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EN BANC

[A.M. No. RTJ-01-1631. August 14, 2003]

OFFICE OF THE COURT ADMINISTRATOR, *petitioner, vs.* **JUDGE JAIME F. BAUTISTA, Regional Trial Court, Branch 75, Valenzuela, Metro Manila,** *respondent.*

SYNOPSIS

Respondent judge was administratively charged with direct bribery after he was allegedly caught receiving bribe money in an entrapment operation set by NBI agents. CA Justice Barrios, to whom the case was referred for investigation, recommended the exoneration of respondent for lack of sufficient proof to overturn the latter's constitutional presumption of innocence.

The Supreme Court, however, did not agree with the aforestated recommendation, ruling: that in an administrative proceeding, only substantial evidence is adequate to support a conclusion; that evidence on record showed that complainant complied with the requirements sufficient to establish the accusation of bribery against the respondent judge, *viz*: entrapment was pursued; evidence of a reasonable report to the police authorities was presented; record of where the bribe money came from, its specific denominations and the manner respondent accepted and disposed of it was clearly shown; that the testimonies of prosecution witnesses are worthy of full faith and credit given the absence of evidence of ill motive and the presumption of regularity in the law enforcers' performance of their duties; that respondent's version of what transpired in his chambers does not bear the earmarks of truth; and that even without the pay-off, a judge's act of personally furnishing a party copies of orders issued, without the same passing through the court docket, is highly irregular and gives rise to the suspicion that the judge is partial to one of the parties in the case pending before him. Respondent judge was dismissed from the service.

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SYLLABUS

1. **JUDICIAL ETHICS; JUDGES; ADMINISTRATIVE COMPLAINT AGAINST JUDGES; BRIBERY; ONLY SUBSTANTIAL EVIDENCE IS REQUIRED.** — After a thorough and careful study of the records, this Court does not agree with the aforestated recommendation. In an administrative proceeding, only substantial evidence, or that amount of relevant evidence which a reasonable mind might accept as adequate to support a conclusion, is required. Evidence required to support a conviction in a criminal case is not necessary, as the standards of integrity demanded of members of the Bench are not satisfied by conduct which merely allows one to escape the penalties of the criminal law.

2. **ID.; ID.; ID.; ID.; ID.; REQUIREMENTS TO SUPPORT BRIBERY CHARGE; COMPLIED WITH IN CASE AT BAR.** — In *Co v. Calimag, Jr.* this Court said: "[A]n accusation of bribery is easy to concoct and difficult to disprove, thus, to our mind, the complainant must present a panoply of evidence in support of such an accusation. This Court further stated therein: [I]n order that the allegation of a charge of this nature may not be considered a fairy tale, evidence other than the doubtful and questionable verbal testimony of a lone witness should be adduced. Entrapment should have been pursued. Evidence of a reasonable [sic] report to police authorities should have been presented. Record of where the bribe money came from, its specific denominations and the manner respondent accepted and disposed of it should have been clearly shown." In the case at bar, evidence on record shows that complainant has complied with these requirements. . . The complainant's evidence consisted not only of Paruli's statement, but also of corroborating physical evidence, the testimonies of NBI officers, and supporting documents itemizing the recovered bills and illustrating the specific locations of fluorescent powder marks found on respondent and his wallet.

3. **ID.; ID.; ID.; PARTIALITY; MAY BE SHOWN BY JUDGE'S ACT OF PERSONALLY FURNISHING A PARTY COPIES OF ORDERS ISSUED, WITHOUT PASSING THROUGH THE COURT DOCKET.** — Even without the pay-off, the foregoing are in clear violation of the mandate that judges as models of law and justice are to avoid not only improprieties, but all

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appearances of impropriety. This Court has held that a judge's act of personally furnishing a party copies of orders issued, without the same passing through the court docket, is highly irregular, giving rise to the suspicion that the judge is partial to one of the parties in the case pending before him.

4. **REMEDIAL LAW; EVIDENCE; CREDIBILITY OF WITNESSES; TESTIMONIES OF PROSECUTION WITNESSES WITHOUT ANY ILL MOTIVE ARE WORTHY OF FULL FAITH AND CREDIT; CASE AT BAR.** — Moreover, this Court finds no reason to doubt the testimonies presented by the complainant. Considering that Paruli filed the complaint *after* obtaining a favorable court order, it can be said that he was motivated only by his desire to bring justice upon respondent and not to pressure the latter to issue a favorable ruling. Regarding the NBI officers, this Court discerns no evidence from the records that would show that these witnesses were motivated by any reason other than their official duty. Respondent did not impute any improper motive that could have impelled the officers to fabricate evidence and falsely implicate him in such a serious offense. In fact respondent testified that he had never met these officers prior to the encounter on March 20, 2001. Given this absence of evidence of ill motive and the presumption of regularity in the law enforcers' performance of their duties, this Court holds that their testimonies are worthy of full faith and credit.

5. **ID.; ID.; ID.; JUDGE'S VERSION OF WHAT TRANSPIRED IN HIS CHAMBERS DOES NOT BEAR THE EARMARKS OF TRUTH; CASE AT BAR.** — [R]espondent's version of what transpired in his chambers does not bear the earmarks of truth and fails to overturn the physical evidence showing the recovery of the marked money from his own wallet. Furthermore, this Court finds respondent's account of the events that occurred on March 16, 2001 to be unworthy of belief. In his testimony, he said that he drafted the corrective order in his chambers but did not sign it, as he claimed to have felt too weak then. He thus went home early and left the order in his office with the instruction that he would sign it on Monday. That afternoon, however, a court personnel brought the draft order to respondent's residence requesting him to sign the same. Respondent claimed that he was unable to recognize said court employee. Neither was he able to tell whether the personnel

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was a staff member from his court branch or the other branches, because the medicines he took then caused him to feel confused. Curiously, without asking for identification of said court personnel, and without demanding an explanation as to why the order was sent all the way to his residence for signing contrary to his earlier instruction, he acceded to the request and accordingly signed the order. This he admitted he did, in the presence of Paruli, the party in whose favor the signed order was issued. Incidentally, he was able to recognize Paruli at that time. He, however, denied having received any sum of money from Paruli as consideration for the signing of the order. Considering respondent's actuations and the circumstances under which the order was signed, this Court finds the denial hard to believe. Disturbing questions are raised on respondent's motives and conduct, thereby inevitably reinforcing the truth of the allegation and evidence of bribery.

6. **JUDICIAL ETHICS; JUDGES; ADMINISTRATIVE COMPLAINT AGAINST JUDGES; BRIBERY; PENALTY.** — Bribery is classified as a serious charge punishable by, *inter alia,* dismissal from the service with forfeiture of benefits and disqualification from re-employment or appointment in any public office including government-owned or controlled corporations. It constitutes a serious misconduct in office, which this Court condemns in the strongest possible terms. It is this kind of gross and flaunting misconduct on the part of those who are charged with the responsibility of administering the law and rendering justice that so quickly and surely erodes the respect for the law and the courts without which government cannot continue and that tears apart the very bonds of our polity.

7. **ID.; ID.; ID.; ID.; ID.; CASE AT BAR.** — Respondent by his conduct has tainted the image of the judiciary, an institution to which he owes fidelity and the obligation to keep at all times unsullied and worthy of the people's trust. Rule 2.01 of Canon 2 of the Code of Judicial Conduct directs that a judge should behave at all times in such a way as to promote public confidence in the integrity and impartiality of the judiciary. As he has demonstrated his unsuitability to remain in office, this Court finds the penalty of dismissal from the service most appropriate in this case.

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DECISION

***PER CURIAM*:**

On March 22, 2001, newspapers of general circulation reported that herein respondent Judge Jaime F. Bautista of the Regional Trial Court of Valenzuela City was allegedly caught receiving bribe money in an entrapment operation set up by the agents of the National Bureau of Investigation (NBI),[1] for which he was arrested and charged with direct bribery before the Sandiganbayan.[2] These news reports prompted the investigation of the case, which led to the filing of the administrative complaint by the Office of the Court Administrator (OCA) against the respondent judge. In a resolution dated March 27, 2001, this Court ordered the indefinite suspension of respondent "in light of the seriousness of the charge against him."[3] On March 29, 2001, respondent moved to lift the suspension, invoking his right to be presumed innocent of the crime charged.[4] This Court, by resolution dated May 4, 2001, denied said motion for lack of merit, docketed the complaint as an administrative matter, and referred the case to Associate Justice Roberto Barrios of the Court of Appeals for investigation, report and recommendation.[5]

The antecedents of the case are as follows:[6]

On February 13, 2001 a complaint for Damages with Writ of Preliminary Attachment was filed by Claudia Cadlum and Rolando Millar against the Sierra Madre Transit Company, Incorporated (SMTCI) on [the allegation] of a vehicular accident in 1996 involving one of its buses which resulted in the death of Cadlum's daughter and in serious physical injuries to Millar. The case, docketed as Civil Case No. 40-V-01, was raffled to the sala of Judge Jaime F. Bautista.

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[1] *Rollo*, pp. 7-8.

[2] *Id.*, at 110-111.

[3] *Id.*, at 9-11.

[4] *Id.*, at 154-155.

[5] *Id.*, at 194.

[6] Summary by OCA, *Rollo*, pp. 1-2.

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On March 1, 2001 Judge Bautista issued an order granting plaintiff's prayer for preliminary attachment. The corresponding writ was issued on March 6, 2001 and two of defendants' buses were attached on March 13, 2001.

On March 15, 2001 defendants filed an "Urgent Motion to File Counterbond" which was set for hearing the following day. On March 16, 2001 Judge Bautista issued an order in open court giving the plaintiffs ten days within which to file their Opposition/Comment to defendants' Motion. However, on the same day, Judge Bautista issued another order: a) admitting defendants' counter bond; b) lifting the writ of attachment; and c) setting aside his earlier order requiring the plaintiffs to file their comment to defendants' motion to file counter bond.

Subsequently, on March 20, 2001, Judge Bautista was arrested in an entrapment operation conducted by the National Bureau of Investigation based on the complaint of Robbery/Extortion of Ranel T. Paruli, Liaison Officer of SMTCI. The complaint was filed with the NBI on March 19, 2001 and alleged that Judge Bautista demanded Ten thousand pesos (₱10,000) from Paruli in exchange for a favorable court order.

The NBI reported that on March 20, 2001 at about 1:30 p.m., complainant and several NBI agents proceeded to the sala of Judge Bautista in RTC, Branch 75, Valenzuela City where the Judge was apprehended inside his chamber [allegedly] in the act of receiving the amount of Five thousand pesos (₱5,000) in bills which were previously marked and dusted with fluorescent powder. The examination conducted by the Forensic Chemist of the NBI showed Judge Bautista positive for fluorescent powder marks.

The principal basis of the OCA's complaint is the sworn statement filed with the NBI by the liaison officer of SMTCI, Ranel Paruli, the named complainant therein. The material averments of Paruli's statement are summarized, thus:[7]

1. After the hearing on March 16, 2001, he went back to Branch 75 at around 10:00 in the morning to ask for copies of the records of Civil Case No. 40-V-01. He saw Sheriff Montes and asked why the buses had not yet been released despite payment of

[7] *Id.*, at 2–3.

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the requisite counter bond. Sheriff Montes proposed that to secure the release of the buses, SMTCI should give Ten thousand pesos (₱10,000) to Judge Bautista;

2. Sheriff Montes left to talk to Judge Bautista and returned thirty minutes later with the following instructions: ₱5,000 had to be given immediately and the remaining ₱5,000 must be given on March 19, 2001;

3. After giving the instructions to Paruli, Sheriff Montes accompanied him to the chambers of Judge Bautista where the Judge was in the process of dictating his "order to lift attachment and to release the attached property." Sheriff Montes informed the liaison officer of the bus company that the order will immediately be typed and ready for the Judge's signature. However, the order was not signed because Judge Bautista left early;

4. At around 6:00 p.m. on the same day, Judge Bautista signed the order in front of his house in Angono, Rizal, after Paruli handed him the initial payment of ₱5,000;

5. The balance of Five thousand pesos (₱5,000) was supposed to be delivered on March 19, 2001 but instead of giving the money, SMTCI decided to file a complaint with the NBI. Because of his failure to deliver the balance, the stenographer of Judge Bautista called Paruli on his cellphone to tell him that the judge wanted the amount delivered already. He informed the stenographer that he will deliver the same the following day, March 20, 2001. The stenographer however was not named [or] identified.

The foregoing statement was corroborated by the sworn statement of the driver of SMTCI, Luis Folloso, who was allegedly with Paruli when the first ₱5,000 was delivered to respondent in the latter's house.

On the other hand, respondent's counter-affidavit, in summary, avers that:[8]

1. Complainant Paruli's allegation that the Judge demanded and received the amount of Ten thousand pesos (₱10,000) is a brazen

[8] *Rollo*, pp. 3–4.

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lie. It is downright malicious and highly preposterous since the amount is too insignificant for him to put his profession and good reputation on the line. He has been maintaining his unblemished record for many years and he will not tarnish it with irregular acts;

2. If the facts are to be examined closely, there is no reason why this complaint should be filed since the order lifting the Writ of Attachment redounded to the defendant's benefit. If anyone should complain, it should be the plaintiffs because they were the ones disadvantaged by the order;

3. Complainant must have been the victim of unscrupulous persons who, to gain pecuniary advantage, used the Judge's name without the latter's knowledge and consent. Like any other litigant, complainant must have tried to persuade a member of the judge's staff for the latter to expedite the case. Unfortunately, he may have come across other persons who were not staff members of the judge who merely "named-dropped" him and demanded money in his behalf in exchange for a favor. Believing that he has knowledge about the transaction, complainant went to the NBI to set him up;

4. Thus the supposed entrapment is actually a case of INSTIGATION. This claim is supported by the events which transpired on March 20, 2001, to wit:

   a) the judge was at that time resting inside his chambers when a lady staff ushered the complainant inside;

   b) he was surprised when the complainant vigorously shook his hand (probably for the purpose of dusting his hand with chemical powder) and expressed his appreciation for the order lifting the writ of attachment;

   c) complainant then hurriedly placed an envelope inside his table drawer and walked out;

   d) since he was not feeling well at that time, he was too weak to even verify the contents of the envelope;

   e) about five to ten minutes thereafter, four NBI agents forcibly barged into the chambers and forced him to admit having received the envelope. They even took his wallet while

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members of the media feasted on the scene by taking video footages.

5. He strongly submits that his warrantless arrest was unlawful, as the same was not done in *flagrante delicto*. . . . What actually transpired was a clear case of instigation wherein the NBI agents merely planted the incriminatory evidence against him.

To corroborate respondent's statement, the affidavit of Court Stenographer Imelda Estanislao was submitted, as she allegedly witnessed Paruli's visit to respondent's chambers on March 20, 2001.

During the investigative hearing conducted by Justice Barrios, the following persons testified against respondent: SMTCI Liaison Officer Ranel Paruli, NBI Senior Agent Carlo Vasquez, NBI Senior Agent Noel Morales and NBI Forensic Chemist Filipina Ilagan.

Ranel Paruli in his testimony[9] clarified that the March 16, 2001 hearing wherein his employer SMTCI moved to lift the preliminary attachment ended with respondent's order in open court requiring the adverse party to file a comment on said motion within ten days. It was only in the afternoon of the same day that said order was set aside by another order granting the lifting of the attachment. He also ventilated in court the disappointment he felt upon learning of the prior order which would have delayed the release of the attached buses despite the ₱1,800,000 counterbond his employer filed. He narrated that this prompted him to approach Sheriff Jaime Montes, whom he chanced upon in the canteen after the hearing, and to complain to him. As stated in his sworn affidavit, it was thereupon that Montes allegedly proposed to lift the attachment in consideration of ₱10,000 to be given to respondent, as instructed by the latter.

Paruli further testified on the details of the alleged initial payment of ₱5,000 to respondent. As instructed by the aforementioned sheriff, Paruli and his driver were accompanied by a court employee to respondent's residence in Angono, Rizal.

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[9] TSN, September 26, 2001, pp. 8-21; TSN, October 26, 2001, pp. 6-31.

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Upon their arrival at around 5:00 to 5:30 p.m., on March 16, 2001, Paruli approached respondent, who was then seated on a bench in front of his house. It was there that he handed the initial payment of ₱5,000, after which respondent signed the order that had been drafted. The attached buses were released the very next day.

He likewise testified about the phone call he received from respondent's lady stenographer on March 19, 2001 at around 11:00 to 11:30 A.M. The stenographer asked, *"Hinihintay na ni Judge yung balance, kailan mo babayaran?"* He replied that he shall be giving it on March 20, 2001 instead.

He also affirmed in his testimony the contents of his second sworn affidavit dated September 10, 2001[10] wherein he declared that on March 19, 2001, he filed on behalf of SMTCI a complaint for robbery/extortion against respondent before the NBI. He recounted in said document how the operation that occurred on March 20, 2001 was undertaken. As part of the plan and with the NBI team as backup, he went to the respondent judge's chambers and handed the ₱5,000 as full payment of the consideration respondent demanded of him in exchange for a favorable court order. Upon receipt of said payment, respondent placed it inside his wallet. Paruli then called one of the NBI agents through his cellular phone to signal the delivery of the money. The NBI agents thereafter entered the room and arrested respondent.

NBI Senior Agent *Carlo Vasquez* testified[11] and corroborated the declarations of Paruli as to the entrapment. He confirmed the allegations contained in the Affidavit of Arrest[12] that he and four other NBI agents executed on March 20, 2001. In said affidavit, they declared that on March 18, 2001, Paruli sought their assistance in charging respondent for alleged robbery/extortion. Acting on Paruli's complaint and based on his sworn statement, they planned an operation to entrap

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[10] Exhibit "B", Folder of Exhibits.

[11] TSN, October 16, 2001, pp. 7-65.

[12] *Rollo*, pp. 133-134.

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respondent. Hence, in the afternoon of March 20, 2001, they, together with Paruli and two newsmen from GMA, proceeded to the Regional Trial Court of Valenzuela City.

Paruli went directly to respondent's office equipped with a hidden camera mounted on his eyeglasses, a signaling contraption attached to his clothing, and a cellular phone with the number of one of the agents' mobile phone stored in it to signal that the money had been handed over to respondent. Meanwhile, they strategically positioned themselves outside the office to monitor and await his prearranged signal. Upon Paruli's signal using his cellular phone, they rushed in, introduced themselves and apprehended respondent. Respondent initially shouted invectives and denied knowledge of the money. Paruli pointed to the respondent's drawer which the latter opened, containing the envelope that held the money but which they found empty. Paruli then told them that the money was already in the pocket of respondent. They did not frisk respondent, on his admonition, but after some time, respondent voluntarily went with them to the NBI head office where he was booked, fingerprinted and photographed. In the course of his physical examination, he turned in his wallet, where the complete set of marked bills was recovered. He was subjected to ultra-violet light testing and found positive for the presence of fluorescent powder.

NBI Senior Agent Noel Morales testified[13] and corroborated Agent Vasquez's account and affirmed the contents of the Affidavit of Arrest he likewise executed.

Filipina Ilagan, the NBI forensic chemist who conducted the ultra-violet light examination of respondent, testified[14] to confirm the contents of her affidavit executed on October 29, 2001.[15] She declared therein that she recovered the ten pieces of five-hundred-peso bills previously marked and dusted with fluorescent powder from inside respondent's wallet, which the latter got from the right back pocket of his pants. She likewise

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[13] TSN, October 26, 2001, pp. 32–36.

[14] TSN, October 30, 2001, pp. 4–56.

[15] Exhibit "E", Folder of Exhibits.

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verified the certification she issued on March 20, 2001, which in part states:[16]

> Examination under Ultra-violet light conducted on the above-named subject showed the following:
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> 1. The presence of yellow fluorescent specks and smudges on the palmar aspect of the left and right hands;
> 2. The presence of yellow fluorescent powder at the side of the outside surface of the right front pocket and on the outside surface of the right back pocket of the pants worn by the above-named subject;
> 3. The presence of yellow fluorescent powder inside the wallet found at the right back pocket of the pants worn by the abovenamed subject which revealed ten (10) five hundred peso bills with serial numbers:
>
> xxx xxx xxx
>
> which when examined under Ultra-violet light showed the fluorescent markings "P-01-80 RRB/NGD FCD-NBI 3/19/01" and the presence of yellow fluorescent powder.

Supporting the foregoing is a Hand Diagram Analysis issued by Ilagan which specifically showed five traces of fluorescent powder on the fingertips of respondent's hands.[17] Filipina Ilagan further testified that following their standard operating procedure, the NBI forensic photographer took pictures while she was conducting the examination. She identified the photographs showing her retrieving the marked money from respondent's wallet and holding the recovered bills under the ultra-violet light lamp.[18] She testified that in all entrapment cases, the NBI follows standard operating procedures before and after operations. She specified the preparatory steps as follows:

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[16] Exhibit "F", Folder of Exhibits.

[17] Exhibit "H", Folder of Exhibits.

[18] Exhibits "I-1", "I-2", and "I-3", Folder of Exhibits.

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(1) The money bills requested for marking are first photocopied, clearly showing their serial numbers.

(2) Each bill is then individually marked using an invisible ink, indicating the case number, initials of the chemist making the markings, the initials "FCD-NBI" and the date when the marking was done.

(3) Fluorescent powder is then dusted on the face of each bill.

She added that after entrapment operations, the following are usually done:

(1) The submitted money bills used are subjected to ultra-violet light examination to detect the presence of fluorescent powder.

(2) The money bills are checked for identifying marks.

She stated that it was NBI forensic chemist Ramos-Bajado, whose signatures in invisible ink appeared on the bills, who did the marking of the money as requested by the NBI agents the day before the operation.[19]

Respondent *Judge Jaime F. Bautista*, for his defense, vehemently denied the alleged entrapment. In his testimony,[20] he admitted making an order[21] in open court on March 16, 2001, a Friday, requiring the plaintiff's counsel to file a comment to the Motion to File Counterbond filed by SMTCI.[22] Realizing later that such order was a superfluity, he dictated in the afternoon a corrective order[23] granting outright the motion to lift the preliminary attachment and dispensing with the comment he earlier required. He was, however, unable to sign said order as he went home early because of the ill effects of his diabetes. At about 6:00 p.m. of the same day, Paruli and a court personnel whom he was unable to recognize came to his residence in

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[19] See NBI Disposition Form dated March 19, 2001, *Rollo*, p. 126.

[20] TSN, January 17, 2002, pp. 3–10; TSN, January 21, 2002, pp. 4–57.

[21] *Rollo*, p. 64.

[22] *Id.*, at 21–23.

[23] *Id.*, at 14.

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Angono, Rizal. The court employee brought with him the unsigned order and asked respondent to sign it. Respondent accordingly signed the order and gave it to the unidentified court personnel in the presence of Paruli, with the instruction to give it to the clerk of court on Monday morning.

In the counter-affidavit he executed on March 29, 2001,[24] respondent gave a different version of the March 20, 2001 incident. In a supplemental counter-affidavit[25] dated December 17, 2001, he further alleged that Paruli placed the envelope on top of his table, modifying his earlier statement that it was placed inside his drawer. He also testified that the first time he saw Paruli was during the March 16, 2001 hearing, during which a court employee whom he could not remember pointed out Paruli to him and whispered "*Sir, iyan yung complainant na palaging nagpupunta dito na nakikiusap na kung puede malift.*" He also added that while being booked at the NBI head office, the lady chemist asked for his wallet, which he readily turned in for examination. He however claims that he has no knowledge of what the chemist did to his wallet as many people were already around them at the time.

Court stenographer *Imelda Estanislao* also took the witness stand to support respondent's denial. In her testimony,[26] she verified the two affidavits[27] she executed wherein she narrated that in the afternoon of March 20, 2001, Paruli arrived insisting to see her superior, respondent herein, who was then resting. She ushered Paruli into respondent's chambers, and while standing by the door, she saw Paruli shake the hands of respondent vigorously. After about five minutes, Paruli rushed out and later returned with the NBI agents. She also testified that throughout the five-minute exchange between respondent and Paruli, she never saw the latter take out his wallet. She also stated that subsequently in that same afternoon, an NBI

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[24] *Id.*, at 156–159.

[25] Exhibit "9", Folder of Exhibits.

[26] TSN, December 12, 2001, pp. 3–20.

[27] *Rollo*, pp. 183–184.

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agent and a reporter came to her office looking for the money which they claimed respondent gave her. They searched her table and left when they did not find the money.

Justice Barrios in his report recommended the exoneration of respondent for lack of sufficient proof to overturn the latter's constitutional presumption of innocence. He found material defects in the complainant's account which in his view cast serious doubts on the truth of the alleged entrapment.

After a thorough and careful study of the records, this Court does not agree with the aforestated recommendation. In an administrative proceeding, only substantial evidence, or that amount of relevant evidence which a reasonable mind might accept as adequate to support a conclusion, is required. Evidence required to support a conviction in a criminal case is not necessary, as the standards of integrity demanded of members of the Bench are not satisfied by conduct which merely allows one to escape the penalties of the criminal law.[28]

The evidence presented by the complainant is sufficient to establish the entrapment of the respondent judge. In *Co v. Calimag, Jr.*[29] this Court said: "[A]n accusation of bribery is easy to concoct and difficult to disprove, thus, to our mind, the complainant must present a panoply of evidence in support of such an accusation. This Court further stated therein: [I]n order that the allegation of a charge of this nature may not be considered a fairy tale, evidence other than the doubtful and questionable verbal testimony of a lone witness should be adduced. Entrapment should have been pursued. Evidence of a reasonable [*sic*] report to police authorities should have been presented. Record of where the bribe money came from, its specific denominations and the manner respondent accepted and disposed of it should have been clearly shown."

In the case at bar, evidence on record shows that complainant has complied with these requirements. A review of the records bears out the following undisputed facts:

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[28] *Mamba v. Garcia*, 359 SCRA 426 (2001).

[29] 334 SCRA 20, at 27 (2000), citing *Castaños v. Escaño*, 251 SCRA 174 (1995).

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1. On March 16, 2001, respondent initially issued in open court an order allowing a period of ten days for the filing of an opposition to SMTCI's motion to file counterbond for the lifting of the preliminary attachment. In the afternoon of the same day, respondent set aside this ruling and approved the counterbond in a written order that he drafted in his chambers, but which he signed after office hours in front of his residence in the presence of SMTCI officer Paruli;
2. On March 19, 2001, Paruli reported the matter to the NBI Office and filed a complaint for robbery/extortion against respondent.
3. On March 20, 2001, during Paruli's brief visit in respondent's chambers, Paruli placed an envelope on respondent's desk, in plain view of the latter. Immediately after Paruli left respondent's chambers, the NBI officers entered and invited respondent to the NBI Head Office for investigation.
4. The entire set of the marked money was recovered by the NBI forensic chemist from respondent's wallet, which the latter voluntarily surrendered at the NBI office. Photographs were taken showing the retrieval of the marked bills and the examination thereof.
5. Respondent's hands, wallet, and the right front and back pockets of his pants all tested positive for the presence of fluorescent powder, which was previously dusted on the marked money.

The complainant's evidence consisted not only of Paruli's statement, but also of corroborating physical evidence, the testimonies of NBI officers, and supporting documents itemizing the recovered bills and illustrating the specific locations of fluorescent powder marks found on respondent and his wallet.

Moreover, this Court finds no reason to doubt the testimonies presented by the complainant. Considering that Paruli filed the complaint *after* obtaining a favorable court order, it can be

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said that he was motivated only by his desire to bring justice upon respondent and not to pressure the latter to issue a favorable ruling. Regarding the NBI officers, this Court discerns no evidence from the records that would show that these witnesses were motivated by any reason other than their official duty. Respondent did not impute any improper motive that could have impelled the officers to fabricate evidence and falsely implicate him in such a serious offense. In fact respondent testified that he had never met these officers prior to the encounter on March 20, 2001.[30] Given this absence of evidence of ill motive and the presumption[31] of regularity in the law enforcers' performance of their duties, this Court holds that their testimonies are worthy of full faith and credit.

Respondent's version is insufficient to overturn the physical and testimonial evidence presented by the complainant.

First, his version that Paruli just casually walked into his chambers, smiled at him, shook his hands vigorously (probably to dust him with the chemical powder), placed an envelope on his desk and hurriedly left leaving respondent confused as to the party's actuations, does not inspire belief. As a judge, he is presumed to know the danger of allowing one party to a pending case inside his chambers without the other party being present. If indeed he found Paruli's conduct strange, such gesture should have put him on guard. On the contrary, he accommodatingly shook the hands of Paruli whom he claimed to have vaguely recognized at the time. Worse, even as Paruli had already left his chambers, he allegedly did not bother to ascertain the contents of the envelope placed on his desk as he claims to have felt weak and dizzy then. This act of utter imprudence is highly doubtful and unbelievable. The declarations of his court stenographer Estanislao do not help either, as she admitted seeing the two engaged in a conversation and as she further testified that Paruli's visit lasted for about five minutes, a duration too long for a mere handshake. Also, all she stated in her statement, as she clarified in court,[32] was that throughout

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[30] TSN, January 24, 2001, pp. 49-51.

[31] Revised Rules of Court, Rule 131, Sec. 3-m.

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Paruli's stay, she never saw the latter draw out his wallet. This point is rendered insignificant in light of the testimonies of Paruli and the NBI agents that the marked money when brought into the chambers was contained inside an envelope, and not in Paruli's wallet.

Second, respondent's claim that the chemical powder could have been dusted on his hands as a result of the vigorous handshake is utterly insufficient to explain the physical evidence showing traces of fluorescent powder on the inner portion of his wallet and on the right front and back pockets of his pants. His theory that evidence could have been planted between the time that he surrendered his wallet at the NBI office and the time that it was examined is undermined by his own admission that as soon as he handed his wallet, the media feasted on it by taking pictures and video footages. Also, there remains unrefuted the NBI chemist's verified statement that pictures were taken by the NBI forensic photographer right at the moment when the bills were being drawn from respondent's wallet for examination.

Third, this Court cannot ignore the inconsistencies in respondent's declarations in his sworn statements and in his testimony. In his initial affidavit, he narrated that Paruli placed the envelope inside his drawer, consistent with the complainant's account. Subsequently, however, he stated in his supplemental affidavit that the envelope was merely placed on top of his desk. He also stated earlier in his affidavit that Paruli, while shaking his hands expressed his appreciation for the lifting of the attachment. In respondent's testimony, however, when asked if Paruli said anything at that time, he replied that Paruli just smiled and hurriedly left after putting down the envelope.[33] Further, in his testimony,[34] he repeatedly denied recalling having met Paruli on March 16, 2001 after that day's hearing. Subsequently, however, he admitted seeing Paruli in the afternoon of the same day, in front of his own residence. Also in conflict

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[32] TSN, December 12, 2001, pp. 13-14.

[33] TSN, January 24, 2002, p. 47.

[34] *Id.*, at 24-27.

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are his earlier submission that he did not recognize Paruli during their March 20, 2001 encounter in his chambers[35] and his subsequent averment that he did recognize Paruli upon the latter's entry into his chambers, but only "superficially."[36]

Considering the foregoing, respondent's version of what transpired in his chambers does not bear the earmarks of truth and fails to overturn the physical evidence showing the recovery of the marked money from his own wallet.

Furthermore, this Court finds respondent's account of the events that occurred on March 16, 2001 to be unworthy of belief. In his testimony,[37] he said that he drafted the corrective order in his chambers but did not sign it, as he claimed to have felt too weak then. He thus went home early and left the order in his office with the instruction that he would sign it on Monday. That afternoon, however, a court personnel brought the draft order to respondent's residence requesting him to sign the same. Respondent claimed that he was unable to recognize said court employee. Neither was he able to tell whether the personnel was a staff member from his court branch or the other branches, because the medicines he took then caused him to feel confused. Curiously, without asking for identification of said court personnel, and without demanding an explanation as to why the order was sent all the way to his residence for signing contrary to his earlier instruction, he acceded to the request and accordingly signed the order. This he admitted he did, in the presence of Paruli, the party in whose favor the signed order was issued. Incidentally, he was able to recognize Paruli at that time. He, however, denied having received any sum of money from Paruli as consideration for the signing of the order. Considering respondent's actuations and the circumstances under which the order was signed, this Court finds the denial hard to believe. Disturbing questions are raised on respondent's motives and conduct, thereby inevitably reinforcing the truth of the allegation

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[35] *Id.*, at 10.

[36] *Id.*, at 46.

[37] *Id.*, at 27–32.

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and evidence of bribery. Moreover, even without the pay-off, the foregoing are in clear violation of the mandate that judges as models of law and justice are to avoid not only improprieties, but all appearances of impropriety.[38] This Court has held that a judge's act of personally furnishing a party copies of orders issued, without the same passing through the court docket, is highly irregular, giving rise to the suspicion that the judge is partial to one of the parties in the case pending before him.[39]

In view of the foregoing, this Court, therefore, finds the charge of bribery sufficiently substantiated by evidence on record, hence warranting the imposition of the proper penalty on respondent. Bribery is classified as a serious charge punishable by, *inter alia,* dismissal from the service with forfeiture of benefits and disqualification from re-employment or appointment in any public office including government-owned or controlled corporations.[40] It constitutes a serious misconduct in office, which this Court condemns in the strongest possible terms. It is this kind of gross and flaunting misconduct on the part of those who are charged with the responsibility of administering the law and rendering justice that so quickly and surely erodes the respect for the law and the courts without which government cannot continue and that tears apart the very bonds of our polity.[41]

Respondent by his conduct has tainted the image of the judiciary, an institution to which he owes fidelity and the obligation to keep at all times unsullied and worthy of the people's trust.[42] Rule 2.01 of Canon 2 of the Code of Judicial Conduct directs that a judge should behave at all times in such a way as to promote public confidence in the integrity and impartiality of the judiciary.[43] As he has demonstrated his unsuitability to remain

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[38] *Adriano v. Judge Villanueva*, A.M. No. MTJ-99-1232, February 19, 2003.

[39] *Co v. Calimag, Jr., supra*, note 29.

[40] *NBI v. Reyes*, 326 SCRA 109 (2000).

[41] *Calilung v. Suriaga*, 339 SCRA 340 (2000) citing *Haw Tay v. Singayao*, 154 SCRA 107 (1987).

[42] *Huggland v. Lantin*, 326 SCRA 620 (2000).

[43] *Ibid.*

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in office, this Court finds the penalty of dismissal from the service most appropriate in this case.

WHEREFORE, respondent Jaime F. Bautista is hereby *DISMISSED* from the service, with forfeiture of all retirement benefits, except accrued vacation and sick leave credits, and with prejudice to re-employment or appointment in any branch or instrumentality of the government, including government-owned or controlled corporations.

SO ORDERED.

Davide, Jr., C. J., Bellosillo, Puno, Vitug, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio Morales, Azcuna, and *Tinga, JJ.*, concur.

Callejo, Sr., J., on leave.

THIRD DIVISION

[G.R. No. 126627. August 14, 2003]

SMITH KLINE BECKMAN CORPORATION, *petitioner, vs.* **THE HONORABLE COURT OF APPEALS and TRYCO PHARMA CORPORATION,** *respondents.*

SYNOPSIS

Petitioner, the registered patent holder of Letters Patent No. 14561, filed a complaint for infringement of patent against private respondent alleging that private respondent appropriated for its drug Impregon, the active ingredient of Albendazole, which is substantially the same as Methyl 5 Propylthio-2-Benzimidazole Carbamate covered by petitioner's patent since both of them are meant to combat worm or parasite infestation in animals.