

THIRD DIVISION

[A.M. No. RTJ-09-2179 [Formerly A.M. OCA I.P.I. No. 08-2873-RTJ], September 24, 2012]

PROSEC. JORGE D. BACULI, COMPLAINANT, VS. JUDGE MEDEL ARNALDO B. BELEN, RTC, BR. 36, CALAMBA CITY, LAGUNA, RESPONDENT.

[A.M. NO. RTJ-10-2234 [FORMERLY A.M. OCA I.P.I. NO. 08-2879-RTJ]]

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D E C I S I O N

VELASCO JR., J.:

These two cases stem from two separate administrative complaints filed by then State Prosecutor II (and currently Provincial Prosecutor of Zambales) Jorge D. Baculi (Baculi) against respondent Judge Medel Arnaldo B. Belen (Judge Belen) of the Regional Trial Court (RTC), Branch 36 in Calamba City, Laguna. In both administrative complaints, including the supplemental complaints he later filed, Baculi charged Judge Belen with gross ignorance of the law, gross misconduct, violation of Section 3(e) of Republic Act No. (RA) 3019, as amended, grave abuse of authority, violation of RA 6713, conduct prejudicial to the interest of the public service, oppressive conduct, harassment, issuance of fraudulent and unjust order/s and decisions, among other offenses.

On April 28, 2010, the Court ordered the consolidation of the two complaints pursuant to the recommendation of the Office of the Court Administrator (OCA), as they involve the same parties and raise the same issues.

The Facts

A.M. No. RTJ-09-2179

In the first complaint dated April 10, 2008 docketed as OCA I.P.I. No. 08-2873-RTJ, and later redocketed as A.M. No. RTJ-09-2179, Baculi alleged that Judge Belen committed the above-mentioned inculpatory acts in relation to *People of the Philippines v. Azucena Capacete*,^[1] then pending in RTC, Branch 36 in Calamba City, presided by Judge Belen.

The principal cause of action, as stated in the complaint, is the “unlawful, unconstitutional, illegal, arbitrary, malicious, capricious and immoral orders”^[2] issued by Judge Belen. The adverted issuances refer to the December 18, 2006

Decision, in which Baculi was found guilty of direct contempt, and the June 7, 2007 Decision, wherein Judge Belen declared Baculi guilty of indirect contempt of court, for the contemptuous nature of pleadings that Baculi filed in his sala.^[3]

On August 9, 2005, Baculi, then stationed at the Hall of Justice of San Pablo City, Laguna, and partially detailed with the City Prosecutor's Office of Calamba City, filed an Information for Qualified Theft against one Azucena Capacete. On August 30, 2005, Judge Belen, based on his finding that the crime committed was not Qualified Theft but Estafa, dismissed the case. Baculi then filed a Motion for Reconsideration^[4] to reverse the dismissal order, but the motion was denied.

On February 27, 2006, Judge Belen issued an Order^[5] directing Baculi to explain why he should not be cited in contempt of court for the following statement in his Motion for Reconsideration, which, to Judge Belen, attacked the integrity of the Court and is, thus, subject to indirect contempt proceedings:

The dismissal of the information by the court was motivated by hatred, ill-will, and prejudice against Asst. State Prosecutor II Jorge Baculi, the Investigating Prosecutor at the Preliminary Investigation.

In due time, Baculi filed a Comment,^[6] alleging that Judge Belen's orders reveal his "premeditated, vitriolic, personal attacks, resentment and vendetta"^[7] against Baculi. This was followed by several motions to postpone, among which is denominated as an "Urgent Reiterative Motion to Dismiss and/or Hold in Abeyance the Proceedings and/or Resolution of the Citation for Contempt with Voluntary Inhibition and Complaints for Gross Ignorance of the Law, Grave Misconduct, Abuse of Authority and Acts Unbecoming of a Lawyer and a Member of the Judiciary, Harassment and Oppressive Conduct"^[8] dated November 17, 2006 (Reiterative Motion). In it, Baculi alleged that the sheer unprecedented number of pending contempt cases against him reveals Judge Belen's determination to place him in contempt of court. Personal resentment and hatred, he added, was the real reason why Judge Belen initiated contempt cases against him. Meanwhile, Baculi also moved for the postponement of the hearings in the contempt proceedings set for the month of December. In the Order^[9] of December 11, 2006, Judge Belen moved the hearings on the contempt proceedings to February 7 and 14, 2007.

In the meantime, on December 18, 2006, Judge Belen issued a Decision, finding Baculi guilty of direct contempt of court for violating the decency and propriety of the judicial system in using, as he did, unethical language in his November 17, 2006 Reiterative Motion, copies of which he furnished to various judicial and executive officers. Judge Belen's December 18, 2006 Decision dispositively reads:

WHEREFORE, the Court finds the respondent Jorge Baculi GUILTY of direct contempt and sentenced him to pay the fine of ONE THOUSAND (P1,000.00) PESOS and suffer imprisonment of TWELVE (12) HOURS.

The bail for the provisional liberty of the accused is fixed at P5,000.^[10]

Therefrom, Baculi filed a Motion for Reconsideration^[11] with new/additional complaints, dated January 24, 2007.

Meanwhile, in relation to the indirect contempt proceedings, Baculi continued to file manifestations and motions to postpone or cancel the hearings, also seeking the voluntary inhibition of Judge Belen. Eventually, Judge Belen promulgated a Decision on June 7, 2007 finding Baculi in contempt of court, thus:

WHEREFORE, this court finds Respondent Jorge D. Baculi ***GUILTY of contempt of court and sentenced him to pay*** the penalty of TWENTY THOUSAND (P20,000.00) PESOS and suffer imprisonment of FOUR (4) DAYS.^[12]

Baculi then filed on July 11, 2007 a Notice of Appeal, and a motion/manifestation praying for the stay of execution of the judgment. On August 6, 2007, Judge Belen directed Baculi to post a supersedeas bond in the amount of PhP 40,000 within two days from notice to stay the execution of the two contempt decisions.^[13]

Baculi moved to reconsider the amount of the supersedeas bond, insisting that it is arbitrary, whimsical, punitive, prohibitive, exorbitant, confiscatory, and excessive.^[14] However, in an Order^[15] issued on August 29, 2007, the motion was stricken off the records of the case.

In another Order^[16] issued on August 20, 2007, Judge Belen directed the issuance of a writ of execution and a warrant of arrest against Baculi, to implement the December 18, 2006 and June 7, 2007 Decisions. On March 24, 2008, Judge Belen issued two Orders, declaring both the December 18, 2006 and June 7, 2007 Decisions, respectively, final and executory.

On April 10, 2008, Baculi filed the instant verified administrative complaint, alleging that Judge Belen's December 18, 2006 and June 7, 2007 Decisions violated his right to due process of law. As Baculi argued, he was not formally charged, and no notice or hearing was conducted to afford him the opportunity to air his side. He also alleged that the same decisions imposed oppressive and excessive penalties, and that the acts of Judge Belen were whimsical and oppressive. Judge Belen, Baculi averred, had already predetermined the outcome of the cases, and was only perfunctorily going through the motions to give a semblance of legality to his illegal actions.^[17]

In a Supplemental Complaint filed on April 21, 2008, Baculi alleged that Judge Belen acted in bad faith when he ordered on December 11, 2006 the resetting of the hearings, but cited him in direct contempt on December 18, 2006. Hence, the December 18, 2006 Decision was rendered without waiting for the rescheduled hearings.^[18]

In his Comment,^[19] Judge Belen averred that the contempt proceedings would not have been initiated had Baculi not filed the contemptuous pleadings. He further alleged that Baculi's failure to avail himself of any remedy with respect to the

December 18, 2006 and June 7, 2007 Decisions rendered such decisions final and executory. Judge Belen added that he cannot be held administratively liable absent a declaration from a competent tribunal that the Decisions in question are legally infirm or have been rendered with grave abuse of discretion. He also argued that the administrative complaint cannot be resorted to only to reverse, nullify, or modify the orders and decisions that he issued as a judge.

A.M. No. RTJ-10-2234

The facts surrounding A.M. No. RTJ-10-2234 are substantially similar to those in A.M. No. RTJ-09-2179. It involves the same parties, and similar direct and indirect contempt proceedings, albeit related to a different case.

In the Complaint he filed on April 21, 2008, docketed as OCA I.P.I. No. 08-2879-RTJ, and later redocketed as A.M. No. RTJ-10-2234, Baculi charged Judge Belen with committing acts similar to those specified in the first complaint but this time in relation to *People of the Philippines v. Jenelyn Estacio*,^[20] then also pending in RTC, Branch 36 in Calamba City, where Judge Belen is the Presiding Judge. The case was prosecuted by Prosecutor Albert Josep Comilang (Comilang).

The subject of the Complaint here relates to similar decisions of Judge Belen dated December 18, 2006 and June 7, 2007, finding Baculi guilty of direct contempt and indirect contempt, respectively. Noticeably, these are the same dates when the Decisions subject of the first Complaint have been issued, albeit referring to different contempt citations.

On February 24, 2005, Judge Belen issued an Order, requiring Comilang to explain why he did not inform the court of the preliminary investigation he earlier set. In time, Comilang filed an explanation with Motion for Reconsideration, followed by a Reiterative Supplemental Motion for Reconsideration, which became the subject of Judge Belen's show-cause order dated May 30, 2005.

Comilang timely filed his Comment/Explanation, where Baculi, along with Regional State Prosecutor Ernesto Mendoza (Mendoza), participated in the form of a "notation." In an Order dated December 12, 2005, Judge Belen directed both Baculi and Mendoza to explain why they should not be cited in contempt of court (indirect contempt proceedings) for their participation in Comilang's Comment/Explanation.

As what happened in the first administrative complaint, Baculi filed several motions and manifestations, including a similar Reiterative Motion on November 16, 2006, resulting in a direct contempt citation on December 18, 2006, the *fallo* of which states:

WHEREFORE, the Court finds respondent Jorge Baculi GUILTY of direct contempt and sentenced him to pay the fine of TWO THOUSAND (P2,000) PESOS and to suffer imprisonment of TWO (2) DAYS.

The bail for the provisional liberty of the respondent is fixed at P5,000.

In response, Baculi filed a Motion for Reconsideration with new/additional

Complaints dated January 24, 2007.

In the indirect contempt proceedings, Baculi also filed several motions to postpone/cancel the hearings. On June 7, 2007, Judge Belen issued a Decision finding Baculi guilty of indirect contempt of court due to his failure to file his explanation as required by the Order issued on December 15, 2005, despite the lapse of more than one year. The decretal portion of the Decision reads:

WHEREFORE, this Court finds Respondent Jorge D. Baculi ***GUILTY of contempt of court and sentenced him to pay*** the penalty of TWENTY THOUSAND (P20,000) PESOS and suffer imprisonment of TWO (2) DAYS.

Baculi filed a Notice of Appeal. The court required Baculi to post a supersedeas bond in the amount of PhP 30,000 to stay the execution of the June 7, 2007 judgment, but denied the stay of the execution of the December 18, 2006 Decision, because the reglementary period to file a petition for certiorari or prohibition has already lapsed. Baculi failed to pay the supersedeas bond. Thus, Judge Belen ordered the issuance of a writ of execution and a warrant of arrest against him, and declared the two contempt Decisions as final and executory.

On April 21, 2008, Baculi filed the present administrative complaint, predicated on substantially similar arguments presented in A.M. No. RTJ-09-2179. Judge Belen's Joint Comment dated July 1, 2008 is a virtual substantive repeat of his Comment in the first complaint.

The Issues

The issues presented in these consolidated cases are:

1. Whether the respondent Judge acted beyond his authority, or in a despotic manner, in conducting the contempt proceedings against the complainant; and
2. Whether the respondent Judge committed reprehensible conduct in issuing the Orders and Decisions relating to the contempt proceedings.

The OCA Recommendation

This Court referred the consolidated cases to the OCA for investigation. The OCA, accordingly, rendered its Report,^[21] finding the complaint partially meritorious. The OCA stated the observation that the complaint infringes on the judicial prerogatives of Judge Belen, which may only be questioned through judicial remedies under the Rules of Court, and not by way of an administrative complaint.^[22] The OCA wrote:

[T]he complainant did not contest the soundness of the assailed Decisions and Orders through the proper judicial channels. An Appeal under Rule 41 or Petition for Certiorari under Rule 65 of the Rules of