

## EN BANC

[ A.M. No. CA-01-31, July 25, 2002 ]

**JOSELITO SALUNDAY AND DANILO M. MANQUIZ,  
COMPLAINANTS, VS. JUSTICE EUGENIO S. LABITORIA,  
RESPONDENT.**

### D E C I S I O N

**SANDOVAL-GUTIERREZ, J.:**

The present administrative case stemmed from the affidavit-complaint<sup>[1]</sup> filed by Joselito P. Salunday and Danilo M. Maniquiz on October 9, 2000 against Justice Eugenio S. Labitoria, Associate Justice of the Court of Appeals, for grave misconduct and/or conduct unbecoming a member of the judiciary.

In their complaint, Salunday and Maniquiz alleged that on August 15, 2000, they learned from the office of Senator Franklin M. Drilon that there is an appropriation for the construction of a justice hall to house a branch of the Regional Trial Court and another branch of the Municipal Trial Court in Bambang, Nueva Vizcaya.

On August 30, 2000, Justice Eugenio S. Labitoria transmitted to then Justice Secretary Artemio G. Tuquero, former Justice of the Court of Appeals, the Resolution<sup>[2]</sup> of the Integrated Bar of the Philippines, Nueva Vizcaya Chapter, recommending the construction of the justice hall on the lot donated by the late RTC Judge Catalino M. Rañada. Complainants claimed that the reason why Justice Labitoria recommended the Rañada property is because it is located at the back of the Juel Garden Hotel owned by him.

On October 3, 2000, complainants went to the office of Secretary Tuquero at the Department of Justice, Padre Faura, Manila, to submit the letter of Congressman Carlos Padilla recommending them as contractors. While waiting outside, Justice Labitoria came out of the Secretary's room and, upon seeing them, shouted and told them not to intervene in the selection of the proposed site for the justice hall. Justice Labitoria further yelled, "Who are you to confuse the Department of Justice? Refrain from doing acts pertaining to the construction of the hall of justice."

Complainants also alleged that on October 6, 2000, Justice Labitoria went to the Department of Public Works and Highways (DPWH) and contacted Engr. Carlos M. Lopez, the official who would conduct the inspection of the proposed sites. Justice Labitoria even wrote Engr. Arturo M. Santos, also of the DPWH, to contest the result of the inspection previously conducted, claiming that "the area of the proposed hall of justice was personally bulldozed and leveled upon my instruction using my personal equipment and money."<sup>[3]</sup> According to complainants, Justice Labitoria recommended the Rañada property for his financial benefit.

Complainants thus assert that Justice Labitoria should be found guilty of gross misconduct and penalized accordingly.

In his comment, Justice Labitoria vehemently denied complainants' allegations, claiming that this is the first time in his thirty (30) years of service in the judiciary that he is being charged with gross misconduct and/or conduct unbecoming of a public official.

Justice Labitoria narrated the incidents on October 3, 2000. On that day, upon request of former Congressman William Claver, Justice Labitoria accompanied him to the office of Secretary Tuquero for some official transactions. He agreed to join Congressman Claver since he wanted to follow up with Secretary Tuquero the construction of the proposed hall of justice. When they reached Secretary Tuquero's office, he saw complainant Danilo Maniquiz, his townmate from Bayombong, Nueva Vizcaya. He then asked Maniquiz, "O, nandito pala kayo, pinapalo-up ninyo ang justice hall?" The latter replied, "Opo." He also saw complainant Joselito Salunday. Before he left the room, he heard Salunday suggesting to Secretary Tuquero to transfer the site of the justice hall from the Rañada property to the lot donated by Atty. Antonio Dumlao, saying he (Salunday) will undertake the construction of the building per his agreement with Mayor Pepito Balgos of Bambang, Nueva Vizcaya.

When Maniquiz came out of Secretary Tuquero's office, Justice Labitoria told him that the justice hall should be built at the Rañada lot since it is in the name of the Department of Justice (DOJ), registered as early as September 11, 1998 as shown by Transfer Certificate of Title No. 110480 of the Registry of Deeds of Nueva Vizcaya. Justice Labitoria explained that Judge Rañada, during his lifetime, donated the lot to then Mayor Luisa Lloren Cuaresma who, in turn, donated the same to the DOJ. At any rate, he advised Salunday that he could bid for the construction of the justice hall on the Rañada property.

Justice Labitoria further explained that his involvement in the construction of the proposed justice hall started in 1995 when Mayor Cuaresma asked him to help in following up the status of the project. Both complainants filed the instant administrative case against him when he opposed the transfer of the site from the Rañada property to the Dumlao property and refused to recommend them as contractors. He did not recommend the Rañada property for the financial gain of the Juel Garden Hotel for the following reasons: first, he recommended the place to be the site of the justice hall as early as 1996, but the hotel was built much later or in 1997 to 1998; second, the owner of the Juel Garden is a corporation wherein his wife is one of its stockholders; third, the Rañada property is not beside the Juel Garden Hotel - it is located 150 meters away and is separated from the hotel by a ravine and a municipal road. On the contrary, the Dumlao property is nearer to the hotel, being only 130 meters away.

Justice Labitoria stressed that his interest in the project is spurred, not by a dishonest purpose, but mainly by his desire to help his townmates who can be spared of more time and expenses in travelling to the "Capitol to attend trial of their cases." Lastly, Salunday is not worthy of belief because he has been charged with violations of Batas Pambansa Blg. 22 several times.

In our Resolution dated June 4, 2001,<sup>[4]</sup> we referred the case to retired Supreme Court Justice Justo P. Torres, Jr. "for recommendation."<sup>[5]</sup>

In a Resolution<sup>[6]</sup> dated November 27, 2001, the Court En Banc accepted this case referred to it *en consulta* by the Third Division.

In his Report and Recommendation, Justice Torres recommended that the complaint be dismissed but that respondent Justice Labitoria be admonished to refrain from doing "similar acts as may taint his personal image as a magistrate." Justice Torres' Report and Recommendation partly reads:

"Complainants ascribe to respondent two acts allegedly amounting to gross misconduct and/or conduct unbecoming a member of the judiciary;

1. that respondent shouted at them in the office of then Secretary of Justice, Justice Tuquero on October 3, 2000; and
2. acts of respondent that were allegedly committed in the furtherance of his desire to benefit financially and take advantage of his position as member of the judiciary by persuading, inducing or influencing the Department of Justice to decide that the hall of justice of Bambang, Nueva Vizcaya be constructed beside the Juel Garden Hotel which is wholly owned by Juel Estate Land Inc., a corporation organized out of the assets of the spouses Labitoria.

"On the alleged incident that took place on October 3, 2000, the version of the respondent is more worthy of belief, as it is supported by the affidavit of a disinterested and credible man in the person of Justice Artemio G. Tuquero. x x x. Complainants allege that respondent shouted at them at the receiving area, after respondent came out of Justice Tuquero's office. However, contrary thereto, the two complainants could not have been together at that same moment because as attested by Justice Tuquero, and thereby corroborating respondent's version, Mr. Salunday was left inside his office when respondent Justice Labitoria followed Congressman Claver in the receiving area. Moreover, that there was such a shouting incident is belied by Justice Tuquero's statement that if there was any shouting or embarrassing words uttered by Justice Labitoria against complainants Mr. Salunday and Mr. Maniquiz, during that meeting on October 3, 2000, he should have known as the members of his staff or the security guards in the corridor outside his office, would have reported to him. There was no report of any incident that happened between Justice Labitoria and the herein complainants.

"Thus, with regard to the alleged incident on October 3, 2000, it is recommended that respondent be absolved of the charge.

"The second act complained of shall now be discussed: that of respondent's alleged acts of influencing the Department of Justice to decide that the hall of justice of Bambang, Nueva Vizcaya, be constructed in the Rañada property which is beside respondent's Juel Garden Hotel, in order for respondent to benefit financially thereby.

"The pleadings and annexes thereto, and records of the case show that respondent was instrumental from the beginning towards the preparation of the construction of a Justice Hall in Bambang, Nueva Vizcaya, upon the request of Mayor Cuaresma. It was also the Mayor who requested the respondent to help the municipality in the leveling of the Rañada property.

"It is apparent that as early as June 1996, the Rañada property was already donated (Rollo, p. 63) to the Municipality of Bambang and titled