

FIRST DIVISION

[A.M. No. MTJ-03-1488, October 13, 2004]

ADARLINA G. MATAGA, COMPLAINANT, VS. JUDGE MAXWELL S. ROSETE, MUNICIPAL TRIAL COURT IN CITIES OF SANTIAGO CITY AND PROCESS SERVER GASAT M. PAYOYO, MUNICIPAL TRIAL COURT, CORDON, ISABELA, RESPONDENTS.

D E C I S I O N

YNARES-SATIAGO, J.:

The imperative and sacred duty of each and everyone in the court is to maintain its good name and standing as a temple of justice.^[1] The Court condemns and would never countenance any conduct, act or omission on the part of all those involved in the administration of justice which would violate the norm of public accountability or tend to diminish the faith of the people in the judiciary.^[2]

In a verified complaint dated June 12, 2002, Adarlina G. Mataga, a retired Court Stenographer 1 of the Municipal Trial Court of Santiago City, Isabela, charged Judge Maxwell S. Rosete and Process Server Gasat M. Payoyo with Dishonesty and Misconduct in connection with the encashing of the check representing her terminal pay.^[3]

Complainant alleged that she applied for disability retirement because she was suffering from Organic Brain Syndrome Moderate to Severe Secondary to Cerebro-Vascular Accident (Thrombosis). Complainant's application was approved on January 30, 1996,^[4] and consequently, Disbursement Voucher No. 101-96-03-8924^[5] for One Hundred Sixty Five Thousand Five Hundred Thirty and 8/100 Pesos (P165,530.08) and the corresponding Land Bank Check No. 37021^[6] were prepared in the name of complainant. The check was released to respondent Payoyo who turned it over to Judge Rosete.^[7]

Sometime in March 1996, respondent Payoyo brought complainant to the house of respondent Judge Rosete, where she was given the amount of P44,000.00 as her terminal pay. It was only subsequently that complainant came to know that the disability retirement benefit granted to her was in the amount of P165,530.08, which respondents did not deliver to her.

When asked to comment,^[8] respondent judge denied the complainant's allegations. He stated that complainant has not been to his house in Quezon City, nor has he given the complainant the sum of P44,000.00 as her terminal pay. Respondent judge, however, admitted that the check representing the retirement benefits of the complainant was indeed turned over to him by the Supreme Court security guard after it was misplaced by his co-respondent, Payoyo. Upon his receipt of complainant's check, respondent judge immediately handed the same to Payoyo

because he knew that complainant had requested the latter to follow up her check.

For his part, respondent process server Payoyo denied the accusations against him. He claimed that he did not know complainant personally. Respondent judge instructed him to claim complainant's disability check, which he did. Respondent judge then told him to encash the check at the Land Bank of the Philippines, Taft Avenue Branch and to proceed to the former's house to meet complainant and her son. There, he turned over the full amount of complainant's disability benefit.

The case was referred to Judge Fe Albano Madrid, the Executive Judge of the Regional Trial Court of Santiago City, Isabela, for investigation, report and recommendation.^[9] On July 9, 2003, Judge Madrid submitted her report,^[10] wherein she recommended that the complaint be dismissed in view of the admission of the complainant that she has received the full amount of her benefits as early as March 17, 1996, as evidenced by a receipt which bore her signature.^[11]

After noting the report of Judge Albano Madrid, we resolved to refer the case to the Office of the Court Administrator (OCA) for evaluation, report and recommendation.^[12] The OCA recommended that, in view of the failure to thresh out the material contradictions between the allegations of the complainant and the assertions of the respondent, the case be returned to the investigating judge for further investigation, report and recommendation.^[13] On December 10, 2003, we resolved to return the case to Judge Albano Madrid.^[14]

After conducting another investigation of the case, Judge Albano Madrid submitted her report, stating that during the second investigation, complainant made it clear that she had no more complaint against respondent judge provided that the latter will give her the money. Rather, the complaint was directed at the dishonesty of respondent Payoyo in his dealings with the complainant.

After reviewing the records of this case, we hold that the complaint against respondent judge should be dismissed.

Any administrative complaint leveled against a judge must always be examined with a discriminating eye, for its consequential effect are by their nature highly penal, such that the respondent judge stands to face the sanction of dismissal or disbarment.^[15] Mere imputation of judicial misconduct in the absence of sufficient proof to sustain the same will never be countenanced. If a judge should be disciplined for misconduct, the evidence against him should be competent.

When an administrative charge against a judge is determined to have no basis whatsoever, we will not hesitate to protect him against any groundless accusation that trifles with judicial process. We will not shirk from our responsibility of imposing discipline upon employees of the Judiciary but neither shall we hesitate to shield the same employees from unfounded suits that only serve to disrupt rather than promote the orderly administration of justice.^[16]

On the other hand, respondent Payoyo should be held administratively liable. As correctly pointed out by the investigating judge: