

## EN BANC

**[ A.M. No. RTJ-19-2559 [formerly OCA IPI No. 11-3810-RTJ], August 14, 2019 ]**

**PRESIDING JUDGES TOMAS EDUARDO B. MADDELA III AND MERINNISA O. LIGAYA, MUNICIPAL TRIAL COURT IN CITIES, BRANCHES 5 AND 1, RESPECTIVELY, OLONGAPO CITY, ZAMBALES, COMPLAINANTS, VS. PRESIDING JUDGE NORMAN V. PAMINTUAN, REGIONAL TRIAL COURT, BRANCH 73, OLONGAPO CITY, ZAMBALES, RESPONDENT.**

**[A.M. No. RTJ-19-2561 [formerly A.M. No. 15-02-49-RTC]]**

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. PRESIDING JUDGE NORMAN V. PAMINTUAN, REGIONAL TRIAL COURT, BRANCH 73, OLONGAPO CITY, ZAMBALES, RESPONDENT.**

### DECISION

**PER CURIAM:**

#### **Antecedents**

***A.M. No. RTJ-19-2559*  
*[formerly OCA IPI No. 11-3810-RTJ]***

This administrative case stemmed from a Letter-Complaint<sup>[1]</sup> dated October 4, 2011 filed by Hon. Tomas Eduardo B. Maddela III (*Judge Maddela*) and Hon. Merinnisa O. Ligaya (*Judge Ligaya*), Presiding Judges of Branches 5 and 1, respectively, of the Municipal Trial Court in Cities (MTCC), Olongapo City, Zambales, addressed to Hon. Richard A. Paradeza (*Exec. Judge Paradeza*), Executive Judge of the Regional Trial Court (RTC) of Olongapo City. The subject of the complaint is the alleged failure and neglect of Judge Norman V. Pamintuan (*respondent*), Presiding Judge of Branch 73, Regional Trial Court of Olongapo City, Zambales, to perform the solemnization of marriage of applicants after their requests had been raffled to him, pursuant to Office of the Court Administrator (OCA) Circular No. 87-2008 Re: *Guidelines on the Solemnization of Marriage by the Members of the Judiciary*.<sup>[2]</sup>

In their joint letter-complaint, Judge Maddela and Judge Ligaya alleged that the Office of the Clerk of Court-RTC referred and endorsed the requests for solemnization of marriage to other judges because respondent was, on the scheduled dates, either absent or unavailable due to either high blood pressure, flu, loose bowel movement, or fever. They further averred that, being among the judges to whom said requests were consequently referred, they were confronted with verbal complaints from the couples intending to get married and from their parents and relatives who found themselves being ushered out of the courtroom after being told that respondent was absent.<sup>[3]</sup>

Judge Maddela and Judge Ligaya contended that respondent's alleged failure to solemnize the marriages raffled to him constitutes "*shirking from judicial duty*."<sup>[4]</sup> This is pursuant to OCA Circular No. 87-2008, which mandates the strict observance by judges in multiple sala courts of the raffling of requests for solemnization of marriage due to numerous anomalies discovered during various judicial audits in the lower courts. The circular provides in paragraph (c) that "[u]nless for valid reasons, the refusal of a judge to participate in the raffle of request for solemnization of marriage shall be construed as shirking from judicial duty."<sup>[5]</sup>

In his Letter-Comment<sup>[6]</sup> dated February 8, 2012, respondent denied that his failure to solemnize various marriages raffled to his sala was part of a "vicious pattern of neglect."<sup>[7]</sup> He insisted that unavoidable circumstances happened; his sickness was beyond his control and never intentional. He declared that despite his then pending surgery for his multinoduled-thyroid and hypertension, stage II, he returned to work on November 15, 2011. He also submitted that all absences due to his ailment were covered by the necessary applications for leave of absence with attached medical certificates. These applications were all duly approved by the then incumbent Executive Judge of the RTC of Olongapo City.<sup>[8]</sup>

In its October 13, 2014 Resolution,<sup>[9]</sup> the Court reminded respondent of his duty to dispose of the court's business promptly and to be mindful of his absences. It also directed the OCA to immediately conduct a judicial audit of the RTC of Olongapo City, Zambales, Branch 73, presided by respondent, starting August 2011 onwards and to submit a report thereon within sixty (60) days from completion thereof.<sup>[10]</sup>

**A.M. No. RTJ-19-2561**  
**[formerly A.M. No. 15-02-49-RTC]**

In the course of the judicial audit conducted from January 26 to January 30, 2015, with Atty. Rullynn S. Garcia (*Atty. Garcia*) presiding, the other judges of the first and second level courts in Olongapo City, as well as the Clerk of Court of the RTC, Olongapo City, ventilated their complaints against respondent.<sup>[11]</sup>

Exec. Judge Paradeza, Presiding Judge of the RTC of Olongapo City, Zambales, Branch 72, executed an Affidavit-Complaint<sup>[12]</sup> against respondent in which he narrated the circumstances of the latter's attempt to bribe him in exchange for a verdict against the accused in a criminal case. He also stated that he intends to file an administrative case for grave misconduct against respondent.<sup>[13]</sup>

In support of Exec. Judge Paradeza's accusation of bribery against respondent, Atty. Jolm V. Aquino (*Atty. Aquino*), Clerk of Court of the RTC of Olongapo City, Mr. Leo C. Dalit (*Mr. Dalit*), Officer-in-Charge/Legal Researcher II of the RTC of Olongapo City, Branch 72, and Judge Jose L. Bautista, Jr. (*Judge Bautista*), Assisting Presiding Judge of the RTC of Olongapo City, Branch 73, executed their respective Affidavits.<sup>[14]</sup>

In addition to the allegation of bribery, the other judges present at the meeting divulged that respondent engaged in other activities which presented a conflict-of-

interest situation on his part, such as:

- (1) following up on a case involving his Korean friend Park Tae Min, entitled "*People of the Philippines v. Evangeline Kim*," which is pending before the MTCC of Olongapo City, Branch 4;
- (2) establishing a surety company, "SURETY BOND INSURANCE SERVICES," its primary purpose to transact business with the lower courts, particularly in Olongapo City, with Ms. Glenda H. Tulio (*Ms. Tulia*), then Sheriff IV of Branch 4;
- (3) organizing the concert of Freddie Aguilar in December 2013 for which respondent solicited donations from business establishments; and
- (4) holding the 60th birthday party of his wife on January 29, 2014 at the Arizona Beach Resort Hotel in Olongapo City, reportedly owned by someone who is known to have a pending trafficking case in the RTC of Olongapo City.<sup>[15]</sup>

In support of these charges, Judge Esmeralda B. David (*Judge David*), then Presiding Judge of the MTCC Olongapo City, Branch 4, executed an Affidavit<sup>[16]</sup> to attest to the foregoing facts.<sup>[17]</sup>

The judges present at the meeting on January 26, 2015 also claimed that respondent solicited, through Ms. Tulio, monetary donations from lawyers in Olongapo City, for the "1st JUDGE PAMINTUAN SHOOTFEST CUP" held in December 2014. In another meeting held on January 27, 2015, Atty. Manuel R. Rosapapan, Jr. (*Atty. Rosapapan*) and Atty. Leonardo W. Bernabe (*Atty. Bernabe*), Chapter President and Chapter Secretary, respectively, of the Integrated Bar of the Philippines (*IBP*), informed Atty. Garcia that they and other members of their IBP Chapter received the solicitation letter from Ms. Tulio. Atty. Bernabe also stated that respondent would deny motions for reduction of bail so that the accused would be compelled to post a surety bond for their temporary liberty. Both Atty. Rosapapan and Atty. Bernabe, however, declined to execute sworn statements to attest to the fact of their allegations.<sup>[18]</sup>

Lastly, the judicial audit of the RTC of Olongapo City, Zambales, Branch 73, revealed that of the eight hundred thirty-one (831) cases whose records were presented to and examined by the audit team, only sixty-two (62) cases, or 7.46%, were being handled by respondent, while the rest, consisting of seven hundred sixty-nine (769) cases or 92.54%, were being handled by Judge Bautista. Of the sixty-two (62) cases handled by respondent, eighteen (18) had been submitted for decision. Dismally, sixteen (16) of these cases, or 88%, had been awaiting decision beyond the mandated 90-day period.<sup>[19]</sup>

In its March 9, 2015 Resolution,<sup>[20]</sup> the Court preventively suspended respondent from the service, effective immediately, until further orders. It also ordered respondent, within fifteen (15) days from notice, (1) to comment on the January 28, 2015 Affidavit-Complaint<sup>[21]</sup> of Exec. Judge Paradeza, (2) show cause why no disciplinary action should be taken against him for the conflict-of-interest activities charged against him, and (3) to explain his failure to decide the sixteen (16) cases

within the mandated period despite his very minimal caseload.<sup>[22]</sup> It also consolidated A.M. No. RTJ-19-2561 [formerly A.M. No. 15-02-49-RTC] with A.M. No. RTJ-19-2559 [formerly OCA IPI No. 11-3810-RTJ].<sup>[23]</sup>

On March 31, 2015, respondent filed an "Urgent Partial Motion for Reconsideration on my Preventive Suspension."<sup>[24]</sup> Therein, he urged the Court to immediately recall the order for his preventive suspension and to be detailed to the OCA, particularly under the supervision of Court Administrator Jose Midas Marquez, pending investigation of the charges against him. He also prayed that he be allowed to continue receiving his monthly salary and emoluments pending resolution of his case.<sup>[25]</sup>

On April 16, 2015, respondent filed his Comment<sup>[26]</sup> in compliance with the Court's March 9, 2015 Resolution. He argued, as summarized by Investigating CA Justice Henri Jean Paul B. Inting<sup>[27]</sup> (*Investigating Justice Inting*), the following:

xxx [R]espondent Judge Pamintuan denies the accusation of attempted bribery in its entirety and alleges that the sworn statements submitted by [Exec.] Judge Paradeza, Judge Bautista, Atty. Aquino, and Mr. Dalit are incredible and unsupported by evidence.

Respondent Judge Pamintuan insists that he did not commit bribery, much less an attempt thereof, and thus cannot be held liable for the offense. He argues that even if the allegations against him were true, they do not amount to bribery as defined and penalized under the Revised Penal Code.

Furthermore, respondent Judge Pamintuan denies having offered the sum of P100,000.00 to [Exec.] Judge Paradeza in his office to coax the latter to render a judgment of conviction in a criminal case. He also denies that he subsequently returned to the latter's office on a number of occasions to inquire about the case. He theorizes that given the volume of people who frequent [Exec.] Judge Paradeza's court, it is possible that [Exec.] Judge Paradeza mistook him as the one who went to his office on the alleged occasions. He further speculates: "*[in] all likelihood, the person who passed by and went back to the office of Paradeza was [Judge] Bautista who he mistakenly thought was me. This conclusion is not far-fetched considering that Bautista is likewise a Presiding Judge of a Regional Trial Court of Olongapo City who assists me in the management of Branch 73. Furthermore, this is also probable since [Judge] Bautista is related by affinity to the children of the private complainant in said case and was aware of their intentions to influence the outcome of the same with money.*"

Alleging that [Exec.] Judge Paradeza's allegations against him are preposterous, respondent Judge Pamintuan reasons the following: 1) he would not have offered money to [Exec.] Judge Paradeza, explained the reasons therefor, and vigorously insisted that the latter accept it in a venue where there was high risk that said activity would be discovered; 2) he would not have gone to the office of [Exec.] Judge Paradeza with P100,000.00 in his pocket considering that the amount is of considerable

value, which would be quite thick in cash regardless of the denominations of the bills involved, and thus would have been easily detected and would have aroused the suspicion of any reasonable observer; 3) he would not have waited for almost an hour outside the office of [Exec.] Judge Paradeza in the presence of Mr. Dalit given the sensitive nature of the activities and discussion that were to take place in the office of [Exec.] Judge Paradeza, but would have instead called [Exec.] Judge Paradeza through his cellular phone if it was his intention to cajole him to accept his supposed offer; 4) he would not have returned to the office of [Exec.] Judge Paradeza on a number of occasions after a lapse of only a few days from their first encounter considering that [Exec.] Judge Paradeza already exhibited displeasure towards him and even threatened to inform others of what he had done; and 5) he would not have done the acts alleged in light of his career and record in the judiciary. Respondent Judge Pamintuan avers that he would not have engaged in activities such as those alleged given that they would potentially jeopardize his record and career in the judiciary, which is his main source of livelihood.

Respondent Judge Pamintuan further denies having received the amount of P400,000.00 from the children of [the] private complainant and thereafter failed to return it following a judgment of acquittal by [Exec.] Judge Paradeza. He likewise denies having subsequently returned to them the amount using his own funds. His reasons are the following: 1) he would not have accepted the amount of P400,000.00 from the children of private complainant in the criminal case knowing that it was intended to be given to [Exec.] Judge Paradeza to cause him to render a judgment of conviction in the said case and subsequently failed to return it in the event that an adverse decision is rendered; 2) and assuming that he indeed received the P400,000.00, he would not have returned it using his own money as he is in no position to part ways with such a huge amount of money considering his meager salary as a judge. He adds that the prudent course of action he would have done was to simply retrieve the P300,000.00 and P100,000.00 purportedly given to [Exec.] Judge Paradeza and Judge Bautista, respectively, and make whole the children of private complainant with these amounts.

Moreover, respondent Judge Pamintuan denies having deposited P100,000.00 in the bank account of Judge Bautista on December 8, 2014 for the following reasons: 1) he would not have deposited any amount in the bank account of Judge Bautista given that the latter was not the judge who would render the decision in the criminal case and had absolutely nothing to do with his purported objective of securing a guilty verdict in the case on behalf of the children of private complainant; and 2) he would not have delivered any sum to Judge Bautista since [Exec.] Judge Paradeza had already rendered a judgment of acquittal in said case several months before. He also avers that it is impossible for him to have actually deposited the amount in Judge Bautista's account as he did not have the details of the judge's bank accounts.

Based on the foregoing, respondent Judge Pamintuan contends that [Exec.] Judge Paradeza is not a credible witness.