the service, forfeiture of benefits, and disqualification from reinstatement to any public office; (2) suspension from office without salary and other benefits for more than three months but not exceeding six months; or (3) a fine of more than ₱20,000 but not exceeding ₱40,000.⁴¹

The Court notes that this is not the first offense of Judge Pardo. In *Magpali v. Judge Pardo*,⁴² the Court fined him ₱10,000.00 for gross ignorance of the law and warned him that a repetition of similar acts would be dealt with more severely. In A.M. OCA IPI No. 05-2316-RTJ, we dismissed the charges of grave misconduct, gross ignorance of the law and violation of the New Code of Judicial Conduct against Judge Pardo but reminded him to be more circumspect in the performance of his administrative functions, with a warning as well.⁴³ In light of these circumstances, we find it proper to impose upon him the maximum fine of ₱40,000.00.

In *A.M. OCA IPI No. 05-2243-P*, the complainants presented three witnesses to testify on separate instances when Calpatura allegedly committed corruption in cahoots with Judge Pardo.

First, Gorospe testified that Calpatura was introduced to him by Cabañero to help him with the lost records of his case. Calpatura allegedly urged Gorospe to buy liquor and *pulutan*, and then they drank in the public market. Gorospe likewise accused Calpatura of asking goats for Judge Pardo's birthday and for him. However, we find Gorospe's accusations insufficient due to the following: (1) Calpatura presented Cabañero, who refuted Gorospe's allegations and categorically stated that he never introduced Calpatura to Gorospe and neither did Calpatura join them to drink in the public market; (2) on cross-examination, Gorospe admitted that Judge Pardo never celebrated his birthday during his stint as a judge;⁴⁴ and (3) Gorospe's testimony likewise suffered from inconsistencies, such

³⁹ 481 Phil. 189 (2004).

⁴⁰ 482 Phil. 1 (2004).

⁴¹ RULES OF COURT, Rule 140, Sec. 11(A).

⁴² A.M. No. RTJ-08-2146, 14 November 2008, 571 SCRA 1.

⁴³ *Rollo* (A.M. No. RTJ-05-1962), p. 111.

⁴⁴ TSN, 27 April 2006, p. 84.

that, in his Affidavit,⁴⁵ he stated that Judge Pardo instructed him to give him a goat through Calpatura, but on cross-examination he testified that it was Calpatura who asked him for a goat to be given to Judge Pardo.⁴⁶

Second, Juanito stated in his *Salaysay*⁴⁷ that Calpatura asked for two goats from him while he was in jail. However, Juanito's statement fails to convince us. Juanito did not specify the circumstances as to when exactly Calpatura asked for the goats and how he was able to send the goats while he was in prison. On the other hand, Calpatura presented the Certification of the Provincial Warden to prove that he never visited the jail for any purpose. Juanito further admitted during his cross-examination that: (1) he is only familiar with a little Tagalog while his *Salaysay* was written in Tagalog and prepared by Tuldague; (2) when he was asked to identify his *Salaysay*, he could only "see a little," or could see his signature only, because his vision was blurred; (3) he has little education and he could only recall what he stated in his *Salaysay* if it would be read to him; and (4) finally, he signed his *Salaysay* in Tuldague's house since they were neighbors.⁴⁸

Third, Tuldague alleged that Diaz complained to him about giving ₱10,000.00 or part of her cash bond to Betguen and Calpatura after being assured that it would settle her case.⁴⁹ Again, we cannot accept Tuldague's allegation, even though corroborated by Fernando. Both Tuldague and Fernando lacked direct and personal knowledge of whether Diaz indeed gave her cash bond to Betguen and Calpatura. Diaz, on the other hand, consistently and categorically testified that it was Betguen only who received her released cash bond amounting to ₱16,000.00.⁵⁰

While the law does not tolerate misconduct by a civil servant, suspension, replacement or dismissal must not be resorted to unless there is substantial evidence to merit such penalties.⁵¹ In the absence of substantial evidence to the contrary, Calpatura cannot be held accountable for the charges against him.

As for *A.M. No. 05-10-661-RTC*, we adopt the finding of the OCA that the same should be considered closed and terminated, insofar as Judge Pardo is concerned. In any case, Judge Pardo has already complied with this Court's Resolution. In *Office of the Court Administrator v. Judge Mantua*,⁵² where respondent judge was charged with gross inefficiency for undue delay

⁴⁵ *Rollo* (A.M. No. RTJ-05-1962), pp. 458-459.

⁴⁶ TSN, 27 April 2006, p. 85.

⁴⁷ *Rollo* (A.M. No. RTJ-05-1962), p. 462.

⁴⁸ TSN, 25 May 2006, pp. 15-25.

⁴⁹ *Rollo* (A.M. No. RTJ-05-1962), pp. 466-467.

⁵⁰ Id. at 456-457. TSN, 27 April 2006, p. 63.

⁵¹ *Re: Order Dated 21 December 2006 Issued by Judge Maceda*, A.M. No. 07-2-93-RTC, 29 October 2009, 604 SCRA 652.


⁵² A.M. No. RTJ-11-2291, 8 February 2012, 665 SCRA 253.

in deciding cases, we considered the said judge's earnest efforts in attending to the pending cases in his docket sufficient to negate his liability.

WHEREFORE, we find respondent Judge Moises Pardo, retired Presiding Judge, Regional Trial Court, Cabarroguis, Quirino, Branch 31, **GUILTY** of gross misconduct and **FINE** him ₱40,000.00 to be deducted from his retirement benefits. The Office of the Court Administrator is **DIRECTED** to release the retirement pay and other benefits due Judge Pardo unless he is charged in some other administrative complaint or the same is otherwise withheld for some other lawful cause.

We **DISMISS** the complaint against Jaime Calpatura, Legal Researcher and Officer-In-Charge, Branch Clerk of Court, Regional Trial Court, Cabarroguis, Quirino, Branch 32, for lack of merit.

SO ORDERED.



ANTONIO T. CARPIO
Associate Justice

WE CONCUR:



MARIA LOURDES P. A. SERENO
Chief Justice

No part due to relationship of party
PRESBITERO J. VELASCO, JR.
Associate Justice

Teresito Leonardo de Castro
**TERESITA J. LEONARDO-
DE CASTRO**
Associate Justice

Arturo D. Brion
ARTURO D. BRION
Associate Justice

Diosdado M. Peralta
DIOSDADO M. PERALTA
Associate Justice

Lucas P. Bersamin
LUCAS P. BERSAMIN
Associate Justice


(On official leave)
MARIANO C. DEL CASTILLO
Associate Justice


(On official leave)
ROBERTO A. ABAD
Associate Justice

Martin S. Villarama, Jr.
MARTIN S. VILLARAMA, JR.
Associate Justice

*No part. Acted on
matter on DCA*
Jose Portugal Perez
JOSE PORTUGAL PEREZ
Associate Justice

Jose C. Mendoza
JOSE C. MENDOZA
Associate Justice


BIENVENIDO L. REYES
Associate Justice


ESTELA M. PERLAS-BERNABE
Associate Justice

(On official leave)
MARVIC MARIO VICTOR F. LEONEN
Associate Justice