

FIRST DIVISION

[**A.M. No. RTJ-01-1638 (formerly A.M. OCA IPI No. 97-291-RTJ), December 08, 2003**]

ATTY. MANUEL T. MOLINA, COMPLAINANT, VS. JUDGE BENEDICTO A. PAZ, REGIONAL TRIAL COURT, BRANCH 6, APARRI, CAGAYAN AND JUDGE SEGUNDO B. CATRAL, REGIONAL TRIAL COURT, BRANCH 8, APARRI, CAGAYAN, RESPONDENTS.

D E C I S I O N

CARPIO, J.:

The Case

This administrative case stemmed from a Letter dated 5 February 1997^[1] and a Sworn Statement^[2] executed by Atty. Manuel T. Molina ("Atty. Molina") charging respondents Judge Benedicto A. Paz ("Judge Paz") of the Regional Trial Court of Aparri, Cagayan, Branch 6 ("RTC-Branch 6") and Judge Segundo B. Catral ("Judge Catral") of the Regional Trial Court of Aparri, Cagayan, Branch 8 ("RTC-Branch 8"), with misconduct and grave abuse of authority. Atty. Molina filed a Supplemental Complaint dated 21 April 1997^[3] charging respondents with grave misconduct and dishonesty.

The Court will delve into the merits of the administrative complaint only as against respondent Judge Paz because in the Resolution dated 6 May 2002, we dismissed the administrative complaint against Judge Catral for lack of merit.

The Facts

Mayor Licerio Antiporda, Jr. ("Mayor Antiporda") and Atty. Franklin Tamargo ("Atty. Tamargo") were candidates for the mayoralty post in Buguey, Cagayan in the 8 May 1995 elections. On the night of election day, seven persons belonging to the political group headed by Mayor Antiporda were killed in Barangay Pattao. On the same date, three political followers of Atty. Tamargo were killed and one person was injured in Barangay San Isidro. Cases for multiple murder and attempted murder were filed against Licerio, the son of Mayor Antiporda, and other John Does. These cases were raffled to RTC-Branch 8, presided by respondent Judge Catral, and docketed as Criminal Cases Nos. 08-879 to 08-882. This Court subsequently ordered the transfer of the murder cases to the Regional Trial Court of Manila, Branch 22. However, the seven cases for multiple murder filed against Attys. Molina and Tamargo, Godofredo Flores, Roy Flores, Quirino Cabeza and ten other John Does were raffled to respondent Judge Paz.^[4]

In the instant administrative complaint, Atty. Molina alleges that sometime in November 1996, respondent Judge Paz and Mayor Antiporda sought his help in settling the cases filed against Licerio, the son of Mayor Antiporda. Attys. Molina

and Tamargo were the private prosecutors in the criminal cases against the mayor's son. Atty. Molina claims that at a meeting held at the Rembrandt Hotel in Quezon City respondent Judge Paz assured Atty. Molina that the criminal cases for murder against Attys. Molina and Tamargo would be dismissed should there be a settlement of the cases of the mayor's son.

Atty. Molina further claims that at another meeting held in December 1996, respondent Judge Paz and Mayor Antiporda asked him to go to Buguey, Cagayan to convince the Tamargo group to settle the cases against the mayor's son. Judge Paz allegedly reminded Atty. Molina that it would be best to settle the cases of the mayor's son so that the cases against Atty. Molina and his co-accused could also be settled. Judge Paz purportedly told Atty. Molina that Judge Catral had been urging the transfer of the cases to the latter's court, which had been designated a special court for heinous crimes. Judge Catral, according to Judge Paz, would certainly issue a warrant of arrest since he knew Atty. Molina as the counsel of Flaviano Cortes who had filed numerous administrative cases against Judge Catral.

Atty. Molina claims that at a meeting held on 11 January 1997, he informed respondent Judge Paz and Mayor Antiporda that the complainants in the murder cases did not want to settle the cases against the mayor's son. Respondent Judge Paz allegedly expressed his disappointment and remarked that he did not issue a warrant of arrest against Attys. Molina and Tamargo hoping that the cases would be settled. Atty. Molina claims that respondent Judge Paz then asked him to postpone the hearing of the cases pending in Manila for a "cooling-off period," to which Atty. Molina agreed.

On 20 January 1997 during the next hearing of the Manila cases, Atty. Molina as requested by respondent Judge Paz asked for postponement of the hearing. However, when Attys. Molina and Tamargo left the judge's chamber, policemen from Buguey, Cagayan, armed with a warrant issued by Judge Catral, arrested them and brought them to the Manila City Hall Police Detachment. There they were presented, in handcuffs, before media reporters and then brought directly to Buguey jail.

Atty. Molina claims that Judge Catral hastily issued the warrant of arrest because the logbook of respondent Judge Paz does not show that the records of the murder cases had been transferred to Judge Catral.

In his Supplemental Complaint, Atty. Molina accuses respondent Judge Paz of unlawfully using the power of his office when Judge Catral issued another warrant of arrest after the Court of Appeals had granted the petition for writ of habeas corpus filed by him and Atty. Tamargo.

For his part, respondent Judge Paz admits having facilitated the meeting of Atty. Molina and Mayor Antiporda but claims it was out of sheer compassion, devoid of bias and prejudice. Respondent Judge Paz claims he accepted the invitation of Mayor Antiporda to act as mediator between the warring political opponents solely to restore peace in the Municipality of Buguey, Cagayan.

This Court referred the administrative case to Justice Ruben T. Reyes ("Investigating Justice") of the Court of Appeals for investigation, report and recommendation.

Report of the Investigating Justice

The Investigating Justice found nothing in the records to establish respondent Judge Catral's direct involvement in the alleged "barter" of the cases. Respondent Judge Catral issued the warrant of arrest after the transfer of the records of the case to his sala on 10 January 1997. Judge Catral took four days to determine the existence of probable cause. Respondent Judge Catral issued the warrant of arrest on 13 January 1997. The Investigating Justice found as devoid of merit Atty. Molina's claim that Judge Catral hastily issued the warrant of arrest. The Investigating Justice opined that the determination of the existence of probable cause rests on the sound judgment of respondent Judge Catral. An administrative case is not the proper remedy for an error allegedly committed by a judge in deciding a case or issuing an order. Likewise, there was no proof of the alleged falsification of judicial records. Hence, the Investigating Justice recommended the exculpation of respondent Judge Catral from the charges.

The Investigating Justice likewise found no sufficient evidence to establish the charges of grave misconduct, abuse of authority and dishonesty against respondent Judge Paz. However, the Investigating Justice recommended that respondent Judge Paz be fined P1,000 for improper conduct. Good faith and an earnest desire to forge a reconciliation between the parties may have motivated respondent Judge Paz to intervene as mediator. However, the Investigating Justice believed that respondent Judge should have remembered the cardinal rule that judges should avoid not just impropriety in their conduct but also even the mere appearance of impropriety.

The case was referred to the Office of the Court Administrator ("OCA") for evaluation, report and recommendation. The OCA agreed with the findings and conclusions of the Investigating Justice and adopted *in toto* the latter's recommendation.

On 6 May 2002, this Court issued a Resolution adopting the recommendation of the Investigating Justice to dismiss the administrative complaint for lack of merit only as against respondent Judge Catral.

Thus, in the instant case, the Court will resolve only the administrative case against respondent Judge Paz.

The Court's Ruling

Respondent Judge Paz compulsorily retired from the service on 21 September 1998 and has not received his retirement benefits because of this pending administrative case. In the Resolutions^[5] dated 7 June 2000 and 7 August 2000, this Court denied his request^[6] for partial release of his retirement benefits considering the gravity of the charges against him and the ongoing investigation. On 20 December 2000, respondent Judge Catral filed a Motion to Resolve and/or to Dismiss the case because of the Manifestation dated 24 July 2000 of Atty. Molina to "discontinue to prosecute his complaint."^[7]

The retirement of a judge or any judicial officer from the service does not preclude the finding of any administrative liability to which he should still be answerable. ^[8] The withdrawal or recantation of the complainant by the administrative charges does