

[A.M. No. MTJ-06-1623 [Formerly OCA IPI No. 04-1635-MTJ], September 18, 2009]

PROSECUTOR ROMANA R. REYES, COMPLAINANT, VS. JUDGE JULIA A. REYES, METROPOLITAN TRIAL COURT, BRANCH 69, PASIG CITY, RESPONDENT.

[A.M. NO. MTJ-06-1624 [FORMERLY OCA IPI NO. 04-1636-MTJ]]

TIMOTEO A. MIGRIÑO AND DOMINGO S. CRUZ, COMPLAINANTS, VS. JUDGE JULIA A. REYES, PRESIDING JUDGE OF THE METROPOLITAN TRIAL COURT IN PASIG CITY, BRANCH 69, RESPONDENT.

[A.M. NO. MTJ-06-1625 [FORMERLY OCA IPI NO. 04-1630-MTJ]]

ARMY M. FLORDELIZA, JULIET C. VILLAR AND MA. CONCEPCION LUCERO, ALL OF THE METROPOLITAN TRIAL COURT, BRANCH 69, PASIG CITY, COMPLAINANTS, VS. JUDGE JULIA A. REYES, PRESIDING JUDGE METROPOLITAN TRIAL COURT, BRANCH 69, PASIG CITY, RESPONDENT.

[A.M. NO. MTJ-06-1627 [FORMERLY OCA IPI NO. 04-1661-MTJ]]

ANDREE K. LAGDAMEO, COMPLAINANT, VS. JUDGE JULIA A. REYES, METROPOLITAN TRIAL COURT, BRANCH 69, PASIG CITY, RESPONDENT.

[A.M. NO. P-09-2693 [FORMERLY OCA IPI NO. 04-2048-P]]

TIMOTEO A. MIGRIÑO, BRANCH CLERK OF COURT, METROPOLITAN TRIAL COURT, BRANCH 69, PASIG CITY, COMPLAINANT, VS. JUDGE JULIA A. REYES, RESPONDENT.

[A.M. NO. MTJ-06-1638 [FORMERLY OCA IPI NO. 05-1746-MTJ]]

FLORENCIO SEBASTIAN, JR., COMPLAINANT, VS. HON. JULIA A. REYES, PRESIDING JUDGE, METROPOLITAN TRIAL COURT, PASIG CITY, BRANCH 69, RESPONDENT.

D E C I S I O N

PER CURIAM:

Professionalism, respect for the rights of others, good manners and right conduct are expected of all judicial officers and employees, because the image of the judiciary is necessarily mirrored in their actions.^[1]

Five administrative cases against Judge Julia A. Reyes (Judge Reyes), Presiding Judge of the Metropolitan Trial Court (MeTC) of Pasig City, Branch 69 and one administrative case which Judge Reyes filed against her Branch Clerk of Court Timoteo Migriño were consolidated and referred to Justice Romulo S. Quimbo, consultant of the Office of the Court Administrator (OCA), for investigation, report and recommendation, by this Court's Resolutions of September 28, 2005^[2] and December 12, 2007.^[3]

Earlier, the Court preventively suspended Judge Reyes "effective immediately and until further orders," by Resolution of December 14, 2004 in A.M. No. 04-12-335-MeTC, "*Re: Problem Besetting MeTC, Branch 69, Pasig City.*"

Records show that Judge Reyes' whereabouts have remained unknown. She was issued an Authority to Travel to the United States for the period from November 16 to 30, 2004. She appears to have left the country in December 2004 but there is no record showing that she sought the Court's permission therefor or filed any leave of absence for December 2004.^[4]

From an August 17, 2005 Certification from the Bureau of Immigration, the only entry in its database relative to the travel of Judge Reyes was her departure to an unknown destination through Korean Air Flight No. KE622 on December 28, 2004.^[5]

Due to her absence, the Court declared Judge Reyes as having waived her right to answer or comment on the allegations against her and to adduce evidence.

I. A.M. NO. MTJ-06-1623 (PROSECUTOR ROMANA R. REYES v. JUDGE JULIA A. REYES)

By letter-complaint of October 26, 2004,^[6] Assistant City Prosecutor Romana Reyes (Prosecutor Reyes), the public prosecutor assigned to Branch 69, charged Judge Reyes with grave abuse of authority and/or grave misconduct, the details of which follow:

On October 1, 2004 at past 6:00 p.m., Prosecutor Reyes accidentally met Judge Reyes at the office of Police Inspector Jovita V. Icuin (Inspector Icuin), the Chief of the Criminal Investigation Branch of the Pasig City Police Station. Judge Reyes was there to inquire about her Branch Clerk of Court Timoteo Migriño (Migriño)^[7] who was earlier arrested for alleged violation of Presidential Decree No. 1602 or the Anti-Gambling Law. When Judge Reyes was informed that Migriño was already released on orders of Judge Jose Morillos, Judge Reyes asked Prosecutor Reyes to conduct an inquest against Migriño for malversation on the basis of a photocopy of an affidavit of a certain Ariel Nuestro, purportedly executed and sworn to before Judge Reyes on September 15, 2004.^[8]

Prosecutor Reyes informed Judge Reyes that the case of malversation may not necessarily fall under Section 5, Rule 113 of the Rules of Court^[9] on Arrest without Warrant and thus cannot be the subject of inquest. Prosecutor Reyes explained that inquest could not be conducted as it was already past 6:00 p.m. whereas inquest proceedings could be conducted only until 6:00 p.m. unless authorized by the City

Prosecutor. She added that since the crime was allegedly committed in 2003, Migriño would have to undergo preliminary investigation.^[10] Prosecutor Reyes continued:

When she heard that if inquest is conducted he will be released for preliminary investigation, she was fuming mad and directed me to conduct the preliminary investigation right then and there. It was really a surprise that a judge, a former prosecutor at the Rizal Provincial Prosecution Office, would direct me to conduct preliminary investigation at the station without giving the respondent (Mr. Migrino), at least the mandatory 10-day period within which to prepare for an intelligent answer/counter-affidavit.

She insisted that Mr. Migrino be detained on the weekend and the police detained him. He was the subject of inquest on October 4, 2004, Monday and was ordered release for preliminary investigation by the City Prosecutor.

x x x x

On October 5 and 6, 2004 I was not able to appear during the hearing of criminal cases in her sala but I made it a point to inform the Court by calling, through cellphone, one of her staff on the mornings of October 5 and 6. I was having severe headache and chest discomfort.

On October 11, 2004, I appeared at her sala to discharge my official function as public prosecutor assigned in her Court. Before the hearing started, she asked for my Medical Certificate and I explained that to be candid, I did not personally see a doctor but called [the doctor] to inform him of my condition and I was advised to rest and take my regular medication. Surprisingly, and to my embarrassment, **without any case for contempt filed and without being included in the day's calendar, she brought up the incident of October 1, 2004.** I explained to her that unless I had been authorized by the City Prosecutor or Chief-Inquest, I could not conduct inquest and inquest proceedings are being held in my position as **a Prosecutor under the Department of Justice.** She insisted that I was "there as the Prosecutor assigned to this Court and who is assigned at the same sala and you refused to conduct an inquest" forgetting her constitutional law that there is separation of powers among the three branches of government - legislative, executive and the judiciary.

She issued in open court an order requiring me to explain in writing within twenty-four (24) hours why I should not be cited for contempt for my refusal to conduct the inquest on October 1, 2004. I was all the more surprised when she gave the following sweeping statement in open court:

"Don't worry Prosec, I will not order your arrest today, because I know that the Pasig City Police Officer at the Pasig Police Station, because your house is located in

front of the Pasig City Station, there is no one who will arrest you. I will still coordinate with the office of Gen. Aglipay to send me a police officer who will take custody of you pending contempt proceedings."

The above-quoted statement, lifted from the transcript of stenographic notes of October 11, 2004 which is hereto attached as Annex "A" to "A-5", only shows that she has already a pre-judgment of the contempt charge and no explanation, even if submitted, will convince her to stop from declaring me with contempt.

I was hospitalized at the Medical City on the night of October 11, 2004 until October 14, 2004 due to chest pain and the Court was informed of this fact. However[,] on October 13, 2004 when I was still confined, respondent issued an Order in open court stating:

" x x x without any valid explanation except for the word that she is presently confined at the hospital, which is hearsay at the moment, in which case the same is just noted by the court. So for her failure to attend today's proceedings, despite notice, as well as for her failure to attend the proceedings yesterday as well as on October 5 and 6 without any valid explanation, and for her failure to give any explanation after the lapse of 24 hours from the time she was ordered to show cause why she should not be cited in contempt in open court last October 11, 2004, let warrant of arrest issue against the said Public Prosecutor. x x x **Bail is set at P1,000.00 per case in which there is a total of 119 cases delayed as a result of her absence since October 5 and October 6 as well as yesterday, October 12 and today, October 13. That means a bail of P119,000.00 as well as for two (2) counts of apparent contempt** which consist of misbehavior of an officer of the Court in the performance of her official duties as well as for improper conduct tending directly or indirectly to impede, obstruct, and degrade the administration of justice to which **bail is set at P25,000.00** each, to set an example to the public especially, since she is actually the Public Prosecutor presently assigned to this Court who committed such **apparent act of indirect contempt."**^[11] (Emphasis in the original; underscoring supplied)

In another letter dated October 29, 2004,^[12] Prosecutor Reyes informed the OCA that during the October 27, 2004 hearing for the issuance of a temporary restraining order in connection with her petition for certiorari, prohibition and mandamus docketed as SCA-2732 before the Regional Trial Court of Pasig City, four police officers served a warrant of arrest^[13] purportedly issued on October 11, 2004 by Judge Reyes pertaining to Criminal Case Nos. 02164-02173, all entitled "People v.

Prosecutor Romana R. Reyes."

Verification from the Office of the Clerk of Court of the MeTC of Pasig City revealed, however, that there was no pending case against Prosecutor Reyes and that the particular case numbers pertained to cases against 10 individuals for offenses ranging from violation of *Batas Pambansa Bilang 6* to Reckless Imprudence resulting in Damage to Property.^[14]

Prosecutor Reyes' travails did not stop there, however. On October 27, 2004, at around 10:30 a.m., she received copies of two Orders of October 11 and 13, 2004 of Judge Reyes directing Prosecutor Reyes in the later Order, to

x x x show cause within 24 hours from receipt of this Order why she should not be cited in contempt for her failure to submit her explanation to date and for her failure to attend the proceedings of this Court without any explanation.

Considering the gravity of her responsibility as a Public Prosecutor, **let warrant issue for her arrest. Bail is set at P2,000.00 per case, or a total of TWO HUNDRED THIRTY-EIGHT THOUSAND PESOS ONLY (P238,000.00).**^[15] (Emphasis and capitalization in the original; underscoring supplied)

On December 13, 2004, Prosecutor Reyes wrote another letter^[16] to the OCA charging Judge Reyes with Violation of the Code of Judicial Conduct, Knowingly Rendering an Unjust Judgment or Order, and Gross Ignorance of the Law or Procedure, as follows:

On December 7, 2004, I arrived at the court room of MTC-Pasig City Branch 69 at about 8:30 a.m. to discharge my duties as the trial prosecutor of the Branch. The hearing has not started, the Presiding Judge was not there yet and the litigants have not been allowed to enter the courtroom. Hearing of cases on the Court does not promptly start at 8:30 a.m. but always been the hours of 9:00 a.m. to 9:30 a.m. as the Presiding Judge, Julia A. Reyes, usually arrive past 8:30 a.m. and when she arrive[s], she still order[s] the installation of her microphone and computer. In the meantime, litigants are not allowed to enter the courtroom but have to wait outside until they are allowed entry by the staff.

I reviewed the court records to know if the parties had been notified of the scheduled hearings. After the recitation of the Centennial Prayer and before the calendar of cases were called, Judge Julia Reyes called my attention and said that there was an Order of the Court for me to explain my failure to appear on October 5, 6, 12, 13, 18, 19, 20, 25, 26 and 27 and up to now, I have not submitted my explanation. I stood up and politely explained to her that the incidents she was referring to was the subject of the case I filed against her for Certiorari, Prohibition & Mandamus, before the Regional Trial Court - Pasig City and there was an