

FIRST DIVISION

[A.M. No. RTJ-06-2015 (Formerly OCA I.P.I. No. 05-2348-RTJ), December 15, 2010]

**ATTY. NORLINDA R. AMANTE-DESCALLAR, PETITIONER, VS.
HON. REINERIO (ABRAHAM) B. RAMAS, RESPONDENT.**

D E C I S I O N

LEONARDO-DE CASTRO, J.:

This case stemmed from Administrative Case No. 05-222-P instituted by Judge Reinerio (Abraham) B. Ramas (Judge Ramas) of the Regional Trial Court, Branch 18 (RTC-Branch 18) of Pagadian City, Zamboanga del Sur, against Atty. Norlinda R. Amante-Descallar (Atty. Descallar), Clerk of Court of the same court, for Grave Misconduct. Atty. Descallar allegedly showed the unopened ballot boxes inside Judge Ramas' chambers to a certain Allan Singedas (Singedas). The ballot boxes were in Judge Ramas' custody in relation to Election Protest Case No. 0001-2K4 pending before his court.

In a Verified Comment/Counter-Complaint^[1] dated August 11, 2005, Atty. Descallar vehemently denied the accusations against her and countercharged Judge Ramas of bringing home a complete set of computer, which was submitted as evidence in Criminal Case Nos. 5294 and 5295, entitled *People v. Tesoro, Jr.*, for Theft. She also accused Judge Ramas of dishonesty when the latter did not reflect in his Certificates of Service for May and June 2005 his absences on May 12 and 13, 2005; for several more days after promulgation of the decision in Election Protest Case No. 0001-2K4 on May 16, 2005; and from June 1 to 21, 2005.

On June 13, 2006, the Court Administrator submitted the following recommendations to this Court:

Respectfully submitted for the consideration of the Honorable Court is our recommendation:

1. that the instant administrative complaint be REDOCKETED as a regular administrative matter;
2. that respondent judge be found guilty of SIMPLE MISCONDUCT for using and bringing a piece of evidence to his residence, and should be FINED in the amount of Eleven Thousand (P11,000.00) Pesos with a STERN WARNING that a repetition of the same or a similar offense in the future will be dealt with more severely; and
3. that the charges of absenteeism and falsification of certificate of

service for the months of May and June 2005 be REFERRED to a Justice of the Court of Appeals for investigation, report and recommendation.^[2]

In a Resolution^[3] dated August 14, 2006, the Second Division of this Court adopted the foregoing recommendations of the Court Administrator. It referred the charges of absenteeism and falsification of certificates of service against Judge Ramas to Justice Renato C. Dacudao (Justice Dacudao) of the Court of Appeals, Manila, for investigation, report, and recommendation, to be completed within 60 days from receipt of the record.

On October 2, 2006, Justice Dacudao set^[4] the case for hearing at his chambers on October 12 and 13, 2006, for the reception of Atty. Descallar's evidence; and on October 23 and 24, 2006, for the reception of Judge Ramas' evidence.

Atty. Descallar, along with her counsel and husband Atty. Romeo Y. Descallar, and witness Atty. Vicente Madarang Cerilles (Atty. Cerilles), testified during the hearings held on October 12 and 13, 2006. Judge Ramas failed to appear on said dates. Instead, he filed a Motion to Admit Memorandum with his Memorandum appended thereto.

In his testimony,^[5] Atty. Cerilles claimed to know Judge Ramas very well since the latter is his godfather and wedding sponsor. Atty. Cerilles admitted that he had many pending cases before Judge Ramas' sala, including Criminal Case No. 04-7003, entitled *People v. Dizon*, for Slight Illegal Detention, which involved his grandnephews. On May 12, 2005, Atty. Cerilles went to the RTC-Branch 18 to find out if his grandnephews' Urgent Motion for Reinvestigation could be heard. However, upon inquiry, he was told that Judge Ramas was not around because his estranged wife arrived. When Atty. Cerilles returned to the RTC-Branch 18 the following day, May 13, 2005, he was informed that Judge Ramas was still absent.

Atty. Descallar testified^[6] that Judge Ramas failed to indicate his absences on May 12, 13, 24, and 27 to 30, 2005, and June 1 to 21, 2005 in his Certificates of Service for the months of May and June 2005. The absence of Judge Ramas can be gleaned from the court calendar of hearings and his failure to attend the raffle of cases done every Thursday of the week. Also, the Omnibus Order^[7] dated May 23, 2005 issued by Judge Ramas manifested his momentary desistance from performing judicial functions from May 24, 2005 onwards, to wit:

In view of the precarious situation with which the undersigned presiding judge has been despicably subjected to, which incidentally has been caused by a detestable betrayal, his continued active participation in the administration of justice would be far too risky - for him, for the Court and for the entire judiciary.

Upon such ground, he has to momentarily cease from performing judicial functions until after the present and real threat on his own life shall have been properly resolved.

Atty. Descallar was not able to finish her testimony on October 12, 2006, and she asked for continuance as her testimony would still cover several documents.

Judge Ramas refuted the charges against him in his Memorandum,^[8] in which he averred that:

On May 12, 2005, he was late in coming to the office because he has to make the draft decision of the much awaited election protest case at home. It was very lengthy as it involved several precincts. In fact, on the same date, May 12, 2005, he was still able to officiate a marriage.

On May 13, 2005, the undersigned did go to the office and issued an order setting the promulgation of the decision to May 16, 2005. Such order is a part of the record of Election Protest Case No. 0001-2K4.

If her only evidence of my absences on those days (May 12 & 13, 2005) was the Affidavit of Atty. Vicente M. Cerilles then surely it would not be sufficient. Atty. Cerilles has no knowledge whether or not I reported to office after he left.

My good complainant should have extended her understanding that making a decision, especially of a much controversial case, entails a very careful evaluation of all evidences at hand. She knows that volumes upon volumes of records have to be seriously scrutinized. The 8-12 and 1-5 official office hours would not be enough, hence, the Judge even has to utilize all his waking hours just to comply with the mandate of the law that Election Protest Case should be disposed of in the earliest possible time as it partakes the nature more important than a criminal case.

The undersigned submits that he has rendered services for the month of May 2005, in accordance with law.

On May 16, 2005, the decision in Election Protest Case No. 0001-2K4 was promulgated. The undersigned wore a bullet proof vest when the decision was read. Threats in Pagadian City and Zamboanga del Sur could just not be taken lightly. Under tight security escorts, the undersigned had to stay in a safehouse. Meanwhile, masked riders passed by his residence even in the wee hours of the night.

It was not cowardice to shy away from imminent danger [;] it was the best thing to do under the circumstances. He was betrayed by his own Clerk of Court. Such betrayal is the subject of the Administrative Complaint (AM No. P-06-2149, for Gross Misconduct). x x x.

x x x x

On May 23, 2005, the undersigned issued an Omnibus Order expressing his intention to momentarily cease hearing cases until after the threat on his life is resolved. Every now and then he reports to the office and continued to exercise administrative functions. Fortunately, the person

hired to execute him was discovered to be a distant relative, a hatchet man of the dreaded Kuratong Baleleng Gang, and after negotiations, the contract was called off. He then continued his usual judicial and administrative functions.

To prove that the threats to the life of the herein respondent was indeed real, on November 19, 2005, the brother of the protestant, Sultan Abdul Marcaban, the strongest supporter of the protestant, together with five (5) of his escorts were ambushed and brutally killed.

Clearly, it is not difficult to see that the complainant was motivated with the desire to get even with your respondent after the filing of the administrative case against her. Such spite and anger only serve as factors that work against her.

Under his oath as a judge, he has rendered service for the month of June 2005. The self-serving and ill-motivated declaration of the Clerk of Court cannot be made basis to find him absent.

In a letter dated October 16, 2006,^[9] Atty. Descallar requested for the transfer of the investigation to the Court of Appeals, Cagayan de Oro City, because of financial constraints. She was not financially prepared to attend the hearings in Manila, and she had to resort to borrowing money from her relatives to defray her expenses. Cagayan de Oro City is more accessible to the parties and the travel thereto more economical.

The request was granted by then Court Administrator Christopher O. Lock (Court Administrator Lock) in a Memorandum^[10] dated November 16, 2006. Court Administrator Lock believed that the administration of justice would be better served by the transfer since it would minimize Judge Ramas' absence from his regular station considering the proximity of Pagadian City to Cagayan de Oro City. Thus, Court Administrator Lock recommended:

In view of the foregoing, respectfully submitted for the consideration of the Honorable Court recommending that:

- a) The letter dated October 16, 2006 of Atty. Norlinda R. Amante-Descallar be NOTED;
- b) The Justice Renato C. Dacudao be RELIEVED of his authority to conduct an investigation on the instant matter; and
- c) The subject administrative matter be REFERRED to the Executive Justice of the Court of Appeals, Cagayan de Oro Station, for raffling among the justices thereat, for investigation, report and recommendation on the charges of absenteeism and falsification of the certificate of service for the months of May and June 2005 against respondent within sixty (60) days from receipt of the records.