

SECOND DIVISION

[A.M. NO. MTJ-02-1399 (FORMERLY OCA IPI NO. 99-813-MTJ), August 10, 2006]

ALBERTO GUINTO, COMPLAINANT, VS. JUDGE RODRIGO R. FLORES AND COURT INTERPRETER, CANDELARIA MANGULABNAN, MTCC, BRANCH 2, CITY OF SAN FERNANDO, PAMPANGA, RESPONDENTS.

R E S O L U T I O N

CORONA, J.:

In a sworn complaint dated October 7, 1999, complainant Alberto Guinto charged Candelaria Mangulabnan, Court Interpreter of the Municipal Trial Court (MTC),^[1] Branch 2, of San Fernando, Pampanga, of grave misconduct and violation of RA 3019 (Anti-Graft and Corrupt Practices Act),^[2] in connection with an election protest case, docketed as Election Protest No. 97-04, entitled *Alberto Guinto v. Dario Manalastas*.

In another sworn complaint dated October 14, 1999, Guinto accused Judge Rodrigo R. Flores of the same court of failure to render a decision^[3] within the 90-day required period in an election protest case and for violation of RA 3019.

In both complaints, Guinto alleged that he was a party to an election case raffled to respondent judge. He was a candidate for barangay chairperson in the 1997 barangay elections in which he lost to Manalastas. He averred that Judge Flores and Manalastas connived to delay the resolution of the case for monetary consideration. He claimed that the election case was filed in May 1997 and, until the filing of the present complaint, respondent judge had yet to officially promulgate his decision on the matter.

Complainant likewise contended that while the case was pending, respondent judge went to his office and borrowed P5,000. Complainant was, at the time, the chief of security of Pampanga Sugar Development Co. After he gave the money to respondent judge, the latter promised to resolve the election protest case immediately.

Complainant further alleged that respondent judge, with a female companion, again went to his office and asked him out to lunch. Complainant paid for their lunch, including the food that respondent judge ordered for "take-out."

Sometime during the first week of December 1998, respondent judge once more went to his office and asked for a sack of sugar and, just a few days before Christmas, for two more sacks.

In August 1999, respondent judge released a decision adverse to complainant.

Guinto confronted Judge Flores who told him it was released without his knowledge. Respondent judge claimed that respondent Candelaria Mangulabnan inserted the decision among the piles of documents that he signed. He claimed he did not notice that it was one of those documents.

On the issue of delay in the resolution of the election protest case, respondent judge averred that he constituted a revision committee soon after the issues were joined to hasten the recount of the ballots. The committee, however, failed to convene due to recurring floods in their area. The ballots were also soaked wet by the flood and the committee had to wait for them to dry before it could resume its meetings. Respondent judge added that a mandamus case filed against him by Manalastas also took much of his time so he failed to resolve the case within the reglementary period.^[4]

Respondent Mangulabnan, on the other hand, denied that she surreptitiously inserted the decision among the documents Judge Flores signed. According to her, Judge Flores voluntarily and knowingly signed the decision and in fact instructed her to release a photocopy of the decision to protestee Manalastas' counsel.^[5]

The complaints were referred to the Office of the Court Administrator (OCA) for investigation, report and recommendation. On November 28, 2001, the OCA submitted its report and recommendation.^[6] This Court, in a resolution^[7] dated February 13, 2002, adopted the recommendation of OCA to consolidate the complaints and refer them to the executive judge of the Regional Trial Court of San Fernando, Pampanga, for proper investigation, report and recommendation.

After several hearings, Judge Adelaida Ala-Medina, the investigating officer, submitted her report to the Court on May 20, 2003.^[8] In the report, she stated that during her investigation, respondent judge never once refuted the charges against him. Neither did he deny or attempt to offer any explanation. Surprisingly, complainant also submitted an affidavit^[9] recalling his accusations against respondents. He allegedly "committed a mistake" in filing the administrative cases against them. At this instance, respondent judge then sought the dismissal of the complaint against him.

The investigating officer, however, found evidence that respondent Mangulabnan acted as Judge Flores' conduit in soliciting money from the litigants. She maintained though that she was only tasked by Judge Flores to pick up the P20,000 he "borrowed" from protestee Manalastas. In the same investigation, Manalastas' counsel confirmed that his client gave Judge Flores that amount through Mangulabnan.

The investigating officer stated in her report:

xxx xxx xxx

Mangulabnan should have been aware that respondent judge, in asking money from litigants, was engaging in an illicit activity and she was being made a party thereto. She facilitated the transfer of the money between the parties by acting as conduit, thereby protecting the parties from suspicion and concealing the misdeed. She is well aware that the mission