

EN BANC

[A.M. No. MTJ-03-1492, August 26, 2003]

**SPO4 DOMINGO B. MANAOIS, COMPLAINANT, VS. JUDGE
LAVEZARES C. LEOMO, MUNICIPAL CIRCUIT TRIAL COURT, SAN
MARCELINO - CASTILLEJOS, ZAMBALES, RESPONDENT.**

DECISION

PER CURIAM:

Before us is the verified letter-complaint,^[1] filed by SPO4 Domingo B. Manaois, charging Judge Lavezares C. Leomo, Municipal Circuit Trial Court (MCTC), San Marcelino-Castillejos, Zambales, with grave misconduct, acts constituting obstruction of justice, and abuse of authority.

Complainant alleged that he is a member of the Philippine National Police (PNP) assigned as the Chief of the Traffic Management Office in Olongapo City. Sometime in August, 1998, his office received a bench warrant of arrest dated August 12, 1998 against one Rowena C. Corpuz, accused in Criminal Case No. 97-0390 for estafa then pending before the Regional Trial Court, Branch 253, Las Piñas City. On August 25, 1998, at about 9:30 A.M., Rowena appeared at his office inquiring about a motor vehicle clearance. Remembering her name as the subject of the warrant of arrest, he asked if she has a pending case in the said court. She answered in the affirmative. Thereupon, he showed her a copy of the warrant and declared that she is under arrest. Immediately, she rushed out of the office and approached her companion who happened to be Judge Lavezares C. Leomo, herein respondent, waiting inside a car. She returned, accompanied by respondent, to complainant's office. Respondent then confronted complainant, asking why Rowena should be arrested. When complainant explained that being an officer of the law it is his duty to enforce the warrant of arrest, respondent grabbed Rowena's hand and both left hurriedly. At around 4:00 P.M. of that day, respondent phoned complainant, informing him that he (respondent) has turned over Rowena to the PNP at Castillejos, Zambales and that he would notify the presiding judge of the RTC, Branch 253, Las Piñas City accordingly. Later, complainant learned that respondent has been "extending special treatment" to Rowena because the two "are very special friends."

Complainant further alleged that the following day, or on August 26, 1998, he sent a memorandum^[2] to his superior reporting that respondent prevented him from arresting Rowena. He furnished the RTC which issued the warrant a copy of his report, prompting Prosecutor Aurelio H. Castillo, assigned to prosecute the said criminal case, to file a motion to cite respondent in contempt of court for thwarting the arrest of Rowena.

On the basis of complainant's report and Prosecutor Castillo's motion, the RTC issued an Order^[3] dated September 9, 1998 requiring respondent to explain why he

should not be cited in contempt of court for committing the acts complained of.

In retaliation, so complainant claimed, respondent issued an Order^[4] dated September 10, 1998 (without any case number), requiring him to explain within three (3) days why he should not be cited in contempt of court for submitting a false report, particularly paragraph 5 of his memorandum which reads:

"5. At this juncture, however, Judge Leomo [now respondent], on top of his voice, prevented the undersigned [now complainant] from effecting the arrest of Ms. Rowena Corpuz and instead grabbed the hand of the suspect, went out from this Office and sped away leaving us behind empty-handed."

On September 11, 1998, complainant submitted his letter-explanation^[5] to respondent, stating that his memorandum is a true account of what really happened, as attested to by three (3) witnesses whose joint affidavit^[6] is attached thereto.

On the same day, respondent issued another Order^[7] (this time it was docketed as Special Proceedings No. C-04-98) setting for hearing the contempt charge against complainant on September 16, 1998 at 3:00 P.M. Complainant filed a motion to postpone the hearing to September 23, 1998 but it was denied.

During the September 16, 1998 hearing, complainant failed to appear. Hence, respondent judge issued a bench warrant of arrest^[8] against him. This prompted complainant, through his counsel, Atty. Estanislao Cesa, Jr., to file with the RTC of Olongapo City Civil Case No. 365-0-98 for prohibition and injunction. In due course, the court enjoined the enforcement of the bench warrant against complainant.

Complainant finally alleged that respondent's acts constitute grave misconduct, obstruction of justice, and abuse of judicial authority, warranting his dismissal from the service.

On January 8, 1999, then Court Administrator Alfredo L. Benipayo required respondent to answer complainant's charges.

In a Manifestation^[9] dated February 23, 1999, respondent prayed for the dismissal of the complaint, the same being "a product of a previous misunderstanding" between the parties and that they "have already patched up their differences," as attested to by complainant in his Affidavit of Desistance^[10] (attached to the Manifestation).

Complainant, through Atty. Cesa, filed an opposition, alleging that respondent's culpability can be proven by the documents already on record; and that respondent was penalized for indirect contempt by the RTC, Branch 23, Las Piñas City in its Resolution dated October 21, 1998.^[11] He was sentenced to suffer imprisonment for six (6) months and to pay a fine of P30,000.00.

On October 22, 1999, respondent filed his answer^[12] denying complainant's allegations, branding them as bereft of truth and the product of complainant's wild imagination. When he assisted Rowena Corpuz on August 25, 1998 at complainant's

office, she was already under his custody considering that previously, she voluntarily surrendered to him. In turn, he immediately brought her to the custody of the PNP of Castillejos, Zambales which is within his jurisdiction.

Respondent further averred that he charged complainant with contempt of court because the latter made a false report about the August 25, 1998 incident which blemished his name. He now prays for the dismissal of this complaint, stressing that complainant had executed an affidavit of desistance manifesting his lack of interest to prosecute his charges.

In a Resolution^[13] dated August 2, 2000, we referred the instant case to the Executive Judge, Regional Trial Court, Olongapo City, for investigation, report and recommendation.

In his Report dated February 18, 2002, Executive Judge Eliodoro G. Ubiadas recommended that respondent be dismissed from the service for unduly interfering in the enforcement of the warrant of arrest against Rowena Corpuz. Hereunder are his findings:

x x x

"The offense charged against respondent judge and the gravity of his acts are proven by testimonies in court made by SPO4 Manaois, foremost of which in Criminal Case No. 97-0390, entitled *People vs. Corpuz*, of the Regional Trial Court at Las Piñas City, Branch 253, which was made the basis for the conviction of the respondent judge for contempt in a Resolution dated October 21, 1998; x x x.

x x x

"On the basis of the testimony of the complainant SPO4 Domingo Manaois and the documentary evidence presented, the court finds that the complainant, in possession of the warrant of arrest against Rowena Corpuz, issued by the RTC of Las Piñas, Branch 253, was approached by the said Rowena Corpuz regarding a PNP-TMG motor vehicle clearance. Ms. Rowena Corpuz was asked by the complainant whether she was the subject of a warrant of arrest issued by the Las Piñas Regional Trial Court and having found out that she was in fact the one subject of the warrant, tried to place her under arrest. Before the arrest could be effected, however, she hurriedly went out of the office and called her companion waiting inside a white Toyota Corolla, who happens to be respondent Judge Lavezares Leomo. The latter confronted the complainant regarding the arrest of Ms. Rowena Corpuz and the complainant explained to the respondent Judge that the arrest of Ms. Rowena Corpuz should be effected because he was tasked to implement the warrant of arrest. The complainant was prevented by respondent judge to effect the arrest of Ms. Rowena Corpuz by grabbing her hand, went out from the complainant's office and sped away.

"The Regional Trial Court of Las Piñas, when notified by complainant of what transpired on August 25, 1998, issued an Order dated September 9, 1998 requiring the respondent judge to explain why he should not be

cited for contempt of court for intervening in the service of the warrant of arrest against Ms. Rowena Corpuz. But respondent judge, upon receipt of the said Order, instead of making an explanation, issued an Order requiring the complainant to explain before his court why he should not be cited for indirect contempt of court for reporting the incident of August 25, 1998 which respondent judge claimed as a false report. Subsequently, because the complainant did not appear on the date of hearing for the indirect contempt proceedings, respondent judge issued a bench warrant of arrest against complainant.

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"The execution of the Affidavit of Desistance on the ground of misunderstanding between the parties should not be taken seriously and in fact should not merit the dismissal of the administrative complaint for failure of the complainant to state in the said Affidavit of Desistance what the cause of misunderstanding was and the acts constituting the misunderstanding between the parties. x x x"^[14]

On April 17, 2002, we referred Judge Ulbiadas' Report to the Office of the Court Administrator (OCA) for evaluation, report and recommendation.

In his Report dated February 4, 2003, Deputy Court Administrator Jose P. Perez adopted Judge Ulbiadas's findings and recommended that respondent be dismissed from the service, with forfeiture of all retirement benefits excluding the accrued leave credits and with prejudice to reemployment in the government, including government-owned and controlled corporations.

At the outset, we shall delve on respondent's supplication that the complaint against him be dismissed in view of complainant's affidavit of desistance.

It bears stressing that disciplinary actions against public officers and employees, including those in the Judiciary, do not involve purely private or personal matters. Their office is imbued with public interest as provided by Section 1, Article XI of the Constitution, thus:

"Section 1. Public office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives."^[15]

Hence, administrative actions are not made to depend upon the will of every complainant who may, for one reason or another, condone a detestable act.^[16] The settled rule is that the complainant's withdrawal of his complaint or desistance from pursuing the same, does not necessarily warrant the dismissal of the administrative case. Certainly, complainant's desistance cannot divest us of our jurisdiction under Section 6, Article VIII of the Constitution,^[17] to investigate and decide complaints against erring employees of the judiciary. Stated otherwise, such unilateral act does not bind us on a matter relating to our disciplinary power.^[18]

Consequently, we disregard the complainant's affidavit of desistance, especially because on the basis of the facts on record, we can adjudicate the merits of this