

## SECOND DIVISION

**[ A.M. No. MTJ-03-1482 (formerly A.M. No. OCA  
IPI No. 01-1042-MTJ), April 04, 2003 ]**

**ILUMINADA SANTILLAN VDA. DE NEPOMUCENO, PETITIONER,  
VS. JUDGE NICASIO V. BARTOLOME, MUNICIPAL TRIAL COURT,  
STA. MARIA, BULACAN. RESPONDENT.**

### RESOLUTION

**AUSTRIA-MARTINEZ, J.:**

In an affidavit-complaint dated April 1, 2001 filed before the Office of the Court Administrator (OCA), complainant Iluminada Santillan Vda. De Nepomuceno charged respondent Judge Nicasio V. Bartolome with violation of Republic Act No. 3019 otherwise known as the Anti-Graft and Corrupt Practices Act relative to Criminal Case No. 8464 entitled, *People of the Philippines v. Manuel Ramos*, for Reckless Imprudence Resulting to Homicide and Slight Physical Injuries.

Complainant in her affidavit-complaint alleges that respondent judge demanded P5,000.00 from her, reasoning "total panalo na yung kaso at may makukuha raw na pera"; and that she acceded to the demand of respondent judge by reason of the said assurance and considering that respondent Judge is notoriously known for his corrupt activities.

In his Comment, respondent judge vehemently denied the accusation that he demanded P5,000.00 from the complainant reasoning that if it were really true that he made such demand then it would be a case of a perfect basis for entrapment.

Upon recommendation of the OCA, the Court in a Resolution dated August 5, 2002, referred the matter to the Executive Judge of the Regional Trial Court of Malolos, for investigation, report and recommendation within 90 days from receipt of the records, it being deemed right and proper for both the protagonists to substantiate their respective allegations in a formal hearing.

After conducting several hearings, Executive Judge Oscar C. Herrera, Jr. found the following facts to be undisputed:

Iluminada Santillan vda. De Nepomuceno, the complainant, was the private complainant in Criminal Case No. 8464 of the Municipal Trial Court (MTC), Sta. Maria, Bulacan, presided over by Judge Nicasio V. Bartolome, the respondent. The case was entitled 'People of the Philippines vs. Manuel Ramos y Bernabe.' The case was for Reckless Imprudence Resulting To Homicide And Slight Physical Injuries which was filed in October 1994 (p. 8, record). One of the victims thereon, Angelita Nepomuceno, who died, was the daughter of complainant; while the other one, Emerito Nepomuceno, who sustained physical injuries, is the son of the complainant. In a Decision dated February 15, 1999,

respondent found the accused guilty of the crime charged, sentenced him to six (6) years imprisonment, and ordered him to pay the heirs of the deceased as well as the injured the sum of P66,523.70 supported by receipts and to indemnify the heirs the sum of P75,000 and to pay the cost of the suit' (p. 9, record). Said decision was promulgated on April 13, 1999 (see Annex 'A', Counter-Affidavit dated November 6, 2002 of Judge Bartolome). The accused in said case applied for and was granted probation. On July 21, 1999, upon motion of complainant, respondent issued a writ of execution to enforce and implement the civil liability imposed upon the accused (p. 48, record). On December 7, 1999, respondent issued an order revoking the probation and ordering the arrest of the accused for the latter's alleged failure to comply with the conditions of the probation order (p. 53, record). Upon motion for reconsideration filed, respondent issued an Order dated January 11, 2000 reconsidering the Order dated December 7, 1999 and allowing the accused to settle the civil liability by paying P30,000 within ten (10) days from receipt of the order and P10,000 per month thereafter. The accused apparently failed to pay the amounts corresponding to the months of April, May and June 2000 (p. 31, record). On May 8, 2000, respondent issued an order denying a motion of the accused for reduction of the installment payments (p. 32, record). On May 31, 2000, respondent issued an order approving the recommendation contained in the Manifestation filed by the Bulacan Parole and Probation Office reducing the monthly payment of the accused from P10,000 to P2,000 (p. 33, record). A motion for reconsideration was filed by the complainant but this was denied in an Order dated July 13, 2000 (p. 34, record). On September 14, 2000, complainant filed a petition for certiorari with the Regional Trial Court of Bulacan questioning the proceedings before the respondent, particularly the reduction of the monthly payment from P10,000 to P2,000 (p. 14, record). The petition was docketed as Civil Case No. 613-M-2000 and was assigned to Branch 11 presided over by Judge Basilio R. Gabo, Jr. On December 6, 2001, Judge Gabo rendered a decision dismissing the petition but declaring that the mode of payment enunciated in the Order of respondent dated January 11, 2000 stands (p. 9, record).

In charging respondent with Violation of the Anti-Graft and Corrupt Practices Act, complainant insists that respondent demanded and received from her the amount of P5,000 as consideration for the favorable Decision dated February 15, 1999 in Criminal Case No. 8464 and that respondent abused his authority when he allowed the reduction in the payment of civil liability from P10,000 to only P2,000 per month. Of course, respondent denies he ever demanded and received P5,000 from complainant and claims he never allowed the reduction of the payment of civil liability from P10,000 to P2,000. In connection with the latter, he invokes the Decision dated December 6, 2001 rendered by RTC, Bulacan Branch 11 in Civil Case No. 613-M-2000 dismissing the petition for certiorari of complainant.<sup>[1]</sup>

The Investigating Judge found the complainant to have "remained firm and steadfast" in her claim that respondent Judge demanded P5,000.00 from her on February 19, 1999 in the chamber of respondent judge, as a consideration of the