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THIRD DIVISION

[A.M. No. RTJ-13-2363. February 25, 2015]
(Formerly OCA IPI No. 13-4149-RTJ)

SAMAHAN NG MGA BABAE SA HUDIKATURA (SAMABAHU), *complainant*, *vs*. **JUDGE CESAR O. UNTALAN, Regional Trial Court, Branch 149, Makati City,** *respondent*.

SYLLABUS

POLITICAL LAW; ADMINISTRATIVE LAW; PUBLIC OFFICERS; JUDGES; NO SUFFICIENT EVIDENCE TO CREATE A MORAL CERTAINTY THAT RESPONDENT JUDGE COMMITTED THE ACTS COMPLAINED OF.— The Court finds that Ripdos and Herradura failed to substantiate their charges against respondent by the required quantum of proof. While it is true that their affidavits were replete with details describing the alleged sexual advances, such detailed narration by itself will not suffice and will not automatically result in a guilty verdict. Ripdos never reported the alleged lascivious acts by respondent to the proper authorities until two years later when the OCA team went to their branch. This seeming lack of urgency on her part in taking concrete administrative action against a wayward judge bears heavily on her case. The same thing can be said of Herradura, who appeared to have told everybody at Branch 149 and Branch 145 her story about respondent pinching the side of her breast, and yet failing to complain before the proper authorities considering that the alleged infraction took place within the court premises. Rosanna San Pedro even denied Herradura's claim that she was also present when the aforesaid incident allegedly took place. In contrast, respondent presented credible testimonial and documentary evidence leading to a reasonable conclusion that he could not have committed the alleged sexual advances. Based on the foregoing findings, there is no sufficient evidence to create a moral certainty that Judge Cesar O. Untalan committed the acts complained of.

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D E C I S I O N

VILLARAMA, JR., *J.*:

The present administrative case stemmed from an unsigned letter received by the Office of the Chief Justice (OCJ) on April 18, 2013, purportedly written by a group of female court employees styled as *"Samahan ng mga Babae sa Hudikatura"* (SAMABAHU).

The aforesaid letter charging respondent with sexual harassment reads:

April 5, 2013

Hon. Maria Lourdes P.A. Sereno
Chief Justice
Supreme Court of the Philippines
P. Faura St., Manila

Ma'am,

Tulong po, marami po kaming kasamahang babae dito sa RTC, Makati na binabastos at hinihipuan sa SUSO, PUWET at harapang bahagi ng katawan ni Judge Cezar Untalan, [J]udge ng RTC, 149, at naging Acting Judge ng RTC Br. 145.

Isa siyang MANYAKIS na nagtatago sa Bible pero kurap at salbahe sa empleyado. Kawawa po ang mga kasama kong sina:

1) Sarah - court aide ng Br. 149, tuwing pinapapasok siya ni Judge Untalan sa kuwarto niya ay hinihipuan ito umiiyak na lang.

2) Tess Rol - Stenographer ng Br. 65 at kamag-anak ni Sarah, pinuntahan niya si Sarah sa Br. 149 para tanungin sa tsismis, pero siya rin ay hinipuan sa PUWET ni Judge Untalan kaya minura niya ito.

3) Weng - Clerk III, RTC 145 mas madalas siyang hipuan sa puwet kahit galit na galit siya noong Acting Judge sa Br. 145 si Judge Manyakis.

4) Marissa - Stenographer, Br. 145 hinipuan din sa suso.

5) Ana San Pedro - Process Server, Br. 145 HINALIKAN sa nguso habang hinihimas ang SUSO.

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6) Sarah - Interpreter, Br. 145. Hinalikan din at hinimas ang suso.

May nakakita po sa kanila. Ang 2 nasa huli (Ana & Sarah) ay pumayag na pagsamantalahan dahil lahat sila ay takot sa banta ni Judge na ibabagsak ang performance rating noon.

7) Aurora - Legal Researcher, Br. 149. Dinukot din ni Judge Untalan ang gilid ng suso.

NATATAKOT PO SILA para daw pong BALIW si Judge, ipapsychological test po siya.

SAKLOLO ipatawag po niyo sila upang malaman ang totoo.

SUSPENDEHIN MUNA si manyakis habang iniimb[e]stigahan o ilipat sa ibang Br. sa Metro Manila 'wag sa Makati.

Alam po ito ng Judge ng 145 na si Judge Calpatura, at marami pang Huwes. Pati ba sila ay takot kay Judge Untalan?

Mayabang siya at bastos, pag binati mo siya ng "Good morning Judge" ang isasagot parati sa iyo ay "What is good in the morning?.

Corrupt siya at yumaman nang maging Judge ng "Commercial Court." We challenge you your Honor, gawin niyong "Drugs Court" siya para di siya kumita. Tingnan niyo ang Administrative cases niya NAPAKARAMI. Malakas daw siya sa inyo at kay DCA Delorino at Vice-President Binay. (Bakit matagal idecide mga administrative case niya?)

Noong isang Linggo sinigawan niya at hiniya si Atty. Jamora Br. Clerk of Court at Process Server ng RTC Br. 56 dahil sa agawan ng parking ng kotse niya at Judge Pascua ng Br. 56. Nilamukos at ibinato sa mukha ng Process Server ang papel na katunayan na kay Judge Pascua ang parking space sabay mura kay Atty. Jamora at Process Server. BALIW NA PO SI JUDGE UNTALAN, SAKLOLO. Babae ka rin po.

SAMAHAN NG MGA BABAE SA HUDIKATURA[1]

The anonymous letter was referred to the Office of the Court Administrator (OCA) which dispatched a team of four (4) lawyers tasked to conduct a "discreet investigation" and submit a report.

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[1] *Rollo*, pp. 26-27.

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The team verified the identities of the alleged victims named in the letter thru telephone calls. They eventually met with two female employees of Makati City RTC, namely Mrs. Rowena "Weng" P. Ripdos (Ripdos), Clerk III at Branch 145, and Ms. Marissa Fe B. Herradura (Herradura).

On June 17, 2013, Ripdos and Herradura executed their respective affidavit-complaints[2] before the City Prosecutor of Makati.

In her Affidavit-Complaint,[3] Ripdos alleged that on April 22, 2011, she and Herradura remained at Branch 145 while their office mates went out for lunch. Respondent suddenly arrived and shouted for her to come inside the chambers. She was made to sit infront of respondent's table while respondent looked angrily at her. She then asked "*Bakit po, Judge*?" and respondent inquired if her husband was around. When she replied that her husband, who is an employee of the Makati City Hall detailed at Branch 145, was not there, respondent quickly stood up saying *"pahalik*" while holding her cheeks. She hurriedly rose from her seat and told respondent she was going out but he also stood up, saying "*sandali! pahalik ulit."* Respondent embraced her and kissed her on the neck and chest while rubbing his body against hers. She tried to push him away but respondent knelt down with one hand clasping her waist while the other was on her breast. Respondent's face was slumped on her womb while her hand was on her breast; his body seemed to be "*nanggigigil."* When respondent stopped and released her, she quickly went out of the chambers and ran towards Herradura. She narrated to Herradura what respondent did to her and Herradura exclaimed "*Putang-inang Judge, iyan pati ako pinisil ang aking suso*" at the same time demonstrating how respondent pinched her breast.

After the alleged incident, Ripdos claimed that respondent threatened her with a low performance rating and transfer to the Office of the Clerk of Court (OCC). Since then, she tried

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[2] *Id*. at 14-19.

[3] *Id*. at 17-19.

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to avoid the respondent but when the time for accomplishing the employees' performance ratings came, respondent summoned her and her husband. Respondent declared that he intended to write this Court to request for her removal and attach her performance rating with "Satisfactory" grade. When she retorted that she will just respond to such charge, he got mad and told her she is hard-headed and that he will talk to the judge who will replace him at Branch 145 to give her a low rating. At this point, she told respondent that he knows what he did to her. Upon hearing this, respondent changed his mood and calmly told them that he actually went to church where St. Andrew pleaded to him because if she is dismissed from her job, she and her husband would be pitiful and they would have no means to send their children to school, and respondent would see them living on the streets while his car passes by them. Respondent then warned her not to complain to the administration because no one will believe her, she is just an employee and her enemy is a Judge and he can have her removed.

Herradura corroborated the statement of Ripdos that she divulged to her what respondent did to her. She narrated her own experience with respondent whom she claimed pinched her breast twice while she was working infront of the computer and respondent was standing behind her. When she asked respondent why, the latter did not answer and just left. She felt shaken and later told everybody in Branch 146 and her office, and also Atty. Danilo Lacson, what happened to her. Sometime thereafter, respondent called her to his chambers and told him that her office mates have many stories about her. She repeatedly denied it but respondent kept on saying she was lying. Respondent also asked her to report to him what Anna, Sarah and "Tatang" (retired clerk) have been saying about him, which confused her because these were his loyal employees and thus she refused. Respondent then said the reason he called for her was to tell her he will give her a low performance rating if she will not apologize right away, but she told him she does not know what she has to apologize for. After this, respondent said her office mates dislike her because she does not talk to them. She dared him to call all her office mates to confront them but respondent

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said "Never mind, no need." Respondent then reiterated he was going to give her a low performance rating, and when she asked why respondent said "I don't have to tell you, you know." He even made her read each criterion in the performance rating sheet, saying she would fail. Again, he insinuated at another employee ("Tatang") who supposedly complained that she does not talk to him, and she denied having dealt negatively with said employee. She told respondent that she and her office mates have been together for 20 years already and have not quarreled until now, which respondent did not take well as it alluded to him as the reason for the rift. When respondent insisted he will still give her a low rating, she replied that she will just fight it and told him he was being unfair and unjust. Realizing that she will not apologize to him, he asked how the matter was going to end and she told him it was him who is more broad-minded.[4]

In their Report[5] dated October 1, 2013, the investigating team submitted the foregoing affidavits and stated that they have gathered information that the following staff members serve as the "eyes and ears" of respondent: Myrna Dizon and Roberto Guilang (locally funded employees) and Eugyne del Rosario (Clerk III, Branch 149, RTC Makati City). The team said it is necessary to place respondent under suspension "to literally clear the air and ensure an unhampered investigation"[6] as they believed once respondent is suspended, "more victims will come out or it will be easier for the Team to reach out and solicit more information/evidence."[7] It was further recommended that Dizon and Guilang be recalled to their mother unit while del Rosario in the meantime should be detailed to the OCC-RTC Makati City.

After evaluation, the OCA concluded that the allegations in the anonymous complaint are far from being figments of the

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[4] *Id*. at 14-16.

[5] *Id*. at 7-13.

[6] *Id*. at 12.

[7] *Id*. at 13.

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imagination as the complainants described in detail their experience with respondent. It thus recommended that the case be docketed as a regular administrative matter and referred to the Court of Appeals (CA) Presiding Justice to be raffled off among their Justices for investigation, report and recommendation. Respondent was placed under preventive suspension and directed to file his comment to be submitted to the CA Investigating Justice. Further, the OCA ordered that del Rosario be detailed to the OCC-RTC Makati City, and that Dizon and Guilang return to the City Government of Makati.

In his Comment,[8] respondent denied all the allegations of improper conduct imputed to him and submitted the supporting affidavits of his three female employees (Atty. Grace C. Tang-Togado, Branch Clerk of Branch 149; Shara Joy Brillo, Branch 149 Court Aide; and Aurora T. Usero-Jackson, Legal Researcher II at Branch 149). He argued that the standard of substantial evidence is not met in this case considering that the alleged date mentioned by Ripdos in her affidavit, April 22, 2011, was in fact an official holiday as it was Good Friday. The manner in which the "discreet investigation" was conducted was likewise assailed by respondent, pointing out that the OCA team's findings were apparently based on hearsay from unnamed sources. Respondent also lamented the fate of Dizon, Guilang and del Rosario who were unjustly labeled as "moles" by anonymous, unevaluated sources. He stressed that the team itself admitted the flaws in their investigation, as they had to resort to measures in order for them to reach out and "solicit more information/evidence." As to the charge of corruption, respondent asserted there was no evidence on record except for the allegation in the anonymous letter. Accordingly, he prayed for the dismissal of the complaint.

The case was assigned to CA Justice Danton Q. Bueser who conducted hearings where the following witnesses testified: Atty. Analiza T. Parra (OCA), Ripdos, Herradura, Herman Manigbas, respondent Judge Untalan, Shara Joy Brillo, Rosanna San Pedro and Ma. Aurora Usero-Jackson.

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[8] *Id*. at 44-48.

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In his Final Report and Recommendation, Justice Bueser found respondent guilty beyond reasonable doubt of sexual harassment as he exercised moral ascendancy over the complaining female court employees. He found the testimonies given by Ripdos and Herradura credible and that their silence for two years before filing the present complaint can be explained by their fear of losing their jobs. On respondent's denial, Justice Bueser declared that it cannot prevail over the witnesses' credible testimony. He thus recommended that respondent be meted the penalty of dismissal from the service with forfeiture of retirement benefits except accrued leave credits.

After thorough evaluation of the records, we are unable to concur with the findings and conclusions of the Investigating Justice.

In administrative proceedings, the complainant has the burden of proving the allegations in his complaint with substantial evidence, *i.e.*, that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.[9] Further, it is settled that the assessment of the credibility of witnesses is a function primarily lodged in the Investigating Justice.[10] The findings of investigating magistrates are generally given great weight by the Court by reason of the unmatched opportunity to see the deportment of the witnesses as they testified.[11] The rule which concedes due respect, and even finality, to the assessment of credibility of witnesses by trial judges in civil and criminal cases applies *a fortiori* to administrative cases.[12] However, there are some exceptions to the rule according finality to the trial judge's assessment of a witness' testimony, such as when

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[9] *Ocenar v. Mabutin*, 492 Phil. 473, 480-481 (2005), citing *Montes v. Mallare*, 466 Phil. 939, 946 (2004) and REVISED RULES OF COURT, Rule 133, Section 5.

[10] *Vedaña v. Valencia*, 356 Phil. 317, 328 (1998).

[11] *Gacad v. Clapis, Jr.,* A.M. No. RTJ-10-2257, July 17, 2012, 676 SCRA 534, 543, citing *Ocampo v. Arcaya-Chua*, 633 Phil. 79, 143 (2010), further citing *Vidallon-Magtolis v. Salud*, 506 Phil. 423, 442 (2005).

[12] *Id*., citing *Ferreras v. Eclipse*, 624 Phil. 354, 370 (2010).

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his evaluation was reached arbitrarily or when the trial court overlooked, misunderstood or misapplied some facts or circumstances of weight and substance which would affect the result of the case.[13]

In this case, the OCA and the Investigating Justice found credible the allegation of Ripdos that respondent made sexual advances on her despite respondent's assertion that such incident could not have happened considering that the date stated in her Affidavit (dated June 17, 2013) - April 22, 2011- was Good Friday, a regular holiday and hence all government offices including courts are closed. Notably, it was only during the investigation proper at the CA that Ripdos corrected herself in her Judicial Affidavit[14] dated June 2, 2014, after respondent had raised the issue in his Comment, thus:

88. QUESTION: Sinasabi ni Judge Untalan sa kanyang Motion for Reconsideration at Comment na ang date na April 22, 2011, kung kelan nangyari umano ang pangmo-molestiya sa iyo, ay Biyernes Santo o Good Friday. Nabasa mo ba ito?

ANSWER: Opo.

89. QUESTION: So kung Good Friday ang April 22, 2011, bakit mo nasabi na ikaw at si Marissa Herradura ay nasa opisina nuong araw na ito?

ANSWER: *Maari po na ako ay nagkamali sa pagsabing April 22, 2011, pero sigurado po ako na naganap sa araw ng Biyernes sa petsang April 2011* yung pangmo-molestiya sa akin ni Judge Untalan.

90. QUESTION: Paano ka nakaka-siguro na araw ng Biyernes, April 2011, nangyari ang insidente?

ANSWER: Kasi po wash day po kami kapag Biyernes, hindi po kami required mag[-]uniform.

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[13] *People v. Patriarca*, 377 Phil. 92, 103-104 (1999), citing *People v. Leoterio*, 332 Phil. 668, 677-678 (1996); *People v. Excija,* 327 Phil. 1072, 1090 (1996); *People v. Cristobal,* 322 Phil. 551, 561 (1996); *People v. Lao,* 319 Phil. 232, 242-243 (1995); and *People v. Malunes,* 317 Phil. 378, 386 (1995).

[14] *Rollo,* pp. 111-125.

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91. QUESTION: Sabi mo wash day kayo nuong Biyernes na iyon, natatandaan mo ba kung ano ang suot mo nuong araw na iyon?

ANSWER: Opo, sir.

92. QUESTION: Ano ang suot mo nuong araw na iyon?

ANSWER: Ako po ay naka-jacket na maong, pulang blouse at maong na pantalon.

93. QUESTION: Bakit mo naa-alala ang suot mo nuong araw na iyon samantalang 3 taon na ang nakakalipas?

ANSWER: Hindi ko po makakalimutan ang aking suot nuong Biyernes na iyon dahil may ginawa sa akin si Judge Untalan na hindi maganda at hindi mawala sa aking memorya.[15] (Italics supplied)

It may be recalled that as early as June 13, 2013, the OCA team gave Ripdos a copy of her Affidavit so she can read and review the same. When the team returned on June 17, 2013, Ripdos when queried on the contents of her affidavit said that she was satisfied with it and did not make any correction on the date of the alleged incident stated therein.[16] Her claim that it was pure oversight on her part is thus difficult to believe, and so with her silence for two years when, except for Herradura, she had not complained to the proper authorities about respondent's improper act.

Respondent vehemently denied the charge of sexual harassment. On Ripdos' claim, he presented the following documentary evidence to prove that on all Fridays of April 2011, except April 22, he conducted hearings on his own court (Branch 149)[17]:

1. Certification dated July 9, 2014 issued by Branch Clerk Atty. Danilo C. Lacson stating that hearings of cases presided by Judge Cesar O. Untalan at Branch 145 were regularly scheduled at 2:00 p.m. on Mondays, Tuesdays

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[15] *Id*. 123-124.

[16] *Id*. 84, 88 (Judicial Affidavit of Atty. Analiza T. Parra).

[17] *Id*. at 260-275, 289-308.

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and Wednesdays, except for some instances when Judicial Dispute Resolutions were at times held on Thursdays in the afternoon, and that for the month of April 2011, these were held at 2:00 p.m.;

2. Court Calendar, Journal entries of scheduled hearings and Minutes of hearings, as well as Orders issued by Judge Cesar O. Untalan at Branch 149 on the Fridays of April 2011, except April 22, the court sessions starting at 8:30 a.m., and hearing of motions at 2:00 p.m.

The OCA contends that these pieces of evidence are irrelevant because as narrated by Ripdos, the incident took place during lunch break and it lasted for only a few minutes. It points out that while Atty. Tang-Togado testified that she normally sees respondent taking his lunch at the canteen, she admitted that she does not know his whereabouts after that. However, the OCA failed to consider the fact that since respondent had no scheduled hearing at Branch 145, where he was merely a Pairing Judge, and with his hands full of hearings morning and afternoon at Branch 149, it was unlikely that on one Friday of April, respondent would momentarily escape to Branch 145 at lunch break to commit the act of sexual harassment imputed to him by Ripdos. Meanwhile, Atty. Tang-Togado clarified that while she leaves the canteen after buying her lunch, with respondent there still eating, the latter usually returns to their office (Branch 149) after eating his lunch, then takes a nap, comes out at 1:00 to 1:30 p.m. to ask about his scheduled hearings for the day, and conducts hearing again at 2:00 p.m.

Under Section 3 of A.M. No. 03-03-13-SC (*Re: Rule on Administrative Procedure in Sexual Harassment Cases and Guidelines on Proper Work Decorum in the Judiciary*), work-related sexual harassment is committed by an official or employee in the Judiciary who, having authority, influence or moral ascendancy over another in a work environment, demands, requests or otherwise requires any sexual favor from the other, regardless of whether the demand, request or requirement for submission is accepted by the latter. It is committed when "the sexual favor is made as a condition in the hiring or in the

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employment, re-employment or continued employment of said individual, or in granting said individual favorable compensation, terms, conditions, promotions, or privileges; or the refusal to grant the sexual favor results in limiting, segregating or classifying the employee which in any way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee."[18]

In this case, while respondent exercised moral ascendancy over Ripdos and Herradura, his subordinates at Branch 145 where he had temporarily presided as Pairing Judge at the time, the alleged sexual advances by respondent were not proven with moral certainty. We find that the totality of evidence failed to convince that respondent committed the acts imputed against him.

For one, SAMABAHU appears to be a non-existent group as Ripdos and Herradura, and the other female court employees who testified for respondent, all declared they had not known nor heard about such organization. This Court has stressed that an anonymous complaint is always received with great caution, originating as it does from an unknown author. But such nature of the complaint does not always justify its outright dismissal for being baseless or unfounded, as it may easily be verified and may, without much difficulty, be substantiated by other competent evidence.[19] While the herein letter-complaint may be treated as an anonymous complaint, the Court must still prudently examine it in the light of all evidence presented.

The letter-complaint not only raised serious allegations of improper conduct against respondent, it also listed no less than

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[18] *Alegria v. Duque*, 549 Phil. 25, 36-37 (2007), citing Sec. 4 of A.M. No. 03-03-13-SC (*Re: Rule on Administrative Procedure in Sexual Harassment Cases and Guidelines on Proper Work Decorum in the Judiciary*) and Sec. 3(a)(1) of Republic Act No. 7877, entitled *"An Act Declaring Sexual Harassment Unlawful in the Employment, Education or Training Environment, and for other Purposes."*

[19] *Anonymous Complaint Against Sheriff Yared*, 500 Phil. 130, 136-137 (2005), citing *Anonymous v. Geverola*, 344 Phil. 688, 696-697 (1997).

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seven female employees in Makati City RTC who were allegedly victims of sexual harassment perpetrated by respondent. The OCA team's "discreet investigation" resulted in the affidavits of Ripdos and Herradura procured through coordination with Makati RTC Clerk of Court, Atty. Engracio M. Escasinas, Jr.. Accusing some staff members of Branch 149 as "moles", the OCA team had them transferred and respondent placed under preventive suspension because supposedly such measure will pave the way for more victims to come out or it will be easier for the team "to reach out and solicit more information/evidence". But on the contrary, even with the suspension of respondent and removal of his purported "eyes and ears" in his court, the team never got to obtain any information/evidence, other than those claims of Ripdos and Herradura, to support the charges against him, and the team also did not investigate further in the Office of the Executive Judge. In defense of respondent, his Branch Clerk together with three of his female subordinates and another employee assigned at Branch 145, who were listed in the letter-complaint as "victims" of respondent, submitted their respective affidavits and testified on his good character, categorically denying having been sexually harassed at any time by respondent.

Atty. Grace C. Tang-Togado, Branch Clerk at Branch 149, affirmed the contents of her affidavit and identified the documents relative to the hearings for the month of April 2011. She worked for respondent for almost ten years and attested to his dedication to his duties and responsibilities and his adherence to the laws and rule in performing their functions; his being a devout Catholic who starts his day with reading the Bible; he would leave often during lunch break, telling her he was going to attend Mass. Upon learning that respondent was charged with sexual harassment, she was shocked because she had known him as a person of morals and integrity.[20] On the work habits of respondent, she recounted that before and after a hearing, respondent is usually at his chambers reading the cases to be heard, reviewing the pleadings filed each day and signing/

[20] *Rollo,* p. 52.

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annotating Orders he issued. On Fridays, she sees respondent eating his lunch at the canteen, then proceed to his chambers to take a nap, after which he comes out asking for the cases scheduled to be heard, and thereafter conduct hearings again in the afternoon at 2:00 p.m. Respondent usually reports for work at 8:00 a.m. and leaves the court at 5:00 p.m., and he is not fond of going out of his sala as he seldom socializes with other people. She normally sees respondent eating his lunch at the canteen and usually goes back to their office after having his lunch.[21]

Ma. Aurora Usero-Jackson, Legal Researcher at Branch 149, was the "Aurora" mentioned in the letter-complaint. She testified that she felt bad upon being shown said letter because it contains false allegations. Despite her inclusion in the list of alleged victims, she was never contacted by anyone to verify such allegation.[22] She confirmed her statements in her Affidavit where she described respondent as a diligent, dedicated and hardworking Judge who imparted to his staff his high standards of work ethics, as well as his moral and religious principles, always showing concern for the welfare of his staff, and inspires them to become better individuals. She vehemently denied that respondent committed any sexual misconduct on her person and neither has she experienced anything offensive in the workplace, and likewise not heard of the existence of SAMABAHU nor have knowledge of the alleged sexual complaints against the respondent.[23]

Shara Joy Brillo, Court Aide at Branch 149, testified she was the "Sarah" mentioned (No. 1) in the letter-complaint, and learned about the case filed against respondent sometime in October 2013. She told respondent that she had nothing to do with the complaint as no association or person even approached her. She voluntarily executed her affidavit as she could not believe respondent can do such things. She knows another Sarah,

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[21] TSN, July 2, 2014, pp. 50-59, 63-76.

[22] *Id*. at 13-14, 22-24.

[23] *Rollo,* pp. 55-56.

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court interpreter at Branch 145 whom she asked if respondent had done anything bad to her but she replied in the negative. The latter also confided to her that there was some misunderstanding among her office mates at the time and Sarah feared that the other staff of Branch 145 were against her because she had wanted to testify for respondent.[24]

Rosanna San Pedro, former Process Server of Branch 145 and now Barangay Captain of Napindan, affirmed that she was the "Ana San Pedro" mentioned in the letter-complaint. She testified that the alleged lewd act of respondent against her never happened. As to SAMABAHU, it was only at the hearing of the case that she heard about such group. She denied the claim of Herradura that she was also present when Herradura was being molested by respondent.[25]

Sarah Cuares, Court Interpreter of Branch 145 testified that she is the "Sarah" mentioned (No. 6) in the letter-complaint and denied that respondent sexually harassed her, nor that anyone else had witnessed that respondent was molesting her and another female staff. While she admitted that Ripdos is her office mate, she had no idea that Ripdos has executed an affidavit against respondent. As to Herradura, she recalled that she had been telling stories that she (Herradura) was pinched by respondent at her back. Since she was busy working at the time, she did not pay attention to such story.[26]

The foregoing testimonies of witnesses who have worked more closely with respondent on a daily basis, testifying as they did in a candid, spontaneous and straightforward manner, and there being no reason to believe they had any other motive in testifying except to tell the truth, put serious doubts on the veracity of the allegations of Ripdos and Herradura.

To refute the declarations of respondent's witnesses, counsel for complainants (Atty. James Navarrete) presented their rebuttal

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[24] *Id*. at 54; TSN, July 2, 2014, pp. 29-39, 41-46.

[25] TSN, July 17, 2014, pp. 51-54.

[26] *Id*. at 62-67.

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witness, Herman L. Manigbas, an employee of the City Government of Makati who is detailed at the office of Atty. Escasinas (OCC) as Court Aide at Branch 149, and had been office mates with Shara Brillo from 1988 to 2007. Manigbas made a sketch showing their respective desks at the office. On the alleged sexual advances committed by respondent against Brillo, he had seen this many times from 2005 to 2006. About ten times, he saw respondent holding Brillo at the side of her breast. On Brillo's denial that these happened, he said that Brillo was just afraid to tell the truth because she might lose her job. Although they always talked, he never asked her about it especially since respondent did it jokingly. As to Aurora Usero-Jackson, he claimed that he also witnessed about three times respondent holding the side of her breast but did not complain and simply goes to Atty. Tang-Togado. He worked at Branch 149 only until 2007 when respondent had him transferred and it was Atty. Escasinas who accepted him at the OCC as casual employee.[27]

We are not persuaded by this bare claim of Manigbas who could not even state the date, time and factual circumstances when he allegedly witnessed respondent's improper behavior. Moreover, giving weight to his testimony aimed at disproving the alleged victims' categorical declarations in court, is an affront to the dignity and reputation of these women who have categorically and publicly denied they were sexually molested by respondent.

In sum, the Court finds that Ripdos and Herradura failed to substantiate their charges against respondent by the required quantum of proof. While it is true that their affidavits were replete with details describing the alleged sexual advances, such detailed narration by itself will not suffice and will not automatically result in a guilty verdict. Ripdos never reported the alleged lascivious acts by respondent to the proper authorities until two years later when the OCA team went to their branch. This seeming lack of urgency on her part in taking concrete

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[27] TSN, July 18, 2014, pp. 4-8, 16-30, 41-44.

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administrative action against a wayward judge bears heavily on her case.

The same thing can be said of Herradura, who appeared to have told everybody at Branch 149 and Branch 145 her story about respondent pinching the side of her breast, and yet failing to complain before the proper authorities considering that the alleged infraction took place within the court premises. Rosanna San Pedro even denied Herradura's claim that she was also present when the aforesaid incident allegedly took place. In contrast, respondent presented credible testimonial and documentary evidence leading to a reasonable conclusion that he could not have committed the alleged sexual advances.

Based on the foregoing findings, there is no sufficient evidence to create a moral certainty that Judge Cesar O. Untalan committed the acts complained of.

Administrative complaints against members of the judiciary are viewed by this Court with utmost care, for proceedings of this nature affect not only the reputation of the respondents concerned, but the integrity of the entire judiciary as well.[28] Considering that the complainants failed to present substantial evidence to prove the alleged sexual advances committed against them by respondent, elementary justice dictates that he be exonerated from the said charge.

WHEREFORE, respondent Judge Cesar O. Untalan is hereby **EXONERATED** of the charges against him. The present administrative complaint is accordingly **DISMISSED** for lack of sufficient factual basis.

SO ORDERED.

Velasco, Jr. (Chairperson), Peralta, del Castillo,[*] and *Reyes, JJ.,* concur.

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[28] *Aquino v. Acosta*, 429 Phil. 498, 508 (2002).

[*] Designated Acting Member per Special Order No. 1934 dated February 11, 2015.