

Republic of the Philippines
Supreme Court
Manila

EN BANC

**OFFICE OF THE COURT
ADMINISTRATOR,**
Petitioner,

A.M. No. RTJ-08-2151

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.:

- versus -

JUDGE EDWIN C. LARIDA, JR.,
RTC, Branch 18, Tagaytay City,
Respondent.

Promulgated:

MARCH 11, 2014

x-----x

DECISION

BERSAMIN, J.:

A mysterious early Sunday morning fire in the records room of a courthouse set off a series of red flags pointing to anomalous acts allegedly committed by its inhabitants. It led to the resignation of a clerk of court after he had formally denounced the Presiding Judge for committing various

anomalies and irregularities that are now the subjects of this administrative case against the Presiding Judge.

Antecedents

At around 7:50 a.m. on October 12, 2008, a Sunday, a fire occurred at the records room of Branch 18 of the Regional Trial Court (RTC) in Tagaytay City. The fire, although declared under control by 8:10 a.m., was extinguished only ten minutes later. Recovered from the records room were a 1.5 liter plastic bottle containing gasoline, a container of glue, and a candle.¹ Atty. Stanlee D.C. Calma, the Branch Clerk of Court of Branch 18, immediately reported the fire as a clear case of arson to the Office of the Court Administrator (OCA).² On October 13, 2008, then Court Administrator Jose Portugal Perez, now a Member of the Court, formed and dispatched an investigative team consisting of lawyers from the OCA to conduct an investigation upon the instructions of Chief Justice Reynato S. Puno. The investigative team started interviewing the personnel of Branch 18, including Atty. Calma, in the afternoon of October 13, 2008, and their declarations aided the review starting on October 14, 2008 of the records of the cases decided and pending in Branch 18.

In the course of its investigation, the investigative team uncovered anomalies supposedly committed by Presiding Judge Edwin G. Larida (Judge Larida), namely:

1. violation of Administrative Circular No. 28-2008, in authorizing the detail of locally-funded employees to his court without obtaining permission from the Supreme Court, and in allowing them to take custody of court records and to draft court orders and decisions for him;

2. knowingly allowing detailed employees Jason Marticio, Larry Laggui and Napoleon Cabanizas to demand commissions from bonding companies in exchange for the issuance of release orders;

3. extorting money from detained accused Raymund Wang, with the help of Jason Marticio and Larry Laggui;

4. defying the directive of the Supreme Court in Administrative Order No. 132-2008, dated 15 September 2008, to stop from trying and hearing cases and to instead, decide cases already submitted for decision;

5. releasing the accused on bail in Criminal Case No. TG-4382-03 for Violation of Section 8, Article II, RA 9165 (Manufacturing or Engaging in the Manufacture of, in a Clandestine Laboratory, Large Quantity of Metamphetamine Hydrochloride, Commonly Known as Shabu) despite their positive identification as the perpetrators of the crime;

¹ *Rollo*, Vol. 1, p. 82.

² *Id.* (Atty. Calma later resigned effective November 2, 2008).

6. granting a motion to quash the information in Criminal Case No. TG-5307-06 without a case record and without requiring a comment from the prosecutor; and

7. granting a petition for the issuance of owner's duplicate copies of various titles in LRC case No. TG-06-1183 under questionable circumstances.³

Upon recommendation of the OCA, and on the basis of the investigation report, the Court resolved on November 18, 2008 to:

a) x x x

b) DIRECT Judge Larida to cease and desist from hearing and deciding cases at RTC, Branch 18, Tagaytay City;

c) DESIGNATE Judge Larida as Assting Judge of RTC, Branch 74, Malabon City to decide inherited cases submitted for decision and already beyond the reglementary period to decide in the aforesaid court;

d) DIRECT Messrs. Jayson A. Marticio and Larry G. Laggui to report back to the City Government of Tagaytay, effective immediately;

e) PROHIBIT Messrs. Marticio, Laggui and Napoleon Cabanizas, Jr., from entering the premises of RTC, Branch 18, Tagaytay City;

x x x x

i) REVOKE the designation of Judge Emma S. Young, RTC, Branch 36, Manila, as Assisting Judge of RTC, Branch 18, Tagaytay City, pursuant to Administrative Order No. 132-2008 dated September 15, 2008, and instead, DESIGNATE Judge Young as Acting Presiding Judge thereat effective immediately and to continue until further orders from the Court. x x x

The Court further Resolved to REFER the instant administrative complaint against Judge Larida to (a) the Presiding Justice of the Court of Appeals for RAFFLE among the justices thereat within five (5) days from notice hereof and (b) the Court of Appeals Justice to whom the complaint will be raffled for INVESTIGATION, REPORT AND RECOMMENDATION thereon within sixty (60) days from the date of the raffle.⁴

In the meantime, Jayson A. Marticio, a locally-funded employee formerly detailed in Branch 18, and who was among those barred by the Court from entering the RTC's premises in the aftermath of the arson incident, presented a letter-complaint dated October 20, 2008⁵ whereby he

³ Id. at 699-700.

⁴ Id. at 220-221.

⁵ Id. at 263-267.

denounced the following anomalies and irregularities committed by the RTC staff of Branch 18, to wit:

1. That the court staff are practicing the “duty system” wherein a court employee will be assigned to report early in order to punch in their daily time cards;
2. That a certain “Rommel” and other court employees were asking commissions from bondsmen, specifically, the Monarch Insurance Company which he avers has connections with the Office of the Clerk of Court;
3. That Clerk of Court Stanlee Calma and Legal Researcher Diana Ruiz are soliciting monetary considerations from litigants in exchange for fast and favorable decisions;
4. That Clerk of Court Calma received a huge amount of money and a Pajero from a certain “Norma” in exchange for a favorable decision in an election protest; and
5. That there are court employees who seek his assistance in drafting decisions/orders and use the same to ask for considerations from litigants.⁶

Marticio’s letter-complaint was consolidated with A.M. RTJ-08-2151, the case involving Judge Larida.⁷ The consolidated cases were assigned to Associate Justice Ricardo R. Rosario of the Court of Appeals (CA) for investigation, report and recommendation.

On February 20, 2009, Investigating Justice Rosario re-set the pre-trial of the cases to March 5, 2009, with a specific order for Marticio to personally appear on that date.⁸ On March 5, 2009, Marticio did not appear at the pre-trial. The Process Server’s Return showed,⁹ however, that the order for Marticio to personally appear before the Investigating Justice was not served on him because he had meanwhile ceased to be connected with the City Government of Tagaytay City, and could not also be found at his last known address. Whereupon, the staff members of Branch 18 whom Marticio had denounced sought the immediate dismissal of his letter complaint.¹⁰ Deeming Marticio’s failure to inform the Investigating Justice and the OCA of his whereabouts as a manifestation of his lack of interest to pursue the matter, the Investigating Justice recommended the dismissal of his letter-complaint.¹¹

⁶ Id.

⁷ Id.at 273.

⁸ Id.at 380.

⁹ Id. at 314.

¹⁰ Id. at 380.

¹¹ Id. at 381.

The representatives of the OCA and Judge Larida appeared before the Investigating Justice and presented their evidence.

The Investigating Justice thereafter submitted a report on his findings to the Court, and recommended as follows:

1. for failing to strictly comply with the provisions of Administrative Circular No. 28-2008, it is recommended that respondent Judge Edwin G. Larida, Jr. be STERNLY WARNED that the commission of a similar act will be dealt with more severely;
2. for failing to supervise and control his subordinates diligently, it is recommended that respondent Judge Edwin G. Larida, Jr. be REPRIMANDED with warning that a commission of a similar act will be dealt with more severely;
3. for immediately granting Jayson Espiritu's motion to quash in Criminal Case No. TG-5307-06 without giving the prosecution a chance to comment thereon or file an opposition thereto, it is recommended that respondent Judge Edwin G. Larida, Jr. be STERNLY WARNED that a repetition of a similar act will warrant a more severe penalty.

There being no substantial evidence to support the charges of –

- a) extorting money from detained accused Raymund Wang;
- b) defying the directive of Supreme Court in Administrative Order No. 132-2008;
- c) improperly granting bail in Criminal Case No. TG-4382-03;
- d) receiving a bribe in exchange for granting Jayson Espiritu's motion to quash the information in Criminal Case No. TG-5307-06;
- e) granting a petition for the issuance of owner's duplicate copies of various titles in LRC Case No. TG-06-1183 under questionable circumstances; and
- f) involvement in the fire that razed RTC, Branch 18, Tagaytay City;

it is recommended that the foregoing charges be DISMISSED and respondent Judge Edwin G. Larida, Jr., be ABSOLVED of liability for the same.¹²

¹² Id. at 734-735.

Ruling

The Court partly adopts the findings and recommendations of the Investigating Justice.

1.

Violation of Administrative Circular No. 28-2008 by authorizing the detail of locally-funded employees to Branch 18 without obtaining permission from the Court, and by allowing them to take custody of court records and to draft court orders and rulings for him

Administrative Circular No. 28-2008 dated March 11, 2008 (*Guidelines in the Detail of Locally-Funded Employees to the Lower Courts*)¹³ relevantly stated as follows:

The Presiding Judge/Executive Judge shall submit to the SC through the OCA, within one (1) month from receipt of this administrative circular, an inventory of all locally-funded employees detailed in their respective court branches including the OCC, specifying their names, position titles, assigned duties and duration of the detail. In addition, the Presiding Judge/Executive Judge shall regularly review the necessity for such details as well as the performance of the locally-funded employees, and recommend to the SC through the OCA the revocation of the detail for those whose services are no longer necessary in the lower courts or those with unsatisfactory or poor performance.

As of October 14, 2008, the locally-funded employees detailed in Branch 18 were Ofelia Parasdas, Myrna Lontoc, Jayson Marticio, Larry Laggui and Jaime Apaga.¹⁴ However, Judge Larida did not submit or cause to be submitted to the Court within one month from receipt of Administrative Circular No. 28-2008 an inventory of all locally-funded employees detailed in Branch 18.

Atty. Calma claimed further that Judge Larida had allowed Marticio to draft orders and decisions for Branch 18 in contravention of paragraph 3 of Administrative Circular No. 28-2008,¹⁵ viz:

Considering the confidentiality of court records and proceedings, locally-funded employees shall simply assist in the performance of clerical works, such as receiving of letters and other communications for the office concerned, typing of address in envelopes for mailing, typing of certificate of appearance, and typing of monthly reports. They shall not be given

¹³ Id. at 1330-1332.

¹⁴ *Rollo*, Vol. 2, p. 1333.

¹⁵ *Rollo*, Vol. 1, pp. 474-475.

duties involving custody of court records, implementation of judicial processes, and such other duties involving court proceedings. However, they may perform functions appertaining to that of a messenger, janitor and driver, if these positions are provided in the plantilla of the Local Government Unit (LGU).¹⁶

To support Atty. Calma's claim, the OCA presented copies of the court orders drafted by Marticio in the period from February 4 to February 15, 2008 bearing Marticio's initials and signatures on which Judge Larida had either written the word "*Finalize*" or signed in other instances.¹⁷

Likewise, Atty. Calma attested that Judge Larida had allowed Laggui to handle confidential court records in violation also of paragraph 3 of Administrative Circular No. 28-2008.¹⁸

In his judicial affidavit, Judge Larida asserted that he had tasked Atty. Calma to make and send to the Court the inventory of the detailed locally-funded employees, but the latter did not comply.¹⁹ He denied that Marticio had continued drafting court orders after the effectivity of Administrative Circular No. 28-2008 on March 11, 2008, because Marticio had been limited to doing legal research afterwards.²⁰ He admitted that Laggui had handled court records at his behest, but insisted that such handling had been limited to the physical carrying of records between his chambers and the staff room for only a fleeting moment.²¹

The Investigating Justice rendered the following evaluation of the charges and the corresponding explanations of Judge Larida, to wit:

Based on the foregoing evidence, this Investigating Justice finds that although respondent Judge failed to comply with the submission of an inventory of locally-funded personnel detailed to his office, pursuant to Administrative Circular No. 28-2008, it cannot be said that such failure was entirely his fault.

In the first place, the preparation of such inventory is an administrative function that properly pertains to the Branch Clerk of Court, Atty. Calma. Since it was Atty. Calma who first read about Administrative Circular No. 28-2008 in the newspaper and even brought the same to the attention of respondent Judge, he should have prepared the required inventory for respondent Judge's signature. The record is bereft of any evidence or allegation that despite a prepared inventory ready for his signature, respondent Judge willfully refused to sign and submit the same to the Supreme Court.

¹⁶ Id. at 1330.

¹⁷ *Rollo*, Vol. 2, 1209-1212.

¹⁸ *Rollo*, Vol. 1, 479.

¹⁹ Id. at 575-576.

²⁰ Id. at 576.

²¹ Id.

Second, aside from the orders prepared by Jayson Marticio between 4 and 15 February 2008, there is no showing that he continued to draft court orders after the effectivity of Administrative Circular No. 28-2008 on 11 March 2008.

Third, Larry Laggui's act of physically carrying court records to and from respondent Judge's chambers and the staff room appears to be a messengerial activity allowed by Administrative Circular No. 28-2008. Laggui can hardly be said to have exercised "custody" over the court records since he had no participation in their safekeeping.

Nevertheless, respondent Judge's act of not submitting the required inventory, allowing detailed employees to draft court orders and/or have access to court records evinces laxity in respondent Judge's control and supervision over his office. A judge is tasked with the administrative supervision over his personnel and he should always see to it that his orders are promptly enforced and that case records are properly stored. It is, therefore, incumbent upon the judge to see to it that the personnel of the court perform their duties well and to call the attention of the clerk of court when they fail to do so.

Having failed to strictly comply with the provisions of Administrative Circular No. 28-2008, it is recommended that respondent Judge be STERNLY WARNED that the commission of a similar act will be dealt with more severely.²²

We find Judge Larida to have committed several lapses, specifically the non-submission to the Court of the required inventory of locally-funded employees, and his allowing Marticio to draft court orders. Such lapses manifested a wrong attitude towards administrative rules and regulations issued for the governance and administration of the lower courts, to the extent of disregarding them, as well as a laxity in the control of his Branch and in the supervision of its functioning staff.

The omission to submit the inventory should not be blamed on Atty. Calma as the Branch Clerk of Court. Although it was very likely that Judge Larida had tasked Atty. Calma to do and submit the inventory in his behalf, Judge Larida as the Presiding Judge himself remained to be the officer directly burdened with the responsibility for doing so. The basis for saying so is the text of Administrative Circular No. 28-2008 itself. Judge Larida could neither shirk from, nor avoid, nor evade the responsibility of submitting the inventory within one month from notice under any guise or reason. This meant that if Atty. Calma did not comply with his instruction, Judge Larida should have himself assumed the responsibility of compliance. With Administrative Circular No. 28-2008 being effective on March 11, 2008 yet, his failure to send the inventory as late as October 2008 definitely established his non-compliance with its directive.

²² Id. at 703-705.

Paragraph 3 of Administrative Circular No. 28-2008 also confined the service of locally-funded employees to giving assistance in the performance of clerical works, like receiving letters and other communications for the Branch, typing of addresses on envelopes for mailing, typing of certificates of appearance, and typing of monthly reports. Such employees were not to have the custody of court records, or to have anything to do with the implementation of judicial processes, or to discharge other duties involving court proceedings beyond the merely clerical. The prohibition was intended to preserve the confidentiality of court records and proceedings, because such employees were not employed in the Judiciary.

Judge Larida admitted in his judicial affidavit that Marticio had drafted court orders and had done legal research in Branch 18. Under the circumstances, his claim of discontinuing Marticio's drafting activities upon the effectivity of Administrative Circular No. 28-2008 on March 11, 2008, assuming it to be true, did not diminish or excuse his violation if he still permitted Marticio to do legal research work thereafter. Legal research was an activity that was more than clerical. Clearly, Judge Larida did not comply with Administrative Circular No. 28-2008, which was a less serious charge under Section 9 of Rule 140, *Rules of Court*, as amended.²³

Section 11 of Rule 140, *Rules of Court*, as amended, delineates the sanctions to be meted out for a less serious charge, as follows:

Section 11. *Sanctions.* – x x x

x x x x

B. If the respondent is guilty of a less serious charge, any of the following sanctions shall be imposed:

1. Suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months; or

2. A fine of more than ₱10,000.00 but not exceeding ₱20,000.00.

x x x x

However, Judge Larida's un rebutted explanation that he had instructed Atty. Calma to prepare and send the inventory, while not entirely

²³ Administrative Matter No. 01-8-10-SC (September 11, 2001), which provides:

Section 9. *Less Serious Charges.* – Less serious charges include:

1. Undue delay in rendering a decision or order, or in transmitting the records of a case;
2. Frequently and unjustified absences without leave or habitual tardiness;
3. Unauthorized practice of law;
- 4. Violation of Supreme Court rules, directives, and circulars;**
5. Receiving additional or double compensation unless specifically authorized by law;
6. Untruthful statements in the certificate of service; and
7. Simple Misconduct.

absolving him, evinced his intention to comply. Trial judges have usually delegated various reporting tasks to their clerks of court or other members of their staff in order to gain more time for their adjudications and other important written work. We should presume, therefore, that malice had not motivated his non-compliance with Administrative Circular No. 28-2008. His explanation to that effect merited treating his lack of malice as a mitigating circumstance in his favor.

2.

Knowingly allowing detailed employees to solicit commissions from bonding companies

Regarding this charge, the Investigating Justice found thusly:

The OCA next charges respondent Judge with having allowed detailed employees, Jayson Marticio and Larry Laggui, and respondent Judge's personal driver, Napoleon Cabanizas, Jr., to solicit commissions from bonding and surety companies.

According to the judicial affidavit of former Branch Clerk of Court, Atty. Stanlee D.C. Calma, the manager of Monarch Insurance Company, Inc. complained to him that despite the proper filing of the bail bond policy and the payment of legal fees, there would be a delay of up to 3 days in the issuance of release orders for the accused unless the bonding company gave the "commission" solicited by Jayson Marticio, Larry Laggui and Napoleon Cabanizas, Jr. Monarch Insurance and other bonding companies supposedly told Atty. Calma that Jayson Marticio, Larry Laggui and Napoleon Cabanizas, Jr. solicited "commissions" ranging from P500.00 up to 2% of the amount of bail imposed.

By way of illustration, the OCA presented Criminal Case No. TG-5955-08 entitled *People vs. Benito Bobis*. In said case, Monarch Insurance posted the bail bond on 17 June 2008, respondent Judge signed the release order of the accused on 18 June 2008, but the release order was issued only on 20 June 2008.

In accordance with his duties as Branch Clerk of Court, Atty. Calma reported the improper solicitation to respondent Judge, who allegedly remarked, "*Sabi ko nga sa kanila mag 'lie low muna.'*"

Thereafter, respondent Judge confronted Jayson Marticio, Larry Laggui and Napoleon Cabanizas, Jr. in the presence of the representative of Monarch Insurance and told them to stop asking for commissions. However, according to Atty. Calma, what respondent Judge really said was that Marticio *et al.* should refrain from demanding "commissions" and it was up to the bonding companies to give them any amount.²⁴

²⁴ *Rollo*, Vol. 1, pp. 705-706.

Based on the foregoing, Judge Larida was not unaware of the solicitations by Marticio, Laggui and Cabanizas from the complaining bonding company. The solicitations were surely irregular and improper activities undertaken by persons visibly working for the courts. Considering that such activities were committed with his knowledge, Judge Larida should have done more than merely confronting them in the presence of the representative of the complaining bonding company, and then and there merely telling them to stop the solicitations. He should have instead immediately caused or called for their investigation and, if the evidence warranted, seen to their proper criminal prosecution. The firmer action by him would have avoided the undesirable impression that he had perversely acquiesced to their activities. He thus contravened the *Code of Judicial Conduct*, which imposed on him the duty to take or initiate appropriate disciplinary measures against court personnel for unprofessional conduct of which he would have become aware, to wit:

Rule 3.10 A judge should take or initiate appropriate disciplinary measures against lawyers or court personnel for unprofessional conduct of which the judge may have become aware.

Accordingly, Judge Larida was guilty of unbecoming conduct, a light charge under Section 10, Rule 140 of the *Rules of Court*, as amended.²⁵

3.
Charge of soliciting money from the accused
in Criminal Case No. TG-2969-98.

On this charge, the Investigating Justice found and recommended as follows:

In Criminal Case No. TG-2969-98, the accused, Raymund Wang, was charged with selling 275.9665 grams of shabu. According to former Branch Clerk of Court, Atty. Calma, a certain Necita Ramos (*kumare* of Raymund Wang) called him up to ask if there was already a decision in the case. Further, Necita Ramos informed Atty. Calma that a certain “Jake” or “James” had visited Wang in the Trece Martirez Provincial Jail to ask P100,000.00 allegedly “*pang birthday ni Judge*.” Wang gave “Jake” or “James” the cellphone number of Necita Ramos and the two purportedly negotiated the amount down to P50,000.00. However, Necita Ramos did not pay the amount solicited.

²⁵ Section 10. *Light Charges*. – Light charges include:

1. Vulgar and unbecoming conduct;
2. Gambling in public;
3. Fraternizing with lawyers and litigants with pending case/cases in his court; and
4. Undue delay in the submission of monthly reports.

After receiving the information, Atty. Calma supposedly informed respondent Judge that certain people might be using his name but the latter only said that the problem is that people are accusing others but are afraid to show up.

Thereafter, Atty. Calma did his own investigation and found out that the cellphone number calling Necita Ramos belonged to Jayson Marticio. Armed with this information, Atty. Calma and Necita Ramos went to the Office of the City Prosecutor. However, no statements were taken and no action was done. Upon verification by the audit team of the OCA, the Office of the City Prosecutor opined that the suspicion of Atty. Calma and Necita Ramos would not prosper since their bases were all hearsay.

For his part, respondent Judge denied that Atty. Calma informed him of this incident. In his Judicial Affidavit, respondent Judge averred that he had asked his legal researcher, Diana Ruiz, to prepare a digest of the case but she prepared, instead a decision acquitting Wang. This allegedly triggered a suspicion in respondent Judge that Diana Ruiz and Atty. Calma were selectively preparing decisions and placing them inside his chambers, but before he could investigate, a fire gutted the court.

Based on the foregoing testimonies on record, it is apparent that the charge against respondent Judge of soliciting money from accused Wang has not been proved. Apart from the hearsay testimony of Atty. Calma, there is no legal or factual basis to conclude that “James” or “Jake” is actually Jayson Marticio and that “James” or “Jake” solicited money from Wang with the authority of respondent Judge. Therefore, it is recommended that this charge against respondent Judge be DISMISSED.²⁶

We adopt the findings and recommendation of the Investigating Justice, and dismiss the charge for lack of evidence proving that Judge Larida solicited a bribe from the accused in Criminal Case No. TG-2969-98.

It is truly proper to emphasize at this point that a charge of bribery against a judge is easy to concoct and difficult to disprove; hence, the Court always demands that the complainant present a panoply of evidence in support of the accusation.²⁷ A mere affidavit attesting that a judge demanded a bribe in exchange for the exoneration of an accused being tried before him is not sufficient. In order that an accusation of this nature is not to be considered a fairy tale, competent and reliable evidence other than the testimony of a lone witness needs to be adduced. Every administrative complaint levelled against a sitting judge must be examined with a discriminating eye, therefore, because its consequential effects are by their nature highly penal, to the extent that the respondent judge may face the sanction of dismissal from the service. Indeed, no judge should be disciplined for misconduct unless the evidence against him is competent and

²⁶ *Rollo*, Vol. 1, pp. 708-710.

²⁷ *Castaños v. Escañó, Jr.*, Adm. Matter No. RTJ-93-955, December 12, 1995, 251 SCRA 174, 184.

sufficient.²⁸ Accordingly, the Court rightfully rejects any imputation of judicial misconduct in the absence of sufficient proof to sustain it.

4.

Defying Administrative Order No. 132-2008

In Administrative Order No. 132-2008, promulgated on September 15, 2008, the Court directed Judge Larida: (1) to cease and desist from trying cases; (2) to concentrate on deciding the cases submitted for decision, whether before him or before his predecessors; and (3) to give priority to cases submitted for decision for more than five years already. The administrative order designated Judge Emma S. Young as the Assisting Judge for Branch 18, with authority to conduct hearings.

The OCA charged Judge Larida with wilfully violating Administrative Order No. 132-2008 by antedating several orders in order to anticipate or circumvent the effectivity of the administrative order.

Anent this charge, the Investigating Justice has reported:

In his Judicial Affidavit, former Branch Clerk of Court, Atty. Calma, accused respondent Judge of continuing to issue interlocutory orders in certain cases even after the effectivity of Administrative Order No. 132-2008 on 15 September 2008. Atty. Calma's testimony is supported by the Judicial Affidavit of civil docket clerk, Anita Goboy. Together, they enumerate the orders issued by respondent Judge allegedly in violation of the Administrative Order, to wit:

1. Order dated 15 August 2008, granting the motions to consolidate and set for pre-trial Civil Case Nos. TG-07-2588 entitled *Tagaytay Properties & Holdings Corp. vs. Sps. Pascua*, TG-07-2589 entitled *Tagaytay Properties & Holdings Corp. vs. dela Vega*; TG-07-2590 entitled *Tagaytay Properties & Holdings Corp. vs. Sps. Catolico*; and TG-07-2592 entitled *Tagaytay Properties & Holdings Corp. vs. Sps. Mirandilla*; but denying consolidation of TG-07-2591 entitled *Tagaytay Properties & Holdings Corp. vs. Sps. Lomerio, Sr.* with said cases;
2. Order, dated 15 September 2008, granting Urgent Ex-Parte Motion (to resolve motion to cancel notice of *lis pendens*) in Civil Case No. TG-08-2743 entitled *Osato-Agro Industrial Development Corporation vs. AB Capital & Investment Corporation*;

²⁸ *Espanol v. Mupas*, A.M. No. MTJ-01-1348, November 11, 2004, 442 SCRA 13, 37-38.

3. Order, dated 18 September 2008, granting plaintiff's prayer for the issuance of a writ of preliminary injunction in SP No. TG-05-2519 entitled *Metro Alliance vs. Phil. Trust Co.*; and,
4. Order, dated 19 September 2008, denying defendant's motion to dismiss in SCA-TG-08-2593 entitled *Tagaytay Resort Development Corporation vs. Nazareno*.

It is Atty. Calma's conclusion that said orders were intentionally ante-dated by respondent Judge based on the fact that the latter, through Larry Laggui, gave such orders to civil docket clerk Anita Goboy only on 26 September 2008 although they all appear to have been signed or promulgated on earlier dates, as above-enumerated. Since Administrative Order No. 132-2008 was already in effect by then, Atty. Calma reasoned that the sole purpose of ante-dating the orders could only be the circumvention of said Administrative Order.

For his part, respondent Judge declared that he signed the orders in question on the dates indicated thereon and released them to the civil docket clerk on the same day. Respondent Judge, thus, was surprised to find out that said orders were all uniformly released by Larry Laggui to the civil docket clerk only on 26 September 2008. In any event, respondent Judge pointed out that since the civil docket clerk had brought the matter to Atty. Calma's attention, the latter-being aware of the effectivity of Administrative Order No. 132-2008—should have informed him about it and stopped the promulgation on said date to avoid a violation of the Administrative Order.²⁹

We declare that the interlocutory orders concerned were signed on the dates indicated therein. The claim of Atty. Calma and Anita Goboy to the effect that the foregoing orders had been antedated to circumvent the mandate of Administrative Order No. 132-2008 was improbable in light of the following relevant observations of the Investigating Justice, *viz.*:

x x x. If it were true that Atty. Calma believed that their release on a date different from the date of their signing amounted to an anomaly, then he should have immediately brought the same to the attention of the presiding Judge. Atty. Calma's act of instructing civil docket clerk Anita Goboy to merely indicate at the back of said orders the date when she actually received them evinces a certain degree of malice incongruent with his key and noble position in the court.³⁰

It is worth noting that only two of the affected orders were issued after the effectivity of Administrative Order No. 132-2008, to wit:

1. the Order, dated 18 September 2008, granting plaintiff's prayer for the issuance of a writ of preliminary injunction in SP No. TG-05-2519 entitled *Metro Alliance vs. Phil Trust Co.*; and

²⁹ *Rollo*, Vol. 1, pp. 710-712.

³⁰ *Id.* at 715.

2. the Order, dated 19 September 2008, denying private defendant's motion to dismiss in SCA-TG-08-2593 entitled *Tagaytay Resort Development Corporation vs. Nazareno*.³¹

The two orders were issued by Judge Larida two and three days after the effectivity of Administrative Order No. 132-2008. Even if the administrative order had taken effect immediately, the time when he acquired actual notice of Administrative Order No. 132-2008 was not shown. On the other hand, that our administrative circulars and issuances take time to reach the lower courts is a matter proper for judicial notice. As such, his intent to violate or circumvent Administrative Order No. 132-2008 was not proved.

Moreover, the Investigating Justice's following observations are cogent, to wit:

According to the Memorandum submitted by the OCA to the Hon. Chief Justice Reynato S. Puno,

“the administrative order was *issued in view of the 139 cases submitted for decision in RTC, Branch 18, Tagaytay City which are already beyond the reglementary period to decide* as reflected in the monthly report of cases submitted by the aforesaid court for the month of April 2008.”

Given the purpose of Administrative Order No. 132-2008, it would appear that the mandate given to respondent Judge to “cease and desist from trying cases” was not meant to penalize him but was given only as a remedial measure to ensure that he will spend his time **writing** the decisions of the long-pending 139 undecided cases **instead of trying and hearing** other cases.

Hence, respondent Judge's issuance of the 2 orders in question, on 18 and 19 September 2008, respectively, while not in strict compliance with the letter of the Administrative Order, also do not prevent the attainment of its purpose. Indeed, there is nothing on record to even hint at an improper motive on the part of respondent Judge in issuing said orders apart from the obvious reason that they were necessary in the disposition of interlocutory matters in these cases.³²

Hence, we dismiss the charge of circumventing Administrative Order No. 132-2008.

³¹ Id. at 713.

³² Id. at 713-714.

5.**Releasing the accused in Criminal Case
No. TG-432-03 on bail despite their being
positively identified as the perpetrators of the crime**

The Investigating Justice found and recommended on this charge thuswise:

In Criminal Case No. TG-4382-03, the accused Leandro Go y Ling, Wen Li Chen, Daniel Co, Wilson Li, Michael Fandag and Arnel Villaser were charged with Violation of Section 8, Article II, RA 9165 (Manufacturing or Engaging in the Manufacture of, in a Clandestine Laboratory, Large Quantity of Metamphetamine Hydrochloride, Commonly Known as Shabu).

From the Memorandum of the OCA to the Hon. Chief Justice Reynato S. Puno, it appears that arraignment proceeded on 7 December 2004; pre-trial commenced on 8 August 2005; and trial ensued on 19 October 2005. On 24 March 2006, the Chinese accused (Go, Li Chen, Co and Li) filed a petition to fix bail for their provisional liberty. The prosecution did not object thereto, and, instead filed a formal offer of evidence on 3 May 2007, as it had, by then, finished with its presentation of evidence. On 1 June 2007, the Chinese accused filed a memorandum in support of their petition for bail. On June 14, 2007, respondent Judge granted the petition for bail of the accused.

In this administrative charge against respondent Judge, the OCA questions his grant of bail to the accused for the reasons that: (1) the crime they are accused of is a capital offense, and the transcript of stenographic notes taken during the presentation of the evidence for the prosecution indicates that 2 witnesses positively identified the accused as the perpetrators of the crime; and (2) there are suspicious circumstances surrounding the release of the resolution granting bail to the accused.³³

X X X X

In this case, after the prosecution finished presenting its evidence, respondent Judge came to the conclusion that the evidence of the accused's guilt was not strong and so granted their petition for bail.

However, the OCA disputes respondent Judge's assessment of the guilt of the accused based on the evaluation made by Branch Clerk of Court Atty. Stanlee D.C. Calma of the transcript of stenographic notes on the case that 2 witnesses for the prosecution had positively identified the accused as the perpetrators of the crime.³⁴

X X X X

On the other hand, respondent Judge defends his grant of bail in his Judicial Affidavit as follows:

³³ Id. at 715-716.

³⁴ Id. at 718.

Q: OCA was faulting you for stating in your resolution that there was no positive identification of the accused when the transcript of stenographic notes say otherwise. What can you say to this?

A: The lack or the improper identification of the accused was just one of the grounds I cited to grant the petition. My assessment of the evidence on this matter was arrived at on two grounds: 1. failure of police officer Eusebio to positively identify the accused in his direct testimony, and 2. the failure of another prosecution witness Mr. Basilio to positively identify the accused taking his entire testimony into consideration, the direct and cross.

x x x x

52. Q: What can you say to the allegations of Atty. Calma that you had a meeting together with some concerned court personnel in your chamber purposely to discuss the resolution specifically on the matter of positive identification?

A: Indeed it transpired but I stood pat on my decision.

The matter of determining whether or not the evidence is strong is a matter of judicial discretion that remains with the judge. Such discretion must be sound and exercised within reasonable bounds. In this case, it appears that respondent Judge gave a lot of thought to the petition for bail before granting it, even going to the extent of consulting with some of his court personnel on the matter after receiving the evidence of the prosecution. After much cogitation, respondent Judge exercised his judicial discretion and came to the conclusion that the evidence against the accused was not strong and they were not positively identified as the perpetrators of the crime.

Respondent Judge's appreciation of the evidence against the accused lies within his sound discretion. This mandated duty to exercise discretion has never been reposed on the Branch Clerk of Court, who cannot be allowed to supplant his personal opinions for that of the judge. As long as there was no irregularity in the proceedings adopted in the grant of bail, judicial discretion must be respected and considered to have been rendered within reasonable bounds.

Respondent Judge's lack of malice or bad faith in granting bail to the accused in Criminal Case No. TG-4382-03 is underscored by the proceedings that transpired thereafter. According to the Memorandum of the OCA to the Hon. Chief Justice Reynato S. Puno, on 2 July 2007, the prosecution filed a motion for reconsideration of the 14 June 2007 resolution granting bail. The motion was set for hearing and the accused were mandated to appear before the court. Upon failure of the accused (except Li and Li Chen) to attend the hearing, respondent Judge canceled their cash bail and issued warrants for their arrest. Further, upon motion of the prosecution, respondent Judge issued a hold-departure order against the accused on 23 July 2007.³⁵

³⁵ Id. at 720-722.

We concur with the foregoing findings and recommendation of the Investigating Justice.

Verily, the determination of whether or not the evidence of guilt of the accused in Criminal Case No. TG-4382-03 was strong for purposes of resolving the petition for bail was a matter of judicial discretion for Judge Larida as the trial judge. Only he could competently resolve the matter of bail. His exercise of discretion must be sound and reasonable. In the view of the Investigating Justice, Judge Larida, having given a lot of thought to the petition for bail before granting it, soundly and reasonably exercised his discretion thereon. Unless an appropriate judicial review would show him to have acted arbitrarily, capriciously, or whimsically in doing so, his granting of the petition for bail should be upheld and respected.

This administrative investigation could not be the occasion to review Judge Larida's granting of bail. Only the proper superior court could say whether his exercise of discretion in resolving the petition for bail was sound and reasonable. Thus, Atty. Calma's adverse conclusion based on the transcript of the proceedings to the effect that the Prosecution's witnesses had positively identified the accused could not effectively contradict Judge Larida's determination of the issue of bail.

Whether the identification in Criminal Case No. TG-4382-03 was positively made or not was a matter for the judicial perception of Judge Larida only. In these proceedings, he explained his reasons for granting bail. We must respect his explanation. The accused in Criminal Case No. TG-4382-03 were charged with the manufacture of methamphetamine hydrochloride. The relevant testimony of the Prosecution's witnesses was to the effect that at the time the police arrested them on July 12, 2003 the accused were loading boxes unto various trucks and vans, with the boxes being later on determined to contain illegal substances.³⁶ As such, the testimony did not establish the manufacture of methamphetamine hydrochloride, the non-bailable offense charged, but a bailable lesser offense. Judge Larida's June 14, 2007 resolution granting the petition for bail reflected the distinction, *viz*:

In the ensuing enforcement of the search warrant issued by the Municipal Trial Court of Silang, Cavite, several containers and sacks were found in the house described therein which were suspected to be essential chemicals in the manufacture of methamphetamine hydrochloride, a prohibited drug. But there was no evidence to establish that the accused had something to do with the presence of these alleged illegal substances in the house subject of the search warrant. The accused were not caught inside the house which the prosecution claims to be a clandestine shabu laboratory. But the "Chinese-looking persons" were apprehended outside

³⁶ *Rollo*, Vol. 2, pp. 1113-1114; 1152.

the clandestine laboratory, outside its gates. They were arrested *in flagrante delicto* loading the containers of illegal substances onto the vans/trucks outside the house. Loading them onto a motor vehicle does not fall within the purview of the word “manufacture” of prohibited drugs otherwise, we are stretching the meaning of the term a bit too far.³⁷

Aside from assailing the resolution granting the petition for bail, Atty. Calma maintained that the resolution had been released under suspicious circumstances considering that the defense counsel, Atty. Albert T. Villaseca, had already gone to the RTC ready to post the cash bail of ₱200,000.00 for each of the accused even prior to the release of the June 14, 2007 resolution granting bail.³⁸

Anent this, Atty. Villaseca explained his presence in Branch 18 in the following manner:

2. Q: On June 18, 2007 at about 9:00 o'clock in the morning, where were you?

A: I was at the Regional Trial Court, Branch 21, Imus, Cavite before the Honorable Judge Norberto J. Quisumbing, Jr. I just came from the Regional Trial Court, Branch 19, Bacoor, Cavite as I initially attended the hearing of Criminal Case No. B-2002-623 titled “People of the Philippines, Plaintiff, versus, Benedicto Baraquilles Maliksi, Accused,” for Homicide. The case was postponed as the Prosecutor in said case was sick. I have with me a “Certified True Copy” of the “Minutes” which I signed together with the “Order” of the Honorable Judge Eduardo Israel Tanguangco both dated June 18, 2007.

3. Q: What were you doing at that time before the Regional Trial Court, Branch 21, Imus, Cavite at the sala of the Honorable Judge Norberto J. Quisumbing, Jr.?

A: I attended the hearing and appeared as counsel for both of the accused in the case of People of the Philippines, Plaintiff, versus, Guillermo Silla y Legaspi and Paulino Silla y Purificacion, Accused, docketed as Criminal Case No. 10242-02 for Homicide.

4. Q: What document or documents, if any, do you have to show before this Honorable Court that on June 18, 2007 at about 9:00 o'clock in the morning you attended and appeared before a criminal case at the Regional Trial Court, Branch 21, Imus, Cavite before the sale (sic) of Honorable Judge Norberto J. Quisumbing, Jr.?

A: I have with me the “Original Copy” of the Honorable Court's “Order” dated June 18, 2007 together with a “Certified True Copy of my “Appearance” indicated by my two signatures therein and the “Minutes of the Proceedings” in the case of People of the Philippines, Plaintiff, versus,

³⁷ Id. at 1098-1099.

³⁸ *Rollo*, Vol. 1, pp. 493-495.

Guillermo Silla y Legaspi and Paulino Silla y Purificacion, Accused, docketed as Criminal Case No. 10242-02 for Homicide.

5. Q: At about what time did you leave the Regional Trial Court, Branch 21, Imus, Cavite after you attended and appeared in the case you are handling?

A: I left the courtroom at around 10:30 o'clock in the morning after my case was called.

6. Q: What did you [do] after you left the Regional Trial Court, Branch 21, Imus, Cavite at around 10:30 o'clock in the morning of June 18, 2007?

A: I went to my office to get the records of another case I was handling that day in the afternoon and briefly prepared for its afternoon hearing.

7. Q: what is this case all about?

A: It is a civil case for Annulment of Deed of Sale, Annulment of Title and Damages docketed as Civil Case No. TG-2209 titled Benjamin Q. Diwa, et. al., Plaintiffs, versus, Maxima R. Matias and International Exchange Bank, Defendants, pending before the Regional Trial Court, Branch 18, Tagaytay City at the sala of the Honorable Judge Edwin G. Larida, Jr. which is scheduled to be heard in the afternoon of June 18, 2007 at around 1:30 o'clock in the afternoon.

8. Q: What happened next after you arrived at your office to get the records and prepared (sic) for this other case that you are handling in the afternoon of June 18, 2007?

A: At around 11:30 o'clock in the morning, I left my office in Imus, Cavite and together with my driver and one of my office personnel, proceeded [to] Tagaytay City to attend to the hearing of my case.

9. Q: What happened next, if any?

A: I arrived at the parking ground of the Regional Trial Court, Branch 18, Tagaytay City at around 12:30 o'clock in the afternoon.

10. Q: Then, what happened next?

A: Upon arriving at the office of the personnel and staff of the Regional Trial Court, Branch 18, Tagaytay City, I was informed by my clients and a court personnel that all the cases scheduled in the afternoon would be rescheduled to another date as there was an unusual incident which transpired inside the courtroom earlier.

11. Q: What is that unusual incident which transpired earlier in the courtroom of the Regional Trial Court, Branch 18, Tagaytay City?

A: I was informed that one of the accused in a rape case from the Provincial Jail of the Province of Cavite took hostage of one of the court employees and that is the reason why all the cases scheduled to be heard in the afternoon were rescheduled to another date.

12: Q: What document, if any, do you have to show before this Honorable Court that there was a hostage taking incident that transpired in the morning of June 18, 2007 in side(sic) the courtroom of the Regional Trial Court, Branch 18, Tagaytay City?

A: I have with me a “Certified True Copy” of the Police Blotter issued by SPO4 Samuel Baybay of the Tagaytay City Police Station.

13. Q: What did you do after that?

A: I provided the court personnel with my available date, briefly talked to my clients and knowing that our case was already postponed I inquired about the status of my other cases pending before the Regional Trial Court, Branch 18, Tagaytay City.

14. Q: What happened next, after that?

A: As I (was) browsing upon the records of Criminal Case No. TG-4382-03 titled The People of the Philippines, Plaintiff, versus, Leandro Go y Lim, et al, Accused, for Violation of Sec. 8, Art. 2, RA 9165, I came across the resolution of the Honorable Court in our petition for bail.

15. Q: What happened next, if any?

A: I personally received a copy of the Honorable Court's Resolution and, thereafter, immediately and excitedly informed the aunt of one of my clients as I know she would be very happy about it as my clients have been innocently lingering in jail for almost four years and have already lost faith and hope of ever having temporary liberty.

16. Q: What happened next, if any?

A: I informed the aunt of one of my clients the amount of the bond required to (be) posted in cash and she told me to meet her at the Provincial Jail at Trece Martires City, Province of Cavite and give her a copy of the Honorable Court's Resolution and she would provide for the amount of the cash bond required by the Honorable Court.

17. Q: What happened next, if any?

A: I inquired from one of the court personnel that if we could post a cash bail bond that afternoon, could my clients be ordered released, and what other documents the court requires to immediately avail of the “order of Release.”

18. Q: What happened next, if any?

A: After I was informed by one of the court personnel that since there are no cases to be heard that afternoon and since all the cases will just be rescheduled to another date, they have a lot of time to take care of the “Order of Release” of my clients as long as all the other court requirements for the posting of the cash bail bond are complied with. I wasted no time and hurriedly left the Regional Trial Court, Branch 18, Tagaytay City. Proceeded to the Provincial Jail at Trece Martires City, Province of Cavite to inform my clients about the Honorable Court's

Resolution and to meet the aunt of one of my clients who will take care of the cash bail bond required. On my way, I informed the aunt of my client about the other requirements for the posting of the cash bail bond and prepared the Cash Bond Undertaking of my clients in my laptop computer.

19. Q: What happened next, if any?

A: I arrived at the Provincial Jail at Trece Martires City, Province of Cavite before 2:00 o'clock in the afternoon. Delivered a copy of the Honorable Court's Resolution to the Provincial Jail Warden and met the aunt of one of my clients who provided me with the cash in the amount of P400,000.00 for the cash bail bond required, pictures of the accused together with the other requirements for the cash bail bond. I explained the consequences of a Cash Bond Undertaking to my clients, have (sic) them sign and subscribe to it and then notarized it.

20. Q: What happened next, if any?

A: I wasted no time and hurriedly left for Tagaytay City. Thereafter, I posted the cash bail bond and submitted all the requirements to secure an "Order of Release" for my clients.

21. Q: What happened next, if any?

A: All documents I submitted were found in order by the personnel in charge. I was able to secure an "Order of Release" for my clients. Thereafter, I again proceeded to the Provincial Jail at Trece Martires City, Province of Cavite and delivered to the Provincial Jail Warden an copy of the "Order of Release."³⁹

Atty. Calma's bare allegations, which were obviously based on surmise and speculation, cannot be preferred because Atty. Villaseca's foregoing explanation of his presence in Branch 18 was supported by authentic documents. Accordingly, we dismiss the charge of Judge Larida's having improperly granted bail in Criminal Case No. TG-4382-03.

6.

Charge of granting the motion to quash the information in Criminal Case No. TG-5307-06 without a case record and without requiring a comment from the public prosecutor

The Investigating Justice said regarding this charge:

In Criminal case No. TG-5307-06, Jayson Espiritu, among others, was charged with Murder and was arrested on 6 August 2008 and detained at the Provincial Jail. On 22 August 2008, Jayson Espiritu filed a motion to quash/dismiss information on the ground that he was a minor at the time of the commission of the offense.

³⁹ Id. at 568-572.

In an Order, dated 5 September 2008, respondent Judge set the motion to quash for hearing on October 3, 2008 and gave the prosecution 15 days to file its comment/opposition thereto. However, without waiting for the 15-day period to expire, respondent Judge granted Jayson Espiritu's motion to quash on 15 September 2008.

According to the Judicial Affidavit of former Branch Clerk of Court Atty. Stanlee D.C. Calma, aside from not giving the prosecution a chance to oppose Jayson Espiritu's motion to quash, respondent Judge personally drafted the Order granting said motion without access to the records of the case. Moreover, respondent Judge allegedly gave an advance copy of the Order granting the motion to quash to the father of Jayson Espiritu, who, in turn, showed the same to the warden of the Provincial Jail even before the court had personally served the same upon said warden on 26 September 2008. According to Atty. Calma, he was informed by the widow of the victim in said criminal case that respondent Judge had been paid off to quash the information against Jayson Espiritu.

In his defense, respondent Judge explained that he granted Jayson Espiritu's motion to quash pursuant to RA 9344 because Jayson Espiritu was only a minor at the time of the commission of the offense, as proved by his birth certificate attached to the motion. Respondent Judge denied having received a pay-off to quash the information against Jayson Espiritu, and explained that he did not wait for the comment/opposition of the prosecution because he followed the substance of the law and acted swiftly in the best interests of the minor accused. Respondent Judge asserts that he personally prepared the order on 15 September 2008.⁴⁰

Jayson Espiritu, the accused in Criminal Case No. TG-5307-06, was a minor of 15 years and 11 months at the time of the commission of the offense charged as borne out by the copy of his birth certificate attached to the motion to quash. He was for that reason entitled to the quashal of the information filed against him for being exempt from criminal liability based on Section 6 of Republic Act No. 9344 (*Juvenile Justice and Welfare Act of 2006*), which states as follows:

Section 6. *Minimum Age of Criminal Responsibility.* - A child fifteen (15) years of age or under at the time of the commission of the offense shall be exempt from criminal liability. However, the child shall be subjected to an intervention program pursuant to Section 20 of this Act.

A child above fifteen (15) years but below eighteen (18) years of age shall likewise be exempt from criminal liability and be subjected to an intervention program, unless he/she has acted with discernment, in which case, such child shall be subjected to the appropriate proceedings in accordance with this Act.

The exemption from criminal liability herein established does not include exemption from civil liability, which shall be enforced in accordance with existing laws. (Emphasis supplied)

⁴⁰ Id. at 729-731

The foregoing notwithstanding, Judge Larida should not have acted on Espiritu's motion to quash without first giving the public prosecutor the opportunity to comment on the motion. That opportunity was demanded by due process.⁴¹ As a judge, he should exercise patience and circumspection to ensure that the opposing sides are allowed the opportunity to be present and to be heard.⁴² Only thereby could he preclude any suspicion on the impartiality of his actuations.⁴³ But he cannot now be sanctioned because it is a matter of public policy that in the absence of fraud, dishonesty or corruption, the acts of a judge done in his judicial capacity are not subject to disciplinary action although they are erroneous.⁴⁴ Considering that there was no fraud, dishonesty or corruption that attended the omission of prior notice, we simply caution him against a repetition of the omission of prior notice.

The Investigating Justice found the charge of bribery against Judge Larida unsupported by competent evidence.⁴⁵ We concur. The records are bereft of the evidence that would establish the charge. Innuendo and hearsay will not establish the accusation. We insist that any accusation of bribery against a judicial officer should be made upon hard and firm evidence of it. Hence, we dismiss the charge of bribery.

7.

Charge of granting under questionable circumstances the petition for the issuance of owner's duplicate copies of various TCTs in LRC Case No. TG-06-1183

In its report, the investigating team from the OCA made the following observations with respect to LRC Case No. TG-06-1183, to wit:

1. There was no hearing conducted to establish the jurisdiction of the court and subsequent referral of the reception of evidence ex parte to Clerk of Court Desiree Macaraeg as commissioner;
2. There was no proof to establish that the Register [of] Deeds of Tagaytay City, although furnished with a copy of the petition, had actually received it;
3. There was no commissioner's report attached to the record relative to the reception of evidence ex parte conducted on 5 & 10 May 2006;

⁴¹ Id. at 733.

⁴² *Santiago v. Santos*, Adm. Matter No. 772-CJ, April 18, 1975, 63 SCRA 392, 395.

⁴³ *Yanuario v. Paraguya*, Adm. Matter No. 64-MJ, May 5, 1976, 71 SCRA 11, 13; *Sardinia-Linco v. Pineda*, No. L-55939, May 29, 1981, 104 SCRA 757, 765.

⁴⁴ *San Buenaventura v. Malaya*, A.M. No. RTJ-91-744, August 1, 2002, 386 SCRA 17, 34; *Boquiren v. Del Rosario-Cruz*, Adm. Case No. MTJ 94-894, June 2, 1995, 244 SCRA 702, 704.

⁴⁵ *Rollo*, Vol. 1, pp. 732-733.

4. The affidavit of loss of titles was presented by petitioner Santos to the Register of Deeds only on 5 May 2006 at the same time the petition was allegedly heard by the commissioner;

5. Per minutes dated 10 May 2006, there appears the name [of] Fiscal Manuel D. Noche, for the government, yet the TSN state[s] that there was no appearance of Fiscal Noche on 10 May 2006 or even the 5 May 2006 *ex-parte* hearing.

6. Petitioner's formal offer of evidence was admitted on 10 May 2007 when the same was filed only on 11 May 2007. The order also made it appear that there is no objection interposed by the City Prosecutor despite non-appearance thereof.

7. The comment of the Register of Deeds on petitioner's Urgent Manifestation alleging that the Register of Deeds delivered the TCT's to Marie Cruz although stated 4 September 2006 was filed in court only on 4 December 2006.⁴⁶

The Investigating Justice recommended the dismissal of the charge of irregularity for lack of evidence and substantiation, thusly:

Although the *Investigation Report* details the legal proceedings in LRC Case No. TG-06-1183, and certain documents from the case were offered in evidence for the complainant, the OCA did not fully elaborate on the exact nature of this charge against respondent Judge. Moreover, during the cross-examination of Diana Ruiz, the latter manifested a lack of knowledge over the events that transpired in said LRC case. No other witnesses were presented to substantiate this charge. Therefore, it is recommended that this charge against respondent Judge be DISMISSED.⁴⁷

The finding and recommendation by the Investigating Justice are well-taken. The mere specification of accusations against Judge Larida could not demonstrate the veracity of the accusations notwithstanding the attachment of all the documents allegedly in support of the accusations. Evidence that was relevant and competent must have been adduced to support the accusation. Diana Ruiz's judicial affidavit attesting that the corresponding documents in support of the investigating team's accusations were faithful reproductions of the originals that formed part of LRC Case No. TG-06-1183, without more, did not suffice to establish the commission of irregularities in the disposition of the case. It is important to stress that the proceedings upon administrative charges made against judicial officers should be viewed with utmost care, and such proceedings are governed by the rules of law applicable to criminal cases, with the charges to be proved beyond reasonable doubt, by virtue of their nature as highly penal in character.⁴⁸

⁴⁶ Id. at 13-14.

⁴⁷ Id. at 733.

⁴⁸ *Lopez v. Fernandez*, Adm. Matter No. 2124-MJ, September 11, 1980, 99 SCRA 603, 610; citing *In re Impeachment of Horrileno*, 43 Phil. 212, 215 (1922).

8.
Charge of liability for the fire
that occurred on October 12, 2008

Anent the fire that occurred in the records room of Branch 18, we absolve Judge Larida because no evidence directly linking him to the arson incident was presented.⁴⁹ It further appears that at the time of the occurrence of the fire, Judge Larida was hospitalized for a kidney injury that he had sustained from a fall on the night of October 9, 2008.⁵⁰

Nevertheless, the OCA insisted on Judge Larida's responsibility for the fire based on certain circumstances, namely: (a) the report of the Bureau of Fire Protection revealed that access to the courthouse was through the rear entrance,⁵¹ and he admitted that such entrance was his access to the courthouse;⁵² (b) despite his being the Presiding Judge of Branch 18, he did not actively take part in the investigation of the arson incident, thereby manifesting his lack of interest in or concern over the burning of the courthouse;⁵³ and (c) he had a motive to burn the courthouse in order to destroy the court's case records that would reveal his wrongdoings.⁵⁴

However, Atty. Calma disclosed that aside from Judge Larida, utility workers Ofelia Parasdas and Romelito Fernando, Judge Young, and Marticio all had keys to the entrance doors of the courthouse (*i.e.*, two front doors and one back door),⁵⁵ and that he (Atty. Calma), along with the clerk-in-charge of the civil docket Anita Goboy and criminal docket clerk Romelito Fernando, were the only ones who had access to the records room because only they knew the location of the key to the records room.⁵⁶

Equally notable is that the forensic report denominated as Dactyloscopy Report No. F-129-08 issued by the Philippine National Police Cavite Provincial Crime Laboratory Office on November 21, 2008⁵⁷ showed that one of the latent prints lifted from the crime scene belonged to Romelito Fernando, a personnel who had testified against Judge Larida during the investigation.

Judge Larida denied his supposed lack of interest in the investigation of the arson incident by reminding that he had immediately requested the

⁴⁹ *Rollo*, Vol. 1, p. 734.

⁵⁰ *Rollo*, Vol. 2, p. 1420.

⁵¹ *Id.* at 1268.

⁵² *Rollo*, Vol. 1, p. 691.

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.* at 515-516.

⁵⁶ *Rollo*, Vol. 3, 1769-1771.

⁵⁷ *Rollo*, Vol. 2, p. 1450.

NBI to investigate the arson incident upon learning about it.⁵⁸ He explained that he had refrained from further actively participating in the investigation because he had been barred by the OCA from reporting for work;⁵⁹ that unlike the staff members of RTC Branch 18 who had continued to report for work and had been interviewed by the investigating team, he had not been summoned for any interview; and that he also learned from the NBI agents themselves that they had been ordered to cease from further investigating the fire upon the entry of the OCA in the investigation.⁶⁰

Imputing to Judge Larida the motive to burn the courthouse in order to destroy case records that could expose his wrongdoings was baseless and speculative. We reject the imputation. Before any judge should be disciplined for any offense, the evidence presented against him must be competent and derived from personal knowledge. The judge ought not to be sanctioned except upon a proper charge, and only after due investigation and with competent proof.⁶¹

9.

Consolidated Penalty for Judge Larida

Judge Larida has been found guilty of a less serious charge for not complying with the directive of Administrative Circular No. 28-2008 to send an inventory of locally-funded employees to the Supreme Court within one month from notice of the circular, and of allowing locally funded employees to perform more than merely clerical tasks; and of a light charge for unbecoming conduct for not causing the investigation of the solicitations of commission from a bonding company committed by three employees assigned to his court.

It is the sense of the Court to consolidate the imposable sanctions on Judge Larida into a single penalty of suspension from office without pay for a period of two months, to be effective immediately upon notice.

10.

Letter-complaint of Jayson Marticio

Pursuant to the recommendation of the Investigating Justice, we dismiss the letter complaint of Marticio for lack of substantiation by him.

⁵⁸ *Rollo*, Vol. 3, p. 1948; Vol. 2, p.1419.

⁵⁹ *Id.* at 1950.

⁶⁰ *Id.* at 1982.

⁶¹ *Raquizza v. Castañeda, Jr.*, Adm. Matter No. 1312-CFI, January 31, 1978, 81 SCRA 235, 244.

WHEREFORE, the Court:

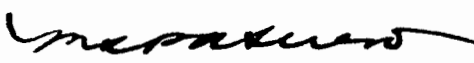
1. **IMPOSES ON** Judge Edwin G. Larida, Jr. the penalty of **SUSPENSION FROM OFFICE WITHOUT PAY FOR A PERIOD OF TWO MONTHS**, to be effective immediately upon notice, with a warning that sterner sanctions will be meted out to him upon his commission of similar acts or omissions;

2. **DISMISSES** the following charges against Judge Larida, Jr. for lack of evidence to support them, namely: (a) Extorting money from detained accused Raymund Wang; (b) Defying the directive of the Supreme Court in Administrative Order No. 132-2008; (c) Improperly granting bail to the accused in Criminal Case No. TG-4382-03; (d) Receiving a bribe in exchange for granting Jayson Espiritu's motion to quash the information in Criminal Case No. TG-5307-06; (e) Granting under questionable circumstances the petition for the issuance of owner's duplicate copies of various certificates of title in LRC Case No. TG-06-1183; and (f) Involvement in the fire that razed the records room of Branch 18 of the Regional Trial Court in Tagaytay City; and

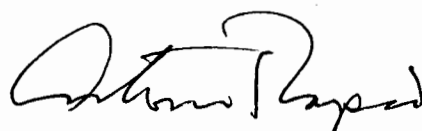
3. **DISMISSES** the letter-complaint of Jayson Marticio dated October 20, 2008 due to his lack of interest to prosecute it.

SO ORDERED.

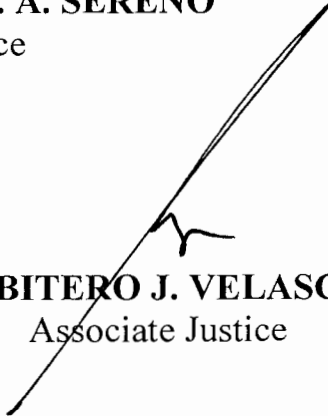
LUCAS P. BERSAMIN
Associate Justice

WE CONCUR:

MARIA LOURDES P. A. SERENO
Chief Justice



ANTONIO T. CARPIO
Associate Justice



PRESBITERO J. VELASCO, JR.
Associate Justice


TERESITA J. LEONARDO-DE CASTRO
Associate Justice


ARTURO D. BRION
Associate Justice

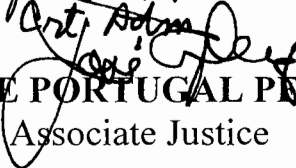

DIOSDADO M. PERALTA
Associate Justice



MARIANO C. DEL CASTILLO
Associate Justice


ROBERTO A. ABAD
Associate Justice


MARTIN S. VILLARAMA, JR.
Associate Justice

No part. Acted on matter as Art. Adm. Sec.

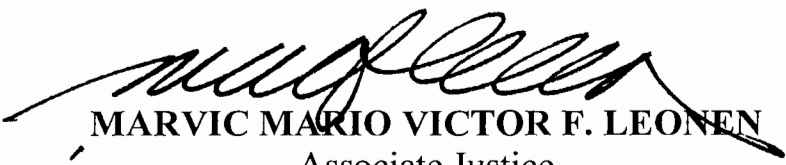

JOSE PORTUGAL PEREZ
Associate Justice


JOSE CATRAL MENDOZA
Associate Justice


BIENVENIDO L. REYES
Associate Justice


ESTELA M. PERLAS-BERNABE
Associate Justice

1


MARVIC MARIO VICTOR F. LEONEN
Associate Justice