

## SECOND DIVISION

**[ A.M. NO. RTJ-04-1876 (FORMERLY OCA I.P.I. NO. 04-1944), February 23, 2005 ]**

**NORA C. PEREZ AND ENGRACIA G. RONQUILLO, COMPLAINANTS,  
VS. JUDGE JOVEN COSTALES, RTC, BRANCH 45, URDANETA CITY,  
PANGASINAN, RESPONDENT.**

### R E S O L U T I O N

**AUSTRIA-MARTINEZ, J.:**

This is an administrative complaint filed by Nora C. Perez and Engracia G. Ronquillo, professors of the Don Mariano Marcos Memorial State University, South La Union Campus (DMMMSU-SLUC), against Judge Joven Costales of the Regional Trial Court (RTC) of Urdaneta City (Branch 45), charging him of violating Canons 2 and 3, and Rules 2.04 and 3.12 of the Code of Judicial Conduct, and for Harassment.

Complainants Perez and Ronquillo are two of the four professors accused by respondent Judge's wife, Perla F. Costales, of the crime of Estafa, docketed as Criminal Case No. 2722-BG pending before RTC-Branch 33, Bauang, La Union. Ronquillo is also an accused in a case for violation of *Batas Pambansa Blg. 22* filed by Perla F. Costales, docketed as Criminal Case No. 4338. The following are the acts complained of against respondent Judge:

- 1) On June 24, 2002, respondent Judge was with his wife during the hearing of Criminal Case No. 4338 (*B.P. Blg. 22* case);
- 2) On October 15, 2002, respondent Judge testified in behalf of the prosecution in Criminal Case No. 2722-BG (Estafa case);
- 3) Respondent Judge pressured and made follow-ups on the case with the public prosecutor;
- 4) Respondent Judge wrote a letter dated October 10, 2003, addressed to the President of the Don Mariano Marcos Memorial State University, quoted as follows:<sup>[1]</sup>

I wish to call your attention regarding your four (4) professors, namely: ENGRACIA G. RONQUILLO, MERCEDES V. TAVAS, CLARITA S. VALDEZ and NORA C. PEREZ, all of DMMMSU, South La Union Campus, Agoo, La Union, who were convicted with the crime of ESTAFA/SWINDLING on July 22, 2003, a xerox copy of the Decision is hereto attached and marked as Annex "A".

A motion for reconsideration of the decision was filed by the accused thru their counsel but was denied, Annex "B". Thru

counsel, the 4 accused appealed the decision to the Court of Appeals, Annex "C".

Prof. Ronquillo is also charged with Violation of *Batas Pambansa Bilang 22* (or the Bouncing Checks Law) which case is pending trial before the Municipal Trial Court of Naguilian, Annex "D" and Annex "E".

Incidentally, the complainant in these cases is my wife PERLA F. COSTALES.

....

It is unfortunate that you have 4 professors who are supposed to be the molders of the mind of the youth and paragon of virtue, yet they have been convicted of a crime involving moral turpitude, which is worst than other crimes. What if the Court of Appeals affirms their conviction which is imprisonment from 4 to 20 years at the Women's Correccional, Manila.

We heard that the 4 professors are intending to apply for early retirement because of this. We have no objection provided they have to pay first their money obligations to my wife.

We pity the professors that is why we held in abeyance the filing of administrative cases against them.

We are not to be blamed for this but the 4 professors themselves. We are only exercising our rights under our laws.

May I know what course of action you would undertake considering that these 4 professors of your well-known and prestigious university where innumerable graduates have shown excellence in their chose endeavors, have been convicted with a crime involving moral turpitude?

Thank you.

Very truly yours,

(Signed)

JUDGE JOVEN F. COSTALES

Husband of the Complainant

Perla F. Costales

Required by the Office of the Court Administrator (OCA) to comment on the complaint,<sup>[2]</sup> respondent Judge denied the allegations. According to respondent Judge, there was no hearing held on June 24, 2002 in Criminal Case No. 4338 (*B.P. Blg. 22* case), and granting that there was any hearing in which he attended, he was there in his private capacity as he was a witness for his wife, although he was not