

EN BANC

[A.M. No. RTJ-14-2388 [Formerly OCA IPI No. 10-3554-RTJ], June 10, 2014]

EMILIE SISON-BARIAS COMPLAINANT, VS. JUDGE MARINO E. RUBIA, REGIONAL TRIAL COURT [RTC], BRANCH 24, BIÑAN, LAGUNA AND EILEEN A. PECAÑA, DATA ENCODER II, RTC, OFFICE OF THE CLERK OF COURT, BIÑAN, LAGUNA RESPONDENTS.

DECISION

PER CURIAM:

Public trust requires that we exact strict integrity from judges and court employees. This case emphasizes the need for members of the judiciary and those within its employ to exhibit the impartiality, prudence, and propriety that the New Code of Judicial Conduct and the Code of Conduct for Court Personnel require when dealing with parties in pending cases.

Complainant Emilie Sison-Barias is involved in three cases pending before the sala of respondent Judge Marino Rubia.

The first case is an intestate proceeding.^[1] Complainant filed a petition for letters of administration over the intestate estate of her late husband, Ramon A. Barias. This was opposed by her mother-in-law, Romelias Almeda-Barias.^[2]

The second case is a guardianship proceeding over Romelias Almeda-Barias.^[3] Evelyn Tanael, the guardian appointed by the court, submitted a property inventory report that included not only the properties of Romelias Almeda-Barias but also properties forming part of the estate of complainant's late husband.^[4]

The third case is a civil action^[5] for annulment of contracts and reconveyance of real properties filed by Romelias Almeda-Barias, represented by Evelyn Tanael, against complainant, among others.^[6]

In all these cases, a parcel of land covered by Transfer Certificate of Title No. T-510712 and part of the estate of complainant's husband was involved.^[7]

Complainant alleged that there was delay in the publication of the notice in the petition for issuance of letters of administration filed. She was then informed by her brother, Enrique "Ike" Sison, that respondent Eileen Pecaña, the daughter of his good friend, was a data encoder in the Office of the Clerk of Court of the Regional Trial Court of Biñan, Laguna.^[8]

Complainant, together with her two brothers, Enrique and Perlito "Jun" Sison, Jr.,^[9]

met with respondent Pecaña on February 20, 2010.^[10] During this meeting, complainant informed respondent Pecaña of the delay in the publication of the notice in the petition for issuance of letters of administration. She then asked respondent Pecaña to check the status of the publication of the notice.^[11] Respondent Pecaña asked for complainant's number so that she could inform her as soon as any development takes place in the case.^[12] Enrique^[13] and Perlito^[14] executed affidavits to corroborate these allegations.

Respondent Pecaña asked complainant to meet her again at her house in Biñan, Laguna.^[15] Complainant went there with Enrique.^[16] Respondent Pecaña then informed complainant that she could no longer assist her since respondent Judge Rubia had already given administration of the properties to Evelyn Tanael.^[17]

Complainant stated that she was not interested in the grant of administration to Tanael because these concerned the properties of her mother-in-law, Romelias Almeda-Barias.^[18] She was only concerned with the administration of the properties of her late husband, to which respondent Pecaña replied, "*Ah ganun ba? Iba pala ung kaso mo.*"^[19]

Complainant alleged that respondent Pecaña sent her a text message on March 2, 2010^[20] asking complainant to call her. Complainant called respondent Pecaña who informed her that respondent Judge Rubia wanted to talk to her.^[21] Complainant agreed to meet with respondent Judge Rubia over dinner, on the condition that respondent Pecaña would be present as well.^[22]

On March 3, 2010^[23] at around 7:00 p.m, complainant picked up respondent Pecaña at 6750 Ayala Avenue in Makati City. They proceeded to Café Juanita in The Fort, Bonifacio Global City. Respondent Pecaña said that respondent Judge Rubia would arrive late as he would be coming from a Rotary Club meeting held at the Mandarin Hotel.^[24]

Respondent Judge Rubia arrived at Café Juanita around 8:30 p.m. During the dinner meeting, respondents allegedly asked complainant inappropriate questions. Respondent Judge Rubia allegedly asked whether she was still connected with Philippine Airlines, which she still was at that time.^[25] Complainant was then informed that respondent Judge Rubia knew of this fact through Atty. Noe Zarate, counsel of Romelias Almeda-Barias.^[26] This disclosure surprised complainant, as she was under the impression that opposing counsel and respondent Judge Rubia had no business discussing matters that were not relevant to their pending cases.^[27]

Respondent Judge Rubia also allegedly asked her questions about her supposed involvement with another man and other accusations made by Romelias Almeda-Barias.^[28] She was asked about the hospital where she brought her husband at the time of his cardiac arrest.^[29]

These details, according to complainant, were never discussed in the pleadings or in the course of the trial.^[30] Thus, she inferred that respondent Judge Rubia had been

talking to the opposing counsel regarding these matters outside of the court proceedings.^[31] The impression of complainant was that respondent Judge Rubia was actively taking a position in favor of Atty. Zarate.^[32]

To confirm her suspicion, respondents then allegedly "told complainant to just talk to Atty. Zarate, counsel for the oppositor, claiming that he is a nice person. Complainant was appalled by such suggestion and replied[,] 'Why will I talk to him? Judge di ko yata kaya gawin un.'"^[33]

After dinner, complainant stayed behind to settle the bill. Even before he left, she alleged that respondent Judge Rubia had made insinuations that she was awaiting the company of another man.^[34]

From then on, complainant and respondents did not communicate and/or meet outside the courtroom until August 8, 2010.

In the meantime, complainant alleged that respondent Judge Rubia acted in a manner that showed manifest partiality in favor of the opposing parties, namely, Romelias Almeda-Barias and Evelyn Tanael, as represented by their counsel, Atty. Noe Zarate.^[35]

On June 15, 2010, counsel for complainant was personally handed a copy of a motion for consolidation filed by the oppositor, Romelias Almeda-Barias, despite the date of the hearing on such motion being set on June 18, 2010.^[36] Complainant alleged that respondent Judge Rubia did not even consider the comment/opposition to the motion for consolidation filed by her counsel, which stated that since two of these cases were special proceedings, they could not be consolidated with an ordinary civil action. Respondent Judge Rubia insisted on discussing the totality of the different issues involved in the three distinct cases under one court proceeding.^[37] As such, complainant alleged that the main issues of the special proceedings were consolidated with matters that were properly the subject of a separate civil action.^[38]

Complainant alleged that respondent Judge Rubia refused to issue orders^[39] that would have allowed her to comply with her duties as the special administrator of her late husband's estate.^[40] This included the order to conduct an inventory of the properties, rights, and credits of the deceased, subject to the authority of the administrator.

In addition, complainant alleged that respondent Judge Rubia refused to grant her request for subpoena duces tecum and ad testificandum that she had prayed for to compel Evelyn Tanael to produce the documents showing the accrued rentals of the parcel of land belonging to her late husband.^[41] As such, complainant raised that respondent Judge Rubia's refusal emboldened Evelyn Tanael and oppositor Romelias Almeda-Barias to interfere in the management of the estate of complainant's late husband.^[42] Because of this refusal, she asserted that respondent Judge Rubia failed to adhere to the duty of the court to ensure a proper inventory of the estate.^[43]

Complainant enumerated occasions that alleged manifest partiality on the part of respondent Judge Rubia. She alleged that respondent Judge Rubia failed to require a timely filing of the pre-trial brief on the part of Evelyn Tanael and Romelias Almeda-Barias, and despite their non-compliance on four (4) separate pre-trials that were postponed, Tanael and Almeda-Barias were not declared in default.^[44] She also alleged that respondent Judge Rubia stated that the burden to prove ownership of the property was on complainant, when in fact it was the oppositor, or Tanael and Almeda-Barias, who had the burden of proof to show that the land was fraudulently transferred to her late husband.^[45]

Complainant admitted that she did not inform her counsel of the dinner meeting she had with respondents.^[46] It was Enrique who allegedly told complainant's lawyers about it when he went to the lawyer's office to pay some bills.^[47] Complainant said that her lawyer immediately admonished her for agreeing to meet with respondent Judge Rubia. Complainant then texted respondent Pecaña on August 8, 2010 on her lawyer's reaction concerning the March 3, 2010 meeting. The following exchanges took place via text message:

COMPLAINANT:

Hi Aileen! Sorry jz feeling bad. . my lawyer jz called me at galit n galit. My brother went to hm today to pay som bills. Sa kakadaldal na mention s lawyr my meeting wid u n judge rubia. My lawyr ws mad dat m nt suppose to do dat w/out hs knowledge. I cnt understand anymore wat he ws sayng kanina kse nga galit. He wil file yata somtng abt dat n I dnt knw wat? Pls. Help me. (August 8, 2010, 2:31 p.m.)

AILEEN PECAÑA [sic]:

Ha? Anong ififile? Bkt xa galit? Bka lalo tayo mapahamak? (August 8, 2010, 3:48 p.m.)

COMPLAINANT

M nt very sure bt he mentioned abt administrative or administratn something. I hav to talk to hm n person para mas claro. Hirap kse by fon tla. He ws mad bcoz f our meetng nga, dats wat struck hm. Sorry, daldal kse ni kuya. M going to col kuya tomorrow na. Its 1am na hr, I have to buy foncard pa. (August 8, 2010, 4:18 p.m.)

AILEEN PECAÑA [sic]

Admin? **Nku d mapapahamak nga kaming 2 ni juj.** Pati ikaw mapapahamak pa dn. (August 8, 2010, 4:28 p.m.)

AILEEN PECAÑA [sic]

Bkt xa galit kng mkpg kta ka smin widout his knowledge. I cnt fathom y wil it end up filing an admin case. (August 8, 2010, 4:29 p.m.)

AILEEN PECAÑA [sic]

Pls Emily do something 2 pacify ur lawyer, juj rubia will definitely get mad wid us. (August 8, 2010, 4:30 p.m.)^[48] (Emphasis supplied)

On September 15, 2010, complainant moved for respondent Judge Rubia's inhibition. This was denied on October 6, 2010. Complainant then filed a motion for reconsideration denied in an order^[49] dated November 15, 2010.^[50]

On November 11, 2010, complainant filed a complaint affidavit^[51] before the Office of the Court Administrator charging respondent Pecaña for gross misconduct and respondent Judge Rubia for conduct unbecoming of a judge, partiality, gross ignorance of the law or procedure, incompetence, and gross misconduct.^[52]

The Office of the Court Administrator referred the complaint to respondents for comment.^[53]

In her comment,^[54] respondent Pecaña did not deny meeting complainant on February 20, 2010 through the introduction of Enrique Sison.^[55] However, she claimed that the alleged meeting between complainant and respondent Judge Rubia was merely a chance encounter.

Respondent Pecaña alleged that "sometime [in the] second week of March 2010,"^[56] when she was on her way to Makati City to meet her sisters for coffee, complainant invited her for dinner. Respondent Pecaña hesitantly agreed after complainant had insisted.^[57] Complainant picked her up at Starbucks 6750 in Makati City, and they proceeded to Café Juanita in Burgos Circle for dinner. Upon passing by Burgos Circle, respondent Pecaña saw respondent Judge Rubia's car parked near Café Juanita.^[58]

At about past 10:00 p.m., respondent Pecaña said that she saw respondent Judge Rubia together with some companions walking toward his car.^[59] She stepped out of the restaurant and greeted him. Complainant allegedly followed respondent Pecaña and so the latter was constrained to introduce complainant as an employee of Philippine Airlines to respondent Judge Rubia.^[60] After the introduction, respondent Judge Rubia went to his car and left. Complainant and respondent Pecaña returned to the restaurant to finish their food and pay the bill.^[61]

Complainant drove respondent Pecaña back to Makati City. During the drive, complainant allegedly asked her help regarding the cases filed in court and inquired as to what she could give to respondent Judge Rubia because her lawyers instructed her to bribe him. Respondent Pecaña only said that respondent Judge Rubia does not accept money and that he is financially stable.^[62]

After the dinner, complainant allegedly kept on sending text messages to respondent Pecaña concerning her case filed in court.^[63] Respondent Pecaña admitted to the exchanges through text messages she had with complainant on