

EN BANC

[A.M. No. RTJ-08-2151, March 11, 2014]

**OFFICE OF THE COURT ADMINISTRATOR, PETITIONER, VS.
JUDGE EDWIN C. LARIDA, JR., RTC, BRANCH 18, TAGAYTAY
CITY, RESPONDENT.**

DECISION

BERSAMIN, J.:

A mysterious early Sunday morning fire in the records room of a courthouse set off a series of red flags pointing to anomalous acts allegedly committed by its inhabitants. It led to the resignation of a clerk of court after he had formally denounced the Presiding Judge for committing various anomalies and irregularities that are now the subjects of this administrative case against the Presiding Judge.

Antecedents

At around 7:50 a.m. on October 12, 2008, a Sunday, a fire occurred at the records room of Branch 18 of the Regional Trial Court (RTC) in Tagaytay City. The fire, although declared under control by 8:10 a.m., was extinguished only ten minutes later. Recovered from the records room were a 1.5 liter plastic bottle containing gasoline, a container of glue, and a candle.^[1] Atty. Stanlee D.C. Calma, the Branch Clerk of Court of Branch 18, immediately reported the fire as a clear case of arson to the Office of the Court Administrator (OCA).^[2] On October 13, 2008, then Court Administrator Jose Portugal Perez, now a Member of the Court, formed and dispatched an investigative team consisting of lawyers from the OCA to conduct an investigation upon the instructions of Chief Justice Reynato S. Puno. The investigative team started interviewing the personnel of Branch 18, including Atty. Calma, in the afternoon of October 13, 2008, and their declarations aided the review starting on October 14, 2008 of the records of the cases decided and pending in Branch 18.

In the course of its investigation, the investigative team uncovered anomalies supposedly committed by Presiding Judge Edwin G. Larida (Judge Larida), namely:

1. violation of Administrative Circular No. 28-2008, in authorizing the detail of locally-funded employees to his court without obtaining permission from the Supreme Court, and in allowing them to take custody of court records and to draft court orders and decisions for him;
2. knowingly allowing detailed employees Jason Marticio, Larry Laggui and Napoleon Cabanizas to demand commissions from bonding companies in exchange for the issuance of release orders;

3. extorting money from detained accused Raymund Wang, with the help of Jason Marticio and Larry Laggui;
4. defying the directive of the Supreme Court in Administrative Order No. 132-2008, dated 15 September 2008, to stop from trying and hearing cases and to instead, decide cases already submitted for decision;
5. releasing the accused on bail in Criminal Case No. TG-4382-03 for Violation of Section 8, Article II, RA 9165 (Manufacturing or Engaging in the Manufacture of, in a Clandestine Laboratory, Large Quantity of Metamphetamine Hydrochloride, Commonly Known as Shabu) despite their positive identification as the perpetrators of the crime;
6. granting a motion to quash the information in Criminal Case No. TG-5307-06 without a case record and without requiring a comment from the prosecutor; and
7. granting a petition for the issuance of owner's duplicate copies of various titles in LRC case No. TG-06-1183 under questionable circumstances.^[3]

Upon recommendation of the OCA, and on the basis of the investigation report, the Court resolved on November 18, 2008 to:

a) x x x

b) DIRECT Judge Larida to cease and desist from hearing and deciding cases at RTC, Branch 18, Tagaytay City;

c) DESIGNATE Judge Larida as Assting Judge of RTC, Branch 74, Malabon City to decide inherited cases submitted for decision and already beyond the reglementary period to decide in the aforesaid court;

d) DIRECT Messrs. Jayson A. Marticio and Larry G. Laggui to report back to the City Government of Tagaytay, effective immediately;

e) PROHIBIT Messrs. Marticio, Laggui and Napoleon Cabanizas, Jr., from entering the premises of RTC, Branch 18, Tagaytay City;

x x x x

i) REVOKE the designation of Judge Emma S. Young, RTC, Branch 36, Manila, as Assisting Judge of RTC, Branch 18, Tagaytay City, pursuant to Administrative Order No. 132-2008 dated September 15, 2008, and instead, DESIGNATE Judge Young as Acting Presiding Judge thereat effective immediately and to continue until further orders from the Court.

x x x

The Court further Resolved to REFER the instant administrative complaint against Judge Larida to (a) the Presiding Justice of the Court of Appeals

for RAFFLE among the justices thereat within five (5) days from notice hereof and (b) the Court of Appeals Justice to whom the complaint will be raffled for INVESTIGATION, REPORT AND RECOMMENDATION thereon within sixty (60) days from the date of the raffle.^[4]

In the meantime, Jayson A. Marticio, a locally-funded employee formerly detailed in Branch 18, and who was among those barred by the Court from entering the RTC's premises in the aftermath of the arson incident, presented a letter-complaint dated October 20, 2008^[5] whereby he denounced the following anomalies and irregularities committed by the RTC staff of Branch 18, to wit:

1. That the court staff are practicing the "duty system" wherein a court employee will be assigned to report early in order to punch in their daily time cards;
2. That a certain "Rommel" and other court employees were asking commissions from bondsmen, specifically, the Monarch Insurance Company which he avers has connections with the Office of the Clerk of Court;
3. That Clerk of Court Stanlee Calma and Legal Researcher Diana Ruiz are soliciting monetary considerations from litigants in exchange for fast and favorable decisions;
4. That Clerk of Court Calma received a huge amount of money and a Pajero from a certain "Norma" in exchange for a favorable decision in an election protest; and
5. That there are court employees who seek his assistance in drafting decisions/orders and use the same to ask for considerations from litigants.^[6]

Marticio's letter-complaint was consolidated with A.M. RTJ-08-2151, the case involving Judge Larida.^[7] The consolidated cases were assigned to Associate Justice Ricardo R. Rosario of the Court of Appeals (CA) for investigation, report and recommendation.

On February 20, 2009, Investigating Justice Rosario re-set the pre-trial of the cases to March 5, 2009, with a specific order for Marticio to personally appear on that date.^[8] On March 5, 2009, Marticio did not appear at the pre-trial. The Process Server's Return showed,^[9] however, that the order for Marticio to personally appear before the Investigating Justice was not served on him because he had meanwhile ceased to be connected with the City Government of Tagaytay City, and could not also be found at his last known address. Whereupon, the staff members of Branch 18 whom Marticio had denounced sought the immediate dismissal of his letter complaint.^[10] Deeming Marticio's failure to inform the Investigating Justice and the OCA of his whereabouts as a manifestation of his lack of interest to pursue the matter, the Investigating Justice recommended the dismissal of his letter-complaint.

The representatives of the OCA and Judge Larida appeared before the Investigating Justice and presented their evidence.

The Investigating Justice thereafter submitted a report on his findings to the Court, and recommended as follows:

1. for failing to strictly comply with the provisions of Administrative Circular No. 28-2008, it is recommended that respondent Judge Edwin G. Larida, Jr. be STERNLY WARNED that the commission of a similar act will be dealt with more severely;
2. for failing to supervise and control his subordinates diligently, it is recommended that respondent Judge Edwin G. Larida, Jr. be REPRIMANDED with warning that a commission of a similar act will be dealt with more severely;
3. for immediately granting Jayson Espiritu's motion to quash in Criminal Case No. TG-5307-06 without giving the prosecution a chance to comment thereon or file an opposition thereto, it is recommended that respondent Judge Edwin G. Larida, Jr. be STERNLY WARNED that a repetition of a similar act will warrant a more severe penalty.

There being no substantial evidence to support the charges of –

- a) extorting money from detained accused Raymund Wang;
- b) defying the directive of Supreme Court in Administrative Order No. 132-2008;
- c) improperly granting bail in Criminal Case No. TG-4382-03;
- d) receiving a bribe in exchange for granting Jayson Espiritu's motion to quash the information in Criminal Case No. TG-5307-06;
- e) granting a petition for the issuance of owner's duplicate copies of various titles in LRC Case No. TG-06-1183 under questionable circumstances; and
- f) involvement in the fire that razed RTC, Branch 18, Tagaytay City;

it is recommended that the foregoing charges be DISMISSED and respondent Judge Edwin G. Larida, Jr., be ABSOLVED of liability for the same. [12]

Ruling

The Court partly adopts the findings and recommendations of the Investigating Justice.

Violation of Administrative Circular No. 28-2008 by authorizing the detail of locally-funded employees to Branch 18 without obtaining permission from the Court, and by allowing them to take custody of court records and to draft court orders and rulings for him

Administrative Circular No. 28-2008 dated March 11, 2008 (*Guidelines in the Detail of Locally-Funded Employees to the Lower Courts*)^[13] relevantly stated as follows:

The Presiding Judge/Executive Judge shall submit to the SC through the OCA, within one (1) month from receipt of this administrative circular, an inventory of all locally-funded employees detailed in their respective court branches including the OCC, specifying their names, position titles, assigned duties and duration of the detail. In addition, the Presiding Judge/Executive Judge shall regularly review the necessity for such details as well as the performance of the locally-funded employees, and recommend to the SC through the OCA the revocation of the detail for those whose services are no longer necessary in the lower courts or those with unsatisfactory or poor performance.

As of October 14, 2008, the locally-funded employees detailed in Branch 18 were Ofelia Parasdas, Myrna Lontoc, Jayson Marticio, Larry Laggui and Jaime Apaga.^[14] However, Judge Larida did not submit or cause to be submitted to the Court within one month from receipt of Administrative Circular No. 28-2008 an inventory of all locally-funded employees detailed in Branch 18.

Atty. Calma claimed further that Judge Larida had allowed Marticio to draft orders and decisions for Branch 18 in contravention of paragraph 3 of Administrative Circular No. 28-2008,^[15] viz:

Considering the confidentiality of court records and proceedings, locally-funded employees shall simply assist in the performance of clerical works, such as receiving of letters and other communications for the office concerned, typing of address in envelopes for mailing, typing of certificate of appearance, and typing of monthly reports. They shall not be given duties involving custody of court records, implementation of judicial processes, and such other duties involving court proceedings. However, they may perform functions appertaining to that of a messenger, janitor and driver, if these positions are provided in the plantilla of the Local Government Unit (LGU).^[16]

To support Atty. Calma's claim, the OCA presented copies of the court orders drafted by Marticio in the period from February 4 to February 15, 2008 bearing Marticio's initials and signatures on which Judge Larida had either written the word "Finalize" or signed in other instances.^[17]