

## FIRST DIVISION

**[ A.M. No. RTJ-13-2360 (Formerly A.M. OCA IPI No. 08-3010-RTJ), November 19, 2014 ]**

**DOROTHY FE MAH-AREVALO, COMPLAINANT, VS. JUDGE CELSO L. MANTUA, REGIONAL TRIAL COURT OF PALOMPON, LEYTE, BRANCH 17, RESPONDENT.**

### DECISION

**PERLAS-BERNABE, J.:**

The instant administrative case stems from an Amended Administrative Complaint<sup>[1]</sup> dated October 6, 2008 filed by Dorothy Fe Mah-Arevalo (complainant), Court Stenographer of the Regional Trial Court of Palompon, Leyte, Branch 17 (RTC), before the Office of the Court Administrator (OCA), against Judge Celso L. Mantua (respondent) of the same court, accusing him of Disgraceful/Immoral Conduct, Gross Neglect of Duty, Grave Misconduct, Dishonesty, Violation of Republic Act No. 3019,<sup>[2]</sup> Gross Violation of the Judicial Code of Conduct, Abuse of Authority, and Gross Ignorance of the Law.

#### The Facts

In the said complaint, it was alleged that respondent: (a) used the Hall of Justice, particularly his chamber, as his residence; (b) openly brought his mistress in court as observed by all of his staff, especially by a former Utility Worker of the Metropolitan Trial Court of the same station, Dyndee Nuñez (Nuñez); (c) used the court process server, Benjamin Pepito (Pepito), as his personal driver; (d) delegated his work load to his legal researcher, Atty. Elmer Mape (Atty. Mape), because he could no longer attend to the same due to his many vices; (e) committed gross ignorance of the law when, in one criminal case that he handled, he proceeded to trial and allowed the private complainant to testify in open court even if the accused was not assisted by counsel, and furthermore, extorted money from the accused in the amount of P200,000.00; (f) asked for gasoline, personal allowance, and other benefits from the local government; and (g) failed to decide cases within the prescribed 90-day period because he was waiting for litigants to offer him monetary consideration.<sup>[3]</sup>

In response to the OCA's 1<sup>st</sup> Indorsement<sup>[4]</sup> dated February 13, 2009 directing him to comment on the complaint, respondent submitted an undated comment<sup>[5]</sup> denying all accusations against him. In particular, respondent maintained that he: (a) could not be residing at the Hall of Justice as he was already renting a vacant house near the same during his tenure as judge of the RTC; (b) had no mistress, explaining that the woman that often goes inside his office was his caterer who brought him food; (c) merely requested to hitchhike with Pepito from Palompon to Ormoc City and vice-versa on Mondays and Fridays since the latter synchronized his

process serving to litigants and lawyers of Ormoc City on such days; (d) personally prepared his decisions as Atty. Mape only assisted him with legal research; (e) indeed allowed trial to proceed without the accused being assisted by counsel in that criminal case pointed out by the complainant, but only because the accused violated the three (3)-day rule of filing postponements and failed to inform the adverse party of such intention, and that he never extorted money from the accused; and (f) never asked for gasoline allowance, but nevertheless affirmed that he, like all other local officials, received allowances from the local government. Further, respondent averred that as of January 9, 2009, he had already been separated from service due to compulsory retirement.<sup>[6]</sup>

### **The OCA and CA Proceedings**

Pursuant to the OCA's Memorandum<sup>[7]</sup> dated September 8, 2009, the administrative case was referred to an Associate Justice of the Court of Appeals (CA) for investigation, report, and recommendation.<sup>[8]</sup>

In an undated Report<sup>[9]</sup> received by the OCA on July 6, 2010, the Investigating Justice found respondent guilty of violating Canon 2 and Rule 2.01<sup>[10]</sup> of the Code of Judicial Conduct, and accordingly, recommended that he be fined in the amount of P25,000.00. Giving credence to complainant's consistent and spontaneous answers as well as her demeanor in the witness stand during her testimony, the Investigating Justice concluded that respondent indeed made his chamber in the Hall of Justice as his residence,<sup>[11]</sup> a prohibited act under SC Administrative Circular No. 3-92<sup>[12]</sup> and A.M. No. 01-9-09-SC.<sup>[13]</sup> Similarly, the Investigating Justice also believed Nuñez's testimony that respondent indeed brought his mistress and slept with her inside his chamber, finding no reason for Nuñez to fabricate a story.<sup>[14]</sup>

The Investigating Justice, however, exonerated respondent from the other charges for failure of the complainant to substantiate the same.<sup>[15]</sup>

In view of the foregoing, the Investigating Justice noted that respondent's acts would have warranted the latter's suspension and even dismissal from service, if not for his compulsory retirement on January 9, 2009. In lieu thereof, respondent was instead meted a fine in the aforesaid amount.<sup>[16]</sup>

Pursuant to such report, the OCA issued a Memorandum<sup>[17]</sup> dated August 5, 2013 finding respondent guilty of Immorality and violation of SC Administrative Circular No. 3-92, and accordingly increased the recommended fine to P40,000.00, which amount shall be deducted from the retirement benefits due him. Similar to the Investigating Justice, the OCA found respondent to have violated Administrative Circular No. 3-92 and A.M. No. 01-9-09-SC when he used his chambers in the Hall of Justice as his residence.<sup>[18]</sup> The OCA likewise found respondent guilty of Immorality for bringing his mistress to his chambers and using the same as their "love nest."<sup>[19]</sup>

### **The Issue Before the Court**

The essential issue in this case is whether or not respondent should be held

administratively liable for Immorality and violation of SC Administrative Circular No. 3-92 in relation to A.M. No. 01-9-09-SC.

### **The Court's Ruling**

The Court concurs with the findings of the Investigating Justice and the OCA.

SC Administrative Circular No. 3-92 explicitly states that the Halls of Justice may only be used for functions related to the administration of justice and for no other purpose:

SC ADMINISTRATIVE CIRCULAR NO. 3-92, AUGUST 31, 1992

TO: ALL JUDGES AND COURT PERSONNEL

SUBJECT: PROHIBITION AGAINST USE OF HALLS OF JUSTICE FOR  
RESIDENTIAL AND COMMERCIAL PURPOSES

All judges and court personnel are hereby reminded that **the Halls of Justice may be used only for purposes directly related to the functioning and operation of the courts of justice, and may not be devoted to any other use, least of all as residential quarters of the judges or court personnel**, or for carrying on therein any trade or profession.

Attention is drawn to A.M. No. RTJ-89-327 (*Nelly Kelly Austria v. Judge Singuat Guerra*), a case involving unauthorized and improper use of the court's premises for dwelling purposes by respondent and his family, in which the Court, by Resolution dated October 17, 1991, found respondent Judge guilty of irresponsible and improper conduct prejudicial to the efficient administration of justice and best interest of the service and imposed on him the penalty of SEVERE CENSURE, **the Court declaring that such use of the court's premises inevitably degrades the honor and dignity of the court in addition to exposing judicial records to danger of loss or damage.**

FOR STRICT COMPLIANCE. (Emphases and underscoring supplied)

x x x x

Similar thereto, Section 3, Part I of A.M. No. 01-9-09-SC also provides for similar restrictions regarding the use of the Halls of Justice, to wit:

### **PART I GENERAL PROVISIONS**

x x x x

Sec. 3. USE OF [Halls of Justice] HOJ.