

## EN BANC

[ A.M. No. MTJ-98-1153, February 29, 2000 ]

**MAGDALENA M. HUGGLAND,\* COMPLAINANT, VS. JUDGE JOSE C. LANTIN, RESPONDENT.**

### R E S O L U T I O N

#### PER CURIAM:

On 14 November 1997, the Court Administrator recommended for inclusion in the agenda of the Court *en banc* the matter of the news item which appeared in the 14 November 1997 issue of the Manila Bulletin concerning the arrest by agents of the National Bureau of Investigation (NBI) of Judge Jose Lantin, Presiding Judge of the Municipal Trial Court of San Felipe, Zambales, for allegedly having received marked money amounting to P5,000 from one Magdalena Huggland who was implicated in a criminal case. The P5,000 was allegedly part of the P25,000 being asked by Judge Lantin for the cancellation of the hold departure order issued against Ms. Huggland.

In the *en banc* resolution of 9 December 1997, the Court required the Court Administrator to recommend specific action against Judge Lantin.

In its *en banc* Resolution of 14 May 1998, the Court took note of the comment of Judge Lantin wherein he denied receipt of the marked money and condemned the search for the marked money conducted by the NBI. Considering the seriousness of the accusation against Judge Lantin, the Court resolved to redocket the case as a regular administrative matter, refer it to Justice Narciso Atienza, consultant of the Office of the Court Administrator, for investigation, report and recommendation, and placed Judge Lantin under preventive suspension for the duration of the investigation.

Justice Atienza conducted an investigation. On 5 February 1999 he submitted a 24-page Report and Recommendation, the pertinent portions thereof, with footnotes excluded, read as follows:

#### ANTECEDENTS

On October 30, 1997, the complainant filed a complaint for bribery against the respondent in the District Office of the NBI in Olongapo City. The complainant accomplished a Complaint Sheet, and executed an affidavit, claiming that the respondent demanded money in exchange of the cancellation of a hold departure order previously issued against her.

Based on said complaint, an entrapment was conducted on November 12, 1997. The respondent was arrested after the amount of P5,000.00, in P500.00 bills, was recovered from one (1) of the left drawers of his table while the envelope in which the money was placed was recovered near the chair.

A post operation statement was taken from the complainant while the arresting NBI agents executed a joint-affidavit which was utilized as the direct testimonies of the complainant and the witnesses, respectively. Clarificatory questions were asked before the complainant and the witnesses were cross-examined by the counsel for the respondent.

#### UNDISPUTED FACTS

The complainant, with three (3) others, were respondents in a complaint for Murder filed by SPO4 Lorenzo A. Feria in the Municipal Trial Court of San Felipe, Zambales for preliminary investigation, docketed as Crim. Case No. 3886. On July 21, 1995, SPO4 Feria filed a motion for the Issuance of a Hold Departure Order against the complainant who was then at-large. In consonance with the motion, the respondent issued an order directing the Commission on Immigration and Deportation to include the name of the complainant in the hold departure list.

After preliminary investigation, the respondent resolved to recommend that an information for murder be filed against the complainant, and the three (3) others, without recommending bail, and transmitted the resolution of the case and the entire records to the Provincial Prosecutor of Zambales. The Provincial Prosecutor sustained the findings of the respondent and filed the corresponding information in the Regional Trial Court of Iba, Zambales on August 28, 1995. The case was docketed as Crim. Case No. 1797-1, and raffled to RTC Branch 69.

On motion of accused Eduardo Guanga, a re-investigation was ordered by the RTC judge on May 7, 1996. After re-investigation, Assistant Prosecutor Quintillan recommended that the names of the complainant, Gerry Suarez and Eduardo Guanga, Jr. be dropped from the information for insufficiency of evidence. The recommendation was approved by the Provincial Prosecutor.

#### EVIDENCE FOR THE COMPLAINANT

(1) *Magdalena Huglan[d]* in her *Sinumpaang Salaysay*, alleged that she learned that a hold departure order was issued against her at the airport when she was prevented from leaving the country to visit her husband in Okinawa, Japan. She said that she immediately hired a lawyer to look into the matter, but in the meantime, she went to Cebu to wait for her husband. Her husband fetched her from Cebu when he returned to the Philippines, and they proceeded to Zambales. She learned in Zambales that the case against her had been dismissed. She went to the office of the respondent and presented to him documents to prove that the case for which the hold departure order was issued had been dismissed but the respondent demanded P25,000.00 from her in exchange of the cancellation of the hold departure order. She waited for five (5) days, and when the respondent did not issue the order of cancellation of the hold departure order, she went to his house in Botolan, Zambales on April 30, 1997, and delivered P12,000.00, and promised that the balance shall be given on a later date. Upon receipt of the P12,000.00, the respondent immediately signed the order of cancellation and handed it to her.

Complainant claimed that the respondent came to her house twice, but on both occasions, she was out. In June, 1997, the respondent who happened to be her co-passenger in a Victory Liner bus called her, and asked: "O, ano na?" Knowing what

respondent meant, she told him that she will just go to his place. When she did not go to the house of the respondent, she received a subpoena commanding her to appear in court at 2:00 o'clock in the afternoon on October 30, 1997. When she appeared in court on October 30, 1997, the respondent demanded from her the balance of P13,000.00. Complainant said that she told the respondent that she has no money, but she promised that she would give P5,000.00 on November 12, 1997. After pondering for sometime what to do, she decided to go to the office of the NBI and reported the matter. She gave the NBI agent P5,000.00 to entrap the respondent.

On November 12, 1997, the NBI agents instructed her to go to the office of the respondent to deliver the money. A female NBI agent accompanied her to the office of the respondent while other agents positioned themselves outside the office. When she told respondent about the money, respondent instructed her to put the envelope containing the money inside the left drawer of the table, which she did. The respondent got a piece of newspaper and used it as a cover in holding the envelope containing the money, and then, he shook it. The money fell inside the drawer and the respondent used the same piece of a newspaper in counting the money. After counting the money the respondent closed the drawer. Thereafter, she stood up and went outside the office.

2. *Jesusa D. Jamasali* Special Agent of the NBI, testified that, posing as a cousin of the complainant, she accompanied her to the office of the respondent when the entrapment was made on November 12, 1997. She said that after they entered the office of the respondent at about 3:00 clock in the afternoon, she sat on a chair in front of the respondent's table about eight (8) meters away while the complainant sat at the left side of the table. The complainant and the respondent talked for about fifteen (15) minutes, and then she saw the complainant dropped the envelope containing the money inside the drawer, and stood up. After complainant left the court room, she followed and gave the pre-arranged signal that pay-off had taken place to the other NBI agents. Thereafter, the NBI agents entered the court room, introduced themselves and told the respondent that he was under arrest for bribery, and informed him of his rights.

3. *David P. Golla*, an agent of the NBI testified that he knows the complainant because in October, 1997, she filed a complaint in their office in Olongapo City against a judge of San Felipe, Zambales because the judge tried to extract money from her in consideration of an order. The complainant's sworn statement was taken, and thereafter, Atty. Joel Curammeng planned the entrapment operation against the respondent which was scheduled on November 12, 1997. The plan was for agent Jamasali to pose as a cousin of the complainant while other agents will just stay outside the office to wait for the signal of agent Jamasali. He stated that Atty. Gamaliel Cabrera, a photographer and two other assets were with him. After agent Jamasali had given the pre-arranged signal, they entered the court room, introduced themselves as NBI agents, and informed the respondents that he is under arrest for bribery and violation of R.A. 3019. he claimed that he saw the money was recovered by agents Curammeng and Jamasali from one of the drawers of the respondent's table.

4. *Joel A. Curammeng*, the Supervising Agent of the NBI testified that he come to know the complainant when she filed a complaint in their office sometime in October, 1997. He said that the complainant accomplished a Complaint Sheet and

subscribed it before him. He claimed that he took down the statement of the complainant after the entrapment operation while the elements of the NBI who conducted the entrapment executed a joint-affidavit. The money used in the entrapment was recovered from the left middle drawer of the respondent's table while the envelope was lying near the chair, and a torn piece of newspaper was on top of the table. They brought the respondent to their office in Olongapo City after the arrest where he (respondent) was finger printed and photographed. The peso bills were dusted with ultraviolet power but the respondent was not subjected to laboratory examination because the complainant told him that respondent did not touch the money.

Complainant rested [her case] with the admission of:

Exhibit "A", *Sinumpaang Salaysay* of Magdalena Huggland; Exhibit "B", Joint-Affidavit of Arresting Officers; Exhibit "C", P500.00 No. DC-334074; Exhibit "C-1", P500.00 No. GL-845992; Exhibit "C-2", P500.00 No. CL 820491; Exhibit "C-3", P500.00 No. DA-364817; Exhibit "C-4", P500.00 No. CB-196729; Exhibit "C-5", P500.00 No. CL-845928; Exhibit "C-6", P500.00 No. BY-315335; Exhibit "C-7", P500.00 No. GF-857781; Exhibit "C-8", P500.00 No. CF-857784; Exhibit "C-9", P500.00 No. 845978; Exhibit "D" white envelope where the money was allegedly placed, and the testimonies of Complainant Magdalena Huggland, NBI agent Jesus D. Jamasali, Agent David Golla and Supervising Agent Joel A. Curammeng.

#### *EVIDENCE FOR THE RESPONDENT*

(1) *Respondent Jose Lantin y Cabal*, gave a different version of the incident. In his comment dated January 23, 1998, surrounding his arrest by the NBI Agents, in the counter affidavit which he submitted in the Office of the Ombudsman in OMB-197-2114 dated December 18, 1997, and, in his Petition for Reconsideration dated August 21, 1998, which were utilized as his direct testimony, respondent claimed that he did not receive the marked money but it was allegedly recovered from one of the left drawers of his table immediately after complainant left. He asserted that it was a clear case of planting of evidence not an entrapment and a violation of his human rights. His table and all its drawers were ransacked and even his licensed firearm was confiscated without a warrant. He said that he was dragged out of his courtroom and when he protested, Atty. Curammeng and the other agents pushed him to force him to sit before his table with the alleged bribe money spread out for media propaganda because pictures were taken.

Respondent said that he heard Crim. Case No. 3886 on preliminary investigation, and after complying with the requirements, he issued a warrant for the arrest of the complainant without recommending bail, and issued a hold departure order. He said that his participation in the case ended after he has forwarded the records of the case to the Office of the Provincial Prosecutor of Zambales, until the complainant filed a motion to quash the hold departure order on April 28, 1997. He granted the motion on April 30, 1997, however, the cancellation is subject to the submission of the documents dismissing the charges. He required respondent to submit certified copies of the documents because he wanted the record complete for the issuance of the order of cancellation.

Respondent asserted that he did not demand P25,000.00 from the complainant for

approving the motion to quash the hold departure order. He averred that the order should issue as a matter of course because the case against the complainant for which the hold departure order was issued was already dismissed. The allegation that he was given P12,000.00 on April 30, 1997, and the balance of P13,000.00 shall be paid later, are concoctions of the complainant who was very vocal in expressing her disgust against him for issuing the warrant of arrest without the provision for bail.

Respondent said that he did not go to the house of the complainant. He averred that sometime in October 1997, when he was checking on the inventory of his cases, he chanced upon the case of the complainant so he issued the subpoena addressed to all the accused for their appearance on October 30, 1997. On November 12, 1997, the complainant came to court and sat on the left side of his table. He had no occasion to talk to the complainant as his body was turned to the other side where he was getting some files, then all of a sudden, a person whom he came to know as NBI agent Curammeng, told him, "Judge you are under arrest." He was surprised especially when Agent Curammeng with a lady and another man who are also NBI Agents were pushing him from his table when he positioned himself in such a way that they (NBI Agents) cannot open the drawers of his table. At the office of the NBI in Olongapo City, one of the agents told him that the complainant was spending P50,000.00 to get him, and if he has P100,000.00, the matter could be arranged, but he told the agent that he is poor and he has no money.

Respondent claimed that the complainant has made several attempts to blackmail him by trying to extort One Million Pesos (P1,000,000.00) from him which was reduced to Three Hundred Thousand Pesos (P300,000.00) in consideration of the withdrawal of the criminal complaint in the Sandiganbayan as well as the administrative complaint before he filed his petition. He stated that he filed a case of Estafa against Ruben Sacaguig and his wife who is the brother of a highly placed NBI official in Manila. The complainant and spouses Ruben and Lydia Sacaguig, impelled by evil motives and vengeance, conspired together in fabricating the instant case utilizing the powerful investigative authority of the National Bureau of Investigation.

*Juanita Florentino Lantin*, 75 years old, married to Judge Jose C. Lantin, stated in her affidavit, which was utilized as her direct testimony, that she did not know nor have meet [sic] the complainant in her house and even in any part of Zambales. She said that her husband had strict instructions not to entertain visitors or strangers at their house especially those who are involved in the investigation and prosecution of cases under his jurisdiction. She claimed that she could not allow the receipt of bribe money by her husband because it is contrary to her moral values as President of the Catholic Women's League, while her husband is affiliated with the Holy Name Society. She averred that they are not in dire need of money because they have properties where they get considerable income, and they have an only child who is a Mechanical Engineer and gainfully employed.

*Emilio R. Tapeç*, the Clerk of Court of the MTC, San Felipe, Zambales in his Incident Report dated November 18, 1997, which was utilized as his direct testimony, narrated that the respondent arrived in his office at 2:30 o'clock in the afternoon on November 12, 1997, and all the employees were present. At about 3:00 o'clock, the complainant accompanied by a low-profiled looking lady arrived. The complainant sat at the right corner of the respondent's table while her companion sat at the