

## FIRST DIVISION

**[ A.M. No. RTJ-17-2507 (formerly OCA IPI No. 14-4329-RTJ), October 09, 2017 ]**

**RE: ANONYMOUS COMPLAINTS AGAINST HON. DINAH  
EVANGELINE B. BANDONG, FORMER PRESIDING JUDGE,  
REGIONAL TRIAL COURT, BRANCH 59, LUCENA CITY, QUEZON  
PROVINCE.**

### D E C I S I O N

#### **DEL CASTILLO, J.:**

On April 16, 2013, the Office of the Court Administrator (OCA) received two letters-complaints, one from an anonymous sender<sup>[1]</sup> (first letter-complaint) and the other under the pseudonym "Shirley Gomez"<sup>[2]</sup> (second letter-complaint), both narrating the difficulties encountered by the employees of, and litigants appearing before, the Regional Trial Court (RTC) of Lucena City, Branch 59 concerning then Presiding Judge Dinah Evangeline B. Bandong (Judge Bandong).

The first letter-complaint alleged, to wit: (1) Judge Bandong would rely on the legal researcher to resolve the cases; (2) she would not acquaint herself with the case status and would instead ask counsels about the same; (3) she would admit in open court that she could not resolve the case for failing to understand it; she would instead force her staff to mediate cases; (4) she would spend most of her time watching television inside her chambers; in fact, she would call for a recess in order to watch her favorite *telenovelas*; and, (5) Judge Bandong would unreasonably demand that all checks covering her salaries and allowances be immediately delivered to her upon release.

Further, Judge Bandong would unduly favor Criminal Case Clerk-in-Charge Eduardo Febrer (Febrer) thereby affecting the office dynamics negatively. Febrer, for his part, would always stay out of the office and delegate his tasks to his co-workers, on top of their respective assignments. Febrer would also look for records or process bail bonds only when given money by bonding companies or litigants. While obvious to all, Judge Bandong seemed not to mind Febrer's ways.

The second letter-complaint was of similar import. It claimed that Judge Bandong was not keen on studying cases, and would instead direct her staff, except the utility worker, to talk to the parties to settle the case at the outset. If the parties disagreed, Judge Bandong would repeatedly postpone the hearing until such time that the parties would just opt to settle. In one instance, Judge Bandong even pursued the settlement of a rape case notwithstanding that it was already submitted for decision prior to her assumption as Presiding Judge of the branch. She ordered the accused to plead guilty to a lesser offense, and when the Public Attorney's Office lawyer refused to assist the accused, Judge Bandong appointed another lawyer to the prejudice of the private complainant whose efforts to obtain justice was put to

naught.

Also, Judge Bandong would refrain from reading voluminous case records and would instead order her staff, usually the stenographers and clerks, to make a digest or orally narrate to her the circumstances of the case. Because of this, the stenographers could not attend to the transcription of stenographic notes, causing them to pile up.

In addition, the second letter-complaint mentioned that Judge Bandong was especially fond of Febrer, whose wife would also frequent the office and bring food for Judge Bandong. Because of these, Judge Bandong tolerated Febrer's act of receiving money from litigants.

On April 18, 2013, the OCA received another anonymous letter-complaint,<sup>[3]</sup> this time against Febrer and the Court Interpreter of the same branch, Francisco Mendioro (Mendioro). It similarly alleged that Judge Bandong would assign Febrer's duties to other staff members, leaving the latter with nothing to do. It also mentioned Febrer's scheme of demanding money from litigants before attending to follow-ups of cases. The letter-complaint likewise pointed to Mendioro as the person responsible for the missing records that would re-surface a few days later, a scheme on the part of Mendioro to make money.

Acting thereon, the OCA indorsed the two letters-complaints against Judge Bandong and the letter-complaint against Febrer and Mendioro to the Executive Judge of RTC Lucena City for discreet investigation and report.<sup>[4]</sup>

Meanwhile, on November 20, 2013, the Court in A.M. No. 14889-Ret. approved the application of Judge Bandong for optional retirement effective at the close of office hours of September 30, 2013.<sup>[5]</sup> However, her retirement benefits, except for the money value of her accrued leave credits, were ordered withheld pending resolution of the two aforementioned letters-complaints against her and of two other administrative complaints, to wit: (1) OCA IPI No. 12-3944-RTJ entitled "*Liberty R. Beltran v. Presiding Judge Dinah Evangeline B. Bandong*";<sup>[6]</sup> and (2) OCA IPI No. 12-3963-RTJ entitled "*Yolanda G. Maniwang v. Presiding Judge Dinah Evangeline B. Bandong*."<sup>[7]</sup>

On February 26, 2014, the OCA received the separate reports<sup>[8]</sup> of then RTC Lucena City Executive Judge Eloida R De Leon-Diaz (EJ De Leon-Diaz) on the discreet investigations she conducted. While EJ De Leon-Diaz recommended the dismissal of the charges against Febrer and Mendioro for want of concrete evidence, she opined otherwise with respect to Judge Bandong.

EJ De Leon-Diaz revealed that even before the discreet investigation was made, the staff members of Judge Bandong already requested detail to other branches on account of the difficulties they experienced in dealing with the latter. Instead of acceding, EJ De Leon-Diaz advised Judge Bandong to settle the issues between her and her staff. Judge Bandong refused to heed EJ De Leon-Diaz' advice and even scolded her staff for discussing their problems with the Executive Judge. She allegedly told her staff not to listen to EJ De Leon-Diaz since it was her (Judge Bandong), as the Presiding Judge of Branch 59, who has the final say on matters concerning the branch. Because of the above-mentioned incident, EJ De Leon-Diaz

claimed that she continued to monitor the activities in Branch 59.

EJ De Leon-Diaz further stated that when Judge Bandong assumed office as Presiding Judge of Branch 59, there were complaints from prosecutors, lawyers, and litigants regarding her failure to conduct formal hearings in her court; compelling parties to conciliate even in criminal cases; and admitting that she does not know how to conduct hearings and write decisions and resolutions. Because of these, Judge Bandong had become the laughing stock of lawyers appearing before the RTC Lucena City.

EJ De Leon-Diaz also confirmed the allegation that Judge Bandong pursued the settlement of a rape case even if the same was already submitted for decision. The said incident, according to the Executive Judge, even caused the prosecutor assigned at Judge Bandong's sala to request detail to another station due to her disappointment with the latter's actuation.

Moreover, EJ De Leon-Diaz recounted that while conducting an observation of the courts in RTC Lucena City, she noticed that no hearing was being conducted in the sala of Judge Bandong. When she went inside, she found Judge Bandong in her chambers watching television with feet on the table. Judge Bandong even invited EJ De Leon-Diaz to join her in watching but the latter declined and advised her to just turn off the television and attend to her cases instead. Later, the staff of Judge Bandong told EJ De Leon-Diaz that they were scolded by their boss for their failure to warn her of the Executive Judge's arrival. They also told her that the money used to buy the television set of Judge Bandong came from their own contributions.

EJ De Leon-Diaz likewise confirmed the following charges: (1) Judge Bandong would assign duties not commensurate to the plantilla positions of her staff, *i.e.*, the Process Server was assigned duties of a Clerk; the Utility Worker was assigned duties of a Process Server; and the Stenographers were required to summarize cases; (2) it was the Legal Researcher who would resolve cases; (3) Judge Bandong would unreasonably demand priority in the delivery of money and checks no matter how small the amount; and, (4) Judge Bandong would exhibit eccentricities and attitude problems. She disallowed her staff from talking to other court personnel and instructed them to prevent the entry of other persons inside their office; she also at one time padlocked their office and brought the keys with her to Infanta, Quezon, forcing her staff to engage a locksmith so they could enter their office.

In view of the above, EJ De Leon-Diaz recommended that administrative charges for gross ignorance of the law, incompetence, and conduct unbecoming of a member of the bench be filed against Judge Bandong.

In the Resolution<sup>[9]</sup> dated October 15, 2014, the Court, per recommendation of the OCA,<sup>[10]</sup> resolved as follows:

1. CONSIDER the two (2) anonymous complaints filed on 1 April 2013 and 16 April 2013 against Presiding Judge Dinah Evangeline B. Bandong, RTC, Br. 59, Lucena City, Quezon Province, and the Reports both dated 15 August 2013 of Executive Judge Eloida R De Leon-Diaz on her discreet investigation on the anonymous complaints as an ADMINISTRATIVE COMPLAINT against former

Presiding Judge Dinah Evangeline B. Bandong;

2. DIRECT the Division Clerk of Court to FURNISH former Judge Bandong with copies of the two (2) anonymous complaints and the Reports both dated 15 August 2013 of Executive Judge Elaida R De Leon-Diaz;
3. REQUIRE Judge Bandong to COMMENT on the charges against her within a period often (10) days from notice;
4. DISMISS the charges against Clerk III Eduardo Febrer and Court Interpreter Francisco Mendioro, both of the RTC, Br. 59, Lucena City, Quezon Province for lack of merit; and
5. DIRECT the Office of the Court Administrator to CONDUCT a JUDICIAL AUDIT in the RTC, Br. 59, Lucena City, Quezon Province.

x x x x<sup>[11]</sup>

In her Compliance<sup>[12]</sup> dated February 18, 2015, Judge Bandong vehemently denied the charges against her. She instead imputed "sinister delight and malevolent glee" upon EJ De Leon-Diaz in drafting the investigation report and even insinuated that EJ De Leon-Diaz could be responsible for the two anonymous letter-complaints.<sup>[13]</sup>

Relevant portions of Judge Bandong's comment to the charges against her are as follows:

That the entire staff of Branch 59 has come to her (EJ. De Leon-Diaz) personally to communicate their grievances against Judge Bandong and request that they be detailed to the other branches or offices of the court, leaving no support staff in Branch 59' is too absurd and far-fetched to be worthy of belief. First, while there may be at least a couple of 'bad eggs' in the staff of Branch 59, the rest are practical and sensible enough to recognize the irrationality of leaving the branch without a single member of its staff. Second, it is no secret that EJ De Leon-Diaz is generally known, at least within the courthouse in Lucena City and local legal circles, to be unapproachable to most, to the point of being fearsome.

x x x x

As to EJ. De Leon-Diaz' claim that she received complaints that respondent 'does not conduct any formal hearings in her court', the records will show otherwise. Information, though unconfirmed, has reached [the] respondent that EJ. De Leon-Diaz has been spreading rumors to that effect, all the way up to the Supreme Court. And because EJ. De Leon-Diaz is an absentee judge, being always out of the courthouse, she has never seen how respondent has been working, sometimes staying in court up to 8:00 o'clock at night, to meet her self-imposed deadlines for court work.

There is simply no truth to EJ. De Leon-Diaz' finding that respondent's

'former prosecutor asked to be detailed in Laguna because she refused to conciliate criminal cases.' The truth is that former Prosecutor Alelie B. Garcia was already detailed in Laguna as early as April 2011 x x x concurrently serving as prosecutor for Branch 59, and acted in both capacities until her appointment as Presiding Judge of the Municipal Trial Court at Polillo Island on 09 September 2013.

EJ. De Leon-Diaz' story about finding respondent 'inside her chamber x x x, feet raised and very relaxed in watching her favorite telenovela' is a complete fabrication, a deliberate falsehood and a vicious lie. It must be stressed here that respondent previously underwent surgery on account of a complete fracture of her leg bone, and can neither walk long distances nor prop up her legs without experiencing disabling pain. Consequently[,] respondent would never raise her feet on a table, particularly one as high as that in her chambers at Branch 59, unless it was absolutely necessary. EJ. De Leon-Diaz seems to have forgotten that respondent walks with a limp, or it may have entirely escaped her notice. At any rate, it runs against respondent's moral fiber to watch a television show in lieu of hearing cases during the business hours of the court.

x x x x

About the television set: while other courts/branches have refrigerators, water dispensers and other electrical appliances, Branch 59 procured only a television set for use during lunch break which almost all members of the staff spent in court, to keep abreast of goings-on in the country and elsewhere as well as for entertainment. Worth some Php6,000.00, respondent paid the Php1,500.00 down payment while the balance was paid via contributions from the court employees. Respondent also shouldered the expenses for the installation of a cable TV service and the monthly subscription fees therefor while she was still presiding over Branch 59. The TV set is, as far as respondent knows, still in [the] court.

x x x x

It is not 'the Legal Researcher who resolves whatever is pending for the (respondent's) consideration'. That is the duty of respondent, which duty she discharges and fulfills by writing the drafts of her own decisions, orders and other issuances, then affixing her signature to the finalized form thereof. The Legal Researcher, Shiela Amandy, is asked to check the citations of law and precedent, if any, that these drafts may contain, and proceed with the reduction of the drafts into typewritten or printed form for respondent's signature. Every decision or resolution respondent made and signed was the product of her study of the facts alleged, the evidence adduced, and the law and jurisprudence applicable to the case. Aware that such decisions/resolutions are subject to challenge by the parties, respondent takes care to carefully apply the law and precedent to the facts as shown by the evidence.

x x x x

Respondent did not and does not play favorites. An examination of her