

THIRD DIVISION

[A.M. Nos. RTJ-00-1587, May 07, 2002]

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
JUDGE MARCELINO L. SAYO JR., REGIONAL TRIAL COURT,
BRANCH 45, MANILA, RESPONDENT.**

D E C I S I O N

PANGANIBAN, J.:

Judges are expected to abide strictly by the Code of Judicial Conduct. They must avoid impropriety and even the appearance of impropriety. Also administratively sanctionable are delays in the resolution of cases beyond the constitutional limits.

The Case and the Facts

This administrative case were commenced by two letters of complaint addressed to the Chief Justice. In those letters, Judge Marcelino L. Sayo Jr. of the Regional Trial Court (RTC) of Manila, Branch 45, was charged with gross misconduct, incompetence, corrupt practices, immorality, undue delay in rendering a decision, making untruthful statements in his Certificates of Service, and habitual tardiness.

The first letter,^[1] dated November 19, 1999, was signed and sworn to by Bella Balaguer-Fabro, court interpreter in respondent's sala. The relevant portions of the letter read thus:

"I would like to seek Your Honor's kind intervention concerning my sad experience in the hands of Judge Marcelino Sayo, Jr., the Presiding Judge of Branch 45, RTC, Manila. I was detailed/reassigned by Judge Sayo to the Office of the Clerk of Court without any valid reason and was given one month to look for another job. To date, I am the fifth employee who was forced to leave Branch 45 since his appointment as Presiding Judge of Branch 45 on November 18, 1996.

x x x

x x x

x x x

"My predicament started on October 19, 1999 at around 11:00 o'clock in the morning, when I was summoned by Judge Sayo, Jr. in his chamber and demanded for my transfer to another office or Branch of this Court, because of the following reasons, to wit:

1. 'Kasi nadi-disturb ako kapag nakikita kita.'
2. 'Hindi ako palagay sa iyo.'
3. 'Pino-provoke mo ako. Nakikipag-usap ka kay Marissa (a former Court Stenographer whom he also demanded [to] transfer to another sala) at kay Cita (Utility Worker

of Branch 45 whom he detailed to the Office of the Clerk of Court).’

4. ‘Siguro dahil sa kamukha mo si Marissa.’

5. ‘Nagsindi ka pa ng kandila, pwede ka namang magsindi sa bahay mo,’ or words to that effect.’

“I reasoned out and explained my side but to no avail and instead he told me to look for another Branch/ office to transfer or else ‘magugulat ka na lang.’

“On the following day, October 20, 1999, I was not allowed to perform my duties as Court Interpreter and instead tasked the Legal Researcher to act as Court Interpreter during the hearing. Thereafter, I was again summoned to his chamber and informed me that he is going to detail me to the office of the Clerk of Court.

“On October 21, 1999, I was not allowed to perform my duties as Court Interpreter and was again summoned to his chamber and ordered me against my will to receive the copy of a Detail Order dated October 21, 1999, saying ‘wala akong magagawa, mas mabuti na ito.’ He immediately summoned the Legal Researcher, Mr. Juanito Roxas, and the Branch Clerk, Atty. Maricar Lilibeth P. Berco-Cabarriban, and furiously told us, ‘nakikita ninyo ba, nanginginig ako sa galit, baka atakihin ako sa puso dito. Inuulit ko, kapag hindi ka nag-transfer, mapipilitan akong gumawa ng paraan para mabakante ang puwesto mo at ng makakuha ako ng iba. Huwag ninyo akong subukan, dahil ginagawa ko ang sinasabi ko. Hindi ako katulad ng iba diyan. Hindi ko na hihintayin na ma-promote ako at kahit ma-promote ako sisiguraduhin ko na mawawala ka dito.’

“After the hearing, Judge Sayo, upon passing by my table on his way out, gave me a sarcastic look and asked me, ‘O, bakit . . .?’ I answered him, ‘nag-aayos pa ho ako ng gamit ko.’

“Since then, I have been deeply troubled by the way he treated me and the manner by which he forced me to leave Branch 45, which I have served diligently for the last 13 years. I have since been suffering from mental anguish and sleepless nights thinking that my reputation and good moral standing in said office has been besmirched considering that the public perception of employees being detailed to another Branch/Department poses a question on a person’s ability and competence.

x x x

x x x

x x x.”^[2]

The second letter,^[3] dated November 23, 1999, was authored by Juanito Roxas, court legal researcher; Eufracio B. Pilipiña, sheriff IV; Merlita M. Decena, court stenographer III; Lina Norma S. Galicinao, court stenographer III; and Christine Salvador, clerk III. It reads as follows:

“We, the undersigned employees of Branch 45, RTC Manila under Presiding Judge Marcelino L. Sayo, Jr., would like to bring to your honor’s attention our deep concern over the abnormal situations existing in the

said branch. In sum, we cite the following instances besetting or causing the continuing demoralization of court employees in Branch 45.

'a. Judge Sayo was appointed as Presiding Judge of Branch 45 only on November 18, 1996; yet this very short period since his appointment, five employees in the said branch were either detailed or transferred to another branch or office without any apparent reason, to wit:

- a. Rosa Tess O. Lagmay;
- b. Alejo P. Lagmay, Jr.;
- c. Carmen L. Bolabog;
- d. Marissa D. Macalintal;
- d. Marissa D. Macalintal;

'The spouses Rosa Tess O. Lagmay and Alejo P. Lagmay, Jr. were forced to leave in May 1997, and are now connected with RTC, Bicol. Ms. Carmen L. Bolabog was detailed to the Office of the Clerk of Court in December 1997. Ms. Marissa D. Macalintal was forced to leave in September 1999. Ms. Bella Balaguer-Fabro was detailed to the Office of the Clerk of Court last October 1999. We were greatly surprised and alarmed at witnessing the manner they were forced to transfer, especially Ms. Balaguer who had been consistently given a Very Satisfactory rating since her appointment to office in September 1986. **To our minds, an employee's laudable performance and length of service do not guarantee his stay in office under Judge Sayo.** As a result of the manpower shortage, the remaining employees of Branch 45 have to perform additional functions.

'b. The Branch Clerk of Court of Branch 45, Atty. Maricar Lilibeth P. Berco-Cabarriban, was forced by Judge Sayo to take a leave of absence prior to her transfer to another office effective November 19, 1999. Is he hiding something?

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X

X X
X X X

"It is noteworthy to state that under Republic Act No. 6713, otherwise known as the 'CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES', 'Public officials and employees shall remain true to the people at all times. They must act with justness and sincerity and shall not discriminate against anyone, especially the poor and the under-privileged.'

"In this regard, we, the poor and under-privileged court

employees respectfully ask your honor to kindly intercede for us in the crusade against a powerful Goliath in the judiciary, who put the fate of the lowly court employees practically at his mercy. In line with the policy of the government to promote a high standard of ethics in public service, it is high time to get rid of abusive court officials and protect the employees against any form of harassment.” (Emphasis in the original)

x x x

x x x

x x x”^[4]

These two letters were referred to then Court Administrator Alfredo L. Benipayo for appropriate action.

The Court Administrator summoned and questioned the letter writers to determine whether they were indeed the signatories.^[5] They later executed affidavits attesting to the incidents aforementioned.^[6]

On October 29, 1999, the Chief Justice received a similar letter from a “concerned employee” of Branch 45. The anonymous letter reads thus:^[7]

“Please allow me to take a few minutes of your precious time to reveal the growing problems of litigants and employees of the Regional Trial Court of Manila, Branch 45 concerning Judge Marcelino L. Sayo, Jr.

“The gross incompetence of Judge Sayo, his lia[i]son with Ms. Imelda I. Caling whom he brought with him to Branch 45, and his corrupt practices have caused alarm to many. Although former Utility Worker of MeTC Caloocan, Ms. Caling lost her item as Clerk II with Branch 45 due to the Civil Service Commission’s discovery o[f] the falsification of her eligibility, Judge Sayo makes her report regularly to Branch 45. They spend hours locked-up inside the chambers.

“Judge Sayo’s incompetence is demonstrated by his failure to decide cases way beyond the prescribed period and his habitual tardiness (almost past 10:00 a.m.) in coming to court. Thus, he manages to falsify his certificates of service. Hereinbelow is a list of cases which have remained undecided despite the lapse of the required period.

CASE NO.	TITLE	DATE SUBMITTED
1. 93-121006	Pp. v. Danilo S. So	Dec. 1996
2. 94-137594	Pp. v. Lino Renato J. Logarta	Jan. 1997
3. 93-130438	Pp. v. Maximo Cotoner, et. al.	Jan. 1997
4. 94-138300	Pp. v. Ronnie S. Salvo	Aug. 3, 1997
5. 94-136783	Pp. v. Dolores M. Galeos, et. al.	Nov. 6, 1997
6. 97-157724	Pp. v. Emerson J. Tablante	May 14, 1998
7. 97-159547	Pp. v. Jun K. Nabua	May 20, 1998

8. 93-123307	Pp. v. Diosdada P. Ogtohan	June 18, 1998
9. 96-147073	Pp. v. Sonny F. Aguilar	June 18, 1998
10. 96-148429	Pp. v. Carlos Malonzo	July 10, 1998
11. 94-135745	Pp. v. Jerry D. Lopez	July 15, 1998
12. 94-132812	Pp. v. Tamano B. Udasan	July 16, 1998
13. 96-150251	Pp. v. Richard C. Ortega	July 16, 1998
14. 94-138624	Pp. v. Julie Jimenez, et. al.	July 31, 1998
15. 95- 14668	Pp. v. Apolinario E. Santiniana	Aug. 12, 1998
16. 94-135021 & 22	Pp. v. Elsie D. Cudal	Aug. 21, 1998
17. 94-136446	Pp. v. Renato S. Panganiban	Aug. 21, 1998
18. 95-146317	Pp. v. Raymundo P. Pangilinan	Dec. 2, 1998
19. 98-166551	Pp. v. Maria C. Soledad	April 14, 1999
20. 92-106094	Pp. v. Vincent T. Ching	April 14, 1998
21. 93-124493 & 94	Pp. v. Ivan S. So, et. al.	April 14, 1998
22. 95-146148	Pp. v. Emmie B. Dunuan, et. al.	May 5, 1999
23. 92-112739	Pp. v. Gobenciong	July 1, 1999

"But the above list is not inclusive. There is still a great number of unresolved ones for both criminal and civil cases.

"In order that your Honor may verify the truth of my contentions, a team to conduct surprise audit of the records of the cases may be sent to Branch 45.

"The promotion of Judge Sayo from MeTC Caloocan to RTC Manila serves as a big puzzle to many lawyers and court personnel because even as MeTC Judge, he is known as corrupt, immoral and incompetent.

"I fervently pray that you will act on this letter the soonest.

"Respectfully
yours,

"CONCERNED
EMPLOYEE"

Audit of Branch 45

On November 18, 1999, Court Administrator Benipayo sent an audit team to Branch 45 of the RTC of Manila to conduct a judicial audit and to inspect the records of cases submitted for decision. Thereafter, the court administrator submitted the following recommendations, which the Court approved: