

THIRD DIVISION

[A.M. No. SCC-08-12 (FORMERLY OCA I.P.I. NO. 08-29-SCC), October 19, 2011]

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
JUDGE UYAG P. USMAN, PRESIDING JUDGE, SHARI'A CIRCUIT
COURT, PAGADIAN CITY, RESPONDENT.**

D E C I S I O N

MENDOZA, J.:

This administrative proceeding stemmed from a letter-complaint dated April 23, 2008 filed before the Office of the Ombudsman, Mindanao, requesting for a lifestyle check on respondent Judge Uyag P. Usman (*respondent*), Presiding Judge, Shari'a Circuit Court, Pagadian City, in connection with his acquisition of a Sports Utility Vehicle (*SUV*) amounting to P1,526,000.00.

In his letter,^[1] complainant alleged that respondent acquired a brand new SUV, specifically a Kia Sorento EX, Automatic Transmission and 2.57 CRDI Diesel for P1,526,000.00; that he paid in cash the total down payment of P344,200.00; and that the remaining balance was payable in 48 months with a monthly amortization of P34,844.00 to the Philippine Savings Bank (*PS Bank*), Ozamis City Branch.

Complainant further averred that respondent had just been recently appointed as a judge and since he assumed his post, he seldom reported for work and could not be located within the court's premises during office hours. Moreover, he was only receiving a very small take home pay because of his salary and policy loans with the Supreme Court Savings and Loan Association (*SCSLA*) and the Government Service Insurance System (*GSIS*), many of which he incurred when he was still a Clerk of Court of the Shari'a Circuit Court in Isabela City, Basilan. Complainant attached photocopies of his pay slips to prove his allegation.

Respondent's financial capability to acquire said vehicle has been questioned because he is the sole bread winner in his family and he has seven (7) children, two (2) of whom were college students at the Medina College School of Nursing, a private school.

On May 26, 2008, the Office of the Ombudsman forwarded the complaint to the Office of the Court Administrator (*OCA*). In turn, the *OCA*, in its Letter dated April 22, 2009, directed respondent to comment on the letter ^[2] within 10 days from receipt thereof.

In his Comment,^[3] respondent explained that he acquired the Kia Sorento vehicle in 2008 but it was a second-hand, and not a brand new, vehicle; that he had no intention of buying the said vehicle but his friend, who was a manager of KIA Motors, Pagadian City, convinced him to avail of their lowest down payment promo

of P90,000.00 to own a second-hand demo unit vehicle; that he was hesitant to avail of the promo but his mother, a U.S. Veteran Pensioner receiving a monthly pension of US\$1,056.00, persuaded him to avail of it; that it was his mother who paid the down payment of P90,000.00 and the monthly installment of more than P30,000.00; that when his mother got sick, her pensions and savings were used to buy medicines, thus, he defaulted in the payment of the said vehicle for four (4) months; and that PS Bank foreclosed the mortgage on the said vehicle.

Respondent denied the allegation that all his seven (7) children depended on him for support. He claimed that only three of his children, all in the elementary level and studying in public schools, were under his care; that his mother financially helped him in the education of his two daughters who were in college; and that his other two children were already married and gainfully employed.

Respondent also refuted the charges that he seldom reported for work and could not be located within the court's premises. He, instead, asserted that there was never a single day that he failed to report for work; that he often arrived ahead of his staff considering that he lived near the court; and that his conduct as a judge was beyond reproach and this could be attested to by his staff and employees at the Sangguniang Panlungsod of Pagadian City. To support his claim, respondent submitted the Joint Affidavit of his staff and the affidavit of Mohammad Basher Cader, a member of a religious group in Pagadian City, attesting to his diligence and dedication in the performance of his function as a judge.

Respondent bared that, at present, he is receiving a monthly take home pay of more than ₱40,000.00 including his salary and allowances plus honorarium from the local government.

In its Report^[4] dated March 16, 2011, the OCA found the explanation of respondent meritorious.

The OCA, however, held respondent liable for violation of Section 8 of Republic Act (R.A.) No. 6713 otherwise known as the Code of Conduct and Ethical Standards for Public Officials and Employees and of Section 7 of R.A. No. 3019, known as the Anti-Graft and Corrupt Practices Act, for failing to file his Statement of Assets, Liabilities and Net Worth (*SALN*) for the years 2004-2008. Thus, the OCA recommended that respondent be fined in the amount of P10,000.00

The Court agrees with the finding of the OCA that the charges against respondent were not fully substantiated. The evidence adduced in the case, consisting of documents submitted by respondent are sufficient to prove that it was, indeed, his mother who paid the down payment and the monthly amortizations for the subject vehicle.

The Court also agrees with the OCA that respondent is guilty of violating Section 7 of R.A. No. 3019 and Section 8 of R.A. No. 6713.

Section 7 of R.A. No. 3019 provides:

Sec. 7. Statement of Assets and Liabilities. - Every public officer, within thirty days after assuming office and, thereafter, on or before the