

EN BANC

[A.M. No. MTJ-18-1914, September 15, 2020]

DISCREET INVESTIGATION REPORT RELATIVE TO THE ANONYMOUS COMPLAINT AGAINST PRESIDING JUDGE RENANTE N. BACOLOD,^[1] MUNICIPAL CIRCUIT TRIAL COURT, MANDAON- BALUD, MANDAON, MASBATE

D E C I S I O N

PER CURIAM:

The Case and The Proceedings Below

This case stemmed from an anonymous complaint^[2] (written in Tagalog) dated August 24, 2015 filed against Judge Renante N. Bacolod (Judge Bacolod), Presiding Judge of Municipal Circuit Trial Court (MCTC), Mandaon-Balud, Masbate, before the Office of the Court Administrator (OCA) charging him with immorality, maintaining irregular calendar of court hearings and trials, corrupt practices, drug involvement, and grave misconduct, i.e, solemnizing marriages outside his jurisdiction.

Complainant essentially alleged that: He/She is a resident of Mandaon, Masbate. Judge Bacolod is a presiding judge in one of the courts in their place. Judge Bacolod is a married man but is cohabiting with a woman other than his legal wife.

Judge Bacolod goes to court only on Mondays. Moreover, he immediately leaves by noontime and returns only on the following Monday. With this set-up, court hearings are scheduled only on Mondays. Nevertheless, Judge Bacolod still failed to attend some of the scheduled hearings.

Judge Bacolod engages in corrupt practices and employs a personal assistant who receives money from litigants. Also, Judge Bacolod was a notorious drug user and pusher before he was appointed as a judge.

Lastly, Judge Bacolod solemnizes marriages outside his jurisdiction and accepts fees for it.

The OCA referred the complaint to Executive Judge Manuel L. Sese (Judge Sese) of Regional Trial Court (RTC), Masbate City, Masbate, for discreet investigation and report.^[3]

Investigation and Report of Executive Judge Manuel L. Sese

Judge Sese's Investigation Report^[4] contained the following findings:

1. Judge Bacolod is separated from his legal wife who is now residing abroad. At present, he is cohabiting with another woman, with

whom he has a common child, without the benefit of marriage;^[5]

2. Judge Bacolod holds only two (2) hearing days every month. These hearings are scheduled in the morning of the 3^d and 4th Mondays of every month. But most of the time, hearings get cancelled for unknown reasons. According to the Clerk of Court and Clerk II of MCTC, Mandaon-Balud, Masbate, Judge Bacolod immediately leaves right after his hearing and no longer reports to court for the rest of the week. He would report back only on the next scheduled hearing day;^[6]
3. There is no direct evidence to prove that Judge Bacolod engaged in corrupt practices and that he was a notorious drug user and pusher. Judge Bacolod, however, made some palpably erroneous orders in some cases before his court;^[7] and
4. Lastly, Judge Bacolod solemnized the marriage of Neleen Estipona of Mandaon, Masbate, and a foreigner, which marriage, however, was refused registration by the Local Civil Registrar of the Municipality of Mandaon, Masbate, the latter believing that Judge Bacolod did not have the authority to solemnize marriages outside of Mandaon, Masbate.^[8]

In his Comment^[9], Judge Bacolod countered, in the main that: He was separated-in-fact from his legal wife. With his legal wife being married to another man abroad and having children of their own, he indicated in all pertinent papers "separated" as his civil status. This was the case even before he applied as an MCTC judge. This event in his family life does not affect his work as a judge.^[10]

Hearing of cases in his court are held only on the 3rd and 4th Mondays of every month in harmony with the available calendars of attending lawyers who also have to attend hearings in other courts. Likewise, the cancellation of scheduled hearings in his court is due to the absence of either or both counsels of litigants, public prosecutors, public lawyers, or for the reason that he himself is indisposed or on official business or due to the directive in OCA Circular No. 142-2015 with respect to monthly disposal period.

Also, the court building where they are supposed to hold hearings was under repair. From April 2015 until June 2016, they were using the ABC Session Hall of the Municipality of Mandaon which was then only available for morning sessions. He was also attending to two (2) inhibited cases at MCTC Aroroy-Baleno, Aroroy, Masbate, scheduled on Tuesdays; six (6) inhibited civil cases and two (2) criminal cases at MCTC Mobo-Milagros, Mobo, Masbate, scheduled on Thursdays; and more than 30 inhibited cases at the Municipal Trial Court in Cities (MTCC) scheduled on Fridays.

He only has his driver with him going to and from the office. And most of the time, his driver is outside the court premises and has no knowledge about his official business. He also only allows parties and counsels inside his chamber when they are called for mediation or settlement purposes to promote the speedy administration of justice.^[11]

He did not use nor sell illegal drugs. The allegation that he is a notorious drug pusher and user is baseless and tainted with malice and is a form of harassment to stop him from applying as RTC judge of Branch 48 and Branch 49 of Cataingan, Masbate.^[12]

Lastly, he cannot recall having officiated marriages outside his jurisdiction, and have collected only P300.00 as court fees for the marriages he had officiated.

To prove his clean criminal record, he submitted some of his government-issued clearances.^[13]

Acting on the anonymous complaint, Investigation Report, and Judge Bacolod's Comment, the OCA Chief of Legal Office, Wilhelmina D. Geronga, issued a Memorandum^[14] dated September 23, 2016, addressed to the Court Administrator, recommending that the complaint be considered closed and terminated for lack of substantial evidence to prove the administrative culpability of Judge Bacolod relative to the charges of immorality, corrupt practices, and drug peddling but recommended that Judge Bacolod be sternly warned to be more circumspect in the performance of his duties and to strictly comply with the rules on office hours.^[15]

Report and Recommendation of the OCA

In its Administrative Matter for Agenda (AMFA)^[16] dated March 26, 2018, the OCA recommended the following:

1. The instant administrative complaint against Judge Bacolod be re-docketed as a regular administrative matter;
2. Judge Bacolod be found guilty for violating Section 9 (4), Rule 140 of the Revised Rules of Court, and be required to pay a fine of Ten Thousand Pesos (P10,000.00);^[17]
3. Judge Bacolod be found guilty of immorality and be suspended for six (6) months without salary and other benefits, with stern warning that a repetition of the same or similar offenses shall be dealt with more severely; and
4. The charges of corruption and drug peddling against Judge Bacolod be dismissed for lack of substantial . evidence.^[18]

The OCA found Judge Bacolod guilty of immorality. The OCA noted his own admission that his wife is already living with another man and that they are both *in pari delicto*. By saying "*in pari delicto*" he admitted that he is cohabiting with another woman just the same as his wife is cohabiting with another man abroad. Based on his own admission, Judge Bacolod clearly failed to adhere to the exacting standards of morality and decency which every member of the judiciary is expected to observe.^[19]

The OCA also found Judge Bacolod guilty of habitual absenteeism and/or maintaining irregular calendar of court hearings. Citing Administrative Circular No.

3-99 dated January 15, 1999, which provides that session hours of all Regional Trial Courts, Metropolitan Trial Courts, Municipal Trial Court in Cities, Municipal Trial Courts, and Municipal Circuit Trial Courts shall be from 8:30 A.M. to noon and from 2:00 P.M. to 4:30 P.M. from Monday to Friday, the OCA noted that Judge Bacolod's act of conducting hearings only twice a month miserably falls short of what is required by the rules on office attendance. The OCA also cited Administrative Circular Nos. 1-99, 2-99, and 3-99, OCA Circular No. 63-2001 dated October 3, 2001, and OCA Circular No. 09-2015 which reiterated the rule on office hours in courts and its strict observance.

The OCA was not convinced with Judge Bacolod's excuse that he had other court stations to report to. The period when he had to report to other court stations covers the months of April and June of 2009 which was clearly more than five (5) years ahead the date of the anonymous complaint which is August 24, 2015. To add, the OCA gathered that as of May 2016, Judge Bacolod had a total caseload of 155 only. Taken together, these circumstances clearly do not work to exonerate him from being administratively liable.^[20]

On the other hand, the OCA recommended that the charges of (1) corrupt practices, and (2) drug involvement against Judge Bacolod be dismissed for lack of substantial evidence.^[21]

In the same AMFA dated March 26, 2018, however, the OCA made no discussion regarding Judge Bacolod's alleged act of solemnizing marriages outside his jurisdiction.

The Court's Ruling

The Court adopts the findings and recommendations of the OCA but with modification as to the penalty to be imposed on Judge Bacolod.

The OCA correctly found Judge Bacolod guilty of immorality, habitual absenteeism and/or maintaining irregular calendar of court hearings. In the same vein, the OCA correctly recommended the dismissal of the (1) corrupt practices, and (2) drug involvement charges against Judge Bacolod. With respect to his alleged act of solemnizing marriages outside his jurisdiction amounting to grave misconduct, which the OCA failed to discuss in its report and recommendation, the Court finds Judge Bacolod likewise not guilty of the same.

Judge Bacolod is guilty of immorality.

Judge Bacolod did not deny the allegation that he is cohabiting with a woman other than his legal wife. He admitted he is only separated *de facto* from his legal wife, who is currently cohabiting with another man abroad. He calls their current situation as being both in *pari delicto* or equally at fault. By this, he impliedly admitted that he is cohabiting with a woman other than his legal wife just the same as his wife is also living with another man abroad. Worse, he made false representation in pertinent papers, including government or official records, indicating "separated" as his civil status when in fact his marriage still subsists there being no judicial declaration of nullity or annulment of their marriage yet. With audacity, he contends that this event in his life did not affect his work as a judge.

Judge Bacolod is gravely mistaken.

Immorality is not limited to sexual matters but also includes conduct inconsistent with rectitude, or indicative of corruption, indecency, depravity, and dissoluteness; or is willful, flagrant or shameless conduct showing moral indifference to opinions of respectable members of the community, and an inconsiderate attitude towards good order and public welfare.^[22]

To begin with, judges are mandated to adhere to the highest tenets of judicial conduct. They must be the embodiment of competence, integrity and independence. A judge's private as well as official conduct must at all times be free from all appearances of impropriety, and be beyond reproach lest public's trust in the judiciary be diminished.^[23]

The Code of Judicial Conduct mandates that a judge should, at all times, behave in a way that fosters public confidence in the integrity and impartiality of the judiciary. The people's confidence in the judicial system is founded not only on the magnitude of legal knowledge and the diligence of the members of the bench, but also on the highest standard of integrity and moral uprightness they are expected to possess.^[24] With this, Judge Bacolod should be reminded that judges' conduct, whether private or official, influence the public's faith in the judiciary.

Judge Bacolod, by his own admission, is clearly guilty of immorality. Certainly, it is morally reprehensible for Judge Bacolod, a married man, to maintain intimate relations and cohabit with a woman other than his legal wife. His actions reflect upon his utter disregard of public opinion of the reputation of the judiciary which he represents.^[25] He failed to live up to the moral standards expected of everyone in the judiciary. His act of maintaining a relationship and cohabiting with a woman other than his legal wife brought the judiciary into mockery. His acts tainted the judiciary's integrity for it is highly inconceivable how an immoral man can qualify as a magistrate.

Judge Bacolod, being guilty of immorality, shall be held administratively liable therefor.

Judge Bacolod is guilty of maintaining irregular calendar of court hearings and habitual absenteeism with falsification of official documents (Certificates of Service).

As discussed by the OCA in its Report and Recommendation, several Administrative Circulars and OCA Circulars mandate that trial court sessions shall be from 8:30 A.M. to 12:00 noon and 2:00 P.M. to 4:30 P.M. from Monday to Friday. Surely, Judge Bacolod failed to comply with this.

Judge Bacolod does not deny, but in fact admits, holding only two (2) hearing days every month. He, however, pleads for compassion claiming he only came up with this kind of schedule to harmonize the allegedly conflicting schedules of lawyers