

EN BANC

[A.M. No. RTJ-05-1962, October 17, 2013]

**ATTY. JESSIE TULDAGUE AND ATTY. ALFREDO BALAJO, JR.,
COMPLAINANTS, VS. JUDGE MOISES PARDO AND JAIME
CALPATURA, LEGAL RESEARCHER AND OFFICER-IN-CHARGE,
REGIONAL TRIAL COURT, BRANCH 32, CABARROGUIS, QUIRINO,
RESPONDENTS.**

[A.M. OCA IPI NO. 05-2243-P]

**ATTY. JESSIE TULDAGUE AND ATTY. ALFREDO BALAJO, JR.,
COMPLAINANTS, VS. JAIME CALPATURA, LEGAL RESEARCHER
AND OFFICER-IN-CHARGE, BRANCH CLERK OF COURT,
REGIONAL TRIAL COURT, BRANCH 32, CABARROGUIS, QUIRINO,
RESPONDENT.**

[A.M. NO. 05-10-661-RTC]

**RE: REPORT ON THE JUDICIAL AUDIT AND INVESTIGATION
CONDUCTED IN THE REGIONAL TRIAL COURT, CABARROGUIS,
QUIRINO.**

D E C I S I O N

CARPIO, J.:

The Case

Before this Court are: (1) the Administrative Complaint^[1] dated 10 June 2005 filed by Atty. Jessie Tuldague (Tuldague), Clerk of Court VI, Office of the Clerk of Court, Regional Trial Court, Cabarroguis, Quirino (RTC), and Atty. Alfredo Balajo, Jr. (Balajo), 2nd Assistant Provincial Prosecutor, Office of the Provincial Prosecutor, Cabarroguis, Quirino, against now retired Judge Moises Pardo (Judge Pardo), Presiding Judge of RTC, Branch 31, for Corruption and Violation of the New Code of Judicial Conduct; (2) the Administrative Complaint^[2] dated 5 July 2005 filed by Tuldague and Balajo against Jaime Calpatura (Calpatura), Legal Researcher and Officer-In-Charge, Branch Clerk of Court of RTC, Branch 32, for Corruption; and (3) the Report on the Judicial Audit and Investigation^[3] conducted in the same court.

The Facts

The antecedent facts of these cases, as culled from the records, are as follows:

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Tuldague and Balajo allege that Judge Pardo committed corruption and violations of

the New Code of Judicial Conduct, to wit:

1. In Criminal Case No. 1427, entitled *People v. Rosendo Discipulo*, Judge Pardo allegedly asked and received P6,000.00 from Rosendo Discipulo (Rosendo), in exchange for a favorable decision on his application for probation.

On 28 February 2005, Rosendo was convicted for violation of Republic Act No. 6425. Balajo alleged that after the promulgation of the decision, Rosendo's counsel immediately filed a written application for probation accurately quoting the penalty imposed.^[4] Rosendo testified that Calpatura sent an emissary to ask P10,000.00 from him, in order for Judge Pardo to act favorably on his application for probation.

On 28 March 2005, Calpatura and Judge Pardo allegedly sent text messages to Rosendo. Calpatura allegedly instructed him to give P3,000.00 to Dominador Pascua (Dominador) while Judge Pardo asked him to go to his house in the evening. Thereafter, Rosendo allegedly gave P3,000.00 to Dominador. At 7:30 p.m. of the same day, Rosendo, together with Fr. Teodoro Lazo (Fr. Lazo) and spouses Palmer and Irene Natividad, went to Judge Pardo's house. They had a "drinking congress" until 10:00 p.m. Before leaving, Rosendo allegedly gave P6,000.00 to Judge Pardo in the presence of his driver, Ramil S. Alonzo (Alonzo).

2. In Land Registration Case No. 223-2002, Judge Pardo allegedly obtained P1,000.00 from petitioner John F. Toribio (Toribio) for a speedy release of a copy of the granted petition, sometime in December 2002.

3. In Criminal Case No. 1581, entitled *People v. Johny Kimayong*, Judge Pardo allegedly asked and received one deer from accused Johny Kimayong (Kimayong) in exchange for a favorable decision. Balajo testified that on 21 February 2003, the jail guard mistakenly gave him a letter, containing the information that "Judge Pardo demanded and was given a live deer in exchange for a court favor to Johny Kimayong."^[5]

4. Judge Pardo allegedly received P10,000.00 from Richard Calpito (Calpito), in exchange for endorsing him to the position of Process Server of RTC, Branch 31. Judge Pardo also allegedly received a cow from Michael T. Garingan (Garingan), in exchange for endorsing him as Utility in the Office of the Clerk of Court.

5. On 29 June 2002, Judge Pardo allegedly ordered Lugeorge N. Discipulo (Lugeorge), Electrician II of the Maintenance Section of the RTC, to take out two (2) cans of coat master paint from the Hall of Justice. Lugeorge testified that on 30 June 2002, he brought and used the two cans of paint in Judge Pardo's house. Judge Pardo allegedly ordered him to get another paint, but he no longer complied. According to him, Tuldague already discovered the missing cans of paint and had it noted in the security guard's logbook.

In his Comment/Answer dated 9 August 2005,^[6] Judge Pardo vehemently denied the allegations of Tuldague, Balajo, Lugeorge and Rosendo.

Judge Pardo denied that Rosendo gave him money for his probation. Judge Pardo presented Fr. Lazo, who testified that Rosendo went with him to Judge Pardo's house to thank the judge. Fr. Lazo stated that he did not see Rosendo hand anything to

Judge Pardo during their stay. Judge Pardo also narrated that on 4 July 2005, he visited Fr. Lazo in his convent. Fr. Lazo then confronted Rosendo, who admitted that he was forced by his cousin Lugeorge to sign the Affidavit. On Balajo's accusation, Judge Pardo stated that he immediately called the attention of Rosendo's counsel in open court when he quoted the penalty imposed.

Judge Pardo denied the charges that he obtained P1,000.00 from Toribio and a live deer from Kimayong. He also denied receiving P10,000.00 and a cow from Calpito and Garingan in exchange for endorsing them to vacant positions in the RTC. Judge Pardo claimed that these allegations were unsupported by concrete evidence. He further argued that the letter allegedly given to Balajo was obtained illegally and in violation of the privacy of communication.

Judge Pardo likewise denied ordering Lugeorge to take two cans of paint for use in his house. He narrated that during the wake of Lugeorge's mother-in-law, Lugeorge confessed that he took the cans of paint and gave one to Alonzo.

Finally, he alleged that Tuldague filed this complaint to get even because: (a) he enjoined Tuldague from signing applications for leave of absence of employees, which he used to do; (b) he recalled Process Servers Calpito and Levi Prestoza (Prestoza), who used to be under Tuldague's disposal; (c) he issued a memorandum prohibiting Tuldague from serving summons before the raffle of cases; (d) he stopped the practice of filing all pleadings with the Office of the Clerk of Court and limited it to initiatory pleadings only; and (e) he stopped sharing the conduct of raffle of foreclosure proceedings with Tuldague. Judge Pardo claimed that Balajo detested him for noticing that Balajo would refuse to submit object evidence when he rested his case.

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In this case, Tuldague and Balajo accuse Calpatura of corruption, in cahoots with Judge Pardo, to wit:

1. Calpatura allegedly approached litigants and offered them assistance provided they would give him money or animals.

In the same criminal case against Rosendo, Calpatura allegedly sent an emissary to ask for P10,000.00 so that Judge Pardo would decide favorably Rosendo's probation. On 28 March 2005, Calpatura allegedly sent Rosendo a text message, stating to give him P3,000.00, through Dominador.

In Civil Case No. 292, the plaintiff Alberto Gorospe (Gorospe) testified that his friend Jose Cabañero (Cabañero) introduced him to Calpatura while they were following up this case in the RTC. Sometime in July 2004, Gorospe, together with Cabañero, allegedly met Calpatura in the Cabarroguis public market. Calpatura allegedly urged him to buy hard drinks and *pulutan*. Gorospe agreed because he was seeking help with his case. Then, sometime in November 2004, Calpatura allegedly asked him to prepare a goat for Judge Pardo's birthday. Judge Pardo allegedly instructed Gorospe to give him the goat through Calpatura. Thereafter, Calpatura allegedly asked him again for money.

Juanito Pascua (Juanito) likewise testified that Calpatura visited him in jail to ask for

two goats. Judge Pardo allegedly instructed Calpatura to ask for the goats in order to expedite his release from jail. Thus, Juanito gave the two goats for Judge Pardo to Calpatura. Calpatura allegedly asked Juanito again for another goat. After Juanito's acquittal, Calpatura allegedly ordered him to repair a bed without payment.

2. Calpatura allegedly acted as "fixer" and "bagman" for Judge Pardo in cases where the accused deposited cash bonds. Both Calpatura and Judge Pardo allegedly shared with the released cash bonds thereafter.

In Criminal Case No. 1468, Aurelia Diaz (Diaz) testified that Calpatura and Prestoza asked for her released cash bond amounting to P16,000.00, so that the estafa case against her would be dismissed. Diaz narrated that on 14 October 2002, Judge Pardo asked her if she would give him the released cash bond amounting to P16,000.00. Diaz agreed but asked Judge Pardo to acknowledge its receipt. Then, Judge Pardo allegedly called her lawyer, Atty. Edwin Betguen (Betguen). Betguen came and asked Diaz to go with him to the comfort room. Calpatura and Prestoza thereafter appeared. Then, Betguen allegedly received the P16,000.00 from Diaz.

On the other hand, Tuldague and Naty Fernando (Fernando) narrated that in the afternoon of 12 February 2003, Diaz, Cezar Diaz and Procopio Castro approached Tuldague to inquire about their rice thresher, which was executed upon Diaz's conviction of estafa. Diaz then complained to Tuldague that she was misled into believing that her case would be dismissed if she gave P10,000.00, or part of her cash bond, to Betguen and Calpatura. Fernando testified that he heard Diaz complain to Tuldague.

3. Calpatura allegedly bragged to court litigants about drafting decisions and his closeness to Judge Pardo.

4. Finally, Calpatura allegedly projected himself as a lawyer even though he did not pass the bar.

In his Comment/Answer dated 30 August 2005,^[7] Calpatura essentially denied the allegations against him. He denied that he offered assistance to litigants in exchange for money or animals and that he was a "fixer" and "bagman" of Judge Pardo.

Calpatura denied receiving P3,000.00 from Rosendo through Dominador. He presented Dominador, who testified that Rosendo did not give him money on 28 March 2005. However, Calpatura admitted that Lugeorge requested him to offer Rosendo's cash bond to Judge Pardo for his acquittal. He turned down the offer since he knew Judge Pardo's strictness and non-acceptance of bribes.

Calpatura alleged that Gorospe's accusations were purely concocted and fabricated. Calpatura presented Cabañero, who testified that he never introduced Gorospe to Calpatura and neither did they meet Calpatura in the Cabarroguis public market. Cabañero instead insisted that it was a certain Ramiterre, whom he introduced to Calpatura and who was with them in the Cabarroguis public market.^[8]

Calpatura likewise refuted Juanito's accusations and offered the Certification issued

by Benjamin Galapon, Provincial Warden, Cabarroguis, Quirino. The Certification states: "Jaime Calpatura did not visit the Provincial Warden Office since he was transferred from PENRE Office to the [RTC], Cabarroguis, Quirino."^[9]

Calpatura denied obtaining money from Diaz regarding her estafa case. He alleged that Diaz's Affidavit was self-serving and executed upon the instance of Tuldague and Balajo. He likewise insisted that Fernando's testimony was purely fabricated and concocted.

Finally, he claimed that the allegations against him were products of instigations with ill-motive brought about by complainants' illegitimate and capricious ambitions. He alleged that Tuldague sought to be free from constructive suggestions and corrections on his wrong office actions, i.e. issuance of summons before the raffle of cases. He likewise claimed that Balajo harbored ill-feelings against him since he questioned his issuance of commitment orders.

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On 15 August to 19 August 2005, a judicial audit was conducted in the RTC of Cabarroguis, Quirino, based on the directive of the Office of the Court Administrator (OCA) and Chief Justice Hilario Davide, Jr. to investigate Judge Pardo. On 19 September 2005, the audit team submitted their initial report providing, among others, that in Branches 31 and 32 of the RTC, Judge Pardo, as presiding and pairing judge, accumulated a total of: (a) forty-four (44) cases without further action or settings for a considerable length of time; (b) seven (7) cases submitted for decision or resolution but already beyond the reglementary period to decide or resolve; and (c) one (1) case not yet set for hearing.^[10]

In a resolution dated 18 October 2005,^[11] the court *En Banc*, upon recommendation by the OCA, resolved to: (a) consolidate the instant judicial audit and investigation report with the complaints against Judge Pardo; (b) include Calpatura as respondent in the charge of corruption; and (c) refer the consolidated cases to Justice Alfredo M. Marigomen (Justice Marigomen), Consultant, OCA, for investigation, report and recommendation within 60 days from the termination of the formal hearing.

In a Resolution dated 4 April 2006,^[12] the Court *En Banc*, resolved to redocket the complaint, amend the earlier resolution and limit the charges against Judge Pardo to: (a) corruption through, among others, sharing of cash bonds; (b) demanding money or live animals in exchange for endorsing applicants for vacant positions; and (c) taking of court property specifically two big cans of coat master paint allocated for the painting of the Hall of Justice.

On 27 April 2006, 25 May 2006, and 29 June 2006, Justice Marigomen conducted an investigation at the Hall of Justice, Cabarroguis, Quirino. Complainants presented eight (8) witnesses, namely: Rosendo, Lugeorge, Gorospe, Diaz, Fernando, Juanito, Tuldague, and Balajo. On the other hand, respondents presented seven (7) witnesses, namely: Fr. Lazo, Dominador, Cabañero, Madarang, Galapon, Calpatura, and Judge Pardo.

Meanwhile, based on the initial report on the judicial audit, which was adopted by the OCA in its Memorandum Report dated 28 April 2006,^[13] this Court issued a