

FIRST DIVISION

[A.M. No. RTJ-14-2383 (Formerly A.M. OCA I.P.I No. 05-2301-RTJ), August 17, 2015]

DR. CORAZON D. PADERANGA, DULCE P. GUIBELONDO, PATRIA P. DIAZ, CARMENCITA P. ORSENO, AND DR. AMOR P. GALON, COMPLAINANTS, VS. HONORABLE RUSTICO D. PADERANGA, IN HIS CAPACITY AS THE PRESIDING JUDGE OF THE REGIONAL TRIAL COURT, BRANCH 28, IN MAMBAJAO, CAMIGUIN, RESPONDENT.

[A.M. No. RTJ-07-2033 (FORMERLY A.M. OCA I.P.I No. 06-2485-RTJ)]

PATRIA PADERANGA DIAZ, COMPLAINANT, VS. HON. RTC JUDGE RUSTICO D. PADERANGA, AS THE PRESIDING JUDGE OF THE REGIONAL TRIAL COURT, BRANCH 28, IN MAMBAJAO, CAMIGUIN, RESPONDENT.

D E C I S I O N

BERSAMIN, J.:

A judge owes it to his judicial office to simply apply or obey a law or rule that is basic. Otherwise, he is guilty of gross ignorance of the law or rule.^[1]

Antecedents

Prior to his compulsory retirement from the Judiciary on September 24, 2013, the respondent served as the Presiding Judge of the Regional Trial Court (RTC), Branch 28, in Mambajao, Camiguin. He is now administratively charged based on two separate complaints. The first complaint, dated June 17, 2005, initially docketed as OCA I.P.I. No. 05-2301-RTJ but re-docketed as A.M. No. RTJ-14-2383, was brought by his own sisters of the full blood, namely: Dra. Corazon D. Paderanga (Corazon), Dulce Paderanga-Guibelondo (Dulce), Patria Paderanga-Diaz (Patria), Carmencita Paderanga-Orseno (Carmencita) and Dra. Amor Paderanga Galon to charge him with conduct unbecoming of a judge and grave misconduct.^[2] The second, dated January 16, 2006, initially docketed as OCA I.P.I No. 06-2485-RTJ but re-docketed as A.M. No. RTJ-07-2033, was instituted by Patria to charge him with ignorance of the law, disregard of the New Code of Judicial Conduct and abuse of authority.^[3]

On October 1, 2007, with the completion of the administrative investigations, and upon the submission of the separate reports and recommendations by the respective Investigating Associate Justices of the Court of Appeals (CA), the Court consolidated A.M. No. RTJ-07-2033 with A.M. No. RTJ-14-2383.^[4]

A.M. No. RTJ-14-2383

On December 12, 2005, the Office of the Court Administrator (OCA) referred A.M. No. RTJ-14-2383 to then CA Associate Justice Mariano C. Del Castillo for investigation, report and recommendation.^[5]

In his report dated June 16, 2006,^[6] Justice Del Castillo summarized the factual antecedents of A.M. No. RTJ-14-2383 as follows:

Complainants and Respondent Judge are siblings of full blood being the children of the late Narciso and Rosario Paderanga in the following order: Complainant Dulce; Complainant Dra. Amor; Narciso D. Paderanga, Jr. (Narciso Jr.); Respondent Judge; Complainant Carmen; Complainant Patria; and Complainant Dra. Corazon.

The five Complainants present common and separate causes of action against the Respondent Judge. The allegations in their Complaint after amendments can be summarized as follows:

a) Common Allegations

Complainants aver that Respondent Judge, being a magistrate, failed to exert any effort to mediate the differences and misunderstandings between his siblings. They refer particularly to those incidents between Narciso, Jr. and Corazon culminating [in] the filing of charges and counter-charges against each other as follows:

- i) Civil Case No. 2003-325 for Torts and Damages entitled "Spouses Narciso D. Paderanga, Jr. and Alma Paderanga v. Dr. Corazon D. Paderanga" wherein the latter was enjoined to cease and desist from sending malicious text messages to the spouses plaintiffs;
- ii) Criminal Case No. M4-01-255 for Unjust Vexation entitled "People of the Philippines v. Corazon D Paderanga";
- iii) A criminal case for Illegal Possession of Firearms against Narciso D. Paderanga, Jr. docketed as I.S. No. 2003-5193 which was dismissed by the City Prosecutor in a Resolution dated November 14, 2003;
- iv) Complaint for Deportation against Narciso, Jr. filed by Dra. Corazon before the Bureau of Immigration; and
- v) Criminal Case Nos. 410737-CR and 410738-CR for Falsification of Public Official Document filed against Narciso, Jr. and Alma Paderanga, respectively.

The complainants also allege that Respondent Judge compounded the trouble between his siblings when he instigated, encouraged and advised Narciso, Jr. to file charges

against his sister, Dra. Corazon. They likewise state that being a judge, Respondent has the authority and moral obligation to settle disputes brewing within the family; that since he is expected to encourage amicable settlement of disputes of other people, it behooves upon him to zealously pursue the same thing for his brother and sister so as not to bring shame and scandal on the family; that he showed apathy to the Complainants' plight and clear bias for Narciso, Jr.'s claim when he merely sent a Manifestation instead of appearing personally at the conciliatory hearing scheduled by the Lupong Tagapamayapa.

Lastly, they assert that the Respondent Judge abused his power as a judge by continuously trying to harass and oppress his female siblings by threatening to file Civil and Criminal cases against Carmencita and Dulce for not giving him his share of the fruits of the land held in common by the three of them, as evidenced by the letters dated January 10, 2005 and February 3, 2005.

b) Dra. Corazon's Allegation

Dra. Corazon alleges that Respondent Judge took advantage of his powerful position and unjustly enriched himself by encroaching on Lot 12910. According to her, she and Respondent Judge agreed to share equally on Lot 9817; that his share on said lot is designated as Lot 12910-B while her shares are designated as Lots 12910 and 12912; that per Subdivision Sketch Plan prepared by Geodetic Engineer Antonio Ranara (with the apparent conformity of respondent Judge), Lot 12910 belongs to her; however, without asking for her consent or approval, Respondent Judge fenced and introduced improvements therein.

c) Patria's Allegation

Patria avers that she and the respondent Judge live in their ancestral house located in Tupsan, Mambajao, Camiguin; that respondent judge and his wife occupy the ground floor while, she, together with her son Rudy and a 15 year old working student, Christopher P. Odchigue, live on the second floor; that Narciso, Jr. occupies a room in the second floor whenever he visits Camiguin.

On November 28, 2004, during one of his visits to Camiguin, Narciso, Jr. found his room in disarray and claimed that there were valuable things missing. Upon hearing the commotion created by his siblings on the second floor, respondent Judge went upstairs and accused Patria of stealing the missing items, which included a camera. In that occasion, complainant Patria claims that Respondent Judge uttered defamatory remarks upon her. Later, it turned out that nothing was

missing from Narciso, Jr.'s belongings.

On April 15, 2005, Carmen and Patria sought the assistance of the Barangay Captain with regard to their proposal that Respondent Judge accommodate Narciso, Jr. in the ground floor rather than having him stay at one of the rooms in the second floor of the ancestral house. The Barangay Captain thus invited the respondent Judge for a dialogue on April 17, 2005 at 3:00 p.m. However, the respondent Judge requested that the dialogue be moved at 11:00 a.m. of the same day so that Narciso, Jr. would also be able to attend.

On the evening of April 16, 2005, respondent Judge went up to the second floor of the ancestral house to see Patria. When he found her in the "comedor", he allegedly uttered the following words: "Ikaw bugok, idiot aka. Epapreso taka anang imong kaso naa sa Fiscal karon." Thereafter, the Respondent Judge went down to his living area. Christopher Odchigue, who was in the nearby kitchen at that time and overheard this utterance, corroborated the Complainant's allegation.

During the dialogue, Respondent Judge and Narciso, Jr. turned down the proposal of Carmen and Patria. On the conciliation hearing set by the Lupong Tagapamayapa on May 8, 2005 the respondent Judge, however, submitted a Manifestation waiving his presence.

On June 17, 2005 Patria joined her sisters Dulce, Amor, Carmen and Corazon in filing this Administrative Complaint with the OCA.

On November 8, 2005, an Information for Violation of Republic Act 7610 was filed against Patria before the sala of Respondent Judge. The following day, he issued a Warrant for the arrest of Patria.

Upon learning that police officers were after her, Patria surrendered to the Executive Judge of the RTC of Misamis Oriental and posted a cash bond of P16,000.00 on November 11, 2005. Subsequently, she filed a Motion for Disqualification against the respondent Judge on the ground that respondent judge is related to her and the complainant, Michelle P. Carillo, within the sixth degree of consanguinity.

The Respondent judge denies that he instigated and advised, coached and sided with Narciso, Jr. in filing cases against his sisters. He also vehemently denies that he did not even lift a finger to settle or mediate the disputes between his siblings. On the contrary, he claims that he personally went to his brother Narciso, Jr. in Cagayan de Oro to dissuade the latter from pursuing the cases he filed against Dra. Corazon and discuss a possible settlement of said cases. Witness Narciso, Jr., who testified on Respondent Judge's behalf, confirmed that the latter went to

his house in Cagayan de Oro and asked him to drop the cases he filed against complainant Dra. Corazon. Respondent Judge also avers that he enlisted the help of a lawyer relative, Atty. Gael Paderanga, to help him in exploring all possible avenues in setting the dispute in which his siblings are embroiled in.

Secondly, the Respondent Judge claims that he merely requested for his share in the fruits of the land that he co-owns with his sisters. He avers that his sisters misconstrued the letters sent by him as accusing them of cheating him out of the inheritance from their father's estate.

Thirdly, the respondent Judge vehemently denies that he uttered defamatory remarks against Patria on November 8, 2004; and, that the recycling of the alleged utterance is designed to malign his reputation as a judge.

Fourthly, the Respondent Judge denies that he took advantage of his position as a Judge and unjustly enriched himself by appropriating unto himself Lot 12910. He claims that the estate of his father has not yet been partitioned; that the sketch plan prepared by Geodetic Engineer Antonio Ranara is not yet official because it does not bear the conformity of the DENR; that at the time of the taking of the alleged survey, he was then residing in Cebu and hence had no knowledge thereof; that contrary to the claim of Dra. Corazon, the Sketch Plan obtained by him shows that he is entitled to Lot 12910 per Survey Records, Mambajao, Camiguin together with Tax Declaration.

Lastly, with respect to the Warrant of Arrest issued by him on November 9, 2005 against Patria, Respondent Judge posits that he merely exercised his ministerial duty as a judge by virtue of Section 6, Rule 112 of the Rules of Court; that he found probable cause for the issuance of such warrant and did not find it necessary to receive further evidence or conduct a preliminary hearing; that in issuing said warrant, he merely followed the ruling enunciated in the case of *Maddela vs. Dela Torre-Yadao*; that at the time of the issuance of the Warrant of Arrest "rule on mandatory inhibition as provided in Section 1 Rule 137 has not yet come into play" (as he has not yet heard the evidence of the parties nor had he resolved any motions or issued any order); that immediately thereafter, specifically on November 18, 2005, he entered a compulsory disqualification as mandated by Section 1 Rule 137 of the Rules of Court and Rule 3.12 of the Code of Judicial Conduct; that the issuance of the Warrant of Arrest was nothing personal but merely in the performance of his duties and was therefore in good faith; that even assuming he erred in issuing said warrant, the lapse is merely an error of judgment and, therefore, he cannot be held criminally, civilly or administratively liable as the same was issued in good faith.^[7]

In his report dated June 16, 2006,^[8] Justice Del Castillo recommended as follows:

WHEREFORE, it is respectfully recommended that the Respondent Judge be suspended from the service without compensation and benefits for a period of two (2) months for the following acts: