

FIRST DIVISION

[A.M. No. RTJ-96-1351, September 03, 1998]

SARAH B. VEDAÑA, COMPLAINANT, VS. JUDGE EUDARLIO B. VALENCIA, RESPONDENT.

D E C I S I O N

DAVIDE, JR., J.:

Respondent Judge Eudarlo B. Valencia, Presiding Judge of Branch 222 (Quezon City) of the Regional Trial Court, National Capital Judicial Region, was charged with gross misconduct and immoral acts by complainant Sarah B. Vedaña in a sworn letter dated 15 May 1996 addressed to the Chief Justice through then Deputy Court Administrator Bernardo P. Abesamis.

Complainant serves as the court interpreter in respondent's court, and at the same time, is distantly related to respondent as their maternal grandmothers are first cousins.

Complainant narrated the factual basis of her charge thus:

On May 8, 1996 on or about 2:00 p.m. before the start of the scheduled hearing of cases, the undersigned complainant in her capacity as a court employee, being a Court Interpreter knocked at the door of the chamber of the respondent, opened the door to inform the respondent that the cases scheduled for hearing are ready. At this juncture, respondent directed the undersigned to come in said chamber. Being a subordinate and thinking that instructions will be given, I did [sic] complied and went inside the chamber. When I was standing beside his table awaiting for instructions, respondent held my hands. Bearing in mind that the respondent is a relative and the holding of my hand was without malice, I did not make any reaction. It was only when my hand was held for quite sometime and sensing ulterior motive, I pulled my hand. Respondent stood up from his chair, hugged me and tried to kiss me on the lips which I was able to evade and his lips landed on my cheek.

Feeling totally shocked by the actuation of the respondent and considering that he is a relative, I ran out from the chamber and went to my office table to have a relief [sic]. With the dastardly acts committed in the person of the herein complainant that caused mental anguish, a request was made on my co-employee, Mr. Eduard Lorenzo to take my place in the court hearing.

In the resolution of 15 July 1996, we required respondent to comment on the complaint and, upon recommendation of the Office of the Court Administrator, placed him under preventive suspension and referred the case to Associate Justice Delilah V. Magtolis of the Court of Appeals for investigation, report and

recommendation.

On 13 August 1996, respondent filed an Urgent Motion for Reconsideration of his preventive suspension and asked to have it lifted as he was entitled to: (a) the "presumption of innocence against a false and fabricated administrative complaint;" and (b) "due process of law." Moreover, "the lifting of [the] suspension order will not affect the impartial investigation of [the] case;" and the suspension order "will create a false impression of guilt."

On 15 August 1996, respondent filed his Comment (*cum* Motion to Dismiss) wherein, as his defense, he alleged that: (a) the commission of the alleged misconduct "is inherently and highly improbable;" and (b) the complaint "is motivated by [a] personal grudge." He then prayed once more that the suspension order be lifted.

In the resolution of 2 September 1996, we noted the motion for reconsideration and referred the comment to the designated investigating Justice, Mme. Justice Magtolis, who was directed to conduct the investigation and submit her report and recommendation within ninety (90) days.

On 19 September 1996, complainant filed her reply to respondent's comment. She asserted that the denial of respondent could not prevail over her clear and positive assertion and that she could have never been motivated by a personal grudge; if, indeed, respondent had not committed the imputed acts, he would not have requested immediate common relatives, such as the Mayor of Masbate, together with Fiscal Narciso Resero, Jr., to mediate and seek her forgiveness.

On 7 October 1996, respondent filed an Urgent Second Motion to Lift Indefinite Preventive Suspension.

On 14 October 1996, we granted the inhibition of Mme. Justice Magtolis because her daughter and respondent's son were batchmates in law school and re-assigned the case to Mme. Justice Portia A. Hormachuelos for investigation, report and recommendation. However, the latter requested that she be allowed to inhibit herself to avoid being "misinterpreted" in view of her recommendation in another case involving sexual harassment by a judge which resulted in the latter's dismissal from the service. On 22 January 1997, we granted the request and designated Mr. Justice Romeo A. Brawner of the Court of Appeals the investigating Justice.

On 7 March 1997, we required Mr. Justice Brawner to furnish a report and recommendation on respondent's Urgent Second Motion to Lift Preventive Suspension; and in his Report and Recommendation filed on 2 April 1997, Justice Brawner recommended that the motion be granted.

On 28 April 1997, we approved Justice Brawner's recommendation and lifted respondent's preventive suspension.

Justice Brawner conducted hearings and received the evidence for the parties. Thereafter, on 13 May 1998, he submitted his Report and Recommendation, wherein he disclosed that the "tedious hearing[s] starting on March 5, 1997 and ending on December 10, 1997 piled up 2,432 pages of transcripts of stenographic notes taken during the eleven (11) trial dates" when complainant and her witnesses Marife

Opulencia, Joselito Bacolod and Vife Legaspi, and respondent and his witnesses Bernardo Mortel and Neri G. Loi testified; and made the following findings of fact and conclusions:

The complainant is the Court Interpreter while the respondent is the Presiding Judge, of the Regional Trial Court (RTC), Branch 222 at Quezon City.

On May 8, 1996 at around 2:00 o'clock in the afternoon, as was her want to do, the complainant went to the respondent Judge's chamber to inform him that the cases were ready for trial. She knocked on the door and upon being told to enter, she poked her head inside the room and told the respondent that the parties were all present. The respondent however, called her inside the chamber and bidding to the request, she went in and stood beside his table. The respondent then held her right hand and tried to kiss her on the lips. However, she evaded the kiss and it landed on her cheek. The respondent then held her left breast. In her struggle to break free of the respondent's hold, the pen she held in her hand fell to the floor. She was able to free herself, hence she picked up the pen and left the room in a hurry. No one was in the staff room when she went out and she went straight to the courtroom to perform her duties as Court Interpreter. The rest of the staff were already at their respective stations awaiting the Judge's entrance. Feeling shocked at what happened, the complainant approached Eduardo Lorenzo who was then on apprenticeship training in the court and asked him to help her do the interpreting just in case the need would arise. Eduardo Lorenzo acceded to her request. The complainant, however, remained in the courtroom during the entire session except for a few minutes when she went out to the staff room to get a needed record.

During the whole time that she was inside the courtroom, the complainant never revealed what happened. When the court session was over however at around 4:30 o'clock in the afternoon, she approached the court stenographer, Vife Legaspi, and asked her if she was going somewhere. Receiving a negative answer, the complainant requested her to accompany her (complainant) to Shoemart Shopping Mall (SM). They took a cab and while inside and on their way to SM, the complainant could not hold it any longer and the dam broke. The complainant was hysterical, trembling and crying at the same time when she told Vife Legaspi that something terrible happened. She narrated what the respondent Judge did to her inside the chamber. Upon reaching SM, the two ladies stayed at a fast food restaurant where they sat conversing for around 3 hours on what the complainant should do about the incident.

While at SM, the complainant called her best friend and classmate at the Manuel Luis Quezon University College of Law, Marife Opulencia.

Marife Opulencia recalls receiving a call from the complainant at around 6:00 o'clock in the evening of May 8, 1996. She was then in her office working overtime when a distraught complainant who could hardly speak called her up. She then told the complainant to calm down, take a deep breath and relate what happened. Crying over the phone, the

complainant narrated what the respondent Judge did to her. Marife Opulencia advised the complainant to go home to her parents and tell them what happened as it was a family matter, the respondent Judge being a distant relative of the complainant.

The complainant then went home to Dagupan City and informed her parents who were both shocked at what happened considering that the respondent Judge was a distant relative on complainant's maternal side and a colleague, complainant's father being a Judge in Dagupan City.

The following day, May 9, 1996, the complainant's mother went with her back to Manila as the former wanted to talk to the respondent Judge about what happened. However, that day was the sports festival of the RTCs in Quezon City and thus it was not a working day. The respondent Judge was not around and hence there was no occasion for complainant's mother to talk to him.

Because of the incident, the complainant could not face going back to work at Branch 222 and hence she went on leave from May 10, to June 10, 1996. She subsequently requested that she be detailed elsewhere, which letter-request, although citing a different cause for the detail, was approved and thus she was detailed in the office of Judge Amelia R. Andrade of the RTC, Branch 5 in Manila.

Wanting the respondent Judge to face sanction[s] for his unbecoming behavior, the complainant instituted the present charges for "Gross Misconduct and Immoral Acts".

In her complaint, complainant stated that the respondent Judge made attempts to try to dissuade her from continuing with her charges. She presented a common relative, Joselito Bacolod, to prove this.

Joselito Bacolod testified that respondent Judge is a grandson of his mother while complainant is his niece, complainant's mother being his older sister. Sometime during the last week of June, 1996, the respondent Judge paid a visit to Joselito Bacolod's mother. His mother then called for him and his elder brother. The respondent Judge then requested all of them to go to Dagupan City and try to persuade the complainant and her parents to drop the case against him as he was retiring from the service in two years time. When asked why he would do such a thing to a relative, the respondent Judge stated that it was only a fatherly kiss and besides, it was complainant's hair that he kissed as her perfume smelled good. The respondent Judge gave Joselito Bacolod P1,000.00 for the use of his taxi to go to Dagupan City.

Respondent Judge absolutely denied all charges against him. He categorically asserted that on that day at 2:00 o'clock in the afternoon, he was inside his chamber waiting to be called if the cases were ready. The complainant then came and knocked on his door and entered informing him that the cases were ready for trial. He then prepared himself and stood up and got his robe which was hanging on the wall and as soon as the complainant went out of his chamber, he followed, entered

the courtroom and heard the cases that day.

He recalls that the complainant applied and was appointed as Court Stenographer in 1995 but she never did any courtroom duty as such causing him to believe that she was not proficient at stenography. She then transferred to the position of Court Interpreter sometime in October, 1995.

The respondent admits that indeed he and the complainant are distant relatives as their maternal grandmothers are first cousins and that they visit each other's families.

The respondent further declares that the complainant came to him and requested that she be detailed somewhere near Manuel Luis Quezon University where she is a law student as she has difficulty commuting from the office to school. However, the respondent did not agree to a detail as the position would not be vacant and his court would be without an Interpreter. He did agree to a transfer so he could fill in the vacancy and not unduly paralyze the operations of his office.

As he denied the request for detail, he surmised that this might have prompted the complainant to file this false and malicious charges [sic] against him.

The complainant did not report for work after May 8, 1996 and he was informed by the Clerk of Court that she was on leave until June 10, 1996. However, after the said date, the complainant did not yet put in an appearance so he recommended that she be declared absent without official leave (AWOL).

He only found out about the case against him on August 9, 1996 when he was required by the Supreme Court to comment on the complaint at the same time putting him on preventive suspension.

Coming to his defense are two of his staff, Bernardo Mortel, the Process Server and Neri G. Loi, the Sheriff IV. Both executed an affidavit stating that "because the Chamber's door remained open, we saw Ms. Sarah Vedana and the Judge conversing and we did not see any untoward incident happening inside the chamber, much less the Judge allegedly hugging and kissing Ms. Sarah Vedana" (Joint Affidavit, Exhibit "23"). Further, both claimed that they voluntarily executed the affidavit without any prodding nor pressure from the respondent.

With these facts presented, the Investigating Justice has thoroughly sifted through the voluminous transcript of records to separate the material from the immaterial facts, the true [sic] from the fiction. Amidst all the complainant's assertions and the respondent's counter-statements, one thing stands out: that the incident did happen the way the complainant said it be [sic].

First, the complainant narrated her story complete with details. She narrated basically the same story without any change to her best friend