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[A.M. No. MTJ-95-1059. August 7, 1998]

RUFERTO GUTIERREZ and MARITESS PASSION, *complainants, vs.* **JUDGE ESTANISLAO S. BELAN, Municipal Trial Court, Biñan, Laguna,** *respondent.*

SYNOPSIS

Maritess Passion and Ruferto Gutierrez as concerned citizens of Biñan, Laguna filed an unsworn complaint against Judge Estanislao S. Belan of the Municipal Trial Court of Biñan, Laguna for conduct prejudicial to the best interest of the service. They alleged that Judge Belan in his application to the Judicial and Bar Council, failed to disclose in his sworn Personal Data Sheet about the pendency of Criminal Case No. 6772 filed against him on July 2, 1979 for Reckless Imprudence Resulting to Serious Physical Injuries. And on September 19, 1994, upon assumption of office, Judge Belan solicited the help of Judge Sison and Judge Pacia as well as Judge Leonardo Quiñanola of the Municipal Trial Court of San Pedro, Laguna to obtain an "ante-dated" dismissal of the said case, but they refused. The complainants likewise accused Judge Belan in conspiracy with his Clerk of Court of having asked from the bondsman 8% of the face value of bail bonds approved by him as his personal share. After investigation, the Office of the Court Administrator found the concealment of Criminal Case No. 6772 in his sworn Personal Data Sheet to be true. However, with regard to the charge that Judge Belan asked that a certain percentage in the bail bonds approved by him be delivered to him as his personal share, the same was not proven.

The Court ruled that the fact that respondent Judge has been acquitted ultimately in the criminal case against him is of no moment. He is not being chastened for having had a pending criminal case at the time of his application for a judicial position but for his act of dishonesty and misrepresentation in the process of seeking that office. Neither would it matter that this information has reached the Court *via* an unsubscribed complaint for while such complaints are ordinarily received with

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caution, when, however, their contents are documented or easily verifiable, it would be unwarranted to ignore them entirely.

Judge Estanislao S. Belan is DISMISSED from the service.

SYLLABUS

1. **JUDICIAL ETHICS; JUDGES; DISHONESTY AND MISREPRESENTATION; SUBSEQUENT DISMISSAL OF CONCEALED CRIMINAL CASE, WITH NO FAVORABLE EFFECT ON ADMINISTRATIVE CASE.** — The fact that respondent Judge has been acquitted ultimately in the criminal case against him is of no moment. He is not being chastened for having had a pending criminal case at the time of his application for a judicial position but for his act of dishonesty and misrepresentation in the process of seeking that office.

2. **ID.; ID.; ID.; UNSUBSCRIBED COMPLAINT; IMMATERIAL WHERE CONTENTS ARE DOCUMENTED OR EASILY VERIFIABLE.** — Neither would it matter that this information has reached the Court *via* an unsubscribed complaint for while such complaints are ordinarily received with caution, when, however, their contents are documented or easily verifiable, it would be unwarranted to ignore them entirely.

D E C I S I O N

PER CURIAM:

In a letter, dated 05 July 1995, addressed to Chief Justice Andres R. Narvasa, Maritess Passion and Ruferto Gutierrez, representing themselves as concerned citizens of Biñan, Laguna, charged Judge Estanislao S. Belan of the Municipal Trial Court of Biñan, Laguna, with conduct prejudicial to the best interest of the service.

The complainants averred that in his application to the Judicial and Bar Council, respondent Judge had stated not having been charged with or accused of any crime. Respondent Judge thereby concealed the pendency of Criminal Case No. 6772, entitled "*People of the Philippines vs. Atty. Estanislao Belan,*" for "Reckless Imprudence Resulting to Serious Physical Injuries,"

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filed against him on 02 July 1979. Upon assumption of office following his appointment on 19 September 1994, respondent Judge, according to the complainants, solicited the help of Judge Sison and Judge Pacia, as well as Judge Leonardo Quiñanola of the Municipal Trial Court of San Pedro, Laguna, to obtain an "ante-dated" dismissal of Criminal Case No. 6772. The complainants likewise accused respondent Judge of having asked for, and keeping for himself, a percentage of the face value of bail bonds approved by him.

In a letter, dated 06 September 1995, Executive Judge Rodrigo V. Cosico of the Regional Trial Court of Laguna and San Pablo City, in reply to the inquiry of Deputy Court Administrator Reynaldo L. Suarez, informed the Court that Criminal Case No. 6772 was ultimately dismissed by Judge Quiñanola on 12 December 1994.

Meanwhile, in his 1st Indorsement, dated 25 September 1995, Assistant Ombudsman Abelardo L. Aportadera, Jr., of the Office of the Ombudsman also referred to the Court CPL. No. 95-1944 ("*Maritess Passion and Ruferto Gutierrez vs. Judge Estanislao S. Belan*") which stemmed from a letter similar to the one sent to this Court by the complainants.

Respondent Judge was required by the Court, in its resolution of 13 November 1995, to comment on the complaint.

In his comment, dated 13 December 1995, respondent Judge assailed the complaint for being merely the "product of the warped imaginings of the complainants" and suggested that members of the judiciary should be insulated from "unfair and cruel" accusations. According to respondent Judge, he never concealed anything in his application before the Judicial and Bar Council. He denied that he had tried to influence Judge Quiñanola in any way on the proper disposition of the criminal case or that he had taken any sum relative to the approval of bail bonds.

In the Court's resolution of 18 November 1996, the case was referred to Executive Judge Rodrigo V. Cosico for investigation, report and recommendation.

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In his report, dated 22 April 1997, Judge Cosico recommended that the complaint be dismissed. He gave the following account:

"This is a report on the undated letter-complaint filed by Mr. Ruperto Gutierrez and Ms. Maritess Passion against Judge Estanislao S. Belan of the Municipal Trial Court, Biñan, Laguna which was the subject of an investigation conducted by the undersigned pursuant to the letter dated 10 December 1996 of Deputy Court Administrator Zenaida N. Elepaño and the resolution dated 18 November 1996 of the First Division of the Supreme Court.

"THE CHARGES

"The charges against Judge Estanislao S. Belan may be summarized as follows:

"1. That he committed perjury when he stated in his application that he has not been charged or accused of any crime whatsoever;

"2. That with the help of Judge Quiñanola, he was able to cause the dismissal of the case against him, the decision being antedated, and without informing the complainant, the Supreme Court and the Judicial and Bar Council;

"3. That 'he is asking the '*piyansador*' to deliver to him the eight (8%) percent of the premium of the bail and even told to some court personnel that he must be included to have a share of any bail bond that he approves';

"4. That all practising lawyers here complaint (sic) about the money-making of this Judge and his appointed Clerk of Court of Biñan, MTC who has a very bad reputation when she was still the stenographer of MTC, Sta. Rosa, Laguna.

"5. At the outset, it must be stated that there is difficulty in substantiating the charges against respondent judge since the complainants have no given addresses and appear to be fictitious persons.

"Nonetheless, the undersigned took the testimony of Mrs. Isabelita V. Sison whose testimony may be summarized as follows: that she was employed in 1973 as Clerk Interpreter at the Municipal Trial Court of Biñan, Laguna; that in 1982 her position was changed to Clerk Stenographer and since then she has been serving continuously holding such position; that she has been under Judge Estanislao Belan since September 1994; that she was aware of the charge of

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reckless imprudence resulting in serious physical injuries filed against Atty. Estanislao Belan; that the case was eventually dismissed by Judge Quiñanola for insufficiency of evidence on December 12, 1994; that the case was first handled by Judge Emilio Bernabe, Jr. who retired without deciding Criminal Case No. 6772 against Atty. Estanislao Belan; that subsequently, Judge Leonardo Quiñanola was designated to handle Criminal Case No. 6772; that Judge Quiñanola decided Criminal Case No. 6772 against Estanislao Belan on December 12, 1994; that she has no knowledge about the charge that Judge Belan is asking the delivery of eight (8%) percent of the amount of the bailbond; that she has no knowledge about the charge that all practising lawyers in Biñan are complaining about the money-making of Judge Belan and his appointed Clerk of Court of Municipal Trial Court, Biñan, Laguna; and that she has nothing to say further at the moment.

"It appearing that Ms. Maritess Passion, the other signatory to the complaint, was not furnished with a copy of the order setting this case for investigation, the case was set anew for further investigation on April 15, 1997. The corresponding subpoena was sent to Atty. Santos Pampolina, Jr., a leading practitioner in Biñan, Laguna and Atty. Charles Fuentes, District Public Attorney. District Public Attorney Charles Fuentes testified on April 15, 1996 but Atty. Santos Pampolina, Jr. begged leave of this Court to defer his testimony until a later date because he was scheduled to take his oath as a director of the IBP in the afternoon of April 15, 1996.

"The testimony of Atty. Charles Fuentes may be summarized as follows: He has been a Public Attorney at the Public Attorney's Office since 1991; he became the District Public Attorney in 1994; he has served as District Public Attorney since that time up to the present; he is not aware of the first three charges against Judge Estanislao Belan before whose Court he appears as a District Public Attorney; in his two years of practice before the Municipal Trial Courts of Biñan, Sta. Rosa, and Cabuyao, Laguna where Judge Belan presided (before the appointment of a regular Presiding Judge in Cabuyao, Laguna) he has not heard of any information about Judge Belan allegedly asking a percentage in the amount of bailbonds posted by the accused; as regards the charge that 'all practising lawyers here complaint (sic) about the money-making of this Judge and his appointed Clerk of Court of Biñan, MTC,' Atty. Fuentes stated: 'As I have said, I have worked with Judge Belan. Although we are not personally close to each other, I have not yet heard of any complaint

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about the so-called money-making activities of the Judge and the Clerk of Court whom I really do not personally know. I have not been approached by the Judge personally nor any of his staff for that matter or anything about money changing hands'; and the charges are rather preposterous insofar as he knows Judge Belan and his character and integrity.

"For his part, Atty. Santos Pampolina, Jr., a leading practitioner in Biñan, testified as follows: that he has been a practising lawyer since 1955; that likewise he has been a legal practitioner before the Municipal Trial Court of Biñan, Laguna, since 1955; that he knows Judge Estanislao Belan who was likewise a private practitioner before his appointment as Municipal Trial Court Judge in Biñan, Laguna; that as regards the charge that 'he is asking the '*piyansador*' to deliver to him eight (8%) percent of the premium of the bail and even told some court personnel that he must be included to have a share of any bail bond he approves,' he has not encountered anything like that in his practice before the MTC presided over by Judge Belan; that in regard to the charge that all practising lawyers complained about the money-making of this Judge and his appointed Clerk of Court, he has not encountered any such money-making activity by the Judge or his Clerk of Court; and that after reading the letter-complaint against Judge Belan, he stated: 'I am not aware of the charge involving Judge Belan. Therefore, I am not in a position to give any comment thereto, Your Honor. With respect to the charge that he is asking the 'piyansador' to give him some money, I have not encountered such practice. In all candidness, I found Judge Belan to be honest, hardworking and level-headed. I have no complaint against him as a Judge.'

"In recapitulation, the charges against Judge Estanislao Belan remain unsubstantiated because of the failure of the signatories to the complaint to make themselves known and to prove the charges against Judge Belan.

"E V A L U A T I O N

"Based on available records, Judge Estanislao Belan may not be liable for perjury because he never concealed in his personal data sheet that he was charged before. His answer to the query whether he has been charged or convicted of violating any law, decree, ordinance or regulations by any court in the Philippines x x x or found guilty of an administrative offense was: 'Yes, complaint for disbarment-acquitted by the Supreme Court on July 16, 1991.'

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"As regards the charge that he was able to cause the dismissal of the case against him through an antedated decision, suffice it to say that the decision in Criminal Case No. 6772 against Atty. Estanislao Belan was issued much later on December 12, 1994. Judge Belan assumed the duties of his position as Municipal Trial Court Judge of Biñan, Laguna on September 19, 1994.

"The third and fourth charges against Judge Estanislao Belan were not substantiated by Atty. Santos Pampolina, Jr., a leading practitioner in Biñan, Laguna, and by Atty. Charles Fuentes, District Public Attorney, Public Attorney's Office, Biñan, Laguna.

"RECOMMENDATION

"*WHEREFORE*, premises considered, the undersigned respectfully recommends that the charges against Judge Estanislao S. Belan *be dismissed outright*."[1]

In the resolution of 30 June 1997, the case was referred to the Office of the Court Administrator ("OCA") for evaluation, report and recommendation. In its memorandum of 27 October 1997, the OCA, through DCA Zenaida N. Elepaño, did not agree with the Investigating Judge on the exoneration of respondent Judge. Quoted hereunder were its findings and recommendation:

"This is in compliance with the Resolution of the First Division of the Honorable Court dated 30 June 1997 referring this case to the Office of the Court Administrator for evaluation, report and recommendation.

"In an unsworn LETTER-COMPLAINT dated 5 July 1995 Ruferto Gutierrez and Maritess Passion charged Judge Estanislao S. Belan, MTC, Biñan, Laguna with conduct prejudicial to the best interest of the service.

"On 7 October 1996, this Office submitted a Memorandum to the Honorable Court reporting that:

"'x x x x x x x x x

'Complainants who identified themselves as Concerned Citizens of Biñan, Laguna question the appointment of Judge

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[1] *Rollo*, pp. 173-180.

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Belan who assumed office on 19 September 1994 as presiding judge of MTC, Biñan, Laguna despite the fact that he had been charged with Reckless Imprudence Resulting in Serious Physical Injuries. They further allege that at the time of respondent's application for and subsequent appointment as presiding judge, Criminal Case No. 6772 was still pending with MTC, Biñan, Laguna.

'Complainants insist that respondent Judge should be charged with perjury as he did not disclose in his application form submitted to the Judicial and Bar Council that he had been charged in a criminal case still pending resolution by the trial court. They maintain that immediately after assuming office, respondent asked the help of Judge Sison of MTC, Cabuyao, Laguna, to make it appear that the case was dismissed prior to his appointment. The two (2) judges however refused to accede to the request of the respondent as they were aware that the case had continuously been reflected in the Monthly Report of Cases of MTC, Biñan, Laguna as pending resolution even after Judge Belan's appointment. Failing this, respondent judge thereafter approached Judge Leonardo F. Quiñanola of MTC, San Pedro, Laguna who allegedly antedated the dismissal of the case.

'Complainants likewise denounce Judge Belan's other nefarious activities such as asking from the '*piyansador*' (bondsmen) eight percent (8%) of the premium of bail bonds claiming that the practice is legal. He is also said to have facilitated the appointment of a Clerk of Court who approaches litigants and demands money in exchange of favorable results.

'Deputy Court Administrator Reynaldo L. Suarez in his Report dated 28 September 1995 stated that on 22 August 1995, a telegram was sent by his Office to Executive Judge Rodrigo V. Cosico, RTC, Biñan, Laguna directing the latter to furnish Office of the Court Administrator with the status of Criminal Case No. 6772 (People *vs.* Atty. Estanislao Belan). In his letter dated 6 September 1995 Executive Judge Cosico informed the Court that the aforesaid case was dismissed by Judge Quiñanola on 12 December 1994.

'In the same Report, it was recommended that the administrative complaint be given due course and that respondent be required to file his comment thereto. Adopting

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this recommendation, the Court in its resolution dated 13 November 1995 required the respondent to COMMENT within ten (10) days from notice.

'In his COMMENT dated 13 December 1995 Judge Belan denies the charges leveled against him and brands the complaint as 'nothing but careless and irresponsible accusations which are pure conjectures, hallow and vagrant, which tax the unprejudiced mind.'

'Furthermore, respondent assails the complaint for being unsubscribed alleging that complainants have chosen to ignore a standard procedure. He maintains that the complainants were induced by a 'phantom' instigator who, having easy access to the court's Monthly Report of Cases, planned and designed the charge because of a dislike for him.

'As to the allegation that a criminal case against him was pending for resolution with MTC, Biñan, Laguna at the time he was applying for appointment to the bench, respondent declares that Judge Quiñanola had already dismissed the case. Respondent however did not disclose the date of dismissal; neither did he furnish the Court copy of the decision dismissing his case. Respondent Judge adds that he cannot remember any attempt on his part to hide any information affecting his sincerity and truthfulness when he applied for the position.

'With regards to the charge relative to the filing of bonds respondent claims that he has nothing to do with it since all he does is to receive the bonds and sign the release papers.'

'Complainants filed an identical complaint with the Office of the Ombudsman docketed as CPL No. 95-1944 which was referred to this Court on 25 September 1995. The records of CPL No. 95-1944 were consolidated with this administrative case. In a Court resolution dated 17 January 1996 this case was transferred to the First Division, the same being assigned to a member thereof.

'A careful review of the records indicates that there is a *prima facie* showing that respondent judge is administratively liable.

'While the charge concerning extortion by respondent of a percentage of premiums paid on bonds has not been substantiated by complainants, certainly we find the complaint

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for misrepresentation in his application for appointment to the bench and perjury to be meritorious.

'An examination of the Personal Data Sheet which respondent filled up and caused to be notarized before Atty. Benjamin A. Alonzo, a Notary Public at Biñan, Laguna on 29 October 1993 and then submitted to the Judicial and Bar Council reveals that Question No. 23 therein which asked if the applicant has previously been charged or convicted of violating any law, decree, ordinance or regulation by any court or tribunal in the Philippines or in any foreign country or found guilty of an administrative offense was answered by respondent in the affirmative; and on the blank space provided for particulars, respondent wrote 'COMPLAINT FOR DISBARMENT.— ACQUITTED BY THE SUPREME COURT — JULY 16, 1992.'

'Question No. 24 asked applicant if he had any criminal or administrative case or complaint (including disbarment) pending before any court, government office or with the Integrated Bar of the Philippines, to which respondent answered 'NONE.'

'Executive Judge Rodrigo V. Cosico, RTC, Biñan, Laguna in a letter to Deputy Court Administrator Reynaldo L. Suarez dated 6 September 1995 informed this Court that the criminal case against respondent was dismissed by Judge Quiñanola on 12 December 1994 or almost three (3) months after respondent Judge officially assumed office on 19 September 1994.

'This Office wrote Judge Quiñanola of MTC, Branch 1, San Pedro, Laguna on 2 May 1996 asking him to explain why he decided the criminal case against Judge Belan when this was pending resolution before the MTC of Biñan, Laguna. Further, he was asked to furnish the Court copy of his Order/Resolution dismissing the case.

'In his letter dated 16 May 1996 Judge Quiñanola explained that sometime before 12 December 1994 he received a written memorandum from Judge Cosico who was then his Executive Judge designating him to study the criminal case filed against Atty. Belan and decide the same on the basis of the evidence adduced. Thus, he rendered a decision on 12 December 1994 acquitting the accused of the crime, finding that the evidence of the prosecution was insufficient to prove guilt beyond reasonable doubt. Consequently, he sent the entire records including his decision to MTC, Biñan, Laguna.

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'Judge Quiñanola informed this Office that immediately upon receipt of our letter on 14 May 1996 he asked for the records of this case but the court personnel of MTC, Biñan, Laguna could not locate these.

'However, on 21 May 1994 this Office received a copy of Judge Quiñanola's decision, now attached to the records, for the Court's ready reference.

'Executive Judge Cosico on the other hand has certified that when Judge Belan assumed office he learned that the former was disqualified to handle Criminal Case No. 6772 pending before his court, being the accused himself; so he designated Judge Emilio C. Bernabe, Jr. to handle the case. When Judge Bernabe retired, he designated Judge Quiñanola to handle this case which was decided on 12 December 1994.

'It is interesting to note that Elsa A. Marfil, Officer-in-Charge of MTC, Biñan, Laguna, in her Reports to the Statistics Division of this Court dated 10 January 1995 and 26 June 1995, mentioned that Criminal Case No. 6772 (People *vs.* Estanislao Belan for Reckless Imprudence Resulting to (sic) Serious Physical Injuries) is one of the ten inherited criminal cases submitted for decision.

'Be that as it may, regardless of the date the case was dismissed, *i.e.*, December 1994 or thereafter, the fact is that Judge Belan was the accused in a criminal case pending before the MTC, Biñan, Laguna when he applied for appointment as presiding judge of the same court. This fact he did not disclose in his sworn Personal Data Sheet submitted to the Judicial and Bar Council.

'We agree with the complainants that respondent should be held administratively liable for gross misrepresentation and grave misconduct prejudicial to the best interest of the service. Judge Belan has committed dishonesty that renders him totally unfit for appointment to the judiciary. His protestation that he did not recall that he was criminally charged so that he could not have concealed this fact borders on the outrageous, being a paltry attempt to dissimulate and play down his execrable misrepresentation.

'It is a rule that every applicant to the judiciary has a duty to inform the recommending and appointing authorities and the Court his involvement in any criminal case in whatever stage it may be, whether pending or terminated by dismissal, acquittal

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or conviction, to enable these bodies to fully evaluate and pass upon his eligibility for the position sought.

'In the case of Office of the Court Administrator *vs.* Judge Jose M. Estacion, Jr., RTC, Branch 44, Dumaguete City, A.M. No. RTJ-87-104, where respondent Judge was dismissed for concealing from the appointing authority information regarding the criminal charges for homicide and attempted homicide filed against him, the Court held that 'What respondent did, or omitted to do, was a calculated deception committed not only against the Court but against the public as well, clearly indicative of his lack of moral rectitude to sit as magistrate, and sufficiently repulsive that it detracts from public confidence the integrity of the judiciary.'

'In a similar case, Re: Judge Enrique A. Cube, 227 SCRA 193, the Court held that 'No comment of circumlocution can wash away the fact that Judge Cube was dismissed from the service and that he purposely did not disclose this dismissal when he accomplished the bio-data form required by the Judicial and Bar Council. Judge Cube committed an act of dishonesty that rendered him unfit to be appointed to and remain in the Judiciary he has tarnished with his falsehood.'

'Likewise the Court found in A.M. Nos. R-254-MTJ and 88-1-2807-MCTC (The Court Administrator *vs.* Judge Ricardo M. Magtibay, MCTC, Maragondon-Ternate, Cavite) that 'This deliberate concealment supports the charge of conduct unbecoming of a judge. This deliberate concealment shows lack of candor towards the Supreme Court. This failure to report his suspension in Administrative Case No. 2489, which is an important and relevant fact, betrays a flow in his character that makes him unfit to remain in his position as a judge — an office that demands the highest standards of integrity.'

'The defense of the respondent that the complaint should be under oath to be worthy of consideration by the Court is untenable. While Section 1 of Rule 140, Rules of Court requires all complaints against judges to be under oath, this is not a hard and fast rule for in instances when the power of administrative supervision over court employees by the Court is invoked, the substantiation of the complaint rather than its conformity with formal requirements is accorded paramount consideration as the Court even entertains anonymous complaints where the charge can be fully borne out by the

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evidence offered (A.M. No. 93-9-249-CA, In the Matter of the Loss of Registered Foreign Letter No. 06876676 from Australia Addressed to Mrs. Maria Coronel).

'Judge Belan is due for compulsory retirement in 1999.

'Considering the seriousness of the charge and to give respondent ample opportunity to defend himself, it is respectfully recommended to the Honorable Court that this case be REFERRED to Executive Judge Rodrigo V. Cosico, RTC, Biñan, Laguna for investigation, report and recommendation within sixty (60) days from notice.'

"In a Resolution dated 18 November 1996 of the First Division the above-entitled case was referred to Executive Judge Rodrigo V. Cosico, RTC, Biñan, Laguna for investigation, report and recommendation.

"On 29 April 1997 Executive Judge Cosico submitted his compliance to the Resolution dated 18 November 1996 of the Honorable Court.

"Judge Cosico recommended the outright dismissal of the case for failure of the complainants to substantiate their complaint. Complainants were not able to testify as they appeared to be fictitious and have no given address.

"Based on the available records, the investigating judge concluded that respondent judge could not be liable for perjury because he (respondent) disclosed in his Personal Data Sheet that a complaint for disbarment was filed against him but it was dismissed by the Supreme Court on 16 July 1991.

"With respect to the charge that respondent caused the dismissal of Criminal Case No. 6772 through an antedated decision, Judge Cosico noted that the decision in the aforesaid case was issued on 12 December 1994 much later after Judge Belan assumed his position as MTC judge of Biñan, Laguna on 19 September 1994.

"Likewise, the Executive Judge found unsubstantiated the allegations that respondent was asking the '*piyansador*' to deliver to him eight percent (8%) of the premium of bail bonds and that all the practicing lawyers appearing before respondent judge's court were complaining about the money-making activities of Judge Belan and his Clerk of Court. Both charges were denied by Atty. Santos Pampolina, Jr. a leading law practitioner in Biñan, Laguna and by

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Atty. Charles Fuentes, District Public Attorney of the Public Attorney's Office, Biñan, Laguna.

"*EVALUATION*: We find no reason to disturb our previous finding that respondent judge is administratively liable for perjury, gross misrepresentation and grave misconduct prejudicial to the best interest of the service. By not disclosing in his sworn Personal Data Sheet submitted to the Judicial and Bar Council that he was the accused in a criminal case pending before the Municipal Trial Court of Biñan, Laguna when he applied for appointment as presiding judge of the same court, respondent committed an act of dishonesty which warrants the stern penalty of dismissal.

"In the OCA *vs.* Judge Jose M. Estacion case which we cited in our Memorandum of 7 October 1996, the Court specifically held that:

> "'x x x it behooves every prospective appointee to the judiciary to apprise the appointing authority of every matter bearing on his fitness for judicial office, including such circumstances as may reflect on his integrity and probity. These are qualifications specifically required of appointees to the judiciary by Article VIII, Sec. 7 (3) of the Constitution. The fact alone of his concealment of the two criminal cases against him is clear proof of his lack of said qualifications and renders him unworthy to sit as a judge.
>
> 'WHEREFORE, Judge Jose M. Estacion, Jr. of the Regional Trial Court of Dumaguete City is hereby DISMISSED, with forfeiture of all salary, benefits and leave credits.'

"Likewise in A.M. No. 93-7-428-MeTC, Re: Inquiry on the Appointment of Judge Enrique A. Cube, the same court observed:

> "'By his concealment of his previous dismissal from the public service, which the Judicial and Bar Council would have taken into consideration in acting on his application, Judge Cube committed an act of dishonesty that rendered him unfit to be appointed to, and to remain now in, the Judiciary he has tarnished with his falsehood.
>
> 'WHEREFORE, Judge Enrique A. Cube of the Metropolitan Trial Court of Manila is dismissed with prejudice to his reappointment to any position in the government, including government-owned or controlled corporations, and with forfeiture of all retirement benefits.'

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"Moreover, in the case of Court Administrator *vs.* Judge Ricardo M. Magtibay for Conduct Unbecoming of a Judge and Misrepresentation in Filling Up his Personal Data Sheet for Judges, the Court ruled:

> "'WHEREFORE, respondent RICARDO MAGTIBAY is hereby found GUILTY beyond reasonable doubt of gross misconduct unbefitting a member of the judiciary and is accordingly DISMISSED from the service with forfeiture of all salaries, benefits and leave credits to which he may be entitled.'

"IN VIEW OF THE FOREGOING, it is respectfully recommended to the Honorable Court that Judge Estanislao S. Belan, MTC, Biñan, Laguna be DISMISSED from the service, with forfeiture of all leave credits and retirement benefits and with prejudice to his reinstatement in the government service."[2]

The Court concurs with OCA in its foregoing disquisition and accepts the latter's recommendation.

While not all the accusations against respondent Judge were substantiated, one charge, however, remained incontrovertible. In his personal data sheet, dated 29 October 1993, submitted to the Judicial and Bar Council prior to his nomination by the council and appointment by the President, to the question, "Have you ever been *charged* or convicted of violating any law, decree, ordinance or regulations by any court in the Philippines or in any foreign country or found guilty of an administrative offenses?," he answered, "Complaint for Disbarment — Acquitted by the Supreme Court — July 16, 1991" and to the query "Do you have any *criminal* or administrative (including disbarment) *case* or *complaint pending before any court*, government office or the Integrated Bar of the Philippines?," his response was an unequivocal "*None*." He thereby knowingly concealed the indictment against him in Criminal Case No. 6772 which was then still pending. It was only on 12 December 1994 when the case was finally decided by Judge Leonardo F. Quiñanola of the Municipal Trial Court of San Pedro, Laguna.

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[2] *Rollo*, pp. 195-202.

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The Court deplores what it perceives to be an act of gross dishonesty on the part of respondent Judge. In spite of his avowals to the contrary, it is clear that respondent Judge has deliberately attempted to mislead the Judicial and Bar Council and for that matter, the appointing authority, in his bid to gain an exalted position in the judiciary. In the case of Office of the Court Administrator *vs.* Estacion, Jr.,[3] the Court has had occasion to observe:

"x x x. The important consideration is that he had a duty to inform the appointing authority and this Court of the pending criminal charges against him to enable them to determine on the basis of his record, eligibility for the position he was seeking. He did not discharge that duty. His record did not contain the important information in question because he deliberately withheld and thus effectively hid it. His lack of candor is as obvious as his reason for the suppression of such a vital fact, which he knew would have been taken into account against him if it had been disclosed.

"As stressed in the report, it behooves every prospective appointee to the judiciary to apprise the appointing authority of every matter bearing on his fitness for judicial office, including such circumstances as may reflect on his integrity and probity. These are qualifications specifically required of appointees to the judiciary by Article VIII, Sec. 7(3) of the Constitution. The fact alone of his concealment of the two criminal cases against him is clear proof of his lack of the said qualifications and renders him unworthy to sit as a judge."[4]

The fact that respondent Judge has been acquitted ultimately in the criminal case against him is of no moment. He is not being chastened for having had a pending criminal case at the time of his application for a judicial position but for his act of dishonesty and misrepresentation in the process of seeking that office. Neither would it matter that this information has reached the Court *via* an unsubscribed complaint for while such complaints are ordinarily received with caution, when, however, their contents are documented or easily verifiable, it would be unwarranted to ignore them entirely.[5]

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[3] 181 SCRA 33.

[4] At p. 37.

[5] A.M. No. P-97-1254, Anonymous *vs.* Geverola, 18 September 1997.

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WHEREFORE, finding respondent Judge guilty of dishonesty, the Court hereby DISMISSES him from the service with forfeiture of all benefits and with prejudice to re-employment in any other branch, instrumentality or agency of the government, including government-owned and controlled corporations.

Judge Estanislao S. Belan is hereby enjoined upon his receipt hereof to cease and desist from performing any and all acts pertaining to his office.

This decision is immediately executory.

Let a copy of this decision be attached to the records of Judge Estanislao S. Belan with this Court.

SO ORDERED.

Narvasa C.J., Regalado, Davide, Jr., Romero, Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Martinez, Quisumbing, and *Purisima, JJ.*, concur.

THIRD DIVISION

[G.R. No. 118664. August 7, 1998]

JAPAN AIRLINES, *petitioner, vs.* **THE COURT OF APPEALS, ENRIQUE AGANA, MARIA ANGELA NINA AGANA, ADALIA B. FRANCISCO and JOSE MIRANDA,** *respondents.*

SYNOPSIS

Private respondents boarded a Japan Airlines (JAL) flight in San Francisco, California bound for Manila with an overnight stopover at Narita, Japan at JAL's expense. Due to the Mt. Pinatubo eruption, private respondents' trip to Manila was cancelled. JAL rebooked all the Manila-bound passengers and paid for the hotel expenses for their unexpected overnight stay. The flight of private respondents was again cancelled due to NAIA's indefinite closure. Since JAL did not defray their hotel