

THIRD DIVISION

[A.M. No. RTJ-01-1650 (Formerly OCA IPI No. 01-1195-RTJ), September 29, 2009]

MARGIE CORPUS MACIAS, COMPLAINANT, VS. MARIANO JOAQUIN S. MACIAS, PRESIDING JUDGE, BRANCH 28, REGIONAL TRIAL COURT, LILOY, ZAMBOANGA DEL NORTE, RESPONDENT.

DECISION

NACHURA, J.:

This involves an administrative complaint^[1] filed by complainant Margie C. Macias charging her husband, Mariano Joaquin S. Macias (Judge Macias), with immorality and conduct prejudicial to the best interest of the service. The complaint was filed on March 7, 2001, when respondent was still sitting as the presiding judge of Branch 28 of the Regional Trial Court (RTC) of Liloy, Zamboanga del Norte.

Complainant alleged that sometime in 1998, respondent engaged in an illicit liaison and immoral relationship with a certain Judilyn Seranillos (Seranillos), single and in her early 20s. The relationship continued until the time of the filing of the complaint. Complainant enumerated some of the abuses committed by respondent, to wit:

(a) [Respondent] has been using court personnel, namely, Emmanuel "Botiong" Tenefrancia, process server, as constant escort of his paramour in going to their appointed trysts or in escorting back said woman to the place where she is staying, and as errand boy seeing to their needs when respondent and his mistress are together;

(b) Respondent has been using another court employee in the person of Camilo Bandivas, court sheriff, as contact person to his young lover and in summoning and bringing complainant's witnesses to respondent to be harassed and threatened;

(c) Said Judilyn Seranillos, respondent's lover, has been brought many times by respondent to his court in Liloy, Zamboanga del Norte, thereby scandalizing court personnel and lawyers, who sometimes must wait for the session to start because respondent and his mistress are not yet through with each other; That the scandalous relations of respondent with his mistress is an open secret among lawyers, court personnel and litigants [in] Liloy, Zamboanga del Norte;

(d) Respondent has not been calendaring (sic) cases nor holding court sessions nor court hearings on Mondays and Fridays so that he can have an extended date with his paramour, to the great prejudice of public service;

(e) Respondent and his paramour had often met at the house of Zoosima (sic) Ojano Carangan, aunt of respondent's paramour, [in] Taway, Ipil, Zamboanga del Sur, and the people of Taway know that respondent judge, who usually arrives in his car, has been shamelessly and immorally carrying on an illicit affair with said Judilyn Seranillos. Some inquisitive people usually go out of their houses upon seeing respondent's car parked at the house of the aunt of respondent's young mistress, and these barrio folks often watch respondent come and go; [and]

(f) Respondent has one or two other women lovers whom he shamelessly cavorts even in the presence of court personnel.^[2]

Complainant attached the affidavits of Shem Tabotabo,^[3] Zacarias Cordova,^[4] Zosima Carangan,^[5] Danny Layogue and Consolacion S. Layogue,^[6] her son Marictibert Corpus Macias,^[7] Ruben Perater,^[8] Roel Mutia,^[9] and Aniceto Zozobrado.^[10] However, five of them - Tabotabo,^[11] Cordova,^[12] Carangan,^[13] Danny Layogue,^[14] and Marictibert Macias^[15] - later recanted their affidavits.

On August 20, 2001, this Court issued a Resolution^[16] referring the complaint to Court of Appeals Associate Justice Eriberto U. Rosario, Jr. for investigation, report and recommendation. On October 29, 2001, Justice Rosario issued an Order^[17] setting the initial hearing on November 27, 28 and 29, 2001 and requiring the parties to submit a list of their respective witnesses and documentary evidence. The hearing was, however, reset to January 28, 29, 30, and 31, 2002 upon motion of complainant. On January 28, 2002, the parties informed the Investigating Justice that they were exerting all efforts for a possible reconciliation. Upon motion by both parties, the hearing was again reset to March 11, 12, 13, and 14, 2002.

On March 11, 2002, the parties again informed the Investigating Justice of their desire to confer in a last effort to settle. The request was again granted with an order that both parties should be ready the following day if no settlement was reached. The following day, March 12, 2002, the scheduled hearing proceeded after the parties failed to reach any amicable settlement.

From a list of seven (7) witnesses, complainant manifested that only four (4) witnesses shall be presented. The first witness, Roel Mutia, testified that he was hired by complainant's son, Marquinjo Macias, to tail Judge Macias after suspecting that his father was having an illicit affair. In summary, Mutia testified that he saw Judge Macias and Seranillos enter a house in Dipolog City on the afternoon of October 17, 1999, and that both dined and spent the night there together inside one bedroom.^[18] He said that he accompanied Marquinjo and complainant the next day to the said house and that he saw complainant pull Seranillos outside the house creating a commotion within the neighborhood.^[19] On cross-examination, Mutia admitted that he was not sure if Seranillos did spend the night inside the said house, or whether she left that night and just returned the following morning. Counsel for respondent also pointed to Mutia that the spot where he positioned himself, while observing Judge Macias, was blocked by leaves and tall trees.^[20]

The next witness for complainant was Aniceto Zozobrado. He testified that he was hired by Seranillos to drive a motorcycle which, according to her, was a gift from Judge Macias. He said that he saw Judge Macias visit Seranillos on three (3) occasions; that he ran errands for both Judge Macias and Seranillos; and that he was slapped once by Judge Macias for allegedly peeping at Seranillos.^[21] On cross-examination, Zozobrado admitted that he was not really sure if the motorcycle he saw was actually owned by Seranillos, and that his statement was based merely on presumption.^[22] He also admitted that he had been residing with complainant's counsel since the date he executed his affidavit against Judge Macias.^[23]

The third witness, Engracio Dialo, Jr., was not allowed to testify after respondent's counsel objected because the intended testimony would cover an event that took place after the filing of the complaint, and Dialo's affidavit narrated matters that were not covered by the allegations in the complaint.^[24] Complainant manifested her intention to file a motion to amend the complaint.^[25] The Investigating Justice ordered the direct examination of the fourth witness, complainant Margie Macias, without prejudice to her presenting Dialo after the motion to amend the complaint shall have been resolved. Complainant, however, refused, saying that she would testify only after Dialo had testified.^[26] The Investigating Justice warned complainant that her refusal to testify shall be taken as a waiver of her right to present further witnesses and evidence.^[27] Despite the warning, complainant refused to proceed with her direct testimony. The Investigating Justice ordered complainant to rest her case, but she again refused.

The witness for respondent was Judge Macias himself. He denied the allegations of Mutia and Zozobrado. He said that complainant also filed a complaint for concubinage against him, but the same was dismissed by the Regional State Prosecutor for lack of sufficient evidence. He believed that complainant's accusations were brought about by her psychiatric condition characterized as severe paranoia.^[28]

On April 25, 2002, the Investigating Justice submitted his Report and Recommendation^[29] to this Court. He recommended the dismissal of the complaint against Judge Macias. The Investigating Justice reasoned that complainant failed to prove beyond reasonable doubt that respondent committed acts of immorality, or that his conduct was prejudicial to the best interest of the service. The Investigating Justice, however, recommended that Judge Macias be reprimanded for failing to exercise great care and circumspection in his actions.^[30]

The case now comes before this Court for final resolution.

There are two basic questions that must be resolved. First, considering the finding of the Investigating Justice, we ask: is it really necessary that administrative complaints against members of the judiciary be disposed of only after adducing evidence that will prove guilt beyond reasonable doubt? And second, do the acts complained of warrant the imposition of disciplinary sanction on respondent judge?

I.

In several cases,^[31] this Court has ruled that if what is imputed to a respondent judge connotes a misconduct that, if proven, would result in dismissal from the bench, then the quantum of proof necessary to support the administrative charges or to establish grounds for the removal of a judicial officer should be more than substantial.

The first case involving an administrative complaint filed against a judge in this jurisdiction was decided in 1922 in *In re Impeachment of Horrilleno*.^[32] There, Justice Malcolm explained:

The procedure for the impeachment of judges of first instance has heretofore not been well defined. The Supreme Court has not yet adopted rules of procedure, as it is authorized to do by law. In practice, it is usual for the court to require that charges made against a judge of first instance shall be presented in due form and sworn to; thereafter, to give the respondent judge an opportunity to answer; thereafter, if the explanation of the respondent be deemed satisfactory, to file (sic) the charges without further annoyance for the judge; while if the charges establish a *prima facie* case, they are referred to the Attorney-General who acts for the court in conducting an inquiry into the conduct of the respondent judge. On the conclusion of the Attorney-General's investigation, a hearing is had before the court *en banc* and it sits in judgment to determine if sufficient cause exists involving the serious misconduct or inefficiency of the respondent judge as warrants the court in recommending his removal to the Governor-General.

Impeachment proceedings before courts have been said, **in other jurisdictions**, to be in their nature highly penal in character and to be governed by the rules of law applicable to criminal cases. The charges must, therefore, be proved beyond a reasonable doubt.^[33]

With *Horrilleno*, it became necessary for every complainant to prove guilt beyond reasonable doubt despite the fact that the case will only involve an administrative, and not a criminal, complaint. The reason is explained, albeit scarcely, in *Alcuizar v. Carpio*:^[34]

While substantial evidence would ordinarily suffice to support a finding of guilt, **the rule is a bit different where the proceedings involve judges charged with grave offense.** Administrative proceedings against judges are, by nature, highly penal in character and are to be governed by the rules applicable to criminal cases.^[35]

In more recent rulings, however, the Court applied substantial evidence as the normative quantum of proof necessary in resolving administrative complaints against judges. In order to diffuse confusion, a clarification has to be made. First, the pronouncements in *Horrilleno* and *Alcuizar* may be said to have been superseded by the Court's recent rulings in *Gutierrez v. Belen*,^[36] *Reyes v. Paderanga*,^[37] and *Naval v. Panday*.^[38]