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EN BANC

[A.M. No. RTJ-02-1672. January 30, 2002]
(Formerly A.M. OCA IPI No. 99-754-RTJ)

MICHAEL T. VISTAN, *complainant, vs.* **JUDGE ADORACION G. ANGELES, RTC, Branch 121, Kalookan City,** *respondent.*

SYNOPSIS

An administrative complaint was filed against respondent Adoracion G. Angeles, Presiding Judge of the Regional Trial Court of Kalookan City, Branch 121, by her nephew, Michael Vistan, for oppression and conduct unbecoming a judge. A similar complaint for child abuse was filed against Judge Angeles before the Department of Justice. Initially, the Department of Justice issued a resolution finding the existence of probable cause and recommending that Judge Angeles be indicted in court for multiple counts of child abuse or violation of R.A. No. 7610. The case was eventually reconsidered and reversed, and the information for child abuse filed in court was withdrawn. The Court referred the matter to Associate Justice Marina Buzon of the Court of Appeals for investigation, report and recommendation. At the scheduled hearings, only respondent appeared. In view of the absence of complainant Michael Vistan, respondent moved for the dismissal of this case for lack of interest of the former in prosecuting the same. Justice Buzon recommended to the Court the dismissal of the administrative case for failure to prosecute.

The Court resolved to dismiss the complaint against respondent Judge Angeles for failure of complainant to prosecute. The Court applied its ruling in the case of *Pedrasta vs. Marfil* where the Court dismissed an administrative case against a judge due to the failure of the complainant to appear and present evidence despite due notice. The Court, however, ordered respondent judge to explain why she should not be punished for contempt for using language that appeared to be intemperate and offensive and degrading to the administration of justice in her letters addressed to the members of the Court

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dated December 12, 2000 and January 8, 2002 and to submit said explanation within five (5) days from receipt hereof.

SYLLABUS

POLITICAL LAW; ADMINISTRATIVE LAW; PUBLIC OFFICERS; JUDGES; COMPLAINT AGAINST RESPONDENT JUDGE DISMISSED FOR FAILURE OF COMPLAINANT TO PROSECUTE THE CASE.— Section 3, Rule 17 of the Rules of Court provides that if the plaintiff fails to comply with any order of the court, the action may be dismissed upon motion of the defendant or upon the court's own motion, and the dismissal shall have the effect of an adjudication on the merits, unless otherwise provided by the court. In *Pedrasta v. Marfil,* we applied this rule in an administrative case against a judge where the complainant failed to appear and present evidence despite notice. In that case, we upheld the recommendation of dismissal by the investigating judge for failure of complainant to prosecute the case. The Court would like to put to task complainants who file administrative cases against members of the bench and later desist from pursuing them to their conclusion. It is alarming to note that there have been instances in the past where administrative cases filed against judges were dismissed for failure of the complainant to prosecute or for lack of interest in pursuing the case. It bears to emphasize that the hasty filing of an administrative complaint against a judge may cause undue prejudice to the respondent for it results to the immediate suspension of his privileges like the withholding of fringe payments, bonuses and other non-salary benefits. Judges should be protected from frivolous complaints for they erode the administration of justice. Even while the Court dismisses the administrative complaint at bar, the two (2) letters of the respondent judge, dated December 12, 2000 and January 8, 2002, appear to have used intemperate and offensive language degrading to the administration of justice.

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DECISION

PUNO, *J.*:

The present administrative case stemmed from a sworn complaint filed before the Office of the Court Administrator against respondent Judge Adoracion G. Angeles, Presiding Judge of the Regional Trial Court of Kalookan City, Branch 121, by her nephew, Michael Vistan, for oppression and conduct unbecoming a judge.

The sworn complaint,[1] which is supported by the sworn statements of Maria Mercedes Vistan[2] and their other relatives,[3] charges that respondent Judge Angeles maltreated and physically abused her niece, Maria Mercedes, who is the half-sister of complainant Michael. Judge Angeles is a sister of Mercedes' grandmother, Leonila Angeles *vda.* de Vistan. It appears that in 1990, Leonila entrusted Maria Mercedes, then four years old, to the care and custody of Judge Angeles who is not married, when the father of Mercedes died. The complaint avers that for nine years, Judge Angeles has allegedly been maltreating Mercedes by pinching and slapping her, punching her on the face, pulling her hair and hitting her with a piece of wood. A similar complaint for child abuse was filed against Judge Angeles, this time by Maria Mercedes herself, before the Department of Justice. Initially, the Department of Justice issued a resolution finding the existence of probable cause and recommending that Judge Angeles be indicted in court for multiple counts of child abuse or violation of R.A. No. 7610. This was eventually reconsidered and reversed, and the information for child abuse filed in court was withdrawn.

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[1] *Rollo*, p.1.

[2] *Ibid.*, pp. 3-7.

[3] *Sinumpaang Salaysay* of Michael T. Vistan, *ibid.*, pp. 8-9; *Sinumpaang Salaysay* of Carmelito Guevarra *y* Coralde, *ibid.*, p. 10; *Sinumpaang Salaysay* of Lourdes Tolentino *y* Guevarra, *ibid.*, pp. 11-12; *Sinumpaang Salaysay* of Leonila Vistan *y* Angeles, *ibid.*, pp. 13-14; *Sinumpaang Salaysay* of Merlita Vistan *y* Angeles, *ibid.*, p. 15.

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In her Comment, Judge Angeles denied the charges and averred that the present administrative case is being used as a leverage to force her to withdraw the kidnapping case she filed against complainant Michael and their relatives when Michael took Mercedes from the house of Judge Angeles on April 12, 1999 and brought her to Hagonoy, Bulacan.

In a Memorandum dated July 18, 2000,[4] then Court Administrator Alfredo L. Benipayo recommended the dismissal of the instant complaint for lack of merit on the ground that:

"Thus, it is clear that after conducting its own investigation and review of the case, the Department of Justice found no probable cause to hold respondent for trial on the charge of child abuse and consequently the information filed in court was withdrawn. In the light of the same, it behooves upon this Office to recommend the dismissal of the instant charge of Oppression and Conduct Unbecoming a Judge which is grounded on the same allegation of child abuse.

As to the other ancillary charges involving respondent's alleged conduct unbecoming in the evening of April 12, 1999, her use of police authorities that same night and her alleged malicious filing of kidnapping case against herein complainant, we find her explanation thereon to be well-taken.

Respondent in her comment admitted having loss (*sic*) her temper when complainant refused to reveal the whereabouts of Maria Mercedes. We agree with her that such anger was a normal reaction inasmuch as she had reason to be concerned about the safety of her surrogate daughter. The claim that she exhibited violence was not substantiated by convincing evidence, hence, it must necessarily fail. Further, we see no irregularity on the part of respondent when she sought the assistance of the police authorities in her search for the missing daughter. Respondent in filing the kidnapping case against herein complainant could also not be faulted inasmuch as she has every right, as would any other individual, to avail of the legal remedies available to her."

In a resolution dated October 23, 2000, the Court's Second Division referred the matter to Associate Justice Marina Buzon

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[4] *Rollo*, pp. 178-187.

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of the Court of Appeals for investigation, report and recommendation.

On December 5, 2000, Justice Buzon issued an order setting the case for preliminary conference for the stipulation of facts and admission of documentary exhibits, and to determine the number of witnesses to be presented and the dates of hearing.

In the meantime, in a letter December 12, 2000[5] addressed to the members of this Court, respondent judge assailed the Resolution issued by this Court's Second Division dated October 23, 2000, referring the case to Justice Marina Buzon of the Court of Appeals for investigation, report and recommendation. In said letter, respondent judge insinuated that Senior Associate Justice Josue Bellosillo, as Chairman of the Second Division, ordered the investigation of the charges against her because he had "some axes to grind against" her. A portion of the letter reads as follows:

> "It is relevant to disclose at this point that she perceives said action as part of the vindictive streak of Justice Josue Bellosilo (*sic*), Chairman of the Second Division, against the undersigned.
>
> Justice Bellosillo has some axes to grind against the undersigned stemming from her earlier complaints against said justice's friends and blood relative.
>
> It is crystal-clear that this case is a mere retaliatory move on the part of Justice Bellosillo at this most opportune time when the undersigned has just been appointed by the Chief Executive as a new Associate Justice of the Court of Appeals."

In response, Senior Associate Justice Bellosillo wrote a letter to Chief Justice Hilario G. Davide, Jr. dated January 2, 2001[6] stating that the insinuations and accusations raised by respondent judge are flimsy and baseless. Justice Bellosillo likewise denied that the referral of the case to the Court of Appeals is part of any "vindictive streak" against respondent judge and explained that the referral was a unanimous resolution of the Second Division

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[5] *Rollo*, pp. 194-195.

[6] *Rollo*, pp. 206-209.

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well within the normal course of procedure followed by this Court in administrative cases. Justice Bellosillo then inhibited himself from the case. As a result, the case was referred to the Court *en banc* and reraffled to the present *ponente*.

In the Court of Appeals, neither of the parties appeared at the scheduled preliminary conference on January 4, 2001.

Justice Buzon issued an Order on January 8, 2001 denying the earlier request of Judge Angeles for a deferment of the proceedings by reason of the latter's letter-request to the Supreme Court for the re-evaluation of the complaint against her, on the ground that the investigating justice has not received any advice from the Supreme Court to return the records of the case and defer the proceedings therein. She also set the presentation of the evidence for the complainant on February 12 and 13, 2001 and that for respondent on February 19 and 20, 2001.

In a Report to this Court dated February 28, 2001, Justice Buzon recommended the dismissal of the administrative case, for failure to prosecute, *viz.*:

"At the hearing on February 12, 2001, only respondent appeared. In view of the absence of Michael Vistan, respondent moved for the dismissal of this case for lack of interest of the former in prosecuting the same. Respondent's motion was denied by the undersigned considering that Michael Vistan was given two days for the presentation of his evidence in support of his complaint. Michael Vistan again failed to appear at the hearing on February 13, 2001 and respondent reiterated her motion to dismiss, not only for lack of interest of the former in prosecuting this case but also on the strength of her evidence.

Stenographer Rhodora Ventura, who is assigned in the Office of the Division Clerk of Court, Atty. Caroline G. Ocampo-Perlata, manifested during the hearing that Michael Vistan went to their office sometime in the third or fourth week of January, 2001, showed to her and another officemate a copy of the Order dated January 8, 2001 and asked her what he should do; that she advised Michael to attend the scheduled hearings; and that Michael asked her again if there is a need for him to be assisted by a lawyer and she answered in the affirmative. Subsequently, the undersigned received the registry

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return receipt showing that Michael Vistan received a copy of the Order dated January 8, 2001 on January 15, 2001. Thus, the absence of Michael Vistan on February 12 and 13, 2001, despite notice, amounted to a waiver of his right to present evidence in support of his complaint against respondent and evinced his lack of interest to prosecute the same.

WHEREFORE, for failure of complainant Michael T. Vistan to prove the allegations in his complaint against respondent Judge Adoracion G. Angeles, the dismissal of this administrative case is respectfully recommended."

On January 8, 2002, respondent judge wrote another letter addressed to the Court reiterating in more detail the allegations in her first letter, to wit:

"The bitter truth is that such complaint has been a tool of harassment all along. This is very apparent from the dismissal of the complaint by the Court Administrator and subsequently by Associate Justice Buzon of the Court of Appeals.

Sad to state, however, Sr. Associate Justice Bellosillo capitalized upon the same to block the attempts of the undersigned to seek a promotion. He perceived the complaint as a golden opportunity to grind some axes against the undersigned due to her earlier complaints against the said Justice's friends and blood relative Lina *Bellosillo* Laigo. The case against the latter is now with the Honorable Supreme Court.

Sr. Associate Justice Bellosillo caused the resurrection of the complaint when the undersigned applied for and was appointed Associate Justice of the Court of Appeals by then President Joseph Estrada in November, 2000. But as fate would have it, the events of EDSA 2 and the subsequent change of leadership prevented her from assuming a position which was already hers."

We adopt the recommendation of dismissal.

Section 3, Rule 17 of the Rules of Court provides that if the plaintiff fails to comply with any order of the court, the action may be dismissed upon motion of the defendant or upon the court's own motion, and the dismissal shall have the effect of

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an adjudication on the merits, unless otherwise provided by the court.[7]

In *Pedrasta v. Marfil*,[8] we applied this rule in an administrative case against a judge where the complainant failed to appear and present evidence despite notice. In that case, we upheld the recommendation of dismissal by the investigating judge for failure of complainant to prosecute the case.

The Court would like to put to task complainants who file administrative cases against members of the bench and later desist from pursuing them to their conclusion. It is alarming to note that there have been instances in the past where administrative cases filed against judges were dismissed for failure of the complainant to prosecute or for lack of interest in pursuing the case. It bears to emphasize that the hasty filing of an administrative complaint against a judge may cause undue prejudice to the respondent for it results to the immediate suspension of his privileges like the withholding of fringe payments, bonuses and other non-salary benefits.[9] Judges should be protected from frivolous complaints for they erode the administration of justice.

Even while the Court dismisses the administrative complaint at bar, the two (2) letters of the respondent judge, dated December 12, 2000 and January 8, 2002, appear to have used intemperate and offensive language degrading to the administration of justice.

WHEREFORE, the Court resolves to *DISMISS* the complaint dated May 31, 1999. Respondent Judge Adoracion G. Angeles, however, is ordered to EXPLAIN why she should not be punished for contempt for using language that appears to be intemperate and offensive and degrading to the administration of justice in her letters dated December 12, 2000 and January 8, 2002 and

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[7] *Gallardo-Corro, et al. vs. Gallardo, et al.*, G.R. No. 136228, January 30, 2001.

[8] 122 SCRA 325 (1983).

[9] *See* Memorandum-Compliance dated April 7, 1995, "*Re: Withholding of Benefits and Privileges of Judges and Court Personnel.*"

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to *SUBMIT* said explanation within five (5) days from receipt hereof.

SO ORDERED.

Davide, Jr., C.J., Melo, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Pardo, Buena, Ynares-Santiago, De Leon, Jr., Sandoval-Gutierrez, and *Carpio, JJ.,* concur.

Bellosillo, J., no part.

EN BANC

[G.R. No. 102508. January 30, 2002]

REPUBLIC OF THE PHILIPPINES, *petitioner, vs.* **SANDIGANBAYAN, Third Division, and JOLLY R. BUGARIN,** *respondents.*

SYNOPSIS

Petitioner Republic of the Philippines filed with the Sandiganbayan a petition for forfeiture of properties pursuant to Republic Act No. 1379, as amended against respondent Jolly R. Bugarin, the Director of the National Bureau of Investigation (NBI) during the Marcos regime. Petitioner, represented by the Presidential Committee on Good Government (PCGG), averred that respondent Bugarin acquired during his incumbency real and personal properties whose aggregate fair market value at the time of their acquisition were manifestly in excess or out of proportion to his salaries, allowances, and other emoluments. The Sandiganbayan dismissed the petition for forfeiture on the ground of insufficiency of evidence. Hence, the present petition. Petitioner Republic of the Philippines implored the Court to reverse and set aside the Decision of the Sandiganbayan.