

FIRST DIVISION

[A.M. No. RTJ-11-2286 (formerly OCA IPI No. 09-3291-RTJ), February 12, 2020]

**PROVINCIAL PROSECUTOR JORGE D. BACULI, COMPLAINANT,
VS. JUDGE MEDEL ARNALDO B. BELEN,* REGIONAL TRIAL
COURT, BRANCH 36, CALAMBA CITY, LAGUNA, RESPONDENT.**

D E C I S I O N

LAZARO-JAVIER, J.:

Provincial Prosecutor of Zambales Jorge D. Baculi (Prosecutor Baculi) filed complaints against Judge Medel Arnaldo B. Belen (Judge Belen) of the Regional Trial Court, Branch 36, Calamba City, Laguna for (a) violation of Section 3(e) of Republic Act No. 3019 (RA 3019) or the AntiGraft and Corrupt Practices Act; (b) grave misconduct, and disrespect and disobedience to this Court's Decision dated April 20, 2009 in A.M. No. RTJ-09-2176 (also captioned "*Prosecutor Jorge D. Baculi vs. Judge Medel Arnaldo B. Belen*"); (c) disbarment; (d) contempt of court; and (e) conduct grossly prejudicial to the interest of the government service.

The Complaints

In a verified complaint dated October 22, 2009, Prosecutor Baculi alleged that the Supreme Court suspended Judge Belen for six (6) months without salary or benefits for gross ignorance of the law in the aforementioned decision in A.M. No. RTJ-09-2176. Judge Belen was supposedly served a copy of the decision on or about May 25, 2009 and he thereafter moved for reconsideration of the same. The Court denied the motion for reconsideration by Resolution dated July 15, 2009. This notwithstanding, Judge Belen in bad faith still received his monthly allowance (honorarium) from the Office of the City Treasurer of Calamba City for the months of June and July 2009, as evidenced by a certification from that office.^[1]

According to Prosecutor Baculi, Judge Belen's receipt of honoraria from the local government was illegal, fraudulent and contrary to law, considering the latter's suspension was immediately executory upon his receipt of the Court's decision and on the principle of "no work, no pay."^[2] More, Judge Belen should be made accountable for his refusal to follow the rule of law as well as his repeated disregard and disobedience to the rulings of this Court.^[3] Hence, Prosecutor Baculi wrote the mayor of Calamba City and then Chief Justice Reynato S. Puno to inform them of Judge Belen's infractions.^[4]

Subsequently, Prosecutor Baculi filed a verified "New/Additional Complaint" dated October 28, 2009 essentially re-pleading the allegations in the first complaint but including as attachments copies of the pertinent portion of the general payroll of the Office of the Provincial Governor of Laguna for the period April 1, 2009 to July 31, 2009, a special power of attorney in favor of one Eliodoro J. Logo who was

authorized to receive the monthly allowance from the local government on Judge Belen's behalf, and complainant's correspondence with the Office of the Provincial Governor regarding the illegality of the payment of allowances to Judge Belen.^[5]

The Comment

In response to the letters from the Office of the Court Administrator (OCA) to comment on the charges against him, Judge Belen wrote^[6] Court Administrator Jose Midas P. Marquez to issue a general denial of any and all allegations in the complaints. He maintained that he had not committed any illegal, unlawful or invalid acts nor was he guilty of behavior that was contrary to law, orders, rules and regulations or his oath as an RTC judge.^[7]

The Report and Recommendation of the OCA

By its Memorandum^[8] dated April 13, 2011, the OCA found that Prosecutor Baculi sufficiently proved Judge Belen's illegal receipt of benefits from the local government units (LGUs) during the period of his suspension. When respondent received the decision suspending him, he should have refrained from accepting said allowances and if the offices concerned were not aware of his suspension without salary and benefits, he should have voluntarily refunded whatever he received. But he did not. If not for the timely letters of Prosecutor Baculi to the officials involved, Judge Belen could have defrauded the local government units of thousands of pesos of the people's money. Thus, the OCA recommended, among others, that (a) the administrative complaints be re-docketed as a regular administrative matter; and (b) Judge Belen be found guilty of dishonesty and be dismissed from service with forfeiture of his retirement and all other benefits, except accrued leave credits, with prejudice to re-employment in any government agency, including government-owned and controlled corporations.

Further Proceedings before the Court

On June 13, 2011, the Court resolved to: (a) note the verified complaint, the new/additional complaint, and the comment of Judge Belen; (b) re-docket the administrative complaint as a regular administrative matter; and (c) require the parties to manifest if they are willing to submit the case for decision/resolution on the basis of the records/pleadings filed, within ten (10) days from notice.^[9]

Prosecutor Baculi manifested his willingness to submit the matter for decision or resolution on the basis of the pleadings filed.^[10]

Judge Belen, in turn, filed a manifestation and omnibus motion,^[11] stating that he was not willing to submit the case for decision on the basis of the records and instead moved for consolidation of the present matter with the other pending administrative complaints/cases^[12] filed by Prosecutor Baculi against him. Judge Belen further claimed that these cases involved similar causes of action and defenses and arose out of the same incidents and events. Thus, there was allegedly procedural and substantive necessity for consolidation to have clarity and judicious understanding of the matters involved.

Unsurprisingly, Prosecutor Baculi opposed the motion for consolidation and belied Judge Belen's assertion that these cases/matters involved were similar or arose from the same incident. On the contrary, although the cases involved the same

parties, the facts and issues here were different, distinct and independent from the other cases. Prosecutor Baculi averred that Judge Belen sought consolidation only to delay the resolution of these cases and that consolidation without good cause will prejudice complainant's right to speedy justice and due process of law.^[13]

By Resolution dated June 18, 2012, the Court denied Judge Belen's manifestation and omnibus motion for lack of merit.^[14]

Issue

Is respondent judge administratively liable for receiving allowances from the local government during the period of his suspension?

Ruling

We answer in the affirmative.

We have repeatedly held that although every office in the government service is a public trust, no position exacts a greater demand on moral righteousness and uprightness of an individual than a seat in the judiciary. Members of the judiciary should conduct themselves in such a manner as to be beyond reproach and suspicion, and free from any appearance of impropriety in their personal behavior, not only in the discharge of their official duties but also in their everyday life. They are strictly mandated to maintain good moral character at all times and to observe irreproachable behavior so as not to outrage public decency.^[15]

Here, respondent judge is indeed guilty of dishonest conduct. Jurisprudence defines dishonesty as "a disposition to lie, cheat, deceive, or defraud; untrustworthiness; lack of integrity; lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray."^[16] In receiving his monthly allowances despite notice of his suspension by the Court, respondent judge knowingly received money not due to him and in effect defrauded the LGUs concerned of public funds that could have been used for a worthy governmental purpose.

Under civil service rules, a government employee is not entitled to all monetary benefits including leave credits during the period of suspension.^[17] The seriousness of respondent's offense lies in the fact that as a judge, he was "expected to exhibit more than just a cursory acquaintance with statutes and procedural rules and to apply them properly in all good faith."^[18] Worse, his act of receiving allowances was in clear contravention of this Court's decision suspending him for six (6) months without salary or benefits. The amount (Php16,000.00) that respondent received may seem insubstantial but that is precisely why he should have foregone it or immediately refunded the same instead of risking disobeying a lawful order of this Court or tarnishing the dignity of his public position for so paltry a sum.

We approve the penalty recommended by the OCA since it is settled that "dishonesty, being in the nature of a grave offense, carries the extreme penalty of dismissal from the service with forfeiture of retirement benefits except accrued leave credits, and perpetual disqualification from reemployment in the government service."^[19]